

for a higher sum than the agreement, and it was refused. An agent ought to go by his agreement or resign. It was not the duty of the London company to send out a power of attorney to revoke Mr. Adams' commission as President. In looking after the interests of others, it is our duty to look after them to the best of our ability, but if by so doing one sacrifices his own interest, he is not bound to go on; he can resign. He believed the first proposition to sell the shares of the company came from Honolulu. The duty of the President of a company is to act in the interests of all shareholders, and not to take extra remuneration from anyone for his services. Mr. Adams was under no compulsion to sell. He used his own discretion. Their ultimatum was to give them a bank draft equivalent to the sum of \$20,000 for their shares. He maintained that the whole transaction was instituted by Mr. Godfrey Brown and Mr. Samuel Hubbard, and if any commission is due, it is to one or both of those gentlemen. The London company have kept their agreement. He (Mr. H.) knew two members of that company and they were honorable men, and he believed the others, such men as John Pender, were all honorable men. They ask for simple justice, which he felt sure the jury would give them.

His Honor, in charging the jury, said that one of the difficulties incident to a jury trial was that the delicate points of law presented to the Court by Counsel had to be decided upon at once and instructions given to the jury without any consideration. Of course, the Court was supposed to be thoroughly acquainted with the law. By the Statute of this country the jury is bound to act upon the instructions from the Court and it has been held that by the duty cast upon the Court, it was bound to give those instructions to the best of its ability. The agency was assumed by Mr. Adams without any express understanding as to compensation. He believed that the result was that Mr. Adams did agree to accept a salary of \$500 a year, but the question of remuneration for extra services was left open. The directors thanked Mr. Adams and paid him that salary for the year 1881, and that he was to continue to receive that amount annually if nothing unusual happened. He could not consider that the charge of £200 was due to Mr. Adams for his services in connection with the lawsuit of 1883. By their letters it is shown that they regarded Mr. Adams' services as worth something, but not \$1,000. They did not allow the extra \$500 for 1882, and they could not give him \$1,500 as his salary, as that was not his agreement. The testimony of Mr. Hall and Mr. Ellis, with regard to what they considered Mr. Adams' services worth, was not relevant to the case. The question was what Mr. Adams' services were worth? As regards commission it was for the jury to say if the sale of the stock came within the scope of the agency. If the agency extended to the sale of those shares Mr. Adams cannot recover; but if they find that it was a matter outside of an agent's duty, and that there was a special entrusting to him, he may be entitled to compensation, unless the instructions contained in the cablegram cut it off. What does the cablegram mean? His Honor understood that terms had been arrived at by the owners of the stock and the purchaser, and the instructions were directions to the purchaser. That is, they would accept of no rebate on the part of the purchaser. If the Company had agreed to sell to Mr. Godfrey Brown or Mr. Campbell for \$20,000 they could not expect them to pay more than that amount. They were telling Mr. Adams what their terms were with the purchaser. He took it that the words "Bank draft on London" meant that that was the way they wished the money to be remitted. He could not see how they expect more. That \$20,000 was to cover all charges. If the jury find that there were extra services, even though the Company had effected the sale through Mr. Brown, Mr. Adams would be entitled to commission. One letter stated that if he sold for \$25,000 he was to have 2 1/2 per cent commission. It was for the jury to say what commission should be allowed. If they thought that he took the Presidency for the benefit of the Company, that service is merged in the agency. Mr. Adams was not entitled to \$1,500 as salary, but only to \$500. If they find that the sale of stock was outside the general agency, Mr. Adams would be entitled to retain a reasonable commission for services rendered. It was a matter that had given the Court had a good deal of anxiety during the short time it had been before it, and he hoped the jury would give the matter their best attention.

The jury retired at 4 p. m. and at 5 p. m. returned with a verdict for Plaintiff for \$1,500—allowing Mr. Adams 2 1/2 per cent commission on \$20,000 equal to \$500; also \$500 for extra services in 1882, and \$500 for extra services in 1883.

POLICE COURT.

BEFORE POLICE JUSTICE BICKERTON.

Monday, April 14th, 1884.

Six men forfeited bail of \$6 each for being drunk. Three others pleaded guilty to the charge and were fined \$5 each and \$1 costs.

Ah Yee, a Chinese express driver was charged with violating Express Rule No. 3, by allowing his express to remain on Hotel

street where there was no stand and refusing to move when told to do so by a police officer, was fined \$5.

Kahaleanu plead guilty to having opium in possession. Being an old offender he was sentenced to two months imprisonment at hard labor and fined \$50.

Uma, charged with attempt at larceny on board the bark Kalakaua was remanded until the 16th instant.

Kalua was charged with gross cheat by obtaining the sum of \$15 under false pretenses from the Pacific Navigation Co. Plea of guilty. Sentenced to imprisonment at hard labor for one month.

CIVIL CASES.

Quong Fong & Co. vs. Soon Chong: Assumpsit for \$38 50. Continued until 21st inst.

C. L. Desha vs. S. Kaiia. Action on promissory note, \$60. Continued until 17th instant.

Alfred Stephens vs. James Kaai. Assumpsit for \$60. Settled out of Court.

S. J. Levey & Co. vs. F. L. Clarke. Case discontinued.

D. N. Luka vs. Wm. Holt and Luika Holt. Action for damage laid at \$200. On motion of defendants counsel, judgment for defendant. Costs \$4 60. Appeal noted to Intermediate Court.

A case of deserting contract service by one Kalua was discontinued.

Tuesday, April 15th, 1884.

Delia Fernandez, charged with larceny. Case continued from the 11th instant. Mr. John Russell for the defense.

Antone Marshall testified to defendant buying some thread in his store.

Augusta Fernandez, step-mother of defendant testified that she had the feather in her hat before she went to Mr. Castle's. She did not see the flowers.

Mr. Patton, stated that at J. T. Waterhouse's store on Fort street, they had no goods like the scarf produced nor did the silk handkerchief come from that store.

F. S. Pratt said the defendant was in his employ for a few months. He had nothing against her. In cross examination Mr. Pratt stated that while she was with him, he missed meat, milk, etc., but did not suspect her.

Found guilty and sentenced to 15 days imprisonment at hard labor. Costs \$2 80. Appeal noted to Supreme Court.

Kaui charged with assault and battery, entered a plea of not guilty. After a series of conflicting statements, accused was found not guilty and discharged.

Kaui pleaded guilty to escaping from custody while being under sentence for larceny and for escaping from custody. Sentenced to one year's imprisonment at hard labor, to begin at expiration of former sentence.

Wahineaukai, same charge, plea guilty. Sentenced to three months and fined \$10 to begin at expiration of former sentence.

H. Hibbet forfeited bail of \$10 for furious driving.

A nolle pros. was entered in case of Mun (k) and Kamana (w) charged with adultery.

Wednesday, April 16th, 1884.

One drunkard forfeited bail of \$6, and another, a female, entered a plea of guilty, and was fined \$5 and \$3.

Kahawai & Malia (w) forfeited bail of \$10 on a charge of disturbing the quiet of the night.

Geo. Cavenagh, an expressman and M. Michel were charged with an affray. Michel forfeited bail of \$10. Cavenagh was reprimanded and discharged.

H. Munroe, charged with carrying a pistol forfeited bail of \$10.

John Dougherty was charged, under Chapter 62, Section 3, Penal Code—relating to desertion. Mr. John Russell appeared for the defendant. Remanded until the 17th inst.

Uma, charged with larceny, was brought up on remand and further remanded until the 17th instant.

Thursday, April 17th, 1884.

Hanakalii and Nuanu were charged with affray. They were found wanting when called, having forfeited bail of \$10 each.

Henry Keith pleaded guilty to charge of assault and battery, and was fined \$3 and \$3 costs.

John Dokerty appeared on remand for desertion. Mr. J. M. Davidson appeared for the prosecution, and Mr. John Russell for the defense. Again remanded until 22d instant.

Uma pleaded guilty to attempt at larceny on board the Bark Kalakaua. Being an old offender he was sentenced to six months' imprisonment at hard labor. Costs \$1 30.

CIVIL CASES.

Haole vs. Kaui. Trespass; damages laid at \$50. Mr. John Russell for the defendant.

Judgment for the defendant. Costs \$4 15. Antonio de Freitas vs. Manuel de Silva. Action on Promissory note for \$30. Mr. John Russell for Plaintiff. Judgment for amount claimed, with interest, attorney's commission and costs amounting to \$37 50.

Ah Fong vs. Ah See. Action on Promissory note for \$80. Mr. Davidson for Plaintiff. Judgment for Plaintiff for amount claimed with interest, attorney's commission and costs. Total \$95 95. Appeal noted to the Supreme Court.

Ah Wai vs. Ah Chew and Ah Wai. Trespass; damages \$200. Mr. Hartwell for the Plaintiff; Mr. John Russell for Defendants. Continued to 24th instant.

One other case continued and one settled out of Court.

THE SHIP RAILWAY ACROSS MEXICO.

The *Summary* is the authority for the following: The ship railway across the Mexican Isthmus of Tehautepec is being pressed forward in earnest. The survey of the isthmus has been completed under the care of Mr. Van Brocklin, an eminent American civil engineer. A route with even more moderate gradients and cuttings than were expected has been adopted, and the works have been commenced. Mr. J. Eads, C. E., the builder of the great steel bridge across the Mississippi at St. Louis, and whose improvement of the Mississippi navigation has opened up New Orleans to ships of the deepest draught, is now in London concerting business arrangements with shipowners and others, and the probabilities is that the ship railway will come under British control financially and otherwise. Several gentlemen eminent in and in connection with the shipping world, are taking the subject up warmly, as this route will shorten the sailing distance between Europe and the North American Pacific Coast, including, of course the British Possessions, by more than 8,000 statute miles, and is 1,200 miles less than the Panama route.

NEWSPAPER CIRCULATIONS.

The following sound advice, given by the *Publishers' Bulletin*, might be read with advantage by those who are inclined to puff themselves untruthfully. Let those to whom it applies, read, mark, learn and inwardly digest:—

"There is nothing in our estimation which lessens the tone of newspapers so much as the systematic padding of circulation. Most newspaper publishers are now approached by the average business man with the idea that he is treating with a man who wants to sell two feet of silk for a yard, or 150 pounds of flour for a barrel. In no other business is the entire force assailed as swindlers and falsifiers. And why? Simply because of the pernicious habits of some newspaper proprietors claiming more circulation than they really have, and which the entire community know they have not. We do not assail any paper in particular, but mean to war against the habit which is sapping the best blood of the business, and lowering the members of the fourth estate. We aim to induce a change from this premeditated enlargement of circulation on paper, and bring all publishers to deal fairly with their fellow business men, as men generally do who buy and sell by some standard. Honest publishers nowadays have very hard lines. If they give their real circulation some rival will brazenly assert double his circulation, and both will be measured up by the same rule and neither believed."

THE CANADIAN SUGAR TARIFF.

Among the proposed changes in the tariff of the Dominion is the repeal of the present duties on sugar and syrup and the substitution of the following:

Sugar, provided it be imported direct without transhipment from country of growth, above No. 14 D. S., 1 c. per pound specific, and 32 1/2 ad valorem. Sugar equal to No. 9, and not above No. 14 D. S., 3/4 c. specific and 27 1/2 ad valorem. Sugar below No. 9 D. S., 1/2 c. specific and 27 1/2 ad valorem. Melado and concentrated ditto, 3/4 c. specific, and 27 1/2 ad valorem. If not of direct importation above No. 14, 3/4 c. specific and 30 ad valorem. Melado 3/4 c. per pound, and 30 per cent ad valorem; concentrated cane juice, concentrated molasses, concentrated beet root juice and concrete, whether imported or not, a specific duty of 3/4 c. per pound and 30 per cent ad valorem. Cane juice, refined syrups, sugar house syrup or molasses, syrup of sugar, molasses or sorghum, whether imported direct or not, 3/4 c. specific, and 30 per cent ad valorem; other molasses when imported direct, 15 per cent ad valorem, f. o. b., when not so imported 20 per cent ad valorem.—Grocer and Country Merchant.

TRAINING AND DISCIPLINE, LIKE BLOOD, WILL TELL.

The recent victories of the British forces over the wild hordes of Arabs under Osman Digna, following on the brilliant success of General Wolseley at Tel-el-Kebir, demonstrated, beyond all question, the invincible superiority of even small bodies of trained and disciplined troops over a horde, no matter how great its numbers, of fierce and desperate savages, or the wild, semi-civilized fanatics, who, with shouts of Allah il Allah, rush to certain death against the impenetrable squares of well-organized troops. For the first time the details of the battles and their results are made known to us in simple and intelligible language. At Tel-el-Kebir the lines and number of men, and their positions, were clearly described, as was the position of the enemy. The route of the unfortunate Baker Pasha, whose command, it is to be remembered, was made up of Egyptian troops, was also intelligently explained. At the Wells of Teb, where "the British stepped forth as if holding a parade," General Graham gained his first victory. We readily take in the position, how the small body of British troops advanced to the assault in an oblong square, their longest lines facing the enemy. Vainly the rebel hordes dashed against its sides. In vain they flung themselves under the very hoofs of the horses, and cut and stabbed, in maddening attempts, to break those lines of steel; repulsed on all sides, and mowed down by the Gatling and Gardner guns, they at last fled in despair, and left the British in possession of the field. The battle of March 13, at Zariba, was almost a repetition of that of Teb, except, that from the nature of the ground, the British were forced to advance in two brigades, thrown into the form of squares. An immense body of rebels charged the first square, but were repulsed with great slaughter. They advanced again in almost countless hordes, who surrounded and attacked the British on all sides. At one time the second brigade was repulsed, and for the moment thrown into what seemed almost inextricable confusion, with the loss of their Gatling and Gardner guns, but discipline showed its hand. A retreat of 800 yards was made, the square reformed, the guns recaptured, and, after a desperate struggle, the rebels were driven from the field. Nothing but the training and discipline of the British troops could have enabled them to have accomplished so much, and at such fearful disadvantages of numbers. The same thing was evidenced in the United States' war of 1846, with Mexico. The Mexican Army was composed mainly of ragged, barefooted, half-armed and undisciplined vagabonds, half the time ready to turn against their leaders. The army of the United States, under General Taylor, although not wholly composed of regulars, was highly disciplined, and went through a series of battles, from Palo Alta to Buena Vista without encountering a reverse; while General Scott, on the Southern line, after capturing Vera Cruz, fought battle after battle, all hotly contested, until he entered triumphantly into the Ancient Capitol, with the nation at his feet. As we have said, occurrences like these must satisfy us that a disciplined body of men, no matter how great the disparity of numbers, must always come off victorious over a disorganized and untrained body.—S. F. News Letter.

WHY NOT?

Why not always speak well of your neighbor? Many people who speak ill have no malice; they would be filled with remorse if the wrong they do could be brought home to them. But they have no conception (says the *Christian Age*) of the value of reputation and the power of words. The true wealth of a community is the character of its citizens, and the sum of that priceless capital is made up of individual reputations. Whoever smirches one of these leaves a black mark on the whole community; whoever detracts from one of these weakens the moral power of the whole community. There are men and women in every country town who are not only pests and plague spots, but in reality public enemies. They are Nihilists of the worst sort; they go about blindly injuring, if not actually destroying, that which, of all things that a man can acquire, is most invaluable. They are as guilty as if they performed all the havoc they work. The strongest man and the truest woman are powerless against the secret approaches of these people, who have as keen an eye for possible evil, and as versatile a tongue for spreading abroad their surmises as if by some process of evolution they had come up from

the beasts of prey and added to animal destructiveness human ingenuity and the resources of civilization. Society is altogether too lenient with its evil speakers; it ought to brand them and draw a circle of isolation around them. They are far more dangerous than the classes that are avowedly and professedly criminal. Many a man keeps his credit and holds his place who deserves the whip of small cords, and many a woman holds her own in the "best circles" whose judgment of scorn ought not to be deferred for the next world to pronounce. Your neighbor's reputation is as much yours to guard from misconception and preserve from stain as your own. When you help to build it up you serve yourself no less than another. If you do not understand certain things in the house next door, rest content with your own ignorance, and do not go from house to house inviting others to share it, or stand on the street corners and wonder why things are as they are. There are probably vulnerable spots in your own armor into which a sharp word might easily be driven. The code of morals which permits men and women to speak ill of each other is a relic of barbarism; Christianity makes every man his brother's keeper.

UNITED STATES HYDROGRAPHIC OFFICE.

A branch of the United States Hydrographic Oee has been established on the main floor of the Merchants' Exchange, in charge of Lieut. J. B. Milton, U. S. N., where all nautical information on file in the main office at Washington is at the disposal of mariners and all others interested in shipping free of charge. A complete list of all charts published by the United States (Coast Survey and Hydrographic Office), together with such others as are needed for reference are kept on file—all corrected to date. Captains can compare their charts at any time, and have them corrected free of charge. The office has a complete list of sailing directions for the Atlantic and Pacific oceans, and other books of interest and use to mariners. Lightlists of all the coasts of the world are kept on file—all corrected to date. Captains can compare their lightlists and have them corrected at any time free of charge. Lightlists of the United States and lists of beacons, buoys, stakes, etc. (day mark), of the Twelfth or Thirteenth Lighthouse District (Pacific Coast United States), will be furnished free upon application at the office. One of the main objects of the office is the collection of data for the publication of meteorological charts of the ocean. Masters of vessels taking United States Hydrographic Office meteorological journals will be given a set of sailing charts corrected to date, covering the proposed route, and masters who have kept accurate journals will be given sets of meteorological charts as they are published. Any hydrographic information concerning rocks, shoals, displacements of buoys, erection or destruction of beacons, etc. is solicited. Such information will be immediately forwarded to Washington, and credit given to persons making report.—[S. F. Call.

AN IMPORTANT DECISION.

Mr. Carew, R. M., Dunedin, has given an important judgment upon a question raised between the British and New Zealand Mortgage and Agency Company and the Property Tax Commissioner. The question for decision was whether the company was liable to be assessed for property tax upon £60,000 representing the price which it purchased for and values the good-will of its business. The question had to be considered under two heads—first, whether a good-will is property liable to be assessed under the Property Assessment Acts; secondly, if a good-will is not property ordinarily liable to be assessed does the company become liable from the fact that there is an entry in its balance-sheet showing the good-will entered as having a value of £60,000. His Worship decided that the company were not liable to be assessed on the good-will. He thought the Legislature had not intended good-will to be property under the Act.

A coon club in New Hampshire, after having been organized ten years, has captured its first coon. The coon is supposed to have been unwell.

A lady and gentleman accidentally touched each other's feet under the table. "Secret telegraphy," said he. "Communion of soles," said she.