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HONOLULU, H. I., WEDNESDAY, JANUARY 5, 1898.

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THE RAILROAD WHARF SUIT

Statement of the Points of Important Litigation Now Pending.

Failure to Compromise Forces the Matter into the Courts—A Case of Cross Condemnation.

Perhaps not one person in a hundred understands the nature of the controversy between the Government and the Oahu Railway and Land Company over the railway wharf property on the Ewa side of the harbor, which has now found its way into the courts. The matter was being discussed between the two parties to the present action nearly three months, as readers of the BULLETIN were apprised of now and again, before recourse was had to judicial arbitration. Upon the parties failing to agree, the controversy drifted into the only remaining channel.

It is the desire here to bring out the leading claims of each party to the case, without fear or favor toward either, or advancing any opinion whatever on any point of the dispute.

The railroad wharf property belongs, or did belong up to December last, to the Government. On March 15, 1890, the land was leased, for the nominal consideration of one dollar, to the O. R. & L. Co. L. A. Thurston, then Minister of the Interior, acted in the matter for the Government.

This transaction was severely criticised at the time in both opposition and independent circles. Hon. H. A. Widemann strongly condemned it, as a barter of the public's interests in navigation facilities, in the Legislature of that year, the National Reform party members being at his back. Many people were of the opinion, also, that the wharf construction, as it developed, was not on the lines of a wise general scheme of harbor improvement. It was held by these that dockage should have been excavated at the place, instead of the harbor space being diminished by earth-work and piers. What was done in this regard, however, cannot be undone now excepting at enormous expense—beyond, indeed, the country's present financial resources.

So far as the public is concerned, therefore, the existing controversy is narrowed down to the question of the Government's exclusive ownership of wharves without any exception. Justice is at the same time expected to be done at all costs, and, if any sound item of public policy suffer in the dispensation, it will be from transactions of the past for which the present administration is not responsible.

A clause of the Thurston lease provided that the Government could at any time, upon giving 90 days' notice, enter and take possession of the property, together with all the improvements thereon, by paying a fair valuation for improvements. In case of a dispute as to valuation, three appraisers were to decide the matter. To further protect both parties it was provided that the railway company should make sworn monthly statements of cost and value of improvements. This

condition has been faithfully complied with and the rent has always been promptly paid.

On the 26th of September the Minister of the Interior gave notice to the railroad people that the Government required the property. This opened the discussion. The company drew attention to the value of the wharf to their railway enterprise and the serious loss the deprivation would be to them. They had expended large sums of money upon the landing, and the property had become an important adjunct of the business. The reply of the Government caused the railway people to feel that they were being treated unfairly. The Cabinet could not see, under the terms of the lease, how the railway could refuse to surrender the property.

It was early in December that Mr. Dillingham appeared at the Interior Office, placed \$15,000 on the Minister's table and notified that official that the wharf property had been condemned for the use of the Oahu Railway and Land Co. He proceeded upon section 6 of Act 62, Laws of 1890, which reads as follows:

"Such Company may enter upon, lease, purchase and hold any and all such lands, tenements, hereditaments and easements as shall be required for the construction, maintenance and operation of its road, after the location of such road has been approved by the Cabinet, but subject to the provisions hereinafter contained."

The provisions referred to relate to the manner of condemnation, appraisal, etc.

The money offered by Mr. Dillingham was refused and the Minister declined to recognize the condemnation. On December 27, at the expiration of 90 days from the official notification, James Boyd was sent over to take possession of the property. He delivered a notice to that effect to Mr. Dillingham. Accompanying it was a second notification to the effect that the Government had decided that \$16,500 was just and equitable valuation of the improvements, and that sum awaited the manager of the railway.

At 6 o'clock that evening the mandamus papers were served on the Minister and the matter went to the courts.

IN THE HIGHER COURTS.

Very Little Doing at the Judiciary Headquarters.

Before the Supreme Court this morning argument was finished in the case of Perry vs. Lucas and the cause submitted. The Court then adjourned to 10 a. m. tomorrow.

In the libel for divorce of Mary J. Dickson vs. Thomas Dickson, defendant has filed an answer admitting the truth of the first two sections of the complaint and denying each and every other allegation contained therein. Chas. Creighton for libellee.

Thursday, January 6, is the day set for hearing the petition to declare Kate and J. D. Tregloan bankrupts.

The motion to dissolve the temporary injunction granted defendant in the case of J. A. King vs. Oahu Railway and Land Company comes up before Judge Stanley on Friday morning.

In the murder cases of The Republic of Hawaii vs. Kapea, Kaio and Upapa, bills of exception were filed yesterday.

Rubber Carriage Wheel Tires.

In the absence of Mr. Chas. J. Walsh, agent for the Rubber Tire Wheel Company of San Francisco, his business will be attended to by W. W. Wright, 613 Fort street, opposite Club Stables, who is prepared to quote prices, etc. This tire is the best one in use on the Coast, and is highly recommended by all who have used it. Call at 613 Fort street for information as to prices, etc.

The portrait of little Carmen Vida in King Bros.' window is a fair sample of the portrait work this firm is doing.

ANOTHER NEW ENTERPRISE

Nearly \$30,000 Subscribed for Sisal Hemp Farm on Oahu.

Will be Started on Waimanalo Land Beyond Ewa—A. H. Turner Promoter and Prospective Manager.

A. H. Turner has completed the prospectus of an extensive sisal hemp farm which will be started at once on this island. The farm will take in the Waimanalo tract on the railroad beyond Ewa and will embrace over 200 acres.

Nearly \$30,000 has been subscribed for the scheme. When further details are arranged there will be a meeting of the stockholders for election of officers. A charter will be secured and the concern will become a corporation.

Mr. Turner has devoted many years to the study of fibercultivation, though he has had no practical experience in the business. He is enthusiastic and has succeeded in awakening great interest in the industry. The farm will be conducted on up to date lines and will carry the best machinery.

In the Bahamas, with conditions similar to those prevailing here, immense strikes are being made in sisal culture. One concern, managed by J. S. Johnson, has a capital of \$400,000 and plants nearly 5000 acres. There are a half dozen farms in the group of from 1000 to 3000 acres, and a score or more smaller acreages.

Mr. Turner expects to be made manager of his enterprise. In addition to the regular sisal farming interests he will have a station where experiments will be made in the cultivation of other fibers.

Coast Riders Coming.

C. S. Desky writes encouragingly of wheeling prospects. Up to the 28th he had been very busy on other matters, but had been communicated with by several crack riders. Before New Year's he expected to start out enlisting some of the best for the coming meet. The entire party will arrive here by the Belgic on the 22nd.

Died in Oakland.

Mrs. M. S. Levy of this city died at the home of her brother, Samuel Ehrlich, in Oakland on December 20. Appendicitis was the trouble and death came quite unexpectedly. Mrs. Levy has been away from the Islands about 13 months. She had quite a large number of friends, particularly among the native Hawaiians.

Court on Hawaii.

The Fourth Circuit Court, Judge E. G. Hitchcock, should have opened at Hilo this morning. There are on the calendar 25 criminal cases, 17 of which are foreign and 8 Hawaiian. There are 10 foreign jury civil and 12 mixed jury civil cases. None in the whole list is of great importance excepting to those immediately interested.

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CARTER TO WASHINGTON.

Receives the Long Expected "Invitation" to Go Forward.

Joseph O. Carter will leave by one of the three steamers sailing within a week from today for Washington, where he will use his utmost influence against annexation. He intended this morning to take the Alameda tomorrow, but may not be able to get away.

Mr. Carter goes in response to an "invitation" from parties now at work in Washington against the treaty. He has expected this "invitation" for four months. It arrived by the Australia yesterday.

The antis here and in Washington expect a great deal of Mr. Carter. He is a man of good points and a certain magnetism that will attract and influence. He will undoubtedly be the worst enemy from Hawaii to the treaty. Of his mission he said this afternoon:

"I will do my utmost to defeat the treaty, and I believe it can be done. It has never occurred to me that the measure would pass the Senate. Now I can not see how a joint resolution can be put through."

POW-WOW OF REDMEN.

Invitation to Installation and Reception Next Friday Evening.

Hawaiian Tribe No. 1, I. O. R. M., will install its new officers and have a pow-wow next Friday evening. The affair will take place in Harmony Hall. A number of pale faces have received the following invitation, printed on rough, brown paper:

"The Sachem desires your presence at the first Pow-Wow, Hawaiian Tribe No. 1, I. O. R. M., at their tepee—Harmony Hall—on the Sleep of the Seventh Sun, Cold Moon, eighth run, G. S. D. 407. Hi Skookum Muck-a-muck."

That Punchbowl Quarry.

The matter of quarrying under the Punchbowl reservoir received considerable attention from the Cabinet this morning. It was decided that, up to the present, no harm has been done. An investigation will be made to determine just how much farther the work can be allowed to go.

Will Be of Brick.

Colonel Macfarlane has decided, since his return, to build the fine new hotel kitchen of brick. The first idea was to have it of wood. Fred Harrison will do the work. The cost will be much greater than was first intended.

The Anchor.

P. T. Ryan still continues in charge of the Anchor and is ably assisted by William Carlyle. At the Anchor, Seattle beer on draught can always be had as well as the best brands of whiskies, etc., including John Dewar's Scotch whisky. A full stock of other liquors, wines, etc., is kept on hand also.

Figures on Sewerage System.

Rudolph Hering's estimates of cost of sewerage and drainage system for Honolulu came to hand by the Australia. It is a very complete statement in pamphlet form. The total cost of the system complete will be in the neighborhood of \$260,000.

Pure Milk and Fresh Eggs.

What is nicer and more refreshing than a fresh egg shaken up with pure milk, shaved ice and flavored to suit your taste with fresh syrups; invest 10c. and try one. Also shake made with pure milk and any desired flavor 5c.

PALAMA GROCERY, Opposite Railway Depot, King street.

Nicely furnished rooms at the Popular House, 154 Fort street, from \$1.00 per week up.

ANNEXATION IN THE HOUSE

Much Depends on the Action of Committee on Rules.

How the Lower House Stands on the Question That Most Interests Hawaii Just Now.

Concerning annexation in the lower House of the United States Congress, the following was received from Washington yesterday from a gentleman who is well posted on the subject:

"No idea can now be obtained as to the status of feeling in the House, as a very large number of members will not commit themselves. The principal difficulty to be met there is Speaker Reed's opposition.

"The rules of the House are such that a measure which comes up in the regular order holds its place at the head of the list for two days only. If a vote has not been reached by that time, it goes to the foot of the list, which practically means its defeat. The only way in which a measure can be sure of being brought to a vote is by securing a report from the Committee on Rules recommending a special rule to the House under which a given measure is to be debated upon for a given length of time and brought to a vote at a specified hour. The Committee on Rules consists of the Speaker, two other Republicans and two Democrats. In case the Speaker should refuse to vote with the other two Republicans, it would prevent the report of such a rule and thereby prevent consideration or ratification of the proposed Joint Resolution. I am assured, however, by members of the House and Senate that such a thing as a refusal by speaker Reed to give an opportunity to vote upon a national measure, especially one proposed by the President, is not to be thought of and no fear need be entertained that if a Joint Resolution is brought before the House a vote will not be allowed.

"No analysis of the House has yet been made, although I am trying to get it as fast as I can. I am assured by one of the leading Democratic members friendly to us that he thinks that no less than 20 Democrats will vote in favor of annexation. As there are 25 Populists, some of whom at least we can hope to secure, and a clear majority of 75 Republicans, it would seem as though, unless some such question as the Cuban matter interferes to complicate it and prevent a vote upon its merits, we ought to be certain of the passage by the House of a Joint Resolution. However, it is impossible at this juncture to make any prediction as to the course the annexation measure will take in the House."

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