

THE MAUI NEWS

Entered at the Post Office at Wailuku, Maui, Hawaii, as second-class matter.

A Republican Paper Published in the Interest of the People.
Issued Every Saturday.

Maui Publishing Company, Limited.

Proprietors and Publishers.

The columns of the News admit communications on pertinent topics. Write only on one side of paper. Sign your name which will be held confidential if desired.

SUBSCRIPTION RATES, IN ADVANCE \$2.50 per Year, \$1.50 Six Months

C. L. CLEMENT, Editor and Manager

SATURDAY, OCT. 14, 1905

Comparisons are Odious Act 6 appropriated \$1,377,000 for the use of the Government for the two years ending June 13th 1907, but the Administration has decided to cut the loan fund down to \$750,000, and devote this latter sum to improvements of a general nature. "Section 2, General Appropriations For All Islands" shows that the probable improvements will comprise the following:—

ON OAHU	
Extension of wharf system	\$300,000
Educational Buildings	29,000
Honolulu Water Works, general	200,000
	\$529,000
ON HAWAII	
Educational Buildings	\$18,000
Laupahoehoe Water Works	1,920
	19,920
ON MAUI	
Educational Buildings	\$14,000
Condemnation and purchase Water Rights for Lahaina	
Water Works	30,000
Lahaina Water Works	500
Wailuku and Kahului W. Works	2,000
	46,500
ON KAUAI	
Educational Buildings	\$16,740
Koloa Water Works	5,000
Waimea Water Works	10,000
	31,740

These are appropriations "general" in character but omits the various smaller court houses and jails, Hilo's \$20,000 High School; Wailuku's \$25,000 Court House; the \$1,500 school house for Kohala; the purchase of Pauoa water; and the Kalawao and Kalaupapa Water Works which are not "general" in character. The extension of the wharf system in Honolulu may be termed general, but as Honolulu derives ninety percent of the benefit that item should be stricken out altogether and not even used for roads as has been suggested. And still the Advertiser sage says that it is silliness for the country press to charge Oahu with being greedy.

Takes the Law As a Cloak The Advertiser seems to be very much exercised that the country press should have the audacity to voice and fight for what they believe their counties are justly entitled to as their share of the income tax collected by the territory through its divisional assessors. The advertiser of the 9th under the caption of "Trial By Newspaper" says:—

A portion of the country press has the plantation, income tax case already as good as decided. When the courts get through with it, however, some plantations on the other islands may pay their income tax to the assessor of the division where the fields and mills, in each case, are situated, and others continue to pay theirs at Honolulu. In the published reports of the case, the plantations named are not by any means in identical circumstances excepting as to the single matter of their location. Taking plantations all over the islands, circumstances are likewise divergent. Some, for instance, are principally owned in Honolulu, some in San Francisco and some on the islands where located. Perhaps the chartered designation of the "principal place of business" may be the deciding point and perhaps not. Pending a final decision in the courts, though, the outside talk about Oahu trying to grab everything is sight is only silliness. The Territorial authorities and the divisional assessors were merely administering the tax law as they read it, when the county of Kauai stepped in to claim what it deemed its right as was only meet and proper for it to do. If wrong is shown to be done to the counties other than Oahu by the method called in question, and the courts find so without also having a remedy capable of being applied as the law stands, then the Legislature will have to straighten out the difficulty.

As suggested by the Star in speaking of the testimony brought out regarding plantation ownership on Kauai, it says:—

"They all stated that the several companies represented by them had no offices in Honolulu, although the by-laws of the majority contained a section stating that a principal office was to be maintained in Honolulu. That not a single one of the companies on this island took any notice whatever of this clause proved, that it was only put in there as a formality, as some place had to be named according to the law and Honolulu was the most convenient, although no books but the stock books and minutes books were kept at that place, while all the books showing the sources from which the plantations derived their incomes were invariably kept at the offices of the plantation on Kauai."

Oahu County sent its County Attorney over to Kauai to fight the cases, but after arrival there the attorney thought discretion the better part of valor and decided not to entangle Oahu county by noting exceptions so sat quietly by and "sawed wood." The News again repeats from last weeks editorial on this topic the aphorism about "fooling all of the people all of the time."

Are not Whining Deacon Testa takes exception in his organ, the Independent, to Maui's stand on the sidewalk question by saying:—

A live town like Wailuku should be able to fix its own sidewalks. There are always "ways" when the "will" is on an even keel. It has been the practice of outside towns to come whining to Honolulu, however, for so long that they cannot plug a hole in a bridge without help from the capital anymore. By virtue of the County Act Wailuku weaned herself from the Honolulu teat, and should now do her own browsing. Give us a rest over here, Mr. Maui News; we are working overtime arresting Charlie Moore just now.

Maui was once again discriminated against in the last legislature when it gave to Honolulu and Hilo the power through the Superintendent of Public Works to REQUIRE property owners to construct sidewalks on their property, and omitted to insert the same powers in the municipal charter of Maui County. There is no whining about the matter at all. Maui County has shown itself fit to govern itself and is doing so in much better shape than Oahu County which has "everything" in its favor, even to Maui's fifty percentum of the income tax.

OCTOBER TERM COURT OPENS AT LAHAINA.

LAHAINA, October 12.—The first term of the Circuit Court to be held here under the new law opened Wednesday morning at 10:00 A. M. with Hon. A. N. KAPOIKAI presiding.

After the usual routine the Grand Jury was charged and immediately proceeded to business. So far no presentments have been made and it is not believed any will be until Friday morning at the earliest.

On account of the extreme heat the Grand Jury will hold their settings during on the wharf and set its hours of labor from 8:00 to 11:00 A. m. and 1:00 to 5:00 p. m.

Civil case 23, Francis H. Aki vs Wailuku Sugar Co., Trespass, Malice and Lightfoot for plaintiff and Kinney McClanahan and Cooper and D. H. Cave for defendant was continued for the term as was the Civil case of W. B. Keenu vs Hale Hoawa, illegal unpounding. Vivas for plaintiff and Coke for defendant.

The case of Dr. L. A. Sabey vs J. N. K. Keola Assumptit, appealed from the District Magistrate Wailuku will be heard in vacation in Wailuku.

Following is Judge KAPOIKAI charge to the Grand Jury:—

Gentlemen of the Grand Jury: You have been summoned to appear before this Circuit Court of the Second Judicial Circuit of the Territory of Hawaii to attend as Grand Jurors at this, 11 October 1905 Term, opening this day, at Lahaina, in the District of Lahaina, Island and County of Maui, in said Circuit, the Legislature having in its wise discretion deemed it for the best interests of the County of Maui that one of the three Terms of this Court in each year be held here on the second Wednesday of October of each year, as provided in Act 34 of the Session Laws of 1905.

I deem it the Court's duty to have your attention directed to the most important duties which devolve upon Grand Juries,

Grand Juries are probably the most important bodies connected with the disposal of matters criminal, the punishment of which is infamous; all felonies belong to the class of infamous crimes.

In carrying out your duties as Grand Jurors, you must always bear in mind that you are to pass upon matters either brought to your attention by this Court, or by the prosecuting attorney. In doing so, you have jurisdiction of all matters that may be brought to your knowledge regarding violations of the laws of the Territory of Hawaii. Although you are an inquisitorial body, the law demands that for a Grand Jury to indict any person brought before it charged with the commission of any offence, such charge must be substantiated by such evidence that will be clear to your minds that such person charged as aforesaid may be found guilty before a Trial Jury, and all such matters and charges, it is your duty to investigate without fear of, or favor to, any one. In no case can you compel the attendance of any person charged with the commission of any offence, but such person may, after having signified his desire, do so, when you feel that in such cases you may avoid delay to parties interested, and unnecessary expense to the Government.

There have been committed from the several District Courts of the County of Maui, and of this Circuit for your investigation some very serious crimes, among which are murder, rape, assault and battery with deadly weapons, and crimes of a lesser degree of seriousness.

In finding an indictment, your earnest and mature consideration is required, as the personal liberty of individuals, at least for a while, depends on the result of your investigation.

Your deliberations must be absolutely secret, as the publicity of the same may lead interested parties in attempting to influence Grand Jurors; and any one of you who discloses anything that takes place within your councils, subjects himself to severe punishment at the hands of this Court. Each witness and interpreter should be admonished by you to keep inviolate what transpires in their presence, in your councils.

You are specially instructed that when you are deliberating upon your vote, that no one outside of your members shall be allowed to be present.

There must be at least thirteen of

your number present when disposing of any matter brought up for your deliberation. No indictment shall be found nor any presentment made without the concurrence of at least twelve of you.

The Court alone can excuse a Grand Juror, and although the Grand Jury may excuse temporarily one or more of its members, there must be at least thirteen of you present at each hearing or sitting.

You are specially instructed that in no case is a Grand Juror to take part in the deliberation of any matter in which he is in any way interested in the outcome of such deliberation.

In order that good results may be obtained from investigations of Grand Juries, the Court instructs you to acquaint yourselves with the findings and recommendations of any Grand Jury, your predecessors.

It is within your power to investigate alleged irregularities in public offices, and other matters of public nature; and the different departments of the government within the jurisdiction of this Court may be matters for your investigation when brought to your attention by the prosecuting attorney. No department of the government is beyond your reach. All the records of this Court are open to your inspection.

You have the process of this Court in compelling the attendance of witnesses living within this Territory in all matters brought before you, and this Court, upon your request, will always assist you in issuing such writs as may be required in the premises.

The Court recommends that you may consistently with the importance of matters brought before you, carry out your work expeditiously and as economically as possible.

The prosecuting attorney at the present Term will wait upon you for the purpose of advising you on the law in all matters that may come before you for deliberation.

You may appoint one of your number to act as clerk to record and preserve the minutes of your proceedings.

I appoint W. A. Hardy your foreman. You will now proceed and do your duty.

A. N. KAPOIKAI, Judge of the Circuit Court of the Second Circuit, T. H.

Dated at Lahaina, Maui, October 11, 1905.

May Go To Shanghai.

HONOLULU, Oct. 6.—It is not unlikely that the mission work in the Gilbert Islands may be transferred from the American Board to the British Missionary Society. Negotiations looking to that end are now in progress. Should such a deal go through, it will mean that the missionary steamer Morning Star which is now in this port awaiting orders, may be directed to go to Shanghai where she will be offered for sale by the American Board.

The Gilbert Islands belong to Great Britain and the American Board considers that it is just as well to have the British Missionary Society look after the missionary work in that field. The British society has a steamer, the John Williams, which is able to attend to all of its mission business in the South Seas, and should the proposed arrangement be successful, there will be no further use for the Morning Star. She will be too large a craft for the work in the Caroline Islands and the American Board will secure a smaller craft. It is not unlikely therefore, that she will be sent to Shanghai and offered for sale. There is no demand for such a craft at this place.

Remembered Their Former Chief

Last Friday the Police of Maui tendered their former Chief, Ex-Sheriff L. M. Baldwin a feast of good-fellowship as a token of their appreciation of him as Sheriff.

After the good things had been thoroughly and appreciatively discussed W. F. Crockett in the name of the police made one of his eloquent after dinner presentation speeches concluding his remarks by handing to Mr. Baldwin a handsome gold watch, a symbol of the affection of the "force." Mr. Baldwin replied by offering a toast to the present Sheriff, and the donors.

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DR. JOHN GODDARD in charge.

Wailuku School Notes.

Gladys Hart has gone for a visit in Lahaina.

Angie McCann is our pianist this year.

The book-keeping class numbers sixteen.

Hannah Cummings is beginning shorthand.

Jimmy Hart was out of school a day or two this week with a sore foot.

The literature class are studying Irving's Sketch Book.

About twenty-five are taking drawing and water color work with Mrs. Copeland.

Mrs. Harry has decorated her blackboards very prettily with morning-glories and calladiums in colored crayon.

The Supervisors at their last meeting very kindly agreed to gravel the entrances to the School grounds.

John Sabey and Mitsuo from Paia, Marion Medeiros from Sprecklesville, and Takaro from Kula, have lately entered School.

Teachers and pupils unite in a most cordial invitation to parents and friends to visit the School. You are welcome at any time, but particularly at our chapel exercises, 9 o'clock Friday mornings.

NOTICE.

The regular meeting of Stockholders of the

Maui Wine & Liquor Co., Ltd.

Will be held at the office of the company, K. of P. Building, on

WEDNESDAY, OCT. 18, 1905,

at 7:30 p. m.

J. GARCIA, Secretary.



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