

NEW YEAR'S EVE.

Ring Out the Old Year, Ring in the New.

[Written for the GAZETTE.]

Toll, toll the bell for the year that is gone, Toll, toll the bell for the souls passing on, Toll, toll the sadness, and toll, toll the mirth Laid side by side in the wide lap of Earth.

O'er much of loving, and hoping and fear. Ah! but your autumn was freighted with wail, Blanche the golden, the russet turned pale;

IN GOLDEN LETTERS.

Have Your Christmas Presents Marked With Your Name. A large percentage of the gifts received this year consisted of leather or plush goods, scarfs, purses, boxes, toilet cases, etc.

In the Supreme Court of the Hawaiian Islands.

In Banco.

HEARING NOVEMBER 29, 1892.

BEFORE JUDD, C. J., BICKERTON AND DOLE, J. J.

THE QUEEN VS. JOHN COSTA AND ANNA COSTA.

A vote of want-of-confidence in the Cabinet was passed by the Legislature on the 1st November, 1892. The Cabinet tendered their resignations to the Queen on the same day, but continued to attend to the duties of their offices until the 8th of November, when their successors were appointed.

OPINION OF THE COURT PER JUDD, C. J.

The defendants were indicted for the crime of murder on the 7th November last before the Circuit Court of the Third Judicial Circuit. The following motion to quash the indictment was made, and the question thereby raised was reserved to the full Court by Presiding Justice Dole.

would have had. Commissions of this character were held by this Court, in Reg. vs. H. F. Poor, 8 Haw., — to be, under the present Constitution, invalid.

BY THE COURT.

The Constitution (Article 41) prescribes that the Cabinet "shall be appointed and commissioned by the King and shall be removed by him only upon a vote of want of confidence passed by a majority of all the elective members of the Legislature," etc.

We held in Reg. vs. H. F. Poor that as the tenure of office of a Cabinet Minister was no longer at the pleasure of the sovereign but was subject to the vote of the Legislature, the Queen could not legally appoint Ministers ad interim, for such an appointment would infer that the tenure was at the sovereign's pleasure.

Van Orsdall vs. Hagard 3 Hill 243.

We have no Article in the Constitution nor statute that provides that a Cabinet officer shall continue to hold office until his successor is appointed. According to the common law in England a person elected to a municipal office was obliged to accept it and perform its duties and he subjected himself to a penalty by refusal.

The essential facts as appear by the affidavits filed are as follows: On the 1st day of November, 1892, Her Majesty appointed and commissioned a Cabinet in which Mr. Chas. Creighton was Attorney-General.

We do not go to the extent of holding that in this kingdom a resignation of a public officer may not be finally effectual, though it be not accepted by the appointing power. Such an event would rarely happen.

It is most reasonable to hold that the Cabinet must continue to hold office until their successors are appointed. The good of the people require it, and we find it necessary and the wisdom of such a rule sustained by principle and authority.

can be considered as an acceptance of the resignations of the former Cabinet, or, if the resignations are treated as unnecessary, the new appointments were a removal of the former incumbents.

We therefore hold that the authority of Mr. Whiting to act as the deputy of the Attorney-General continued good until the successor of the Attorney-General was appointed, and his act in signing and presenting the indictment was valid.

Attorney-General Brown for the defendants. Honolulu, December 23, 1892.

A FIERCE FREE FIGHT.

Captains Paul and Lee Battle in the Merchants' Exchange.

There was more excitement in the Merchants' Exchange this afternoon than there has been at any one time in the last six years, says the San Francisco Report.

The news soon spread and the shipping men and merchants crowded in from all directions. Some sided with one man and some with the other, and cries of "Go it Jack!" "Go it Paul," could be heard all over the room.

The combatants were Captain J. Paul of George F. Smith & Co. and Captain Jack Lee, late of the bark Sonoma.

Captain Paul is the managing owner of the Sonoma and a half a dozen other vessels trading between here, Hawaii and the Sound.

When the two men met this afternoon on 'change Lee accused Paul of trying to keep him from making a living.

Lee was on his feet in an instant, and catching Paul by the hair, delivered a body blow that almost put the ship-owner hors de combat.

Then it was give and take. Science was thrown to the winds and the two staid citizens rolled on the floor and punched and kicked until they were tired out.

Secretary Emery of the Exchange ran into the street bareheaded and, after going a couple of blocks, secured the services of a policeman.

Paul and Lee were taken into an adjoining barber shop and had their wounds dressed, after which they were taken to the police station.

Both men will prefer charges of battery against each other.

Your Magazines.

They are lying loose on the shelves, and unless you take measures to protect them they will become soiled and defaced.

FOR THE HOLIDAYS.

ART GOODS Direct from the Art Centres.

- Artotypes, Photogravures, Monochromes, Randall's Photographs, Guerin's Photographs, Panels, Cabinet Frames, Photographs, Medallions on Glass, Pastels, etc., etc.

GIVEN TEN YEARS.

Illinois Wise Has a Narrow Escape From the Gallows.

Illinois Wise, the colored cook who was accused of murdering a Chinese on board the bark W. H. Dimond in April last, has pleaded guilty to a charge of manslaughter, and was sentenced to ten years' imprisonment.

There was an interesting case before Judge McKenna of the United States Circuit Court yesterday (20th inst.) when Illinois Wise, a colored man, was called for sentence.

Wise was indicted for murder on the high seas and pleaded guilty to a charge of manslaughter, which was accepted by the Government.

The charge against Illinois Wise was the murder of a Chinese in April last on board the American bark W. H. Dimond while lying in the harbor of Honolulu.

The Chinese was duly taken on board and hid in Wise's room. About two days before sailing Wise killed the Mongolian with a crowbar and threw the remains overboard.

The body of the murdered man was discovered as was also the bed clothing, and the crime was fastened on the colored cook of the vessel.

As the murder was committed on an American vessel the case had to be tried in this country.

When the case was called before the Commissioner, Wise told an improbable story about another Chinese and the watchman of the vessel having killed the man, and that he had arrived on the scene just as the crime was being committed.

Yesterday Carroll Cook made a plea for clemency on the part of the court for Wise, but Attorney Lindsey, representing the Hawaiian Government, strongly objected, and showed by the testimony how the crime had been a cowardly and bloody one.

United States District Attorney Garter stated that as Wise had made a plea of guilty to the crime of manslaughter, and as it would cause the Government much trouble and expense to press the charge of murder, the prisoner's plea had been accepted.

Judge McKenna ordered the prisoner to stand up, and said that if he deserved any clemency he had got all due to him when the Government accepted his plea on the lesser charge.

Wise escaped very luckily, as there was a dead case of murder against him. Carroll Cook was jubilant at the lucky escape of his client, and on the conclusion of the court's remarks said he felt "bally."

"In buying a cough medicine for children," says H. A. Walker, a prominent druggist of Ogden, Utah, "never be afraid to buy Chamberlain's Cough Remedy."

The following certificate which was procured from the United States Brewers' Academy for the purpose of ascertaining the good quality of the "Budweiser Beer" brewed by the FRED. MILLER BREWING CO., Milwaukee, Wis., explains itself:

NEW YORK, April 9, 1892. FRED MILLER BREWING CO., MILWAUKEE, WIS. GENTLEMEN: The sample of beer which we examined for you contains in 100 parts:

Table with 2 columns: Substance and Per cent. Alcohol 3.41, Extract 5.45, Sugar 1.32, Dextrin 2.68, Albuminoids 0.36, Lactic Acid 0.19, Mineral Substances 0.14, Hop Extract, etc. 0.81.

According to this analysis, we beg to state that in our opinion, the Beer has been well brewed, well fermented and well stored. It has a good life and shows good keeping qualities.

In addition to the fact that this Beer contains remarkably little alcohol, we beg to say that it is brewed of genuine hops and the very best Wisconsin barley, known as "Scotch Fife," and the water is taken from the celebrated Wawatoosa mineral springs well known throughout the Northwest; in fact it is the only Milwaukee Beer brewed with mineral spring water.