

GRAND JURY IS CHARGED

Judge Lindsay delivered his charge to the grand jury yesterday morning. It was strictly technical, not even in a general way giving the grand jurors anything to investigate other than matters submitted to them by the county attorneys. Their hours were given to them as those observed by the court itself in its sessions, namely, from 9 a. m. to 4:30 p. m., with a recess from 12 m. to 1:30 p. m., excepting that on Saturdays adjournment will be had at 12 m.

The following grand jurors were sworn and received the charge of the court: John K. Prendergast, E. A. Rossland, A. J. Taitte, Wm. Weirich, Jr., Chas. H. Atherton, W. J. White, J. A. Aheong, E. T. Dreier, I. Livingston, W. A. Love, R. K. Pahau, Joseph Richard, D. K. Bent, Antonio Fernandez, J. T. Crawley, C. J. Willis, M. J. Bissell, Richard Weedon, Louis R. Medeiros, W. J. Karratti, H. C. Schmidt, Thos. R. Lucas and S. R. Stone.

Mr. Bissell was named by the court as foreman of the grand jury. M. J. Cabral was appointed by Judge Lindsay both as Portuguese interpreter for the term and as bailiff to the grand jury.

Deputy Sheriff Kalakiela returned the bench warrant for Thos. F. McTighe, a grand juror, unexecuted, together with a certificate from Dr. Camp that Mr. McTighe was sick and unable to attend to any business.

Richard Weedon, a grand juror, was produced in court under a bench warrant. He offered an excuse for absence the previous day, which was accepted.

TERM CIVIL JURY CASES ARE CALLED

When those excused were counted out there were only eleven jurors left on Judge Robinson's panel yesterday. Under the law a special venire can not be issued for additional jurors until an unsuccessful attempt has been made to obtain a jury for a particular case. Parties in a civil case may agree to trial by less than twelve jurors, or by standers to the number of three may be called. Of the eleven remaining on the panel one was absent yesterday and a bench warrant was issued to bring him into court. The jury will not appear again until Monday next.

In the calling of the even-numbered civil cases on the calendar by Judge Robinson, a number of cases were set for trial but none before October 1. Until then Judge Robinson will be engaged with assigned criminal cases. C. Shiozawa vs. Kamilo Sugar Co., an action for \$500, was discontinued. Wm. Blaisdell vs. George Herbert et al., Lee Let et al. vs. Young Chong et al., two cases of Orpheum Co. vs. J. O. Lutted, and David Kawanakoa vs. Wm. Henry, were, on motion of Ashford for plaintiffs respectively, stricken from the calendar.

In the case of Tanaka vs. Tanaka a motion to dismiss the appeal was granted, on the ground that a judgment by default was not appealable.

Paul Friedman vs. Carrera & Co was stricken from the calendar on motion of Middlefield for plaintiff.

M. Phillips & Co. vs. Harg Young Kee Co. was stricken from the calendar on motion of Thayer and Hemenway for plaintiffs.

S. Troche vs. Kekaha Sugar Co., a suit for \$10,000 damages on account of personal injuries, was discontinued.

Motions to dismiss the two cases of Nicholas Bros. & Co. vs. Honolulu Brewing & Malting Co., and Victor Hoffman and Western Iron Works Co. vs. Victor Hoffman and Honolulu Brewing & Malting Co. were denied, and the cases set for trial on November 20.

Hawaiian Trust Co. vs. A. V. Gear was discontinued.

At 9 a. m. today Judge De Bolt will call the odd-numbered cases on the civil calendar, but his jurors will not appear until Monday next.

LIBELED HUSBAND IN ARCTIC OCEAN

Deputy Sheriff Kalakiela returns summons in the divorce suit of Hatsu-yo Kobayashi vs. Seitaro Kobayashi unexecuted, as diligent search has failed to locate the respondent and the officer is informed "that said Seitaro Kobayashi has left the Territory of Hawaii on the U. S. revenue cutter Bear and is now in the Arctic Ocean."

The alleged grounds of divorce are cruelty and non-support, the libellant saying "that the said libellee has been guilty of extreme cruelty, and brutal and inhuman conduct toward the libellant, in beating and striking libellant and compelling her to labor for the purpose of paying his debts." Samuel F. Chillingworth is attorney for libellant.

MORE OPPOSITION TO COLBURN'S SUIT

George H. Holt, by his attorneys, Thayer & Hemenway, makes a return to the order to show cause, in the matter of the petition of John F. Colburn for a decree requiring Carlos A. Long, administrator of the Holt estate, to accept an offer of \$108,000 from J. R. Galt for a two-thirds interest in the estate.

He sets up that the court has no jurisdiction and that the petitioner is not entitled to the relief prayed for. Edward K. Holt, by his attorney, Geo. A. Davis, files a demurrer to the petition of John F. Colburn in the matter of the estate of Robert William Holt, deceased. He represents that no cause for the desired relief is shown.

BRILLIANT BALL FOR POLO TEAMS

(From Thursday's Advertiser.) A banquet followed by a ball at the Royal Hawaiian Hotel last evening ended the great polo tournament. The excitement of the polo field was transferred to the banquet board and the ballroom floor, and to the sweet accompaniment of music the great annual event was rounded off in an enjoyable manner.

The banquet was held in the private dining room of the hotel, and was appropriately decorated with flags, flowers and club pennants, to honor both the victorious Maui team and the victorious Oahu team. About forty guests were present, including the members of the two teams and the clubs, as well as distinguished friends. Walter Dillingham was toastmaster, and on his right was Frank Baldwin, the doughty captain of the Maui team. The Mauians and the Oahuans alternated around the table, at which also sat Governor Carter. Toasts were given for the two teams, the ladies, of course, and one especially for Hon. S. M. Damon for the use of his magnificent polo field. Messrs. Dillingham, Weiler and Baldwin made happy speeches and little talks.

Governor Carter spoke of the game of polo as being one of the greatest in the realm of athletics. While on the Coast he said he met Hobart, the great player, who hoped to come to Hawaii to play, and at any rate Governor Carter said that deterioration in the tropics could not be accredited to polo players in Hawaii, and he especially referred to Frank Baldwin's hard fall and his quick recovery.

A wireless telegram was soberly handed to the toastmaster and read aloud. It was from Mrs. Dora von Tempky of Maui to Mrs. Krumbhaar, sending congratulations to the Maui team for its great victory. Mrs. von Tempky is one of the enthusiastic backers of the Mauians.

By 9:30 the banqueters repaired to the ballroom and lanais, where they found a large assembly of people gathered, and all entered at once into the gaiety of the occasion. Music was furnished by the Ellis Glee Club, and this kept the feet of the celebrants tripping until long after midnight.

THE NEW FRENCH REMEDY, THERAPIOL.

This successful and popular remedy, used in the Continental Hospitals by Ricord, Rostan, Jobert, Velpeau, and others, combines all the desiderata to be sought in a medicine of the kind, and surpasses everything hitherto employed.

THERAPIOL NO. 1 maintains its world-renowned and well-merited reputation for derangements of the kidneys, pains in the back, and kindred ailments, affording prompt relief where other well-tried remedies have been powerless.

THERAPIOL NO. 2 for impurity of the blood, scurfy, pimples, spots, blotches, pains and swelling of joints, gout, rheumatism, and all diseases for which it has been too much a fashion to employ mercury, sarsaparilla, etc., to the destruction of sufferer's teeth and ruin of health. This preparation purifies the whole system through the blood, and thoroughly eliminates all poisonous matter from the body.

THERAPIOL NO. 3 for exhaustion, sleeplessness, and all distressing consequences of dissipation, worry, overwork, etc. It possesses surprising power in restoring strength and vigor to those suffering from the enervating influence of long residence in hot, unhealthy climates.

THERAPIOL is sold by the principal Chemists and Merchants throughout the world. Price in England, 2s. 6d. and 4s. 6d. In ordering, state which number is required, and observe that the word "Therapion" appears on the British Government Stamp (in white letters on a red ground) affixed to every genuine package by order of His Majesty's Hon. Commissioners, and without which it is a forgery.

J. A. M. Johnson has discovered a ready market in the Orient for barks possessing tannin, and made a contract with the Bishop estate trustees for the bark of the Koa trees now being culled on Hawaii for lumber. The bark of the black wattle growing on Tantalus is rich in tannin and Mr. Johnson lately sold 150 tons of it, procured through the Federal experiment station, to Japanese dealers at \$25 a ton.

Governor Carter has now taken up the sea wall question, along with Superintendent Holloway and Attorney General Andrews, and the issues with beach proprietors will likely soon be sharply defined.



THE THREE U. S. MEN-OF-WAR WHICH HAVE BORNE THE NAME PENNSYLVANIA—THE SHIP-OF-THE-LINE, THE STEAMFRIGATE, AND THE ARMORED CRUISER OF TODAY.

HANAIEI IS A LIQUOR DEALERS' PARADISE

LIHUE, Sept. 4.—The Garden Island says: Of all the districts affected by the new liquor law, Hanalei seem to have undergone the greatest change. From being a set of quiet, charming valleys, it has all of a sudden blossomed out as the liquor dealer's paradise. Up to the time when Governor Carter's new law went into effect, the district did not possess such a thing as a saloon or a wholesale liquor house. There is no doubt that a few buckets of swipes were manufactured, when the native found it necessary for his health to indulge in a slight jag; maphap that even a gallon or two of raw Okolehao were distilled to satisfy the curiosity of some malihini, but taken as a whole Hanalei was a quiet and orderly place.

That is all a thing of the past now. No sooner did the new order of things begin before the place got blessed with four (4) saloons, all of them situated in Wainiha. The number of men at present employed in that valley, working for the Electric Co. furnish quite a remunerative field for the booze sellers. That the latter do not permit it to lie fallow is evident from the number of unusually happy or unnaturally morose countenances you see every day of the week, but especially Saturdays and Sundays. The influx of Japanese into the valley since the work on the tunnels was started has been great. The hope of substantial savings lured them on, but evidently the jag manufacturer is the only one that will handle the money that is saved there.

The native Hawaiian is bound to fare the worst at the hands of these new enterprises. The cheap beer is now obtainable in unlimited quantities, but that does not seem to affect them as much as the concoction furnished to them under the name of gin. The only similarity to that liquor, detectable in the squarefaces sold, is the color. What the ingredients are, only the manufacturer knows, but the effect on the consumer is obvious to everybody. Of course this stuff has been sold before, but Hanalei district, not being right in the trade line, was not flooded with it; an occasional bottle or two found its way thither, but when the Hawaiian wanted an exhilarating stimulant he generally procured a sufficient quantity of swipes. He was accustomed to this kind of an appetizer, and though it may have made him sick for the time being, it did not fill his system with more than one kind of poison at the time.

In order to counteract the uneven distribution of the licenses two additional have been issued to Chinamen in Kalihawai valley. And more are likely to follow in the near future. All a man needs is to collect, borrow or steal one hundred dollars with which to pay his license fee; the Honolulu houses will furnish him on credit with all the bottled jag he can dispose of. That the consumption of all the liquid refreshments dispensed by these six saloons has a reducing influence on the number of days that the men turn out to work is a matter of course. After Saturday's and Sunday's exhilaration comes Monday's headache. Then often the gentleman of the bibulous turn needs Tuesday as a day of rest, in order to gather strength for four days' labor.

Oh, yes, Hanalei district is being civilized very fast, but probably other localities are getting their share of the effect of this modernizing law as well.

JOHN II ESTATE LOSES THREE OF FOUR FISHERIES

Judge De Bolt yesterday rendered an opinion upon the action to establish fishing rights of John II Estate, Ltd., vs. Territory of Hawaii. It decides against the plaintiff as to the fisheries of Ulemoku, Auiole and one Mokuumeume fishery, and in its favor as to another Mokuumeume fishery. All of the fisheries at issue were in Pearl Harbor. "None" of the four now adjudicated "are mentioned in the patents for the land to which it is claimed the fisheries respectively attach," the court says.

"As to the fisheries of Ulemoku and Auiole," Judge De Bolt proceeds, "even upon plaintiff's own showing, I am bound to find that the rights claimed by it in those fisheries have not been established. On the contrary, the evidence clearly shows that these fisheries have always been open to all persons alike, and that no person ever had an exclusive right therein."

"Furthermore, the lands to which plaintiff claims these fisheries are attached, being 'grants' and not 'wards,' it would seem, for that reason alone, that this suit can not be maintained."

The law of 1851 for protection of fisheries is quoted, which expressly denies exclusive fishing rights to buyers of Government land with a fishing ground not included in its title.

"It is argued on behalf of plaintiff," the court says, "that this statute only applies to fisheries outside the reefs and does not apply to fisheries within Pearl Harbor, they not being sea fisheries. Under Sections 95 and 96 of the Organic Act, however, suits to declare vested rights in fisheries can only be brought by persons claiming such in the sea waters of the Territory of Hawaii. Surely Pearl Harbor is a part of the sea waters of this Territory, otherwise plaintiff has no standing in court."

One of the fisheries of Mokuumeume was held by a grant to Liholho issued January 20, 1855. The testimony was that it had always been open to all parties alike and that no person ever had an exclusive right therein. "It appears, however," Judge De Bolt says, "that Kamehameha IV took possession of it and claimed it to the exclusion of all others. This, however, I consider immaterial. It follows, therefore, that plaintiff has no vested right in this fishery."

"As to the other fishery of Mokuumeume, plaintiff claims this under L. C. A. II, 216 to Kekauonohi, confirmed by R. P. 7960, issued August 24, 1891. "The Attorney General contends, however, that there is a conflict between the L. C. A. and Royal Patent inasmuch as the L. C. A. does not expressly mention the island of Mokuumeume, but refers to other land; and that, therefore, no vested rights to the fishery in the waters surrounding the island could accrue or be appurtenant to the land described in the patent. It appears, however, on the face of the patent that the land therein described, being a portion of the island, was duly awarded unto the said Kekauonohi. Furthermore, the court in this proceeding is bound to take the title deeds as they are found to exist. Whatever power a court of equity might have to set the patent or other papers aside it is clear this court has no such power. I, therefore, find that the plaintiff has established its claim to this fishery. Judgment may be entered accordingly."

J. Alfred Magoon for the plaintiff; Attorney General L. Andrews for the Territory.

ENGINEERS' PLAN A HIGH JINKS

The committee having in charge the semi-annual "Jinks" of the Honolulu Engineering Association is planning an outing for those fortunate enough to have their names on the membership rolls of that society with a "filyly paid up" sign set opposite thereto.

The character of this spasm is intended to be such that "Saturday, Sept. 20, 1905," will hereafter be heavily underscored on the calendars of the participating members in ink of a brilliant vermilion hue.

Our reporter was informed by a member of the committee, that owing to the strenuous manner in which the city police regulations were being enforced at present, it had been deemed inadvisable to "get-out-of-town."

The Oahu Railroad Co., with a commendable desire to do whatever is for the best interests of the community, has placed at the disposal of the association a special train which will leave Honolulu at 5 o'clock on the afternoon of the date above mentioned, having for its objective point the Haleiwa Hotel, Manager Bidgood of that famous hostelry having been placed under heavy bonds to provide the choicest banquet of the season for the Jolly Jinkers.

The down trip will be enlivened by music, cards, stories, cigars, etc. (The Honolulu Electric Co. has kindly agreed to furnish all the ice needed to keep the ceteras cool.)

Arriving at the hotel the "animals will be fed" after which they will be treated to an entertainment of varied character. Numbers given by performers on stringed instruments will be interspersed with performances by numbers of vocalists and others, more or less unstrung, after which will come the homeward journey, presumably a repetition of the down trip, with possibly a greater number of ceteras.

The railroad people have been notified that while one engine will doubtless be able to haul the train down, it may require an extra one to get the load back to town.

The genial superintendent of the line suggested that as it might be desirable on the trip to separate the sheep from the goats, he would provide for the "Ancients and Honorables" a special chair car where the mild and gentle sheep would be able to browse on the higher engineering levels, in peace and quietude, but as up to date there has been but one application for a seat in that car, we are forced to the conclusion that the goats are largely in the majority. The committee having control of the affair is composed of F. W. Beardslee, C. A. Murgrave, G. P. Denison, G. F. Bush, and E. G. Keen.

MISS MAY BLACOW WEDS WILL YOUNG

Miss Alice May Blacow and Mr. Will F. Young were married last evening at St. Andrew's Cathedral, Bishop Restarick officiating. Following the ceremony the happy couple were entertained at a delightful supper at the residence of Bishop and Mrs. Restarick, departing later to spend their honeymoon at the residence of W. W. Hall—"Anuini"—Pearl Harbor.

The bride is a charming young lady with a large circle of friends. The groom is the senior member of Young Bros., who control the launch business at this port. The brothers have established an attractive home near the naval sea wall and close to the Myrtle boat house. This home is often the rendezvous for parties of young people, who find the hospitality of the brothers all that they could wish. Mr. Young commands the big launch Waterwitch, which is the official customs and immigration boarding boat.

SEAMEN'S INSTITUTE GIVES A RECEPTION

The new quarters of the Honolulu Seamen's Institute over the old Castle & Cooke store, corner of King and Bethel streets, was formally opened last evening, where a reception was given in honor of the bluejackets of the German cruiser Condor. The main assembly hall was attractively decorated with flags and signal pennants, and was bright with electric lights. Not only was the off watch of the Condor present, but numbers of sailors from various ships in the harbor were present and fraternized freely with the jacksies.

Superintendent F. W. Everton addressed the men saying that it was an auspicious occasion for the opening, for the Seamen's Institute was open for the sailors of all nations. He wanted the men present to convey the word around the world that the Honolulu Institute was a place all seamen could look forward to finding a home and a cheery welcome. The band of the Condor was present and at the conclusion of the address, which was applauded, the bandmen played the Star Spangled Banner and followed it with numerous German selections. Tobacco was passed around, and later on refreshments were served. The evening was spent in an enjoyable manner.

"Rex" Hitchcock entered on his duties yesterday as prosecuting attorney for the County in the police court.

Montgomery-Bremer Fire Insurance Co

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of F. A. SCHAEFER & CO., Agts.

North German Marine Insur'ce Co. OF BERLIN.

Fortuna General Insurance Co. OF BERLIN.

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., General Agents.

General Insurance Co. for Sea River and Land Transport of Dresden.

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., Agents for the Hawaiian Islands.

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ELECTRIC LIGHTED RUNNING EVERY DAY IN THE YEAR Only Two Nights between Missouri and San Francisco Montgomery St. San Francisco, Cal. S. F. BOOTH, General Agent.

HIGHEST PRAISE

Some Honolulu Citizens Grow Enthusiastic on the Subject.

The praise of the public is merit's just reward. Nothing in modern times has received the praise accorded "The Little Conqueror" of kidney pills. Of some kinds of praise we are sceptical. We doubt the praise of strangers. The highest praise for Honolulu public is hearty expression from Honolulu people.

Doan's Backache Kidney Pills are endorsed in Honolulu. No better proof of merit can be had. Here's a case of it. We have plenty more like it.

H. S. Swinton of this city says: "I was a long sufferer from backache, having been afflicted with it for twelve years. Taking this as a symptom of kidney trouble, and seeing Doan's Backache Kidney Pills advertised as being good for complaints such as mine, I procured some of them at the Hollister Drug Co.'s store. I found upon taking them that they were doing me good, and was thereby encouraged to keep on until now I am cured of the backache. The merits of Doan's Backache Kidney Pills have been strikingly shown in my case, and I recommend them to other sufferers."

Doan's Backache Kidney Pills are sold by all chemists and storekeepers at 50 cents per box, six boxes \$2.50, or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

Thirty-eight births and 47 marriages were reported for Honolulu during August. During the same month there were 66 deaths, 2 from drowning and 10 from tuberculosis. There was one death from diphtheria and 6 from typhoid. The annual death rate is 20.14. The number of deaths is a decrease of 29 compared with that of August, 1904. The nationality of those who died was as follows: American, 6; British, 2; Chinese, 11; German, 2; Hawaiian, 26; Japanese, 12; Portuguese, 4. The birth report is incomplete.

CHAMBERLAIN'S PAIN BALM.

This liniment should occupy a prominent place in every home. It has no equal for its prompt cures of cuts, burns, bruises and sprains. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.