

NOT LEGALLY APPOINTED

RULING OF ROBINSON IN THE BRASH TRUST

FINDS THAT MAGOON'S APPOINTMENT WAS NOT REGULAR—SECOND ANNUAL TERM OF SUPREME COURT OPENS TODAY.

The second annual term of the Supreme court, under the act of the last legislature providing for such terms beginning in October, opened this morning, with 29 cases on the calendar.

Among the most important cases on the calendar are the two test fishery cases, S. M. Damon against the Territory and J. O. Carter against the Territory.

The Supreme court is also expected to decide in the near future as to the right of legality of more than one judge holding court at the same time in the first circuit.

With Associate Justice Galbraith presiding and Circuit Judges De Bolt and Gear sitting as Associate Supreme Justices, the Supreme Court this afternoon took up the fishery rights cases, appealed from Judges Humphreys, Chief Justice Frsar and Associate Justice Perry were both disqualified to hear the cases, having property interests which will be affected by the decision.

The arguments are expected to take over a day, as the issues involved are very important, 78 suits against the Territory for the value of private fishing rights being dependent upon the determination of the law.

Judge Robinson gave a ruling on Saturday afternoon in the matter of the guardianship of Susan Brash, holding that J. A. Magoon, who has been acting as guardian for about ten years, was never legally appointed guardian.

The Brash estate was disposed of by the will of William J. Brash probated in 1880. He named his brother as administrator, leaving property valued now at about \$12,000 in trust for Susan Brash.

Magoon's last account showed the property to be worth \$12,000. His management as administrator was approved by the Judge, the charges being held to be not sustained, and the trust therefore remains intact.

No Award for Fire Truck Has been Made

Tenders for furnishing the Honolulu Fire Department one 56-foot aerial turn table hook and ladder truck were opened by the Board of Commissioners on Saturday afternoon in the presence of most of the bidders.

The Commissioners asked for tenders for an aerial hook and ladder truck, but since then they have seen a style of truck that suits them better. Bids were received for this truck as well as for the aerial, but as the advertisement for tenders only called for bids on the aerial, the legal question has arisen whether an award of contract for the other kind can be made on this advertisement.

BUSINESS CONTEST AMONG STAR BOYS

NEW IDEA IN CONNECTION WITH THE THANKSGIVING DINNER—RIVALRY AMONGST NEWSBOYS.

Notwithstanding the fact that Thanksgiving is not due for some time, the Star newsboys have commenced in a quiet way to ascertain if they are to be the guests of the Star at a holiday dinner.

This year the Star proposes a new idea in connection with its newsboys dinner. It will be an honest, legitimate business contest among the boys and will last for seven weeks. The boy who sells the largest number of Stars in the time mentioned will be presented with a new outfit—a swell suit of clothes, a pair of shoes, new hat, shirt, necktie, choker collar and for good measure a bright silver dollar for pocket money.

The boy who sells the second highest number of Stars will be given \$7.50 in coin. The boy who sells the third highest number of Stars will be handed \$5 in gold coin.

The contest will commence with tomorrow's issue. There will be rules which the boys must follow. The Star's idea is to make the contest a healthy, clean business rivalry, and the boys who sell the greatest number of papers will be rewarded as above stated.

The contest will end on Monday, November 24, and the result will be announced the next day.

MEXICO BUYS A RAILWAY. MEXICO CITY, Sept. 26.—Great interest has been aroused by the announcement today that the Government has bought, in London, the controlling interest in the interoceanic railway by purchasing the majority of newly created bonds in whose holders, by virtue of an arrangement creating them, is vested the administration of the property. The purpose of the Government was to secure control of an independent railway to the Gulf of Mexico.

HYGIENIC UNDERWEAR. L. B. Kerr & Co. have received a special purchase of Men's summer weight, natural wool underwear. All sizes, and only \$1.25 a garment.



PEARSON & POTTER CO., LIMITED. UNION AND HOTEL STS. PHONE MAIN 317.

IMPERIAL DECREE OUT AGAINST YANG WEI PIN

FORMALLY CHARGED BY CENSOR KWAN YUNG JAR—CHINESE EMPEROR DIRECTS AN INVESTIGATION BY A COMMISSIONER.

The "Sun Chung Kwok Bo" received by the steamship Coptic from its Shanghai correspondent by registered mail, what the correspondent gives as a copy of a decree of the Imperial Court at Peking directing the appointment of a Commissioner to proceed to Honolulu to investigate the charges against the Consul Yang Wei Pin.

This decree, it is supposed, is the result of the charges filed through Minister Wu Ting Fang by Chinese residents here, against Consul Yang Wei Pin.

The document received by the Sun Chung Kwok Bo sets forth that the decree was dated, September 9, 1920, and a translation of it is as follows: "Censor Kwan Yung Jar has presented memorials against the Chinese Consul and Vice-Consul at Honolulu, to this court, with charges preferred against them, namely: Offensive partiality, corrupt practices, humiliation to the nation and troubles to Chinese subjects; and the censor begs to discharge them from further service as consuls at Honolulu, and that a Minister residing in a foreign country be telegraphed to, to investigate the charges in order to promote the national civilization and to protect the interests of the merchants at said place.

In consideration of the above charges, this Court has to state that the appointment of consuls to foreign countries is to protect the interests of merchants and laborers. But instead of acting thus righteously, the consuls at Honolulu, according to the further statement of the said censor, have bought and sold slaves and smuggled opium into the port of Honolulu, actions dishonorable and unbecoming gentlemen.

"Now this court has commissioned Prince Choy Chun, our Special Ambassador to the Coronation of King Edward VII to appoint a Commissioner residing in the vicinity of the said consuls for the purpose of investigating the facts of the charges. Such Commissioner must take immediate steps for such investigation, and must not be biased.

"This is a transaction touching the national honor, and every fact must come to light that foreign peoples shall have just cause to denounce us. "The charges will be made out in duplicate and mailed to Prince Choy, and this decree wired to him for his information. This court herein orders a cabinet officer to certify the above to Prince Choy Chun for action at once."

At the date of this decree, Prince Choy Chun was on the continent of America on his way back to China from his mission to the coronation of King Edward.

Accusations of smuggling were made against Consul Yang Wei Pin several months ago and were referred by the state department through the treasury department to Collector Stackable for investigation. The charge of buying and selling slaves is one that was not made public here before this.

Yang Wei Pin went on a visit to his native town near Canton just about two months ago.

A VALUABLE CARGO.

SEATTLE, September 25.—The Globe Navigation Company's steamship Tampico, Captain Charles W. Ames, sailed last night for the Hawaiian Islands with one of the most valuable cargoes ever sent to the mid-pacific possessions of the United States. She had close to 2,000 tons of Seattle freight, valued at \$250,000, and will take on 400 or 500 tons more at Roche harbor. Flour, beer, lumber, lime, coal and machinery, all products of this state, constitute the bulk of the Tampico's cargo. Of beer alone she has over 200 tons, all shipped cold storage.

PATIENTS CONVALESCING.

Marston Campbell and John Guild, at the Queen's Hospital are both reported as improving rapidly. Mr. Guild expects to leave the hospital within a few days.

NEW CAMPAIGN EMBLEM.

A new campaign emblem has made its appearance. It is being displayed more or less by Republicans, particularly native Republicans. It consists of a handkerchief with a Royal Yellow border, and in one corner a portrait of Prince Kuhio surrounded by Hawaiian and American flags, and the motto "No Ka Pono Kaulike o ka Lehulehu" "Equal Rights To All."

AN ILLUSTRATION.

The Prudential Insurance Company issues all modern form of contracts. The endorsement policy is a good illustration. The ten-payment twenty-year endowment, which at age thirty-five costs \$2.81 annually per thousand on the profit-sharing plan, so that in ten years the deposits aggregate only \$25.10 and \$1,000 is guaranteed in return at the end of twenty years, during which period insurance for the full \$1,000 is furnished.—Hawainian Trust Co., Agents.

MILLINERY.

In our millinery department we have a choice assortment of the newest novelties. An up-to-date hat trimmed to order costs just half of what it would elsewhere. L. B. Kerr & Co., Queen street.

DAMAGE SUIT AGAINST A MINOR IS USELESS

JUDGE ROBINSON REVERSES A JUDGEMENT OF THE DISTRICT COURT—SUIT FOR LOST HORSE AND CARRIAGE.

Judge Robinson disposed of several jury-waived cases today, among them being that of C. H. Judd, doing business as the Waffels Livery and Boarding Stable, vs. Wong Fai, a suit for damages for the destruction of a horse, carriage, etc., in which Judge Dickey gave a judgment for \$300 damages. Judge Robinson decided in favor of the defendant, on the ground that Wong Fai was under age when the loss of the property took place, and "an infant is not liable upon the contracts entered into by him."

In the case of Emily C. Williams vs. W. R. Sims, administrator, a judgment was entered for \$145, with \$25 interest and \$19 costs.

In the case of Chung Sang and Lee Chu vs. Joaquin Camara, judgment for \$500 damages and \$31.50 costs was entered.

The accounts of J. M. Dowsett as administrator of the estate of H. M. Stillman were approved.

This is Judge De Bolt's week as presiding judge at chambers, but as he is likely to be engaged all week with the Summer case, Judges Robinson and Gear will look after probate matters.

LAUNCH IN THE SEARCH.

Young Brothers had one of their launches out by Kahala point this morning searching for the body of young Lucas who was drowned Saturday. Only two fishing boats were in the vicinity. The launch returned shortly before noon today. It is thought beyond any question that sharks have devoured the body.

THE WEATHER.

Weather Bureau, Punaohu, 1 p. m. Wind light south; threatening to the north; will most likely rain on the north side of the island. Morning minimum temperature, 67; midday maximum temperature 82; barometer, 30.4; falling (corrected for gravity); rainfall, 24 hours ending, 9 a. m., .01; dew point, 9 a. m., 65; humidity 9 a. m., 71 per cent.

CURTIS J. LYONS, OBSERVER.

HE WASN'T KILLED.

Joe Silva, the boy who was reported on Saturday to have been killed by a stone thrown at him by his brother is at the Queen's hospital only slightly hurt and will be discharged tomorrow.

CARTER APPOINTED GUARDIAN.

A. W. Carter has been appointed guardian ad litem of George H. Brown and Francis Hyde Brown, minors, for the purpose of the suit brought against them and others by C. A. Brown, to enforce the Mrs. Holloway et al from enforcing new by-laws of the John II Estate, Limited.

ANOTHER BIG LINER.

The White Star Company has let a contract for the construction of a ship to be larger than its mammoth Cedric. The latter is 790 feet longer and has accommodations for 3,000 passengers. The new express racer will be greater than 2,000 tons measurement and twenty feet longer.

MESSAGE FOR FUN.

YOKOHAMA, September 27.—A telephone message was received at the residence of Marquis Ito at Shiba on the night of the 18th inst. stating that the sender to the message intended to assassinate the Marquis. The police were soon informed of the fact, and the sender was quickly traced. He was identified as an employee of the Telephone Exchange in Toyko. He confessed that he sent the message for fun. His employers considered that his sense of humor was altogether too acute for his job, and he was dismissed accordingly.

PHYSICIAN'S RESIDENCE.

A residence for the Resident Physician is being built on the Queen's Hospital grounds near the Vineyard Street entrance. It is well along in construction now and will be completed within a few days.

GENERAL BOOTH SAILS.

LONDON, Sept. 26.—General Booth, commander in chief of the Salvation Army, will be a passenger on the steamer Philadelphia, which is to sail from Southampton tomorrow for New York.

STRICKEN WITH PARALYSIS.

Henderson Grimett, of this place, was stricken with partial paralysis and completely lost the use of one arm and side. After being treated by an eminent physician for quite a while without relief, my wife recommended Chamberlain's Pain Balm, and after using two bottles of it he is almost entirely cured.—Geo. R. McDonald, Manager, Logan Co., W. Va., U. S. A. Several other very remarkable cures of partial paralysis have been effected by the use of this liniment. It is most widely known however, as a cure for rheumatism, sprains and bruises. Sold by all druggists. Benson Smith & Co., general agents.

FRUITS AND VEGETABLES.

Don't forget Camarinos of the California Fruit Market when you want fruit and vegetables. He always has on hand a fresh supply of both California and Island fruits. Telephone Main 378.

TO PROTECT SKY-SCRAPERS

Opium Brown Fools Hilo Police Force

Opium Brown Number 2, returned on the Claudine from Hilo, where he spent four weeks and incidentally kept the police busy looking for opium deals. When Brown landed in the Rainy City the police at once suspected that there was opium coming and they proceeded to watch Brown. No mysterious schooner hove in sight and only once did the officers appear to be on the trail of anything definite. That was when Brown paid a night visit to the steamer Enterprise and returned late with a big bundle under his arm. He was tracked to a water front saloon and the bundle left there. Immediately a search warrant was secured and the place was visited by the police. The bundle was found to contain rubbish, and Brown told the officers to call again. The man with the reputation for opium schemes did not seem to have any particular business during the four weeks he spent in Hilo, and the watch over him was constant.

The introduction of tall buildings in Honolulu has made innovations in fire department appliances necessary. The extension ladders which the Board of Fire Commissioners are about to add to the equipment are made useful and necessary by the tall buildings already erected and those which are in process of erection and contemplated. It is not the intention of the board to man the new hook and ladder equipment with additions to the force at present. Such is not considered necessary. The tall buildings are here, and to adequately fight fire if it should occur in any of them, requires this modern hook and ladder equipment. But to man it with a crew additional to the force already in the service would be to go to an expense of several thousand dollars a year merely to protect the comparatively few tall buildings already here, from fire. The apparatus however, purchased and housed at the central fire station, Fort and Bertalan streets, would be ready for use at any time it is needed, manned by a crew temporarily detached from some other apparatus not needed at the time. The fire commissioners also think this is a good time to provide as there are funds sufficient in the appropriation for this purpose, and not specially needed for any other. If it is not spent during this biennial period it will go back to the treasury as a government realization, and will have to be re-appropriated before it could be used for this purpose, and even if the next legislature did re-appropriate it, the imperative need for it may arise at any time. It is therefore the plan to provide the equipment as soon as may be. The equipment is essentially ladders so constructed as by mechanical means to be extended so as to enable men by means of them to mount to the upper stories or the roofs of tall buildings. The general design of ladder advertised for was that mounted on a truck and raised and lowered by means of mechanical devices. Since the advertisement was made a modification of this general style has been brought to the attention of the commissioners. It is made in San Francisco and is in use by the San Francisco department. The extension is made from the ground instead of from the truck, is firmer and safer in its footing, is not subject to accidents to the truck and is more serviceable where telegraph, telephone and electric light wires run close to buildings.

THE FAST RECORD OF THE COPTIC

MAKES TRIP FROM YOKOHAMA IN NINE AND HALF DAYS. SIR JAMES MACKAY A PASSENGER.

With another fast record to her credit, the S. S. Coptic left this morning for the Orient, having made the trip from Yokohama to this port in 9 days, 13 hours and 38 minutes. She left Hong Kong, September 16 and Yokohama, September 27. Good weather was experienced during the trip.

The vessel brought 10 cabin passengers for this port among them being S. Fortin and family. He is a civil engineer and has been in China for some time.

The most notable passenger aboard the vessel is Sir James Mackay the British Commissioner who was in China to attend to the preparation of a new tariff schedule. Sir James Mackay was a member of the same commission that General Sharratt who recently passed through here on the China, attended. Sir James has concluded his work in China and is now en route home, accompanied by Lady Mackay, daughter and maid.

Lieutenant T. H. Bell was chief of scouts in Manila. Col. J. McE. Hyde was formerly the American quartermaster at Nagasaki. He has been stationed in the Philippines.

Professor W. G. McClure is a missionary who has been doing work in Siam. He is accompanied by his family. The Coptic passed the Korea in the Inland Sea. The Coptic brought 640 tons of freight for this port and will sail for San Francisco at 6 o'clock tonight.

A NOVEL PROCESSION.

An unusual sight and one that attracted a great deal of attention and gathered a considerable following was witnessed this morning. Two Japanese were carrying a Japanese woman in a sort of palanquin covered with a red blanket. The woman was evidently ill and was being taken to the city physician's office for treatment. The palanquin consisted of a narrow mattress suspended from a strong pole. Over the pole and falling down to the sides of the mattress was thrown a brilliant red cotton blanket for shade and privacy. The blanket falling down from the pole to the sides of the mattress gave the general appearance of a tent. Two stout and lusty Japanese men carried this burden through the streets from some place in Palama to the city physician. Nearly every one who saw it turned to look and scores of natives and others turned and followed the unusual conveyance for some distance on its way. Nearly every Jap who met the unusual procession stopped to inquire regarding the health of the woman in the palanquin.

READY FOR FOOT-BALL SEASON

We've got a swell shoe for foot-ball players. Better come and see it, made of heavy tan leather, solid toe and strongly reinforced. It is the regulation foot-ball shoe. The price is \$3.50. GYMNASIUM SHOE TOO come and see them.



ROYAL Baking Powder. Made from pure cream of tartar. Safeguards the food against alum.

Alum baking powders are the greatest menaces to health of the present day. ROYAL BAKING POWDER CO., NEW YORK.

LONG LADDERS NEEDED FOR OUR TALL BUILDINGS

WHY THE BOARD WANT AERIAL LADDERS AND SOME RECENT IMPROVEMENTS IN THIS CLASS OF FIRE EQUIPMENT.

The introduction of tall buildings in Honolulu has made innovations in fire department appliances necessary. The extension ladders which the Board of Fire Commissioners are about to add to the equipment are made useful and necessary by the tall buildings already erected and those which are in process of erection and contemplated.

It is not the intention of the board to man the new hook and ladder equipment with additions to the force at present. Such is not considered necessary. The tall buildings are here, and to adequately fight fire if it should occur in any of them, requires this modern hook and ladder equipment. But to man it with a crew additional to the force already in the service would be to go to an expense of several thousand dollars a year merely to protect the comparatively few tall buildings already here, from fire.

The apparatus however, purchased and housed at the central fire station, Fort and Bertalan streets, would be ready for use at any time it is needed, manned by a crew temporarily detached from some other apparatus not needed at the time. The fire commissioners also think this is a good time to provide as there are funds sufficient in the appropriation for this purpose, and not specially needed for any other. If it is not spent during this biennial period it will go back to the treasury as a government realization, and will have to be re-appropriated before it could be used for this purpose, and even if the next legislature did re-appropriate it, the imperative need for it may arise at any time. It is therefore the plan to provide the equipment as soon as may be. The equipment is essentially ladders so constructed as by mechanical means to be extended so as to enable men by means of them to mount to the upper stories or the roofs of tall buildings. The general design of ladder advertised for was that mounted on a truck and raised and lowered by means of mechanical devices. Since the advertisement was made a modification of this general style has been brought to the attention of the commissioners. It is made in San Francisco and is in use by the San Francisco department. The extension is made from the ground instead of from the truck, is firmer and safer in its footing, is not subject to accidents to the truck and is more serviceable where telegraph, telephone and electric light wires run close to buildings.

NEW CITIZENS ADDED.

Portuguese Adopting United States as Their Country.

There was a large crowd of would-be citizens of the United States in the Federal court this morning, with their witnesses, and twenty-one new citizens were added to the roll of voters in a short time, seventeen of them being Portuguese. The naturalizations are largely the work of the new Portuguese Club, which has aroused an interest in the political situation among the Portuguese and of the Republican committees. The following is a list of those naturalized: A. L. Perry, M. V. Souza, Jose Fernandez, Manuel Leandiro, John G. Abreu, E. A. Cabral, J. Souza, Manuel Calidara, Joseph Camara, John S. Marquis, Jr., Manuel E. Souza, M. Madellos, John Carvalho, Augustus Camillo, August Ornelas, Philip Gomes, all of Portugal; W. Russell Riley of Canada, C. A. Simpson of England, C. H. Patzig and L. C. Wytgeirts of Germany.

READY FOR FOOT-BALL SEASON

We've got a swell shoe for foot-ball players. Better come and see it, made of heavy tan leather, solid toe and strongly reinforced. It is the regulation foot-ball shoe. The price is \$3.50. GYMNASIUM SHOE TOO come and see them.



ROYAL Baking Powder. Made from pure cream of tartar. Safeguards the food against alum.

Alum baking powders are the greatest menaces to health of the present day. ROYAL BAKING POWDER CO., NEW YORK.

MANUFACTURERS' SHOE COMPANY, LIMITED. 1057 FORT ST.

Accident Insurance, Helps the Pain. You won't suffer so much if you have a good policy to think about while you are recovering from the accident. HAWAIIAN TRUST CO., LTD. 923 FORT STREET.

FISHERMEN. Would do well to inspect our line of tackle. PEARSON & POTTER CO., LIMITED. UNION AND HOTEL STS. PHONE MAIN 317.

HYGIENIC UNDERWEAR. L. B. Kerr & Co. have received a special purchase of Men's summer weight, natural wool underwear. PATIENTS CONVALESCING. NEW CAMPAIGN EMBLEM. AN ILLUSTRATION. MILLINERY.

PHYSICIAN'S RESIDENCE. GENERAL BOOTH SAILS. STRICKEN WITH PARALYSIS. FRUITS AND VEGETABLES.

ROYAL Baking Powder. Made from pure cream of tartar. Safeguards the food against alum.

READY FOR FOOT-BALL SEASON. We've got a swell shoe for foot-ball players. MANUFACTURERS' SHOE COMPANY, LIMITED. 1057 FORT ST.