

# Can Circuit Court Judges Sit En Banc?

All three judges of the Circuit Court sat on the bench at the opening of the May term yesterday morning. Judge Robinson presided, and more than usual interest was centered in their presence owing to the fact that the question had been raised as to whether, under the rules, the judges could sit en banc during the term. In order that the question could be settled before any of the cases for the term were called up for hearing, Judge Robinson announced that the question would be discussed at 2 o'clock in the afternoon, the privilege being extended to all attorneys to participate in the discussion.

At 2 o'clock the courtroom was comfortably filled with attorneys, the judges at that hour being in consultation. It was 2:45 p. m. before the latter appeared and took their seats. After disposing of minor matters Judge Robinson made the following announcement:

"Some discussion was to be had this afternoon on a question raised this morning relative to the judges sitting en banc. I wish to say that the judges have determined that a desultory discussion of that character would be of little avail unless made under an action pending before the court, so that no discussion having that matter in view will be entertained at this time."

Having disposed of what at first seemed a knotty question, Judge Robinson proceeded to assign the various cases on the calendar to his conferees on the bench. After setting one case for trial on Wednesday morning Judge Gear announced that he doubted whether he had any authority to hold court while Judge Robinson was on the bench. He stated, however, that when the case mentioned came up for hearing, he would give the attorneys an opportunity to bring up the question of whether he or Judge Humphreys had a right to hold court while Judge Robinson was presiding over the term cases. As Judge Robinson of counsel in the case mentioned, stated that probably none of the attorneys in the case would desire to discuss the question.

"Well, in that case I will ask you to discuss it," said Judge Gear.

The case which has been picked out for a discussion on the calendar is No. 251 on the printed calendar for the May term, entitled Foo Kee Co. vs. Yoshida (k), Eki (w), and Kumino (k). Robertson & Wilder appear for plaintiff-appellant and F. M. Brooks for defendant-appellee.

## WAITING FOR A CHECK.

While the jury waived cases were being assigned yesterday afternoon to Judges Humphreys and Gear, the case of H. McKeel vs. J. F. Colburn was called up. Brooks for the plaintiff case and said he was willing to have it set for trial this morning, and the sooner the better. He added tentatively that as soon as the case was called he would receive a check for the amount of the claim of the plaintiff.

"The defendants have promised me a check when the case is called by your honor," said Mr. Brooks, "and if possible I would like to have it called up tomorrow morning." Attorney Kaulouko objected to setting it for 10 o'clock, as he had a case in the District Court at that hour.

"How will 11 o'clock do?" inquired Judge Gear.

"I'm afraid I won't be through," replied the attorney.

"Well, then, make it 12 o'clock-noon," said the judge.

"I have to get my lunch at that hour—that's my dinner or lunch time," objected Mr. Kaulouko.

The rest of the attorneys were by this time in a broad smile and so were the judges. A compromise was effected finally whereby the case will be called at 1:30 p. m., when the case will be discontinued if the check is forthcoming.

## CASES FOR MAY TERM.

The courtroom was crowded when Judge Robinson opened the term yesterday morning, with Judge Humphreys and Judge Gear sitting with him. The calendar contains 266 cases, divided as follows: Criminal, 24; civil, 175; jury waived, 42; divorce, 25.

The trial jurors were present, and were dismissed until 10 o'clock this morning, when Judge Robinson will hear the first case for the term.

During the afternoon assignment of cases was made. After some parleying on the part of the attorneys and the judges, it was agreed that commencing with the civil cases, Judge Humphreys was to hear all cases of an even number according to the printed calendar, and Judge Gear the odd numbers. This arrangement satisfied not only the judges but the attorneys as well. In the forenoon Judge Robinson made a division of the cases under which arrangement certain cases which were far down the list would be heard long before cases just preceding them. Judge Robinson at the afternoon session stated that his attention had been called to this matter and he felt that the division as made was manifestly unfair to attorneys and clients. The alternate arrangement resulted.

Civil cases in Judge Humphreys' assignment will be taken up next Monday.

Divorce cases will be heard on Saturdays as usual. Judge Humphreys considered this arrangement the best that could be made.

A. G. M. Robertson stated that most of the practicing attorneys had expressed an opinion that having three juries running at the same time made it difficult to keep in touch with the calendar. It was a practical impossibility for an attorney or firm of attorneys to keep four or five cases ready at a moment's notice. Furthermore, clients could not afford to leave their business to keep in attendance around the courthouses all the time. Judge Humphreys thought Mr. Robertson's suggestion a good one. It was desirable that the probate court be kept up to prevent injustice to minors and to others dependent for their bounty. He knew that when jurors were in attendance waiting for the determination of a case in probate, there was a desire on the part of the judge to rush the probate matters along. He considered it a wise plan for more than two juries to be kept running, with one judge attending to chamber matters. By following this plan the interests of justice would be best served.

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## DEBENTURES RIGHT TO SUE.

The Waikiki Land and Loan Association, one of the defendants in the suit of Sun Kwong Mau Co. against the Rapid Transit Co. et al., filed its answer to the plaintiff's complaint. Defendant admits that on December 15, 1921, McCully was the owner and seized in fee and possessed of a certain tract of land containing 143.40 acres, at Waikiki, and on the date mentioned McCully let said tract to Nin Fong Wai Co. for the term of 20 years. The defendant, however, says it has no knowledge that the Nin Fong Wai Co. was co-partner with the plaintiff, and organized pursuant to the laws of the Territory and denies the truth of other matters mentioned in the complaint, wherein it is alleged that included in the 143.40 acres was the tract of 35 acres mentioned in the complaint as being the plaintiff's.

The defendant sets forth that it is the owner in fee simple of all of the premises described, free and clear of all sub-leases and other encumbrances, under and by virtue of and through a conveyance from Ellen McCully Higgins and J. H. Higgins, her husband, dated February 17, 1909, at Paris, Mrs. Higgins at that time being the owner of the tract in fee simple. The tract was subsequently conveyed by Paris to the Waikiki Land & Loan Association, by deed, dated July 13, 1909, and therefore the Waikiki Land & Loan Association has succeeded to the title of said Nin Fong Wai Co. The defendant alleges that the plaintiffs have no right, title or interest in or to any portion of the land named or described in the amended bill of complaint. The defendant further alleges that the persons filing said amended bill of complaint are not the persons entitled to sue.

Relying upon title to the premises, the defendant made a contract with one James S. McKee, one of the defendants, to construct a road across the tract, and McKee entered upon a portion of the premises and constructed the foundation therefor. The defendant avers that the amended bill be dismissed and that the temporary injunction be dissolved.

James McKee, in his answer, sets forth practically what is alleged in the answer of the Waikiki Land & Loan Association.

## PLAINTIFF GUILTY OF LACHES.

Albert Horner, defendant in an action brought against him by one Makalo, bill to foreclose mortgage, was victorious in the suit, Judge Robinson yesterday deciding the case in his favor. The judge ordered that judgment be entered for defendant and that plaintiff take nothing by the action, but that defendant Horner have and recover judgment against the plaintiff for his costs in this case. The plaintiff offered evidence tending to prove his case and in the absence of any defense, the evidence offered was in all respects sufficient to prove all of the material allegations of his bill. Judge Robinson affirms that there was no testimony adduced in the presentation of the plaintiff's case tending to establish the theory advanced by the defendant, Horner, in his amendment to his answer, that the plaintiff was estopped from foreclosing the lien of his mortgage or that he had waived the lien of the mortgage as to the defendant, Horner, because of his conduct as agent or broker for the mortgagor in the sale of the mortgaged premises to defendant, Horner. The only questions to determine were whether the plaintiff had been guilty of laches, in failing to enforce his lien for a period of over fourteen years, and whether or not plaintiff's case is barred by the statute of limitations. In his opinion, Judge Robinson said that both questions presented should be answered in the affirmative.

## COURT NOTES.

C. W. Ashford appeared on record yesterday as an attorney, after several years' absence, as counsel for defendants in the case of F. Wundenberg, trustee, vs. George Markham and G. H. Cummings, now pending in the Circuit Court. Defendant, George Markham, denies to the plaintiff's declaration in which he alleges he is entitled to peaceful possession of premises at Kailua, set forth in a deed of trust. Defendant states it does not appear by whom or by virtue of what authority the plaintiff was appointed as such trustee.

The continuation has been filed in the case of L. L. McCandless vs. Samuel Andrews.

Appeal has been filed by defendants from judgment of the District Magistrate of Honolulu in the cases of Territory vs. Yake (Japanese) and Territory vs. King Sing.

George Lucea, clerk of the Court, has attached an affidavit to the bill for injunction in the case of John Kidwell vs. Frank Godfrey, stating that the cause was remanded to the Circuit Court by order filed April 1, 1922, and that defendant has filed no answer or come before him in the case. The plaintiff moves the court to enter a decree pro confesso.

Judge Robinson yesterday filed an order in the case of J. A. Magoon vs. Chin Kee Qnan, appointing a receiver. The action was begun by plaintiff to cancel a lease because he left out the clause "per month," after the amount stipulated for rental, C. F. Reynolds was appointed receiver, his bond being placed at \$2500.

Dr. Albert E. Nichols was declared a bankrupt in Judge Estee's court yesterday morning. Attorney W. S. Fleming was appointed referee in the action. Dr. Nichols appeared in court and made oath to the petition filed by him. The liabilities were in the neighborhood of \$20,000. Judge Estee did not let the opportunity pass to state that in future he would give rigid scrutiny to cases of bankruptcy. Two cases had come before him the previous month of which he was suspicious.

The bark Albert, Captain Griffiths, which arrived from the Coast on Saturday, came down in nineteen days. The only passenger was a Mr. Fisher of Lihue. The bark brought a cargo of general merchandise and a deck load of hogs, nearly a hundred of which died at sea. The Albert will load sugar here for San Francisco. She left San Francisco later than the bark Andrew Welch and Alden Besse but beat them both to port.

# MASONIC GOLDEN JOUBILEE 1852-HAWAIIAN LODGE-1902

## SURROUNDED BY FRIENDS.

With a large number of its own family circle in evidence, Hawaiian Lodge last night celebrated its fiftieth anniversary. It was an occasion full of meaning for the members of the oldest lodge in point of continuous life in the islands, a lodge which has numbered among its members Kings and ministers, professional men, and laborers in the hamlet fields, magistrates and clerks, and the filled room and the close attention to the historical features of the evening showed the significance attached to the anniversary by Masons.

It was a celebration full of oratory and reminiscence, of music and good fellowship. Hawaiian Lodge is known as a host and the Temple was filled to the doors, and out into the ante-rooms even, by the many who came to join in the congratulatory messages from sister organizations, and to enjoy the flow of reason and soul which was the marking distinction of the evening. There was not a vacant seat long before the procession of masters passed into the lodge, and the session was declared open, and the applause which punctuated the historical address of Brother Hassinger, and the laudatory one of Past Grand Master Estee showed the strength of the Masonic feeling among its people.

The Temple, with its delicate frescos and jeweled imagery, was transformed into a tropical auditorium by the introduction of palms and mallets. Fronds of date palms arched above the jeweled emblem of the order over the chair of the worshipful master of the lodge and were met by potted plants which surrounded the rostrum on which were placed the past masters of the craft and the presiding officer.

From the electricolors above depended loops of tri-color, interwoven shades of the banners of the present and the past. From the center, beneath the "Eye," was suspended a banner inscribed "1852-1902" with the square and compass. The colors were in evidence again in the two flags of Hawaii and the Union, which draped the stand from which the speakers read. All about the room palm fronds arched against the sky-tinted walls, and about the standards supporting globes were wound male, which stood out against the dark woods. The decorative scheme was entirely that of Joshua Tucker.

The entire auditorium was filled with chairs, but the 275 seats thus provided were all too few for the craftsmen who gathered to aid in the celebration of the golden jubilee, the first of such gatherings that will mark the early years of the century. The audience was an impressive one, numbering as it did the most representative men in the business and professional world of the city. In the company were kamaainas and malihinis, men whose Masonic life began in America and Europe, as well as those whose experiences are confined to this city. Nearly one-half the audience was made up of ladies, whose bright gowns relieved the masses of black which represented the men gathered to participate in the ceremony.

There was no hurry about the gathering, for it was in more than one sense a reception, and for nearly an hour before the session of the lodge was called to order by Worshipful Master Frederick Whitney, who was wisely affected by the occasion, and the honor which fell to him as the presiding officer of Hawaiian Lodge, the members received their friends in the outer rooms. In calling the meeting together Mr. Whitney said:

"It is a source of great pride that I have the pleasure, on behalf of Hawaiian Lodge, of welcoming so many to participate in the celebration of our golden jubilee. Masonry is of great antiquity, and its beautiful tenets have passed down to us through the corridors of time. Its principles have enriched and beautified the nobler fraternal feelings of our nature, and now, in this, the twentieth century, all nations, from the crowned head to the tiller of the soil, recognize the influence Freemasonry exercises for good and the benefit of mankind.

"In tracing back through the mists of time we find that it has always been a custom, on important occasions, to select from among the brethren those well versed in our mysteries, to interpret intelligently and wisely the various subjects selected. I am singularly fortunate as the presiding officer of this lodge in having associated with me brethren of mature intellect and wide attainments, and those selected to speak this evening I am sure you will listen to with a great deal of pleasure. In their treatment of subjects on our program selected for this evening's exercises. As the program is somewhat lengthy, I will call upon P. M. Brother Alexander Mackintosh to offer up prayer."

At the conclusion of the prayer, the Dillingham Quartet, Messrs. W. F. and Isaac Dillingham, C. E. Elston and Clifford Kimball, sang with such effect that they were recalled and compelled to give an encore.

In introducing the first speaker of the evening, Worshipful Master Whitney said that Past Master William Essenden Allen was the oldest member of the lodge, one who had twice served as its master and whose memories of the past were full of interest. P. M. Allen said:

W. F. ALLEN'S ADDRESS.

Worshipful Master, Brother Masons and Ladies:—Hawaiian Lodge No. 21, under the jurisdiction of the Grand Lodge of California, Free and Accepted Masons, have invited you to join them this evening in the celebration of the semi-centennial anniversary of the founding of their lodge, which occurs this fifth day of May, A. D. 1902.

It is one of the strongest characteristics of Masons that wherever a few Masons are, they at once long for a lodge, and the close fellowship of the lodge meetings. This longing was particularly strong fifty years ago. Here, in a foreign land, with a small foreign population; influenced by this feeling, some of the Masons who were in Honolulu in the year 1851, desirous of having a lodge of their American jurisdiction, joined in a petition to the Grand

of the afflicted, look out for his poor and don't tell about it to make itself popular.

Masonry was a man better tomorrow than today. Masonry never does wrong to the living or to the character of the dead. There are no politics or religion in Masonry, and yet so many can be a Mason, and yet so many can be a Mason who is not a Mason in his true sense to every relation and to every heart, so many can be a good Mason unless he devotes of his time and fortune to charity. We are bound to be loyal to our country, faithful to God and helpful to the needy. Masonry teaches the immortality of the soul, obedience as a citizen and brotherly love for each other.

"We're here for a short time and we're a long time over yonder. We are now choosing the road. Every man selects the niche he elects to fill and selects where he would worship. It matters little whether it is his home, his lodge or his church. We must be true to ourselves, whatever our belief."

Brother D. P. R. Isenberg sang very sweetly Adam's "Isle of Dreams," accompanied by Miss Von Holt. He was encored to such an extent that he had to sing again, a German song being quite as well received.

When the program was finished there was a general reception held by the lodge men, there being served punches, loaves, sandwiches and salads, and it was not until a late hour that the guests of the oldest lodge departed.

## GRUESOME FIND IN EMMA SQUARE

A leper stood beneath a tree in Emma Square last night, listening to the music of the band. He was a Hawaiian youth of perhaps 16 years, by name Oopa. On his face the hand of the dread disease had been heavily laid, his ears being swollen, apparently to bursting point, and his features being disfigured by hideous blotches.

As he stood there, with the glare of an electric light falling full upon his face, a number of small boys accidentally jostled him in their play and, chancing to glance at his countenance, sprang back appalled.

"Mai pake," they whispered one to another.

A mounted policeman was standing close by and one of the boys ran to him and acquainted him with his gruesome discovery. The officer immediately telephoned to the police station and the receiving clerk in turn notified Dr. Pratt, who drove to Emma Square to investigate the case.

Meanwhile the rumor of the leper at large spread among the pleasure-seekers, who shudderingly viewed the scarred unfortunate from afar.

A glance was sufficient to tell the doctor that the case was one of leprosy in an advanced stage, and telling Oopa to get into his buggy he drove him to the detention camp at Kailua, where he will remain until the leper boat Lehua makes its next trip to Mokolua.

Oopa told Dr. Pratt that he lived at Awaoloulu, near the stream below the Mormon church. He said that he had lived there with his mother and the rest of his folks for years.

Asked as to why he visited town, last night Oopa stated that he came in to get his hair cut and was returning home when he lingered to listen to the music of the band. A Japanese barber had cut his hair, he said.

## NEW PARISH HOUSE.

The new and commodious parish house of St. Clement's parish at Punahoa was dedicated last evening by Bishop Nichols. Immediately following the formal dedication by prayer, an entertainment was given for the benefit of the Hospital for Incurables, and about \$75 added to the fund to succor the unfortunates. The new parish house was opened under the most auspicious circumstances, and will doubtless prove a favorite place for recreation. Every seat was filled.

At the end of the auditorium facing toward Makiki street is a stage equipped with sliding doors and in every way suited for the purposes of entertainments. Below the stage is an apartment fitted up as a dressing room reached by a rear entrance, giving easy access from it to the stage. The latter was decorated to suggest a conservatory, parasite vines, palms, maile and banana leaves forming the conspicuous features.

The Rev. John Osborne introduced Bishop Nichols, who said he thought it proper that the first entertainment given in the house should be for the Hospital for Incurables. After the Lord's prayer and collects, the bishop made an interesting address. The church, he said, was a shrine and was dedicated to the worship of God, and it was most that another place should be provided where good wholesome amusement could be had. He wanted the church to foster the young people with all their desires for fun. The bishop said farewell and departed early, as he had to prepare for his departure for San Francisco today.

The entertainment was opened with a cantata, presented by the girls of the High School. This was the number which was so well received at the May Day festival in the opera house. The presentation was even better than the first and was heartily applauded. Miss Edith Rogers followed with a solo, "Still as the Night," charmingly rendered. Miss Cartwright gave a reading, descriptive of a scene in an arena where a heretic is placed at the mercy of a lion. The reading was given with splendid interpretation of the climax. Mr. Hertzle, a new-comer, pleased the audience with his baritone solo, "Marching Away." Miss Bernice Koepke rendered a violin solo in a sympathetic manner and was greeted with rounds of applause. Mrs. J. T. McDonald was especially pleasing in her vocal solo, "God's Acre." Mrs. May Mott-Smith Bird delighted the audience with her humorous recitation. The Kamehameha girls' quintet sang sweetly, and Mr. Muller rendered a pretty solo. Miss Kulamann Ward sang a solo, accompanied on the violin by Miss Ward. The number was well rendered and the Misses Ward received merited applause.

# TO GROU TUATUA

## McVeigh Will Give Remedy Fair Trial.

Superintendent J. D. McVeigh, of the leper settlement, returned to his post of duty last night in the steamer Lehua, and he will remain at Kalaupapa and Kalaupapa for two or three weeks. On the steamer, confined to himself at Kalaupapa, was a quantity of building material, which will be used in the construction of a new house for the resident physician of the settlement at Kalaupapa. The old one, occupied by Dr. Oliver, was at Kalaupapa, too distant from the majority of lepers, who live at Kalaupapa. On stormy days it was practically impossible for the physician to respond to a call from remote parts of the settlement. Superintendent McVeigh has decided that the best thing for all concerned is to have the settlement physician as centrally located as possible.

Not the least of the dozen or more packages which the superintendent took to the settlement was a score of tuatua or anti-leprosy plants, which were to be planted in the places most favorable to their rapid propagation. Such plants are already planted there but they are not the hardy shrubs, which are to be seen at the Planters' Experiment Station in Honolulu. The superintendent will watch the new ones and use the utmost care to bring them to a full growth, so that a sufficient quantity of juice may be extracted for the needs of the experiments which he will conduct among the lepers.

"The trouble so far," said Mr. McVeigh yesterday, "is that when the remedy was sent over by the Board of Health, it was given out indiscriminately, and the result was that those who accepted it had about two doses all told. No good results could be expected from such a hasty distribution. I hope to use the remedy in a manner which will give the best results, if any can be obtained from the tuatua. I mean to keep a sufficient quantity to carry on the experiments for a long period, and give the medicine a fair and impartial trial."

The basophil fever has struck the settlement, and on the last visit the superintendent organized two teams, and partially equipped them. The settlement "league" has been formed and the two teams will await the sphere during seven games, which have been proposed, and the winning team will capture a prize of \$20, which is already subscribed. Half was subscribed by the members of the board and the other half by the superintendent.

June 11 will not be passed by at the settlement for want of amusement. Mr. McVeigh proposes to have a day of racing and other sports. There is a good horse track here, which is already some good horse-flesh, which needs only the incentive of a well arranged program to make an interesting day for the lepers.

For the first five months of this year only seven lepers have been added to the population of the settlement. There are 1000 in all. This record is a record there, showing that the high water mark of the disease has been reached and passed.

## WHOOPING COUGH.

A woman who has had experience with this disease, tells how to prevent any dangerous consequences from it. She says: Our three children took whooping cough last summer, our baby boy being only three months old, and owing to our giving 800 per cent. Chamberlain's Cough Remedy, they lost none of their plumpness and came out in much better health than other children whose parents did not use this remedy. Our oldest little girl would call lustily for cough syrup between whoops— Jessie Pinkie Hall, Springsville, Ala., U. S. A. This remedy is for sale by all dealers and druggists, Benson Smith & Co. Ltd., agents for Hawaii.

## HONOLULU STOCK EXCHANGE.

Honolulu, May 5, 1902.

NAME OF STOCK	Capital	Val	Bid	Ask
<b>MERCANTILE</b>				
C. Brewer & Co.	1,000,000	100	.....	400
N. S. Bach's Dry Goods	50,000	100	.....	20
L. B. Kerr Co., Ltd.	200,000	50	.....	40
<b>REGAR</b>				
Ewa	5,000,000	20	23 1/2	24
Haw. Agricultural Co.	1,000,000	100	.....	2 1/2
Haw. Com. & Sug. Co.	1,000,000	20	.....	2 1/2
Haw. Sugar Co.	2,000,000	20	24	25
Honolulu	70,000	100	.....	10
Kaunaloa	2,000,000	20	10	12
Hauka	500,000	100	.....	100
Kahuku	50,000	20	12 1/2	24
Kilauea	100,000	100	.....	100
Kilauea Plant. Co., Ltd.	2,000,000	20	10 1/2	10 1/2
Kona	100,000	100	.....	100
Koloa	500,000	100	.....	100
McBryde Sug. Co., Ltd.	3,500,000	20	0	7
Maui Sugar Co., Ltd.	3,000,000	20	.....	9 1/2
Oahu	1,000,000	20	.....	24
Oakala	500,000	20	.....	0
Oloa Sugar Co., Ltd.	800,000	20	.....	5 1/2
Oloa Plant. Co., Ltd.	2,000,000	20	.....	15 1/2
Oloa	100,000	100	.....	100
Panama Sugar Plant. Co., Ltd.	5,000,000	50	.....	.....
Panama	500,000	100	.....	.....
Papa	250,000	100	.....	.....
Pelepeko	75,000	100	.....	17 1/2
Pohono	2,500,000	100	.....	70
Waialeale	4,500,000	0	.....	50
Waikuku	700,000	100	.....	24
Waialeale	250,000	100	.....	150
Waimea	125,000	100	.....	.....
<b>STEAMSHIP CO'S</b>				
Wilder S. S. Co.	500,000	100	.....	50
Inter-Island S. S. Co.	500,000	0	75	.....
<b>MISCELLANEOUS</b>				
Haw's Electric Co.	250,000	100	.....	50
Hon. R. T. & L. Co.	250,000	100	.....	.....
Kilauea	100,000	100	.....	.....
O. R. & L. Co.	2,000,000	100	.....	50
<b>BONDS</b>				
Haw. Govt. 5 p. c.	.....	.....	.....	94
Hilo R. T. & L. Co.	.....	.....	.....	100
Hon. R. T. & L. Co.	.....	.....	.....	.....
Ewa Pln 6 p. c.	.....	.....	.....	101 1/2
O. R. & L. Co.	.....	.....	.....	100 1/2
Oloa Pln 6 p. c.	.....	.....	.....	.....
Waialeale Pln 6 p. c.	.....	.....	.....	101
Waialeale Pln 6 p. c.	.....	.....	.....	.....

## SALES.

Between Boards—Twenty-five Kibei, 310.

Muranaka, a Japanese, wanted for robbery, is at large yet, and the police need him badly.