BY AUTHORITY.

THE 10th day of January, 1875, being the Birthday of H. R. H. Prince W. P. Leleiohoku, the present Regent, occurring on Sunday, Monday the 11th of January will be observed as a National Holiday, when the Government Offices throughout the Kingdom will be closed.

W. L. MOEHONUA,
Interior Office, Dec. 24, 1874. Minister of Interior.

THE following persons have been this day appointed Commissioners of Fences for the district of Koloa and Lihue, Island of Kauai: W. H. Rice, S. Kalu, and Puhowai.

W. L. MOEHONUA,
Interior Office, Dec. 26, 1874. Minister of Interior.

MR. H. R. HITCHCOCK has been appointed by the Board of Education, Curator of the National Museum.

By order of the Board of Education.
W. JAS. SMITH, Secretary.
Honolulu, Dec. 23, 1874.

MR. W. S. KAHUANUI has this day been appointed Marriage License Agent for the district of Puna, Island of Hawaii in place of Mr. J. H. W. L. MOEHONUA.
Interior Office, Dec. 23, 1874. Minister of Interior.

Sealed Tenders

Will be received at the Office of the Interior Department up to 12 o'clock noon of the 20TH DAY of the present month, for furnishing HARD POI of the best quality to the Oahu Prison for One Year from the first day of January, 1875.

The amount required will be about **10,000 lbs.** per Month, and is to be delivered at the Prison in such quantities and at such times as the Jailor shall direct, and he shall be the judge of the quality thereof.

A Bond of ONE THOUSAND DOLLARS will be required of the party to whom the contract is awarded for the fulfilment of the same.

The Government does not bind itself to accept the lowest or any tender made. W. L. MOEHONUA,
Minister of Interior.
Interior Office, Dec. 22, 1874.

The Following Anniversaries being National Holidays, will be observed on the several days mentioned below. All Government Offices will be closed throughout the Kingdom.

FRIDAY, December 25th—Christmas Day.
FRIDAY, January 1st—New Year's Day.

W. L. MOEHONUA,
Interior Office, Nov. 20th, 1874. Minister of Interior.

School Notice.—THE CHRISTMAS VACATION of the Government English Day Schools in Honolulu, will extend from the 21st day of December inst. to the 4th of January next, beginning the First Term of the New Year on Thursday January 7th, 1875. By order of the Board of Education.

W. JAS. SMITH,
Honolulu, Nov. 23d, 1874. Secretary.

Notice of Change of Name.—Upon the petition of E. ASEGUT, of North Kohala, Hawaii, setting forth that his proper baptismal name is FRIEDRICH GERHARD PADEKEN, and that the name of E. Asegut, by which he has been known in this Kingdom, is not his own proper name, and praying that His Majesty in Privy Council would change this to his said proper name of Friedrich, in accordance with the provisions of Chapter XXX of the Statutes of 1872; His Majesty the King, in Privy Council on the 17th day of May, A. D. 1874, did decree that the name of E. Asegut be changed to Friedrich Gerhard Padeken, as prayed for.

W. L. MOEHONUA,
Interior Office, Nov. 23, 1874. Minister of Interior.

NOTICE.—Parties desirous of employing apprentices to learn Mechanical Trades, may do so by applying to the Board of Education, who has under its control at the Industrial and Reformatory School at Keomoku, Kapalama, boys of age ranging from 12 years upwards, eligible for that purpose. CHAS. R. STONER,
President of the Board of Education.
Education Office, October 5, 1874. 509

National Museum.

MR. WM. JARRETT, Chief Clerk of the Department of Foreign Affairs, is authorized to grant receipts for all objects of interest suitable for the National Museum, which it is proposed to establish for the present in the Rooms adjoining the Foreign Office, Allisani Hale. Articles lent to the Museum will be catalogued with the name of the lender. Donations will be gladly received, and also catalogued with the name of the donor. Old Hawaiian implements, Dresses, Ornaments and Utensils, Hawaiian Minerals and preserved Zoological Specimens, are particularly desired.

CHAS. R. BISHOP,
President of the Board of Education.
Office of the Bureau of Public Instruction,
Honolulu, Sept. 8th, 1874.

Supreme Court—In Equity.

Dec 22—J. T. Waterhouse vs. D. H., and E. G. Hitchcock, and A. S. Cleghorn, assignees of the estate of Siemson & Conway.—Before Mr. Justice JUDD. Argument on demurrer to the bill, on the ground of insufficiency of parties defendant in the suit. The Court, after hearing the arguments of Counsel, reserved its decision.

24th—The Court delivered its decision sustaining the demurrer, but granting leave to amend on payment of costs of hearing, or the bill to be dismissed. (See decision.) A. S. Hartwell for complainant; R. H. Stanley for defendants.

In Probate.

Dec. 23d—Guardianship of Josias Kaaukau, a minor—Before Mr. Justice HARDY. Petition for the appointment of a new guardian in the place of Hon. A. F. Judd, resigned. The Court examined and approved the accounts of the late guardian and ordered letters of guardianship to be issued to J. D. Robinson upon his filing a bond in the sum of $500.

Dec 23d—Estate of Malusikoo, deceased—Petition of H. Dimond, that J. Porter Green be appointed administrator of this estate. The Court ordered letters of administration to be issued to J. Porter Green upon his filing a bond in the sum of $500. Inventory to be filed in 30 days, and notice to creditors to be advertised for four successive weeks in the HAWAIIAN GAZETTE and Kuokoa newspapers.

24th—Estate of Maria Ogden, deceased—Before Mr. Justice JUDD. Petition of S. N. Castle for settlement of final accounts and discharge as executor. The Court approved the accounts and ordered a supplemental account to be filed, showing the final distribution of the property with receipts for the same, after which an order will be made discharging the executor.

Estate of Mercy P. Whitney, deceased—Before Mr. Justice HARDY. Petition of H. M. Whitney and V. Knudsen, executors, for settlement of accounts and discharge. The Court examines and approves the accounts, and the executors will be discharged on filing receipts of Mrs. Pogue, S. W. Whitney and Emily E. McCall for $1,032.89 each, as devisees under the will.

Second Judicial District—Maui.

Cases heard at the December term of the Circuit Court of the Second Judicial Circuit, Island of Maui.

Present on the Bench Mr. Justice HARDY and Hon. A. FORNANDER, Circuit Judge. His Ex. R. H. STANLEY, Attorney General for the Crown.

The King vs. Kahalewai—Committed by District Justice, Wailuku. Malicious burning. Acquitted, the principal witness having died. Nahaku for defendant.

The King vs. Kahiamoe—Burglary and House-breaking. Nolle prosequi entered, prisoner confined at Molokai Leper Establishment. Kalaukane for defendant.

The King vs. Manuel de la Cruz (F)—Larceny 2d degree. Acquitted. Kaalaukane for defendant.

The King vs. Kasus—Selling and furnishing intoxicating drink to natives. Nolle prosequi entered. Kaalaukane for defendant.

The King vs. Kaee (k)—Assault and battery. On the ground of excess of punishment. On motion of Attorney General, fine reduced to $5 and costs.

The King vs. Kanihoolooie (w)—Selling and furnishing intoxicating drink to natives. Dismissed on conviction of husband. Kaalaukane for defendant.

The King vs. Kahalehau (k)—Selling and furnishing intoxicating drink to natives. Found guilty and fined $161.50 and costs $38.50, or 2 years imprisonment.

The King vs. Kanakaokai—Distilling spirits, Wailuku. Found not guilty, 3 dissenting. Nahaku and Kaalaukane for defendant.

The King vs. J. B. Hirst (F)—Assault and battery, on the ground of excess of punishment. Plea guilty. Fined $25 and costs. E. Preston for defendant.

The King vs. Achou (Pake)—Selling and furnishing opium without license. Found guilty and fined $100 and $34 costs. Kaalaukane for defendant.

The King vs. Kamakea (k)—Selling and furnishing intoxicating drink to natives. Found $110 and $38.50 costs. Nahaku and Kaalaukane for defendant.

The King vs. Napua (k) and Kahalekala (w)—Adultery. Continued to the June term. Kaalaukane for defendants.

The King vs. Kanehu (w)—Selling and furnishing intoxicating drink to natives. Nolle prosequi entered. Prisoner discharged, she could not commit the offense.

The King vs. Kekauila—Larceny 4th degree. On motion of Attorney General, prisoner acquitted.

Civil Calendar.

D. D. Baldwin vs. Campbell & Tarton—For writ of Possession. Appeal from Police Justice, Lahaina. Dismissed. S. B. Dole for plaintiff; E. Preston and L. McCully for defendants.

Paalohi vs. Kamaka—Trover. Appeal from Local Circuit Judge. Dismissed.

T. H. Hobron vs. Akashana (Pake)—Deserting contract service. Dismissed.

SPECIAL NOTICE.

The Eleventh Volume of the HAWAIIAN GAZETTE will commence with the issue of January 6, 1875. If paid for in advance, or during the month of January, a receipt in full for the year will be given for $5. Now is the best time to subscribe. We hope to receive many new names to our list.

HAWAIIAN GAZETTE

AN INDEPENDENT JOURNAL,
DEVOTED TO HAWAIIAN PROGRESS.

PUBLISHED AND EDITED BY
HENRY M. WHITNEY.

WEDNESDAY, DECEMBER 30.

HIS ROYAL HIGHNESS THE PRINCE REGENT will receive the citizens of Honolulu, on Monday, January 11, in the Legislature Hall, at Alioiani House, between the hours of 12 and 2 P. M. The birthday of His Royal Highness comes this year on Sunday the 10th, but Monday will be observed as such. We doubt not that all will esteem it a pleasure to pay their respects to the Prince Regent on the occasion. The 11th of January will be observed as a national holiday.

IN our report of the King's stay in California, we omitted to note his visit to the navy yard at Mare Island. He was conveyed thither in the steamer Benicia, Captain Hopkins, and arrived off Mare Island at 1 P. M., of December 2. His Majesty landed under a royal salute with the yards of all the war ships manned. As the King landed on Mare Island, the marines were drawn up in order at the boat-landing. All the officers of the navy yard and of the vessels in the harbor were present in full dress to receive their distinguished visitor. The shore was thronged with spectators. Admiral J. Rodgers' residence was beautifully decorated with evergreens and flags. The Admiral met his guest on his arrival and presented the officers; after which he escorted him to his residence, where a collation was partaken of. After this the party returned to the Benicia, highly delighted with their visit.

ON our fourth page we give an abstract of so much of President Grant's message as had been received in San Francisco up to the sailing of the mail steamer on the 8th inst. The Message was delivered to Congress on the afternoon of the 7th. It will be seen that he urges very strongly the resumption of specie payments, and it is probable that Congress will sustain his recommendations, and take some action. There has been a large falling off in the revenue from duties, the receipts for 1874 having been fifty-two millions less than in 1872. The Secretary of the Treasury favors the restoration of the duty on coffee and tea, which produced some $18,000,000 revenue at the time it was abolished. It is doubtful whether any reductions will be made at the present session in the duties levied on any imports. The next Congress will probably attempt to make sweeping changes.

WITH this number closes the tenth volume of the HAWAIIAN GAZETTE, and with it the year 1874. The year now ending has been a most eventful one for our little Kingdom. Scarcely had it commenced when the death of King Lunalilo was announced, and the nation was called to mourn its favorite and chosen head. This was followed by the stirring events connected with the election of King Kalakaua. Then came the Legislative session with its baneful demoralizing influence on the representatives and the people. Last, though not least, was the noble plan of the King to go himself in person to Washington to see what could be done to restore prosperity to the islands. The year closes, with His Majesty probably enjoying the hospitality of the Head of the American Nation in Washington. Most devoutly do we pray that He may be successful in the objects of his mission, and that He may not only succeed in securing a commercial treaty advantageous to his people and his kingdom, but that He himself may be benefited by what he sees and hears, and may return with nobler and more exalted purposes to establish justice and right, and to frown on corruption and evil, whenever and wherever they may appear to debase his people. We trust that those who have been patrons and readers of our journal the past year will continue so during the coming one; and all such will accept our hearty greeting of a "HAPPY NEW YEAR."

Kalakaua and Progress.

King Kalakaua has the capacity of a statesman to see chances existing for benefiting his country, and he has the heart of a patriot to apply all his energies toward making those chances certainties. His country, lying out there in the midst of the great ocean, has great capacities for producing what we need, particularly sugar. But she has no profitable market at home, and our tariff is a virtual prohibition to its introduction here at a profit. Hence his anxiety for a reciprocity treaty that will enable his people to dispose of their chief product at a saving rate. But this is only one of the needs of his people. They are isolated. While the people of other nations may hold immediate communication and converse as if face to face by telegraph, the people and the Government of his Kingdom can only receive and convey their ideas, news and purposes through the old and slow process of transportation by means of sails or steam. His kingdom needs the telegraph as well as reciprocity and steam lines, and he not only is fully conscious of the fact, but is ready to aid the enterprise which proposes to connect Hawaii with America and Japan and China, and we may say all the rest of the world east and west, by means of a sub-Pacific telegraphic cable. Waited upon yesterday by a gentleman interested in the company formed in this city for the purpose of constructing it, the King unreservedly declared himself in its favor, saying that the Parliament of his people had passed laws granting all the privileges, concessions and rights of way needed for the success of the enterprise, and added that he was prepared to aid it personally to the extent of his ability and influence. This shows that His Majesty is alive to the progressive movements of the age, commercially as well as otherwise. We hope soon to see his kingdom welcomed into intimate communion with the rest of the civilized world through the final links of the telegraph.—*Aha.*

Christmas in Honolulu.

Here, as elsewhere throughout the civilized world, this anniversary is kept as a religious and festive day, to which the young look forward for weeks with eager anticipations, as almost the only day in the calendar worth remembering; while the older portion of the community strive in a thousand ways to make it as pleasant as possible to every member of the household. Christmas Eve was one of the most charming of the many charming nights we are blessed with. The bright full moon rose over the eastern hills, carrying our thoughts back to the shepherds watching their flocks, when they were startled with the brilliant star that appeared and proclaimed the birth of Israel's Redeemer. Not a cloud was to be found from horizon to zenith, while the thermometer dropped to about sixty, as if to remind every one of the chilly nights in colder latitudes.

The usual midnight service was omitted at the Roman Catholic Church, on account of the repairs going on in the interior of the building, but the early morning services were held and also at half past ten in the forenoon, His Lordship Bishop Maigret performed high mass in the presence of a large congregation.

At St. Andrew's Cathedral on Christmas Eve, evening prayers were said at half past seven. On Christmas Day the Holy Communion was celebrated at half-past six in the morning in the Hawaiian language, and at half past seven with choral service in the English, a sermon being preached by the Bishop. At eleven o'clock morning-prayers were said in English, when a Christmas sermon was preached by the Rev. R. Dunne, M. A. At noonday a celebration of the Holy Communion again took place. Evensong was said at four o'clock in Hawaiian, followed by baptisms; and at half past seven in English, a sermon being preached by the Rev. W. Calder.

At the Fort Street Church, a special effort was made to entertain the children of the Sabbath School. At 7 o'clock on Christmas Eve, the church was filled, the scholars occupying the front seats. The pastor made a short address to the audience, after which seven young ladies appeared in front of the pulpit, each wearing a brilliant sash representing one of the seven colors of the rainbow. After reciting verses of scripture, in which allusion was made to the color displayed by each, the whole joined in singing a song commencing, "This is the way the rainbow comes down."

The audience then adjourned to the vestry room, the superintendent of the school, Mr. Hall, stating that while the whole audience would be welcome below, there might not be room for all. But the apology was wholly unnecessary, for the vast crowd entered and "yet there was room." As soon as the folding doors were thrown back, a magnificent scene burst to the view of the audience. Two large Christmas trees, studded with brilliant lights, occupied the center of the room, their branches literally loaded down with beautiful presents. Between and beyond the trees was seen the motto "Glory to God in the highest." Around these floral pyramids the army of scholars eagerly crowded, their eyes sparkling with wonder and delight, when suddenly a loud rap was heard at the window, "and such a clatter," as if the sash had been broken. In an instant the juvenile patron saint rushed in, his fur robe and cap all covered with white, and, flourishing a whip in his hand, startled every one in the room, some of the children showing no little alarm. It was the original old saint,

"A little old driver, so lively and quick,
I knew in a moment it must be old Nick.
He was dressed all in fur from head to his foot,
And his clothes were all tarnished with ashes and soot;
A bundle of toys he had flung on his back,
And he looked like a peddler just opening his pack,
His eyes how they twinkled! his dimples how merry!
His cheeks were like roses, his nose like a cherry;
His droll little mouth was drawn up like a bow,
And the beard on his chin was as white as the snow.
He had a broad face and a little round belly
That shook when he laughed, like a bowl full of jelly.
He was chubby and plump—a right jolly old elf;
And I laughed when I saw him in spite of myself.
A wink of his eye, and a twist of his head,
Soon gave me to know I had nothing to dread."

His shrill, Fyfe-like voice soon made friends of every child in the room, when he scattered his gifts right and left, accompanying them with some witty remark that kept the boys and girls all in good humor. The trees were elegantly decorated, and probably were the most showy Christmas trees ever gotten up here in Honolulu. The makai one, on which were the richer and more elegant gifts of the girls, was much the more attractive of the two. Over three hundred presents were distributed among the children, some receiving quite a number. It is almost needless to say that every one went home delighted, while all who witnessed the scene were richly repaid. This is an easy and pleasant way to render a hundred and fifty little hearts merry and cheerful, and to fill them with love and gratitude for the blessings they enjoy. Those who took part in getting up the festive scene doubtless have their reward.

During the day and evening there were many festive gatherings of family circles, and from what we saw it is clear that there are few places where Christmas brought more unalloyed pleasure to old and young than in Honolulu.

Fiji as a British Colony.

The telegraph announces that Sir Arthur Hamilton Gordon has been appointed Governor of Fiji. He was formely governor of Trinidad and more recently of Mauritius. It is also announced that Fiji will be an independent colony, and not a dependency of any of the Australian Colonies, as some supposed it might be. Until the arrival of Sir Arthur Gordon at Levuka, a provisional government, organized by Governor Robinson of New South Wales, is established, of which Consul Layard is at present Acting Governor, and Mr. Thurston, Colonial Secretary.

The financial affairs of the colony are represented as flourishing, and the estimated receipts, mostly from customs and native taxes, are set down for the first year at £23,875. The estimated expenditure for the same period is £17,902, leaving nearly £7,000. Ex-King Thakambau receives the small annual pension of £900, but no other Chiefs are gazetted as under pensions.

The capital already invested in Fiji is reckoned, says a Melbourne contemporary, at about £650,000, of which New South Wales has contributed £290,000; Victoria £160,000; New Zealand £150,000; Germany £30,000; America and England £20,000. One firm in Sydney has invested between £60,000 and £70,000, and a Victorian firm between £25,000 and £30,000. £50,000 worth of Fijian debentures are held in New Zealand. Of the above capital some £30,000 are invested in small sailing crafts and boats, £50,000 in house property in Levuka, £70,000 in stocks in stores, and the balance, viz., £500,000, is invested in plantations. Altogether the prospects of Fiji look very flattering, and no doubt the change will insure a stable government and commercial and agricultural prosperity.

Canadian Reciprocity.

The Canadians have pleaded loudly and long for a reciprocity treaty with the United States. We suppose that most Americans have been willing that such a treaty should be contracted, but in such a manner that it should not be like the bargain of the white man and the Indian, in which the white man was to have the turkey, and the Indian the turkey buzzard. They did not desire that, in extending to Canada the benefit of a reciprocity treaty, all the advantages of it should enure to her benefit. Finally, a treaty has been agreed upon to the extent of drawing up the terms, or the basis of them. What they are we do not know exactly, but suppose they are fair to both parties. But they seem not to satisfy some of the people who have been so long and ardently crying out for the treaty. Now they oppose its acceptance.

But the great objection comes from the British at home. Fifty-two Chambers of Commerce joined and sent their representatives or delegates to Lord Derby to object to the treaty. They fear that if the Canadians are allowed to negotiate a treaty with the United States that it may and will interfere with their own trade. And that would never do, "you know." The general argument or objection made by these representative men was that they did not wish to see England placed on an inequality with the United States, and they claimed that such would be the case under the clauses of the treaty should it be agreed to. To this Lord Derby replied denying that such would be the effect of the treaty. While the representatives of those fifty-two Chambers of Commerce spake as they seem only capable of doing, from a merely commercial, one-sided and selfish standpoint, His Lordship replied as a sensible gentleman, an Englishman, but still a statesman.

He gave the Committee to understand that Canada had some interest in the treaty, as well as have British traders. The relations of Canada with the United States must be taken into account, and England is bound to place no unnecessary restrictions in the way of intercourse between the people of Canada and her neighbors. The fact seems quite plain to us that these British merchants, manufacturers, traders and shopmen in London, Manchester and elsewhere, care more for their own trade than they do for the prosperity of Canada. And there is just where the shoe pinches. They desire the Canadian trade, all of it, and do not contemplate, with any degree of grace, the proposition of allowing the Yankees to enjoy any portion of it. This is natural, of course, and perhaps we should not complain. Nevertheless, it would seem that the Canadians, who have to pay their own way, should be allowed to have a voice in making treaties on which their own prosperity, they believe, depends.—*Alta.*

Editorial Correspondence—No. 3.

VOLCANO HOUSE, KILAUEA,
December, 1874.

It was ten o'clock when we mounted our fresh and well-shod horses, and left Hilo, bound to the volcano. The details of the ride are an old story, and we skip over them, with the remark that every traveler bound to Kilauea should be well provided against the cold rain which is invariably met on the road. If he escapes it he is fortunate, as fair weather is the exception. Our company fortunately comprised old travelers, including Her Royal Highness Mrs. Dominis, Governor Kipi and wife, Miss Aldrich, Judge Lyman and others—a total of about sixteen, all accustomed to island campaigning, and to this rough volcano road in particular.

Late in the evening the party arrived at the hotel, to find a hearty welcome from the managers, Messrs. Stackpole and Gilman, who had been expecting us, and had prepared a cheerful fire in the old-fashioned fire-place, and what was more relishing, an excellent supper. A fatiguing ride of ten hours, with the thermometer at 50°, is sufficient to insure a sound sleep, —which travelers are sure to find here, where everything is so comfortable and home-like.

Pele's furnace, to see which was the great object of our visit, was active during the night, and from the hotel it was easy to see that there were two principal lakes in fusion, with lesser fires around them. Soon after breakfast the guide announced himself ready, and the party formed into line for the descent into the crater. But what a change has taken place since 1864, when my last previous visit was made. Not only have there been several flows of lava, which have considerably raised the level of the crater bottom as it existed then, but the subsidence of the central portion of it, in 1868, alters its topography very much. During the volcanic commotion, which took place early in April, 1868, at the time of the great earthquake, this central part suddenly caved in, leaving an oblong valley two miles in length by one in width, surrounded by a ledge about two hundred feet high. This basin has been gradually filling up, and has also been probably raised up by internal volcanic pressure, till now the surrounding ledge is not over one hundred and twenty feet above it. The most singular incident in connection with it is, that simultaneously with the shock the fires in Kilauea went out and did not reappear till after the eruption in Kau ceased.

The visitor, on reaching the bottom of the crater, follows the guide a distance of four or five hundred feet, then descends over rough and broken lava rocks into the sunken portion, through which the walking is tolerably smooth and easy, over large slabs of flat *pahoehoe* lava, covered with a thin crust, which, when trodden on, sounds like frozen snow. This lava flow is in places intensely hot, and in the night the smouldering fires can be seen through the wide cracks which cross it in every direction. It took us forty minutes of rapid walking to cross it, from which we estimated the distance to be about two miles. At the south side the ascent from the floor of the basin is more gradual, owing to frequent overflows of lava from the lakes. Some of these are quite recent, and the crust very hot. The guide had to turn back several times and seek a new track over lava of not so recent a formation.

On reaching the molten lakes, a great change was found to have taken place in this vicinity since 1864. Then there was but one small lake—Halemaumau—which was three or four hundred feet in diameter, and it was but slightly, if any, above the level of the crater bottom. Now, there are two active lakes, that of Halemaumau being the one at the left hand and farthest south; while the second, which is of more recent formation, lies at the right and is called by the natives, "Lake Kilauea." We approached to the very edge of the high precipice which surrounds the latter, and looked down a hundred feet or more into the boiling cauldron, which was incessantly spouting, and flowing generally to the left hand. The jets of red hot lava are frequently thrown up on to the top of the high bank surrounding the lake, a hight of one hundred feet. At other times the boiling lava seems to flow out through subterranean channels, exposing immense caverns on every side, under the precipices, glowing with the most intense heat and brilliancy, which no one can long gaze at. The size of Lake Kilauea must be five or six hundred feet in length by three hundred or more in width.

The older lake of Halemaumau was also very active, but the smoke and gases around it were so thick as to forbid approach, though at times, when the wind is favorable, it can be visited. The wall or precipice which surrounds these active lakes is not less than fifteen hundred feet long by eight hundred wide. The entire space enclosed by this wall may properly be termed "the old south lake," and I am told that at times of unusual volcanic activity, it is all in action, and even fills up and overflows its rim. These overflows must occur very suddenly, and singularly enough they have always taken place when no one was visiting the scene. The sight of these boiling cauldrons, their constant changes, their rising and falling, the spouting and dashing of the lava like surf on a shore, and the intense brilliancy of the blood-red molten mass—form a sight worth going a long distance to witness. No one can forget the grand picture he sees here.

Another noticeable change which has taken place is the gradual formation of the hill in the middle, or rather on the summit, of which are now located the two active lakes. It must be at least two hundred feet above the bottom of the sunken basin. A native informed me that where Lake Kilauea now is was a large cone in constant action, similar to those so frequently met in the crater. This cone suddenly fell in, and in its place was formed a lake, at first quite small, which has gradually increased in size, by its banks caving in, till now it is five or six hundred feet in extent. No one visiting this wonderful crater can doubt that fires are burning constantly beneath its entire extent. If we may judge from the record of forty or fifty years, there is no more danger now than there has been in years past, in visiting every part of it. About the time of the great earthquake and eruption in 1868, there were no less than thirteen lava lakes in various parts of this crater, which fact clearly shows its connection with the central chimneys of Mauna Loa, from which that eruption burst out.

The return from the lakes to the hotel is much more exhausting than the walk down, especially the ascent, where the traveler has about one thousand feet of precipitous climbing to surmount. Some one in the record book tells very forcibly the experience of most visitors, when he says that the distance from the hotel to the lakes is two and a half miles, but from the lakes to the hotel seven and a half miles! Many besides him have found his record too true.

The weather was charming during our stay here, the atmosphere clear as a mirror, and as bracing and invigorating as that of more northern latitudes. The mercury in the thermometer fell to 47°, and it took no stretch of imagination to fancy the heavy dew which covered the grass to be frost. The grand old mountains back of us were perfectly cloudless day and night, with their summits covered with heavy banks of snow.

An ingenious arrangement has been made use of to supply fresh water, which has proved very successful. A cistern is constructed near the steam ledges back of the hotel, with a roof over it, on which the steam condenses, and flows into the cistern. By this means and the occasional showers, a perpetual and abundant supply of the purest water is obtained.

The hotel is most admirably kept, and no visitor can complain where he finds every comfort provided for him as he does here, and on very reasonable terms. With a good road connecting with Hilo, which could be traveled in four or five hours, hundreds would visit Kilauea where tens do now. Such a road ought to be among the early improvements made by the government, using in its construction the labor of prisoners convicted on Hawaii. In this way it could be built within four years at a very moderate cost; and the increased revenue which the government steamer would derive from increased travel to the volcano would not be less than five thousand dollars a year.

H. M. W.

Supreme Court—In Equity.

J. T. Waterhouse vs. D. H. Hitchcock, E. G. Hitchcock and A. S. Cleghorn, Assignees of Siemsen & Conway.
Before Mr. Justice JUDD, at Chambers.

JUDGMENT ON DEMURRER.

The bill alleges that the plaintiff is a private creditor of Siemsen, one of the firm of Siemsen & Conway; that they made a general assignment to the defendants for the benefit of the creditors of the firm, as well as of their private creditors, and prays for an account, &c., in short it is the usual bill of a creditor claiming the benefit of an assignment and proceeding against the assignees to compel an account and payment of the distributive share of the proceeds.

The bill is demurred to on the ground that it appears by the deed of assignment, that certain parties, naming them, are creditors of Siemsen & Conway, who are, therefore, interested in the trust and are necessary parties; and it is claimed that, either these creditors should be made parties to the bill, or it should be brought in behalf of the plaintiff and all the other creditors who may choose to come in and take the benefit of the decree.

Plaintiff's counsel urges in reply that this is not a proper ground of demurrer because it does not appear in the face of the bill that these parties are creditors. It is true that the bill does not make profert of the deed of assignment and it is therefore no part of the record, and the Court has no knowledge thus far as to who are creditors. It is, however, apparent on the face of the bill that there are other creditors. In article fourth the bill sets forth that the deed of assignment was made to the defendants "of all the property of Siemsen & Conway and each of them in trust for the benefit of the creditors of them and of each of them." In article fifth, it is alleged that plaintiff requested defendants "to pay his claim or a just dividend thereon, *pari passu*, with claims of other separate creditors, &c." The second prayer of the bill asks for discovery "of all claims against said Siemsen & Conway," and the third prayer asks that "an account be taken of all said claims, and that the defendants be decreed to pay the plaintiff a just and fair dividend on said claim." This language shows that the assignment was not for the benefit of the plaintiff as the sole creditor, in which case he alone could sue, but that it was a general assignment for the benefit of all the creditors of Siemsen & Conway.

Having disposed of this objection the main question remains. Is the bill demurrable in that it is not brought in in behalf of plaintiff and of all other creditors?

Story in his Equity Pleadings, §157, says: "Where the assignment is made by a debtor for the benefit of his creditors, if any creditor seeks to enforce the trust, he cannot sue alone; but he must make all other creditors, provided for in the assignment, parties, either by name, or by bringing the suit on behalf of himself and all the other creditors who may choose to come in and take the benefit of the decree." In Sec. 216, id., "Where there is a general trust for creditors, or others, whose demands are not distinctly specified in the creation of the trust, as, their number as well as the difficulty of ascertaining who may answer a general description, might greatly embarrass the due execution of the trust, Courts of Equity will dispense with all the creditors and others interested in the trust being made direct parties. And it will be sufficient, if the bill is brought to enforce the due execution of the trust, that it should be brought on behalf of all interested. Burrill on assignments, chap. 51, is to the same effect.

The cases whence these text writers deduce this doctrine, are Wakeman vs. Grover, 4 Paige ch. R. 23; Bryant and Russell, 23 Pick., 508; Houghton vs. Davis, 23 Me. 28.

Where the creditor is not seeking to enforce the trust, but is acting in hostility to the assignment, seeking to avoid it on the ground of fraud or other illegality it is not necessary that all creditors should be made parties, for in this class of cases the assignee himself sufficiently represents the other creditors. Wakeman vs. Grover, above cited, and Riggs vs. Murray, 2 Johns ch. 565.

Counsel for Plaintiff contends that Silloway vs. Columbia Ins. Co., 8 Gray, 199; Moody vs. Gay, 15 Gray, 457; Barry vs. Abbot et al, 100 Mass., 396, are authorities that a creditor may institute such a suit for himself alone and that it is not necessary to be brought for himself and all other creditors.

But these cases are merely the judicial construction of Mass. Statutes of 1851, c. 206, and 1853, c. 34, where these words "The Supreme Judicial Court shall have jurisdiction in equity, upon a bill by *any creditor*, to reach and apply in payment of a debt, &c., &c.," are held to give the right to any person to bring a "creditors bill" by himself alone.

In the State of Massachusetts before the enactment of this statute of 1851, it was held that when a creditor "seeks to carry into effect an assignment in trust for the benefit of creditors, and to obtain his proportion of the trust fund, he is bound to make all the creditors parties. Or some of the creditors may sue in behalf of themselves, and the other creditors who may come in and obtain satisfaction of their demands equally with the plaintiffs in the suit."

In this case Wilde, J. says, "This form of proceeding, while it prevents delay, and the multiplicity of suits which are never encouraged, furnishes the Court at once with the means of administering equal justice to all parties interested. Bryant vs. Russell, 23 Pick., 523.

The case of Houghton vs. Davis, above cited, gives us a reason why *all* creditors should be made parties; that in such cases, each creditor is to be paid *pro rata* and the rights of *all* creditors will be affected by a decree which may lessen or enlarge the number of creditors and the amount of debts on which a dividend may be made. The proportion of one creditor cannot be determined and extracted from the common fund without deciding upon the proportion that would be payable to each of the others.

The Court is not in a position to make a decree awarding to the plaintiff a certain per centage on his claim without ascertaining what are the claims of other creditors whose positions must be identical with the plaintiff's, if he is entitled to have this trust enforced; they are therefore necessary parties.

I deem an allegation like the one set forth in the demurrer necessary in a bill of this kind, but, as this defect is not fatal, will permit such an amendment to be made, on payment of costs.

A motion to amend may be made or the bill dismissed.

A. S. Hartwell for Plaintiff.
R. H. Stanley for Defendants.

A. FRANCIS JUDD,
Justice of the Supreme Court.
Honolulu, Dec. 24, 1874.

NEW ADVERTISEMENTS.

THE LYCEUM—Joseph Moore of the Society of Friends "DV." will conduct a service Thursday the last day of the year at 7:30 P. M. Also on Sunday the 3rd of January, at 7:30 P. M. All have a cordial invitation.

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ALL PERSONS ARE HEREBY NOTIFIED that by mutual consent the firm of H. F. Ehlers & Co., has been dissolved, and that the Co-partnership interest of Mr. H. F. Ehlers in said firm, ceased from and after October 14th, 1874, and that the business of said firm under the same name and style will hereafter be carried on by the undersigned. ALBERT JAEGER.
Honolulu, December 28, 1874. 520-4t

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ONE EMERALD AND DIAMOND RING. A suitable reward will be paid, if returned to
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THE UNDERSIGNED RESPECTFULLY informs the public that Mr. S. K. Hawaan is no longer his agent; and that he has no agent in town or in the country. (519 2t) CHR. KUKART.

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LEGAL NOTICES.

SUPREME COURT, IN BANKRUPTCY. IN the matter of the bankruptcy of SAMUEL C. ALLEN, a voluntary bankrupt. Before Mr. Justice Hardy, in Chambers.

Whereas, on the 5th day of November, A. D. 1874, Samuel C. Allen filed his petition and was duly adjudged bankrupt; and whereas, upon reading said filings and petition, an order was duly made thereon upon all persons to appear before me, the undersigned, on the 21st day of December, to show cause if any they had, why the prayer of said petition should not be granted and the said Samuel C. Allen be adjudged a bankrupt; and whereas on the said 21st day of December, A. D. 1874, proof having been made to the satisfaction of the Court, that the notice of said hearing had been published in the "Hawaiian Gazette," a newspaper published in the city of Honolulu, and no persons having made any objection to the prayer of the said petition being granted.

Now therefore, it is ordered by the Court that the said Samuel C. Allen be, and he is hereby adjudged a bankrupt; and it is further ordered that notice of such bankruptcy be given in the "Hawaiian Gazette," for three successive weeks, calling upon all creditors of the said Samuel C. Allen to appear before me, the undersigned, at the Court House in the city of Honolulu, or my Chambers, on THURSDAY the 7th day of JANUARY, A. D. 1875, at 9 o'clock A. M., to prove their claims, if any, and to proceed in accordance with the provisions of Section 937 of the Civil Code.

CHAS. C. HARRIS,
First Associate Justice of the Supreme Court.
Attest: WATERS H. WEST, Clerk. 518 3t
Dated at Honolulu, this 21st day of December, A. D. 1874.

IN THE SUPREME COURT OF THE KINGdom of the Hawaiian Islands. Morris Cohn, Assignee of Morris Lenkauai, Plaintiff, vs. Thomas Spencer, Defendant. In Bankruptcy, before Mr. Justice Judd, Order of hearing on question of alleged bankruptcy.

Whereas an order has this day issued to the Marshal to take possession of the property of Thomas Spencer, of the Island of Hawaii, and to put his creditors, under some house, effects, books and papers under lock and seal, on the petition of Morris Cohn and Morris Lenkauai, alleging the said Spencer to be their debtor to the amount of over one thousand dollars and praying that for certain statutory reasons in said petition named he be adjudged