

THE GARNISHEE LAW SUSTAINED

(From Saturday's Advertiser.)

The Supreme Court yesterday rendered a decision of the very greatest interest in connection with garnishee process and proceedings to collect money. The case was that of Jonathan Shaw vs. William S. Boyd, defendant, and Waiaina Agricultural Company, garnishee. Shaw sued Boyd before the district magistrate of Waiaina for \$75 for the use and occupation of land which the defendant had promised to pay. The Waiaina Agricultural Company was summoned as garnishee, the summons besides being in the usual printed form also calling on the garnishee to make answer whether defendant receives a regular salary or wages from garnishee.

The defendant was defaulted, but the garnishee answered that the defendant was in receipt of a salary of \$100 a month but was indebted to it in the sum of \$109.80, under a general written agreement authorizing the plantation to withhold enough of his salary to pay his store account.

The district magistrate gave judgment for the plaintiff and entered the following order: "The garnishee is hereby ordered to withhold 25 per cent. of defendant's salary (monthly) until the amount of judgment is fully satisfied."

The plantation company appealed from this decision. The plaintiff maintained that it would be unlawful for the garnishee to deduct or set off the defendant's store account against his wages, and that therefore the whole of the defendant's wages due at the time of service of process is subject to garnishment.

The Supreme Court holds that this is not good law.

The plantation company, the appellant, claims that the garnishment law is unconstitutional as interfering with the right of private contract. The opinion by Associate Justice Ballou discusses this phase of it very clearly and holds that the law is constitutional so far as it attempts to apply twenty-five per cent of salaries due after judgment to the satisfaction of the judgment, saying: "The right of private contract is not interfered with by legal process directed against property which may be the subject of contract."

The order appealed from is affirmed. Lyle A. Dickey appeared for the plaintiff and D. L. Withington and W. A. Greenwell for the garnishee.

DUVAUCHELLE PLEADS NOT GUILTY

Eugene Duvauchele yesterday appeared before Judge Robinson and pleaded not guilty. Frank Thompson withdrew as his attorney, and on motion of Deputy Attorney Larnach the case was set for hearing June 22, that date being fixed to give him time to secure a lawyer.

KOREAN NOT GUILTY

A Korean charged with assault and battery, was found not guilty by Judge Robinson yesterday.

A LONG DEPOSITION

A deposition by J. J. Dunne, taken before S. K. Derby in San Francisco, in the suit of Carrie B. Riggs and Besse K. Burns against Julia F. Afong and others, was received by the Alameda yesterday. The deposition is nearly 50,000 words long and seems to be Dunne's complete account of the Afong litigation.

BILL OF COSTS ALLOWED

Judge De Bolt yesterday allowed plaintiff's bill of costs in the suit of Pierce against William and Albert Waterhouse for \$31.45. The motion for judgment and allowance of costs for the defendant Hutchins in this case was denied.

HERE AT HOME

Honolulu Citizens Gladly Testify and Confidently Recommend Doan's Kidney Pills.

It is testimony like the following that has placed Doan's Backache Kidney Pills so far above competitors. When people right here at home raise their voice in praise there is no room left for doubt.

Mrs. N. Joseph living at the corner of Liliha and King streets, Honolulu, states as follows: "I was troubled for seven months with a lame back, and also suffered from occasional attacks of chills. These various complaints made my condition by no means a happy one, so that I much desired some remedy which would bring relief. This I found in Doan's Backache Kidney Pills, some of which I obtained at the Hollister Drug Co.'s store. I am pleased to say that they gave me not merely temporary but permanent relief and I have not the least hesitancy therefore in recommending Doan's Backache Kidney Pills. They are a good kidney medicine."

Doan's Backache Kidney Pills are for sale by all dealers at 50 cents per box, (six boxes \$2.50). Mailed by the Hollister Drug Co., Ltd., Honolulu, wholesale agents for the Hawaiian Islands.

FOUND DEAD

George Cavanaugh, formerly proprietor of the Lauhala Lodging House, corner of Hotel and Alakea streets was found dead in the toilet at that place yesterday shortly after six o'clock Dr. Wayson who was summoned saw that no assistance could be rendered when he arrived and notified the coroner of the death. The body was removed to the morgue where an autopsy showed that the cause of death was internal hemorrhage caused by the rupture of a blood vessel. Arrangements for the funeral will be made today.

TELEPHONE DELINQUENCIES

The late night service of the telephone company has been particularly bad in the matter of giving attention to calls and the operators are usually impertinent when they are asked to ring more than once or to answer questions. Evidently they do not care to be disturbed! The value of the service to night customers would be greatly increased by the employment of an intelligent and courteous "Central." It seems superfluous to a patron of the system when asking that a sleepy number be rung up again to be asked "What's the matter with him."

FREAR AT THE BIG CAPITAL

(Mail Special to the Advertiser.)

WASHINGTON, D. C., May 18.—Gov. Frear is leaving this evening for the Lake Mohonk Conference, having concluded his labors in Washington for the time being. He has been very busy on a number of matters, pertaining to the administration and welfare of the Territory. Hon. W. O. Smith, who came to Washington, is leaving for the West and for Honolulu this evening. He returned yesterday from a business trip to New York.

The Governor has talked with Andrew Carnegie to ascertain whether the ironmaster would be disposed to present a library building to the city of Honolulu. He found Mr. Carnegie well disposed toward the idea, but Mr. Carnegie sails for Europe and the impression is that the matter will not come to a head for the present.

Today the Governor has been visiting the Interior and other departments to advise with officials about territorial affairs. He planned before the day was over to go to the Navy Department with Mr. George B. McClellan and others to talk with the chief of the bureau of supplies about the purchase by the navy of quantities of Hawaiian beef for the fleet, soon to be in mid-Pacific waters.

Yesterday Judge and Mrs. F. M. Hatch entertained the Governor, the Hawaiian delegate, and Mr. McClellan and the ladies of their families at dinner.

The Senate and House have passed a bill to facilitate winding up the affairs of the Hawaiian postal savings bank. The bill will now be signed by the President and become law. It simply confers upon the Governor of the Territory authority to comply with demands for moneys still deposited in the postal savings banks, in cases of the death of a depositor, who has no executor or administrator.

Honolulu, with its \$250,000 cash appropriation for a public building and an authorization for a building to cost \$850,000 had the largest item in the public building bill which is about to become law. The item is full of significance regarding the esteem in which the Territory is held by Congress and also regarding the efforts of the Hawaiians in Washington in persuading Congress to vote money for the Territory.

The appropriation for a new lighthouse on Kauai is now assured, as the omnibus lighthouse bill, containing that item, has gone to the President and will soon be signed.

There is some danger that the Japanese immigration situation will become acute again. The statistics which the Bureau of Immigration is keeping shows that there is no decrease in the number of Japanese coming to the mainland. Californians in Congress are ready to make capital out of that but it is now too near the close of the session of Congress for them to arouse any agitation and it is probable that the State Department will allow the matter to rest for a while that the Japanese authorities may have full opportunity to demonstrate what they can do toward restricting immigration to the Pacific Coast.

President Perley L. Horne was here for a short while last week and met a number of friends. He and Mr. Ralph S. Hosmer, superintendent of forestry in Hawaii, were together in Philadelphia, when Prof. Gilmore of the Pennsylvania State Agricultural College came there to talk about accepting the presidency of the Agricultural College of Hawaii. Prof. Gilmore, as has been cabled to the Advertiser, subsequently accepted the position in Honolulu. As an incident of their trip to Philadelphia a meeting of the Association of Harvard Clubs and were given a most cordial reception.

Mr. Hosmer is tarrying here this week to get into touch with officials of the Department of Agriculture. He is talking over with them a number of matters pertaining to the agricultural industries of the Territory.

ERNEST G. WALKER.

POLICE NEWS

The police are hotfoot on the trail of another escape. This time they are after Private Pool, a soldier from Fort Shafter who is thought to be wanted in Sacramento, California, on a charge of theft. Information was given to the police which would probably have led to the man's arrest had it not been given so late, and the suspect was evidently apprised of the news concerning him which had arrived here for when Chief of Detectives Taylor went out to Fort Shafter Friday afternoon to make an investigation; the man wanted had left and told no one where he intended to go.

Yesterday a careful watch was kept on all the vessels leaving here, and it is not thought at present that the man made his escape. During the day the police were informed in a letter purporting to come from a friend of the man wanted that the suspect was a desperate man and was armed and would just as soon be hunted as a murderer as a thief. The letter also stated that the man was at least seventy-five miles from Honolulu on the water at the time the police were reading the letter and that it would be no use to try and find him.

Chief Taylor is of the opinion that the writer of the letter is no other than the suspect himself who is trying to run a bluff on the police. A careful search is being made and all vessels leaving here will be thoroughly searched and watched.

DELAY IN MOVING THE BIG GUNS

There was so much mud in the streets yesterday morning that the Honolulu Construction Co., contractors for removal of the big guns to the site of the Diamond Head fortifications, did not attempt to transport the material. The largest piece, the base weighing more than sixteen tons, was successfully taken out early in the week. Operations on the balance of the material will be resumed on Monday.

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DR. KOCH VISITS THE SETTLEMENT AT KALAUPAPA

Dr. Koch, the eminent bacteriologist, went to the Leper Settlement after all.

In his interview with an Advertiser representative soon after he came here he said that he did not intend to go; that he had been to practically all the leper settlements in the world, and that there was no reason why he should go to the one on Moloai.

But during his stay here he has become interested in the administrative features of the Settlement, which are unique among such institutions, and he accepted an invitation to make a visit to the Settlement.

The Board of Health extended an invitation to him to go as its guest, the board feeling that it could not fail to give the opportunity to the most eminent living bacteriologist in the world to visit this, perhaps, the best-known leper settlement in the world. But William Pfothenauer, the German Consul, had invited his distinguished countryman to make the trip, and this invitation had been accepted.

Mr. Pfothenauer chartered the steamer Ke Au Hou for the trip and she sailed last night at 10 o'clock. Mr. Pfothenauer's guests, besides Dr. Koch, were Dr. L. E. Cofer, president of the Board of Health, and Dr. Brinckerhoff, in charge of the work of the Federal Leprosy Investigating Station.

The Ke Au Hou, with Mr. Pfothenauer and his guests, is expected back here, this evening about 6 o'clock.

LICENSE BOARD AT WORK FOR THE NEW LICENSE YEAR

(From Saturday's Advertiser.)

The Board of License Commissioners yesterday afternoon held a meeting at which public hearings were given to about thirty-one applicants for a renewal of license and one new application for license. The public hearing proved to be a rather perfunctory matter. Besides the commissioners there was no one present except applicants and their attorneys, and an Advertiser reporter. There was only one protest filed. That was against the renewal of the license to the Orpheum Saloon. It was signed by Rev. E. W. Thwing, pastor of the Fort street Chinese church; Mr. Merrill, superintendent of the Sunday school; Frank Damon, P. C. Jones, W. W. Hall, Mrs. Richards, president of the Free Kindergarten and Children's Aid Society, and several others.

The objections to the renewal of the license were that the saloon was within 120 feet of the premises of the Chinese church, where Sunday school was held on Sunday and kindergartens and other schools on weekdays; hundreds of children passed the place daily going to and from the Fort street church and the High School; there were frequent children's matinees at the Orpheum Theater and moving-picture shows attended by children. Charles Lambert in reply filed a map and survey showing that his place was 155 feet from the entrance of the church, the point from which measurements are to be taken as the law directs. He stated in addition that he had run the place fully within the law.

For the rest the public hearing consisted of calling the names of the applicants for renewal, giving them an

THE BATES BILL WAS THE ONE PASSED AFTER ALL

The very high standing of your Delegate helped much in the matter. Mr. McClellan has been instant in season and out of season from the very first and has worked incessantly and industriously for the passage of this bill. In fact, I received from him many suggestions which were invaluable.

He is one of the most efficient and industrious men in Washington and I can not speak of his work and fidelity in too high terms; in short, I desire to share fully with him any credit that may be due for the success of the Pearl Harbor bill.

It would be a great pleasure to visit Honolulu again this year and renew the pleasant acquaintances of a year ago.

Please present my compliments to the members of your association and give them my kindest greetings. Very truly yours,

ARTHUR L. BATES.

PORTUGUESE APED THE JAPANESE

Antone Gabrero, a Portuguese, jumped off a moving Rapid Transit car last night opposite W. G. Irwin's residence at Waikiki and received injuries that necessitated his removal to the Queen's Hospital. His head was cut open in a couple of places and he received numerous bruises and scratches on the body, escaping, however, without broken bones.

HONOLULU METHODS SATISFACTORY TO HIM

John Goetz, head salesman of J. M. Levy & Co., the King street grocers, returned yesterday from a vacation spent in San Francisco and the Coast cities. His object was to see the modern methods of doing business there, and he returns satisfied with the stock carried and means of displaying it by the Honolulu grocers. Over there, he says, the grocers do a bake-shop business in cakes and pies, one of the leading firms having a department devoted to that branch and presided over by a first-class baker. The clerks are familiar with the departments to which they are assigned in the large stores, but their knowledge of the business does not extend to other departments, except in rare instances.

CONGRESS MAY EXPEL LILLEY

WASHINGTON, May 21.—According to the program of the Republican and Democratic leaders in the House, unless Representative Lilley resigns by Saturday noon a motion to expel him will be offered probably by John Sharpe Williams. Surprise was expressed that the resignation was not received today, in view of the overwhelming majority with which the report of the subcommittee was approved.

"There is no doubt that Mr. Lilley should be expelled," said Representative Broussard of Louisiana, a member of the committee which conducted the investigation of the Electric Boat Company. "We gave him every chance to prove his charges and he proved nothing."

"How Mr. Lilley can lose any time in offering his resignation to the Speaker is a mystery to me," said Representative Oloott of New York, a member of the Naval Affairs Committee.

That a motion to expel would carry by a nearly unanimous vote was predicted by the floor of the House today. Many of those who voted against the adoption of the report yesterday are eager to show that they were not for Lilley.

SUGAR ON HAWAII

Sugar is reported on Hawaii as follows: Oiaa, 27,500 bags; Waiakoa, 19,000; Hawaii Mill, 7000; Wainaku, 12,500; Onomea, 15,000; Pepeekeo, 8500; Honoumou, 10,500; Hakalala, 15,000; Kupaehoe, 18,000; Ookala, 6500; Kupaehoe, 18,000; Hamakua, 17,000; Paa-hau, 17,800; Honokaa, 5000; Kukuhale, 2700; Punaluu, 14,480; Honuapo, 5271.

"BEST WAY" IN M'BRIDE TELLS ALL ABOUT IT

Acting Governor Mott-Smith yesterday received a letter from Claudius H. McBride, the Governor's private secretary, by the Alameda. In this McBride goes at some length into a defense of his acts in the matter of fleet entertainment.

With the exception of the first paragraph which is withheld at the request of Mr. Mott-Smith the letter is as follows:

To E. A. Mott-Smith,
Dear Sir: * * * * *

(a) That during the time I was in San Francisco getting suggestions for the fleet entertainment in Hawaii, I was permanent secretary of the Executive Committee of Hawaii in charge of fleet matters in the Islands;

(b) That during said time I was private secretary to the Governor of Hawaii, and, in a measure, his personal representative at San Francisco;

(c) That I was the only one from Hawaii with any authority to get the suggestions in question, and was also the only one who seemed to be public spirited enough to spend his own time and money in getting the suggestions in question;

(d) That I was the only representative from the Islands who was in close touch with the way fleet matters were being conducted at San Francisco;

(e) That I did not make, nor have made, any arrangements of any sort concerning the entertainment of the fleet to be given in the Islands; that I have in no way hampered or embarrassed the work of the committee of which I was secretary. The most and all that I did was to make suggestions to my committee. These "suggestions" the committee saw fit to turn down, whereupon I took no further action of any sort. Moreover, what I have done here in connection with fleet matters has been done, as I thought, for the interest of the committee which I represented.

As far as cabling for carte blanche authority is concerned, this on its face shows that I was deferring making arrangements for the committee, until I received such authority—it was a suggestion for authority and nothing else, and the authority not forthcoming, I made no arrangements.

I have spent considerable money of my own in connection with getting the suggestions referred to, which will probably not be returned to me. I feel, however, that it should be, for I feel that anyone should be reimbursed their actual just and proper expenses for doing things in good faith.

Moreover, Mr. James F. Morgan, who arrived in San Francisco the other day, after a long conversation with me, stated emphatically that he could see from my letters, etc., that I had done nothing out of the way whatever, but that, on the contrary, if he had been there, he would have acted in the same way, and if he had been here while I was there, would have approved my actions, with the possible exception that the cablegram I sent to the Star was unfortunately worded, and on that account was not understood.

While the reorganized Executive Committee have seen fit to displace me as secretary, I can only say that for the time I was secretary of the committee I acted as I thought for the best interests of that committee, and am still ready and willing to do whatever I can to make the entertainment of our fleet a success in the Islands, whether I am connected with the committee or not.

Respectfully,
C. H. M'BRIDE.

LABOR ORGANIZATIONS OPPOSE ORIENTALS

The following letter has been received by Superintendent of Public Works Marston Campbell and has been referred to the Attorney General for his opinion as to whether there has been a violation of the law or not. The Attorney General will make investigation as to the facts alleged:

Honolulu, May 27, 1908.

Mr. Marston Campbell, Superintendent of Public Works, Territory of Hawaii.

Sir: Honolulu Trades and Labor Council, through its president in that behalf duly authorized to act, hereby makes complaint against A. P. McDonald, contractor engaged in the erection and completion of that certain public building known as the "Court House Building," at Wailuku, Maui, under a contract with the Territorial Government, dated September 17, 1907, that he, the said McDonald, has violated the terms and conditions of his said contract, in that he has employed, or knowingly permitted to be employed, in and about the construction of said building, persons other than citizens of the United States, or those eligible to become citizens, contrary to the provisions of Sections 123-124 of the Revised Laws of Hawaii.

And in this behalf, it is more specifically charged, on authoritative information and after thorough investigation, that the greater portion of the mill work and interior finish in said building, including window, door and casement frames, lattice, gates, etc., and the cutting, smoothing and sandpapering in connection therewith, was done by non-citizen (Oriental) labor and with the knowledge of the said McDonald, or under his direct procurement.

Wherefore this organization requests that the matters and things therein complained of be taken up and investigated by you, with a view to enforcing the law and protecting the rights of citizen labor; and that, in the event a violation of the law is disclosed, the penalties imposed by statute may be enforced.

The Trades and Labor Council stands ready, and hereby offers, to furnish to you, or to any officer of the Government to whom this matter may be properly referred, the names of competent and credible witnesses to sustain the truth of the charge herein made. Very respectfully,
HONOLULU TRADES AND LABOR COUNCIL:
J. F. McLAUGHLIN, President.

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