

THE JURY DID WRONG

Mr. Dunne Files His Pearl Harbor Brief.

(From Wednesday's daily.)

The brief of United States Attorney Dunne in support of the motion for a new trial in the case of United States vs. Honolulu Plantation Co., was filed yesterday. Mr. Dunne's principal contention is as to the alleged excessive and extravagant valuation placed by the jury upon the condemned land. "Independently of the conjectures of partisan experts," says plaintiff, "it is plain that the land in question is reduced in value by being subjected to the burden of the railroad easement. There is nothing homogeneous about this land; it varies in availability, productiveness and depth of soil. Nothing is more vital to the success of a plantation than water, but this land has no natural water supply, and its only artificial water supply is restricted to just one small brackish artesian well. The place is barren of improvements. The land is undeveloped and untested. It has never been cropped; its capabilities are pure matters of guess and speculation. In brief this piece of land never has been put to any useful purpose, has been a source of expense for rent and taxes and has never produced one dollar of income."

The character of plaintiff's witnesses and the interest of defendant's witnesses is set out, together with the lump values placed upon the land by the latter. The testimony of Low as to value is referred to as "Low's gymnastics" and his four different valuations are also set out. "These stories cannot all be true," says Mr. Dunne. "And it is interesting to inquire what is to be thought of the case which is compelled to descend to such shifts and disingenuous shuffling as this."

Mr. Dunne figures from the \$80,000 paid for the lease of 2900 acres for forty years that the lease of the land in question is worth \$28.50 an acre. But even this is offset, he claims, by the following heavy discount.

1. The 551 acres never had an annual use.
2. They never had a yearly value.
3. They had never been cleared, plowed, sowed or cropped.
4. Nearly one-half is useless and unfit for cultivation.
5. They never produced any income whatever.
6. The whole piece is raw land that never has been cultivated, that never raised a crop, and whose capabilities are purely speculative.
7. Shallow soil, rocky patches, marshy spots.
8. No water supply beyond one small brackish artesian well.
9. Railroad easement.
10. No improvements. Neither the mill nor the pumping plant is on this land. They are both independent, and built prior to the clearing and ploughing. They would have been built anyway, whether the defendant got this land or not, as they were both indispensable to the other 8000 acres of the plantation.
11. Until recently this land was a waste, overrun by cattle. It was not subjected to any useful purpose, whether for transportation, storage, repair shop, or other purposes or as a living ground for employees.
12. These 551 acres never had any influence, whether for good or bad, upon the remainder of the plantation. They neither produced nor contributed anything to the annual use of the plantation.
13. Even on the assumption that these acres are as good as the rest, the Dowsett lease transaction shows that \$28.50 per acre is a fair valuation upon defendant's own conduct and judgment in the purchase of that lease.

Mr. Dunne refers also to the refusal of the request to allow Juror Kohn to view the land, but ignores the charge of relationship to defendant's attorney. He argues also that the finding as to improvement was wrong, and says that cultivation cannot be counted an improvement, and that the general law as to fixtures would compel the surrender to the Bishop Estate of all improvements upon the expiration of the lease. Furthermore, there was no evidence upon which the jury could base its figures.

"I rely upon the principle that the compensation should be just," says Mr. Dunne. "It should not be unjust, unfair or excessive. But the verdict in this case is grossly excessive because the jury added on \$15,208 for improvements which did not exist or of which no market value was proved. And moreover the jury went to extravagant lengths in the amount which it found for the value of the leasehold."

In conclusion reference is made to the valuations upon different plantations made by the managers, and the discrepancy in the figures is pointed out. Mr. Stillman will probably submit his reply brief today or tomorrow.

THE RATIO AT MANILA.

Merchants and Others Object to the Change.

MANILA, Jan. 7.—Numerous meetings of merchants and others have been held recently, at which resolutions were passed urgently requesting Congressional action to meet the financial situation here. Since the ratio was officially changed January 1 for the first quarter of 1902, to be \$2.10 Mexican silver to one American gold dollar, business transactions of any sort have become difficult. The majority of the business houses have raised their prices 5 to 10 per cent and some houses refuse to accept any but American coin, which is difficult to obtain, owing to the vast speculative shipments of coin during the past few months. Some banks re-

CALIFORNIANS MAKE NEW CONDITIONS AT WAHIAWA

The colony from California at Wahiawa are steadily changing the face of nature in that picturesque and elevated country. Upwards of 2000 peach trees, 1500 orange, 2000 limes, will be planted in orchard by the middle of next month. The upland slopes seem to be the favored home of the lime, banana and pineapple. Sugar cane planted at random, in ground commonly called sour, with superficial ploughing, no fertilizer and no irrigation, has achieved a cane in a year's growth, stupendous size and exceptional sweetness. The Hawaiian Pineapple Co., recently incorporated, has already a splendid showing of upwards of 75,000 plants in the ground, making a fine growth. The canner for this company will be built in time to care for the first crop. Soil is already broken on this land leased from the Dowsett Company, and forty acres, controlled by the company is already under cultivation. Most of the land holders are planting pines in greater or less quantity according to the variability of the soil. There are two distinct classes of soil on the tract: a red shoddy soil, which seems the natural home of the pineapple, lime, sugar cane, etc., and a fine black soil in which vegetables, papayas, etc., flourish.

The character of the colony has changed somewhat during the last year, while completing the second year of experimenting. The planters have practically settled upon two or three crops, and the larger owners having satisfied their curiosity along the line of the much mooted experimental work, will plant from now on for profit and not for fun. The tract is already traversed by the ditches of the water company that is to be, and water will be coming down before the next dry season.

This tract of 1200 acres, well watered and suitable for the great tropical products, becomes in the light of President Roosevelt's desired changes in land laws, a rare avis as it is in private ownership.

The Californians are cheerful over their investment of capital, labor and time. The land is a good thing. But that it costs money to achieve residence on land but just reclaimed from the wilderness no one doubts who has tried it.

FUNERAL OF FRANK BROWN

All that was mortal of Frank Brown was laid to rest yesterday afternoon in the family plot in Nuanuu Cemetery. The funeral of the well known kamaaina drew to his late home a concourse of friends which was in itself a tribute to the character of one whose end was mourned by the old-timer and new-comer alike. To number those who gathered to pay their respects to his memory would be the reprinting of the directory of the old families of the city.

The services were held at the King street home, and the main house, the lawn and all space within hearing of the voice of the minister, was filled. The remains were laid in the drawing room and about the casket there was grouped a wealth of floral offerings brought from many gardens to testify to the feeling for the dead. There were emblems of many orders and set pieces from friends all over the city. Wreaths of mauls and ferns, bunches of roses and lilies, every bloom had been gathered for the display of fragrant affection for the departed.

The service was read by the Rev. Alexander Mackintosh, a brother-in-law of the deceased, and was that of the Episcopal church. The special music of the occasion was rendered by a choir made up of Mrs. Howard, Mrs. Ross, Miss Ward, Mr. George Smithies, Mr. Ross and Dr. Howard. In his address, Dr. Mackintosh referred feelingly to the long life of the dead among the friendships which held true after death, and was followed intently by all present in the house. The pallbearers were F. W. Wundenberg, H. M. von Holt, J. H. Soper, O. St. J. Gilbert, Geo. Smithies and C. M. V. Forster.

After the house service the body was conveyed to the Nuanuu Cemetery, being followed to its last resting place by one of the largest gatherings of the well known of the city's people, that has been seen in recent years. The body was laid in the family plot, where rest the father and mother, with whom Frank Brown came as a lad to Honolulu more than a half century ago.

WORLD'S NEWS CONDENSED

The Senate committee will, it is said, scale all private pension bills. Mosquitoes as big as wasps are said to have invaded Salina, Utah.

Henderson B. Owen, a well known New York newspaper man, is dead.

General Funston has returned to San Francisco on the transport Warren.

The members of the Canadian Press Association are sightseeing in Denver.

The Prince of Monaco is again trying to secure a divorce from his wife, Alexander Bandrowski, the famous Polish tenor, who sailed for New York.

Unusually warm weather for this season of the year is reported in Oregon.

Andrew Carnegie has been elected a director of the New York public library.

The Mormon missionaries are said to have obtained 2,000 converts in Germany.

Senator Quay, of Pennsylvania, says he is much better and denies he may resign.

The report on the Philippine hemp scandal exonerates high government officials.

A spaniel show is being held at the home of the Duke of New Castle, in London.

James Bryce, a liberal, advocated

The man who removes his family from all the advantages of civilization, and completes an honest residence on land on the island of Oahu has paid in expenditure of cash alone a fair price for his land. That residence is interpreted more accommodatingly to local settlers by government officials than to the man in California does not increase the attractiveness of the enterprise.

The land which was pronounced worthless by all comers, the Californians have demonstrated by their own hard headed efforts to be No. 1 pineapple land, No. 1 lime orchard land, not surpassed for watermelons, and all No. 1 cane land. They have by their joint efforts developed a valuable water right, which, although threatened at one time, was rescued by strenuous effort, and made appurtenant to the land. So that the tract which more than one man in preceding years would not pre-empt on the ground that it was worthless, has been made valuable by the enterprise of the colonists. The first thought of the colonists was a settlement with a village as a nucleus. At one time land could have been bought for a country club. But as the land has rapidly advanced in value for planting it has become increasingly difficult to buy land. In California under proper and usual management the streets at the end of two years would be lined with shade trees; well-kept roads, walks and drives would be a feature. In Wahiawa, advantage might have been taken of the brilliant and beautiful flowering trees for which these islands and Cuba are famed, by a main avenue set with Palms. An opportunity to acquire streets and avenues of unique and tropical beauty has been lost at Wahiawa through the opposition of the management, with the brilliant result that after two years' residence the horticulturists and orchardists at Wahiawa find themselves living in a settlement for the first time in their lives that has not one tree on any street.

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generous terms to Boers in a speech in Parliament.

A fireman was killed and three trainmen injured in a freight wreck near Ogden, Utah.

The man of Havana has been suspended by General Wood, pending an investigation.

General Miles, it is said, wants to be a candidate for president on the Democratic ticket.

D. C. Stapleton, an American, is reported under arrest in Ecuador, for counterfeiting.

Edward Flannigan, of Oakland, claims his shooting of Richard Gorman was accidental.

Congress has been asked by Chinese statesmen to invest American money in that country.

England has issued a call for 10,000 volunteers, to replace regiments now in South Africa.

Revolutionists have captured the old officials and overthrown the government of Paraguay.

It is reported that the Philippine treaty may be cut when the House bill reaches the Senate.

Col. George Piquart, who was prominent in the Dreyfus case, may enter the Argentine army.

The House committee has reported favorably Hill's bill for the redemption of United States dollars.

A favorable report has been made to the Senate on the bill creating a department of commerce.

Police Judge Gordon, of Omaha, is attempting to hold court in spite of the resistance of the police.

Food and drink were elected an honorary member of the Friendly Sons of St. Patrick at New York.

Count Callon de Auvers, a French millionaire, has created a sensation by deserting from the army.

Minister Concha, of Colombia, charges that the United States is helping the Venezuelan revolutionists.

Dr. Richard S. Anthony, an American charged with treason at Cape Town, has been acquitted.

The Senate has confirmed the appointments of Postmaster General Payne and Secretary Shaw.

Col. J. E. Mosier, a well known Los Angeles attorney, is dead.

The interstate commerce commission meetings at Chicago have been postponed to January 24th.

Congress has been asked to investigate the reported lease of the Utah Indian lands in Utah.

The New York grand jury may be called upon to investigate the New York Central tunnel accident.

John E. Pidgeon, of the Georgia Northern Railroad, who was operated upon in New York, is dying.

Frenchmen in Utah urging the government to adopt forcible measures in the collection of her claims against Venezuela.

The promotion of Captain Crozier to be chief of ordnance, is being held up in the Senate until his interests in ordnance patents can be investigated.

The Senate committee on Territories, after investigating charges against Governor Otero, of New Mexico, decided unanimously to confirm him.

A Redding, Cal., workman was pinned to the ground by a red-hot iron bar which he had been carrying. He was rescued by fellow workmen.

The McKinley memorial meeting will be held in the House of Representatives hall, at noon, February 27th. Secretary Hay will make the address.

Iowa farmers were defrauded of large amounts by a clever swindler, who got signatures to blank paper on afterwords printed.

The Harvard Athletic Committee has declared O. F. Cutts to be a professional. Cutts was right tackle on the football team, and once was declared straight.

REMARKABLE CURE OF CROUP.

A Little Boy's Life Saved.

I have a few words to say regarding Chamberlain's Cough Remedy. It saved my little boy's life, and I feel that I ought to let you know it. I bought a bottle of it from A. E. Steere, of Goodwin, S. D., U. S. A., and when I got home with it the poor baby could hardly breathe. I gave the medicine as directed every ten minutes until he "threw up," and then I thought sure he was going to choke to death. I had to pull the phlegm out of his mouth in great long strings. I am positive that if I had not got that bottle of cough medicine, my boy would not be on earth today.—Joel Demont, Inwood, Iowa. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents for H. I.

INSPECT NEW SITE

McKinley Park is Down to Three Plots.

(From Wednesday's daily.)

GOVERNOR DOLE, C. M. Cooke, J. A. McCandless, the members of the sub-committee of the McKinley memorial committee, on site for park, and Frank S. Dodge, of the Bishop estate, paid a visit of inspection yesterday to Kalaiki, for the purpose of looking at plot of ground which has been suggested for the use of the committee. There was spent in the overlooking of the ground something like two hours and the committee left very well pleased with the site of the land.

As a result of this trip the sub-committee asked the Bishop estate trustees for an option of purchase of a plot of this ground, and also of that piece which lies at the end of King street, which, with the option asked upon the Claus Spreckels lot, at Wilder avenue and Punahou street, will form the sites from which the final selection will be made. Of course there will be considered in the question of the selection of the site, the matter of the cost of the ground as it lies. This will be a matter of some importance as in each instance there is work to be done upon one piece which will not enter into calculations if another is chosen.

The plot of ground which was chosen by the sub-committee for inspection is immediately behind the Kamehameha Girls' school, adjoining the garden. The grounds were found to be fairly level, and to be in many ways quite the proper thing for the purpose proposed by the committee. There is just a little slope which would keep the ground free from water, there is a very short walk from the Rapid Transit cars, and the whole outlook is quite pleasing. The committee was of opinion that there might be a higher price asked for the piece than could be paid by the committee and leave enough for the preparation of the park upon the plans which have been discussed heretofore.

Prices were then asked of the Bishop Estate for a piece 500 by 600 feet from this plot and also one 500 by 700 feet. The rocky piece of ground at the Walkiki end of King street was also placed in the same category as to option, for the committee wished to have all the opportunity to give the full committee a chance to vote upon the various sites which have been proposed. These two sites of the Bishop estate, and that of Claus Spreckels are the only ones which have been brought to the notice of the committee and the result is that the field for choice is very limited.

An offer has been made to fill the King street site to the level desired, about one foot over the highest point now on the plot, and it is believed that with this amount added the site will be the cheapest of the three. The size of this piece is said to be about 500 by 850 feet and it is likely that owing to its having the greatest area and being as well easy of access to the cars of two lines of travel, this may be the site chosen, prices being on a par.

The plans of the committee contemplate the spending of something in the region of \$20,000 for the improvement of any grounds which may be selected for the park or playgrounds. It is the unanimous decision that there must be a grand entrance way, and that this must represent a fair proportion of the cost of the grounds. Then there must be grand stands, tracks and a sodded field, so that the cost will be a matter of some moment.

Willcox is Improving.

Mrs. Robert Willcox received a telegram on last night's steamer dated Washington, January 16, in which it was stated that Delegate Willcox was much better and improving rapidly.

THE BEST AT THE LOWEST PRICE AT HOPP'S The Holiday Season

Is ever and business is getting down to a normal state, while we are getting down to business. The Christmas trade kept everything on the jump, but now we begin to think of offering inducements for the January trade.

Fortunately, we are one of the few stores who find themselves with a salable stock after the holidays, and we have just the kind of goods the housekeeper wants to start the new year with. Perhaps the window shades are worn out, and the improvement would cost very little if you were to get from us now.

Hartshorn Window Shades

We will make them to order in any size or color.

Wicker Furniture

Is well adapted to this climate, because it is cool.

No other establishment in Honolulu has the stock of this ware that we have, and our prices are reasonable.

Rockers,

Straight back chair, couches, etc.

We also call attention to the excellent assortment of

WHITE ENAMELED IRON BEDSTEADS

and will be glad to have you call to see them.

J. HOPP & CO.

Leading Furniture Dealers.

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Olaa Assessments.

THE 17TH AND 18TH ASSESSMENTS, of 50c each, are now bearing interest at the rate of 1 per cent per month.

THE 19TH ASSESSMENT of 2 1/2% of 50c per share, has been called, to be due and payable November 20th.

Interest will be charged on assessments unpaid ten (10) days after the same are due at the rate of 1 per cent per month from the date on which such assessments are due.

The above assessments will be payable at the office of the B. F. Dillingham Company, Limited, Stangenwald Building, ELMER E. PAXTON, Treasurer Olaa Sugar Company, Ltd. Honolulu, T. H., July 20, 1901. 2531

INDIANAPOLIS, Ind., Jan. 16.—The center span of the West Washington street bridge, crossing White river, gave way this afternoon with the weight of a work train, consisting of two trolley cars and four teams. Twelve workmen were precipitated into the river, but all were rescued alive. Four were injured.

Clarke's Blood Mixture

THE WORLD-FAMED BLOOD PURIFIER AND RESTORER. IS WARRANTED TO CLEAR THE BLOOD from all impurities from whatever cause arising. For Scrofula, Scurvy, Eczema, Skin and Blood Diseases, Blackheads, Pimples and Sores of all kinds, it is a never failing and permanent cure.

1. Cures Old Sores.

2. Cures Sores on the Neck.

3. Cures Sore Legs.

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7. Cures Blood and Skin Diseases.

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9. Clears the Blood from all impure matter. From whatever cause arising. It is a real specific for Gout and Rheumatic pains.

10. It removes the cause from the Blood and Bones.

11. As this Mixture is pleasant to the taste, and is warranted free from anything injurious to the most delicate constitution of either sex, the Proprietors solicit sufferers to give it a trial to test its value.

THOUSANDS OF TESTIMONIALS OF WOB-DERFUL CURES FROM ALL PARTS OF THE WORLD.

Clarke's Blood Mixture is sold in bottles, 25c each, and in cases containing six times the quantity, 125c—sufficient to effect a permanent cure in the great majority of long-standing cases.—By ALL DRUGGISTS and PATENT MEDICINE VENDORS throughout the world. Proprietors, THE LINCOLN AND MIDLAND COUNTIES DRUG COMPANY, Lincoln, England. Trade mark—"BLOOD MIXTURE."

CLARKE'S BLOOD MIXTURE.

CAUTION.—Purchasers of Clarke's Blood Mixture should see that the name of the genuine article. Worthless imitations and substitutes are sometimes peddled off by unprincipled vendors. The words "Lincoln and Midland Counties Drug Company, Lincoln, England" are engraved on the Government stamp, and "Clarke's World-Famed Blood Mixture" blown in the bottle. WITHOUT WHICH NONE ARE GENUINE.

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Northern Assurance Company, OF LONDON, FOR FIRE AND LIFE. Established 1858. Accumulated Funds ... \$2,975,000.

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The Standard Oil Co.

The George F. Blake Steam Pump.

Weston's Centrifugals.

The New England Mutual Life Insurance Co. of Boston.

The Aetna Fire Insurance Co. of Hartford, Conn.

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Pacific Hardware Co., Ltd.

Fort and Merchant Streets, and Bethel Street, Honolulu,

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Magnite Cold Water Paint and Spray Pumps.

John Deere Plows.

Oliver Chilled Plows.

Distillate.

California Powder Works.

Howe Scales.

Hall's Safes.

Albany Compound.

Silex Cement Wash.

Michigan Stove Company.

Kilfly and Sprayers.

