

In the Supreme Court of the Hawaiian Islands. SEPTEMBER TERM, 1894. REPUBLIC OF HAWAII vs. BEN GALLAGHER. BEFORE JUDD, C. J., BICKERTON AND FHEAR, JJ.

MAIM. EXCEPTIONS FROM MAY TERM, 1894, OF THE CIRCUIT COURT, FIRST CIRCUIT.

A charge of maim by biting and tearing off an ear under Penal Code Chap. 9, Sec. 3, is sustained by proof that a portion of the rim of the ear was bitten off.

OPINION OF THE COURT BY BICKERTON, J.

This case came on for trial at the May Term, 1894, of the Circuit Court for the First Circuit, and resulted in a unanimous verdict of "Guilty as charged" with a recommendation to mercy and the defendant was sentenced to imprisonment at hard labor for six months and a fine of five dollars.

The matter now comes here on a duly allowed bill of exceptions, covering several grounds of exception, but the only points presented to us in arguments and briefs for our consideration are, first, the form of the charging part of the indictment; and second, the construction to be put upon the statute under which the defendant is charged.

With force and arms in and upon one Bert Peterson feloniously, maliciously and forcibly, and without authority or justification by law and with intent then and there said Bert Peterson to maim, disfigure and mutilate, did make an assault and did feloniously and maliciously bite and tear off the right ear of the said Bert Peterson, contrary to, &c., &c.

Everybody is saying that the Dailey company is here, and can be listened to or not, just as one will; but when the Dailey company goes, how sorry some people will be on lonely evenings that more encouragement was not shown the troupe.

Mr. Dailey is being asked to remain here and give occasional performances in the Opera House. It is suggested that at least twice a year he import companies from the States and give the excellent productions he is now staging, and "between times" he should have concerts and amateur performances at the Opera House.

In other words, many people have asked Mr. Dailey, during the last few days, to remain here and be a fixture, an "amusement caterer," a looker-out for one's joviality and good being. If he remains it will rest with you, and you and you. He can soon feel the Honolulu pulse.

Oranges taken at stated times is the latest remedy for inebriety. Those who profess to know advise the eating of one orange before breakfast, another at 11 a.m., 3 p.m. and at 6 p.m., with another the last thing before retiring.

"if the nose was bitten off, it is a cutting off within the meaning of the statute." "To constitute a biting off an ear the whole ear need not be taken away, provided enough be removed to impair the personal appearance and render the individual less comely."

The question was properly left to the jury; it was for them to say whether or not Peterson's personal appearance was in fact impaired; they were to judge from the evidence of Dr. Cooper and their own observation of Peterson who was before them as a witness. The charge of the court was very clear and plain on this point. The facts in this case were left entirely to the jury.

"In general it may be said, that in an indictment for maim, whether or not it be absolutely necessary to employ the exact words of the statute, it is well settled, that the offense as to facts and circumstances must be brought within the provisions and limitations of the statute creating it, either by use of the terms employed in the Act, or others clearly and necessarily equivalent."

AS TO MR. DAILEY. Talk of His Remaining Here Indefinitely.

There is much being said about town of Manager Dailey and it is to the effect that Honolulu wishes he would remain here, and instead of returning to the United States and bringing Mrs. Dailey out at some future date, he will send for her and take up a permanent residence in the metropolis of the "Paradise of the Pacific."

Honolulu for years cried for a theatrical company. Now it has got one it is like a baby with a rattle. The rattle will be thrown on the floor; but, my! how baby will howl if it is taken away!

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The Orange Cure. Oranges taken at stated times is the latest remedy for inebriety. Those who profess to know advise the eating of one orange before breakfast, another at 11 a.m., 3 p.m. and at 6 p.m., with another the last thing before retiring.

CHARLEY'S AUNT. The Matinee Draws a Large Audience, Mostly Children.

The Opera House was well filled at yesterday's matinee performance of "Charley's Aunt." The laughable play has been seen before during the present theatrical season, but it was enjoyed over again by quite a number who were at the previous performance.

TO BE A BRAKEMAN. I want to be a brakeman, Doggone! Legs hangin over the edge of a flat car. Train goin 'bout twenty-five mile'n hour. Lickin the dog fennel 'long the track-- That's what a brakeman does.

NEW CURE FOR DIPHTHERIA. European Hospitals Practicing a Method of Blood Inoculation. So many thousands of children are annually carried off by diphtheria, the sufferings caused by the disease are so agonizing and the remedies hitherto at the disposal of the medical profession so inadequate that the news of the introduction into the Berlin and London hospitals of a new and efficacious cure for this fell malady cannot be regarded otherwise than as a matter of public interest.

Very little has been heard about this remedy, owing to the fact that the distinguished bacteriologists engaged in its discovery have been unwilling to subject themselves to the same disadvantage as Dr. Koch, whose cure for consumption has been unjustly proclaimed a failure merely because it was published to the world prematurely and before it was ready for medical application.

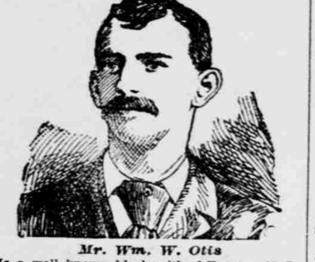
A Unique Prescription For the Liver. A young clerk whose sedentary life and lack of exercise have left him with a sluggish liver and all the evil consequences thereof visited a well known physician recently and was advised to regulate his diet to the utmost plainness and to take horseback exercise daily.

A Shower of Feathers. The eminent surgeon, Sir Astley Cooper, was fond of a practical joke. On one occasion he ascended the church tower of a village in Norfolk, taking with him one of his mother's pillows, and finding the wind blow directly to the next town he let off handfuls of feathers until he had emptied the pillow.

Right Doing. Right doing is a very simple thing, but right doing is not always an easy thing. A straight line is the shortest line possible between any two given points, yet as a practical matter it would be easier to draw a dozen crooked lines than one straight one in offhand drawing.

The Daily Advertiser 75 cents a month. Delivered by carrier.

After Pneumonia Of Interest to Sugar Mill Owners Catarrh, Abscesses, and Dyspepsia Hood's Sarsaparilla Cures Robust Health and Strength.



Mr. Wm. W. Otis is a well known blacksmith of Trenton, N. J. He writes illustrating the great building up, blood purifying powers of Hood's Sarsaparilla after serious illness: "C. I. Hood & Co., Lowell, Mass."

Hood's Sarsaparilla Cures appetite and weigh five pounds heavier than ever before. I cannot recommend Hood's Sarsaparilla too highly." Wm. W. Otis, 809 Soebling Street, Trenton, New Jersey.

Hawaiian Opera House L. J. LEVEY, - - Lessee. W. R. DAILEY, - - Manager.

DAILEY'S STOCK COMPANY. Wednesday Afternoon, October 24, at 3 p. m.

"CHARLEY'S AUNT." Thursday Evening, October 25 THE GREAT COMEDY-DRAMA

"HAZEL KIRKE." Saturday Evening, October 27 MINNIE MADDERN'S COMEDY CREATION

"CAPRICE," OF ONLY A COUNTRY GIRL. Don't miss the great successes in our closing weeks. Popular prices, 3502-4

In the Circuit Court of the First Circuit, Republic of Hawaii.

ESTATE OF P. S. PRATT, DECEASED Notice of Sale of Real Estate.

PURSUANT TO AN ORDER MADE and entered on the 10th day of September, 1894, as amended by an order made and entered on the 9th day of October, 1894, in the above-named Court, in the matter of the said Estate, the undersigned, as Commissioner, will sell at public auction, to the highest bidder the premises at Waikiki, Honolulu, Oahu, described in deeds from E. H. Allen and H. Giles to said P. S. Pratt, recorded respectively in Liber 37, pages 222 and 223, and Liber 54, pages 294 and 295, Hawaiian Registry of Deeds. The property will be offered in three lots, as sub-divided by M. D. Monsarrat, surveyor, viz:

Lot A--90 feet sea frontage, 101 feet mauka frontage, average depth 385 feet, more or less, area 84-100 acres, containing one small cottage; upset price \$3,000. Lot B--131 feet sea frontage, 135 feet mauka frontage, average depth 333 feet, more or less, area 1 16-100 acres, containing dwelling house; upset price \$6,000.

BY AUTHORITY. Water Notice. Owing to the drought and scarcity of water, the residents above Judd street are requested to collect what water they may require for household purposes before 8 o'clock a. m.

Irrigation Notice. Holders of water privileges, or those paying water rates, are hereby notified that the hours for irrigation purposes are from 7 to 8 o'clock a. m. and 5 to 6 o'clock p. m.

E. O. Hall & Son, LIMITED. Queen Street Stores. 3807-4f

Managers and Agents of Plantations, and to Every-body Using Machinery.

The undersigned begs to inform the public that he has opened an establishment at the corner of QUEEN and NUUANU STS., HONOLULU, where will be kept in stock a full supply of Engineer's Findings; Steam and Water Pipe and Fittings; Brasswork, Finished and Rough; Hooker's Steam and Double Acting Pumps; Deep Well Pumps; Windmill Pumps; Hand Power Pumps of various designs.

Being sole agent and representative of the firm of W. T. GARRATT & Co., of San Francisco, who are manufacturers of this line of goods, I am enabled to sell at prices never before quoted in this market, saving my customers the wholesale and jobbers profits.

Agent for the Hawaiian Islands of the Richard's Lock Nut, which is an ordinary hexagon nut constructed so that it is impossible for the nut to become loose or slack, and fall off the bolt. It costs no more than the ordinary cold pressed iron nut and dispenses with the use of the lock washers, keys and split pins.

Estimates and plans furnished for new machinery and repairs. C. R. McVEIGH, Consulting Engineer. Office and warehouse cor. Queen and Nuuanu sts., Honolulu. P. O. Box 457. Mutual Tel. 578.

When A man strikes a red pepper in his soup he receives an impression, and impressions are lasting. How can we impress it upon you that it is really your duty to trade with us, that our prices and service are better than elsewhere?

For that tired feeling--not Hood's Sarsaparilla, but more exercise--a gun, a rifle, or a boat if you take it out of doors, or dumbbells, chest weights, etc., if indoors. Our shot guns range from \$12 to \$65 in price, but we find the \$35 gun gives just about the right amount of exercise for this climate--that is we judge so from the way they sell. After using one of our Winchester Military Rifles till you can get inside an 8-inch bull's eye, 8 out of 10 shots, you will find not only is the tired feeling gone, but you have learned to be cool and careful--things that will serve you well in other ways than rifle shooting.

Have you heard of the story of the Irishman? He bought apples for one cent and sold them for two and said he made one per cent profit. We do not commit business suicide by trying to make the Irishman's one per cent.

If you prefer boating and yachting to shooting, you will find we have most of the material needed to either build a yacht or boat or keep it in repair when built, and you do not have to buy any more than you need, as we have everything handy to retail as well as wholesale.

BETTER fence wire is now made than ever before and as POOR fence wire is now made as ever has been before. The BEST can be had right here in Honolulu, and--yes--the WORST. We sell the GOOD KIND. Wait for our remarks about barbed wire. We have plenty now, but will soon have a lot of the best in the world and it will pay you to wait for it.

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Cloth, Serges, Diagonals and Tweed!

are always to be found at L. B. Kerr's STORE, 47 Queen Street - - Honolulu.

These Goods are of the best English and French make and comprise the newest styles and patterns, will be sold in quantities to suit purchasers. 3552

Pumping Engine for Sale 1 Duplex Compound Pumping Engine with Independent Air Pump and Jet Condenser. Pumping Engine 12 H. P., Steam Cylinder; 24 in. L. P., Steam Cylinder; 14 in. Water Cylinders; 18 in. Stroke. Air Pump, 6x10x12. This Engine will pump at ordinary speed 1200 to 1500 gallons of water per minute to a height of 175 feet and will be sold at a bargain.

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