

MANY CASES PRESENTED

Supreme Court Has a Very Busy Day.

The Supreme Court did a land office business yesterday, hearing seven cases during the day, and giving oral decisions in three of the motions submitted to it.

In the case of Territory vs. Wing Tung et al at the Supreme Court reversed the District Magistrate at Hilo upon the ground that his decision was contrary to the constitution. This was a liquor case, the Hilo police having seized wine, liquor, beer, etc., belonging to several Chinese in that city. At the time of the hearing the attorney for the defendant demurred to the information on the ground that the seizure was illegal and unwarranted, and violated the fourth and fifth amendments to the constitution of the United States, relating to unreasonable search and seizure of private property.

The District Magistrate paid no attention to the demurrer and continued the hearing of evidence, declaring the liquor to have been rightfully confiscated. The appeal was made direct to the Supreme Court. Thomas Fitch appeared for the defendant appellants and Attorney-General Dole represented the Territory. The argument was very brief, the plea of the defendant being practically admitted. The court delivered an oral decision sustaining the demurrer of defendant and reversing the district magistrate at Hilo. He was ordered to take such further proceedings as are consistent with the court's order.

KAMALO CASE FIRST.

At the afternoon session the plaintiffs in the case of Frank H. Hitchcock vs. Judge Humphreys, application for mandamus in the Kamalo case, asked that the case be given precedence over the trial calendar. The affidavit was resisted by defendants. An affidavit was presented by J. Alfred Magoon setting out the importance of an immediate hearing and alleging that large interests are at stake, that a delay would result in the loss of their entire property to the plaintiffs; that plaintiffs owe large sums of money, and the creditors have delayed pressing their claims, in anticipation of a speedy settlement of the present suit; that a large part of the land held by the Kamalo Sugar Co. is leased and the rent has not been paid for a long time, the owners threaten to take the property and cancel the said lease. In conclusion, Mr. Magoon says in his affidavit that it is "impossible for the Kamalo Sugar Co. to proceed with its operations as long as this suit remains undecided and property of large value is rendered useless and is rapidly deteriorating."

Mr. Magoon contended in his argument that the suit was of the utmost importance, and was an extraordinary proceeding entitled to a speedy hearing the same as a habeas corpus case. The motion was opposed by Mr. McClamahan and Mr. Robertson. After a short conference with the associate justices, Chief Justice Frear announced that the motion would be granted and the case was set down for Thursday to follow that of C. A. Brown vs. J. D. Spreckels et al.

MOTION DENIED.

In the matter of the estate of R. W. Holt the Supreme Court denied a motion to dismiss the appeal made by Mr. Fitch. The motion was on the ground that the records failed to show that an appeal had been perfected, no transcript of evidence having been made. This was the appeal from the order of Judge Gear in refusing to allow the payment to the trustees of money loaned to the minor heirs in excess of their share of the estate.

TAX APPEALS PRESENTED.

The following appeals from the tax appeal court were argued and submitted yesterday: Julia and Becky Hunt vs. Tax Assessor; Estate of James Campbell; John Puulua vs. Tax Assessor and Mary A. Graeme vs. Tax Assessor.

The following cases are set down for hearing today: Richard T. Rickard vs. Keahonui Rickard from fourth circuit; M. Moorhead vs. Tax Assessor; C. K. C. Rooke vs. Tax Assessor and M. S. Grinbaum & Co. Ltd. vs. Tax Assessor. The case of Kaploani vs. Lizzie K. Pauahi is set for tomorrow.

Several cases in which George Davis is attorney went over to the March term because of his absence, but in the case of Fred Wundenberg vs. Geo. Markham, in which J. A. Magoon appeared for plaintiff, he stated that the matter was important and should not be delayed because of the absence of an attorney.

BELIEVE PRINCE IS OUT.

Home Rulers are of opinion He Will Not Make the Race.

Leaders of the Home Rulers are becoming convinced that Prince Cupid's explanation of his reasons for not being a candidate for the Legislature, which are to be given them on Thursday evening, will be final, and he will refuse to do more than continue his services in committee work, not being an aspirant for public office. Some Home Rulers are hopeful that in the event of circumstances which might look toward a special session, he would consent to run, but at the present time it looks as if he would be making an effort to secure an empty honor.

Among the Democrats, Larry Dee and John Wise are mentioned as possible candidates.

Prince Cupid's yacht, the Princess,

was launched in the harbor yesterday. In her races here she will be entered in the third class.

DEFENDANT HAS A SAY

Government Rests In Pearl Harbor Case.

The United States closed its evidence at noon yesterday in the condemnation suit against the Honolulu Plantation Company for Pearl Harbor lands, and the defense was opened immediately upon the convening of court in the afternoon. The trial dragged painfully during the day and was taken up largely with objections and argument upon the admission of testimony.

At the opening of court in the morning Manager Low of the Honolulu Plantation Company was called to the stand by the defendant to identify the tax returns further, for the purpose of having them thrown out altogether. Judge Estee refused to allow testimony for that purpose, and the evidence of the witness was stricken out. United States Attorney Dunne then offered in evidence the lease from J. D. Dowsett for eleven years from September 1897, to a Chinese for a portion of the land. The rental named in the lease was \$30 per year.

J. K. Archer, deputy assessor for Ewa, was recalled and explained his testimony previously given in regard to the value of the lease, stating that he meant the land was worth \$5 per acre for the entire leasehold interest, and not that amount annually.

Captain Pond was next recalled to correct a few slight errors in the evidence previously given by him.

Allan Herbert was the last witness for the government, and he testified that he had at one time occupied an honorary position in the agricultural department in Hawaii, and was acquainted with the land in controversy. He declined, however, to place a value upon the leasehold interest, stating that he did not believe himself fully qualified to do so. The remainder of the morning was occupied by counsel in arguments over the qualifications of Mr. Herbert as an expert witness.

Upon the opening of court in the afternoon Mr. Dunne gave notice that the United States had closed its case, and Mr. Silliman called George J. Wagner as the first witness for the defendant.

Mr. Wagner testified that he was an engineer for the Honolulu Plantation Company, and had drawn the maps introduced in evidence. The court refused to admit testimony relating to an imaginary ditch running through the disputed ground. There was considerable argument over this question, Mr. Silliman contending that he had a right to prove that the tract of land condemned by the government was located so as to be easily irrigated. He contended also that the land taken by the government was a large part of a large plantation, and the loss consequently would be heavier on that account. He stated that the land was worth to the plantation as an integral part of it, \$175,000, and that the proposed ditch represented \$5,000 to the Honolulu Plantation Company. The court refused to allow the testimony to be introduced. Mr. Wagner testified that water had been carried over this Bishop Estate land from the plantation's water works, and through the ditch as shown on the maps. He said that there was water on the land the day the jury visited it, which came through this ditch from the plant of the Honolulu Plantation Company. He qualified this testimony by stating that the ditch had been built upon the land after the present suit had been instituted. Judge Estee ruled that no evidence could be admitted as to the ditch, it having been constructed after the beginning of the suit.

J. A. Low, manager for the Honolulu Plantation Company, was the last witness of the afternoon, and he had not concluded when court adjourned. Mr. Low testified only as to his general duties, work and connection with the Honolulu Plantation Company. He had not really begun upon his testimony at the time of adjournment.

BENEFIT CONCERT FOR THE LEPERS

The Kamehameha Alumni Association is planning to give a benefit concert on the evening of Saturday, January 18, at the Hawaiian opera house, partly for the leper settlement and partly to increase the association's funds. The latter fund goes to educate Hawaiian boys and girls either in Kamehameha Schools or Kawalaha Seminary.

The idea of a benefit concert for the settlement came through the request of an alumnus, who is now residing at the settlement, for old clothes, etc., for the needy ones there. The matter was laid before the alumni at its last regular meeting, when it was decided to assist the settlement poor by giving a big concert.

The concert will be assisted by the boys and girls of the Kamehameha Schools, Kawalaha Seminary and outside talent. The concert will be of the very best, and all signs point to a remunerative event. The net proceeds are to be divided equally between the fund for the settlement and that for the alumni. The alumni is doing a fine work in the education of poor Hawaiian children by assisting them through the various schools here and the greater the proceeds from the concert the more children will be educated.

NEW CORPORATION.

Kau, Hawaii, Citizens Will Make Soda Water and Ice.

Articles of association were filed yesterday with Treasurer Wright by the Kau Soda Water Company, Limited. The capital stock is fixed at \$5,000, with power to increase to \$25,000.

The shares are twenty dollars each, and are held as follows: Henry J. Lyman, 1 share; Eugene H. Lyman, 2; Sam Kaubane, 5; W. K. Makokoa, 5; J. H. Makuro, 2; Chas. H. Aki, 2; L. Chong, 5; Y. A. Kana, 5; J. Lyman (trustee), 20 shares.

The principal office of the corporation is at the town of Waiohine, Kau, island of Hawaii, and its business is the manufacture and sale of carbonated water, non-intoxicating drinks, mineral waters, and ice.

STEAMER CUMMINS AND SCHOONER MALOLO COLLIDE

THE STEAMER J. A. Cummins for once did not sound her fargous siren whistle last night. There would have been a good excuse for it, however, for on returning from a trip around the island she was run into and very nearly sunk by the gasoline schooner Malolo, which was passing out of the channel, bound for Hanalei.

Soon after 9 o'clock last evening loud whistling from the bay, followed by rumors of a marine disaster, drew crowds to the usually deserted front. But although there had been a collision it was unattended by the serious results which had been reported about the streets. The vessels in collision were the forty-nine-ton steamer, John A. Cummins, owned by W. G. Irwin & Co., and the twenty-six-ton gasoline schooner Malolo, owned by H. B. McFarlane.

The Cummins, commanded by Captain Searle, left at 8 a. m. yesterday on a trip round the island. The Malolo pulled out about 8:30 last night in charge of Captain Kalama, bound for Hanalei. The Cummins entered the channel on her return trip shortly after 9 o'clock last night, just at the time the Malolo was passing down the channel.

The two vessels approached each other at a point where the passage is narrow.

According to Captain Searle, he saw the Malolo, he blew two whistles, signifying that he would keep to the port side of the channel. The Malolo immediately signaled precisely the same thing. If the schooner had kept the course she indicated the vessels would have passed each other with clear steerage way.

Instead of keeping to port, however, the Malolo, for some unexplained reason, when approaching the Cummins, took a sheer, altered her course sharply and ran right into the steamer. Her

CIRCULAR SENT TO SHERIFFS

Attorney-General Dole has sent to High Sheriff Brown and the Deputy Sheriffs of all the islands, and all officials in his department a circular letter strongly urging strict economy wherever possible. In his letter he states that the increase in population and consequent increase in crime has caused an additional expense in his department. In order to keep within the appropriation a general reduction in expenses is ordered.

The following is a copy of the letter: Territory of Hawaii, Office of the Attorney General, Honolulu, H. I., Jan. 6th, 1902.

Dear Sir:—The rapid increase of population; the large influx of disorderly and criminal characters; the failure of the legislature to reduce most misdemeanors under the laws of the Republic of Hawaii to the grade of misdemeanors under the constitution of the United States, making it necessary to prosecute petty offenses, if prosecuted at all, by the expensive machinery of a grand jury; the introduction of the grand jury system itself; the enormous growth of court business, with protracted, extended and special terms; the conflicting decisions in the habeas corpus cases, the substantial advance in the price of beef, poi and other prison supplies and various necessities of the department—all these things make it possible for us to keep within our appropriation only by the most painstaking economy.

The expenditures of the attorney general's department for the year 1900 were \$42,000.00 less than the pro rata of the appropriations for its support, a saving of a trifle more than thirty-five hundred dollars a month. Our present appropriations are less and our expenses are greater. The bills for December, 1901, are not yet all in; but during the five preceding months, July, August, September, October and November, we spent only \$197.81 less than the pro rata of our appropriations, a saving of only \$35.56 a month. This is living very close to our possible average income and leaves nothing for unforeseen and extraordinary emergencies.

During these five months we spent \$159.05 more than our pro rata for the support and maintenance of prisoners, \$167.51 more than our pro rata for incidental civil and criminal expenses, and \$237.52 more than our pro rata for expenses of witnesses in criminal cases—a total excess of our pro rata on these three appropriations of \$567.79; and it is only by saving on other appropriations that we have kept within the sum total of our pro rata.

By careful administration it is believed that the Territorial treasury will be able to meet the most pressing demands, and that the necessary improvements will not be delayed to the serious prejudice of public interests. But to do this requires good financing and that all Territorial officials shall work together for the common welfare. At a recent executive meeting the whole subject was gone over with a view of cutting down expenses pro rata. The reduction assigned to our department is \$250 a month for January, February and March of this year.

I feel that whatever success I have had as attorney general is due to the honest and loyal support of the department as a whole; that it was almost impossible for me to utterly fail with such good benefactors as I have had; and, in view of existing financial conditions, I ask cordial aid in the endeavor to keep down expenses in all ways that may be just and proper and that do not interfere with the efficiency of our work.

The appropriation for civil and criminal incidentals is, so to speak, the pin money of the department, which one official may spend lavishly, with honest intent, and another economize, without meanness. The appropriation for witnesses in criminal cases is necessarily drawn upon heavily, perhaps to the full limit under new conditions; but constant watchfulness in all Circuit and District Courts that witnesses are not kept on expense when they are not needed, results in the course of a year in a substantial saving. An average saving of one or two nickels in the dollar on our appropriations as a whole, would materially aid the public treasury and leave our department with a safe margin to its credit. Let us try to save the nickel.

I am sending a copy of this letter to all the chief officials of the department. Thank you in advance for the attention which I know you will give to this matter. I am,

Very truly yours,
E. P. DOLE,
Attorney General.

bowsprit struck the starboard lifeboat, a little above the mainmast, tore a great hole in it, easily large enough for a man to crawl through.

After the first impact, the way on the Cummins carried her ahead a short distance. The Malolo then struck the steamer again, this time catching her diagonally across the starboard side at the stern, cutting off about ten or twelve feet of bulwarks and carrying away three or four stanchions of the upper deck.

Captain Searle immediately put about with the intention of rendering assistance to the Malolo, should the schooner need it. Help was declined, however, and Captain Kalama proceeded to Brewer's wharf, with the pumps going, and made fast. The Cummins tied up at the Oceanic wharf.

The Malolo had her jib-boom carried away, and her bowsprit was split up the middle. Her nose was also badly splintered.

A board of survey will meet today to determine damages, the cause of the accident, and who was the culpable party.

At 11 o'clock last night Captain Searle was on board his boat awaiting the arrival of a representative of the agents. Neither Captain Kalama nor any of his crew could be found, with the exception of the cook, who was the only person on board the schooner.

The cook seemed to entertain no opinion as to the cause of the collision and on being asked why the pumps were going when the Malolo went to wharf he replied that it was nothing unusual, as they were frequently used.

Until Captain Kalama makes a statement it is of course impossible to reach any definite conclusion as to who was to blame. It seems little short of a miracle that the Cummins was not sunk, the fact that both boats were moving slowly alone being responsible for the light damage.

KALAMA IN OREGON FORESTS

K. Z. Kalama, a resident of the Island of Hawaii, was in Portland yesterday on rather a curious quest. He is here to procure a lot of woodpeckers to introduce into Hawaii to fight the woodborers, which are doing much damage to forest trees there. Mr. Kalama is largely interested in timber lands, which, since the Hawaiian Islands have become American territory, are becoming prospectively of great value. He says that Commissioner of Agriculture Wray Taylor suggested the idea of introducing woodpeckers to fight, and it is hoped, to destroy the woodborers, and that the Commissioner of Agriculture at Washington has approved the plan.

He has written to the Hawaiian forestry officials to the effect that investigations of the food of the downy woodpecker have shown that it is decidedly beneficial. He says he is not aware that it ever does any serious damage to crops or fruit, and he knows of no bird which could be introduced into the island more safely. However, he suggests that only a limited number of the birds be introduced at first, and that they be released in some locality, if possible, where they can be kept under observation.

It is impossible to say whether, under the peculiar conditions which exist in Hawaii, the woodpecker will continue to feed on the woodborers, which it is intended to destroy, and it is possible that it may develop some injurious traits.

Mr. Kalama has been informed that the downy woodpecker is found in large numbers in the valleys of the Deschutes and John Day rivers, and left last night for that section to endeavor to arrange for securing 50 to 100 pairs of these birds.

There is a prejudice in the minds of many against woodpeckers. It is admitted that they wage warfare on all sorts of woodborers, but some say that, in their efforts to exterminate these injurious pests, they frequently kill the tree as well as the insect. The woodpecker family in the fall of the year joins with robins and other birds in preying on grapes, and assists in doing a great deal of damage. Just how the woodpeckers are to be captured is a conundrum. They dig holes in lofty trees, in which to build their nests. If they can be driven into these holes, then the holes can be pulled out and the birds captured, maybe.

The writer remembers of once assisting another boy to climb a blasted tree trunk, to examine a woodpecker hole, and when he ran his hand down into it, he found a handsome but harmless green snake in possession. He was not so long in getting down as in getting up. On another occasion the same boy climbed a tree to get the young ones out of a woodpecker's nest, and when he inserted his hand in the hole, the old woodpecker inserted her bill into his hand, "up to the handle," and the bird and boy tumbled to the ground together—Portland Oregonian.

SWITZER FAIR ENLIGHTENED

Quiet Wedding Celebrated at the Residence of Bride's Sister.

A quiet wedding took place last evening at the residence of Mr. and Mrs. S. De Freest, on Matlock avenue. Mr. Charles A. Sweetser and Miss Grace A. Farmer were united in the bonds of matrimony by Rev. G. L. Pearson, of the Methodist Church. No guests were present except immediate relatives of the bride and groom. After the ceremony a pleasant dinner was enjoyed. Mr. Sweetser is a civil engineer employed by Lihue plantation, and Miss Farmer has been a teacher in the Lihue government school for about two years. They will go to Kauai today, by the steamer Mikahala, and will reside permanently at Lihue.

Attorney General Dole has prepared a brief to be filed in the United States Supreme Court in the appeal from Judge Estee's decision in the case of Opah M. Makela. In the brief he will contend that the question has never been presented to the Supreme Court before.

AVENUE OF SILVER OAKS

Army Quartermaster Will Beautify Reservation.

In a few days a row of Silver Oak trees will line the Hotel street side of the army quartermaster department reservation opposite the Capitol. Captain Williamson, the United States Army Quartermaster, has an eye to the artistic, and intends to beautify the barren grounds in front of the old barracks now used as the quartermaster's storehouse, and the drill shed, at present used by the Hawaiian National Guard as its headquarters.

Since the curbing was set back to its present line along Hotel street it has been apparent to Captain Williamson that it is only a matter of time when the two big monkey-pod trees which stand opposite the drill shed must be cut down. They are standing in the street just a few inches beyond the curb line, and therefore obstruct traffic to a small extent. The spreading branches give much shade, and this will be greatly missed when they fall. In order to replace these trees, and, at the same time beautify the street, Captain Williamson had a conference with Wray Taylor last Saturday, the result of which was that the Commissioner of Agriculture gladly consented to set out a row of Silver Oaks.

The row will be 12 feet back from the curb and the trees planted 20 feet apart. The trees will average about three feet in height. Captain Williamson chose Silver Oaks in order to give a uniform aspect to that portion of Hotel street, as there is a row of the same trees within the Capitol grounds, extending from Richards street to Likelike street. These were planted by King Kalakaua and were intended as a windbreak for the shrubbery in the palace grounds. They served their purpose in that respect, and are now towering giants, and greatly admired. What pleased King Kalakaua also pleased the army Quartermaster.

On the Miller street side Captain Williamson has decided to plant a row of poincianas. There will be six or seven of these brilliant-blossoming trees, which will add to the beauty of the reservation. Grass is also to be sown within the tree-bound enclosure, with an artistic arrangement of drives. The new office for the army Quartermaster is practically completed, and only awaits the coating of paint. With this done and the old drill shed painted to accord with the hues on the other buildings used by the army, the Quartermaster will have performed a duty which will not fall in pleasing the thousands of people who pass the reservation daily.

The railroad track leading from the new Hackfeld wharf across King street to Aala Park is completed and cars have been placed upon the rails.

BY AUTHORITY.

TERRITORY OF HAWAII, TREASURER'S OFFICE, HONOLULU, OAHU.

In Re Dissolution of the People's Ice and Refrigerating Co., Ltd.

Whereas, the PEOPLE'S ICE AND REFRIGERATING CO., LTD., a corporation established and existing under and by virtue of the laws of the Territory of Hawaii, has, pursuant to law in such cases made and provided, duly filed in this office, a petition for the dissolution of the said corporation, together with a certificate thereto annexed, as required by law.

Now, therefore, notice is hereby given to any and all persons that have been or are now interested in any manner whatsoever in said corporation, that objections to the granting of said petition must be filed in this office on or before March 4, 1902, and that any person or persons desiring to be heard thereon must be in attendance at the office of the undersigned, in the Capitol building, Honolulu, at 12 m. of said day to show cause, if any, why said petition should not be granted.

WILLIAM H. WRIGHT,
Treasurer of the Territory of Hawaii.

Honolulu, January 4, 1902.
2348—Jan. 7, 14, 21, 28; Feb. 4, 11, 18, 25; March 4.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT, TERRITORY OF HAWAII—AT CHAMBERS—IN PROBATE.

In the matter of the Estate of Kekapa Robinson, of Kona, Hawaii, deceased.

On reading and filing the petition and accounts of M. P. Robinson, of Honolulu, Island of Oahu, executor of the will of said Kekapa Robinson, wherein he asks to be allowed \$384.27, and he charges himself with \$705.07, and asks that the same may be examined and approved, and that a final order may be made of distribution of the property remaining in his hands to the persons thereto entitled, and discharging him from all further responsibility as such executor.

It is ordered, that Friday, the seventh day of February, A. D. 1902, at 10 o'clock a. m., before the judge of said court at the courtroom of said court at Honolulu, Island of Oahu, be and the same hereby is appointed as the time and place for hearing said petition and accounts, and that all persons interested may then and there appear and show cause, if any they have, why the same should not be granted.

Dated at Honolulu, this 26th day of December, 1901.
By the Court, HENRY SMITH, Clerk.
2348—Jan. 7, 10, 14, 17, 21.



Soft, silky, glossy, abundant, beautiful, elegant, splendid, handsome—you can't find words to describe a magnificent head of hair. Is this the kind of hair you have? Is your hair long enough to suit you? Does the color exactly please you? In a word, are you perfectly satisfied with your hair? If not, give it a good hair-food. Give it

Ayer's Hair Vigor

It will make you have long, rich, abundant hair, and it will stop falling of the hair, too. Ayer's Hair Vigor always restores color. You can depend upon it every time. It brings back all the rich, dark color you had when you were young. If you are 20, there is no need of looking as if you were 50 just because your hair is gray.

And you will like our Hair Vigor, also, as a hair dressing; while it forms a valuable addition to any toilet table because of the elegant way in which it is put up.

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U. S. A.

HOLLISTER DRUG CO., Agents.

J. HOPP & CO.—J. HOPP & CO.

The Best at the Lowest Price at HOPP'S

IN EVERY HOUSE

The addition of a Weathered Oak or Flemish Oak Sideboard will be a valuable acquisition to home comfort.

This week we have an assortment of very low prices and of a quality that you have long been looking for.

Invalid Tables are something new, that we have just gotten in stock and you ought to see them.

Can be placed right over the bed and are the most convenient thing you ever saw.

You all will want to be invalids so that you may have an excuse for using one.

Don't use heavy wooden beds when you can get White Enameled Bedsteads so cheap.

The only thing for Honolulu climate. We have a fine new stock of them in the latest designs and lowest prices.

Our Upholstering Dept. is the finest in the city, and we have every facility for turning out the best work.

J. Hopp & Co. The Leading Furniture Dealers.

King and Bethel Streets.

J. HOPP & CO.—J. HOPP & CO.

Castle & Cooke, LIMITED.

LIFE and FIRE INSURANCE AGENTS.

AGENTS FOR New England Mutual Life Insurance Co OF BOSTON.

Aetna Life Insurance Company OF HARTFORD.

Wray Taylor received a letter from Forester Haughs yesterday, dated at Maui, telling of the tour of inspection being made by E. M. Griffith, the Washington expert on Maui. Accompanying them was Henry Baldwin, and the three men made a thorough inspection of the forests. On Saturday, accompanied by H. P. Baldwin, they visited Kula district, and Sunday was spent at Lahaina. Mr. Griffith and Mr. Haughs will sail from Lahaina on the Kisaui, for Hawaii, tomorrow.