

THE Daily Bulletin

SATURDAY, JULY 13, 1889.

ARRIVALS.

July 13—Stmr Mokolii from Molokai... Stmr Waiakaloa from Kaula...

DEPARTURES.

July 13—Stmr Waiakaloa for Lahaina and Hamakua at 8 a m... Bk W B Godfrey for San Francisco at 8 p m...

VESSELS LEAVING MONDAY.

Star Kaala for Waialua and Waianae at 9 a m... Schr Leahi for Kohala... Stmr Mokolii for Molokai at 5 p m...

PASSENGERS.

From San Francisco, per schooner Anna, at Kahului, July 10—A K Steiner... From Kaula, per Waiakaloa, July 13—1 cabin and 2 deck...

SHIPPING NOTES.

The Likelike brought this morning, 243 bags sugar, 44 hides, 35 hogs, 18 bags corn, 76 pkgs sundries... The W B Godfrey sails this afternoon for San Francisco with about one thousand tons of sugar...

MAUI NOTES.

Everything here is terribly dry and blinding clouds of dust add to the discomfort... Several more attempts at burglary have been made during the last two weeks, also one highway robbery...

A NATIONAL FLOWER.

A question that is now exciting widespread interest in America is, Which shall be the national flower of America? It is a curious fact that America has no distinctive national flower...

A FRENCH ANNIVERSARY.

Next Sunday, July 14th, is the one hundredth anniversary of the fall of the Bastille. Mons. G. G. B. d'Anglade, French Commissioner and Consul, will be at home from three to five o'clock in the afternoon of that day.

BLUE RIBBON LEAGUE.

A Blue Ribbon entertainment will be given in the Y. M. C. A. Hall on this evening at 7:30 o'clock. Seats free, and everybody welcome. The programme will be as follows: Piano Solo... Miss B. B. Bernard Reading... Mr. J. N. Keola Song...

SALE OF SHARES.

On Monday at noon, Mr. Lewis J. Levey will hold an important sale of shares at his salesrooms. On that occasion he will offer 1000 shares Hawaiian Tramways Co., 10 Hawaiian Sugar Co., and 6 of People's Ice and Refrigerating Co. There is no doubt there will be a large attendance on this occasion.

ARE THEY STOLEN CHICKENS?

About two o'clock this morning a Chinaman was stopped on the street by the police, for the purpose of having the contents of a suspicious bag which he was carrying examined. It was found to contain factory answer as to where he got them from he was taken to the Station House. The chickens are there and any person who has lost any recently should call and see if there are any belonging to them.

POLICE COURT.

SATURDAY, July 13th. Ben Tenorio pleaded guilty to drunkenness and was fined \$5 and \$1 costs. The same person for assault and battery on Ah Quai and Ah Hoy was remanded to the 15th.

LOCAL & GENERAL NEWS.

No rain as yet on Maui. No band concert at Emma Square this afternoon. DIVORCE cases are being heard in the Supreme Court to-day.

BASEBALL match at 3:30 this afternoon, Honolulu vs. Hawaii.

CREAM and fruit pies, cream cakes, and fancy pastry at the Elite to-day.

THERE will be union service at Kaimakapili church, Sunday evening.

THE Government flags will be hoisted to-morrow in honor of the French anniversary.

THE assignee of the estate of Arthur Johnstone, bankrupt, has a notice elsewhere.

Mr. Morgan will hold a sale of real estate on Wednesday at noon. Particulars elsewhere.

THE Pacific Hardware Co. have in their store a very fine metal picture of the Revere Rubber Co.'s works.

A BLUE ribbon entertainment will be given at the Y. M. C. A. hall this evening, commencing at 7:30 o'clock.

Mr. C. J. Fishel sells boys shirt waists as low as 35 and 50 cents. Dirt cheap, besides being a serviceable article.

THE Hawaiian Mission Children's Society meets this evening, at the residence of Mr. J. T. Waterhouse, jr., Nuuanu Valley.

At 6 o'clock last evening the jury in the case of J. R. Robertson, charged with assault with a dangerous weapon, returned a verdict of not guilty, two dissenting.

At the Central Union church, Sunday morning, the Rev. W. D. Westervelt will preach on "A divine plan." The subject of the evening sermon for young people is, "I will show the way in which thou shalt go."

At 7 o'clock this evening, Mr. L. J. Levey will sell without reserve at the store of Egan & Co., Fort street, lace, embroideries, boots and shoes, dress goods, velvets, hosiery, etc. Rare chance to obtain bargains.

A MUSICAL and dramatic entertainment will be given by the pupils at St. Louis College, Thursday evening, July 25th, at 7:30 o'clock. Admission 50 cents, reserved seats \$1. Tickets can be secured at the College or through any of the pupils.

On Tuesday next from 2 to 7 o'clock p. m., the St. Andrew's Sewing Society will hold a sale of fancy work and children's clothing in the Sunday school room. The proceeds will be devoted to the Cathedral building fund. Refreshments will be served. Admission twenty-five cents.

EVENTS THIS EVENING.

Blue Ribbon entertainment, at Y. M. C. A., at 7:30 o'clock p. m. Hawaiian Mission Children's Society, at residence of J. T. Waterhouse, jr., at 7:30. Section No. 225 Endowment rank K. of P., at 7:30.

EVENTS TO-MORROW.

Anniversary of the fall of the Bastille. Reception at residence of Mons. d'Anglade, French Commissioner, from 3 to 5 o'clock p. m.

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THE NOLLE PROSEQUI CASE.

BRIEF, ETC. (Concluded.) "The question raised by the exceptions thus resolves itself into the single inquiry whether, after an indictment has been found and returned into Court, and before any proceedings have been had thereon, the attorney for the Government has authority to enter a nolle prosequi or the indictment. We can hardly deem this an open question. The exercise of such an authority is not only in conformity to the ancient and uniform practice of the courts of this Commonwealth, but it has been distinctly recognized by this Court as being reasonable and proper and not inconsistent with the legal rights of the defendant."

Commonwealth vs. Tuck 20 Pick 386, 365.

Commonwealth vs. Wheeler 2 Mass. 174.

"In the latter case it is expressly stated by the Court that it is perfectly clear that a nolle prosequi may be entered at the pleasure of the prosecuting officer before a jury is empanelled. The reasons for the practice are there stated, and they are numerous and decisive. Nor can we see that there are any valid objections to it. Such a mode of disposing of an indictment cannot in any way impair or affect the rights of the accused party in any future prosecutions for the same offense. That it will not be resorted to capriciously or oppressively, so as to work any undue hardships on defendants, is sufficiently guarded against by intrusting the exercise of the power to the sound discretion of an officer of the Government, whose function it is to watch over and direct the course of criminal prosecutions, and who can have no motive to use the authority vested in him in manner inconsistent with a due regard to the rights and interests of all parties."

Commonwealth vs. Smith 98 Mass. 10.

Cockburn, C. J. "It is the undoubted right and power of the Attorney-General, as the representative of the Crown in matters of criminal law, to enter a nolle prosequi, and thereby at once to stay proceedings in a criminal suit of information, and no instance has been cited, nor can any be found, in which the Court, after a nolle prosequi had been entered by the Attorney-General, has taken upon itself to direct such proceedings to be prosecuted. Even if this Court should do so, there is nothing to prevent the Attorney-General from entering a nolle prosequi toties quoties."

"It is not for this Court to create a precedent of this sort where none before existed—a precedent contrary to the understanding of the profession—and one that would be fraught with public mischief. Under ordinary circumstances, no doubt the Attorney-General would act wisely in calling the prosecutors before him before he proceeded to enter a nolle prosequi, but there may be particular cases in which, from the knowledge of the facts, or the particular nature of the charge, the Attorney-General might think it necessary to enter a nolle prosequi without adopting that course. It can not be contended for one moment that there can have been any abuse exercised, by one whose functions are of such highly responsible character; but if there had been—and I only put it hypothetically—the remedy is not by an application to this Court to interfere by the exercise of its undoubted power and prerogative, but to hold him responsible before the High Court of Parliament. I am not at all disposed to establish a precedent in such a case, and I think therefore there should be no rule."

Crompton, J. "I am of the same opinion. I think we have no power to do what is now asked of us, and I think we ought not to interfere with the undoubted power of the Crown vested in the Attorney-General. There is nothing in the present case to take it out of the general rule. I think the Attorney-General can interfere in any public prosecution whenever he pleases, and all the cases referred to are clearly distinguishable from such one as this."

Blackburn, J. "I am of the same opinion. This particular branch of the prerogative is entrusted to the Attorney-General who on his own responsibility determines whether the prosecution shall go on or not. "Mellor, J. concurred."

Reg. vs. Allen, 9 Cox C. C. 122. "The following is related of Sir John Holt, Chief Justice of the K.B., in the reigns of William and Anne. There were some persons in London who pretended to possess the power of foretelling future events, and who were called the Eccecion prophets. Holt having upon occasion committed one of these to the Chief Justice's house and desired to see him."

"On being admitted, he said: 'I come from the Lord, who bade me desire thee to grant a nolle prosequi for John Atkins, his servant, whom thou hast cast into prison.' 'Thou art a false prophet and lying knave,' returned the Chief Justice. 'If the Lord had sent thee it would have been to the Attorney-General; for the Lord knoweth that it is not in my power to grant a nolle prosequi.' "In People vs. McLeod, 1 Hill 405, note f.

"And, without prejudice to any such fresh prosecution, the Attorney for the State may now pros.; that is, discontinue an indictment, at any time after it is found, previous to the moment when, the defendant

having pleaded, that is, made answer to it, a traverse jury is impanelled and sworn to try the cause." 1 Bishop Cr. Law, sec. 7, 886. "A nolle prosequi is the voluntary withdrawal by the prosecuting authority of present proceedings on a particular bill, and a common law is a prerogative incident to the sovereign. It may at common law be entered at any time before judgment, and the practice is usual during trial or after conviction to enter it upon objectionable counts, or parts of counts, so as to confine the verdict to those which are good. Courts have, it is true, frequently held that the prerogative is one subject to their control, while the case is on trial, and that the Attorney-General has no right, after the jury is impanelled and witnesses called, to withdraw the case without their sanction."

Wharton Cr. Pr. & Pl. "It is scarcely necessary for the Court to disclaim all pretensions to such a jurisdiction. An extravagance so absurd and excessive could not have been entertained for a moment. The province of the Court is, solely to decide on the rights of individuals, not enquire how the executive or executive officers perform duties in which they have a discretion. Investigations in their nature political, or which are by the Constitution and laws submitted to the executive can never be made in this Court."

Marbury vs. Madison, 1 Cranch 170. "Also the King's Attorney-General may enter a nolle prosequi which has the effect of a nonsuit to any information or action brought by the King only."

3 Bac. Abr. tit. Prerogative, p. 102. "After indictment found, and until trial commences, the District Attorney's authority may be said to be absolute. He can then abandon the prosecution at his pleasure. He can enter a nolle prosequi even without the consent of the Court."

Per Field, J., in U. S. vs. Schumann. U. S. Cir. Court for Cal., 7 Sawyer 439.

BUSINESS ITEMS.

HART & CO. EXTRA Fine Cream Cakes and Fruit Pies, Cream Cakes and Fancy Pastry fresh to-day at the "Elite." 299 1/2

WHAT is the use of paying 75 cents, \$1 and \$1.25 for Boy's Shirt Waists, when you can buy just as good a Waist for only 35 cents and 50 cents, at Chas. J. Fishel's Leading Millinery House. 298 St.

NOTICE. ON account of the Steamer "Kinau" going on the Marine Railway, she will arrive in Honolulu on Sunday, July 28th, instead of Wednesday, July 31, 1889. WILDER'S S. S. CO. Honolulu, July 12, 1889. 298 1/2

Corporation Notice. NOTICE is hereby given that at a special meeting of the stockholders of the Hawaiian Carriage Manufacturing Company, held this day, the resignations of G. West, President; W. W. Wright, Vice-President; and C. Boile, Treasurer; were accepted, and the following officers were elected to fill the vacancies, namely: B. F. Dillingham, President, J. G. Spencer, Vice-President, George Dillingham, Treasurer. All of whom reside in Honolulu, and all of whom accepted office. W. O. SMITH, Secretary H. C. M. Co. Honolulu, July 11, 1889. 298 St.

Corporation Notice. NOTICE is hereby given that at a meeting of the stockholders of the Hawaiian Carriage Manufacturing Company, held this day, it was voted to accept the amendment of the Charter of Incorporation whereby the capital stock of the company is reduced to \$45,000. And it was further voted, that all stockholders of the company be requested to present to the secretary the certificates of stock held by them, for the purpose of cancellation and issue of new certificates. Secretary H. C. M. Co. Honolulu, July 11, 1889. 298 St.

NOTICE TO CREDITORS. THE undersigned gives notice that he has been appointed Executor of the Will of Mrs. Margaret Keegan, deceased. All persons having any claims against her estate whether secured by mortgage or otherwise, are requested to present the same duly authenticated and with proper vouchers if any exist to him at his office on Fort street, in Honolulu, within six months from date or they will be forever barred; and all persons indebted to said estate are requested to make immediate payment to him. GEORGE LUCAS, Honolulu, July 10, 1889. 297 1/2

TO LET THE 'Emerson Homestead' beautifully situated in Waialua, Oahu, H. I., comprising a large house with 10 rooms, kitchen, pantry, barn, etc., 11 acres of choice land now partly in taro and other vegetables, and a rich pasture of 6 1/2 acres within half a mile. Pure water is brought to the house and grounds from never failing springs, the supply of which can be indefinitely increased in quantity. There is a good carriage road to Honolulu, 28 miles distant, also to the steam boat landing, less than half a mile distant, where steamers from the city touch three times a week. The picturesque scenery, fine climate and unrivalled water privilege make this a most desirable place for a country retreat and sanitarium. Terms moderate. For further information apply to J. A. MAGOON, Honolulu. 297 1/2

Hawaiian Tramways Co., LIMITED. Extra Trips on Saturday and Sunday. Liliha Street to Rifle Range—1:15 p. m. and every 1/4 hour until 6:45 p. m. Rifle Range to Liliha Street—12:42 p. m. and every 1/4 hour until 6:12 p. m. On and after MONDAY next, the 15th July, a Car will leave Waikiki every morning except Sunday, at 6:07. 298 St.

FOR SALE 300 BBL'S WHITE BROS' Portland Cement! In Quantities to Suit. AT A LOW PRICE! WILDER & Co. 298 1/2

An Evening School Conducted by A. V. GEAR, A. B. THIS School furnishes a thorough and practical intellectual training for young men desirous of becoming accurate and rapid accountants; of attaining a plain and ready business hand; of gaining a correct use of the English language and of acquiring ease of expression therein. It meets Mondays, Tuesdays, Thursdays and Fridays and continues in session from seven to nine. For further information, address P. O. Box 404, or call at No. 2 Emma Square. 299 3/4

NOTICE TO CREDITORS. NOTICE is hereby given to all persons having claims against the estate of A. Kaumu, deceased, to present the same to the undersigned executors, within six months from the date of this notice or they will be forever barred. E. H. BAILEY, EMILY BAILEY, Wailuku, Maui, June 1, 1889. 273 1/2

FOR SALE A NEW Wilcox & White Parlor Organ with eight stops. Suitable for school or church. A fine instrument. Apply at 57 Punchbowl street, opposite N. P. Mission Institute. 278 St.

Stables & Pasturage To Let. EXCELLENT Stables containing 13 Stalls, Cottage and 7 acres Pasture Land, on South street, near King, formerly occupied by Mr. White, proprietor of the Palama Bus. To let on very moderate terms. Apply to J. E. BROWN & CO., 28 Merchant street. 255 St.

FOR SALE 3 COTTAGES and Premises on Emma street, at a reasonable figure. Apply to J. M. MONSARRAT, Cartwright's Block, Merchant St. 294 St.

STORE TO LET THE Store lately occupied by E. C. Rowe, Way's Block, King street, at reasonable rental. Possession given at once. Apply to J. G. ROTHWELL. 158 St.

FOR SALE or LEASE HOUSE and Premises at Iwilei, Honolulu. House contains three large and two small rooms and hall and a large attic. Cottage with three rooms on the premises; cook and bathhouse. Stable with three stalls and carriage house; shade and fruit trees on the premises. Apply to J. M. MONSARRAT, Cartwright's Block, Merchant St. 294 St.

TO LET A NEAT Cottage on Merchant street, near Ala-koa. Apply to W. McCANDLESS. 276 St.

TO LET CONVENIENT Rooms for business offices or lodging apartments on the second floor over the fruit store on King street, this city, "Globe Hotel Premises." Inquire at the fruit store. 295 1/2 St. AH CHEW.

TO LET FURNISHED Rooms to let, southwest corner of Punchbowl and Beretania streets, would be very convenient for a small family. 255 6m

TO LET ELEGANT Residence in Punaoa Valley, known as the "Booth Premises." Contains large rooms, parlor, dining and four bed rooms, closets and modern improvements and conveniences; out-houses and pasture. For further particulars apply to J. E. BROWN & CO., 28 Merchant street. 293 1/2

Carriage For Sale Cheap. A NEW Cutdown Carriage just finished and handsomely trimmed in first class style must be immediately sold to close an assignment, can be seen at W. H. Page's carriage manufactory, No. 128 Fort street. HAWAIIAN BUSINESS AGENCY. Feb-4-89

"TEMPLE OF FASHION," CORNER HOTEL & FORT STREETS. SPECIAL NOTICE! Over 1,000 Pieces of White & Fancy Embroideries, Torchong Laces, Oriental Laces. Also, Large Lines of Lace Trimmings! WILL BE CLOSED OUT AT AN IMMENSE REDUCTION! Great Bargains can be obtained by calling at the Temple of Fashion for the above Goods. The Sale will Commence Monday, June 17. S. EHRlich, Corner Hotel & Fort Streets. Dec-1-88

THE "ARCADE," 75 & 77 Fort St—EGAN & CO—Honolulu, H. I. CHEAPER THAN EVER! Great Inducements Offered to the Public The Balance of Our Splendid Stock will be Sold during the Month of June AT -25- PER-CENT-BELOW-COST HOLLISTER & CO., 109 FORT STREET, HONOLULU.

General Depot, Wholesale & Retail. COLGATE & Co's CASHMERE BOUQUET TOILET SOAP WHITE, EXQUISITELY PERFUMED, PURE

The Manufacturers' Shoe Co. 55 & 59 Hotel St. Wholesale & Retail Boots & Shoes. Correct Styles Latest Designs All Prices. 2336 St. D. B. SMITH, Agent.

B. F. EHLERS & CO. GRAND OPENING EUROPEAN and AMERICAN DRY and FANCY GOODS! N. B.—On and after May 15th, MISS CLARK will have charge of our Dressmaking Rooms. 1761 1/2