

# Evening Bulletin

With which is Incorporated the "Independent."

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## THE Evening Bulletin

With which is incorporated the INDEPENDENT.

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**B. L. FINNEY, Manager.**

## AYER'S Sarsaparilla

IS THE GREAT  
**Blood-Purifier,**  
NERVE TONIC,  
—AND—  
STRENGTH-BUILDER.

It attacks and breaks up every humor, cures skin eruptions, restores exhausted vitality, and drives out every element of disease. Sufferers from indigestion, general debility, or any other ailment arising from impure blood, should take Ayer's Sarsaparilla. It gives strength to the weak, and builds up the system generally. By its use food is made nourishing, sleep refreshing, and life enjoyable.

## Ayer's Sarsaparilla

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**World's Great Expositions.**

Made by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

Hollister Drug Co., Ltd.  
Sole Agents for the Republic of Hawaii

## Something Interesting!

### Imports of Champagne Into the United States,

FROM JAN. 1ST TO JUNE 1ST, 1895.

Case.	
G. H. Mumm & Co.'s extra dry.....	30,831
Pommery & Greno.....	11,798
Moet & Chandon.....	9,608
Heidsieck & Co., (dry Monopole).....	7,501
Louis Roederer.....	3,438
Reimart.....	3,136
Perrier Jouet.....	3,286
Irroy & Co.....	1,785
Vve. Clicquot.....	2,378
Bonche-Sec.....	992
Deiback & Co.....	728
St. Marcoux.....	334
Krug & Co.....	270
Chas. Heidsieck.....	375
Various.....	5,419
<b>Total.....</b>	<b>81,859</b>

COMPILED FROM CUSTOM HOUSE RECORDS.

**Macfarlane & Co.,**  
Sole Agents for G. H. Mumm & Co. for the Hawaiian Islands.  
124-U

## NOTES FOR THE FARMER.

### EXPERT ADVICE ON THE CULTURE OF WALNUTS.

**Benefit of Alfalfa For Milch Cows—Profit of Agriculture—Good Hopes of California Tobacco.**

#### WALNUT CULTURE.

**Chino Champion:** The following notes on walnut culture were given the Cultivator by E. A. Hoffman of Rivera, a practical and successful walnut grower. His walnut grove comprises ninety-eight acres.

In planting seed for a nursery, select good, medium-sized nuts. A rich, heavy soil is the best. Set four inches deep in rows five feet apart, and twenty inches apart in the rows. Some would plant more closely. Plant in January or February. Set the trees out when three years old, cutting some off the tops. Cut the tap root at two feet, and also clip some off from the laterals. If you are not ready to set the trees in January, it is better to dig them and heel them in, taking care to lean them toward the noontday sun to prevent injury to the bark.

A deep alluvial deposit with water at the depth of ten or twelve feet is best. The ground requires good drainage.

The improved softshell is undoubtedly the best. It is a heavy bearer and vigorous grower. The paper shell does not produce well and the hulls are apt to stick.

Regarding the pruning of the tree, it is better to leave a trunk of four feet over the first year. When setting rather incline the tree toward the wind.

A walnut grove is considered a profitable investment. We always find a ready sale for the crop. The average net profit from H. L. Montgomery's thirty-five-acre walnut orchard during the past six years was \$4,000.

It might be advisable in this section of the country, where trees attain such a great size, to set fifty feet each way.

#### ALFALFA FORAGE FOR MILCH COWS.

**Arizona Gazette:** One of the most profitable methods of using alfalfa is to cut it green and feed it as forage to milch cows. Experiments made at the New York experiment station show that the cows fed on alfalfa forage gave on an average more milk and butter and at less cost than when fed on oat-and-pea, barley-and-pea and corn forage. In all cases a certain amount of hay, grain, etc., was fed with the forage. The costs of all sorts of forage was calculated at \$2 per ton, but as an acre of alfalfa yields over fourteen tons of green forage it can readily be seen that \$2 per ton is much in excess of its actual cost. Had the actual cost been taken of the various forage crops, we believe the advantage would have been still more in favor of alfalfa.

#### APIARY NOTES.

**Wisconsin Agriculturist:** Secure Italian bees, as they are the best workers and are more hardy. Bees must be protected from the cold of the northern States. They can be wintered in cellars or buried in a dry place in the ground and ventilation given.

What farmers are looking for today is something that will yield outside of their farm. Bees would make quite an item in the income of the farmer which would be received from what is going to waste every year. Many an article could be bought with the honey from the bees. Honey can be read-

ily sold in any market at 13 to 18 cents per pound.

Bee keeping in connection with farming is one of the most paying branches. It involves no direct cost, as they will pay for themselves in one season, so that money invested is returned by 100 per cent. the first year, and you have stock for another and have a most excellent article for the table. There is always a ready market for honey. What can pay the farmer of today better than to keep a few swarms of bees? With the modern conveniences, such as bee veils and smokers, there is no danger of being stung.

Usually beeswax is dark because of impurities mixed with it, such as particles of pollen, propolis or peccans. These remain mixed with the wax because the wax cools too rapidly to allow them to settle to the bottom. The secret of getting wax of a bright yellow color is to allow it to cool slowly. A large mass will of necessity, cool slowly, and if you have only a small quantity, you can put a large quantity of water with it. Or you can let it stand in the oven of a stove in which the fire slowly dies out. But don't burn it, says a writer in Rural World.

The first thing that strikes the eye of an Eastern man when visiting the West is that the wind is blowing all the time. Men, animals and trees can endure very low temperature when the air is still; but when an arctic air is put in motion with a velocity of thirty to sixty miles an hour, it becomes more unendurable—the men and animals must find a shelter or succumb and the trees if unprotected by a windbreak will be apt to receive a death chill.

#### CALIFORNIA TOBACCO.

**Citograph:** The tobacco at the University of California is now in the barn and promises to be very fine. Of course it will take time to tell just what it will be. For tobacco, like wine, will be carefully experimented with in curing and aging. There is no doubt that fine tobacco can be raised. It also seems to be probable that sea air may have something to do with the flavor, so that the tobacco of California will have a flavor that is impossible in that raised in the inland States. In the sea air the tobacco ripens more slowly and so seems to have time to accumulate flavor, as it were.

#### How to Digest Chocolate.

As a nation the French are in advance of us in their application of the chemistry of food. Their little school children may be seen daily enjoying a luncheon of a piece of bread of a little roll or croissant with a bar of plain chocolate—not creams—and nothing is more nourishing for them; while French, Italians and Spaniards alike dip bread into their morning cup of chocolate. The fact is, says the Housewife, that chocolate, like bread itself, requires for its assimilation the chemical action produced by mastication—i. e., the saliva of the mouth as well as the action of the stomach. Thus chocolate eaten can be digested by those to whom a cup quickly drunk is poison.

In order to impress upon your mind the fact that the *Seattle Brewing and Malting Co's* beers are Mild, Light and Lively, we below give the average per cent of alcohol in various liquors in comparison:

"Rainier" Beer.....	3.4 per cent
"Olympic" Beer.....	3.4
Ale.....	7.4
Cider.....	8.6
Chard.....	13.3
Whisky.....	54.0

On draught at the Criterion.

## IMPRISONMENT FOR DEBT

### AN IMPORTANT DECISION BY CHIEF JUSTICE JUDD.

**Who Decides That Where Fraud Is Not Alleged and Proven It Is Unconstitutional.**

In the Supreme Court of the Hawaiian Islands Chief Justice Judd this morning rendered a decision in the matter of the petition of G. H. Ruttman for a writ of habeas corpus. The Chief Justice decides that imprisonment for debt after judgment is obtained is contrary to the Constitution and has ordered the discharge of the petitioner.

Following is the full text of this important decision:

One G. H. Ruttman was arrested on the 25th of October last on the warrant of the District Magistrate of Honolulu upon a complaint by T. E. Krouse alleging that the said Ruttman owed him some \$300 for board and lodging, and that he, Ruttman, was about to depart without paying the said indebtedness or making sufficient provision for the payment of the same. On the 30th of October the District Magistrate rendered judgment for the amount claimed, commission and costs, and found as proved by the evidence the allegation that Ruttman was about to depart from the Republic without paying the said indebtedness, etc. The Court therefore declined to order the discharge of Ruttman and he remained in custody. On the 5th of November a writ of habeas corpus was sued out before me by the said Ruttman, the petitioner alleging that he is unlawfully restrained of his liberty and imprisoned by the Marshal by virtue of the order of the District Magistrate, also setting out the above facts as to the suit and judgment against him and averring that he has no means of satisfying the same and is unable to obtain sureties that will satisfy the said judgment, and claims that there is no law authorizing his restraint. The return of the Marshal admits his custody of the petitioner and justifies it under the order of the District Magistrate as above set forth and submits to the further order of this Court.

The petitioner contends that the law, or so much of it as authorizes the arrest and imprisonment of a debtor until he shall have entered into security for the payment of the judgment, is unconstitutional.

It must be assumed as true that the petitioner is unable to pay the judgment or secure its payment. He is therefore detained and imprisoned until he pays, as long as the judgment creditor pays to the officer having the petitioner in custody the sum of fifty cents per diem for his support. His imprisonment is indefinite as to duration.

The law in question was taken into the Civil Code of 1859, having been first enacted in 1852. It has been repeatedly put in operation during these years, but there are but two reported cases where it has been discussed. The first is King vs. Huntley, 2 Haw. 457 (1861) where Chief Justice Allen held that proof that the debtor was about to quit the kingdom was a seeking to evade the payment of his debts, and to refuse to detain the defendant would compel the plaintiff to sue him in a foreign court and that it was discretionary with the Court to hold the defendant to giving security for the amount of the judgment which he obtained here. The learned judge discusses the statute very much as if it was the authority for the writ of habeas corpus, which is clearly a very different process and to be invoked for different

purposes. The second case is Yuen Chock vs. Chung Hoy, 8 Haw. R. 161, where the Supreme Court held that the Statute did not authorize the arrest of the fraudulent debtor after judgment. We held in that case that the object of the law was to secure the presence of the defendant in a civil action. I am still of that opinion. This is what is known in the law as an arrest of mesne process, the object of which is to compel the defendant to appear in the cause. See 1 Am. and Eng. Encyc. of Law, p. 720. In the case before me the object of the arrest was satisfied; the defendant was brought before the court and judgment was obtained against him. He is now alleged to be held, as it were, in execution; that is as if on a Ca. sa. or writ of capias ad satisfaciendum. I have a case in 81 N.Y. 43, People ex rel. Roberts vs. Eowe, where it is held that where a judgment has been reversed the relators who were held in confinement under the execution could not be held under the order of arrest but were entitled to their discharge. It cites approvingly Ch. Kent in Wood vs. Dwight, 7 Johns. Ch. 295. "When process is once discharged and dead, it is gone forever and it can never be revived except by a new exercise of judicial power."

Now as the arrest in this case was, as I think it was, on mesne process, it is discharged by the judgment and no new order has been taken out to hold the petitioner's body for the debt. But I do not wish to decide this case on technical grounds. The statute, neither as first enacted in 1852 nor re-enacted in 1859, when the two sections following section 953 were added (which provide for the support of the prisoner) contain provisions for his final discharge if unable to pay the judgment. His imprisonment may therefore be for life. Other jurisdictions have provisions of the following character: In Massachusetts the defendant in execution may obtain his release by taking the "Poor Debtors" oath. In New York an assignment of all his property will procure his discharge. In our Republic there is no provision for a poor man, uttering unable to pay a judgment, obtaining his release so long as his creditor pays for his support in jail. This is imprisonment for debt, which though not expressly prohibited by our Constitution, is contrary to the spirit of its Article 6, which secures a person from being subject to punishment for any offense, except upon due and legal conviction upon a charge describing the offense. It is also repugnant to Article 8, where life, liberty and property cannot be taken without due process of law and to Article 9, where involuntary servitude except for crime is prohibited. The strongest argument in my mind for holding the detention in prison of a debtor upon the sole allegation that he was about to leave the Republic to be unconstitutional is that the intent to quit the Republic is not a fraud nor a crime. This is the sole allegation upon which the arrest was asked for. The complaint does not allege that the debt was contracted in a fraudulent manner, nor that the defendant seeks to evade the payment of a debt by secreting his property or by transferring it to some other person or by removing it out of the jurisdiction of the court. Where such allegations are made imprisonment might be justified as punishment for the fraud. Chief Justice Allen in King vs. Huntley, *supra*, felt obliged to hold that a magistrate should inquire into the circumstances of the case and ascertain if the object of the defendant's leaving the kingdom was to evade the payment of the debt. This implies that if the intention of the debtor was not to evade the payment of his debt the arrest should be refused. In Stewart vs. Levy, 6 Va. 187 it

(Continued on 4th page.)

## THE Y. M. C. A. MEETING

### REPORTS CONSIDERED AND NEW MEMBERS ELECTED.

**The Cost of the Gymnasium Annex—Six Thousand Dollars Yet to be Raised.**

At the regular monthly meeting of the Board of Directors of the Young Men's Christian Association, held last evening, General Secretary Corbett reported for October the inauguration of the gymnasium classes with 123 members. The educational classes commenced work on October 8th and their membership is as follows: Elementary class 11, book-keeping 21, shorthand 18, drawing 10, singing 24, typewriting 10, a total of 84 students.

The Devotional Committee reported the following meetings to have been held in October:

Prison services for month, 3; total attendance, 200; average, 96. Boys' meetings for month, 3; total attendance, 31; average, 10. Sunday evening praise service, 4; total attendance, 367; average, 92. Yaptan meetings, 20; average estimated, 73. The committee closed its report with a tribute to the effective work of Mr. Yaptan and the blessings received therefrom.

The attendance at the Gymnasium classes during October has averaged 13 in the young men's, 14 in the business men's, 9 in the student's, 8 in the working boys' and 30 in the boys' classes. The total number enrolled in the gymnasium department is 123.

Secretary Corbett submitted the following memorandum of the costs of the gymnasium building and apparatus: Building of gymnasium, alterations, etc., \$15,888.07; gymnasium apparatus, labor, etc., \$1,695.23; furnishing (including electric light fixtures) \$676.70; total, \$18,260.00. Of the sum there yet remains \$6000 to be raised, for which purpose members of the Association will solicit subscriptions throughout the city next week.

One hundred and eleven new members were received during the meeting, 58 seniors and 53 juniors.

#### SONS OF VETERANS.

##### Preliminary Meeting Last Night to Organize a Local Camp.

A number of Sons of Veterans met at the American League hall last evening for the purpose of organizing a camp in Honolulu under the jurisdiction of the department of California. Mr. L. K. McGrew, who is working the matter up, has secured the number of names required for the charter, among whom are the following: L. V. McGrew, J. J. Kelley, W. C. Wilder, Jr., J. J. Greene, Lewis A. Der, Mr. Rowell, Mr. Peterson, J. F. Hibbs, William Henry Smith, John W. Short, Clifford B. Mangus, Geo. Overbeck, Geo. Dillingham.

Several prizes which were not present sent in word that they would add their names to the roll during the week. It is the purpose to have another meeting before the sailing of the next steamer to the Coast, at which time the lists will be completed and the charter sent for, which, according to a letter in the hands of Mr. McGrew, will come by the return mail together with a commission for the officer who will be appointed to institute and install the officers of the camp. During the evening several pleasant little talks were had from those present and much interest in the matter was expressed.