

From San Francisco:
AlamedaFeb. 5
For San Francisco:
Tenyo MaruFeb. 8
From Vancouver:
AorangiFeb. 6
For Vancouver:
MoanaFeb. 3

EVENING BULLETIN

3:30 EDITION

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VOL. XI. NO. 4227.

8 PAGES.—HONOLULU, TERRITORY OF HAWAII, FRIDAY, FEBRUARY 5, 1909.—8 PAGES.

PRICE 5 CENTS.

CALIFORNIANS WARNED ON TREATY RIGHTS CORPORATIONS WILL HOMESTEAD LAND

APPROVE EXCHANGE OF MAUI LANDS

Governor Confirms Proposed Transfer

Also Involves Opening Up of Private Lands in Haiku—Unique Proposition Made By Maui Agricultural Co. for Homesteading

The Governor has approved a Maui land exchange which involves the establishment of a model farming community and is accompanied by action on the part of a corporation that is unique in the history of the Islands. The Maui Agricultural Company will offer six hundred acres of its best lands to the public to be settled on identically the same terms as the public lands of the Territory, and it is probable that the Hawaiian Commercial and Sugar Company will turn over a large area of its lands on the same terms.

The final action of the Governor was confirmed within the last two or three days; the land awaits only the completion of surveys to be transferred. The correspondence speaks for itself:

Honolulu, T. H., Nov. 9, 1908.
Honorable W. F. Frear, Governor of the Territory, Honolulu.

Dear Sir:—Referring to the resolution passed by the Maui Agricultural Company last Saturday, the 7th instant, in regard to the six hundred acres of the Maui Agricultural Company proposed to put up for homestead purposes in the vicinity of the Haiku land which the above mentioned company offers the Government for homestead purposes in exchange for a portion of the Omoia land, I would say that I have no doubt the Maui Agricultural Company will put up more land in the vicinity of the six hundred acres above mentioned and that the Hawaiian Commercial & Sugar Company will also put up land in that vicinity if the Government is successful in homesteading that region with desirable American citizens.

I remain,
Very truly yours,
(Signed) H. P. BALDWIN,
Pres. Maui Agric. Co.

Resolution of Board of Managers of the Maui Agricultural Company relative to opening of homestead lands:

Whereas, it is proposed on the part of the Territory of Hawaii that certain of its lands be thrown open for

division, sale, and settlement, to provide small farms and agricultural plots for the promotion of agriculture and the encouragement of immigration to the Territory of a responsible and desirable class of people; in which connection it is specifically proposed to open for such sale and settlement about twelve hundred acres of land in the District of Haiku on the Island of Maui, conveyed or about to be conveyed to the Government by Haiku Sugar Company under an exchange of lands; and

Whereas, the Board of Managers of the Maui Agricultural Company believe said policy to be wise, and that it will be efficient in producing results favorable to the general interests of the Territory and should be encouraged;

Therefore be it Resolved, by the Board of Managers of the Maui Agricultural Company, in meeting assembled this seventh day of November, 1908, that they favor and will consent to the setting apart, from the lands now held by the Company under the terms of its partnership agreement, an area of approximately six hundred acres lying adjacent or near to the said twelve hundred acres above referred to, which shall be available for such division, sale, and settlement, for prospective homesteaders desiring to purchase and take up the same, in case the said twelve hundred acres of Government lands shall be insufficient to supply the desired number of parcels to such persons; such settlement to be governed as nearly as may be by the same principles, terms, and conditions as may be adopted by the Government in dealing with its said twelve hundred acres.

And, be it further Resolved, That whereas the fee of said six hundred acres of land is vested in the Haiku Sugar Company, this Board recommends to said company the adoption of a like course with respect to the same.

The upbuilding of a model American farming community in the midst

(Continued on Page 2)

TERRITORY WILL FACE DEFICIT OF \$70,000 IS FREAR'S ESTIMATE

SITUATION MET BY CUT OF EXPENSES

Appropriations Made Far In Excess of Revenue

The financial statement was given out by Governor Frear this morning. It is the result of a great amount of work on the part of the officers of the Administration, and is of much importance in that it will serve as a guide for the Legislature in the coming session. Although a deficit is shown, the financial status of the Territory must be said to be quite satisfactory in that the deficit will not be larger, as it has only been reduced to the above figure by strenuous cutting of expenses, the 1907 Legislature having made appropriations much in excess of the income.

"We have been figuring pretty carefully," said the Governor, "and have been going over this for some time past, taking up appropriations and estimates with each of the department heads. The result we have arrived at is about as shown by these figures."

"Way back at the time of the last Legislature an estimate was made of the condition of affairs, and it was then estimated that, if none of the license fees had to be paid to the Counties, there would be a deficit on June 30, 1909, of \$99,452.99, but if one-half of the license fees were paid to the Counties the deficit would amount to \$286,602.99. The Legislature passed the act turning over half of the license fees to the Counties; that is, the House sustained the veto, the Senate overrode it, and the House then reconsidered its action, and passed the bill over the veto. The Governor held that the House had not the power to reconsider its action, and held that the act was invalid, but the Supreme Court decided that the act was valid, and it finally went into effect, so on the estimates then made you would expect to have a deficit on June 30, 1909, of \$286,602.99.

"The fact is that although the last Legislature started out with a cash balance of about \$313,000 for this period, and although we have refused to expend over \$200,000 of the appropriations, we will be in the hole about \$70,000. In other words, if we

(Continued on Page 7)

ESTIMATES, TERRITORY OF HAWAII FOR THE SIX MONTHS ENDING JUNE 30, 1909.		
Cash balance, December 31, 1908..	\$ 304,131.82	
Estimated available receipts six months ending June 30, 1909, not including Land Sales (same as last year)	1,306,116.48	\$1,610,248.30
Expenditures:		
Outstanding warrants Dec. 31, 1908	\$ 152,152.89	
Balance of Road Special and Land Improvement—funds—Dec. 31, 1908	17,806.44	
Balance of previous ap- propriation on Dec. 31, 1908	\$958,130.69	
Less estimated unex- pended June 30, 1909	207,806.47	
	750,325.22	
Additional appropriations	132,468.54	
Unpaid bills	2,570.04	
To Counties, Road Taxes	119,374.00	
To Counties, 1/2 other taxes	475,374.60	
To Counties, 1/2 licenses	30,000.00	1,680,071.83
Deficit		\$ 69,823.53

INSANITY WILL BE KALEIKINI DEFENSE

The prosecution rested in the Kaleikini murder case this afternoon, and the defense began its findings. Achi, the defendant's counsel, first moved for the discharge of the defendant on the ground that the indictment against him had been signed by Sutton without any showing appearing that he was a Deputy Attorney General. The motion was argued at length, but it was finally overruled.

HURT BY RUNAWAY.

A Japanese runaway hack caused some excitement on King street this afternoon. After spilling out the driver, the horse broke loose from the hack, and running wildly along King street, struck an old man who was pushing a wheelbarrow over Maunakea street crossing. The injured man was removed to the Queen's hospital.

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MUNITION SHIPMENT NOT EXCEPTIONAL

Officers Deny Military Activity Is On The Increase

That any unusual activity on the part of Army officials on the Pacific is evidenced by the shipment of the munitions of war which are on their way to Honolulu, is denied by officers stationed here.

The two big guns for the Pearl Harbor fortifications, which were shipped on the bark Mohican, form a part of the fortification plan laid out by the Taft board and they have been expected here for weeks past. It is denied that there is any more significance in the shipment of the big guns than there was in the shipment of the equipment for the Diamond Head fortifications.

With regard to the 3000 tons of supplies which the transport Sheridan is bringing, an attaché of the depot quartermaster's office says that the cargo is rather smaller, if anything, than is usual for the big transport. The Sheridan has a large carrying capacity and is usually well loaded.

As far as is known here, there is nothing but commissary and quartermaster's stores on the Sheridan and, as the advent of the Fifth Cavalry increases the consumption of stores by several hundred per cent, it is not considered in any way out of place that the shipments of supplies should increase in proportion.

With regard to the shipment of submarine mines to Manila on the Asia, (Continued on Page 4)

WILDER and LINDSAY

WASHINGTON, D. C., Feb. 5.—The President today nominated Alexander Lindsay to be Judge of the First Circuit Court of Hawaii and A. A. Wilder as Associate Justice of the Supreme Court. These are both re-appointments, each of the Judges having completed one term of service.

Violate Treaty Rights

SACRAMENTO, Calif., Feb. 5.—Governor Gillett sent a special message to the Legislature today on the resolution passed by the Assembly to place Japanese in separate schools. He asks the Assembly to reconsider its action and states that the bill is a violation of treaty rights. Action is postponed until Wednesday. An identical bill was introduced in the Senate today.

FLEET REQUEST TABLED
CARSON CITY, Nev., Feb. 5.—The resolution asking for the battleship fleet to be sent to the Pacific on account of the menace of the Japanese was tabled today in the Senate.

PLACE FOR MINES

WASHINGTON, D. C., Feb. 5.—The President today placed under the control of the Secretary of War a reservation on Kaahaukui reef, at the entrance of Honolulu harbor, to protect submarine mines. This is one of the details of the defense of Honolulu harbor.

Dynamite Revenge

CROCKETT, Calif., Feb. 5.—The home of the California and Hawaiian Sugar Refinery superintendent was dynamited today by a discharged employe. No one was hurt.

REFINERY ON FIRE
NEW ORLEANS, La., Feb. 5.—The three-million-dollar refinery of the American Sugar Company located at Chalmette, is burning.

TO RECOVER SUGAR DUTIES
NEW YORK, N. Y., Feb. 5.—The Federal Court today began taking testimony in the case of the Government against the American refinery to recover customs duties amounting to two millions of dollars.

MANDAMUS PETITION WARRANT ISSUED GOES IN TOMORROW FOR DR. ATCHERLEY

Way Clear For Verdict In Row Over City Appointments
Drawing Unlicensed Gun Is Charge Placed Against Him

Tomorrow morning will be filed the petition in the mandamus proceedings to compel the County Treasurer to pay the salary warrants issued by the Auditor. That means that the way is now clear toward securing a decision from the court in regard to the legality of the actions of the Board of Supervisors.

This morning Mayor Fern counter- (Continued on Page 2)

A warrant, signed by Judge Andrade, has been issued for the arrest of Dr. Atcherley. The charge is one of having an unregistered gun in his possession. Up to noontime today, the warrant had not been executed. The Magoon building is still in a state of siege. A special officer guards the entrance, but so far there is no sign of war. (Continued on Page 2)

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