HONOLULU Library & Reading Room Association

Legends of Sleepy Hollow are Not Published in the Bulletin as News

It is the LIVE HAPPENINGS of the Day that appear in Honolulu's Live Paper

EVENING BULLETIN

People should be ALIVE to the fact that WANTS will satisfy their wants

VOL. V. No. 1046. HONOLULU, H. I., THURSDAY, OCTOBER 20, 1898. PRICE 5 CENTS.

FORMER QUEEN DEFENDANT

Sued on Alleged Agreement of Agent to Lease Land.

Voluminous Documents in Another Rice Land Controversy—Other Matters of Interest in High Courts.

A chambers summons has issued, entitled, "Wong Kwai, vs. Lydia K. Dominis, otherwise known as Liliuokalani." It is a bill in equity for specific performance, to compel defendant to execute a lease of the ahupuaa of Lumahai, Kauai, at an annual rental of $2300, for a term of ten years beginning January 1, 1900. The defendant by her authorized agent, Joseph Heleluhe, it is alleged, agreed in writing with W. C. Akana, as agent of plaintiff, to execute such a lease. Now it is alleged she is preparing to lease the land to a third party, and an injunction to restrain her from so doing is prayed for. Plaintiff alleges he has been for many years tenant of the land, cultivating a large portion of it as a rice plantation, and if defendant refuse to execute the lease it will cause him irreparable injury. L. A. Thurston is attorney for plaintiff.

H. A. Heen by his attorney, L. A. Thurston, files an answer of thirteen typewritten pages and nine pages of exhibits attached, to the bill in equity to redeem mortgage and for an accounting brought against him by Lam Sam Chin. He also files a demurrer to the complaint, alleging that Young Yung and C. Lai should be made parties to the suit. Defendant also files a motion to dissolve injunction, basing it on affidavits by himself and W. L. Hopper, which show that he is under contract to deliver 70 tons of paddy to J. A. Hopper, and, if unable to secure the paddy by the mortgages and agreements agreed to be delivered to him, he will be unable to meet his obligations and thereby be caused irreparable injury.

Judge Perry this morning heard and overruled a motion for a new trial of Hawaiian Commercial and Sugar Co. vs. Kahului Railroad Co. L. A. Thurston appeared on behalf of A. S. Hartwell, absent, for plaintiff; Kinney & Ballou for defendant. Mr. Ballou presented a bill of exceptions, which was allowed and takes the case to the Supreme Court.

In the action to quiet title of S. Ahmi vs. H. Holmes, trustee, and ten others, Judge Perry has ordered "that the plaintiff's demurrer to the defendants' pleas in bar is sustained and defendants are required to answer within ten days from this date."

The Hawaiian Agricultural Co. promptly appealed to the Supreme Court from the decision of Judge Perry dismissing its bill against Samuel Norris for specific performance.

A unanimous opinion of the Supreme Court has been rendered in the case of F. L. Dorch vs. A. V. Gear. It is written by Paul Neumann, who sat as substitute Justice with Chief Justice Judd and Justice Whiting. The matter was an appeal taken by plaintiff from a decision of the Circuit Judge of the First Circuit, sustaining defendant's demurrer to the bill as amended and dismissing the plaintiff's bill without prejudice. It is decided by the Supreme Court that, "The demurrer should be overruled with leave to defendant to answer, and with these directions the case is remitted to the Circuit Court for further proceedings." And the law declared in the syllabus is this:

"Equity will take jurisdiction for the relief of one partner where his copartner seeks to obtain for his sole use, and to the exclusion of the plaintiff, the benefit arising from a transaction within the scope of the copartnership.

"A bill to obtain such specific relief is not demurrable because a general accounting is not prayed for, and that irrespective of the dissolution or continuance of the partnership."

Kinney & Ballou for plaintiff; G. D. Gear for defendant.

LAND BARGAINS.

J. M. Vivas Puts Desirable Property on the Market.

J. M. Vivas advertises in this issue valuable property that will warrant the attention of people desiring good investments. The prospective farmer will find an exceptionally good bargain in the twenty acre farm at Honokaa, Hawaii. This farm is in the pink of condition partly planted with good seven-year-old coffee; good dwelling houses, oxen and carts, and imported stock. Everything connected with the place is in first class order. A coffee tract in Kona is also offered. The city property is in the best residence districts and can be purchased at at very reasonable figures. The reason why the most of this property is put on the market is that the present owners intend making a change of residence. Mr. Vivas, who is favorably known to the business community can be found at his office next to the post office.

NAVIGATION NOW CLOSED.

So Klondikers Will Have to Take the Overland Trail.

Vancouver, B C., Oct. 10.—Representative Mason, who has just arrived from Dawson, reports that navigation on the Yukon is now closed. The last steamer to leave for St. Michael was the Sarah. The steamer James Domville went aground near Rink Rapids and the steamer Clara is aground in a slough close to Indian River. Both steamers were coming up the Yukon.

Want a Tug-of-War.

Casey, a member of Co. A, 18th Infantry, now at Camp Otis, is anxious to get a tug-of-war match with the Wela ka Hao team or any other team of natives. Casey is an athlete beyond doubt and he says he has men who can pull anything over the line. Should any team wish to arrange for a match they may communicate with Casey at Camp Otis.

Not Encouraging.

Word was received from the family of Julius Hoting in Bremen by the Gaelic's mail, of date two days late than the last previous letters announcing his serious illness. Mr. Hoting showed no sign of improving, and was unable to recognize members of his family.

American Capital Invested in England.

London, October 10.—The representative of a Pittsburgh company is negotiating for twenty acres of land on the banks of the Manchester ship canal, where it is proposed to erect a manufactory of non-corrosive metal which will employ 5000 men.

Picnic at Waikiki.

The Daughters of Rebekkah are indulging in a picnic in Waikiki today, complimentary to Mrs. McGregor and her daughter, Miss McGregor, both of whom will leave shortly for the colonies there to spend about a year.

Royal makes the food pure, wholesome and delicious.

ROYAL BAKING POWDER

ROYAL BAKING POWDER CO., NEW YORK.

ANOTHER BIG STOCK SALE

Broker W. E. Brown Handles 95 Shares of Ewa at $230.

Later Advances Five Points—Active Day on Stock Exchange—Oahu Still Largely Handled at Good Prices.

This was another record breaking day on the Stock Exchange. Broker W. E. Brown sold 95 shares of Ewa at $230. which involved $21,850. This holds the record up to the present and further indicates that large blocks of stock are not a drug in the market.

Board sales and street sales reported aggregated $29,830. Two lots of Oahu Assessable at $142 and 10 of Ewa at $230 were sold on 'change and from the street the following sales were noted:

Two lots of Oahu Assessable 10 share each $142, two lots of Ewa 10 and 85 shares at $230.

Ewa closed at $235 with $230 bid. For Oahu Assessable $141 was bid and $142 asked. Wilder S. S. Co. $110 bid $120 asked.

Following are the closing quotations: Asked for Ookala $100, Olowalu $120, Pacific Mill $250, Paia Plantation $250, Pepeekeo $205, Pioneer Mill $375, Wailuku $285, Waimanalo $190, I. I. S. N. Co. $140, Hawaiian Electric $202½, Mutual Telephone Co. $14.

Mare Island Navy Notes.

Vallejo, Oct. 8.—At 2 o'clock this afternoon Commodore John Watson formally assumed command of the Mare island Navy Yard and station.

The Hartford will be taken from the dock on Monday and the Yorktown will take her place on Tuesday. She is nearly ready to go into commission. Thirty-five men who enlisted for the war will go East on Monday by train. They will be discharged to date from their arrival at their various places of enlistment in the East and the Government furnishes them transportation.

Brilliantly Colored Fish.

Never in many months was such a display of brilliantly colored fish seen at the market as that of yesterday. Each counter was laden with the most beautiful that swim in Hawaiian waters. Each fisherman seemed to secure these kind of fish. Visitors who went to the market hurried home to tell their friends and, before 5 o'clock there were crowds down to see the display.

Malolo Sails Tomorrow.

The fishing smack Malolo will sail late tomorrow afternoon for the purpose of visiting stations at Lahaina and on the island of Lanai. No fishing will be done on the trip as Captain Sass is anxious to have all the preliminaries arranged before starting out. Stations at the places named are necessary and this work will of course be the first,

Last of the Machinery.

The Mauna Loa is taking on today the last of the machinery for the coffee drying plant now being put up at the home of Dr. A. McWayne in Kona. Dr. McWayne expects to do some very good business with his recent importation.

Roll Top Desks.

Ordway & Porter, the extensive furniture dealers of Hotel & Bethel streets, have just received a large invoice of roll top office desks. The desks are in many styles, permitting all to be suited.

Seattle Beer.

This ever popular Rainier beer is becoming a household word and "will you have a glass of Seattle" is more often heard than anything else. The Criterion Saloon have the beer on tap or in bottles.

JAS. SHERWOOD DISCHARGED.

Case Occupied Much Time in Police Court Today.

Most of the time in the Police Court this forenoon was taken up with the trial of Jas. Sherwood of Long Branch, Waikiki, on the charge of selling spirituous liquor without a license. A. G. M. Robertson appeared for the defense while Marshal Brown conducted the prosecution.

The witnesses for the prosecution, young men who were at Long Branch on the day the place was raided, told about the same story. They had gone out for a quiet afternoon by the seaside, had taken beer with the luncheon that had been served and had taken some gin later. No one knew who put the beer on the table. It was there when they went in. As to the gin, this was given them by Deputy Marshal Chillingworth.

There was absolutely no evidence produced to show the guilt of the defendant, although Marshal Brown contended that, according to the statute, it was not necessary to show that liquor had been paid for.

Marshal Brown made a motion that the liquor found on the place be confiscated and sold. Attorney Robertson asked for a continuance until Saturday. Granted.

Another of the proprietors of houses raided Sunday, plead guilty to the charge of selling spirituous liquor without a license and was fined $100 and costs.

Ryan, a private in the troops now stationed here, plead not guilty to the charge of drunkenness. The mounted patrolman stated that, in answer to a telephone message, he had gone to a place on Alakea street. He found the soldier lying by the side of a fence, drunk. Later the police officer said he found him fighting.

Judge Wilcox then told the officer what he thought of him. He had tried to wake him believe that the soldier was lying near the fence dead drunk. With a wave of his hand he dismissed the case and told Ryan to go about his business.

Ah Pook was sent to the reform school on the charge of truancy.

Kahananui was fined $15 and cost for having che fa tickets in possession.

The Bicycle Patrolmen.

The suggestion was made yesterday that the bicycle patrolmen on the police force be fitted out with regular bicycle costumes. The present ones are very inconvenient. The trousers, in the first place, are extremely warm and then again, the leggings which they are forced to wear, are so stiff as to interfere with the riding.

The bicycle patrolmen are called out when the immediate presence of officers is necessary and everything that would go to promote speed and comfort, should be furnished the men.

Only Thirteen Deaths.

Since the arrival of the New York and other troops now here only thirteen deaths have occured. This is a low record considering the number of men who now in camp.

A London dispatch says British troops in Khartoum are "dying like flies."

BAILEY'S BIKE BITS.

ITEMS OF INTEREST TO BICYCLE RIDERS.

Rubber is very scarce and steadily advancing in price. Bicycles tires and tubes, also Carriage tires are likely to advance in price, so cents a PAIR advance already on some tires. NO ADVANCE WITH US.

The 30 inch wheel will not take the place of the 28 as advertised by some manufacturer in '99, canvass of various makers has resulted in an estimated of from 5 to 10 per cent. "The Cycle Age" says it is a passing fad, like the 30 inch front wheel of a few years ago, and the very low head of this year. Proportionate strength has to be followed out to insure reliability which gains and keeps the popular favor.

Bicycles will be docorated, and appearance in '99, studed even by those makers who have held back from using transfers striping, etc., the demand is for decoration and Bikes will be ornamented to suit the taste of the purchasers.

BAILEYS HONOLULU CYCLERY, 93 King street has good second hand wheels at $15, with new tires $20 to $25. NEW Bicycles $50 '97 model. The Reliable Stormer Wheels '98 model at $40 guaranteed 1 year, M and W tires.

Repairs of all kinds.

$1 per month keeps your Bike cleaned, oiled and punctures repaired a popular feature at

231 King Street.

THE EXECUTIVE DISABLED

Minister Cooper Takes His Turn in the Invalided List.

Both Chief and Deputy of Interior Department Laid Aside—The Chinese Immigration Question.

Minister Cooper is now confined to his home with a bad cold. Minister King is not out yet. Attorney General Smith is heroically holding down his desk with his game arm. President Dole is absent on Hawaii. Minister Damon is the only whole man left in the Executive. Chief Clerk Hassinger of the Interior Department has been making puns on a bed of languishing since Friday.

Secretary Girvin of the Chinese Bureau of the Foreign Office is studying the Newlands resolution to find out the status of his oriental proteges under that document He has about concluded that so long as there is no danger of 80,000,000 Chinese entering the islands before Congress "otherwise" provides, President McKinley will keep a blind eye on George Stratemeyer when a steamer drops in from Hongkong.

Seriously, the question of Chinese immigration under the resolution of annexation is receiving earnest discussion in Government circles. The opinion of several eminent lawyers has been given in support of the view that the prohibition of Chinese immigration in that enactment only applies to future, when Congress shall have enacted a scheme of government for the islands in place of that found here on annexation.

The Last Car.

The last cars of the King street line going to Waikiki and Palama pass the Anchor Saloon. The cleverest mixologists in the city are there always to put you up anything you may desire. Drop in and take a drop before you take the car. The celebrated Seattle beer is to be had here on draught. A full line of liquors including John Dewar's Scotch, O. P. S., etc., always on hand. The most exacting and varied demands can be satisfied. The Anchor Saloon is here to please its patrons.

Gathers Up the Coal.

There is a little dark man with a French moustache that is attracting, at the present time, more attention than he really has any idea of. All day long he hangs out in the vicinity of the Irmgard and old fishmarket wharves. He hides behind boxes, bags or machinery until he spies a piece of coal dropped by a coal cart. Then he darts out, gathers it up and rushes to where his keep is. The little man is there with the carts at 7 a. m. and quits "work" with them at 5 p. m.

"Madchen" is Larry Dee's.

Manuel Phillips, the hackman who won the pretty filly "Madchen" in a raffle night before last, sold her to Larry Dee yesterday. Mr. Dee will put the filly into training and the next race day will very probably see her on the track.

"Madchen" is a half sister to "Klattawah," the horse that made a record of 2:04½ recently. Alf Horner had the refusal of the colt at $300 when only two years old.

Friend in Need.

R. Jay Greene, Past Commander of Geo. W. De Long Post, is kindly interesting himself in behalf of the unfortunate veteran, More, who has got into trouble as reported. He put up bail for him and was today trying to enlist the practical sympathy of citizens for saving the paralytic from the reef.

Honolulu Messenger Service delivers messages and packages. Telephone 378.

CONTROVERSY WARMS UP.

General King Requests Apology in Papers from Judge Wilcox.

Judge Wilcox, in his reply to the communication from Brigadier General King referred to yesterday, said in effect that, if his comments in court were proved to have been based upon erroneous reports in the papers, he would readily make an open withdrawal of such comments.

The reports in question were of the action or inaction of the military authorities upon the riotous conduct of Lieutenants Merriam and Wheelock in proclaiming and enforcing martial law on their own account one night upon the streets of Honolulu.

Today Judge Wilcox received a second letter from Brigadier General King, requesting from the District Magistrate an apology through the newspaper for his comments upon the commander made at the trial of soldiers arraigned for disorderly conduct.

This is Judge Wilcox's reply:

Honolulu, October 20, 1898.

harles King,
C Brigadier General, U. S. V.
Commanding.

Dear sir:—I have the honor to acknowledge the receipt of your communication of this date and beg to notice the contents. In reply permit me to say that I have nothing to add or to retract from the communication I forwarded to you, dated October 18, 1898.

I have the honor to be,
Yours very respectfully,
W. LUTHER WILCOX,
District Magistrate of Honolulu.

Soldier's Funeral.

The funeral of Private Timberlake, of Company L, 18th Infantry, stationed at Camp Otis, took place from St. Andrew's cathedral this forenoon. Interment took place in Nuuanu cemetery. The procession was headed by a firing squad from Company L. Next came Chaplain Schwarz of the New York Regiment, who conducted the services and following this was the hearse.

The remainder of Company L followed behind the hearse and in the extreme rear were carriages with several ladies, among these being Mrs. S. M. Damon and Mrs. Widdifield.

Real Estate Bargains.

In this issue, under New Today appears a choice list of real estate for sale by J. L. Kaulukou. Among the bargains is a fine residence lot on King street, being the premises of Mrs. Kate L. Vida. See the announcement for a description of the property.

Challenge Accepted.

The challenge from the Punahou to the Town football team for a game on Thanksgiving Day, was accepted at a meeting of the latter team held yesterday.

Rear Admiral John Carson Febiger U. S. N. is dead.

George D. Saxton, a brother of Mrs. McKinley was shot and killed in Canton O., Oct. 7. Mrs. Anna C. George has been placed under arrest.

Senator Morgan has arrived in Washington and had a conference with President McKinley. Morgan refused to discuss the Commission report.

Awarded
Highest Honors—World's Fair.
Gold Medal, Midwinter Fair.

DR. PRICE'S CREAM BAKING POWDER

A Pure Grape Cream of Tartar Powder.
40 YEARS THE STANDARD