

BAKER'S CASE DISPOSED OF.

He Pleads Guilty to a Charge of Misprision of Treason.

He Asks for Mercy on Account of His Family—Twenty-one Natives Arraigned for Treason.

The trial of John K. Baker for misprision of treason, before the Military Commission at the morning session Saturday resulted in the prisoner pleading guilty to both charge and specifications, asking at the same time for the mercy of the Court on account of his family which would suffer without his support.

Baker made an objection to Captain Camara on account of a certain bill handed to him by the latter which he refused to pay. Captain Camara said he had forgotten all about the matter so he was allowed to retain his place. The prisoner did not want counsel. In pleading guilty to the charge of misprision of treason and the specifications thereto, he made an explanation of his position. On the Sunday of the outbreak at Waikiki, Charlie Clarke called at his house and told him the ex-Queen wished to see him at Washington Place. Upon arriving there at residence he was told to go to the home of a certain Hakalaau. When he reached this man's house he was given a revolver and told that he would find out what it was for before long. On the way out to his home he saw the armed men of the Government going toward Waikiki. This frightened him and he hastened to hide his revolver in a Chinaman's banana field. The prisoner stated that he had known nothing of the outbreak previous to the time that the revolver had been handed him by Hakalaau.

"I plead guilty to the charge and specifications," said the prisoner, "but I ask for the mercy of the Court. I have been a hard working man all my life and for two years, up to the time of my arrest, I was working for the California Feed Company. I was offered a job on the police force some time ago by Deputy Marshal Brown but declined because I was under obligations to Mr. King of the California Feed Company. Did not go into this uprising with any idea of getting a job under Liliuokalani for I was well fixed already. All I want to say is that I was deceived by Charlie Clarke and I admit that I was wrong in not informing the Government of what I knew."

Judge-Advocate Robertson could not agree with Baker's account of his wanderings. He had evidence that the prisoner knew of the distribution of arms, but he was willing to "let the matter go at that," pleading with the prisoner for the leniency of the Court. After Baker's trial twenty-one natives were ushered into the courtroom, charged with the crime of treason. None had any objection to the members of the Commission. One chose J. M. Poepeo, and five Ka-ne as counsel. Ka-ne asked that he be given until Monday for preparation on the cases since the specifications had not been served until the morning of the trial. The request was granted and adjournment taken until 9:30 a. m. Monday.

NOTES FROM MAUI.

Thirty Cases of German Measles Among School Children.

MAUI, Feb. 16.—Mrs. Wood, the wife of the Honolulu physician, has been the guest of Mrs. David Center, of Spreckelsville.

The Paia Foreign Church has just received a new coat of paint.

Engineer Maynard, of the Kahului Railroad Company, has been visiting Olinda during the week.

There are thirty cases of German measles in the Makawao Government School, and fourteen members of Maunaloa Seminary, including one of the teachers, are also afflicted with them.

In Makawao district Saint Valentine was duly remembered, and the interchange of verses, crude but full of pointed significance, seemed to be most popular.

Cattle are fat on the Kula plains. A ranch in the vicinity recently shipped a bullock to Honolulu that weighed 660 pounds.

Strange to relate! Jack Frost has blighted the grass in the region mauka of Kamaole, Kula. This is his first visit, and the vegetation presents a dry and withered appearance.

The children's dancing school held its usual weekly meeting at the Dickey's, Haiku, on Monday night, the 11th instant.

Miss May Baldwin, who has been visiting in Lahaina for several months, is expected at her Haiku home today.

The recent tidal wave at Maliko not only washed over the roadbed but some distance up the ravine.

Politics are most quiescent all over Maui.

The brigantine Consuelo, Jacobson, master, arrived in Kahului harbor Tuesday night, the 12th instant. She made the voyage in sixteen days, and brought general merchandise for the Haiku Sugar Company. She departed today on her return trip, laden with 6,300 bags of sugar from Paia and Hama-kuaupo.

No vessels at present at the moorings.

Weather:—During the week a south wind; a southeast rain, followed by very cold temperature.

In the Supreme Court of the Hawaiian Islands.

DECEMBER TERM, 1894.

BEFORE JUDG. C. J., BICKERTON, J., AND CIRCUIT JUDGE WRITING, WHO SAT IN PLACE OF MR. JUSTICE FEAR, ABSENT FROM ILLNESS.

ANNA LONG vs. WAI FONG, AH LEE, CHU SING, SOW FONG AND WAH SING—DOING BUSINESS UNDER THE NAME OF KWONG YICK IN & CO.

APPEAL FROM COMMISSIONER OF WATER RIGHTS, HONOLULU.

Plaintiff's grantor of a water right had already parted with one-half of the water by a lease whose term was unexpired. The lease contained a recital that the other half of the water was already leased to another party. Held, that plaintiff being merely the reverser of a water right could not bring the action—it not being for an injury to the inheritance.

OPINION OF THE COURT BY JUDG. C. J.

The plaintiff claims that defendants have diverted the water to which she is entitled for her land in Pauoa, Honolulu, her right to same being eight hours flow of water from a spring called "Kaikahi," on every Sunday morning from 9 o'clock a. m. to 5 o'clock p. m., and the Commissioner was asked to settle and decide the controversy. The defendants put in an answer wrongly called a "Disclaimer" by the Commissioner, denying that they have interfered with any water rights of the plaintiff in Pauoa, Oahu, and averring that the complaint does not state what land in Pauoa is entitled to the pretended water right of plaintiff. Among other evidence plaintiff introduced a conveyance dated the 8th September 1894, from Mele Keeki (w) and her husband N. Keenani Haole to C. W. Booth and Anna Long, conveying the water right set forth in the complaint. On the part of the defendants there was introduced a lease dated the 10th June 1891, by the said Mele Keeki and her husband N. K. Haole, to Kwong Ung and Hong Chew, demising to them for the term of ten years a piece of land in Pauoa, Oahu, held under Royal Patent No. 5644. The lease reserves a house lot out of this land, and contains a mutual "agreement" (?) that "of the water that flows from the spring on the land hereby leased one-half shall belong to the piece of land now leased to Akoi—that is the second of my (the lessor's) pieces of land in Pauoa, and one-half of the water shall belong to this land hereby leased."

Mele Keeki testified that the land demised by the above lease contained the spring called "Kaikahi," and was entitled to the water for eight hours each Sunday from 9 a. m., to 5 p. m., &c.

The Commissioner rendered judgment in favor of defendants. On the appeal, which is taken upon the record sent up, the plaintiff's counsel makes the following points: (1) Can defendants justify, as to one-half of the water, under the lease which has been introduced to show that plaintiff's grantor had previously parted with one-half of her interest?

(2) Is an alleged lease not introduced, evidence to show that she had previously parted with the other one-half?

(3) Is there a non joinder in that C. W. Booth is not made a party?

The last point was not made by defendants and so we pass it by. It was curable by amendment. We think the Commissioner was right in finding that the plaintiff's grantor, Mele Keeki and husband, had parted with all their interest in the water from the spring "Kaikahi" before she made the conveyance to C. W. Booth and Anna Long. As detailed above the lessors demised the land containing the spring and half of the water to Kwong Ung and Hong Chew, and six years of the term remained unexpired. The lease recited that the other half was already demised to Akoi.

It was not necessary to put in evidence the lease to Akoi. Mele Keeki was bound by the recital made by her in the lease to Kwong Ung and Hong Chew—she could not nor could her alleged grantee dispute it. Being recorded it put Mrs. Long on enquiry. See Keawe v. Parker, 6 Haw. 498; Wade on the law of Notice, Chap. IV, "Notice from title papers," p. 134.

It is stated by plaintiff's counsel that it does not appear in the evidence that defendants are the holders of the lease to Kwong Ung and Hong Chew, and so far as it appears, the defendants are mere trespassers. But the lease contained no covenant against assignment and no claim is made of forfeiture for non-payment of rent or breach of condition. Mrs. Long is in no better position than defendants, for she is merely the reverser of a water right already demised to third parties. Her right to sue is limited to injuries to the inheritance, which is not this case. 1 Taylor Landlord and Tenant, sec. 173.

In Water Right controversies, as in actions generally, the plaintiff must show his right of action. The Plaintiff failed to do so in this case and the appeal is dismissed.

J. A. Magoon for plaintiff; W. R. Castle for defendant. Dated Honolulu, February 11, 1895, as of the December Term, 1894.

Ladies' Column.

Are you interested in the FASHION of the WORLD? If you are, a look at our COUNTERS will convince you that we are constantly up to date.

Not a steamer arrives but NEW STYLES and PATTERNS are received by us.

It is impossible without the expenditure of large sums of money to tell you of each and every new price—besides it would add to the cost of the goods.

The main thing with us is to impress upon your minds that we are constant hunters for new goods—and that you can always find them at our store.

When you THINK ABOUT STYLES, we want you to THINK OF US.

WHEN YOU THINK OF ECONOMY, THINK OF US. DON'T GO ASTRAY.

Come to us when you start out to buy, its worth your while.

OUR AIM is to constantly keep on hand just what you want.

This week special attention will be given to

REMNANTS AND A GENERAL LINE OF NEW GOODS JUST OPENED.

B. F. EHLERS & CO.

G. WEST,

Commission -:- Merchant

IMPORTER AND DEALER IN

Carriage Materials

Of Every Description Including

OAK, ASH, HICKORY

AND

WHITE WOOD LUMBER,

Spokes, all sizes; Saven Wheels, Wood Hub Wheels, Sawed Felloes, Bent Rims from 1 to 2 1/2 inches, Dump Cart Shafts, Wagon Poles, Double-trees, Single-trees, Wagon and Cart Hubs, all sizes;

AND A FULL ASSORTMENT OF

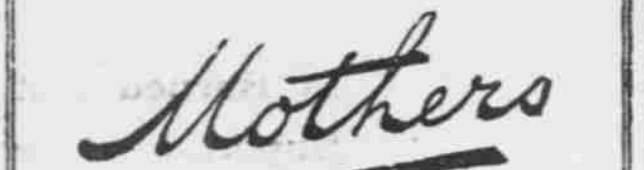
Trimmers' Materials

Carriage Hardware, Norway Iron, and Steel Tires.

Having a long experience in the Carriage Business, I am prepared to supply Carriage Builders, Plantations, etc., with first-class materials, personally selected, at the very lowest cash prices. All Island orders will receive prompt attention.

MASONIC BLOCK,

Corner Alaeka and Hotel Streets. Telephone No. 350. 3878-4f



Nestle's Milk Food for infants has, during 25 years, grown in favor with both doctors and mothers throughout the world, and is now unquestionably not only the best substitute for mother's milk, but the food which agrees with the largest percentage of infants. It gives strength and stamina to resist the weakening effects of hot weather, and has saved the lives of thousands of infants. To any mother sending her address, and mentioning this paper, we will send samples and description of Nestle's Food. Thos. Leeming & Co., Sole Agts., 29 Murray St., N. Y.

Nestle's MILK FOOD

The Agency for NESTLE'S MILK FOOD IS WITH THE Hollister Drug Company, Limited 523 Fort Street, Honolulu, H. I.

PIONEER Steam Candy Factory and Bakery

F. HORN, Practical Confectioner and Baker, NO. 71 HOTEL STREET. 3753-4f

The Latest by the Steamer

"China!"

Silk Goods,

Silk Shirts,

Silk Underwear,

Straw Hats,

Cotton Crape,

Also a fine assortment of

JAPANESE --:-- GOODS!

Of every description.

The finest Japanese Goods in town.

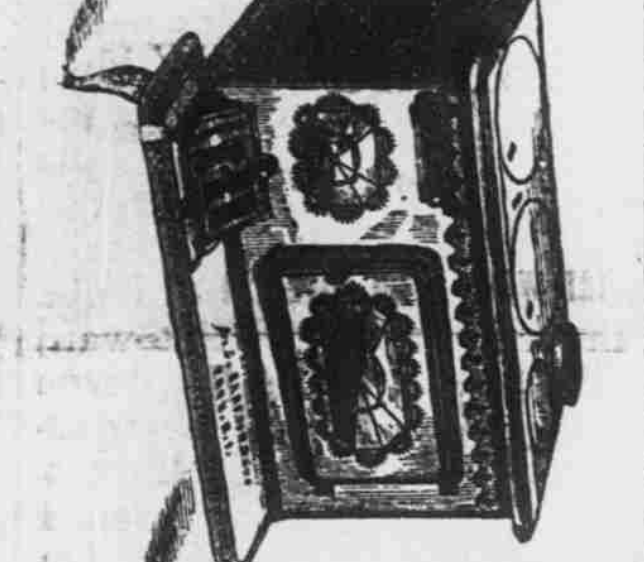
K. FURUYA,

Robinson Block. Hotel Street

3653-v

JOHN NOTT,

IMPORTER AND DEALER IN



Steel and Iron Ranges

STOVES AND FIXTURES.

House Keeping Goods

Kitchen Utensils,

AGATE WARE, RUBBER HOSE

PUMPS, ETC., ETC.,

Plumbing, Tin, Copper

Sheet Iron Work.

DIMOND --:-- BLOCK

KING STREET.

Japanese Goods.

Silk Dress Goods, Cotton Dress Goods, Gent's Silk Shirts, Gent's Cotton Shirts, Gent's Fancy Crepe Shirts, Straw and Felt Hats, Umbrellas and Parasols, Fancy Screens, Hosiery, Handkerchiefs and Neckties.

For both ladies and gentlemen.

Watch our advertisement for new goods arriving by every steamer.

IWAKAMI,

HOTEL STREET. Next to Peck's Commission Rooms 3902-4f

H. JAUEN, Practical Gunmaker Will do any kind of repairing to Firearms, also Browning and Blueing and restocking equal to Factory work. Satisfaction guaranteed. Union street, with C. Sterling, Painter. 3908-v

WE'VE GOT THEM!

The Right Goods, Right Prices, Right Shades at the Right Time.

NEW SPRING NOVELTIES

WASH MATERIALS.

Printed Irish Linens in new designs; New Dimities in figured and solid colors; Plain and Satin Striped Cotton Crapes in delicate shades and fancy figured.

COTTON DUCK! COTTON DUCK!!

In solid colors, stripes and polka dots. Ginghams, Ginghams, Ginghams; an immense variety in stripes and plaids; New Percales, New Prints, New Muslins; Latest designs in Flannellettes.

DON'T FAIL TO SEE THE

New Golden Draperies

N. S. SACHS',

520 Fort Street --:-- --:-- --:-- Honolulu

SOMETHING NEW!

Mexican Cigars!

VERY FINE.

Said to be Superior to Havanas!

TRY THEM.

HOLLISTER & CO.

Importers of Tobaccos, Cigars, Smokers' Articles, Wax Vestas, Etc., Etc.

Pacific Guano and Fertilizer COMPANY.

G. N. WILCOX... President. T. MAY... Auditor. J. F. HACKFELD... Vice-President. E. SUHR... Secretary and Treasurer.

P. O. BOX 484. MUTUAL TEL. 467.

OUR NEW WORKS AT KALIHI being completed, we are now ready to furnish all kinds of

ARTIFICIAL --:-- FERTILIZERS!

ALSO CONSTANTLY ON HAND

Pacific Guano, Potash, Sulphate of Ammonia, Nitrate of Soda, Calcined Fertilizer Salts

ETC., ETC., ETC., ETC., ETC.

Special attention given to analysis of soils by our Agricultural Chemist. All goods are guaranteed in every respect. For further particulars apply to

PACIFIC GUANO AND FERTILIZER COMPANY

DR. W. AVERDAM, Manager.

Give the Baby A Perfect Nutriment FOR GROWING CHILDREN, CONVALESCENTS, CONSUMPTIVES, DYSPEPTICS, and the Aged, and in Acute Illness and all Wasting Diseases.

MELLIN'S FOOD

FOR INFANTS AND INVALIDS.

THE Best Food for Hand-fed Infants.

OUR BOOK for the instruction of mothers, "The Care and Feeding of Infants," will be mailed free to any address, upon request. DOLBER-GOODALE CO., BOSTON, MASS., U.S.A.

BENSON, SMITH & CO., Sole Agents for the Hawaiian Islands.

ENTERPRISE PLANING MILL

PETER HIGH & CO., Proprietors. OFFICE AND MILL: Alaeka and Richards near Queen Street, Honolulu, H. I.

MOULDINGS, Doors, Sash, Blinds, Screens, Frames, Etc. TURNED AND SAWED WORK.

Prompt attention to all orders. TELEPHONES: MUTUAL 55. BELL 498.