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PRICE 5 CENTS.

IN THE HIGHER COURTS THE COLONEL RESIGNS CHARITABLE WOMEN MEET LEVY'S MORTGAGE VALID PETTY PILFERING GANG HAD A HIGH OLD TIME

DECISION OF COMMISSIONS IN THE BISHOP ESTATE.

Overcharge Found in One Item—Decision in Bankruptcy of H. S. Levy.

Chief Justice Judd has rendered a decision in the matter of the estate of Bernice P. Bishop. The question at bar related to commissions. Henry Smith, master, had reported adversely on the charge of commissions on the price of the building on Emma street sold to the Board of Education. He claimed that only the commission of 2 1/2 per cent. for receiving money was chargeable, and not that of 5 per cent. for final payment, therefore found an overcharge of \$750 on this item. He submitted "that, in a trust of the nature of this estate, there is no final payment of moneys realized from sales of land, also that such sales merely effect a conversion of the capital which is not followed by a distribution of the proceeds so realized."

The Chief Justice does not agree with the master. He says: "I am satisfied that the charge of commissions on the \$30,000 for which the Keona Hale premises sold for is proper. This sum was paid to the bank of Bishop & Co. to settle an overdraft which was used in building the Kamehameha School for Girls, directed to be established by the will of the late Mrs. B. P. Bishop. It is just the same as if the premises had been sold and the avails applied directly to the building of the school. There is, therefore, a final payment of this fund. It has been converted into buildings and forms a part of the trust property. It is no longer available for investment for the purposes of drawing interest."

The master reported an overcharge of commissions, also, amounting to \$413.15 by charging them on the gross amount realized at the Molokai ranch—which was \$15,201.92—instead of on the net proceeds—\$6938.97. The Chief Justice affirms this finding as follows:

"As to the charge of commissions upon the gross receipts of the Molokai ranch, I adopt the master's view that only the net receipts are chargeable with commissions. The ranch is a separate property which pays out of its receipts the expenses of its management. I do not think that, if it was run at a loss and had no money to its credit, the trustees would be authorized to draw money out of the trust funds for its support, as for instance to replace its live stock. If the \$15,000 gross receipts have immediately upon their receipt by the trustees the character of trust funds, then they must all be treated as such and be devoted to the purposes of the trust, i. e., the establishment and maintenance of the Kamehameha Schools. And the trustees would not be authorized to draw from its trust funds the expenses of the ranch."

Further on the Chief Justice defines the term "general profits" in the statute to mean, in this connection, "net profits."

H. Holmes for the trustees. The Supreme Court has rendered an opinion confirming the validity of a chattel mortgage made by M. S. Levy to Theo. H. Davies & Co., Ltd., before the mortgagor was adjudicated a bankrupt. A more extended report will be found elsewhere.

Magoon vs. Ahmi is still on before Judge Carter.

German merchants are reported to be afraid that the irritation in America at Germany's prohibition of American meat will result in further reprisals, for example, the compulsory examination of all German wines and the placing of serious obstacles in the way of importations of German sugar.

NATIONAL GUARD OF HAWAII WITHOUT A COLONEL.

Colonel McLean's Farewell to the Officers and Men Contained in General Orders No. 38.

The resignation of Colonel McLean is the event of the day, at least in military circles. The following letter and General Orders No. 38 following it explain themselves:

Headquarters First Regiment, National Guard of Hawaii.
Honolulu, R. H., Jan. 22, 1897.
Hon. S. B. Dole, Commander-in-Chief.

Sir:—As the result of our conversation on the 21st inst., I herewith tender to you my resignation as Colonel Commanding the 1st Regt., N. G. H.

With feelings of the highest admiration for yourself, I have the honor to be,
Very respectfully, Your obedient servant,
(Signed) R. H. McLEAN,
Colonel 1st Regt., N. G. H.

Headquarters First Regiment National Guard of Hawaii.
Honolulu, R. H., Jan. 22, 1897.
GENERAL ORDERS NO. 38.

On asking leave of the First Regiment, N. G. H., I desire to heartily thank those officers and men who have aided me in my efforts to place the regiment in its present highly creditable condition.

I leave the regiment at a time when its drill, discipline, soldierly appearance, equipment, artillery, and quarters, are in an immeasurably superior condition to that in which I found them.

I earnestly hope that the regiment will continue to prove itself worthy of the object for which it was organized.

I shall always look back with pride and pleasure to the time when I was associated with you, and had the honor of being the Colonel commanding the First Regiment, National Guard of Hawaii. Farewell.

By command of Colonel McLean.
(Sgd) JNO. SCHAEFER, Capt. and Adj.

Hon. H. E. Cooper, Minister of Foreign Affairs, the department controlling the military, said to a reporter that no successor to Col. McLean would be appointed. The command would simply devolve upon Lieut. Col. Fisher. He had nothing further to say on the matter.

Military Matters.

Company E. has elected Corporal Miller and Privates Keister and Blackly to serve on the committee of arrangements for the coming military annexation meeting. Company F. will be represented by Sergeant Vollberg, Corporal Reade and Private Fitzsimmons. At Company A's meeting last night Lieutenant Klemme, Sergeant R. Parker and Private Mills were elected to represent that company on the committee.

Great interest is being manifested at the barracks over the coming annexation meeting, and it is expected that most of the speakers will be selected from the rank and file. Lieutenant Towse is devoting considerable of his time to helping the good cause along.

Company D. meets tonight for drill and business.

Bids for Buildings.

Wailuku Courthouse: P. McKinnon, \$2630; Tom Nott, \$2540; Robt. Howie, who gets the contract, \$2089.

Papaikou Schoolhouse, three rooms: J. E. Gamalielson, \$2500; Geo. Mumby, \$2300; Robt. Howie, \$1937; John Cook, who gets the contract, \$2175.

LADIES PORTUGUESE BENEVOLENT SOCIETY IN SESSION.

Treasurer Gonsalves Submits a Financial Statement—What Has Been Accomplished by the Society.

At the meeting of the Ladies' Portuguese Benevolent Society at the Y. M. C. A. parlors this morning the following officers were elected: Mrs. W. G. Irwin, president; Mrs. C. M. Hyde, first vice-president; Mrs. W. F. Allen, second vice-president; Mrs. J. P. Rodrigues, secretary and M. A. Gonsalves, treasurer.

Treasurer Gonsalves submitted his report for the 21 months ending December 31, 1896, as follows:

RECEIPTS.

Balance in Treasurer's hands per last account	\$ 67 15
Balance in Bank	731 65
Subsidy from Queen's Hospital	624 00
Interest on Govt. Bonds	135 00
Proceeds Sale of Govt. Bond	510 50
Donation from Mrs. W. G. Irwin	750 00
Other donations and fees	50 00
Total	\$ 2868 30

DISBURSEMENTS.

Paid Queen's Hospital bills	\$ 845 40
Paid steamer fares to other islands	51 00
Provisions, rents, medicines, burial expenses and attendance on sick	1150 85
Advertising meeting—Advertiser \$1.50, Star \$1.00	2 50
Balance cash in Bank	818 55
Total	\$ 2868 30

Balance brought down... 818 55
RESOURCES, DEC. 31, 1896.

One Haw. Gov. Bond (lodged with Bank)... \$ 1000 00
Cash in Bank... 818 55

Total Funds... \$ 1818 55

During the period included in the above report 35 persons were treated at the Queen's hospital at the expense of the society, the aggregate number of days' treatment being 1073.

A resolution was passed providing for semi-annual meetings in January and July.

A unanimous vote of thanks was tendered to Mrs. Wm. G. Irwin for her munificent Christmas donation of \$750 for the use of the society, as well as for the interest she has manifested in its welfare.

CITIZENS' GUARD MEETING.

Marshal Brown Wants the Members to Practise Shooting.

The members of Company 5 of the Citizens' Guard met in the District Court room last evening and re-elected Captain George H. Greene and First Lieutenant Schmeden. Archie Turner was elected second lieutenant.

Marshal Brown, who was present, brought up the matter of target shooting and said his department wished to encourage rifle practice in the Citizens' Guard. For this purpose medals and bars would be offered for competition, as follows: A bronze bar to all members making 350 or over. A silver bar to all members making 400 or over. A gold bar to all members making 450 or over. He then read a long list of conditions to apply in the contests.

All the members then signed the annexation rolls and the meeting came to an end.

J. M. Poeppoe will give the first of his law lectures to Mr. Coelho's Glee Club and others tomorrow evening at 7:30 at Foster hall. It has been arranged that no charge will be made to the members of the Young Hawaiians' Institute.

DECISION OF CONTROVERSY BETWEEN TWO CREDITOR HOUSES.

Both Were Innocent Parties and the Loss Must Remain Where It Falls.

Justice Frear is author of a unanimous opinion of the Supreme Court on the equity appeal from a decree of the Circuit Judge, in the suit of H. Lose, assignee of the estate of M. S. Levy, a bankrupt, vs. Theo. H. Davies & Co., Limited. The decree canceled a mortgage held by the defendant corporation on the merchandise of the bankrupt, upon the ground that the mortgagor was insolvent and that the mortgagee had reasonable cause to believe him to be insolvent. This decree is reversed by the Supreme Court, which finds that the mortgage is in due effect.

It is found that not only did the defendant believe Levy to be perfectly solvent after its agreement with him of August 1, 1895, but also that H. W. Schmidt & Sons—who ultimately initiated the proceedings in bankruptcy—themselves believed him to be perfectly solvent after their agreement with him of the same date; also that the defendant was not in the position of one endeavoring to obtain a preference over other creditors. The proposition for the new arrangement came from Levy and the agreement was entered into by the defendant, Theo. H. Davies & Co., Ltd., more with a view to future business than for the purpose of securing the past indebtedness, and it actually sold goods and advanced cash to Levy thereafter to the amount of about \$6000.

"It is immaterial," the Court proceeds, "that H. W. Schmidt & Sons were innocent parties, the defendant also being innocent. The trouble has evidently arisen through the concealment and misrepresentation of a third party, Levy. As between innocent parties the loss, if any, due to the fraud of a third party must remain where it falls."

"The question of the effect of the possession of the mortgaged goods taken by the defendant a short time before Levy's bankruptcy is not raised by the pleadings in this case and will not be considered."

A. S. Hartwell for plaintiff; Thurston & Stanley for defendant.

ROYAL ARCH CHAPTER.

List of Officers Elected at Last Night's Meeting.

Honolulu Chapter, Royal Arch Masons, elected the following officers last night to serve for the ensuing term:

H. E. Cooper, MEHP; C. B. Wood, King; W. O. Atwater, Scribe; J. K. Wilder, Treasurer; T. E. Wall, Secretary. John Cassidy, Captain Host; John Phillips, Principal Sojourner; J. D. Tucker, Royal Arch Captain; A. F. Gilfillan, Master third veil; Chas. Williams, Master second veil; W. G. Ashley, Master first veil; B. D. Whitney, Guard.

Island Butter.

There is butter and there is butter but there is no butter that arrives in Honolulu so sweet and fresh as the Mikilua and Waianae Butter. Its rapid transit by rail direct from the dairy to the Palama Grocery's large ice box so conveniently situated opposite the railway depot enables us to handle it to the best advantage. No wonder we are doing such a large butter business, when we are selling this fine butter at 35c. per lb. Palama Grocery, opposite Railway Depot, King street. Telephone 755.

BROKEN UP BY DETECTIVE KAAPA'S EFFORTS.

Twenty-two Small Boys Arrested for Robbing Retail Stores—Some of the Stores Victimized.

For a long time past Chas. Hustace, the King street grocer, has been missing articles from his store, such as tins of canned goods, oranges, apples and such like, and the frequency with which the articles disappeared has led him to keep a very close watch of his stock in trade.

Yesterday afternoon about the time the BULLETIN was going to press a reporter noticed a crowd of small boys about the store and found that Mr. Hustace had just caught a small Chinese boy in the act of stealing a can of plum pudding. The petty pilfering had been going on to such an extent that Mr. Hustace concluded he ought to notify the police and the boy was sent down to the police station and held overnight.

This morning Detective Kaapa had him in hand and the boy confessed everything. His name was Ah Lin, half Chinese and half Hawaiian, aged 13 years. He was the leader of a band of Chinese and half Chinese boys who had made a business of pilfering from all the stores in town for the past year. He gave the detective the names of all the gang, comprising twenty-two boys and a partial list of the articles stolen, only enough being taken down to secure a conviction. The plan of operations was for one or two boys to go into a store, where one of them would inquire for five cents' worth of crackers or some other article according to the nature of the store. When the clerk would start to weigh out the crackers the boy would say, "Not that kind, I want those over there." This would distract the attention of the clerk for a moment and some article would disappear while his back was turned.

At 10 o'clock this morning eleven of the boys had been arrested and an officer was looking up the others. Those arrested were allowed to attend school today on their promise to attend Court tomorrow morning. It is not likely they will be hardly dealt with, as those arrested have confessed.

The following partial list of articles stolen shows the nature and extent of the operations of the gang:

Hong Choi stole 1 deck playing cards and 2 pencils from Wall, Nichols' store in June, 1896.

Ah Chung stole 1 deck playing cards, 3 pencils and 2 large marbles from Wall, Nichols' store a few nights before Christmas, 1896.

Ah Wai stole 2 large marbles from Wall, Nichols' store a few nights before Christmas, 1896; went with Ah Lin, the leader of the gang four times to steal things.

Ah Moi stole 1 ball and 1 large marble from T. G. Thurm's store last Christmas.

Ah Chew stole 1 bottle of perfume from Japanese store on Maunakea street last Christmas.

Li Kui stole 1 base ball from T. G. Thurm's store on Christmas eve last.

Ah Lin, half Chinese and the leader of the gang, stole 1 white duck hat from Iwakami's store last December; 1 box of pencils from Thurm's store a few days before Christmas; 1 match safe from Hawaiian News Company; 1 tin of plum pudding from C. Hustace's grocery store yesterday.

Grover Cleveland will, if he lives until the 4th of March, have one distinction that no other President has enjoyed. He will be the only occupant of the White House that has ever ridden to the Capitol with two different successors.

DELIGHTED WITH THE NEWEST DANCES FROM THE ISLANDS.

How the Pacific Coast Commercial Travelers' Association Celebrated Their Annual Meeting.

A late Coast paper gives an account of the annual meeting and election of officers of the Pacific Coast Commercial Travelers' Association and the high jinks which followed. At the latter among other items on the program were a number of Hawaiian dances performed by Freda, a beauty from Honolulu, whoever she may be. The newspaper account of the affair is given below, but evidently only conveys a very faint description of the way the "boys of the grip" enjoyed themselves:

"R. H. Davis was the sire at the association's high jinks, held in the basement of the Native Sons' Hall after the hour when all but commercial tourists had retired to bed last night.

"The worthy sire was assisted in arranging a program by H. S. Morgenthau, chairman of the entertainment committee, and between them they managed to get every talented drummer in the audience to participate. Some few professionals, engaged for the occasion, appeared as amateurs alongside the impromptu stars that shot across the stage.

"Freda, a beauty from Honolulu, delighted her audience for a few moments with the newest dances from the islands. She was almost tame, as it were, compared to "warm-belt" stories told by the boys.

"These stories were entirely "entre nous," as Sire Davis said. He added, also, that an unwilling ear might as well go outside and listen to the patter of the rain. Such stories as were told after that were enough to make the earth quake with laughter as the sun goes down in deepening blushes.

"The attendance included several hundred travelers and their friends, and beginning tomorrow, as this migratory class starts out on the commercial highway, there will be a new epidemic of stories sprung on the unsuspecting country customer."

Weakened Vitality IMPOVERISHED BLOOD.

Read what Ayer's Sarsaparilla did for the Rev. Z. P. Wilds, a well-known city missionary in New York and brother of the late eminent Judge Wilds:

"I was for many years a sufferer from boils and other eruptions of a like nature, caused by the impoverished state of my blood. My appetite was poor and my system a good deal run down. Knowing the value of Ayer's Sarsaparilla, by observation of the good it had done to others, I began taking it. My

Appetite Improved

almost from the first dose; then my general health improved, and now it is excellent. I feel a hundred per cent. stronger, and I attribute this result to Ayer's Sarsaparilla, which I recommend with all confidence as the best blood medicine ever devised."

For all disorders resulting from poor or corrupted blood and general debility, take

AYER'S Sarsaparilla

AYER'S PILLS CURE BILIOUSNESS.

Hollister Drug Co., Ltd.

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