

Chinese New Year was ushered in on Saturday evening in the usual way. The principal places of business were closed early in the afternoon, and all were busily engaged preparing to celebrate the annual holiday. Gorgeous Chinese lanterns were illuminated after sundown, and the effect was brilliant, especially noticeable on Nuanuan, Hotel, and Mannakea streets. Fire-crackers and bombs were discharged at all hours of the night; but it is a source of gratification to know that such a nightly disturbance only occurs but once a year. On Sunday the practice of "calling" on ones Chinese friends was the order of the day, and an open house was kept by all the high-toned Chinamen. Sunday is an appropriate day for the observance of such a holiday, though the importers of fire-crackers were somewhat disappointed at the restrictions which forbid the explosion of these combustibles on the Sabbath day. The well-to-do Chinamen kept their doors closed for a few days, and now business has again assumed the usual form in the Chinese quarters.

The case of the sidewalks of the city is supposed to be none of the Road Supervisor's business being by custom as old as the city itself the duty of the owners of the property abutting on them. The Road Supervisor has, however, taken compassion on the public and made the footpaths in front of the Bethel passable. Will he not follow up his good work by filling up that trap for the members of Fort street congregation which has existed for four years at least, on Beretania street close to the southeast corner of Fort street. It persists after rain longer than any other puddle in the town and covers the whole footpath for several yards.

An annual statement of Wells, Fargo & Company appears in the *S. F. News Letter* of the 12th instant. It shows in a concise form, a complete list of precious metals produced in the States and Territories west of the Missouri River. This company, from the day of its inception to the present time, has always been considered the only safe means of transportation for gold dust, bullion ore and coin in the West. It is a boon to this country that there is an established agency of this vast business in Honolulu.

Mr. Geo. Bowser, the compiler of the Hawaiian Directory, has been confined to a bed of sickness at Santa Ana, California, during the past five months. This misfortune has prevented his coming to the Islands as he intended in November last, but he hopes to be here during the month of February for the purpose of carrying out his avowed intention of revising and re-publishing a second edition of his valuable work on the Hawaiian Islands.

The exports of merchandise from the port of San Francisco from January 1st to the 16th instant, have been as follows:

	Value.
United Kingdom.....	\$718,016
China.....	168,963
Hawaiian Islands.....	157,978

The aggregate of Mexico, British Columbia, Japan, Panama and South America, does not amount in value to that of Honolulu.

The funeral of the late Hon. Wm. Buckle took place last Monday afternoon at 4 o'clock from his late residence on Liliha street. There was a large attendance of his relations, friends, and numerous acquaintances, among whom were members of the Masonic Brotherhood, and several Privy Councillors. Flags at the Government Buildings and Oahu Prison were displayed at half-mast. The funeral ceremony was conducted by Father Clements, of the Roman Catholic Church.

We learn that prior to the departure of the S. S. Rio de Janeiro, telegraphic information had been received from New York that the English mail for the Colonies was late in reaching that port, consequently the S. S. Zealandia did not leave San Francisco before Tuesday morning last, and arrived here on Monday, the 28th ultimo—6½ days' passage.

The *Binocular*, an illustrated journal published at St. Michaels, gave in its issue of 24th Nov., a portrait of King Kalakaua. Though the paper makes no pretensions to rival the exquisite finish of the wood engraving of more pretentious journals, this portrait of His Majesty is the nearest to an accurate likeness of him that has yet appeared in any illustrated paper.

Permission having been granted by the Bishop of Oahu to aspiring candidates for the Legislature, to address the electors within the precincts of the Roman Catholic Church, Lieutenant John Baker availed himself of the privilege granted, and immediately after last Sunday morning's service, he harangued a large crowd of people on his proposed policy.

The Rev. Dr. Lane occupied the pulpit of Fort-street Church last Sunday evening. The subject was the "Gospel of Jesus Christ," taking for his text 1 v. St. Mark's Gospel, 1 chap. The church was filled, and the congregation listened with intense interest to the interesting and instructive sermon.

The attention we drew to the horrible condition of the sidewalk on King street has borne fruit. A cart load of black sand has wiped out the pre-existing evil. Would that all nuisances were similarly and summarily attended to.

The comet has been brighter during the last three or four evenings than formerly. It's apparent motion in the heavens is southerly with perhaps a little easting. According to the calculations of astronomers it should now be as near the earth as it is likely to be. Cometic orbits, however, never come out precisely as calculation says they should do. Perhaps the brightening already noticed may continue until "our celestial visitor" becomes quite a striking object.

During the course of the adjourned inquest on the death of the late Mr. Buckle last Tuesday evening, Judge Davidson entered the Court-room and intimated to the Acting Coroner that he had been requested to be present, on behalf of the family of the deceased. In order that his services might be of use to his clients, he pressed to have an interpreter employed. After some delay, Mr. Owen Holt, Sr., was induced to act in that capacity.

Signor Crispini gave his first concert in this city last Tuesday evening. The Signor's performance on the violin was a grand musical treat. He also manipulates the Xylophon and Verrophon in a most wonderful manner, and produces excellent music from these novel combinations. The performance was worthy of a better and more appreciative audience, the house not being one-third full.

Immediately after the arrival of the steamer on Monday last, it was rumored about town that sugar had fallen another ½ cent at the Coast. This is not confirmed by our esteemed correspondents, Messrs. Williams, Dimond & Co., whose valuable monthly circular we reproduce in another column. Hawaiian Grocery grades are quoted at 6½ to 6¼ cents.

The Madras libel case was argued before the Supreme Court in Banco last Monday. The Attorney-General and Mr. Hatch presented a strong case for the Government, while Mr. Preston ably defended the position of his client. Judgment was reserved. A summary of the proceedings will be found in another column.

A carriage driven by a Hawaiian lady, in returning from the funeral last Monday, ran over a woman in Nuanuu Valley. The horse was spirited, and apparently not under the complete control of the driver. The result was not as serious as might have been expected, though the unfortunate woman was severely bruised.

The prospect of war between China and France is making its influence felt on the stream of emigration from Hongkong. Recruiting is getting on briskly in Canton, the pay offered the men being \$8 per month, in consequence of which the coolies all "wanchee do that soldier pidgin," instead of going to seek their fortunes elsewhere.

Owing to change of Pursers on board the S. S. Zealandia the details connected with that important office appear to have gone wrong. Our grievance is the want of a passenger list and our usual file of exchanges, but fortunately the latter can be duplicated at the book stores.

About 150 South Sea Islanders are assembled at Kakaako awaiting to be returned to their respective homes. They will probably leave these shores to-day in the brig Hazard, under the command of the genial Captain Tierney.

The artesian well at Waikiki, on the property of the late Hon. J. W. Moanani emitted a flow of water last Monday from a depth of 670 feet. The flow is a copious one though the depth is greater than there was any necessity to bore in the neighboring wells.

The Hawaiian School, or, more properly speaking, the school in which the Hawaiian language is taught gratuitously by Chief Justice Judd, was resumed last Tuesday evening at the Y. M. C. A. Hall, the holiday recess having expired.

Prior to the funeral of the late William Buckle on Monday last, a post-mortem examination was held by Drs. McKibben and Brodie. On Tuesday a coroner's inquest was held at the Police Station.

The flags of the Hawaiian barks Iolani and Kale were at half-mast last Monday out of respect to the memory of the late second mate of the Iolani.

The S. S. Zealandia arrived at 4:30 p.m. on Monday last, and after discharging her freight proceeded at 9:30 p.m. on her voyage to the Colonies.

The S. S. Zealandia made a rapid passage from San Francisco. She left early on the morning of the 22nd instant and arrived at the wharf at 4:30 p.m. on Monday last.

In the "By Authority" column will be found an official notice of the appointment of Princess Poomaikelanui as Governor of Hawaii.

Mr. Frank Cooke's steam launch has been of great service in towing out schooners during the prevailing light airs.

The British bark Belle Isle arrived last Monday, from New Zealand, N. S. W., with a cargo of coal.

In the *S. F. News Letter* of the 12th of January is a map of the Soudan, the seat of the present Egyptian troubles.

The schooner Claus Spreckels arrived at Kahului on Wednesday, the 23rd ultimo, 13 days from San Francisco.

It will be seen by a "By Authority" notice that His Majesty has been pleased to permit His Excellency Walter M. Gibson to accept the decoration of the Grand Cross of the Royal Order of the Crown of Italy, conferred upon him by His Majesty King Umberto I.

We are pleased to see Colonel Claus Spreckels about town again. Though not perfectly recovered from his recent illness, it is gratifying to learn that the Colonel is convalescing as rapidly as can be expected.

The Inman steamers City of Paris and City of New York were offered at auction on 10th January. The City of Paris was withdrawn without a bid. The City of New York was withdrawn after a bid of \$26,000.

The new issue of dimes from the Mint in San Francisco is now ready for distribution. In the same manner and on the same terms as standard dollars. The amount coined is \$50,000.

Instead of the usual prayer-meeting at Fort-street Church on Wednesday last, there was a revival service, and Rev. Dr. Lane of Wailuku, preached. Dr. Lane left by the Alameda on Friday.

The medals and diplomas awarded at the late Foreign Exhibition at Boston to Hawaiian exhibitors were received by ex-Commissioner W. M. Gibson yesterday ex S. S. Zealandia.

His Excellency Governor Dominis left on Tuesday last for Lahaina. During his temporary absence, the Hon. A. S. Cleghorn will act as Governor of Oahu.

His Majesty the King and Her Royal Highness Princess Liliuokalani were on the wharf when the S. S. Kinau sailed last Tuesday.

The S. S. Alameda will leave for San Francisco at noon on Friday the 1st proximo.

#### ISLAND NOTES.

KOHALA, HAWAII, Jan. 25, 1884.

Rain, rain, rain, and mud enough to satisfy the most exacting; but as we can better afford to have too much rain than not enough, we smile and bear it.

Kohala Plantation is pushing things on, twenty-four clarifiers a day, and cane turning out well. If Chapin don't look out he will get more sugar than he can take care of.

The fair held by the English Church at Kaiopih Hall, on the 10th, realized above \$600, and the thanks of the Society are most cordially extended to those kind friends in Honolulu who did so much towards securing success.

A petition circulated at the instigation of Mr. Bond for the appointment of Dr. Bond to the position of Government Surgeon, and falsely based on Dr. Thompson's resignation, met with an untimely death in consequence of both native and foreign signers, leaving of the fraud, signing a counter-petition, and placing it in the hands of Dr. Thompson, who holds it for reference in case of need. It surprised those outside the Church to see the petition of the Missionary in the hands of the proprietor of the beer saloon at Makapola, and the native candidate for the legislature on the platform of free gambling. It is presumed that only such men would do such work, and they were consequently selected. Dr. Thompson enjoys the confidence of the best men here, and never stoops to ask a petition when he knows his friends will always come forward when wanted. By far the larger number of men who signed the petition did so after the misstatement of Mr. Cornelius Bond, and have so stated to Dr. Thompson and his friends.

Mr. Clement Kynnersley's new residence approaches completion, and bids fair to be the finest dwelling in the place. We welcome new acquisitions to the district that add such substantial value.

Mr. Miles has returned with a number of very fine mules for Kynnersley Bros. The Messrs. Kynnersley are fortunate in receiving so fine a lot.

We notice preparation for moving the cottage formerly owned by Mrs. D. R. Vida down to the road, where it will be nicely finished and occupied by Mr. Jas. Sissons.

#### SUPREME COURT--IN BANCO.

Before Judd, C. J., McCully, J. J., and Austin, J. J.

Appeal from the Opinion of Chief-Justice Judd.

The President of the Board of Health vs. the Owners of the S. S. Madras.

His Excellency Paul Neumann, Attorney-General, and Mr. F. M. Hatch, for appellant.

Hon. E. Preston and Mr. Cecil Brown for respondents.

The libel and complaint in this case alleges that the steamer Madras on the eighth day of April, A. D., 1883, arrived at port of Honolulu, upon a voyage from the port of Hongkong, in China. That said steamer had on board seven hundred and forty-five Chinese passengers, of whom six hundred were bound for the port of Honolulu, more or less. That upon arrival of the port of Honolulu, said W. H. Bradley, signed a

health certificate stating that there was no sickness on board of said steamer, and delivered the same to the pilot who had boarded her. The libellant thereafter discovered that said steamer Madras was infected with a contagious disease known as the small-pox and that two among her passengers were at that time sick with said disease, and that the said master of said steamer was then and there aware of the said facts. That their libellant, acting for and under direction of said Board of Health, caused said steamer to be kept out of said harbor of Honolulu; and that said master thereupon brought said steamer to anchor off said port. That besides said master, the crew of said steamer Madras consisted of officers and crew. That said master and crew were wholly unable and insufficient to control said passengers. That all said passengers escaped from said steamer while lying off said port and before permission was given her to enter, and attempted to land with a boat from said steamer; and that subsequently eight of said passengers escaped, and attempted to swim on shore, said steamer being in a position from which it would be possible to do so. That in consequence of the neglect or inability of said master of said steamer Madras to control said passengers, this libellant, acting for and under the directions of said Board of Health, caused a guard consisting of from sixteen to eighteen men to patrol about said steamer, to prevent unauthorized communication with the shore and the landing of passengers and crew. That said guard was proper and necessary, and that without the same the small-pox would have been introduced among the inhabitants of the Kingdom from said steamer, and great loss of life and damage would have ensued therefrom. That, by reason of the premises aforesaid, the Board of Health has been damaged in the sum of \$1,742 25, which said master, though requested, has not paid. That this libellant files this libel for and on behalf of the Board of Health of the Hawaiian Kingdom. \* \* \* That this Honorable Court would be pleased to decree payment of the damages aforesaid, and that said steamer Madras may be condemned and sold to pay the same, and for such other and further relief as may be just.

The answer of the respondent denies that the libellant caused the S. S. Madras to be kept out of port, but that he, the respondent, brought said steamer to anchor before he had any communication with libellant or any officer of the Board of Health. This respondent denies all and every other allegation contained in said libel, and says that if any expenses have been incurred, they have been so incurred without any authority or justification in law against this respondent or the said vessel. Therefore, this respondent prays that the said libel may be dismissed, and the said vessel released from custody and arrest.

Mr. Hatch said he desired the Court to consider what quarantine is. He claimed that it was formerly the period in which a vessel is kept to ascertain the condition of the health of the people on board of her. It was formerly a period of forty days as implied by the derivation of the word. With regard to the case before the Court, as soon as small-pox was known to exist on board the Madras, not only had the Board of Health the power, but it was their bounden duty to keep the vessel out of the harbor. Their powers in this respect were unlimited. They (the Board of Health) communicated their resolutions to Captain Bradley. He contended that this Government had a perfect right to prevent any one from landing. The fact that Capt. Bradley was a British subject, did not give him the right to introduce such a dread disease as small-pox. The Board acted as it did in the right of self defence, and they would have failed in their duties if they did not act as they had. If Captain Bradley had steamed away, he would have been liable just the same, but the Government would not have taken the trouble to collect the amount. The laws regarding quarantine are sweeping and are to receive the broadest interpretation possible, and that is the interpretation put on them in every civilized country. He maintained that the Board of Health had the power to take special action in special cases. It would probably be argued by the counsel for the respondent that this special action was not published and therefore not legal. He contended that the effect of publication was to render parties liable to pecuniary penalties. The libellant proved express notice being given. All the deliberations of the Board of Health were communicated to Captain Bradley. If one dollar expenses were incurred under their regulations, every dollar claimed was. The learned counsel quoted at length from the Chief-Justice's decision with regard to guards, delivered in August, 1883. Captain Bradley was not allowed to come in; what was his status from that time? He was either in or out of quarantine. He was surely not free from quarantine. Where is the law that limits the period of quarantine and upon whom does the responsibility and discretion fall? The learned counsel contended that the period during which that vessel was kept outside, having an infectious disease on board, was solely within the discretion of the Board of Health, and he would ask what right had this Court to review their actions? The Board of Health was called upon to act hur-

riedly with all the horrors of small-pox staring them in the face, and at the time in question the Board was acting under medical advice. The occasion of this guard is absolutely within the discretion of the Board of Health. The facts of the case showed that it was necessary to have a good and armed guard. It has been simply proved that the guard was necessary. Had it not been for the guard, the passengers would have swam on shore. The S. S. Madras was brought inside the harbor by Captain Bradley of his own will and in violation of the restrictions put upon him. He referred in detail to the escape of a boat from the vessel and maintained that that part of the case seemed to be too plain for any further argument. In the opinion of the counsel the Captain escaped easily by being called upon to pay those expenses only. He had rendered his vessel liable to confiscation. The duty was cast upon the Board of Health to act promptly. There was nothing in the laws that required a limit of the quarantine to render a vessel liable for expenses incurred. In his opinion, it was absolutely necessary to give the Board of Health full and ample powers, because they are dealing with life and death. If their hands are tied, the Board will be useless. No vessel is prevented from leaving quarantine and putting to sea. If the shipmaster chooses to remain and land his passengers how can it be said that he is not liable for every dollar of expense incurred. The Madras was known as a "tramp," and Captain Bradley attempted to introduce a disease so fatal to the Hawaiian nation. He contended that the case all hangs upon the power of the Board of Health.

The Court took a recess of one hour at noon. On re-assembling,

Mr. Preston addressed the Court on behalf of the respondent. He said that allowing that the statutes of the Kingdom gave the Board of Health large powers, they are still restrained by the statutes from exceeding their duties. There was clearly laid down a penalty for violation, but no penalty for confiscation of ship for expenses incurred. He referred to the Board of Health regulations that were published in December, 1880. He contended that the Madras was not put in quarantine until after correspondence with the British Minister. It may be that the Board of Health thought fit to place guards around the vessel, but the vessel was not chargeable with those expenses until placed in quarantine. She came into port owing to a misconception that Captain Bradley put upon the letter of the President of the Board of Health. It may be that the Captain was wrong in telling the pilot that there was no sickness on board. The pilot was also wrong in coming on shore after he had ascertained that there was small-pox on board. The respondent is prepared and willing to pay the amount awarded by the lower Court. The learned counsel referred to the treaty with England, and claimed that British ships were entitled to similar immunities and privileges as vessels hailing from other nations. With regard to the resolution of the Board of Health, he contended that if it was a regulation it should have been published, and if not published it was not a regulation. The Court would not admit that it was not the province of the Board of Health to take all the precautions they can, and also that it was necessary for them to have sent a copy of the regulations on board of the Madras. The vessel was not put under quarantine when they placed the first guards around her. He concluded by stating that nothing had been said on the other side that supported the judgment of the Chief Justice.

The Attorney-General, in reply, said he had a great deal of shifting on the part of the respondents. He would first take of the argument with regard to the necessity of publishing the rules. This notice of publication he considered a quibble, and in his opinion the regulation of 1880 has nothing to do with the case. The Board of Health, intending but to protect the community, say to this Captain, "After the false certificate you have given, we won't allow any of your passengers to land." If the vessel had entered the port with smallpox on board, the community had a right to burn the vessel. The health of the community must be cared for first, more especially against smallpox. The Captain, to right himself, ought to have gone back to China. One life is worth all the damage to ship or property. He claimed that such a power as that held by the Board of Health does away with the necessity of any direct notice being given. Captain Bradley did not act in good faith. The respondent says he was afraid of his passengers. When he came to meet his bill, he swears in his answer he was amply able to control them, in order to get away from a bill that he had induced the Board of Health to incur. When the passengers jumped overboard they would not have been brought back except by the exertions of the guards. The expenses incurred were solely through Captain Bradley's fraudulent misrepresentations. It was worse than criminal negligence and malfeasance on the part of the Captain. Where a vessel has smallpox on board, that alone is sufficient cause for the Board of Health to make the most stringent rules. In the opinion of the learned counsel, the expenses incurred ought to be borne more gracefully than an attempt made to sneak away without paying. He referred to