

From San Francisco: Jan. 23
China Jan. 23
For San Francisco: Jan. 29
Mongolia Jan. 29
From Vancouver: Feb. 6
Aorangi Feb. 6
For Vancouver: Feb. 3
Moana Feb. 3

EVENING BULLETIN

3:30 EDITION

NOTHING MAKES BUSINESS SO QUIET AS A LULL IN ADVERTISING

Nearly everyone reads a newspaper. About all the particular and discerning people in Honolulu read the Bulletin. A Want Ad. in a paper like the Bulletin is sure to reach people that can and will buy.

VOL. XI. NO. 4215.

8 PAGES.—HONOLULU, TERRITORY OF HAWAII, FRIDAY, JANUARY 22, 1909.—8 PAGES.

PRICE 5 CENTS.

Kingsbury Succeeds Kepoikai SENATE TO INVESTIGATE SUGAR TRUST

KAHULUI SURVEY MONEY ASSURED

WASHINGTON, D. C., Jan. 21.—The appropriation item for the survey of Kahului harbor is assured of passage at this session of Congress.

This cablegram received late yesterday afternoon means that the work started by the Kahului Railroad Company for the development of Kahului harbor will be taken up by the Federal Government. The survey is the first move.

SALARY DEMAND IS UP TO MAYOR

Will the Mayor countersign the salary demands passed last night by the Board of Supervisors, or will he not? That is the question that everybody is asking at the City Hall this morning. The issue is squarely up to the Mayor, according to the City Attorney's office, and, whatever his action, it is believed that a speedy settlement of at least a part of the differences between the Mayor and the Board of Supervisors can be settled.

The salary demands, passed last night by the Board, are now in the Mayor's possession, he having asked time to consider the matter before affixing his signature or returning them unsigned. He has been granted the time, as required by law.

Should the Mayor countersign the demands, the Auditor will issue warrants and the Board's employees will be paid. Should the Mayor decline to countersign them, the matter will be taken into the courts at once, there being something to hang a test case on.

What action the Mayor proposes to take with regard to the salary demands, he declines to say. He is probably contemplating seeking legal counsel to determine just what his rights may be in the matter.

The law does not say that the demands must be approved by the Mayor, but that they must be "countersigned." Deputy City Attorney Milverton holds that the countersigning of the demands, after they have been passed by the Board, is a routine action concerning the performance of which the Mayor has no discretion.

He is inclined to believe that the Mayor has no authority, under the law, to hold up the demands, or to decline to place his signature thereon, if the Board has decided that they shall be passed.

Should the Mayor decide otherwise, and refuse to countersign the salary demands, the matter will be taken into the court. Probably the

LANAI DECISION RECEIVED TODAY

Justice McKenna Wrote
Opinion Upholding
Territory

Copies of the opinion in the Lanai case were received today. L. L. McCandless was asked whether he intended to do any further with the matter and stated that he would have to have time to consider. The opinion of the court follows:

L. L. McCandless, Plaintiff in Error, vs. James W. Pratt, Commissioner of Public Lands of the Territory of Hawaii. In error to the Supreme Court of the Territory of Hawaii.

(December 21, 1908.)

Mr. Justice McKenna delivered the opinion of the Court.

The plaintiff in error, who was plaintiff in the court below, and whom therefore we shall refer to as plaintiff, brought this suit in the Circuit Court of the First Judicial Circuit, Territory of Hawaii, at chambers, to enjoin George R. Carter, Governor of the Territory, and the defendant, Commissioner of Public Lands of the Territory, from exchanging certain lands of the Territory for other lands.

The governor promulgated, on 29th of November, 1906, the following order:

"Lanai Lands.—Notice is hereby given that having decided an exchange of the public lands of the island of Lanai to be advisable, the commissioner of public lands is prepared to receive offers of other lands that are equal in value to those of Lanai, and of greater immediate service to the Territorial government, from any responsible person, up to and including Saturday, the fifteenth day of December, 1906."

The island of Lanai contains a total area of 86,400 acres, of which the Territory owns 47,579 acres. The lands owned by the Territory are divided into five tracts, and are under lease to one Charles Gay for annual rentals which amount in all to the sum of \$1600. These facts are alleged in the bill, and that the tracts are of great value—one containing 8000 acres of land, which is good grazing land, and has three miles of sea frontage, and extends inland six miles, being worth \$40,000. Another tract, it is alleged, is of the same kind of land, and has a sea frontage of five and one-half miles and an inland depth of six miles, and is worth \$37,000. The other tracts are of the value of \$5,000.

It is alleged that Pratt, as commissioner, threatens to and will exchange such lands for other lands if he receives an offer therefrom from a responsible person, and that the governor or will consent and approve the exchange unless he and Pratt be enjoined. It is further alleged that Pratt has no legal right to make the exchange nor the governor to approve it.

It is further alleged that the intended and proposed exchange of lands "is not proposed by way of compromise or equitable settlement of the rights of any claimants, nor by way of exchange for parcels of lands acquired for any road or roads, nor for a site or sites of a government building or buildings, nor for any other governmental purpose or purposes."

An injunction was prayed against the exchange and against issuing land patents for the lands received in exchange. A temporary injunction was

(Continued on Page 3)

TURN LAND LAWS OVER TO LEGISLATURE

The following bill was introduced by Delegate Kuhio Jan. 4: "An Act to provide a government for the Territory of Hawaii," approved April thirtieth, nineteen hundred.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section seventy-three of the Act entitled "An Act to provide a government for the Territory of Hawaii," approved April thirtieth, nineteen hundred, be amended by the addition of the following: "The legislature of the Territory of Hawaii shall have power to alter, amend, or repeal the land laws applicable to the Territory on and after the passage of this Act."

SIMONTON FILES DELINQUENT LIST

Something Will Be Doing
In Unfinished
Cases

A roll call of delinquent administrators, executors and guardians has been compiled by Clerk Simonton of Judge Robinson's court and has been submitted to the Chief Justice. In the report Simonton says:

Honorable A. S. Hartwell, Chief Justice of the Supreme Court, Territory of Hawaii.

Sir:—Following is a memorandum of probate matters pending in Circuit Court of the First Judicial Circuit, Territory of Hawaii, and remaining undispensed of, instituted and commenced before the Honorable W. J. Robinson, Third Judge of said Court, from the 17th day of February, A. D. 1902, the date on which he took office as such Third Judge, up to and including the 1st day of December, A. D. 1908:

Prior to January, 1908, each Circuit Judge of the First Circuit presided at chambers and took up probate and other chambers matters from one to three weeks, when all such matters, under rules of Court, were taken up and disposed of by the other Circuit Judges in rotation. Under the system then in vogue it was practically impossible for either of the Circuit Judges to know the exact status of every probate matter commenced before him; but under the present practice, where each Circuit Judge presides at chambers for one year, it will be an easy matter to keep in touch with each and every proceeding had and taken by executors, administrators and guardians in the discharge of his or her trust. So far as the matters heretofore referred to as remaining undispensed of are concerned, I am forced to the conclusion that negligence has been shown by the various executors, administrators and guardians named.

In order to ascertain the exact number of probate matters remaining undispensed of, instituted and commenced before the said Third Judge, I examined the index to the Clerk's minutes since the date of the taking of office by said Third Judge up to and including

(Continued on Page 4)

CARTER CASE CALLED PARODY ON JUSTICE

Mrs. Kaa Must Hurry
Or Risk Removal
And Penalty

It now seems as if the end of the litigation in the matter of the estate of Margaret V. Carter, which has been dragging on in the Circuit Court for the past six years, was finally in sight. Today Judge Robinson from the bench expressed his dissatisfaction with the way in which things had been going, or rather standing still, and while he granted the continuance which was, as per usual, asked for by the executrix and administratrix of the estate, Mrs. Jessie K. Kaa, he declared that in case her accounts were not in shape within five days, he would be ready to take drastic measures.

The matter was brought up on a motion filed by the guardian of the eight minor children of the late Mrs. Carter, Edgar Henriques, that the administratrix be ordered to show cause why she had not filed her final accounts, although she had been ordered to file them by last July. C. W. Ashford represented Mrs. Kaa and E. A. Douthitt the guardian.

Ashford began by stating that the matter of the accounts had been in the hands of himself and John Colburn, the landman of the administratrix, and Mrs. Kaa was therefore not to blame. In order to complete the accounts certain documents, which were in Colburn's possession, must be consulted, but these had been mislaid, and had not been re-discovered before about Christmas. Since the last order had been issued neither Colburn nor Ashford had had the time to attend to these accounts, as their time had been occupied with other pressing matters.

"This matter should have had your first attention," said Judge Robinson. "It is a parody of justice; it is seven years that this matter has been dragging along. It has hung over my head like the sword of Damocles ever since I have been on the bench."

Ashford said it had not been such a long time as that, but Douthitt showed by record that the will had been filed for probate six years ago.

Ashford asked for a continuance for five days.

The Court held that this was an unusually long time, especially in view of the fact that during all these years not a single voucher had been filed showing that anything had been spent for the maintenance of the children.

"There is no provision as to that in the will," said Ashford.

"There cannot be under the law," answered the Court. "The estate should be promptly settled in order that the beneficiaries may get the benefits from it."

After some further talk about the continuance, during which the Court asked Douthitt what he had to say about the matter, and received the reply that Douthitt would leave it in the hands of the Court, the motion was granted.

"I will continue the matter until next Wednesday," said Judge Robinson. "With the understanding that if the accounts are not then presented, the Court will entertain a motion for an order to show cause why the executrix should not only be removed, but also punished."

Thomas A. Day, pioneer and contractor of San Francisco, stricken by death after dressing in bedroom.

MAUI JUDGE NAMED

WASHINGTON, D. C., Jan. 22.—Selden Kingsbury has been appointed Circuit Judge for the Maui circuit to succeed A. N. Kepoikai, resigned.

BATTERIES for HAWAII

WASHINGTON, D. C., Jan. 22.—The Fortifications bill introduced today carries an item of \$337,000 for coast batteries for the defense of Hawaii. A million dollars for the same purpose is given for the Philippines.

Investigate Sugar

WASHINGTON, D. C., Jan. 22.—The Senate has asked for the correspondence relating to the absorption of the Pennsylvania Refining Company by the Sugar Trust.

Two Battleships

WASHINGTON, D. C., Jan. 22.—The House has voted to appropriate for the construction of two additional battleships, and has retained the five destroyers favorably reported by the Naval Committee.

160 Drowned

JOHANNESBURG, South Africa, Jan. 22.—One hundred and sixty men were drowned today in a flooded gold mine. Ten of the number were white men.

EARTHQUAKE AT SMYRNA

SMYRNA, Asia Minor, Jan. 22.—An earthquake shock was experienced here today.

CONFERENCE WILL FAIL

LONDON, England, Jan. 22.—It is believed that the International Naval Conference will end in failure.

CHIYOMAKE TIME

Five days and two hours from the time she left Hackfeld wharf here until she reached San Francisco, was the record made by the Chiyoma Maru from here to San Francisco on her maiden trip. A cable, received here, announces that the Chiyoma reached the City of the Golden Gate at 11 o'clock this morning.

At just 9 o'clock Sunday morning the Chiyoma backed out of her berth at the Hackfeld wharf here and began to turn around, preparatory to starting on her run east. About an hour was used in leaving the harbor, so the start from outside the

reefs was made at about 10 o'clock. For the first two days of the trip the Chiyoma kept up a record-breaking clip and, as the vice president of the Toyo Kisen Kaisha was on board, it was thought not unlikely that an effort would be made to lower the record made by the Tenyo.

The record of five days and one hour is second only to that held by the Tenyo. That ship made the distance, on her maiden run, in four days and eighteen hours. The two next best records were made by the Nippon Maru and the China, both

five days and two hours.

Anglo-Californian bank and London Paris national of San Francisco are consolidated.

Differences between C. C. Stevenson and his daughter, Mrs. Albert Keown, stir fashionable church in San Rafael.

The Improvement Clubs' committee on tenement legislation recommends the passage of an act giving the supervisors power to regulate pool shops, bathmarkets, carpenter shops, etc.

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