

THE BAR ON THE BENCH

Lawyers Address Judge Humphreys.

FRICITION BETWEEN THEM

Attorneys Voice Their Feelings as to Arrangement of the Calendar.

It was evident from a little incident which occurred in the Circuit Court yesterday that the bar and the bench of the city are not on an excellent terms as might have been expected considering that the new judge took his seat but a few short weeks ago. Judge Humphreys had just concluded a long oral decision in which he declined to re-instate certain cases on the court calendar and had taken up the matter of the jury cases.

W. O. Smith started the ball by saying that he desired to see good feeling between the bar and the bench of Hawaii. He thought that the members of the bar were not to blame for the crowded condition of the calendar, for there had been many causes for the delay in litigation. There had been periods when there had been many changes in the bench and again terms were single cases had occupied almost the entire term while of late the plague visitation had interfered with the disposition of cases that had been pending, owing to the quarantining of the city.

George Davis agreed with the court that the court calendar was much congested and said that in the past there had been much partiality in assigning cases before their regular place on the calendar.

S. M. Ballou then asked for a ruling on the question of whether when one member of a firm of attorneys was occupied in one court room and a case came up in another court, that case would be dismissed for non-appearance of the attorney. He asked also if when an attorney was engaged in the trial of a case in one court and another case came up in which the same firm was engaged and of which the attorney mentioned had particular knowledge, that case might not be postponed until the member of the firm who had prepared it could give it his attention.

Judge Humphreys said that law firms should not take more cases than they were able to handle or should engage additional help. He could not accept such excuses for failure to attend.

Thereat W. A. Kinney arose and announced that while heretofore, by arrangement between the court and counsel, it had been the custom of the courts to have cases assigned to the assistant judge so as to expedite justice he should hereafter contest the right of the presiding judge to assign any case for the consideration of the assistant that should be properly before the presiding judge.

"It was formerly a matter of mutual accommodation between the court and counsel," Mr. Kinney continued, "but that was when the relations between the members of the bar and the bench were different from what they are today in Hawaii. It was made a matter of custom, so that business might be dispatched, but now in view of the ruling of the court I shall have to insist upon having all cases properly before your honor tried by him instead of the assistant judge."

"It was intended, Mr. Kinney," said Judge Humphreys, "when the court made the ruling referred to that it should apply to jury-waived cases only, and an exception may be made I think in favor of the jury cases."

The calling of the calendar went on and presently the numerous insurance cases, arising out of the Chinatown fires were reached and Judge Humphreys was about to divide them between Judge Silliman and himself when L. A. Thurston arose to protest. "I represent a partnership," he said, "and as some of these cases are to be tried with a jury and some without I shall have to ask that they all be assigned to the presiding judge, as viewed

of the ruling of the court on this matter." Judge Humphreys said that circumstances altered cases and he thought that an assignment of the cases would be made that would be satisfactory to all parties.

In ruling on the matter of the re-instatement of the Koolau cases Judge Humphreys spoke at much length on the congested state of the court calendar. A great many of these cases, he said, had been on the calendar for several years. Most of them, or a great many of them were wherein the defendant had appealed from the decision of the District Court, trusting so to delay that they might avoid payment. Some of them were six years old, and one of a small amount was begun in 1891. He did not wish the courts of Hawaii to become a place where delay might defeat justice. He overruled the motion for the re-instatement of the cases.

The calling of the calendar was then resumed and a large number of cases were disposed of, relieving the calendar of upwards of sixty cases with which it was numbered.

DESKY-LACK CASE DECIDED.

Judge Humphreys yesterday rendered a decision in favor of the plaintiff in the case of Charles S. Desky vs. Mrs. Thomas Lack giving judgment for \$700 and costs.

"On the 7th of August," Judge Humphreys says, "this court dismissed this case under a misapprehension of facts. The order of dismissal had not been entered upon the minutes, had not been signed by the judge and still remained, as it is called at common law, in 'the breast of the judge,' and it was perfectly proper for him to reinstate the case."

The case was one for damages for injuries to the plaintiff's property and judgment was given for the full amount. J. A. Magoon represented the plaintiff and George A. Davis the defendant.

BECOME CITIZENS.

Judge Estee held a brief session of the Federal Courts yesterday at which he granted naturalization papers to several applicants. They were: Alexander F. Linder of Norway, Joe Batchelder of England, H. Bergersen of Norway, George E. Thompson of England and Wm. C. Roe of England.

PROBATE ORDERS.

Estate of C. H. Norton, will probated. W. E. Burnett appointed administrator with the will annexed.

Estate of C. F. Wall, final account of administrator referred to W. E. Thompson as master.

Estate of Kealakai, accounts of administrator approved.

Estate of Dowsett minors, accounts of administrator referred to P. D. Kellert as master.

Estate of J. Fisher, accounts of administrator approved.

COURT ORDERS.

H. R. Hitchcock vs. M. Andrade, discontinued.

Kids vs. Magoon, settled.

Kam Pung vs. Kam Hoy, to be tried in vacation.

Julia Oponui vs. L. K. Tuah, dismissed.

Burgess vs. Kolomoku, appeal withdrawn.

J. A. Paty vs. Oahu Railway Company, to be tried in vacation.

Kapiolani Estate cases, put over to next term.

A MINISTER'S GOOD WORK.

"I had a severe attack of bilious colic, got a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy, took two doses and was entirely cured," says Rev. A. A. Power, of Emporia, Kan. "My neighbor across the street was sick for over a week, had two or three bottles of medicine from the doctor. He used them for three or four days without relief, then called in another doctor who treated him for some days and gave him no relief, so discharged him. I went over to see him the next morning. He said, 'bowels were in a terrible fix, that they had been running off so long that it was almost bloody flux. I asked him if he had tried Chamberlain's Colic, Cholera and Diarrhoea Remedy, and he said 'No.' I went home and brought him my bottle and gave him one dose; told him to take another dose in fifteen or twenty minutes if he did not find relief, but he took no more, and was entirely cured." For sale by Benson, Smith & Co., Ltd., wholesale agents.

A FEMININE TRAIT.

Mrs. Hoon.—They say that Mrs. Swiftsmith's greatly troubled with insomnia.

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SUGAR

THE following latest sugar statistics are published through the courtesy of F. A. Schaefer & Co. and are contained in a letter to that firm from Williams, Dimond & Co., dated at San Francisco, August 3:

SUGAR.—Since July 26 no changes reported in the local market nor for export to Honolulu. Prices as shown on circuit per Australia, dated July 24th, still prevailing.

HAIR.—26th, cost and freight sale, 300 tons, 4.20c; 27th-28th, no sales reported; on 29th (not reported until 30th) spot sale, 400 tons, 4.7-5c; 30th, to arrive sale, 700 tons, 4.7-5c; 31st, 200 tons, 4.7-5c; August 1st, to arrive sale, 700 tons, 4.7-5c; since which no sales reported, making basis for 96 degree Centrifugals in New York, 4.7-5c; San Francisco, 4.1-2c.

LONDON BEETS.—25th-27th, 12s 6d; 28th-30th, 12s 3d; 31st, 11s 10 1/2d; August 1st, 11s 9d; August 2d, 11s 3 1/2d.

DRY GRANULATED, NEW YORK.—No change reported since circular.

EASTERN AND FOREIGN MARKETS.—Latest mail advices from New York under date of July 28th, are to the effect that owing to the large reaction which has come to the European market in Java, as anticipated, the rise is over for the time being.

REFINED.—Demand extremely light, and rise seems to be ended for the time at least.

LONDON CABLE.—July 28th, reports Java No. 15 D. S. 11s 6 1/2d; Fair Refining 12s, August Beets, 12s 3 1/2d; latest mail advices from London report market very firm and quiet; weather hot, and favorable for sowing.

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