

## NEW LAWS OF HEALTH

New health regulations were adopted by the Board of Health at yesterday's meeting, relative to garbage, excrementation and laundry clothes sprinkling.

It will be remembered that the Senate, at last session, threw out a bill of Mr. Dickey's to prohibit expectorating in public places. It was regarded by most of the members as a freak measure, their reading evidently not having extended to the fact that similar laws are in force in many cities of the mainland.

A mosquito regulation was deferred for one week. The Board adopted President Pinkham's recommendations, with an amendment, as they appear below. In recommending that the present regulations on garbage, Nos. 24 to 31 inclusive, be rescinded and the following ones adopted in their place the president said:

**"Garbage regulations, at the present time, apply only to the sanitary district of Honolulu. Several of the towns of the Territory desire the garbage regulations extended so as to apply outside of Honolulu. After consultation with the Governor and Attorney General, I present the following regulations:"**

**GARBAGE REGULATIONS.**

24th. No garbage or offensive liquid or matter shall be thrown or deposited in any highway, street, lane or public place within the Territory of Hawaii.

25th. No garbage or offensive liquid or matter shall be kept upon any premises except in covered containers of not less than 12 cubic feet capacity and shall be removed from said premises or disposed of within not less than one week, unless otherwise ordered disposed of by the Board of Health or its duly authorized agents.

26th. No garbage, stable manure, night soil or animal or vegetable refuse of any nature whatsoever which is subject to decay shall be used for grading purposes or for filling in house lots or any other tract of land.

27th. No person or corporation shall convey through the streets of any city, town or village of the Territory any garbage, offensive liquid or matter, soil or filth, except in such containers as will prevent spilling and leakage.

28th. Public dumping grounds for the dumping and disposition of garbage shall be designated from time to time by the Board of Health and no garbage shall be dumped or deposited in any place other than the place or places so designated by the Board of Health.

**EXPECTORATION.**

The number of deaths in Honolulu for two years ending June 30, 1905, was 1734. Of these 268, or 15.46 per cent., were from pulmonary tuberculosis, and 33, or 1.90 per cent., were from other tubercular diseases.

Section 38 of the Rules and Regulations of the Board of Health declares pulmonary tuberculosis to be a "communicable and a preventable disease."

Unquestionably exposure arising from indiscriminate expectoration by those afflicted is the prime means of spreading the disease.

The Regulation No. 28 of your honorable board is wholly inadequate. Expectorations should not be allowed in any place where the clothing of any person can touch the sputum. It would be impossible to control the public to the extreme, hence, I suggest the gutters of the street be excepted.

I recommend Section 28 of the Rules and Regulations of the Board of Health be amended to read as follows:

Resolved, That no person shall expectorate upon any public place, sidewalk, street crossing, or upon the floor of any street car or railway car, or any other public conveyance, or of any public building or any building common to the use of the public. Street gutters are excepted.

**REGULATING THE SPRINKLING OF LAUNDERED ARTICLES.**

In the recommendations made by the Board of Health, December 31, 1904, to the Legislature for sanitary enactments was one to prevent the spraying of clothing and articles with liquid from the mouth. The suggestion failed. An investigation of the adverse decision on a similar law by the Supreme Court under date of February 13, 1899, discloses the fact it was Act 31, Sections 1-2-3, Session Laws of 1898, that was rendered void, and not a regulation of the Board of Health.

The Board of Supervisors of the County of Oahu passed Ordinance No. 3 covering this subject.

It would seem the prohibition of mouth sprinkling should extend throughout the Territory, and can be best brought about by a regulation of the Board of Health, therefore, I suggest the following be passed which is the County Ordinance suitably revised.

Resolved, No person or persons, ironing or performing any act, in the laundering of clothing or any article belonging to another or the laundering of clothing or any article for hire, shall spray any article so laundered with liquid sprayed or projected from the mouth of said person or persons.

## ATKINSON AT CIVIC FEDERATION MEETING

Secretary Atkinson was to have attended, yesterday and today, the meeting of the National Civic Federation in Washington. "Jack" is the duly accredited delegate from Hawaii to the Federation. He was going to speak on the subject of immigration with special reference to this Territory.

From the events of the past few days, in which he took part himself, the Secretary would not be at a loss for material.

## THE CRIME OF TAKADA

Judge Lindsay, with counsel and court officials, waited to hear from the jury trying Takada for murder, until 11:45 p.m. At that hour a verdict of murder in the second degree was brought in, with a strong recommendation that the maximum penalty be imposed. The jury came to the court three times for further instructions before making a finding.

Mr. Perry addressed the jury for the defendant in the morning, and Mr. Fleming for the prosecution in the afternoon. The jury retired at 6:19 and shortly afterward was allowed out to dinner, returning to the jury room at 7:45.

The work of empanelling a jury began on Tuesday, November 14, and a jury being obtained on November 21 the actual trial then began. This occupied thirteen court days.

W. S. Fleming, Deputy Attorney General, conducted the prosecution, being attended throughout by Chester Doyle, who had worked up the Japanese evidence. Former Justice A. Perry and H. G. Middleditch were counsel for the defendant.

**SEATTLE BREWERY CASE.**

A demurrer has been filed by defendant in the assumpsit suit of Seattle Brewing & Malting Co. against A. J. Campbell, Treasurer of the Territory, by M. F. Prosser, Deputy Attorney General. It is claimed that the action, if prosecuted at all, should have been prosecuted against the Territory of Hawaii. Also, that the complaint fails to show that, at the commencement of the action, the money sought to be recovered was still in the hands of the defendant. Also, that it does not appear that, at the time of actual payment of the money by the plaintiff to the defendant, "the plaintiff made such payment involuntarily or under duress or compulsion." The suit is to recover the amount of license fee paid by plaintiff as a foreign corporation doing business here.

**LAHAINALUNA SUIT.**

M. F. Prosser, Deputy Attorney General for the Territory of Hawaii, respondent, gives notice of motion to be offered in the Supreme Court on Monday, to strike from the complaint of Frederick J. Lowrey, George P. Castia and W. O. Smith, trustees, certain passages mentioned. This is the suit claiming \$15,000 as the value of the Lahainaluna Seminary premises.

**GOVERNOR'S RESIDENCE TITLE.**

George R. Carter has petitioned the Court of Land Registration for a registered title in fee simple to land on the corner of Liliha and Judd streets, with the buildings thereon, containing an area of 5.40 acres. The land at last assessment was valued at \$19,000 and the buildings or improvements at \$19,000, a total assessment of \$38,000. The premises constitute the residence of Governor Carter.

**DIVORCE CASES.**

Henry E. Highton has filed an appearance as attorney for Minnie K. Buzzell in her divorce suit against Percy C. Buzzell.

Sarah K. Kupau sues Lowell K. Kupau for divorce on the ground of failure to provide maintenance for herself and two young sons. The parties were married in Honolulu on June 22, 1899.

**BIG DAMAGES ASKED.**

Yim Seabock has brought an ejectment suit against Hu Kwong and six others for the fish pond of Kaelepele and the stream in connection therewith running to the sea, at Kalia, Koolau, Oahu, also a house lot and right of way, claiming \$4000 damages.

**FORECLOSURE SUITS.**

W. O. Smith, as trustee for Mrs. Ann Lidgate and as guardian of Frida Gay, has brought two foreclosure suits respectively against Mary J. Montano, A. A. Montano and Alexander Garvie, the first for \$3000 and the second for \$1800, with interest added, and the properties being 38,100 square feet and 46,827 square feet, respectively, of land in Manoa valley.

**THE PEACOCK CASE.**

Judge De Bolt sustained the demurrer of respondents in the quo warranto suit of W. C. Peacock and others against W. C. Peacock & Co., Ltd., to inquire into the right of John G. Rothwell and others to hold the corporation's offices and control. Fifteen days were allowed to amend the petition, an immediate appeal to the Supreme Court also being allowed. C. W. Ashford appeared for petitioners and A. F. Judd for respondents. Misjoinder of parties was the ground on which the demurrer was sustained.

**COURT NOTES.**

Judge De Bolt granted a motion for examination of judgment debtor in the case of H. May & Co., Ltd., vs. Walukiki Seaside Hotel Co., Ltd. The judgment is for \$1092.81 and H. R. Macfarlane Jr., treasurer of defendant, is ordered to appear for examination at 9 o'clock tomorrow morning.

The appeal of plaintiffs in the suit of C. G. Balleentyne and Honolulu Rapid Transit & Land Co. vs. William O. Smith, the Pacific Heights Electric Railway Co. and C. S. Desky from the decree of the Supreme Court of Hawaii to the Supreme Court of the United States was yesterday perfected. There are five assignments of error.

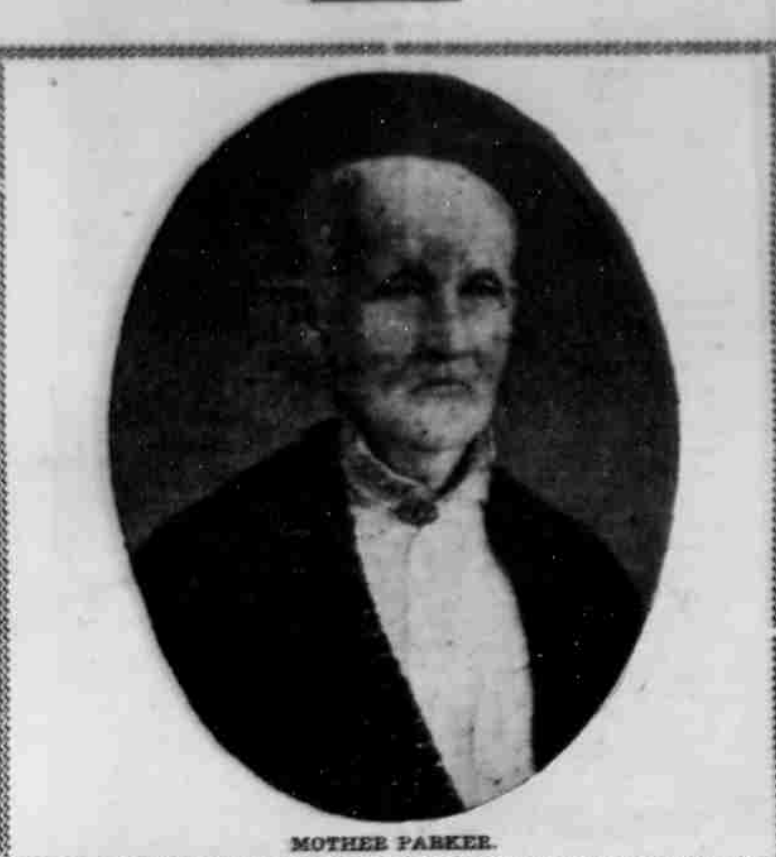
Judge Robinson assigned the case of Western Iron Works Co. vs. Victor Hoffman and Honolulu Brewing & Malting Co. to Judge Lindsay.

**CHAMBERLAIN'S PAIN BALM.**

There is no danger from blood poison resulting from a cut or wound of any kind, when Chamberlain's Pain Balm is used. It is an antiseptic dressing and should be in every household. For sale by all Dealers and Druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

The Supreme Court has allowed the American-Hawaiian Engineering & Construction Co. \$422.50 on its claim for extras on the Fort street wharf contract. Originally the claim was for \$440.

## MOTHER PARKER WILL BE A CENTURY OLD TOMORROW



MOTHER PARKER

Tomorrow, December 6th, Mother Parker will attain the great age of one hundred years, having been born December 6, 1805. She came to these islands with her husband, Rev. B. W. Parker, as a missionary of the American Board in 1833 and devoted her life to missionary work.

The anniversary is a notable event and her friends have desired to show her respect and reverence, and owing to her somewhat infirm condition they are not able to do all they would like to.

The Governor has tendered the band for a serenade between 8 and 9 o'clock on Saturday morning and the members of the Hawaiian Mission Children's Society have arranged a simple program, as follows:

Saturday morning a committee of the Society will visit upon Mother Parker with a testimonial carefully engraved and tastefully ornamented and during the morning some of the great grand-children of the early missionaries will give a "bookup," which will consist of presenting little gifts of flowers, fruit and other contributions of like nature. The Sunday morning services at Kawaiahae church will be conducted by leading Hawaiian.

## THE QUEEN'S HOSPITAL MAY LOSE SUBSIDY

Dr. Wayson, at the meeting of the Board of Health yesterday, made a report on the controversy with the Queen's Hospital authorities. He had received from the Attorney General oral opinion to the effect that the hospital ought, on account of its quasi-public character, to provide a small detention ward for contagious cases. It had bound itself in a manner to accede to the needs of the public health by the claims it made when fighting for its subsidy in the Supreme Court. Dr. Wayson advised taking the present controversy into the Supreme Court, saying:

"Have the matter thoroughly threshed out, so that when we send a case to the hospital it will be properly taken care of."

He gave several instances of harsh treatment by the hospital authorities of cases sent there. One poor man was turned away three times in one day. Let Attorney General Peters and the hospital's attorney agree on a mode of procedure for having the matter at issue decided. If the hospital made a fight against the public and the Government, the speaker was confident that public opinion would settle the matter in a manner that would not be good for the hospital.

Dr. Wayson asked for the board's support in his action. He would not embarrass Dr. Judd, as an attending physician, or Mr. Robinson, as a trustee of the hospital, by asking for their opinions, but he would like to hear from "brother" Fernandez.

Mr. Fernandez merely said that he agreed thoroughly with the sentiments of Dr. Wayson.

Mr. Robinson moved that the matter be placed in the hands of the Attorney General as suggested, so that the issue might be decided as early as possible.

Dr. Wayson, however, made the suggestion, which was adopted, that the Board of Health meet with the Attorney General in special session at the call of the president.

**THE KONA TROUBLE.**

President Pinkham made a report on the recent trouble over leper suspects in Kona, Hawaii. Under directions to that end the Government physician was securing the voluntary attendance of suspects for examination "until interference occurred from certain professional men." Two of the suspects, including one whose case occasioned the trouble, came to Honolulu and, presenting themselves at the Health office, requested an examination. Being found not infected they were returned to their homes, all expenses being paid by the Board of Health.

The president comments that "several professional men undertook to decide in one of these cases what the law leaves to the Board of Health," and thinks the "unwilling alien" is better settled with the board's methods than the action of the local attorney. He adds that the Attorney General's department is prepared to defend the Government physician.

**SCHOOL DRINKING WATER.**

Mr. Pinkham expressed himself as gratified with the solution of the question of the means of supplying drinking water to school children, in a device installed by Plumbing Inspector Keen at the Normal School, which he thus describes:

"At the bottom of a suitable enamel painted wooden trough a water pipe is run, from it upwards are extended a number of pipes or nipples, from each is thrown a small jet of water. Placing his mouth at the jet the scholar can easily drink without soiling his clothing. The jet is sufficiently strong so the lips can not be forced down so the lips can touch the pipes or nipples, hence there is no possible chance of contamination. Swiftly thrown water alone comes into contact with the person drinking. The cost is comparatively trifling and the device should be installed in all schools. Artesian water does not need filtering. Reservoir water could be filtered at small cost of installation in connection with the above-described device."

**OTHER SANITARY MATTERS.**

At the corner of King street and Aala lane the president had arranged that a portion of cement sidewalk could be put in, adding:

"I find, however, about 110 feet of the building on King street has never been moved back to the building line and is between eight and nine feet on land purchased by the government in 1901 for street widening. When purchased, the buildings were on the land. The deed fails to state on whom the responsibility rests for moving the buildings now on the proper sidewalk space. The matter will be given further prompt attention."

The Fort street premises condemned have had the buildings indicated torn down and work is in progress to put the place in good order. The owner of the land thanks the board for its action.

The premises on Bates street await the decision of the lessor of the land. More active work is promised on the premises on Huastate street, Kewalo, visited by you."

Grally, Mr. Pinkham told of a place on Liliha street, behind which an aerial watercourse ran, where 22 or 23 natives live in three cottages and pay \$5 a month rent for each cottage. He was informed that the Government was going to put down a 27-inch cement storm water sewer in Liliha street, which might prove effective for draining the present bad locality.

**SETTLEMENT MATTER.**

The board passed approval on the following report by the president:

"As the Settlement on Malakal has a steam boiler and will be obliged to install an engine to run the pot machinery, we have under consideration the addition of a small ice plant and a laundry which can thus be economically provided. The latter is quite a necessity. We hope to soon lay before you plans that will prove unobjectionable and meet with your approval. Both these latter proposed improvements would produce certain income for their maintenance."

Authority was voted the president to call for tenders for supplies for the ensuing six months.

With President L. E. Pinkham were present Dr. J. B. Judd, Dr. J. T. Wayson, M. F. Robinson and A. Fernandez.

## A STORMY SIXTY-DAY COURT DAY LAW HOLDS

The stormy day was flying in the Federal court all day. There was more time spent in arguing on the admissibility of evidence than in taking evidence.

Frank C. Bertelmann, defendant, took the stand in his own behalf after the prosecution had rested. His line of defense was obvious, being that his operations among Chinese and Japanese were purely connected with an Oriental business directory of the Territory he planned to publish. He positively denied that he pretended to be a Federal officer, exacting fees for sign-keeping permits or anything else.

Mr. Straus, defendant being on the stand, offered a parcel of books in evidence.

Mr. Dunne objected that the books had nothing to do with the case. They did not come there from the defendant, but from the publisher. If the evidence of Lehiro and Matsuoaka was believed by the jury, the case ended right there.

Mr. Straus made a remark, to which Mr. Dunne called the attention of the court. The attorney for the defendant just then walked over to the water cooler in the corner on the extreme right of the bench.

"Did you say this was a gullible jury, Mr. Straus?" Judge Doie sternly demanded.

"I did not, your Honor," Mr. Straus answered as he came again to the front. "What I said was that it would be a gullible jury if it believed the evidence counsel mentioned."

"It was an improper remark," the court rejoined, "and I ask that you withdraw it."

"Without the court orders it, I withdraw the remark," Mr. Straus responded.

Then there was more wrangling about the books. Mr. Dunne said they were immaterial to the case, being "a mere sham and a pretense."

Mr. Straus now called the court's attention to the Assistant District Attorney's remark. He characterized it as intended to influence the jury and coming under the learned counsel's own description of "police court tactics."

Judge Doie ultimately let the books go in, subject to further rulings as the object developed.

Bertelmann, shown one as representing a dozen books, told of his going to Amana, a Chinese publisher, and making terms with him for printing the books. The charge would be \$2.50 a page and, as there were to be 300 pages, the entire bill \$750. Amana wanted a bond for expenses and finally a bargain was struck whereby a dozen of the books should be printed, Bertelmann to pay one-half the cost of them in advance.

Defendant explained in detail his system of getting up a directory—the rough canvassing book, the transcribing of names with errors corrected into the ruled books, the cutting out of the written sections between the lines for arrangement of the names in alphabetical order, etc.

Mr. Straus admitted, in a contest over the question of good faith represented by the books, that the edition ordered had not been taken out of Amana's hands by defendant, but said in explanation that Bertelmann was arrested, put under \$6000 bail and twice acquitted in that court under similar charges to the present.

"But that was over six months ago," the court observed.

Defendant explained the purpose of two kinds of "receipt" books, as they were called, which were next produced. They were in reality books of contracts for advertising in the directory and subscriptions thereto.

Cross-examination started just before adjournment.

Plans of that church in honor of the venerable mother of their beloved pastor. At 7:30 in the evening of that day the services at Central Union Church will be held under the auspices of the Hawaiian Mission Children's Society. Dr. A. B. Clark, presiding, at which the devotional exercises will be conducted by Rev. S. E. Bishop, Rev. H. Bingham and Rev. H. H. Parker and addresses will be made by Hon. S. B. Doie and Right Reverend Bishop Renwick.

One hundred mint-new quarter dollars, which have never been in circulation, will be presented to Mother Parker at the exercises in celebration of her one hundredth birthday in Kawaiahae church.

This symbolic gift, representing the years of the recipient's life in Oahu, comes from the people of Kawaiahae. No doubt they regret that the mintage is not of gold eagles, but equally certain it that Mother Parker will appreciate their contribution as much as she would any wealth that a richer congregation might bestow.

**THE NEW FRENCH REMEDY, THERAPIOL.**

This successful and popular remedy, used in the Continental Hospitals by Rivard, Roulet, Eder, Veitman, and others, combines all the desiderata to be sought in a medicine of the kind, and surpasses everything hitherto employed.

THERAPIOL NO. 1 maintains the world-renowned and well-merited reputation for de-ruminate of the kidneys, pain in the back, and kindred ailments, affording prompt relief where other well-tried remedies have been powerless.

THERAPIOL NO. 2 for impurity of the blood, scurvy, pimples, spots, blotches, piles and swelling of joints, gout, rheumatism and all diseases for which it has been too much a fashion to employ mercury, arsenicals, etc. to the destruction of sufferer's teeth and ruin of health. This preparation purifies the whole system through the blood, and thoroughly eliminates all poisonous matter from the body.

THERAPIOL NO. 3 for exhaustion, sleeplessness, and all distressing consequences of dyspepsia, worry, overwork, etc. It possesses a soothing power in restoring strength and vigor to those suffering from the over-activity of the nervous system in hot, unhealthy climates.

THERAPIOL is sold by the principal Chemists and Druggists throughout the world. Price in England is 5s. 6d. and 4s. 6d. in Canada, and is sold by all chemists and druggists. Beware of cheap imitations. The words "Therapion" appears on the French Government Stamp. Its white letters on a red ground, affixed to every genuine package by order of His Majesty's Hon. Commissioners.

The sixty-day limit is declared a valid law. By a unanimous opinion, written by Chief Justice, Freear, the Supreme Court grants a perpetual writ of prohibition to S. Ahmi against Mary Buckle and Judge De Bolt, forbidding the trial of the case of Mary Buckle vs. S. Ahmi at the present term of the first circuit court. C. W. Ashford appeared for petitioner, and Thompson & Clemens and Attorney General Peters for respondents. This is the syllabus:

"The provision of the Organic Act that 'each law shall embrace but one subject, which shall be expressed in its title,' should be liberally construed. The title may be broader than the act, provided it is not delusive; the act may cover different matters, provided they have a natural connection and are fairly embraced in one subject. A provision limiting civil jury trials, unless by consent, to the first thirty days of each term in the first circuit, may properly be included in an act purporting in its title to amend a certain section of the Revised Laws 'relating to terms of the circuit courts,' the other provisions of which act relate to the length, adjournment and extension of the term in the several circuits."

**ILLEGAL ASSESSMENT.**

S. Hookano, district magistrate of Ewa, has been sustained by the Supreme Court in denying a writ of summary possession to Carlos A. Long, administrator of the estate of H. W. Holt, deceased, against H. W. Holt and many others "to forfeit a lease held by defendants of certain lands in Waianae and to recover possession of said lands, the ground of forfeiture being a breach of covenant to pay the taxes on the lands."

The lease was made on November 22, 1862, by H. W. Holt, executor of R. W. Holt's will, to John Dominis Holt for the period of the natural life of the lease. The defendants are the present holders of the lease, some of them being subtenants under the others.

C. W. Ashford and E. A. C. Long appeared for plaintiff; A. G. M. Robertson, Thayer & Hemenway, E. C. Peters and Smith & Lewis for defendants. The syllabus of the opinion, Justice Wilder being the author, is as follows:

"An assessment of taxes to an 'estate' is not authorized.

"A lease in which the lessee covenanted to pay the taxes can not be forfeited for the nonpayment of the taxes by the assignees of the lessee where there is no legal assessment."

It was alleged in the complaint that the defendants refused and neglected to pay the taxes for the years 1900 to 1903 inclusive. The taxes for each year were assessed to "Est. Holt, R. W." Judgment was rendered in favor of defendants by Judge Hookano on the ground that no taxes had been legally levied or assessed upon the lands, and plaintiff appealed to the Supreme Court on the points of law. The judgment appealed from is affirmed.

## POULTRY SHOW.

(Continued from Page 4.)

- 2d, J. Apio.
- Blue Runts.
- 1st, G. P. Wilder.
- Colored Pouters.
- 1st, J. H. Craig.
- 3d, J. H. Craig.
- 2d, George Domingos.
- White-Splashed Pouters.
- 3d, S. G. Wilder.
- 1st, W. W. Wright.
- White Pouters.
- 1st, J. H. Craig.
- 3d, J. H. Craig.
- 4th, C. Arneemann.
- 2d, George Domingos.
- Pied Chocolate Pouters.
- 1st, S. G. Wilder.
- Homers.
- 1st, T. Rewcastle.
- Blue Homers.
- 1st, T. Rewcastle.
- Chocolate Homers.
- 1st, W. C. Weedon.
- Black Homers.
- 1st, C. F. Peterson.
- 2d, W. C. Weedon.
- Dark Blue Barred Homers.
- 2d, W. C. Weedon.
- Dun Fantails.
- 2d, W. W. Wright.
- Light Blue Checkered Fantails.
- 1st, W. C. Weedon.
- Dark Checkered Homers.
- 2d, W. C. Weedon.
- Blue Fantails.
- 2d, W. W. Wright.
- 1st, C. Arneemann.
- Hens.
- 1st, Gerri Wilder.
- Brown Jacobins.
- 1st, C. Arneemann.
- Black Jacobins.
- 1st, C. Arneemann.

## AN ATTACK OF CROUP WARDED OFF.

"Our little girl, two and one-half years old, woke up coughing with the croup one evening recently. We happened to have some of Chamberlain's Cough Remedy on hand and gave her two doses of it. She went back to sleep and woke up next morning without a trace of cold. It is certainly a great medicine," says A. J. Laginbill, editor of Star, Villa Rica, Georgia, U. S. A. An attack of croup can always be warded off by giving this remedy as soon as the croupy cough appears. It has been in use for many years and has never been known to fail. It contains no harmful drug and may be given to the smallest child with perfect confidence. For sale by all dealers and druggists. Benson, Smith & Co., Ltd agents for Hawaii.

Oahu County Supervisors will meet this evening. Messrs. Lucas and Moor will present a report sustaining the position of Supervisor Faesi in the matter of the Koolauloa road trouble.