

ON DUTY CASES

A Serious Proposal to Test Schedule Legality.

PORTO RICO AND HAWAII

When California Was a Territory—Precedent Cited—Where Martial Law Prevails.

(Washington Correspondence of the Dry Goods Economist.)

A movement is on foot to test the validity of the tentative tariff schedules prepared by the War Department last November covering all importations into Porto Rico, including those shipped from the United States, and also the proclamation of the Treasury and State Departments continuing in force the preferential tariff schedules of Hawaii upon American products.

BASED UPON SPANISH TARIFFS.

It will be remembered that when the United States took military possession of Cuba, Porto Rico and the Philippines the War Department, assisted by the Treasury Department, promulgated tariff schedules for all these islands.

The power of this Government to provide the tariff referred to has not heretofore been questioned, but it is now alleged that the promulgation of the treaty of peace between the United States and Spain and the payment by this Government of the \$20,000,000, which was a condition precedent to the concessions made by Spain, have operated to conclude the session of Porto Rico to the United States, and that as the island is now a part of the territory of the United States, the products either of the island or the mainland transported from one to the other are not liable to customs duties, the Constitution prohibiting the collection of such taxes between the integral sections of the federal territory.

HOW IT WILL BE TESTED.

For the purpose of testing this question a plan has been formed for shipping certain dutiable merchandise to the port of San Juan, Porto Rico, and after a formal refusal to pay duty thereon, to tender such payment under protest, after which suit will be brought to recover the duties. The defense of the Government will be that Porto Rico is still under martial law, and that until the civil laws are formally extended the Dingley tariff act will not become effective in the island. In turn, this point will be met by the exporters with the contention that the signing of a treaty of peace was the signal for the extension of the commercial laws of the United States to Porto Rico, and that since peace was formally declared the civil authority of this Government must be supreme in the territory acquired by cession under the treaty.

AS TO HAWAII.

With regard to Hawaii a similar test is to be made, but under conditions even more difficult to defend. The Hawaiian Islands having been formally annexed without military intervention, the present Government of the Islands is, therefore, civil, and, though conducted temporarily by Hawaiians, is proceeding under the American flag.

At the last session of Congress two bills on this subject were introduced and met with various vicissitudes, being finally smothered in the pressure of legislation at the end of the session. One of these measures extended all the navigation and marine laws of the United States to the Hawaiian Islands, while the other formally provided for the installation of the Dingley act at all Hawaiian ports, making the coast line of the Islands a part of the frontier of the United States.

The failure of these measures to become laws has been taken by the Treasury Department as evidence that Congress did not desire the Dingley act to be extended to the Hawaiian Islands, and therefore the original Hawaiian tariff is still in operation. Taking advantage of this fact import-

ers of Oriental goods have shipped considerable quantities to Honolulu, storing the same in warehouses in the expectation of transporting them to the United States free of duty as soon as the Dingley act becomes operative in the Islands.

CALIFORNIA WHEN A TERRITORY.

The nearest precedent to these interesting cases is found in the circumstances connected with the admission of California to the United States. The territory having been acquired by conquest, the military authorities at once began collecting customs on foreign imports and upon goods entering from the United States. After the proclamation of peace between the United States and Mexico, the Secretary of War in a formal order extended the customs laws and regulations over the territory of California. There were at that time no customs houses in California, but collections were made at all coast ports.

After peace was declared certain importers of foreign goods at coast ports brought a test case by making payment of duties under protest, in deciding which the Supreme Court sustained the military officers in collecting duties on the ground that the United States customs laws had been legally extended to the new territory. No protest was made in time to test the question of the validity in collections made upon goods shipped from the United States into California prior to the proclamation extending the United States customs laws over that territory.

It is believed here that at least one important point will be gained by these suits, namely, the promulgation of an order of the Executive extending the Dingley act to Porto Rico, the case of California having furnished ample precedent for such action by the War Department. W. L. C.

HAD A BUSY DAY

Full Attendance on Sessions of Preachers.

Speeches and Reports at One Session - The Annual Tea Party at Central Union - Program.

The fifth session of the annual meeting of the Hawaiian Evangelical Association was held yesterday at the Central Union Church parlors.

At 9 a. m. the presentation of different representatives of the Association took place. Among the speakers were Rev. J. A. Cruzan, Rev. Mr. Austin, Rev. Mr. Ain, Rev. Mr. Durao, Rev. O. H. Gulick, and Rev. L. T. Uyeda. At 10:30 Rev. O. P. Emerson, secretary of the Association, and W. W. Hall, treasurer, read their annual reports.

In the afternoon the Ladies' Annual Tea Party took place. The tables were set in the church parlors. After refreshments the following program was given: Singing..... Kawalaha Girls Prayer..... Address of welcome..... Mrs. B. F. Dillingham Response..... Rev. I. S. Timoteo Welcome of the church..... Rev. Mr. Kincaid Response..... Rev. S. L. Desha Address..... President Dole Response..... Mr. H. Waterhouse Address..... Rev. J. A. Cruzan Singing..... Mr. Damon's School This morning the annual examination of the students of the N. P. M. I. will be held at Kawalaha Church. In the evening, at 7 p. m., the officers of the Board of the Hawaiian Evangelical Association will be elected.

BEYOND DEPTH.

Mrs. Jas. F. Post (May Ashley) Narrowly Escapes Drowning.

A few days ago, while Jim Post and William Howard were walking along the Waikiki beach, they saw two men jump into the water with their clothes on and swim rapidly to a point beyond a raft, where a woman was in distress. Post and Howard ran to the scene to see who was in pilikia and how it would turn out. The lady was safely towed to the shore by the gallant swimmers. To Jim's surprise the lady was no other than his wife. She had been out swimming, but had unknowingly stepped off one of the shelves of coral, thus getting beyond her depth. She was unconscious when carried into one of the resorts. Had it not been for the efforts of the two men at hand, the result would have been different.

Attorney Robertson yesterday moved for a new trial in the cases of Ibara, Yamane and Osaki, the convicted Kahuku Japanese. The motion was overruled. The usual exceptions were noted by the defense. The next step is an appeal to the Supreme Court. At present there seems to be no hope for Ibara, whose date of hanging is set for August 25th. Judge Perry will take action on the exceptions in a few days.

MANY TO LEAVE

People Who Will Soon Depart Hawaii's Shores.

Bookings for Three Steamers - For San Francisco and Two Canadian Ports.

A large number of passengers are booked on the steamers sailing for the coast during the next week.

At the agency of the Oceanic Steamship Company, W. G. Irwin & Co., the following are listed:

San Francisco, per steamer Australia, sailing June 13th—J. Barden, A. Hooper, C. E. Jacob, F. N. McCandless, H. A. Allen, Mrs. J. M. Robinson, Mrs. Roy, Miss Paris, Mrs. Dale, Miss Violet Dale, Miss Maguire, Mrs. L. Andrews, E. J. Waterman, A. F. Rooker, Mrs. Smith, W. A. Johnstone, Professor Koebele, wife and son; Miss Bessie Hopper, Miss Margaret Hopper, Miss Margaret Peterson, Mr. and Mrs. A. James, C. F. Wall, C. Christian, J. J. McCrosson, J. M. Robertson, Miss A. Shrewsbury, Mrs. J. H. Holron, Miss K. Gray, Miss G. Hobron, Miss H. Hobron, H. O. Brickman and wife, Mrs. Hicks, Mr. and Mrs. Lake, Mrs. E. Andrews, M. Smith, A. Parry, Mrs. Hayman, Miss Parke, J. J. Callendau and wife, E. S. Hicks, Miss M. Damon, S. M. Damon, Miss May Damon, Mrs. J. K. Shingle, Miss K. Bon, E. T. Nieblung.

At the agency of the Toyo Kisen Company, H. Hackfeld & Co., the following are booked for San Francisco per steamer Nippon Maru, sailing June 10th—H. A. Isenburg, wife and maid; C. M. Weaver, H. A. Allen, E. T. Nippling, H. A. Young and three daughters, A. Mitchell and daughter, Mrs. V. Hunt and child, E. R. Turck, Mr. Hicks, Miss Hicks, Mr. and Mrs. Lake, H. Fisher, C. D. Vincent, J. H. Belzer, C. Christian, W. T. Schmidt, G. Kirchoff and wife, G. G. Andrews, Gen. C. P. Egan and wife, George McFagan, M. F. Toner, wife and daughter; Mr. and Mrs. F. Smith, H. Mercer, Dr. H. H. Mainers and wife, Mrs. F. A. Bentley, Mr. Bentley, Mrs. F. A. Potter, Mr. and Mrs. F. W. Glade and three children, Miss M. von Holt, E. J. Waterman.

At the Canadian-Australian Company's agency, T. H. Davies & Co., the following are booked for Victoria, per steamer Warrimoo, sailing June 10th: Miss Jones, Miss E. Vernon, Dr. Campbell, wife and two children; Mrs. A. Cropp, Miss C. Carter, Miss F. Carter, Miss O. J. Smith, Miss E. C. Smith, C. H. Clapp, Miss E. Blake, Mr. and Mrs. F. W. Glade and three children, Miss von Holt, S. Bott, Col. Whyte and wife, Mrs. J. F. de Bolt, A. F. Rooker, C. N. Weaver, A. Hooper, D. Levene, Miss E. O'Rourke, W. O'Rourke, O. Johnson, Mrs. H. W. West and three children, Mrs. M. F. Mayne and two children, J. Kirschberg, J. Burns.

STANGENWALD PROPERTY

The Entire Large Estate is Bequeathed to the Widow.

The will of the late Dr. Hugo Stangenwald was yesterday filed for probate. The estate is made up of real estate in Honolulu valued at \$42,000, and personal property, consisting of household furniture, scientific apparatus, personal effects and cash, the total value of which is \$15,000. The real estate includes a lot on Beretania street, lot in Kukui lane, lot on Kukui street, homestead Nuanu street, lot next to homestead, lot on Merchant street.

The entire property is left to his wife, whom he also appointed executrix of the will. The witnesses are James W. Robertson, A. B. Wood and William Waterhouse.

The accounts of George A. Carter, administrator of the estate of Edwin A. Jones, deceased, have been approved.

The petition of Anderia A. Hoalelea, trustee under the will of J. H. Coney, deceased, to sell some of the land either in lots or as a whole, at public auction or private sale, has been approved. Applications for certain portions of the land have already been received. The property consists of about fifteen acres of land in Nuanu Valley, and some more on Tantalus.

Italian Fishermen.

Capt. Sasa, of the gasoline fishing schooner Malolo, has about decided to go to San Francisco to secure a crew of fishermen who will permanently engage themselves in the fishing off the Molokai banks. The Deep Sea Fishing Co., under Capt. Sasa, has tried all sorts of people to man their boats and attend to the seining, but so far without success. Japanese, Hawaiians and a mixed crew of various nationalities have been tried. Capt. Sasa will now bring down a lot of old time noted Levantine mariners who have emigrated from the blue Mediterranean to snare the salmon in the Golden Gate. With a colony of these swarthy people he hopes to bring a cargo at last to market. Capt. Sasa will return in about three weeks from the coast.

Came Very Near Dying

Dr. J. B. J. Abscesses Formed; Health Gone. She was glad to publish the testimonial of Miss Annie Simpson of Auckland, New Zealand, who suffered intensely for years, and who was finally cured when she obtained the relief from Dr. J. B. J.



"I was a strong, healthy woman until five years ago, and while living in England was recovering from an attack of measles. I took a chill, had a relapse and came very near dying. My blood was left in a very bad state, abscesses formed on my body, I was confined to my bed two-thirds of the time. At times I was unable to move for two years. I failed to obtain any relief, so finally I was advised to come to New Zealand. After coming here I remained about the same, trying many remedies without obtaining any benefit. About a year ago after seeing one of your advertisements I determined to try

DR. AVER'S Sarsaparilla

Dr. J. B. J. Abscesses Formed; Health Gone. She was glad to publish the testimonial of Miss Annie Simpson of Auckland, New Zealand, who suffered intensely for years, and who was finally cured when she obtained the relief from Dr. J. B. J.

HOLLISTER DRUG CO., Agents.

LOCAL BREVITIES.

H. C. \$110, sale, San Francisco May 31.

Pauhanu Plantation, \$44, sale, San Francisco May 31.

Hana Plantation, \$17.50, sale, San Francisco May 31.

Onomea Plantation, \$42, sale, San Francisco May 31.

Hutchinson Plantation, \$34.25, sale, San Francisco May 31.

Kilauoa Plantation, \$32.25, asked, San Francisco May 31.

The name of B. F. Dillingham now appears in the membership roll of the Honolulu Stock Exchange.

Irish Lassie, Wela ka Hao, Loupe and Violin will be in the great free-for-all harness race Monday next.

Homer S. Buckman, a well known citizen of Sacramento, arrived yesterday with his wife on the Australia.

The annual Central Union Sabbath school picnic will be held on the grounds of Oahu college Monday next.

In the newspaper file by the transport Grant is the rumor that Admiral Kautz was recalled from Samoa and a strong denial of the report.

Rudolph Hering, the celebrated sanitary engineer, is to be consulting engineer in the constructing of San Francisco's new sewer system.

A couple of big buildings are being erected at Oahu prison. One is a stable 60x10. The other is to contain two workshops and will be 60x30.

Published rumors that the consolidation of McBryde and Makawell plantations may be accomplished or is even contemplated are simply "filers."

The death announcement by this mail that is given most space is that of Rosa Bonheur, the artist, which occurred at her chateau near Paris on the 25th of May.

All former students of Punahou are cordially invited to the college grounds on Saturday afternoon, June 17th, to witness field sports, of which further notice will be given.

Hiram Bingham, the chemist for the American Sugar company, of Molokai, left for his station yesterday. It is the intention of Mr. Bingham to next fall enter the U. C. for a special course.

The Manufacturers' Shoe Co., (sign of the big shoe) carries a complete line of Strong & Garfield serviceable stylish shoes, in black, tan and patent leather. Call and examine these standard goods.

Charles Clark, the notorious hack driver, was convicted on the charge of gross cheat yesterday morning in the

police court. He was sentenced to six months' imprisonment at hard labor and to pay a fine of \$100 and costs.

Mr. and Mrs. L. A. Thurston and Mrs. A. W. Pearson will leave for the coast by the P. M. S. S. Rio on the 17th inst.

Bids for construction work on the sewerage system were opened yesterday and the contract will be awarded in a few days.

Maj. Bartlett and wife, Americans who are now considered Honolulu people, are passengers for this place by the Warrimoon.

All of the running horses at the race track are in condition to come out for the word, but a couple of try-outs yesterday were rather slow.

A batch of the new issue of the one-cent stamps was received at the post-office yesterday. The color is green instead of yellow, as heretofore.

Announcements of the marriage of Miss Helen A. White, of Worcester, Massachusetts, to Mr. R. C. A. Peterson of this city, have been received.

One of the events at the Hawaiian hotel last evening was a match game of billiards between Dr. High and Col. Sam Parker. It was won by the latter.

The sale of a big block of Makawell stock at San Francisco has again fallen through. The report is that Gen. Hartwell has now taken the stock to Boston.

J. Hopp & Co. are offering this week and next at special prices enameled iron bedsteads with full brass trimmings, sideboards and golden oak bed room sets.

All of the racers at the track have been entered for the events of Saturday and Monday, with the exception of the harness horse W. Wood, still on the sick list.

A bear movement is now directed at Makawell stock on account of the continued "option" trials, and it is likely that the shares will be hammered down several points.

One of the furniture dealers says that himself and others in the trade here have been informed by the manufacturers on the mainland that prices of goods are to be advanced.

A charter has been granted the Pearson & Potter Co., Ltd., bicycles and sporting goods, capital \$25,000, divided into 500 shares of \$50 each with privilege of increasing to \$250,000.

On the Oahu college hedge this evening there will be the grandest display of the season of night blooming cereus. There were a few blossoms out last evening and thousands of fat buds.

The horse Loupe is now regarded as dangerous in the free-for-all. He reeled off a mile in 2:15 1/4 yesterday. Loupe is the only harness horse that has been given any fast work this week.

All persons having claims against the estate of Thomas S. Campbell, late of Pala, Maui, deceased, are requested to present the same to Charles Crozier, John G. Anderson, Jr., or W. O. Smith.

Maunaloa stock has stiffened up in fine style upon the announcement of Stoddard as manager and Gohler as head luna. The stock was firm at \$11 yesterday afternoon, with a sharp demand.

According to coast papers E. Allen Sherman, known there as Edward A. Sherman, was notorious as an agitator in Christian Endeavor circles and at one time had a big row with Rev. Dr. Coyle, who is also known in Honolulu.

Harold M. Sewall, the American Special Agent, and Mrs. Sewall, have returned from the mainland. Both are looking exceedingly well and have had a pleasant visit. They are again at home at Moana, their Waikiki place.

Gen. Egan denies that he in any way gave an interview published here and sent to the coast in which he was represented as being deeply aggrieved over the fact that his son had sold some coffee land to the Olaa plantation company.

Rabbi Levy says that it will be impossible to have a Hebrew congregation or place of worship here, but that he will suggest an organization for observance of the great church days of the race. Rabbi Levy will speak in Central Union church at an early date.

Geo. A. Seyde, who was here as sergeant major of the U. S. V. Engineers, and who was mustered out of the battalion as a second lieutenant, has returned to the country. He will be bookkeeper for the Hawaiian Gazette Company, succeeding Mr. Walker, who goes to the Rapid Transit Company.

The Elgin

WORLD'S STANDARD FOR TIME KEEPING.

Should be in the pocket of every wearer of a Watch.

Many years' handling of Watches convinces us, that price considered The Elgin is the most satisfactory of American Watches.

Cased in... NICKLE, SILVER, GOLD FILLED AND SOLID GOLD.

We have a full line and sell them at right prices.

ELGINS reach us right. ELGINS reach you right.

Elgins stand for what is right in time keeping and lasting qualities, and that is why we are right in pushing the Elgin Watch.

H. F. WICHMAN BOX 342.

TIME TABLE Wilder's Steamship Company - 1899 -

S. S. KINAU, CLARKE, COMMANDER.

Will leave Honolulu every Tuesday at 12 o'clock noon, touching at Lahaina, Maialoa Bay and Makena the same day; Mahukona, Kawairao and Laupahoehoe the following day, arriving at Hilo on Wednesday evening.

Returning, will sail from Hilo every Friday at 6 o'clock p. m., touching at Laupahoehoe, Mahukona, Kawalaha, Makena, Maialoa Bay and Lahaina, arriving at Honolulu Saturday night.

Will call at Pohokiki, Puna, on the second trip of each month, arriving there on the morning of the day of sailing from Hilo to Honolulu.

The popular route to the Volcano is via Hilo. A good carriage road the entire distance.

S. S. CLAUDINE, CAMERON, COMMANDER.

Will leave Honolulu Tuesday at 5 p. m., touching at Kahului, Hana, Hamoa and Kipahulu, Maui. Returning, arrives at Honolulu Sunday morning. Will call at Nuu, Kaupo, once a month.

This company reserves the right to make changes in the time of departure and arrival of its steamers without notice and it will not be responsible for any consequences arising therefrom.

Consignees must be at the Landings to receive their freight; this Company will not hold itself responsible for freight after it has been landed.

Live Stock received only at owner's risk. This Company will not be responsible for Money or Valuables of passengers unless placed in the care of Purasers.

Passengers are requested to purchase tickets before embarking. Those failing to do so will be subject to an additional charge of twenty-five per cent.

The Company will not be liable for loss of, nor injury to, nor delay in, the delivery of baggage or personal effects of the passenger beyond the amount of \$100.00, unless the value of the same be declared, at or before the issue of the ticket, and freight is paid thereon. All employees of the Company are forbidden to receive freight without delivering a shipping receipt therefor in the form prescribed by the Company and which may be seen by shippers upon application to the purasers of the Company's steamers.

Shippers are notified that if freight is shipped without such receipt, it will be solely at the risk of the shipper.

C. L. WIGHT, President. S. B. ROSE, Secretary. CAPT. J. A. KING, Port Supt.

Metropolitan

Meat Company NO. 507 KING ST. HONOLULU, H. I.

Shipping and Family Butchers.

NAVY CONTRACTORS.

G. J. WALLER, Manager.

Highest Market Rates paid for Hides, Skins and Tallow.

Purveyors to Oceanic and Pacific Mail Steamship Companies.

RUBBER STAMPS AT THE GAZETTE OFFICE.

Pacific Mail Steamship Co. Occidental & Oriental Steamship Co. AND Toyo Kisen Kaisha.

Steamers of the above companies will call at Honolulu and leave for port on or about the dates below mentioned.

FOR JAPAN AND CHINA FOR SAN FRANCISCO:

Table with columns for destination (CHINA, DORIC, NIPPON MARU, RIO DE JANEIRO, COPTIC, AMERICA MARU, CITY OF PEKING, GAELIC, CHINA, NIPPON MARU, RIO DE JANEIRO, COPTIC) and departure dates (JUNE 16, JUNE 24, JULY 4, JULY 13, JULY 21, JULY 29, AUG. 8, AUG. 16, SEPT. 1, SEPT. 9).

For general information apply to H. HACKFELD & Co., L'd.