From San Francisco:
Sierra, Manchuria..December 9
For San Francisco:
Wilhemina ..... December 7
From Vancouver:
Manuka .....December 9
For Vancouver:
Marama .....December 6

EVENING BULLETIN

3:30 EDITION

Is the present medium for the progressive merchant

Bulletin advertising always pays, always will pay—always will bring results—if you back it up with the goods.

ESTABLISHED 1882. NO. 4796. 12 PAGES.—HONOLULU, TERRITORY OF HAWAII, TUESDAY, DECEMBER 6 1910.—12 PAGES. PRICE 5 CENTS.

REPUBLICAN ELECTION PROTEST NOT UPHELD

TAFT FOR LITTLE TARIFF REVISION

Supreme Court Sustains Demurrer Of Democrats

PARTY BOSS, HOWEVER, GETS REBUKE

Decision Based On Spirit Rather Than On Letter Of Law

POINTS MADE IN DECISION

Balloting after election hours not necessarily illegal. The Supreme Court holds that in this case the balloting after 5 o'clock did not invalidate the returns.

Secrecy of ballot not interfered with unless ballot is wilfully exhibited by voter; Petition of Republicans does not set forth sufficient grounds for contest on this point.

Object of election to secure free expression of voters' choice; decision based on grounds generally that this expression was not seriously interfered with.

In a decision, practically recommending that L. L. McCandless and Col Wolters be prosecuted criminally for their actions in attempting to influence voting in the Kakaako precinct on the day of the last general election, the Territorial Supreme Court has upheld the demurrer made in behalf of Fern, against the contest petition of John C. Lane.

The decision is practically unanimous as far as results are concerned. Chief Justice Hartwell going even farther than his colleagues in a "dissenting in part" opinion.

The decision as handed down this morning is unanimous that the demurrer of the Democrats should be sustained, the majority of the Court, Justices De Bolt and Perry taking the view that the demurrer should be sustained on the ground, not that the court is without jurisdiction, but that the facts averred to not constitute a statutory cause of contest, with liberty to the petitioner to amend within ten days if so advised.

The point upon which Hartwell takes issues with De Bolt and Perry is in, substance, as to whether a "decision" of the inspectors in the Sixth Precinct of the Fourth District was made in connection with ballots that had been exhibited.

The majority of the court holds—and gives leave to amend the petition of the Republicans in accordance therewith—that "the mere acceptance and counting of ballots exhibited to voters after marking and before casting them constitute 'decisions' within the meaning of Section 56, Act 118, Laws of 1907, at least if the exhibiting was seen by or known to the inspectors at the time of the occurrence or before such acceptance and counting, and perhaps, also, even if the exhibiting was not thus seen and known."

Hartwell's Views.

It is here that Chief Justice Hartwell disagrees. In this opinion the Chief Justice says:

"If ballots are accepted and counted without objection, and perhaps without the attention of more than one inspector having been drawn to the fact that they were marked so that they might, and perhaps did, see the marks, or if they thought there was no exhibition of the ballot, or none wilfully made; there would be no decision on the subject made by the Board, and no contest on the decision could be made."

The opinion of Chief Justice Hartwell concludes in the following language:

"I agree that the demurrer should be sustained and the petition dismissed on the grounds named in the opinion of the majority but I also think for the reasons above named there was no decision in fact or substance of any ballots having been wilfully exhibited, and that the demurrer ought to be sustained on that ground also. In that respect only I non-concur with the opinion of the court."

6:30 Voting Legal.

The decision disposes absolutely of the question involved in the casting of votes after 5 o'clock, the hour prescribed for the closing of the polls. The decision holds that while it is required that the polls be kept open until 5 o'clock there is no express prohibition that they may not continue open until after 5 o'clock. "It is, indeed," states the majority decision, "provided that the votes shall be counted after five o'clock, but how much after or whether immediately after is not stated. It may be then it was not even an irregularity to receive the sixty-four votes, particularly if, as in Kulike v. Fern, the voters were all within the polling place before five o'clock. However, that may be, and even if there was an irregularity, the ballots were in our opinion not illegal. The provision is directory only. There is no provision that votes cast after five o'clock shall not be received or shall be invalid. The object of the election was to obtain the free and untrammeled expression of the will of the voters concerning the choice of candidates for the office of mayor. There is no contention that this end was not accomplished. Voting after five o'clock and until 6:30 did not interfere with the desired expression of the voters' choice. We do not mean to say that cases may not occur of a violation of the statute in this respect so gross, as for example, the receiving of votes after midnight, as to require declaring the votes so received, and perhaps the whole election, void. But this is not such a case."

McCandless Scored.

The decision contains a severe indictment of L. L. McCandless and Col. Wolters for actions during the voting in the Sixth of the Fourth and practically recommends that they be prosecuted criminally. In this connection the majority decision states:

"The acts of McCandless and Wolters, in so far as they were contrary to law, do not of themselves invalidate the election or any of the votes cast. The statutes do not so provide expressly and must therefore be regarded as directory. The remedy, if any, is by fine or imprisonment under the Revised Laws. It need scarcely be added that such conduct is highly reprehensible and ought to be punished if the law permits it."

The consent of the Supreme Court majority to the amending of the petition rests entirely on the technical construction to be placed upon the constituents of a "decision" within the meaning of the law. Says the majority opinion in this connection:

"It remains to be noted that under sections 87 and 88 the exhibiting must be done wilfully in order to cause a forfeiture; that the exhibited vote must have been seen by another, a vote not being exhibited within the meaning of the law which is merely so another can see, who does not in fact see, that in order to support a cause of action there must have been fifty-two or more invalid votes; and perhaps, also, although upon this question no opinion is expressed, that in order to have a "decision" concern-

(Continued on Page 3)

The full text of the Supreme Court decision today on the election contest is published in this edition of the Bulletin on pages 6 and 7.

Rebuke for the Boss

"The acts of McCandless and Wolter, in so far as they were contrary to law, do not of themselves invalidate the election or any of the votes cast. The statutes do not so provide expressly and must therefore, within the rules above mentioned, be regarded as directory. The remedy, if any, is by fine or imprisonment. * * * It need scarcely be added that such conduct is highly reprehensible and ought to be punished if the law permits it."—Extract from Supreme Court Decision.

TO INSPECT PEARL HARBOR

Rear Admiral Capps Stops On Way to the Philippines.

Rear-Admiral W. L. Capps of the navy made a visit to Pearl Harbor yesterday afternoon in company with Naval Constructor Lewerenz, and made an inspection of the work going on there.

The rear admiral is on his way to the Far East to look into the work being done at both Olongapo and Cavite for the navy, and will be in the Philippines several weeks.

His visit to Honolulu will be a short one, as he continues his voyage to the Orient on the next vessel of the Pacific Mail from San Francisco, but in the meantime he is making an extensive inspection and study of the work at Pearl Harbor, in company with the local officials of the navy who have the work in charge.

MOANA ENTERTAINS FOR BUFFALO OFFICERS

The Moana Hotel will entertain tonight with a dance for the officers of the cruiser Buffalo. Friends of the army and navy, guests of other hotels and townfolk are extended a cordial invitation.

Weekly Bulletin $1 per year.

BREWER AND CO. BUY WILDER BLOCK

Thirty-Five Thousand Dollars Is Price Paid for the Property.

DEEDS ARE PLACED ON FILE THIS MORNING

Claus and Rudolph Spreckels Dispose of Block as Trustees Under the Will of Their Father.

Through deeds placed on record this morning, C. Brewer & Co. has acquired from Claus A. Spreckels and Rudolph Spreckels, as trustees under the will of their father, the property on the corner of Fort and Queen streets known as the Wilder block.

The price received for the property by the Spreckels heirs is $35,000, considered to be quite a reasonable price for the land and improvements. The brick building on the land, while rather old, is considered to be in fairly good condition.

The sale of the Wilder block has been reported a number of times, the deal having been under consideration for several months past. It is stated that the final negotiations in regard to the acquirement of the property by Brewer & Co. were concluded when Rudolph Spreckels was here, and that the delay has been due to the necessity of obtaining quit claim or confirmatory deeds from heirs living in England.

One of the deeds filed today is signed by Emma Spreckels Ferris and her husband, John Ferris.

WOULD LIGHT CITY'S STREETS

To make Fort street shine at night like the "Great White Way" that New Yorkers talk about as soon as they get west of Buffalo, G. A. McEldowney, a civil, electrical and mechanical engineer of San Francisco, has come to Honolulu. He arrived on the Siberia yesterday. McEldowney is an expert in city illuminating. He installed the splendid system in use at Spokane, Wash.

His plans include a similar system for Honolulu, though he may not start to work on it for some time. He has several other engineering projects in view.

The "cluster light system," as his system is generally known, is installed partly at the expense of the benefited property owners and partly by the city. The property owners pay for the cost of the poles and the globes, and the city furnishes the light. It is a system that has made great strides on the Coast of late years, and nearly all of the big cities are now taking it up.

NEW SENATOR FROM LOUISIANA ELECTED

(Special Bulletin Cable.)

BATON ROUGE, La., Dec. 6.—Judge J. R. Thornton was today elected United States Senator from Louisiana by the Legislature in session here.

TAFT PRESIDES AT RED CROSS MEETING

(Special Bulletin Cable.)

WASHINGTON, D. C., Dec. 6.—President Taft presided today at the annual meeting of the Red Cross society.

WANTED.

Furnished room by couple; adjacent Donna, Courtland or McDonald. Phone 2968. 4792-2t

COMMANDANT IS ASSIGNED TO 'FRISCO

(Special Bulletin Cable.)

WASHINGTON, D. C., Dec. 6.—Capt. Charles Brainard Moore, U. S. N., was today assigned to duty as commandant of the naval station at San Francisco.

Capt. Moore is widely known throughout the country. He graduated from the naval academy in 1873 and was promoted to commander in 1902. He was stationed at Mare Island in 1901-1904. In 1904 he was naval governor of Tutuila, Samoa and commandant of the naval station.

POPULATION OF TWO STATES GIVEN OUT

(Special Bulletin Cable.)

WASHINGTON, D. C., Dec. 6.—Population statistics announced by the census bureau today include Arkansas, 1,574,449, increase of twenty per cent; and South Carolina, 1,515,316, increase of thirteen per cent.

NEW SENATORS TAKE OATHS OF OFFICE

(Special Bulletin Cable.)

WASHINGTON, D. C., Dec. 6.—Senators Swanson, of Virginia; Terrell, of Georgia, and Young of Iowa, the latter succeeding Dolliver, took their oaths of office today.

ALL MAY GAIN EAR OF KEEFE

Commissioner of Immigration To Spend Ten Days Here.

If Honolulu is to have "one hundred thousand" inhabitants, presumably in the main Asiatics, by 1915, Commissioner-General of Immigration D. J. Keefe will take ample time to look into all phases of the question that is now confronting the Territorial officials, before proceeding with his investigation of the situation as it obtains on the other islands of the group.

"I expect to remain here for at least ten days before taking my departure to the other islands," declared Mr. Keefe this morning. Asked if he intended to conduct his investigation concerning the immigration problem along the lines of a court of inquiry, the commissioner said that the study of facts and figures now ready for presentation would require considerable time. He plans to visit all the plantations on the Island of Oahu. In making these calls, the Washington official will inquire into the methods pursued in the handling of the laborers, their hours, the care and attention that each receives at the hands of the plantation managers. The matter of wage scales will probably be gone into at length.

A few minutes' talk with Commissioner Keefe impresses the visitor that he is a man of business. That he is here to gain information at first hand is very apparent.

He proposes to consult with plantation manager and laborer alike. His course of investigation will follow a wide and divergent channel. As the official does not depart from the Islands until the latter part of the month, he believes that there is sufficient time to conduct a rigid inquisition of immigration affairs here. In discussing his plans this morning, Mr. Keefe stated that he proposed to visit the other sugar-producing islands and give the same degree of attention to immigration matters and the labor question as would be the case on this island.

The late importation of Russian laborers is likely to receive attention

(Continued on Page 2)

Urges Rushing Pearl Harbor Naval Station

President's Message to Congress Preaches Doctrine Of "Preparedness"

WASHINGTON, D. C., Dec. 6.—Opposing a general revision of the tariff and postponing any recommendations until the next Congress, President Taft's message was submitted today at the opening of the second day's session of Congress.

The message teems with features of national interest. It recommends that no further legislation regulating the control and operation of corporations be enacted by Congress until the present laws have been fully enforced, at the same time urging vigorous execution of existing laws.

The President goes strongly on record in favor of ship subsidy, declaring for the general subsidy plan.

Army and navy men as well as the general public will be deeply interested in the President's utterances on the subject of "preparedness." He recommends the construction of two new battleships and an extensive system of fortifications.

He recommends that nineteen million dollars be appropriated for fortifying the Panama Canal, this recommendation evidently being a result of the inspection trip to the canal which he has just concluded.

Early completion of the naval station at Pearl Harbor, Hawaii, and the fortifications protecting it and the port of Honolulu is recommended.

Taking up the question of postal facilities, President Taft declares for rural free delivery and a parcels post for all offices where the postmaster is under civil service.

FASTER SCHEDULE BETWEEN THE COAST AND HONOLULU PROMISED WHEN RIVAL LINES SEPARATE

A four and a half-day schedule between San Francisco and Honolulu is one of the possibilities commencing with the first of the new year, following upon the complete severance of traffic arrangements heretofore existing between the Pacific Mail Steamship Company and the Toyo Kisen Kaisha.

That the Japanese line will be prepared to enter into the keenest competition for passenger and freight business is said to be a foregone conclusion. By the steamer Siberia, that passed through this port yesterday, en route to the Far East, came the report that the Toyo Kisen Kaisha has just about completed a schedule of sailings from San Francisco that will call for a material reduction in the time consumed in crossing the Pacific.

The Japanese liners are, as is well known, capable of making very fast time. They have been known to steam along at between 17 and 19 knots, when occasion demanded. The smaller vessels, such as the America and Hongkong Maru, were employed as naval scouts during the late Russo-Japanese war, and these steamers are credited with having proved to be about the swiftest craft that plied Asiatic waters during those stirring times.

The America Maru has been placed on the Orient-San Francisco run, and according to advices now received here, that vessel will sail from the East on or about the 27th of the present month. The Hongkong Maru, which has been operated between Hongkong and Japan ports and Central and South America, will also be added to the American line. The new Genyo Maru, a sister ship of the Tenyo and Chiyo Maru, is fast being made ready for sea. This vessel has been under construction for nearly two years at the big dockyards at Nagasaki. The Genyo Maru should go into service by the first of April or May of next year.

There are all sorts of rumors concerning the cutting of passenger and freight rates. It is claimed that the Toyo Kisen Kaisha is to receive the undivided support of the Gould interests, which on the Coast are represented by the Western Pacific Railway.

In event of a considerable amount of time being shaved from the San Francisco-Honolulu schedule, it is safe to presume that the voyage between this port and Yokohama will necessarily be much reduced.

That sharp competition between the Pacific Mail and the Japanese line will follow the separation is borne out by a condition of affairs that existed on Puget Sound at a time the Nippon Yusen Kaisha entered into the passenger and freight business on the North Pacific coast. Breaking into the field occupied by the Great Northern Steamship Company, the Weir Line and the Boston Steamship and Towboat Company, the Japanese line followed its advent into the territory by a slashing of first, second and steerage passenger rates. There was also a material cut in the freight tariffs as well.

The next two months will witness many changes in the local phase of trans-Pacific travel, is the prediction made by those who have followed the train of events now taking place in steamship circles.

GAS COMPANY IS LAYING PIPES FAST

The thirty-five men employed by the Honolulu Gas Company in taking up the old pipes and laying new ones on the Fort street block to be paved will finish their work tomorrow morning. The gas company put a big force of its own employes on the job and having laid new mains and service pipes of the best galvanized iron will not have to take them up again.

It will not be the gas company's fault if the pavement is not laid in a hurry.

Masonic Temple

Weekly Calendar

MONDAY:
Hawaiian—Stated.

TUESDAY:
Honolulu Chapter—Royal Arch.

WEDNESDAY:
Perfection—9th Degree.

THURSDAY:
Honolulu Commandery—Regular, 5 p. m.

FRIDAY:
Perfection—14th Degree.

SATURDAY:
Lei Aloha Chapter No. 2—Regular.

All visiting members of the Order are cordially invited to attend meetings of local lodges

MARINE ENGINEERS' BENEFICIAL ASSOCIATION.

Meet on the 2nd and 4th Mondays of each month at K. P. Hall 7:30 P. M. Members of other Associations cordially invited.

HARMONY LODGE, No. 3, I. O. O. F.

Meets every Monday evening at 7:30 in I. O. O. F. Hall, Fort Street.
E. R. HENDRY, Secretary.
H. E. McCOY, Noble Grand.
All visiting brothers very cordially invited.

OAHU LODGE, No. 1, K. of P.

Meets every first and third Friday evening at 7:30 in K. of P. Hall, corner Fort and Beretania. Visiting brothers cordially invited to attend.
WM. JONES, C. C.
O. F. HEINE, K. R. S.

HAWAIIAN TRIBE, No. 1, I. O. R. M.

Meets every first and third Thursdays of each month at Knights of Pythias Hall. Visiting brothers cordially invited to attend.
A. L. EAKIN, Sachem.
E. V. TODD, C. of R.

HONOLULU AERIE, 140, F. O. E.

Meets on the 2nd and 4th WEDNESDAY evenings of each month at 7:30 o'clock in K. of P. Hall, corner Beretania and Fort streets.
Visiting Eagles are invited to attend.
W. R. RILEY, W. P.
WM. C. McCOY, Sec.

HONOLULU LODGE, 616, B. P. O. E.

Honolulu Lodge No. 616, B. P. O. Elks, meets in their hall, on King Street, near Fort, every Friday evening. Visiting Brothers are cordially invited to attend.
JAS. D. DOUGHERTY, E. R.
GEO. T. KLUEGEL, Sec.

WM. McKINLEY LODGE, NO. 8, K. of P.

Meets every 2nd and 4th Saturday evening at 7:30 o'clock in K. of P. Hall, cor. Fort and Beretania. Visiting brothers cordially invited to attend.
H. A. TAYLOR, C. C.
E. A. JACOBSON, K. R. S.

SIERRA REPORTS

The following wireless message has been received by the agents from the S. S. Sierra, bound for Honolulu:

S. S. Sierra, at Sea, 8 p. m., December 5, 1910—878 miles from San Francisco lightship; moderate south west wind and sea; barometer 30:17, air 62; all well.

"For Rent" cards on sale at the Bulletin office.

LOCAL AND GENERAL

Autos, $4 per hour. Lewis Stables.

Try a case of Pinestar. It is pure Phone 1557.

If your horse or dog is sick, A. R. Rowat, D. V. S. Phone 2429.

Six-chair shop; no long waits. Silent Barber Shop, Hotel street.

For distilled water, Hire's Root Beer and all other popular drinks. Ring up Phone 2172. Consolidated Soda Works.

Jue Yuen Mow, the Chinaman badly wanted in San Francisco, will probably not be taken back on the Wilhelmina tomorrow. His case is continued until Friday, and Deputy Attorney Milverton says the Chinaman will be here then.

Chauffeur Cluney is booked at the police station, upon a charge of malicious mischief in that he ran over and killed a dog while driving his machine through the streets of the city. The matter comes up for disposition before Judge Lymer tomorrow.

New peasants just in; surf rider, pa-u rider, Hawaiian girl, S. S. Sierra. Hawaii & South Seas Curio Co., Young building. 100,000 Club souvenirs; pillow tops, oriental embroidered and drawn work, Billiken dolls, largest dealers in Pacific souvenirs in the world. Open nights.

Sineen, a Korean blew in from up the railway line this morning and upon his arrival at metropolitan Honolulu immediately showed signs of insanity. The man was placed in custody and will come up for examination before Dr. Emerson today. It is believed that he will be committed to the asylum.

A trio of Hawaiians are under investigation before Chief of Detectives McDuffie. They were alleged to have been helping themselves to the store of coal belonging to H. Hackfeld & Co. The police claim that they possess evidence sufficient to convict the men of taking fuel from a pile near the old fish market.

John Sequeira is a dweller at the city receiving station, booked upon a charge of assault and battery preferred by an aged Portuguese resident of this city. Sequeira is alleged to have used the handle of a hoe in attempting to enforce the payment of a debt. The victim was considerably battered as a result of the visit of the strenuous collector.

IN FOREIGN PORTS.

Tuesday Dec. 6.

TACOMA—Sailed Dec. 4: Schr. Nokomis, for Honolulu.

REDONDO—Arrived Dec. 5: Schr. Philippine, from Hilo, Nov. 14.

SAN FRANCISCO—Sailed Dec. 6, 1 p. m.: S. S. China, for Honolulu.

Weekly Bulletin $1 per year.

$1 A WEEK

will buy your Christmas Suit. We give you the Clothes to wear when you make your first payment.

PRICES RANGE FROM

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The "Crack" 1911 Models Are Now on Display Come Early

Francis Levy Outfitting Co., Ltd.

Credit Clothiers 1214 Fort, Opposite Fire Station

STORAGE

CITY TRANSFER CO. JAS. H. LOVE

Shipping

NEW DREDGE TURBINE TO BE GIVEN TRY-OUT IN THE HARBOR

AN INNOVATION IN DREDGING OPERATIONS — TROOPSHIP SHERMAN HERE FROM MANILA AND TO SAIL FOR COAST THIS AFTERNOON—MAUNA LOA WAS A LATE ARRIVAL—MATSON STEAMER TAKES PINES.

The biggest dredge in the world will be in operation this afternoon or tomorrow morning down in the north part of the harbor, off the American-Hawaiian wharf.

It is the try-out of "The Turbine" as the turbine driven dredge, built by the Standard American company, is known. The dredge is an innovation in local work. The hull was towed down from Portland by an ocean-going tug and the machinery was shipped here from San Francisco and Seattle.

For more than a month Standard-American experts have been putting in the machinery. G. C. Heckmann, an expert electrical engineer, and Capt. Johnson, who built the Stockton diverting canal, have installed the machinery, while Capt. Brusstar, a shipbuilder who constructed the hull, has been busy superintending the construction of pontoons that will carry the pipe line ashore from the dredge.

"The Turbine" does not scoop out the debris. It cuts the coral with an immense revolving cutter-head, and the bits of rock are sucked up into an immense intake and driven through the pipe line.

The turbine makes close to 4,000 revolutions per minutes and the shaft and cutter head will make about seventeen.

The new dredge will be tried out in the north part of the harbor and then started at work at Pearl Harbor. The Standard American Dredging company has a contract for dredging the channel of the harbor here and the big turbine may be used in this.

At 10 o'clock this morning the flagship Mauna Kea of the Inter-Island fleet let go her bow lines and, backing into the stream, proceeded to Lahaina, Maui, whence she will sail on to Mahukona, on Hawaii.

As she passed the Mauna Loa, which was coming to this port, in Kaiwi Strait, she exchanged signals of aloha and was responded to by the Kona Kau liner. Captain Simerson and the passengers also displayed their handkerchiefs to the Lahaina-bound passengers on the Mauna Kea.

The Matson Navigation steamer Hilonian, from San Francisco and Seattle, will arrive at Honolulu on or about Thursday, December 15th, according to the latest advices received at the agency of Castle & Cooke. The vessel is reported as bringing down 620 tons freight for Honolulu, 250 tons for Kahului and 225 tons for Port Allen. It is expected that the Hilonian will take out a small shipment of sugar on the return voyage to San Francisco.

The Matson Navigation liner Wilhelmina is scheduled to sail for San Francisco at 10 o'clock tomorrow morning, taking a goodly list of first and second class passengers. The freight offerings so far booked include a shipment of 12,000 cases of tinned pineapples, 4200 bunches of bananas, 2000 sacks of rice, about 40 tons of hides and a quantity of sundries. The vessel will sail from the Matson wharf and it is probable that the municipal band will be present to render a parting concert.

The Matson Navigation steamer Lurline arriving here on December 14th, is one of the so-called "Christmas boats." The Pacific Mail liner Manchuria, due here on the following Monday, being the last steamer to reach Honolulu before the joyous Yuletide. The Lurline is bringing out a good-sized cargo of merchandise and supplies for the islands.

Early this morning the steamer Niihau arrived from Waimea, Kauai, with 3200 bags of sugar, 52 empty gas drums, 13 sundry packages and 1 horse. She will sail again for Kauai as soon as possible.

The barkentine Irmgard arrived at Mahukona last Sunday afternoon and is now discharging her cargo of lumber and grain. She will take on sugar before returning to her home port.

PASSENGERS ARRIVED

Per stmr. Mauna Loa, Simerson, from Kona and Kau ports, Dec. 6.—R. T. Forrest, Wm. Mann, Rev. Kikuchi, Miss K. Kanida, C. Boite, S. Fuji and child, Miss E. Halli, Mrs. J. A. Magoon, Allen Magoon, Judge Kaulukou, L. K. Evans, J. Leslie, R. Mossman, E. Alu, J. Gouveia, C. Ahuna, S. Marumoto, D. McCorriston, J. Searle, J. T. Rock, Dr. J. H. Raymond and son, C. Lucas, H. A. Giles, Chas. Gay, W. R. Patterson, J. C. Axtell, S. P. Maielua, wife and son and 78 deck.

Per U. S. A. T. Sherman, from Manila via Nagasaki, Japan.—For Honolulu: None. Through: Lt. Col. Edward H. Plummer, Major George W. Van Deusen, Major William S. Scott, Captain Henry G. Lyons, Captain Frank H. Lawton, Captain Alfred A. Starbird, Captain Joseph W. Blanchard, 1st Lt. Frank Thorp, 1st Lt. F. E. Brady, 2nd Lt. Henry R. Smalley, 2nd Lt. Webster A. Capron, 1st Lt. James B Van Horn, Paul E. Nordhoff, Former 1st Lt. D. C. Wiggin and wife, Thomas M. Cassidy and wife, E. L. Smead, C. G. Brown, A. F. Shepard, George K. Glover, Clerk Herman F. Hodron, Clerk Thomas C. Miller, Mrs. Soulard Turner, Henry E. Mills, Mrs. Charles McH. Eby, Miss A. Evan Shoemaker, Mrs. H. T. Kays, Mrs. W. H. Toaz, Mrs. E. H. Kelsey, Miss M. F. Stevenson, Mrs. Walter Fraser, Miss Edna Sawyer, Mrs. Theodore H. Spencer, Mrs. Lenus C. Krook, Mrs. J. J. Ballinger Mrs. C. L. Foster, Mrs. A. C. Fisher I. O. Jones, Mrs. L. H. Johnson, 1st Lt. Floyd O. Tobey, Olev Bondurant, Mrs. John W. Gray, W. C. Bryant, Alonzo L. Hickson, Mrs. Robert Hildebrandt, John Merrill, W. N. Echols, Joseph W. Sale, Miss Florence Lewis, J. H. Chapman, John L. Dyke, Mrs. Sarah Catherine Simpson, Thomas Ferguson, Owen V. Wilcomb, William Davis, Patrick H. O'Brien, Gottlieb Williams, Welcome N. Powell, Charles H. Davis, James A. Black, G. Rohrend, John W. Garner, George S. Martin, Frank S. Moseley, James T. Davidson, Mrs. Sinnott and 3 children, Ephriam Stevenson, wife and son, Mrs. Oscar Krohl, Mrs. Wm. Hipsley, Mrs. Harry Horton, wife and child, Mrs. John D. Howard, Paul Lucas, Mrs. Paul Lucas and 2 children, Mrs. Samuel W. Shaffer, Mrs. Thomas Wilson and daughter, Mrs. Marion E. Mann, Mrs. Clyde H. Stewart, Mrs. Victorina Franklin and daughter, Mrs. Monroe E. Faulkenberg, Joseph A. Hoeft and 2 children, Mrs. Charles Gohlker, Mrs. Peter Barth, George Runyon, Benjamin Lafferty, Charles R. Burr, Bartley Costello, Charles Shearman, Thomas C. Goodwin, Anthony Herling, M. A. Sweeney.

Per P. M. S. S. Siberia, from San Francisco, Dec. 5.—For Honolulu: F. A. Alexander, Mrs. F. A. Alexander, Joseph L. Anderson, Miss Ethel Anderson, Miss Elizabeth Afferson, Miss M. Bell, E. Bleau, J. W. W. Brewster, Mrs. E. Brunchorst, E. K. Bull, A. W. Carter, Mrs. A. W. Carter, Miss Edith Carter, Francis C. Colville, Mrs. Francis C. Colville, W. C. Damuth, Pay Inspector B. P. DuBois, U. S. N., Geo. H. Fairchild, J. F. C. Hagens, W. J. Hannigan, Mrs. W. J. Hannigan, Miss Bernice Hartwell, Miss A. D. Hartwell, Mrs. A. G. Hawes Jr., C. Hedemannn, Mrs. C. Hedemann, S. G. Hindes, Mrs. S. G. Hindes, Master Barrett Hindes, Mrs. R. Hoppe, Mrs. Paul R. Isenberg, Hon. D. J. Keefe, Mrs. D. J. Keefe, Mrs. A. N. Locke, Mrs. F. S. Maloney, E. J. Marsten, J. B. Martin, Mrs. J. B. Martin, G. A. McEldowney, Mrs. M. T. McGauley, Miss Ella McInerny, K. C. McIntosh, Mrs. K. C. McIntosh, C. A. Mulford, Morton G. Munks, Miss Anna M. Paris, Miss H. K. Patterson, L. T. Peck, Mrs. L. T. Peck, Master N. Peck, A. W. Perelstrous, Mrs. A. W. Perelstrous, Rev. W. E. Potwine, Mrs. W. E. Potwine and infant, H. Price, Mrs. H. Price, Rev. R. E. Smith, Mrs. R. E. Smith, Miss Marjorie M. Smith, Miss M. M. Smith, Miss Clara Sutherland, Miss M. Veltch, J. H. Warrall, Mrs. F. E. Washburn, W. Zeise, R. Tuppil, Mrs. R. Tuppil.

PASSENGERS DEPARTED

Per stmr. Mauna Kea, Freeman, for Maui and Hawaii ports, 10 a. m.—K. Yamamura, J. Iwasaki, W. K. Notley, Mrs. Oldfield, Countess Irma De Pomme, Miss Grace Wilson, Miss E. Wilson, Mrs. Allena Bertleman, W. D. McCallum, W. McIntyre, W. D. McCallum, W. G. Hall, James Wakefield, F. A. Alexander, Z. K. Myers, J. J. Hind, H. J. Carlston, T. W. Marshall, Thos. Nolan, Mrs. Alva Wilson, Mrs. B. Wylie, T. P. Evans and son, Kin Choy, K. Moehara, Frank Foster, H. V. Oldfield, Chas. Reynolds, W. H. Crawford, Mrs. Haneberg, J. F. Woods, Mrs. J. F. Woods, Mrs. W. G. Ogg, E. C. Peters, H. T. Hayselden, S. Kelley, M. A. Rycroft, Dr. Shepard, Mary Elias, E. K. Fernandez, S. H. Burdsey, R. Ross, Father Reginald, Loe Toma.

Per P. M. S. S. Siberia, for Japan, Manila and Hongkong:—Wm. Brune, Miss E. Carter, Mrs. C. Condict, Miss Josephine Dreyer, Erwin Erasmi, R. E. Herdman, Ernest Matthews, John J. Nairn, Mrs. John Nairn, August W. Schmitt, Johnson Morton, Edward R. Wharton, Mrs. Lila F. Wilson.

Per stmr. Mauna Kea, for Hilo via way ports, Dec. 6.—Miss I. de Pomme, Mrs. Oldfield, Miss Grace Wilson, Miss Gladys Wilson, Miss A. Bertleman, W. D. McCallum, M. McIntyre, J. Hurd, Mrs. Hurd, K. Moehara, Frank Foster, H. V. Oldfield, W. H. Crawford, J. A. Grace, J. F. Woods, Mrs. Woods, Mary Elias, E. Elias.

PASSENGERS BOOKED

Per stmr. Mauna Loa, Simerson, for Kona and Kau, Dec. 9, 12 m.—Hong Chack, Miss Lena Conant, Bishop Restarick, Rev. D. Sine.

Per stmr. Mikahala, Tullett, for Molokai ports, Dec. 6.—C. Kililehua, C. Charlock.

Per stmr. Kinau, Gregory, for Kiau ports, Dec. 6.—Mr. and Mrs. Elston, Mrs. C. M. Cooke, W. J. Schoenberger, Mrs. A. D. Mills, W. F. Martin, H. R. Schultz, W. H. Rice and wife, E. A. Knudsen and wife, W. T. Frost, Dr. Sandow, D. B. Murdock, F. O. Nelson, A. Haneberg.

Per O. S. S. Sierra for San Francisco, Dec. 14.—H. L. Day, E. G. Hinles, Mrs. Hindes, Miss R. Roberts, Mrs. J. L. Thomas, A. L. Derby, Mrs. J. C. Henkeniss, Mrs. F. A. Stewart, Rear Admiral C. P. Rees, Mrs. Rees, Mrs. E. H. Prentiss, Miss S. Whitman, E. H. Prentiss, Mrs. R. S. L. Morris, H. M. Thomson, Mrs. Thomson, Miss A. Callamole, L. M. Hale, S. T. Clarke.

Per M. N. S. S. Wilhelmina, for San Francisco, Dec. 7.— H. S. Truscott and wife, B. F. Cammbell and wife, A. Fraser, J. T. Marshall, A. G. Henderson, E. Kenlall, Dr. P. S. Coke, Fred W. S. Blanchard and wife, Miss J. Kenney, Mrs. M. Moncrief, M. Moncrief, S. A. Sewall, Col. S. Parker, Mrs. C. K. Book, Miss Dorothy Book, Miss Mamie Schrader, Miss Lady Macfarlane, J. Hassell, Miss D. E. Porter, Mrs. R. S. L. Morris, Miss A. Catternole, Miss A. C. Keiser, Miss B. Alexander, Miss Edna Helber, Mrs. E. Wilson, R. B. Irwin, W. P. Roth, Mrs. W. E. Skelly, W. S. Brusatar, S. W. Smith, John W. Mankin, C. B. Fawcett, John McDonald, Ed. Hart, C. B. Grimes, J. S. Richardson, Mrs. Anna Bolgotte, T. G. Hummel and wife, Mrs. R. B. Fawcett, Miss E. M. Wisner, O. E. Scully and wife, Miss R. A. Roberts, Miss Jessie Bradey, Mrs. Washburn, Mrs. T. B. Schoen, J. P. Davies and wife, M. Breen, Miss Elmer Green, E. W. Quinn, L. Strauss, W. E. Buck, G. P. Castle, A. Ehrman and wife, S. Green and wife, T. E. Balding and wife, Ludwig Schiff and wife, F. R. Thompson, D. J. Midbury, W. A. Miller, E. Mackenzie.

The claim of Frau Dutwiewitz, of Posen, Germany, born on Feb. 21, 1785, to be the oldest woman in the world, is now contested by Mrs. Baba Vasilka, who was born in May, 1784, in the little Bulgarian village of Valesako, where she has lived ever since. The record of her birth is preserved in a neighboring monastery of the Orthodox Greek faith.

TRANSPORT HERE FOR SHORT CALL

The weather is mainly responsible for the rather brief stay of the United States army transport Sherman at the port of Honolulu today. The troopship came along side the naval wharf at seven-thirty this morning and the work of supplying that vessel with a small amount of freight and supplies was hurried along. The sailing hour for the vessel had been set for five o'clock this evening much to the disgust of many of her large numbers of army and navy passengers who had hoped to spend at least an evening ashore.

However, "orders is orders," as the saying goes in military circles and Herr Berger and his band of musicians will play an impromptu concert prior to the departure of the Sherman for San Francisco.

The weather was rough a goodly portion of the way across the Pacific. The Sherman sailed from Manila on November 14th and one day was spent at the Mariveles quarantine station.

A military officer boarded the transport at Manila and proceeded to Mariveles during which time he exchanged all Philippine currency the passengers had with them for the good old coin of Uncle Sam.

Of the seven hundred and thirty-seven enlisted men on board, a large number were granted permission to leave the transport and they spent the day in going about the city. The Sherman brought no passengers for Honolulu. Proceeding to San Francisco were 73 in the cabin, and 54 in the second class. In the steerage were 93 enlisted men from Battery C, 5th Field Artillery, 564 casuals in the U. S. army, 19 sick, 36 prisoners, 11 servants and 14 discharged soldiers.

The Sherman is credited with having made a slow passage and was a day late in her arrival here. The best time made on the trip after leaving Nagasaki is said to have never exceeded 280 knots each twenty four hours.

There is no regular organization of troops on board.

I. O. Jones, one of the corps of inspectors connected with the Philippine postal service is a mainland passenger by the Sherman. He is on leave of absence the greater part will be spent in the Eastern States.

Governor W. C. Bryant of Nueva Vizcaya Province is making a tour to the States on vacation leave. He expects to remain in the homeland for about six months.

Lieutenant Colonel Edward H. Plummer is the ranking officer on board. He is in command of the Twenty-eighth Infantry and was recently promoted from Major in the Third Infantry.

ALL MAY GAIN EAR OF KEEFE

(Continued from Page 1)

at the hands of the commissioner. It is understood that there are several Russians now here who propose to go before Mr. Keefe with protests concerning alleged violation of agreements made them before sailing for the Hawaiian Islands.

It will be up to Mr. Keefe to make the discovery as to whether the complaints come from the professional agitator or emanate from a just source.

The commissioner will court a hearing from all classes in order to gain a general knowledge of the sentiment held here in these islands regarding immigration matters.

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SUSTAINS DEMURRER

(Continued from Page 1)

ing exhibited ballots the exhibiting must have been seen by or known to the inspectors at or shortly after the time of occurrence. The reason for the requirement concerning fifty-two invalid ballots votes is obvious. If the total number of invalid votes is less than the majority of the successful candidate it may well be assumed at the threshold that they were cast for the respondent, for the result of the election would still remain the same. None of these matters mentioned in this paragraph are alleged in the petition. The petition, however, is capable of amendment as to include all of the facts justify that course."

The opinion of the majority of the Supreme Court is fourteen pages in length and that of Chief Justice Hartwell covers fifteen pages.

The action of L. L. McCandless for which the Supreme Court practically recommends the institution of criminal proceedings consisted in his being in the polling place after five o'clock, giving pencils to the voters and attempting to influence the recipients of his gifts to cast their ballots for Fern. Wolters was doing about the same sort of thing that the Supreme Court characterizes as "highly reprehensible."

Asks for Rehearing.

George Davis, attorney for Lane, did not waste any time when the decision was read. He proceeded with the drawing up of a petition for rehearing and his proposed amendment to the petition, which were presented to the Supreme Court this afternoon. The paragraph he would now incorporate in an amended petition reads as follows:

"* * * and your petitioner alleges and charges that on the eighth day of November, A. D. 1910, between the hours of 8 a. m. and 5 o'clock p. m. at said election booth in the Sixth Precinct of the Fourth District, more than one hundred ballots were openly and wilfully and carelessly exhibited by the electors entitled to vote, and who did vote for the candidate for mayor in said polling booth, and that the inspectors of election stationed therein and who counted said ballots well knew that they were so exhibited before receiving them and depositing them in the ballot box and counting them and making their return * * * and other gross, flagrant and open violations of the election laws under which said election was held, took place in and around and near the said polling booth, which said violations of law and irregularities, your petitioner prays he may be allowed to prove by evidence."

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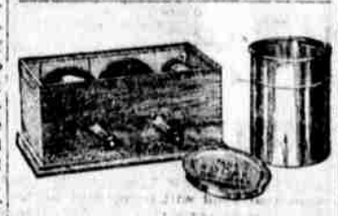
"I was under the care of three doctors at different times during my sickness. While taking their medicine I seemed to feel some better but would be as sick as ever when I stopped taking it. The doctors said I would never get well without an operation, but my husband would not consent to it. I had been sick over a year when a friend urged me to try Dr. Williams' Pink Pills. I had tried so many medicines and doctors that I didn't have much faith in the pills but decided to give them a trial. It was only a short time before I began to feel stronger. The headaches and nervousness left me and I was benefited in every way. I gave the pills a good trial and was entirely cured. I weigh more now than I have in a long time."

If you are interested in the remedy that cured Mrs. Hay, write today for our booklet, "Plain Talks to Women." It is free and will be sent postpaid.

Dr. Williams' Pink Pills are always the same and are sold only in packages bearing the well-known trade mark, Dr. Williams' Pink Pills for Pale People." Pills sold in any other package, or loose, by the dozen or hundred are not the same, whatever the clerk tells you. The genuine are sold by all druggists or will be sent by mail, postpaid, on receipt of price, 50 cents per box; six boxes for $2.50, by the Dr. Williams Medicine Co., Schenectady, N. Y.



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TUESDAY ..... DECEMBER 6, 1910.

Being ignorant he is not so much a shame as being unwilling to learn. —Franklin.

THE DECISION AND THE PEOPLE.

Judging from the syllabus of the opinion filed by the Supreme Court, the election contest case has been decided in its principal features although the court was primarily passing only on the demurrer that was sustained.

Whether the conclusions of the court are good law or not we shall leave for the experts to argue. Ordinarily one can secure law to support most any contention.

The main point at issue with the people is that the case is decided, unless evidence is taken by the Court, Joseph Fern is the Mayor of Honolulu for the coming two years, and all other officers of this and other counties whose election might have been contested on the same grounds are assured of their positions. The final word has been said and the duty of the officials and the people is to go forward with a purpose single to the advancement of community welfare.

Honolulu is a city with a great future. Community prosperity and the general development of the city can be promoted by officials who will work together for the common good, or it can be retarded and contracted into a slow, narrow, warring town by officials who play petty politics, indulge in petty personalities and conduct themselves generally as little-minded representatives of a little-minded people.

Except for the lesson it may have taught, we can now afford to forget the elections.

Mayor Fern is free to kill his forty pigs and invite his friends and his enemies to eat of the luau of joy and gladness. He should make up his mind to work with the new Board of Supervisors elected by the same people who put him in the Mayor's office, and he should realize that while partizanship is necessarily a medium for the people to sift and clarify their differences of opinion, the successful officer is the one who strives to represent the whole people rather than become a puppet of mere partizans.

We want to make Honolulu a city that will be able to provide comfortably for and properly govern a population of from fifty to one hundred thousand.

We want to make Honolulu a city that in its governmental administration suits itself to the changing conditions and allows the progressive changes to move along the lines of least resistance.

We want this city to develop as a strong, independent, progressive self-governing community, and this should be done under the local city government of which the Mayor and the Board of Supervisors are the controlling factors.

That is the spirit in which the officers elected by the people should proceed to their duties, now that the court has given its decision.

There is work enough to call on the best energies a citizen can give; there is honor enough to fire the ambition of any man who wants to do something worth while and occupy a place in the history of his town.

So get together citizens and officials and go forward.

OUR CHINESE LOAN.

Press dispatches of a few days ago reported that the foreign adviser of the Pekin government was opposing the completion of the deal by which our financial leaders are to loan China $50,000,000.

Everyone at all acquainted with the situation in the Orient recognizes this move as an outcropping of the European and possibly Japanese opposition to increased power of America in China. Correspondent Millard, who passed through the city recently, told the truth when he said that this loan was a great stroke for America. Naturally it is and will be opposed to the last ditch by the Powers that are jealous of American prestige and only awaiting the opportunity to carve the Chinese Empire and divide it among the thieves.

Greed is at the bottom of the opposition ordinarily designated by more polite names. Some idea of the form that objections take when made for publication may be obtained from an editorial article in the "Oriental Economic Review," a little magazine published by Japanese in New York city.

This publication makes the comment that Americans generally do not seem to realize what a prize their financiers have gained, also that the details of the loan thus far given the public are very meager. Then it continues, "We are told, for instance, that the principal object of the loan is to enable China to carry out the much-discussed and long-delayed reform of her impossible currency. In the same breath, it is also stated that a portion of the proceeds of the loan will be diverted to industrial purposes in Manchuria and other parts of China, and that a large part of the money will be invested here in the form of purchases from American steel works and possibly also dockyards. Exactly what proportion of the loan is to be devoted to the so-called industrial purposes, no indication is given, although it is believed it may possibly be as much as fifty or sixty per cent. How a paltry sum of twenty-five or thirty million dollars would suffice for the reforming of the currency system of an empire of 400,000,000 souls, is beyond our comprehension. Even the whole amount of the loan ($50,000,000) would fall far short of the need. Can it possibly be that the present loan is only a small instalment of a great sum which is to be advanced to China in the near future? Otherwise, we are at a loss to understand how even a beginning could be made in the task of placing the Chinese monetary system on a sound and enduring basis. Unless some such large and comprehensive scheme has been matured, nobody at all conversant with the financial situation of the Chinese Government can resist the suspicion that the greater part of the funds realized by this loan will be absorbed in making good the fast-augmenting deficits in the central and provincial treasuries. Everybody knows that China is badly in need of money. She wants money to rehabilitate her army and navy, to carry out her scheme of buying back the railway concessions to foreign companies, and to build more railways; but above all she most urgently needs money to keep her machinery of government going. Her public expenditures are increasing at a rate altogether out of proportion of her revenue, which is almost stationary.

"We would not be understood as in any way criticising the present financial transaction. As China needs money, it is well that she should get what she requires from whatever quarter she likes, and personally, we are pleased that that quarter should be Wall Street. Our only concern is is to whether or not the question of currency reform has been taken up in earnest at Pekin. If it has been it is certainly good news to all interested in China's development. Unfortunately nothing has yet transpired to justify such optimistic view. One of the greatest obstacles to the successful carrying out of a comprehensive scheme of currency reform, is the apparent absence in China of any statesman strong enough to shoulder the great responsibility for a change almost revolutionary and certainly more serious than the inauguration of a parliamentary regime. There is no evidence that a man of that virile type is coming to the front under the present regency at Pekin."

AN OPEN LETTER.

Editor Evening Bulletin:

In your Saturday afternoon's issue, an interview was held by your representative with the Rev. H. H. Parker, in regard to the proposed trustees of the Kawaiahao church, in which he stated "that the time is not yet ripe for immediate action." He also stated "that the most objectionable features, so far as the action of the committee is concerned, was the secret meetings alleged to have been held by them over the appointment of the board of trustees." That may be so, but as some of the members of the church think that it is about time to step in and help him out of his old age, I think it is one of the grandest ways of showing our due respect to the one whose labor is near half a century. So we held an informal meeting of some of the prominent members of the church on August 11, 1910, formed a committee of twelve members and also passed a motion to meet the pastor and ask him to call a meeting of all the members of the church to consider ways and means of electing a board of trustees, and it was also decided that a copy of the minutes of this meeting be forthwith presented to the pastor. This was done and we called upon the pastor the following day.

The answer from him was for us to select the names of the trustees and then he would call the meeting, in spite of our protest that it is none of our business to select names, but he insisted on having them. We therefore complied with his wishes and presented seven names on September 1, 1910, and on September 7 he declared that he was satisfied and they should be honded. We also complied with this request, and when we presented ourselves ready and asked him to call the meeting, he refused to recognize us and accused us of plotting, etc. Not satisfied with this, he used the pulpit as a place for roasting those who are seeking to help him out during his old age. And, now, where is the secretness of our meetings? Why not, in the name of goodness sake, give us what we are asking? Appoint anybody, as long as he is a member of the Kawaiahao church, so that our title can be perfected by asking the government to issue a patent, that it may be our property forever, and to work in harmony so that the trustees may know exactly what to do when he resigns or is disabled.

We are not in any way interfering with his forty-eight years of long service. All we want is a "board of trustees," so that we can have a voice in our own chuch affairs in a legal way. Yours respectfully,

JOHN K. KAMANOULU.

Honolulu, December 5, 1910.

Home For Sale

COLLEGE HILLS MANOA

$3000

A GOOD HOME OR A GOOD INVESTMENT

TRENT TRUST CO., Ltd.

FOR SALE

Two Fine Lots in Puunui

A Big Bargain

Bishop Trust Co., Ltd.

BETHEL STREET

The office of the

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is now in the Telephone Building on Adams Lane. A telephone call will bring a boy for your message.

GURREY'S LTD. FRAMING ART & PHOTO SUPPLIES HONOLULU T.H.

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We use the same craftsmanlike methods in making our frames as in our Christmas Novelties—all original with a well balanced stock to select from.

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Just Right For Christmas?

NOW is the time to leave orders for FRUIT. The S. S. Sierra, sailing December 14, reaches San Francisco December 20. DON'T MISS IT.

ISLAND FRUIT CO.,

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Real Estate for Lease

Makao Beach Lots, Koolauloa, Oahu

We offer these desirable beach lots situate on the windward side of Oahu for lease for a twenty (20) year term at a moderate rental.

Lots are 100x300.

This property can be reached by rail.

For Sale

A Bargain in Makiki District for $3250

Waterhouse Trust

FORT AND MERCHANT STREETS HONOLULU, T. H.

KUHIO TO LEAVE ON WILHELMINA

Delegate Kuhio will leave on the Wilhelmina, sailing for San Francisco tomorrow morning. From San Francisco he will proceed to Washington for the present session.

Asked about the Kau ditch proposition, in which Col. Sam Parker and J. T. McCrosson are interested, Kuhio said that he would introduce the measure in Congress, amending the organic act according to the plans outlined by the promoters.

"Of course, I am going to introduce the Kau ditch measure in Congress," said Kuhio this afternoon. "As I have not yet studied the plans which are contained in it, I can not now say whether I will support the measure or not."

LOOKING INTO CLARK'S IDEAS

Investigation of the plans announced by C. W. Clark, of the United Fruit Company, for handling the banana trade of the islands will be carried on by the Merchants' Association through Norman Watkins. The association has named Mr. Watkins to look into the merits of Clark's ideas, and he is preparing now to make a thorough investigation of the company's propositions.

He will take up through correspondence with the headquarters of the United Fruit Company in the east and will later make a report to the Merchants' Association on his findings.

Clark declared while in Honolulu that the company would not only make advantageous contracts with growers of bananas, but would also furnish bonds to protect the growers. This will be looked into by Mr. Watkins.

He said this morning that it is not the intention of the Merchants' Association to act as a produce exchange in any way, merely to investigate the United Fruit Company's offer and report as to its merits. The report will not be ready for several weeks.

Cork oak is to have a thorough trial in the national forests. The bureau of plant industry of the United States Department of Agriculture has assigned 2,000 one-year seedlings of cork oak, now at a nursery at Chico, Cal., to be used by the forest service for experimental planting.

"For Rent" cards on sale at the Bulletin office.

The PRESENT

This is the time of year when you commence to think of Christmas and Christmas gifts. It's hard to know just what to give; just what will be acceptable. Our store is full of articles suitable for gifts at prices and of variety to please everyone. We suggest that you visit our store and look over our new stock.

The early shopper avoids the crowds, and gets first choice and better attention.

H. F. Wichman & Co., Ltd.,

Leading Jewelers

FORT STREET

SOZODONT liquid before retiring—the powder or paste in the morning—wonderful results. Try it.

Christmas Candies

Wholesale and retail. Churches and Sunday Schools supplied. We have a large stock at low prices.

IMPORTED FRENCH BON-BONS CHOCOLATES, MARSHMALLOWS, ETC.

Finest in the World—made fresh every day. Order your Christmas candies here. Remember the Palm Test is "The Best."

Palm Cafe,

Hotel Street. Phone 2011

The Importance of

PURITY IN FOOD

cannot be overlooked by the careful housewife. Jellies, Preserved Fruits, Ketchups, Relishes, Pickles, etc., are too often put up with harmful preservatives and artificial flavouring and coloring matter.

HEINZ FOODS

ARE ABSOLUTELY PURE.

All the famous "57" at your grocers.

Men's Hats

STRAWS and FEDORAS

Nifty White Fedoras, Serviceable Black Ones All kinds of Straws

YAT HING,

HOTEL STREET, NEAR FORT

Butter

as good as was ever made on a farm better than the average sold here.

ASK FOR THE AUSTRALIAN.

We have some fresh fish. Ask for it.

SOLE, SALMON, TOM COD, ROCK COD, HADDOCK. Extra Quality.

Metropolitan Meat Market

HEILBRON & LOUIS, Proprietors PHONE 1814

For Men's Comfort

A SLIPPER SUBSTANTIALLY MADE AND AFFORDING THE HIGHEST DEGREE OF COMFORT, EASY TO GET ON AND OFF. THEY'RE MADE OF TOWELING, WITH VITALITE SOLES. AN IDEAL FOOTCOVER FOR THE BEDROOM. WE SELL THEM FOR $1.50. AN ACCEPTABLE CHRISTMAS PRESENT THAT DOES NOT SPELL EXTRAVAGANCE.

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Will buy a BEACH LOT near Diamond Head.

Excellent Sea Front Residence sites. Fruit trees and grass growing on lots.

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TRUSTS, REAL ESTATE AND COLLECTIONS
Cor. Merchant and Alakea Sts.

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$ 200—Fine Lot at Puunui avenue, near Country Club; 50x105.

$ 200 each—Two Lots at Waialae Heights, partly improved, near car line; 50x100 each.

$1300—Large House and corner Lot at Winam avenue, Kaimuki; 11,449 square feet. Original cost over $3000.

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Waity Building 74 S. King Street

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DONDERO & LANSING
Phone 2553 83 Merchant St.

$500 to $15,000

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have your funds in

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and you will escape many travel fund annoyances. These Cheques are accepted without question and without discount by 40,000 Banks and by Railroad and Steamship Companies, Hotels and Shops.

Bank of Hawaii, Ltd.

Capital and Surplus
$1,000,000.

A Trust Company

is naturally in a better position to handle your affairs than an individual.

Therefore, in making your Will name as your Executor the

Hawaiian Trust Co., Ltd.,
923 FORT STREET

P. H. BURNETTE
Com'r. of Deeds for California and New York; NOTARY PUBLIC; Grant Marriage Licenses; Draws Mortgages, Deeds, Bills of Sale Leases, Wills, Etc Attorney for the District Courts. 79 MERCHANT ST HONOLULU. PHONE 1310.

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Honolulu Stock Exchange

Tuesday, Dec. 6.

NAME OF STOCK.	Bid	Asked.
MERCANTILE.		
C. Brewer & Co.	.....	550
SUGAR.		
Ewa Plantation Co.	27	27¼
Hawaiian Agric. Co.	.....	220
Haw. Com. & Sug. Co.	32½	33
Hawaiian Sugar Co.	34½	36
Honomu Sugar Co.	125	.....
Honokaa Sugar Co.	10½	10⅞
Hutchinson Sugar Plant.	.....	15
Kahuku Plantation Co.	.....	17½
Kekaha Sugar Co.	.....	195
Kolaa Sugar Co.	.....	.....
McBryde Sugar Co.	3⅝	4⅛
Oahu Sugar Co.	26	26¼
Onomea Sugar Co.	.....	.....
Olaa Sugar Co. Ltd.	3⅞	4⅛
Olowalu Co.	.....	.....
Paauhau Sugar Plant. Co.	15	.....
Pacific Sugar Mill	.....	.....
Paia Plantation Co.	125	150
Pepeekeo Sugar Co.	125	.....
Pioneer Mill Co.	175	184
Wailua Agric. Co.	91	94
Wailuku Sugar Co.	.....	.....
Waimanalo Sugar Co.	.....	.....
Waimea Sugar Mill Co.	.....	.....
MISCELLANEOUS.		
Inter-Island Steam N. Co.	109	115
Hawaiian Electric Co.	.....	.....
Hon. R. T. & L. Co. Pref.	.....	.....
Hon. R. T. & L. Co. Com.	.....	.....
Mutual Telephone Co.	.....	14½
Oahu R. & L. Co.	125	.....
Hilo R. R. Co., Pfd.	17	.....
Hilo R. R. Co., Com.	.....	11
Hon. B. & M. Co.	.....	21
Hawaiian Pineapple Co.	.....	31⅝
Tanjong Olok R.C., pd up	.....	40
do do ass. 65% pd.	.....	.....
Pahang Rub. Co. (Pd).	.....	.....
Pahang " (Ass. 40% Pd)	.....	.....
BONDS.		
Haw. Ter. 4% (Fire Cl.)	.....	.....
Haw. Ter. 4%	.....	.....
Haw. Ter. 4½%	.....	.....
Haw. Ter. 4½%	.....	.....
Haw. Ter. 3½%	.....	.....
Cal. Beet Sug. & Ref. Co. 6	100	.....
Hamakua Ditch Co., Upper Ditch 6s	.....	.....
Haw. Irrgtn. Co., 6s	101	102
Haw. Com. & Sug. Co. 5%	.....	.....
Hilo R. R. Co., Issue 1901	100	100¼
Hilo R. R. Co., Con. 6%	.....	96
Honokaa Sugar Co., 6%	101½	.....
Hon. R. T. & L. Co. 6%	104	104½
Kauai Ry. Co. 6s	.....	.....
Kohala Ditch Co. 6s	.....	100¼
McBryde Sugar Co. 6s	92¼	94
Mutual Tel. 6s	102	.....
Oahu R. & L. Co. 5%	100½	101
Oahu Sugar Co. 5%	.....	102
Olaa Sugar Co. 6%	92½	94
Pac. Sug. Mill Co. 6s	101½	.....
Pioneer Mill Co. 6%	101	.....
Waialua Agric. Co. 5%	.....	101

SALES—Between Boards: 50 Olaa, $4; 100 Olaa, $4; 150 Olaa, $4; 50 Oahu Sug. Co., $26; 25 Oahu Sug. Co., $26.

Session Sales: 5 Olaa, $4; 10 Olaa, $4.

Latest sugar quotation 4 cents or $80 per ton.

Sugar, 4cts Beets, 9s

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BOOKS FOR THE HOLIDAYS

Children and "grown-ups" appreciate the gift of a book but care should be used in the selection and this is often difficult in Honolulu because of the limited stocks. However, this year A. B. Arleigh & Co., Ltd., have not only a very large stock but a stock selected with particular reference to the local wants.

2185 editorial rooms — **2256** business office. These are the telephone numbers of the Bulletin.

LOCAL AND GENERAL

The Board of Supervisors will hold a meeting tonight.

A cool beer at the Anchor Saloon curio den. Don't forget it.

It goes without saying that everything is Best at The Encore.

E. J. Lord, of the Lord-Young Engineering Company, will arrive from San Francisco on December 19.

If you want a good job done on an auto or carriage take it to Hawaiian Carriage Mfg. Co., 427 Queen St.

Eddie Fernandez, Representative-elect, was a departing passenger on the Mauna Kea today for a short trip.

Pay cash and ask for green stamps. They're free. Call at the show rooms and see what you get free for stamps.

W. H. Crawford, who is cicerroning a party of vaudeville artists to Hilo, left with his charges on the Mauna Kea this morning.

Don't hesitate a moment about the Christmas present. You know very well he wants cigars and you can be sure that the Owl cigar will please him.

Write your Christmas cards in gold ink. You can get this at Lewers & Cooke, 177 So. King street. They also carry gold paint and bronze powder. Ask them about them.

While it is true that John F. Colburn was married on last Saturday, it turns out to be John F. Colburn 3d, and not the treasurer of the Kapiolani Estate, but his son.

The regular Tuesday evening band concert at Thomas Square will be omitted tonight, as the band will play late this afternoon at the departure of the transport.

Although the season is supposed to be over, pineapples continue to arrive at the pineapple cannery in carload lots and are put through the process of manufacture into juice.

Light and heavy draying in all its branches, traction engine plowing, plantation construction and general contracting. Honolulu Construction and Draying Co., Queen street. Telephone 2281.

Yee Chan & Co. have just put in a big stock of the famous Dr. Denton Sleeping Garments for children. Parents, see these goods and you will not hesitate about getting the garments for the little ones.

Every man wants a lunch. There's no room for argument about that. And there's just one place to get your lunch and that is at the Criterion. The man who has been there will tell you there is no argument about that.

The Woman's Board of Missions will meet in Central Union church at 2:30 this afternoon. A communication from Mrs. Hyde, a former president of the Board, will be read. All interested are cordially invited to attend.

There will be many dinners and balls during the holiday time and the ladies should see that their dinner and evening gowns are spotless. The French Laundry, 777 King street, perfectly cleans the most delicate garments.

The merchant who buys a motor truck without the most careful investigation makes a serious mistake. The "Grabowsky" invites the most critical examination. Honolulu Power Wagon Co., 875 South street, Telephone 2166.

A large quantity of structural steel has been received on the site of the new Y. M. C. A. building. The arrival of the building beams is a trifle ahead of work in hand and will require some moving about until the foundation has been laid.

Holiday Time isn't Holiday Time in the home unless the house is festooned with Holly and Mistletoe wreaths and there are bells at the doors and windows. Everything of this sort carried by the Hawaiian News Co., Ltd., Alex. Young building.

The Honolulu Realty Association held a meeting last night at the Commercial Club to talk over prospects for the association. Another meeting will be held on Friday night at the Commercial Club to elect officers and formally organize.

NOTICE

Authorities say you are incurable if you have had "kidney trouble" (inflammation of the kidneys) over six months; deaths now nearly 90,000 a year. Call for free diet list and pamphlet that may prolong or save your life.

HONOLULU DRUG CO., LTD.

WANTS

WANTED.

Office boy, white; exceptional chances for advancement. Reply in own handwriting, giving references, to P. O. Box 30, Honolulu. 4792-tf

Assistant sugar boiler for Olaa plantation. Apply to the manager of the plantation. 4792-6t

TO LET.

Newly furnished room in private family. Gray stone house, next to German church, on Beretania St. 4792-3t

Hints for the Christmas Shoppers

A Man Wants

A Bath Robe, $5.00 to $15.00.

A Loungeing Robe, $6.50 to $10.00.

Smoking Jacket, $8.50 to $15.00.

Leather Box for Collars, $1.50 to $3.50.

The New Leather Case with matched Ties and Socks, from $1.75 to $3.50

Irish Linen Handkerchiefs in Leather Case, g2.50 to $5

SILVA'S TOGGERY. LTD.,
Elks' Building King St.

ENTRIES LACKING FOR WALK RACE

Kalakaua Avenue Event Has Blank Book Up to the Present.

It is up to the walking men of this city to get busy in a hurry if the annual Kalakaua avenue walking match is to come off the middle of the present month as is customary.

For the past two weeks there has been an entry book open at E. O. Hall & Sons and up to the present time the pages all remain blank without a single entry for the event.

This race has always called out many aspirants for walking honors, and as both Dick Sullivan and H. M. Ayres will not compete this year there is a chance for others who think they can go some.

Sullivan is going to offer a neat little silver cup for the winner of the race this year, and the prize will be worth going after by everyone who has aspirations along the walking line.

It is not thought advisable to have an elimination race this year and all the entrants will take part in the main event, the race starting from King street and Kalakaua avenue and finishing at Waikiki Inn.

The entry book is open and all that those desiring to enter have to do is to go to Hall and Sons and write their names.

Come all you walking men, it is time to get busy.

AMUSEMENTS.

Great American Show

IMMENSE SUCCESS AT THE OPENING

At Aala Park

Performance Every Evening
Matinee Wednesday and Saturday

PROGRAM

YOUTURKEY—The Japanese Wonder, in the Marvelous Wire Act.
TATO & TATE—Comic Entree.
THE MARVELOUS BENO — America's Greatest Equilibrist and Balancing Trapeze Artist.
FRANK VOERG — The German Eccentric Comedy Musical Artist.
MR. GEORGE SETTLER and his troupe of 18 Performing Dogs.
4 WELDON'S TROUPE OF ACROBATS—May, Hazel, Ida and Charles—in their Wonderful Acrobatic Performance.
TATO & TATE — Two funny old Clowns.
YOUTURKEY — In his wonderful "Slide for Life" Act.
THE VALLE TRIO—High-class Musical Novelty Act.
The Great SIEGRIST & SILBON TROUPE of ten people — The greatest feature of the Barnum & Bailey Circus.

PROGRAM CHANGED NEXT WEEK

DANCING SCHOOL.

Children's dancing class every Friday afternoon in Odd Fellows' Hall at 3:30 o'clock. Private lessons by appointment. Phone 1747.
MISS HAZEL BUCKLAND.
4791-1m

BUFFALO OFF ON THURSDAY

Thursday the naval transport Buffalo will sail from Honolulu for San Francisco, completing her voyage from the Orient.

The Buffalo brought no officers or men for Honolulu and takes none for the coast from here. Coaling is now going on and after this is finished and the ship put in good shape the voyage to the coast will commence.

Nichtheroy was the former name of the Buffalo when that vessel flew the flag of Brazil before being purchased by Uncle Same more than ten years ago.

Dr. Victor S. Clark of the Board of Immigration, has received an interesting set of figures from Director Durand of the Federal Census Bureau. The figures are on the manufacturing industry of the Hawaiian Islands, showing great increase in the past ten years.

POPE TO CONFER WITH OFFICIALS

Willis T. Pope, Superintendent of Public Instruction, left this morning for Hilo by the Mauna Kea and will return Friday.

He said before sailing that he was going to the rainy city for the purpose of meeting the school board of Hawaii for a conference on certain changes in the school laws and that further than that his visit had no significance.

Mr. Pope will not make any extended inspection of the school work on the big island, merely looking into school conditions in and around Hilo.

The steamer Kaiulani is loading sugar at Honokaa, Hawaii, after which she will proceed to Hilo to unload her cargo onto a freighter, which is expected to arrive there daily.

If It's Paint

AND YOU WANT A GOOD JOB, SEE ME—TOM SHARP

SHARP SIGNS

ARE SEEN EVERYWHERE
PHONE 1697 ELITE BUILDING

The Big Toy Store

Wall, Nichols Co.,

Limited - King Street

Where you can find almost everything you may want for a gift.
Christmas without Toys for the children would not seem like XMAS to them.
COME AND SEE THE VARIETY
King Street.

Xmas Novelties

Now on Display

JORDAN'S

FULL TEXT OF SUPREME COURT DECISION ON ELECTION CONTEST

IN THE SUPREME COURT OF THE TERRITORY OF HAWAII.

October Term, 1910.

JOHN C. LANE v. JOSEPH G. FERN.

ELECTION CONTEST.

Argued November 29, 30, 1910.
Decided December 6, 1910.

Hartwell, C.J., Perry and De Bolt, JJ.

Elections—right to contest.

The right to contest an election is purely statutory. What constitutes a cause of contest is a question to be determined in accordance with the statutes of the jurisdiction in which the question is raised.

Elections—question "as to the validity" of ballots.

Whether a ballot marked and cast after five o'clock on the afternoon of election day, and whether a ballot willfully exhibited by a voter to another, after marking and before casting it, should be rejected or counted by the inspectors are, within the meaning of Section 56, Act 118, Laws of 1907, questions "as to the validity" of the ballot, within the power of the inspectors to decide and of this court to review on a contest under Section 57 of that Act.

Elections—what constitutes a "decision" by inspectors.

The mere acceptance and the counting of ballots marked and cast after five o'clock on election day constitute "decisions" within the meaning of Sections 56 and 57 of Act 118.

The mere acceptance and the counting of ballots exhibited to others by voters after marking and before casting them constitute "decisions" within the meaning of the sections named, at least if the exhibiting was seen by or known to the inspectors at the time of the occurrence or before such acceptance and counting, and perhaps, also, even if the exhibiting was not thus seen or known.

Elections—what is a "question."

The word "questions" used in section 56 of Act 118 does not refer to issues expressly raised at the polling place on election day by the candidates or their representatives, but to issues capable of being raised although not raised.

Elections—causes of invalidity of ballots.

The word "hereof" in Subsection 5 of Section 94, R. L., does not refer to the section itself but to all of the Rules and Regulations for Administering Oaths and Holding Elections promulgated by the president of the Republic in 1894 and now included in Chapters 7, 8 and 9, R. L. It refers not only to improper marks on the face of the ballot but also to other causes of invalidity.

Elections—meaning of "decision."

A "decision," within the meaning of Sections 56 and 57, R. L., may be made, in proper cases, before as well as after the ballots are physically in the box.

Elections—ballots cast after 5 p. m. valid.

Ballots otherwise valid are not rendered invalid by the mere fact that they were prepared and cast between 5 p. m. and 6:30 p. m. on election day.

Elections—exhibited ballots invalid.

Ballots willfully exhibited to others by the voters after marking and before casting are invalid. Whether the inspectors and this court have jurisdiction to so determine (on a contest) with reference to ballots the exhibiting of which was not known to the inspectors, is not decided in this case.

OPINION OF THE COURT, BY PERRY, J.

(Hartwell, C. J., dissenting in part)

Briefly summarized, and subject to qualifications hereinafter mentioned, the petition sets up three causes of contest: (1) that in a named precinct the polls were kept open until 6:30 o'clock on the evening of election day and that sixty-four ballots were marked, cast and accepted after 5 o'clock p. m.; (2) that while a large number of voters were in the polling-house engaged in marking their ballots, or about to do so, one McCandless was present and handed pencils to numerous electors and by words and acts endeavored to influence the electors to vote for Fern, and that one Wolter was also present and "instructed" a number of electors "how to vote" and likewise by words and acts endeavored to influence the electors to vote for Fern; (3) that certain voters, their number not being stated, exhibited their ballots, presumably after marking them, to others, and that at times two or three electors were in the same compartment of the polling place marking ballots in plain view of each other. A further statement of the case is contained in the opinion of the Chief Justice. The demurrer presents two questions, among others, first, whether upon the allegations of the petition the court is without jurisdiction to hear the contest, and, second, whether a cause of action is sufficiently set forth. In the view that we take it will be necessary to consider both of these grounds.

It is undoubted that the right to contest an election is purely statutory and must be determined in accordance with the statutes of the jurisdiction in which the question is raised. It is also true that the Hawaiian statutes on this general subject of contests have from time to time undergone change and that the powers of this court other, perhaps, than by writ of quo warranto, are not as extensive as they were at times in the past. Beyond this we have not found a study of the former statutes of much assistance. The question still remains, what are the present powers of this court under the statutes now in force? That is a question of construction.

This was an election held under Act 118 of the laws of 1907, "Incorporating the City and County of Honolulu." The direct source of the authority for the conduct of the election and for any contests arising under it is that act; and so also the source and the limits of our jurisdiction in this case is to be found in that act and in other acts by it made applicable. Section 40 of Act 118 provides that "The general laws and rules governing the election of Senators and Representatives of the Territory shall apply in the election of city and county officers, wherever applicable, except as herein provided." Those general laws and rules are to be found, in the main, in Chapters 7, 8 and 9 of the Revised Laws. Sections 56 and 57 of Act 118 read as follows: "All questions as to the validity of any ballot cast at any election held under this Act shall be decided immediately and the opinion of the majority of the Board of Inspectors of Election at each polling precinct shall be final and binding, subject to revision by the Supreme Court of the Territory as hereinafter provided." "Any candidate directly interested, or any thirty duly qualified voters of any Election District may file a petition in the Supreme Court of the Territory setting forth any cause or causes why the decision of any Board of Inspectors should be reversed, corrected or changed."

While petitioner contends to the contrary, it may be assumed for the purposes of this opinion that Section 57, adding nothing in this respect to Section 56, grants no power to this court to consider questions which the inspectors could not have lawfully considered. It was so held in Kaneali vs. Hardy, 17 Haw. 9, 12, the court saying, "And likewise the Supreme Court, in revising any such decision of a board of inspectors, could not consider questions which the board itself could not consider. Section 41" (Section 57) "limits the petition for such revision to causes for reversing, correcting or changing the decision of the board." This assumption is, in other words, that the "decision" mentioned in Section 57 is the same decision, and no other, referred to in Section 56. It may be assumed also, as is probably the case, that the decision contemplated in these two sections must be "as to the validity of any ballot" and not as to any other cause for invalidating an election, as, for example, not as to any defect in the nomination of the candidate nor as to the latter's eligibility. It may be assumed still further that the causes of invalidity cognizable by the inspectors are simply those mentioned in Sec. 94, R. L.,—although perhaps that view is not capable of as much support in the construction of Section 56 as it would be in the case of the construction of Section 95, the language of which, with the exception of the provision as to revision by the Supreme Court, is the same as that of Section 56, for of Section 95 it can be said, as it can not be said of Section 56, that it is a part of the same act as Section 94 and immediately follows it, whereas Section 56 is in a separate statute and at first reading, at least, might not appear to be limited to Section 94 by continuity of thought or expression. Nevertheless, with all of these assumptions, we think that the decisions of the inspectors, if decisions within the meaning of the statute were made, (that subject is treated below), were "as to the validity of ballots," both with reference to the sixty-four cast after 5 o'clock and with reference to those which had been exhibited by voters.

Sec. 94, R. L., reads as follows: "If more names are voted for on a ballot than there are offices to be filled; or

"If on a ballot for Representatives a larger number of votes are marked than the law authorizes; or

"If a ballot contains any mark or symbol whereby it may be identified, or any mark or symbol contrary to the provisions hereof; or

"If two or more ballots are found in the ballot box so folded together as to make it clearly evident that more than one ballot was put in by one person; or

"If a ballot in any other way be contrary to the provisions hereof; then such ballot and all it contains must be rejected.

"But no ballot shall be rejected for containing a less number of names voted for than the law authorizes.

"Each ballot which shall be held to be invalid as aforesaid shall be indorsed on the back by the chairman of inspectors, with his name or initials, and the word 'rejected.'" This was originally Section 108 (C. L., Appendix, p. 821) of Rules and Regulations for Administering Oaths and Holding Elections, promulgated by the president with the approval of the cabinet, under Section 79 of the Constitution of the Republic. The word "hereof," in paragraph five of this section, clearly refers, as we think, not to the section itself, but to all of the rules and regulations so promulgated as one document, otherwise the words in the same paragraph "in any other way" become meaningless, for the "ways" of the paragraph itself are each and all specifically set forth. The expression "in any other way" was certainly intended to add to that specific list "ways" in which a ballot might be contrary to the provisions mentioned. Nor do we find ourselves able to construe this subdivision or paragraph as referring solely to defects on the face of the ballot itself, such as improperly placed crosses, blots and marks of identification. Such markings and other physical defects on the paper itself had already been mentioned in that section. Ballots may be "contrary to the provisions hereof" for reasons other than improper marks or physical defects. A few illustrations may be of assistance. The Organic Act, in Section 14, names a day in each two years when the regular election is to be held. If one or more ballots, otherwise valid, should, after midnight at the end of election day, be prepared and offered to inspectors to be deposited in the ballot box, would they not be invalid, and would it not, under Section 94, be within the power and duty of inspectors to so decide and refuse to permit the voters to cast them? If in a precinct having in full operation a lawful polling place fifty voters, for whom lawfully prepared blank ballots had been surreptitiously secured, should mark the ballots in a saloon or other unauthorized place, and if shortly before closing time a box containing those fifty ballots should be presented to the inspectors at the lawful polling place with the request that the votes so furnished be counted, would not those votes, although in every way correctly marked, be invalid, and would not the inspectors be justified and required, if they did their duty, to then and there so adjudge and reject the attempted ballots? If ballots, in every other way regular, should be offered by women or by persons obviously minors would not the same action be proper and requisite? We cannot but think that these questions answer themselves. In each such instance the ballot would be "contrary to the provisions hereof." Not every piece of paper correct in color and apparently correct in form is a valid ballot. The time and the place of the marking and the casting, and the identity and the qualifications of the person offering it may all be, under the particular statutes in force, elements essential to rendering it a valid ballot.

In our opinion the fact that a ballot was prepared and cast after 5 o'clock presents an issue of validity or invalidity to be determined in view of the provisions of the statute. So also does the fact that the voter (not disabled, under Sec. 89, R. L.), after marking his ballot, and before casting it, wilfully exhibits it to another. How these two questions of alleged invalidity should be determined, whether for or against the contentions of the petitioner, is a wholly distinct matter. Both were questions capable of being "decided" by the inspectors one way or the other under Section 56 of Act 118.

But it is said that it does not appear from the petition that the inspectors made any "decision" concerning the ballots claimed to have been exhibited. Whether or not it can be held that there was a decision relating to the ballots the exhibiting of which was not seen by or known to the inspectors at or shortly after the exhibiting, need not be determined on this demurrer. It is a question which has not been argued and which may not arise at the trial. Since, however, the petition is held amenable in certain respects, it becomes necessary, in order not to encourage the petitioner to return into court with an amended petition simply to be then told that the court in no event has jurisdiction, to consider further whether there was a "decision" of the inspectors as to those ballots the exhibiting of which was thus seen by or known to them. In our opinion there was. The mere acceptance of the ballots with such knowledge and the subsequent counting of them constitute decisions. No formality is required or contemplated by the statute. There is no requirement that the determination be reduced to writing. No set words, written or oral, are necessary. No words at all are necessary. Acts speak louder than words, and what more effective can there be as an announcement of the conclusion reached than the acceptance or the rejection, as the case may be, of a ballot? For example, the statute at least appearing to contemplate a closing of the polls at 5 o'clock and the polls having been kept open until 6:30, could anyone have been misled or left in ignorance, after the acceptance and counting of the sixty-four ballots, as to the decision of the inspectors that those ballots were valid? We think not. The same is true of the acceptance and counting of the exhibited ballots, if the exhibiting was with the knowledge of the inspectors.

It may be said that the use of the word "cast" in the phrase in Section 56, "all questions as to the validity of any ballot cast _ _ _ shall be decided," shows an intent on the part of the Legislature to confine decisions to ballots which are already in the box and excludes the legal possibility of a decision prior to the physical presence of the paper in the box. It seems to us that this position would not be sound. A ballot may be cast, within the meaning of this section, which is not yet physically in the box. It is cast when the voter has exhausted all reasonable efforts to have it placed in the box. Inspectors certainly are not compellable, closing their eyes to irregularity and to all glaring causes of invalidity, to accept every paper offered as a ballot and put it in the box. If a voter after receiving a blank ballot openly and defiantly leaves the polling place and marks his ballot outside at the dictation and in full view of a candidate, and then offers to place his ballot in the box, or if such offer be made by a person who admittedly has already cast on the same day a ballot in the same precinct, or by an alien, or by a woman, or by one indisputably a minor,—in every such instance inspectors may then and there "decide," within the meaning of the statute, that the ballot is invalid and may reject the same. That is one of the things that they are there for. The Legislature so intended. It would be proper practice, undoubtedly, in such cases, for the inspectors after marking them for identification to set aside and preserve, for possible use in this court on a contest, all such ballots; but the fact remains, as we think that the decision contemplated in the statute may take place before, as well as after, the physical presence of the paper in the box. The absence of any provision requiring the marking of rejected ballots for identification, whether such rejection takes place before or after the placing of the paper in the box, does not militate against this view. A "decision" may be with reference to ballots which after as well as before the decision are unidentified and whether such lack of _ _ _ tion results from mistake, _ _ _ or impossibility. Section 62 of Act 118 evidently contemplates the occurrence of cases such as these "where a correct result cannot be ascertained because of a mistake or fraud on the part of the inspectors."

The mere acceptance, therefore, of the ballot and the placing of it in the box, if done with knowledge of the exhibiting, was a decision within the meaning of the law and subject to revision by this court.

It is further said that there was no decision concerning the exhibited ballots because there was no "question" within the meaning of Section 56. It will be recalled that that section provides that "all questions _ _ _ shall be decided." The word "question" is ordinarily used in at least two senses, as denoting (1) an issue expressly raised by the parties to a judicial proceeding and to be determined by the court, and (2) an issue capable of being raised, although not raised. Both are familiar uses of the word. In which sense was it used here? We think the latter. All proceedings at polling places on election day are necessarily more or less informal. At times at least in the day, there is great stress of work and but little time for formalities. Trained lawyers are not expected to take part in the conduct or watching of elections. In the great majority of cases the candidates and agents who attend to watch the proceedings are without knowledge of the technical procedure required in courts to raise a question within the first meaning of the word above mentioned. No procedure is prescribed in the act for noting exceptions or for keeping a record of the raising of questions, this of itself indicating that questions in that sense were not contemplated by the Legislature. No right is secured by the statute to watchers to examine ballots for improper marks, etc., before the making of a decision thereon by the inspectors. It would be unreasonable to hold, under the circumstances, that men who have no opportunity (what is done by mere courtesy is immaterial) secured by the law of right to make such examination and to ascertain causes of invalidity must specifically raise question or be thereafter barred from the right to a revision by the supreme court. If this is the correct view concerning defects on the face of the ballots it must be so also concerning other causes of invalidity. The word "question" must have one and the same definition in all instances. We can see no room for a distinction in that respect between one class of causes and another class, or any necessity or justification for requiring any more formal, more definite or different "question" concerning exhibited ballots than concerning any other ballots.

It would be impracticable, further, to hold that "questions" refers, in some classes of cases, to a mental state or process in the minds of the inspectors,—that it is essential, in other words, that the inspectors in counting each ballot observe the alleged ground of the invalidity. If it were so held, would a distinction be made, as to the power of this court to review, between markings which were observed by inspectors and markings which were not? Would it be made a question of fact, in each instance determinable upon the evidence of the inspectors? And how would the jurisdiction be affected, for example, by a failure of memory on the part of the inspectors as to whether or not they had at the time observed the possible defect?

In our opinion, by receiving and also by counting the ballots cast after five o'clock and the exhibited ballots, if with knowledge, the inspectors decided, favorably to the voters, the "question" of the possible invalidity of those ballots and those decisions are now "subject to revision" by this court under section 56, upon a petition duly filed under section 57.

Were the ballots cast after five o'clock invalid? R. L., Sec. 78, prescribes that "The polls shall be opened by the inspectors at 8 of the clock upon the morning of the election day, and shall be kept open continuously until 5 of the clock in the afternoon of said day, unless all of the registered voters of the precinct shall have polled their votes previously to that time, after which the polls shall be closed and the votes counted as in this chapter provided." It may be noted in passing that while it is required that the polls be kept open until five o'clock, there is no express prohibition that they may not continue open after five o'clock. It is, indeed, provided that the votes shall be counted after five, but how much after or whether immediately after is not stated. It may be that it was not even an irregularity to receive the sixty-four votes, particularly if, as in Kulike vs. Fern, 19 Haw. 278, the voters were all within the polling place before five o'clock. However that may be, and even if there was an irregularity the ballots were in our opinion not illegal. The provision is directory only. There is no penalty for its violation save such as may be found in chapter 9, relating to Offenses Against Election Laws, by way of fine or imprisonment for the offending inspectors or, possibly, any one inciting them to the commission of the offense. There is no provision that votes cast after five o'clock shall not be received or shall be invalid. The object of the election was to obtain the free and untrammeled expression of the will of the voters concerning the choice of candidates for the office of mayor. There is no contention that this end was not accomplished. Voting after five o'clock and until 6:30 did not interfere with the desired expression of the voters' choice. We do not mean to say that cases may not occur of a violation of the statute in this respect so gross, as, for example, the receiving of votes after midnight, as to require declaring the votes so received, and perhaps the whole election, void. But this is not such a case.

The authorities on this subject are not in entire accord. The weight of reason is in support of the view just presented. While statutes differ in different jurisdictions, and while, therefore, not as much aid is to be derived from decisions elsewhere as might otherwise be the case, still a few quotations will not be out of place.

"If the law itself declares a specified irregularity to be fatal, the courts will follow that command, irrespective of their views of the importance of the requirement. In the absence of such declaration, the judiciary will endeavor, as best they may, to discern whether the deviation from the prescribed forms of law had or had not so vital an influence on the proceedings as probably prevented a free and full expression of the popular will. If it had, the irregularity is held to vitiate the entire return; otherwise it is considered immaterial." Bowen vs. Smith, 111 Mo. 45, 61, 62.

"Where there has been a fair and free expression of the popular will, a mere irregularity in conducting an election will not invalidate it."—Clark vs. Leathers, 5 S. W. (Ky.) 576, 578.

"But if, as in most cases, that statute simply provides that certain acts or things shall be done within a particular time or in a particular manner, and does not declare that their performance is essential to the validity of the election, then they will be regarded as mandatory if they do, and directory if they do not, affect the actual merits of the election."—McCrary, Elections, Chap. 225.

"It does not appear that these irregularities had any effect upon the voting, the counting or the returns, and consequently, for present purposes they are immaterial."—Lehlbach vs. Haynes, 34 N. J. L. 77, 81, 82.

"The particular hour in the day is not the essence of the thing required to be done. Should inspectors on a cloudy day, and misled by a defective timepiece, close the polls a few minutes before sundown, or receive a few votes after that hour, if the time of the day be of the essence of the thing, the whole election for that district would be void. I cannot subscribe to this doctrine. I think the statute is directory."—People vs. Cook, 8 N. Y. 67, 92, 93.

"A statute is to be regarded as directory merely if the directions given to accomplish a particular end may be violated and yet the given end be in fact accomplished, and the merits of the case unaffected, and this rule is applied where the statute gives directions as to the manner of holding elections; but the same rule cannot be applied to the constitution of the State."—Varney vs. Justice, 86 Ky. 596.

"It is the duty of the courts to uphold the law by sustaining elections thereunder that have resulted in a full and fair expression of the public will, and, from the current of authority, the following may be stated as the approved rule: All provisions of the election law are mandatory if enforcement is sought before election in a direct proceeding for that purpose; but after election, all should be held directory only, in support of the result, unless of a character to affect an obstruction of the free and intelligent casting of the vote, or to the ascertainment of the result, or unless the provisions affect an essential element of the election, or unless it is expressly declared by the statute that the particular act is essential to the validity of an election, or that its omission shall render it void."—Jones vs. State, 153 Ind. 440, quoted and adopted in Willis vs. Kanealli, 17 Haw. 243, 247.

See also McCrary on Elections, Chap. 227; Cleland vs. Porter, 74 Ill. 76, 78, 79; Patten vs. Watkins, 131 Ala. 387 (31 So. 93, 94), Holland vs. Davies, 36 Ark. 446, 450; and Fry vs. Booth, 19 O. St. 25, 27.

We think that the allegations in the petition concerning the receipt of votes cast after five o'clock are immaterial.

As to the ballots exhibited, Sections 87 and 88 of the Revised Laws read as follows: "No voter shall exhibit his ballot to any other person, nor shall any person look at or ask to see the contents of the ballot of any voter, except as provided in section 89; nor shall any person within the space set apart for a polling place attempt to influence a voter in regard to whom he shall vote for. When a voter is in the balloting compartment for the purpose of marking his ballot, no other person shall, except as provided in section 89, be allowed to enter the compartment or to be in a position from which he can observe how the voter is marking his ballot." "No person shall take a ballot out of the polling place; and if any person having received a ballot shall leave the polling place without first delivering the same to the inspector of election as provided in this chapter, or shall willfully exhibit his ballot except as provided in section 89, after the same shall have been marked, he shall thereby forfeit his right to vote, and the chairman of inspectors shall cause a record to be made of such proceeding." Differing from the subject of the time of the closing of the polls, this provision is express and unambiguous that a voter who shall willfully exhibit his vote to another "shall thereby forfeit his right to vote." It is precisely as though the language were that the vote "shall not be counted" or "shall be invalid." The language is too clear for construction or argument. It is mandatory. The disregard of the provision may well, and ordinarily does, interfere with that free and untrammeled expression of the will of the voters which, as above noted, it is the main object of the law to secure. The secrecy of the ballot is an essential part of the whole scheme of our election laws. It is essential to its purity. It would be an undoubted incentive to bribery and fraud to have it known that a briber could call on the bribed to prove by exhibiting his ballot just before casting it that he was performing his part of the contract. This consideration, to be sure, would not confer jurisdiction on this court if none were otherwise conferred by the statute, but it tends to show, with other considerations, that the provision is mandatory and that its violation renders the ballot invalid, and that therefore, under paragraph five of section 94, the ballot is "contrary to the provisions hereof."

"Every positive requirement, therefore, which, if disobeyed, would necessarily defeat this object" (the secrecy of the ballot) "should be held mandatory." Hall v. Schoene Ke. 128 Mo. 661, 669.

"I am aware that many cases may be cited in which powers relating to the method of conducting elections are held directory. But certainly the better authorities and the better reasoning do no justify the counting of a ballot which by the tenor of the act it is provided shall not be received." Attorney General v. May, 99 Mich. 538, 559.

See also McCrary, Elections, Sec. 227, and Attorney General v. McQuade, 91 Mich. 439, 440, 445.

It remains to be noted that under sections 87 and 88 the exhibiting must be done willfully in order to cause a forfeiture; that the exhibited vote must have been seen by another, a vote not being exhibited within the meaning of the law which is merely held so that another can see, who does not in fact see; that in order to support a cause of action there must have been fifty-two or more invalid votes; and perhaps, also, although upon this question no opinion is expressed, that in order to a "decision" concerning exhibited ballots the exhibiting must have been seen by or known to the inspectors at or shortly after the time of the occurrence. The reason for the requirement concerning fifty-two invalid votes is obvious. If the total number of invalid votes is less than the majority of the successful candidate it may well be assumed at the threshold that they were cast for the respondent, for the result of the election will still remain the same. Swepston v. Barton, 39 Ark. 549, 557. None of these matters mentioned in this paragraph are alleged in the petition. The petition, however, is capable of amendment as to all of them if the facts justify that course.

The acts of McCandless and Wolter, in so far as they were contrary to the law, do not of themselves invalidate the election or any of the votes cast. The statutes do not so provide expressly and must therefore, within the rules above mentioned, be regarded as directory. The remedy, if any, is by fine or imprisonment under chapter 9 of the Revised Laws. It need scarcely be added that such conduct is highly reprehensible and ought to be punished if the law permits it.

In our opinion the demurrer should be sustained on the ground, not that the court is without jurisdiction, but that the facts averred do not constitute a statutory cause of contest, with liberty to the petitioner to amend within ten days if so advised.

G. A. Davis, A. F. Judd, R. W. Breckons and G. S. Curry for petitioner; W. W. Thayer and C. W. Ashford for respondent.

Opinion by Hartwell, C. J., Dissenting In Part.

Petitioner, who was a candidate for the office of mayor of the City and County of Honolulu alleges that at the election held November 8, 1910, there were violations of the election laws in the sixth precinct of the fourth election district by reason of sixty-four electors having "voted after five o'clock and cast their ballots after five o'clock in the afternoon of the said day, whose ballots were counted by the election inspectors for the office of mayor," the petitioner claiming that those votes "were illegal and should not have been counted and returned," and that the "sixty-four voters had no right to vote after five o'clock in the afternoon," wherefore he claims all the ballots cast in the sixth precinct "were illegal and void and should not have been counted;" that after five o'clock in the afternoon of the election day there were over sixty people in the polling booth at said precinct "at one time and two or three electors about to cast their ballots and actually engaged in marking the same were in the same compartment in said polling booth talking to one another and marking their ballots in the presence of each other openly;" that Lincoln L. McCandless, candidate for the office of delegate to congress, was in the polling booth after five o'clock and handed "pencils to numerous electors for the purpose of marking their ballots and was trying to influence electors by words and acts to vote for" Fern (who has been officially declared to have been elected mayor), and that Wolter, a candidate for the office of representative of the fourth district, was in the booth and "instructed a large number of electors after five o'clock * * * how to vote and endeavoring by acts and words to influence certain electors in said polling booth to vote "for Fern for mayor, wherefore, as the petitioner claims, the votes cast in the sixth precinct were illegal and none of them should be counted and he "received a majority of twenty-six votes legally cast over the said Joseph J. Fern for the said office of mayor;" that between four o'clock and half-past five o'clock in the afternoon of the election day "there were at all times two or three electors in each compartment of the polling booth marking their ballots together and in the presence of each other without secrecy, openly and in flagrant violation of law," and that by reason thereof the votes in that precinct, deposited in the ballot box for the office of mayor, were illegally cast and that about sixty-four votes were so cast and illegally deposited in the ballot box and should have been rejected and not counted and that by reason thereof Lane received a majority of twenty-six of all the legal votes cast for the office of mayor; that the secrecy of the ballot was not observed nor the provisions of Sec. 87 R. L. (relating to secrecy of the ballot) carried out or followed in the polling booth of the sixth precinct where the election was being conducted, nor the provisions of Sec. 85 R. L. (as to method of voting) observed or followed from 2 p. m. until 6:30 p. m. of the election day; "that divers electors exhibited their ballots and marked the same openly in said polling booth, and divers electors marked their bal-

(Continued on Page 7.)

FULL TEXT OF COURT DECISION

(Continued from Page 6)

lots two or three together in the same compartment at the same time." The petitioner prays that the finding and declaration of the election inspectors of the sixth precinct that Fern received 230 votes and the petitioner 150 votes be declared null and void; that the same be reversed; that it be adjudged that no legal votes were cast there and that all the ballots counted by the inspectors for the office of mayor be declared illegal, and that the total vote in that precinct be rejected and that upon proof of those allegations the court adjudge that the petitioner was elected to the office of mayor, and for such further order and relief as the circumstances of the case may require and as the pleadings and proofs shall warrant.

The petition alleges, and it appears by the annexed copies of tabulated returns, that 3206 votes were cast for Fern and 3154 for Lane, making a majority of 52 for Fern, and that of the votes cast in all other precincts than the sixth precinct Lane received a majority of 26.

The respondent demurred to the petition on the ground that it does not show that the court has jurisdiction of the subject matter thereof and does show that the court is without jurisdiction in the premises; that the petition is indefinite and insufficient in failing to set forth facts or circumstances rendering it probable prima facie that sufficient of the alleged illegal votes were cast for the respondent to invalidate or change the result of the election or that the sixty-four votes were not cast for the petitioner and hence did not change the result of the election; that the petition does not show that any votes were illegally cast or that the alleged illegal course at the election in any wise influenced its result, and that the relief prayed for is not authorized by any law of Hawaii.

The petitioner's motion to dismiss the demurrer as not authorized by the statute relating to election contests was denied and the demurrer was argued.

Sec. 57 of Act 118, S. L. 1907, entitled "An Act to Incorporate the City and County of Honolulu," reads as follows:

"Any candidate directly interested, or any thirty duly qualified voters of any Election District may file a petition in the Supreme Court of the Territory setting forth any cause or causes why the decision of any Board of Inspectors should be reversed, corrected or changed."

It is claimed by the petitioner that the case presented in his petition is properly brought under the provisions of Sec. 57 above quoted; and that the "cause or causes" for reversing "the decision of any Board of Inspectors" include not only decisions by the inspectors upon the validity of ballots, in rejecting ballots not in accordance with the requirements of Sec. 94 R. L., but also their action in counting ballots cast after 5 o'clock and allowing the violations of the election laws alleged in the petition.

The respondent's contention is that the provisions of Sec. 57 refer to those of Sec. 56, or, as he puts it, that Sec. 57 is the complement of Sec. 56. Sec. 56 reads as follows:

"All questions as to the validity of any ballot cast at any election held under this Act shall be decided immediately and the opinion of the majority of the Board of Inspectors of Election at each polling precinct shall be final and binding, subject to revision by the Supreme Court of the Territory as hereinafter provided."

The respondent insists that none of the alleged violations of the election laws, whether on the part of unauthorized persons in the polling booth or of the inspectors in keeping the polling booth open after 5 o'clock and allowing votes cast after that hour to be counted, were decisions by the board of inspectors on any "questions as to the validity of any ballot."

There is much diversity in the statutory causes for which elections may be contested in the several states. In California, for instance, a contest may be made for "malconduct" and not merely for express violations of the election laws on the part of any judge of elections and also "on account of illegal votes." The California Code of Civil Procedure is as follows:

"TITLE II. Of Contesting Certain Elections. Sec. 1111. Who may Contest, and Grounds of Contest. Any elector of a county, city and county, city or any political subdivision of either, may contest the right of any person declared elected to an office to be exercised therein, for any of the following causes:

"1. For malconduct on the part of the board of judges, or any member thereof.

"2. When the person whose right to the office is contested was not, at the time of the election, eligible to such office.

"3. When the person whose right is contested has given to any elector or inspector, judge, or clerk of the election, any bribe or reward, or has offered any such bribe or reward for the purpose of procuring his election, or has committed any other offense against the elective franchise defined in title four, part one, of the Penal Code.

"4. On account of illegal votes."

Under this law, since neither voters nor candidates have any control over election officers, and to upset elections because such officers have failed strictly to comply with the law, as in matters relating to arrangement of polling places, would be to encourage irregularities committed for the very purpose of invalidating an election, an election is not invalidated by reason of such noncompliance with the requirements of the election law. Hayes v. Kirkwood, 136 Cal. 396. An entire vote of ward or of city should not be rejected for misconduct of the election board when it appears that everything was done in good faith and that no fraud was committed. Atkinson v. Lowhaer, 111 Cal. 419. The fact that a candidate wrongfully procured his nomination or had his name illegally placed upon ticket is not ground for contest under the law quoted. Powers v. Hitchcock, 129 Cal. 325. Aiding and abetting a registering officer in the illegal registry of voters does not constitute ground for contesting an election. Meredith v. Christie, 64 Cal. 95. It is not cause for an election contest that the candidate declared elected had not complied with the purity of election law. Treaner v. Williams 145 Cal. 315.

Hawaiian legislation upon election contests has undergone many changes. During the time when only representatives were elected and, under the constituton of 1852, the legislature sat in separate houses of nobles and representatives, whenever fifty or more of the voters of any district should petition the house setting forth that any person chosen as representative for the district had "been elected through bribery or any other unfair means, or that he is not qualified according to law," the house was required to institute an inquiry as to the truth of the charges and if they found them to be true to "immediately declare his election null and void." Sec. 796 C. C. The constitution of 1887, which retained the single house legislature, under the constitution of 1864, consisting of nobles and representatives sitting together, in Art. 58, made the nobles elective. In Act 76, S. L. 1888, amending and consolidating the election laws of the Kingdom, introducing the Australian ballot law, are the following provisions for annuling elections and vacating seats of elective members: It is declared in Sec. 75 that the seat of any elective member of the legislature should become vacant if he should die, resign or be convicted of any of the offenses disqualifying persons from being elected or of a violation of any of the provisions of the act, as well as for bribery, fraud, miscarriage or default of the member or of his agent whereby his election might be vitiated, and in Sec. 76 that upon petition of not less than thirty voters of the district in which there was an alleged vacancy setting forth "any cause or causes alleged for such vacancy," the legislature should examine the question of the vacancy or dispute thereon and take full evidence "on all matters pertaining thereto" and if it found the seat vacant or that it ought to be so declared a new election should immediately be ordered by the Minister of the Interior on notice of such vacancy from the President of the Legislature." Sec. 78 provides for proceedings in court for annulling elections that: "In addition to the methods hereinbefore set forth for vacating any seat in the Legislature, any candidate, or any ten persons who have voted or were entitled to vote in the district may file a petition addressed to the Chief Justice of the Supreme Court, setting forth any cause or causes, why an election shall be vacated or a seat be declared vacant." Sec. 80 declares that at the hearing the justice "shall cause the evidence to be reduced to writing in full or sufficiently to ascertain all of the facts involved, and shall thereupon give judgment stating all of his findings of fact and the law thereupon, which shall then be transmitted in full to the Minister of the Interior, and no appeal shall be taken. If such finding shall be that the election was invalid and the seat therefore vacant, a new election shall at once be ordered." This law enumerates in Sec. 75 the causes of vacating the seat of any elective member of the legislature. Under Sec. 78 the petition may set forth "any cause or causes."

It is unnecessary for the purpose of the present case to say whether under that statute an election could be vacated for any "cause or causes" not therein enumerated. The act makes no other provisions for correcting decisions of inspectors as to the validity of ballots, but provides, Sec. 62: "All questions as to the validity of any ballot shall be decided immediately, and the opinion of a majority of the inspectors shall be final and binding, except as hereinafter provided."

Act 86 S. L. 1890 amending and consolidating the election laws of the Kingdom, contains in Sec. 87 the same provisions for proceedings in court for vacating elections with the amendment that "The hearing may be had before any Justice of the Supreme Court and shall be held in the judicial circuit wherein the election is disputed," and further providing that the court should "have no jurisdiction over any such case during the session of the legislature.

The constitution of 1894 (Art. 38), vesting the legislative power of the Republic in a legislature consisting of two houses styled the senate and house of representatives, sitting separately, provides (Art. 40): "In case any election to a seat in either House is disputed, and legally contested, the Supreme Court shall be the sole judge of whether or not a legal election for such seat has been held; and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected." It will be observed that the power is very great under this article and authorizes the supreme court to determine generally whether an election is legal or not.

Act 8 of the Laws of the Republic of Hawaii, relating to elections and contested seats in the legislature, enumerates in Sec. 7 the causes for which the seat of any elective member of the legislature shall become vacant, being substantially the same as those enumerated in the former law, and provides in Sec. 8: "Any candidate directly interested, or any ten duly qualified voters of any election district, may file a petition in the Supreme Court, setting forth any cause or causes why an election shall be declared void or a seat in the Legislature vacant or the decision of any Board of Inspectors or of the Marshal or any Sheriff, reversed or changed." Sec. 12 provides that if at a hearing of such petition the finding shall be that the election was invalid or the seat vacant a new election shall at once be ordered."

In none of the laws cited was there any authority for the court to declare who was elected, its power being confined to declaring an election void in any of the cases enumerated.

By the Organic Act the legislature passes upon the qualifications of its members and by implication the supreme court could not take jurisdiction of any petition to declare void the election of a senator or representative or to determine what candidate was legally elected. Act 39 S. L. 1903, commonly referred to as the County Act, as well as Act 118 S. L. 1907, incorporating the City and County of Honolulu, contains only that portion of the above cited laws which authorizes this court to hear petitions in contested elections to reverse, correct or change the decision of any board of inspectors on "questions as to the validity of any ballot."

The legislature has not granted to this court the authority to declare elections void for illegal acts other than are shown in inspectors' decisions upon the validity of ballots, and those are the only decisions which can be reversed or changed in a proceeding brought under Sec. 57, Act 118, S. L. 1907. The petitioner does not aver in his petition that any such question came before the board for its decision or was decided, unless counting the sixty-four ballots cast after five o'clock is a decision, in the absence of any question raised, that those ballots were valid.

But it is conceded in argument by the petitioner that the "questions" for the board of inspectors to pass upon in reference to the "validity of any ballot" are confined to the provisions of Sec. 94 R. L. (Sec. 108 Ap. C. L.), reading as follows:

"Rejected ballots. If more names are voted for on a ballot than there are offices to be filled; or,

"If on a ballot for representatives a larger number of votes are marked than the law authorizes; or,

"If a ballot contains any mark or symbol whereby it may be identified, or any mark or symbol contrary to the provisions hereof; or,

"If two or more ballots are found in the ballot box so folded together as to make it clearly evident that more than one ballot was put in by one person; or

"If a ballot in any other way be contrary to the provisions hereof; then such ballot and all it contains must be rejected.

"But no ballot shall be rejected for containing a less number of names voted than the law authorizes.

"Each ballot which shall be held to be invalid as aforesaid shall be indorsed on the back by the chairman of inspectors, with his name or initials, and the word 'rejected.'"

It is apparent that this section only is referred to in the following section:

"Sec. 95. Validity of ballot decided immediately. All questions as to the validity of any ballot shall be decided immediately, and the opinion of a majority of the inspectors shall be final and binding."

It is true that by Sec. 40 of Act 118 S. L. 1907, "The general laws and rules governing an election of senators and representatives of the Territory shall apply in the election of city and county officers, wherever applicable, except as herein provided," but these laws and rules governing such elections, if they had not been repealed expressly or by implication, as they have been, would not authorize this court to hear any election contests other than those which are provided for in Act 118. In re Contested Election, 15 Haw. 323, 332.

No question then is presented in this case upon any of the matters referred to in Sec. 94, and while the term "illegal votes" or "illegal ballots" is frequently used to include votes or ballots cast by a person disqualified to vote or who has been illegally induced by bribes or intimidated, a ballot which is legal in form and legally marked before five o'clock is equally a legal ballot after five o'clock and does not become illegal merely because it is cast after that hour. The validity of the ballot requires that it be in the form required and that it be marked by the voter in accordance with the requirements of the statute and not otherwise. "A question of the validity of the ballot is not involved in the inspectors' duty, if such be their duty, to close the polls at five o'clock. If any wrong is done or mistake made by them in keeping open longer it might come under the head of 'misconduct' and be the cause of contest under such statutes as those of California, above cited. Giving the broadest scope then to our statute and assuming solely for the purpose of this case, and not as a precedent for future cases, that it was unnecessary that any question should be presented for the inspectors to pass upon concerning the validity of the ballots but that their mere act of counting ballots is to be treated as a decision, still it is clear that a case, such as is authorized by the statute, is not presented by the petitioner. Nothing is gained by considering decisions made elsewhere under statutes unlike our own.

"The diversity of State legislation upon the subject renders the local decisions of one State of little aid in construing the election laws of another. Each act must be viewed in the light of the legislative will, as expressed, and hence the citations of authorities by appellee under the particular enactments of different States, such as California and Pennsylvania, are inapplicable here." Bull v. Southwick, 2 Gilderseeve (N. M.), 321, 340.

Thus the case from 125 Cal. 16, relied on by the petitioner, was brought under a statute similar to our quo warranto, as amended by the act of 1907, authorizing actions for usurpation of an office and authorizing the court to determine whether the incumbent of the office held it lawfully or unlawfully. The only question in that case argued by counsel or discussed by the court was whether at the election of the mayor of San Francisco the polls had been legally closed in two of the city wards at five o'clock, as required by the general State law, or, as was done in the other wards, at sundown, as required by the mayor's proclamation issued under an ordinance claimed to have been authorized by the city charter. The court, holding that the charter authorized the ordinance and therefore that sundown was the correct hour for closing the polls, necessarily held that the election was invalid in the wards in which the polls were closed at five o'clock.

In Kentucky the law appears to authorize the court to annul an election if it is illegal; and it was held in the cases cited from 86 Ky. 586, and 104 Ky. 842, relied upon by the petitioner, that keeping the polls open long after sundown, the time required by the constitution, in connection in the second of these cases with other grave violations of the election laws, made the elections illegal.

On the other hand, the considerable number of decisions cited by the respondent, that noncompliance with statutory requirements do not invalidate an election on the ground that no harm was done or that the statutory requirements were merely directory, have no bearing upon the present case which rests upon the lack of judicial power, on any of the grounds named in the petition, to annul an election or to declare who was elected.

As held in Ellingham v. Mount, 43 N. J. L. 470, 473:

"These proceedings calling in question this election, were instituted by the authority of the provisions of the election law embraced under the ninth head, which relates to contested elections of county and township officers. Rev. p. 355. The entire remedy thus given is a statutory device, and no part of it has any existence outside of this enactment; and, upon inspection it will be found that the extent of this remedy has been carefully defined. The act, plainly, does not give this method of redress in every case in which an illegal election has occurred. If such had been the design, judicial jurisdiction over the subject would have been given in general terms; but, so far is this from having been done, the grounds of such jurisdiction are carefully specified and described; such grounds being distributed under seven distinct heads."

"The statute enumerates the causes for which an election may be put in contest by force of its provisions, and consequently an election can not be called in question in such a procedure except for one of the causes so designated."

In Clark vs. Rodgers, 81 Ky. 43, it was held that the statute having provided the means of contesting elections "where no provision has been made applicable to the particular case, the result, as certified by those holding the election, must determine the issue."

To summarize: The petition alleges violation of election laws on the part of voters in showing their ballots by marking them so that the marks could be seen by another on the side of the polling booth or in company with another voter in the voting compartments, contrary to the provisions of Secs. 87, 88, R. L., whereby, if the exhibition of the ballot is "wilful," such voter, by Sec. 88 R. L., "shall forfeit his right to vote"; and on the part of the board of inspectors in permitting more persons than are authorized by the statute, Sec. 79 R. L., to be within the space around the polling place set apart in order to prevent interference with the conduct of the election, and in keeping the polls open for about an ohur after five o'clock and counting the ballots, about sixty-four in number, cast in that time by voters who had voted after that hour, Sec. 78 R. L. prescribing that the polls be kept open until five o'clock, unless all the voters registered in the precinct shall have voted sooner, "after which the polls shall be closed and the votes counted."

No question is presented as to the invalidity of any ballot for noncompliance with the provisions of Sec. 94 R. L. in any of the ways therein enumerated or in any other way contrary to the provisions of that section, in any of which cases the inspectors are required to mark "rejected" on the ballots. The section in full is as follows:

"Sec. 94.—Rejected ballots. If more names are voted for on a ballot than there are offices to be filled; or

"If on a ballot for representatives a larger number of votes are marked than the law authorizes; or,

If a ballot contains any mark or symbol whereby it may be identified, or any mark or symbol contrary to the provisions hereof; or,

"If two or more ballots are found in the ballot box so folded together as to make it clearly evident that more than one ballot was put in by one person; or,

"If a ballot in any other way be contrary to the provisions hereof, then such ballot and all it contains must be rejected.

"But no ballot shall be rejected for containing a less number of names voted for than the law authorizes.

"Each ballot which shall be held to be invalid as aforesaid shall be indorsed on the back by the chairman of inspectors, with his name or initials, and the word 'rejected.'"

The court being agreed that no cause of contest is shown by the action of the inspectors in keeping the polls open and counting the votes cast after five o'clock, the only question on which the court has not agreed is upon the necessity of a decision upon the validity of ballots cast by voters who had wilfully exhibited them. If acceptance and counting of such ballots were regarded as deciding that they are valid, and if the inspectors have not set the ballots apart for identification in order that their decision may be reviewed in a contest upon its correctness, then in every such instance, and whether the inspectors were right or wrong, as those ballots are not before us, it would be impossible to take evidence of the voter or of others of the exhibiting or of its wilfulness, for it may be done innocently and others may not have seen the names voted on the ballot.

Hence the necessity of a decision being made, however informally, by the inspectors upon a question as to the validity of any ballot cast at an election if a contest is to be made upon the correctness of the decision. Whether the question of the validity of any ballot be presented when it is presented or after the polls are closed, if ballots which are 'cast' to which the decision of the board of inspectors relates.

If ballots are accepted and counted without objection, and perhaps without the attention of more than one inspector having been drawn to the fact that they were marked so that others might, and perhaps did, see the marks, or if he thought there was no exhibition of the ballots, or none wilfully made, there would be no decision on the subject made by the Board, and no contest on the decision could be made.

If violations of election laws by inspectors, voters, candidates or others make an election illegal, it might be so decided in quo warranto proceedings in which the court passes upon the seriousness of the violations of law from their possible effect upon the election or upon the law being mandatory, whatever the result of its violation, but not on a contest upon decisions of inspectors which have not been made and to which the statute authorizing election contests does not refer. The effect of this conclusion on future elections will perhaps be that the inspectors, voters and candidates will be more alert and observe the requirements of the law and any violations thereof.

I agree that this case is not to be decided on "technicalities," a term often used for refinements of law, but on the broad and only safe ground for any judicial tribunal to take, namely, that, as I think, the law does not authorize the case to be heard or decided on any of the grounds named in the petition. To decide otherwise would be to usurp legislative functions,—a thing which is abhorrent to free institutions. No matter how urgent the demand for the exercise by the court of authority not granted to it by the legislature, the answer must me, the court declares and does not make the law.

I agree that the demurrer should be sustained and the petition dismissed on the grounds named in the opinion of the majority, but I also think that for the reasons above named there was no decision in fact or substance of any ballots having been wilfully exhibited, and that the demurrer ought to be sustained on that ground also. In that respect only I non-concur with the opinion of the court.

The Supreme Court this afternoon rendered a decision denying the petition for a rehearing of the contested election case. This closes the election contest of the year 1910.

ENTHUSIASTS OF POLO TO COAST

Since the game of polo first started on the Pacific Coast there never has been a brighter outlook for a brilliant season than this fall. Players are already arriving from the East and are assembling on the grounds of the Coronado country club, where the annual championships are held in March. This club has considerably increased the popularity of the game by offering magnificent trophies as well as building an establishment which is the most complete in this country and, possibly, in the world. Players from England who have played in most places where the game is popular declare that nowhere is there a better field than the tournament field of the club, while the stabling accomodations are unsurpassed, there being 200 box stalls on the grounds.

The polo season in Southern California started December 1 and will last until the middle of April. Major Colin George Ross, the captain of the Coronado team, has returned from a trip to his ranch in Alberta and brings the good news that a Canadian team will arrive at Coronado the end of November and will play there all winter. This team is the Calgary team, and is made up of the following players: A. Hone, Conde Landale, J. Noton, H. Robertson.

Cheever Cowdin of Meadowbrook and Rockaway, N. Y., is now at Coronado and will spend the winter there. Cowdin is awaiting the arrival of Malcolm Stevenson, H. S. and J. C. Phipps, who will play with him on a team called the Rockaway team and who will divide their time between Coronado and San Mateo, where the Phipps duo have taken the house of the late D. O. Mills for the winter. Another early arrival at Coronado is Captain J. Campbell Besley, who captained the Hermosillo, Mexico, team last year at Coronado. Captain Besley is shipping his ponies to Coronado, where he intends to winter. From the City of Mexico individual players are coming to Coronado to make up a team and to enter the contest for the All-American polo trophy, valued at $4000, which is presented by members of the Coronado country club and which is contested for yearly at the club, provided there are two or more entries foreign to California entered in the tournament. This is, of course, a certainty, as the teams from New York, Canada and Mexico are already entered.

The cup was won last year by an English team made up of F. A. Gill, Major G. W. Hobson, Major Romer Lee, Lieutenant F. B. Hurndall, the latter of the Twentieth hussars, stationed in Ireland. They took the cup to England with them and put it on exhibition at Ranelagh, the finest polo club in the old country, where thousands of people interested in the sport saw it. They will either have to come back to defend their title or forfeit their right to the same. The cup will be returned to this country in the near future and will be on exhibition at Shreve & Co.'s in San Francisco, the makers of this beautiful trophy.

On the Coast there will be teams at Burlingame, Santa Barbara, Pasadena, Riverside and Coronado. The latter team has already started practice and when the Canadians arrive expect to play three times a week and have several minor tournaments. There are a number of younger players who will be much benefited by the fact that in future polo will be played under American rules on the Coast and that each player will be handicapped, the beginners having as good a chance as the more experienced players.

At the tournament held recently at Narragansett pier a professional umpire named Holmes was used and it has changed the game of polo. It was thought that the American game was considerably more dangerous than the English game, but this idea has been exploded by the regularity of the game as conducted by Holmes. It was found most satisfactory by all the players and he has been reengaged for the next tournament. Only one accident occurred at Narragansett pier and this was entirely the fault of the individual who committed it, as he was very rush and not very experienced.

The dates already settled for tournaments are:

Coronado, January 1, 1911.

Riverside, February 16 to 22, 1911.

Coronado (championships), March 23 to April 5, 1911.

Pasadena, April 5 to 12.

Scientists say that kissing must go. Well, it goes with most girls.

COUNTY CONTROL WANTED BY MAUI

Republican Committee Talks Over Endorsements and Policies.

(Special Bulletin Correspondence.)

WAILUKU, Maui, Dec. 3.—The Republican executive committee met at Kahului last Wednesday morning for the consideration of several matters of great interest to this county. Among the matters taken up was the endorsement by the committee of the application of Geo. Copp of Waiakoa for the position of deputy tax assessor and collector for the district of Makawao, made vacant by the election of A. F. Tavares to the House of Representatives.

Six years ago Copp resigned the deputy tax assessorship of Makawao to become a member of the House, and served for one term; but when urged to again represent this county in the lower house he replied that one was enough for him and so E. B. Carley succeeded him for one term. Since his return from the Legislature he has been managing Mrs. Dora von Tempsky's ranch at Erewhon, Waiakoa, Kula, Maui, with great success, but his friends prevailed upon him to again apply for the deputy assessorship, with the result that he received the endorsement of the committee. He has also been a member of the liquor commission for this division. When Mr. Tavares returns from his first term in the Territorial legislature, he will devote all his time to his legal practise in Makawao and Kula; besides the management of leading business enterprises where he is deeply interested. The committee did not take up the matter of endorsing Samuel Kelilnoi's aspirations for Speaker of the House, but may do so if the occasion requires. Hon. H. P. Baldwin, chairman of the executive committee, is away on the mainland at present, and until his return no important legislative matters, such as Kahului wharf and the conversion of government water lease money for use of counties, will be taken up. The Maui delegation can be depended upon not to favor any measures that would bring the educational, health matters etc., under the complete control of counties.

COMMUNICATION.

Editor Evening Bulletin:

My attention being called to an article on your first page, evening issue of even date, and headed, "Perelstrous Back Again—Labor Agent Returns From Mainland to Talk With Russians Here," I desire to simply say that whoever has given you the information has tried to mislead you, as the Canadian laws specifically require that all immigrants to that country must be citizens or natives of the country from which passage is taken, i. e., a Russian from the United States or Hawaii would not be allowed entrance into Canadian ports unless such Russian shall have become a naturalized citizen; consequently it would be useless for me to talk to any Russians with the purpose you state in view.

In justice to yourself and to my loyal intentions to Hawaii, I ask that you insert this. Yours very truly,

A. W. PERELSTROUS.

Honolulu, December 5, 1910.

Mr. Perelstrous stated further in his talk with a Bulletin man this morning that during his absence he has made arrangements with the Canadian Pacific Railway and the Canadian government to secure settlers to take up land along the line of the railway in Canada.

Mr. Perelstrous states that he is to leave here on the Manchuria and will proceed at once to Harbin, where he will enlist settlers for Canada, the people going direct to Canadian ports.

Speaking of the condition of Russians brought to these islands, Perelstrous said that he met this morning a man of family that had been at work for the last five months on Maui.

"They had two hundred and fifty dollars in coin. It shows that they have done very well. They were drawing it from the bank. What they intend doing I do not know, but I suspect that they are bound off on the Wilhelmina tomorrow.

"While I was in San Francisco I saw some of the people who had been here. They are having a hard life. They may get two dollars and two dollars and a half per day, but they work for only a day or two of the week."

The estimated population of London by decades for the next fifty years has recently been made. The estimate gives 16,250,000 souls to London in 1960, or more than double the present population. If street accidents increase in the same ratio as population, the casualties for the year closing the next half century would probably be greater than in a short, sharp war.

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Oahu Railway Time Table

Outward.

For Waianae, Waialua, Kahuku and Way Stations—*9:15 a. m., *3:20 p. m.

For Pearl City, Ewa Mill and Way Stations—†7:30 a. m., *9:15 a. m. *11:30 a. m., *2:15 p. m., *3:20 p. m. *5:15 p. m., †9:30 p. m., †11:15 p. m.

For Wahiawa and Leilehua—*10:20 a. m., *5:15 p. m., †9:30 p. m., †11:15 p. m.

Inward.

Arrive Honolulu from Kahuku, Waialua and Waianae—*8:36 a. m., *5:31 p. m.

Arrive Honolulu from Ewa Mill and Pearl City—†7:45 a. m., *8:36 a. m., *11:02 a. m., *1:40 p. m., *4:26 p. m. *5:31 p. m., *7:30 p. m.

Arrive Honolulu from Wahiawa and Leilehua—9:15 a. m., †1:40 p. m., *5:31 p. m., †10:40 p. m.

The Wahiawa Limited, a two-hour train (only first class tickets honored), leaves Honolulu every Sunday at 8:36 a. m.; returning, arrives in Honolulu at 10:10 p. m. The Limited stops only at Pearl City and Waianae outward, and Waianae, Waipahu and Pearl City inward.

*Daily. †Sunday Excepted ‡Sunday Only.

G. P. DENISON, Superintendent. F. C. SMITH, G. P. A.

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LEGAL NOTICES.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT, TERRITORY OF HAWAII, HOLDING TERMS IN THE CITY AND COUNTY OF HONOLULU.

MARSTON CAMPBELL, Superintendent of Public Works of the Territory of Hawaii, Plaintiff and Petitioner, vs. ISABELLA H. WOODS et al., Defendants and Respondents.

TERM SUMMONS.

THE TERRITORY OF HAWAII to THE HIGH SHERIFF of the Territory of Hawaii, or his Deputy:

YOU ARE COMMANDED to summon ISABELLA H. WOODS; PALMER PARKER WOODS and MOLLIE WOODS, his wife; MARY ALICE BLUETT and P. W. P. BLUETT, her husband; JAMES FRANK WOODS and EVA WOODS, his wife; SAMUEL PARKER WOODS and ROSE WOODS, his wife; MABEL ROBERTSON BECKLEY and HENRY BECKLEY, her husband; MAUD WOODS; LUCY WOODS; R. W. SHINGLE, ERNEST WODEHOUSE and ALLAN W. T. BOTTOMLEY, Trustees under the Will of James Wight, deceased; KOHALA RANCH COMPANY, LIMITED, an Hawaiian Corporation having its principal office at Punhue, District of Kohala, Island and Territory of Hawaii; JOHN DOE, MARY DOE, and RICHARD DOE, unknown owners and claimants, defendants, in case they shall file written answer within twenty days after service hereof to be and appear before the said Circuit Court at the term thereof pending immediately after the expiration of twenty days after service hereof; provided, however, if no term be pending at such time, then to be and appear before the said Circuit Court at the next succeeding term thereof, to wit, the January 1911 Term thereof, to be holden at the City and County of Honolulu, on Monday, the ninth day of January next, at 10 o'clock a. m., to show cause why judgment of condemnation of the lands described in the Petition herein and for any other relief demanded in the petition should not be awarded to Marston Campbell, Superintendent of Public Works, pursuant to the tenor of his annexed Petition.

And have you then there this Writ with full return of your proceedings thereon.

WITNESS the Honorable Presiding Judge of the Circuit Court of the First Circuit, at Honolulu aforesaid, this 1st day of September, 1910.

(Seal.)

(Sgd.) HENRY SMITH,
Clerk.

(Endorsed) L. No. 7202, Reg. 3, pg. 165, Circuit Court, First Circuit, Territory of Hawaii. Marston Campbell, Superintendent of Public Works of the Territory of Hawaii, Plff. and Petitioner, vs. Isabella H. Woods et als., Defts. and Respondents. Original summons filed and issued September 1, 1910, at 2:25 o'clock p. m. A. K. Aona, Asst. Clerk. Returned October 4, 1910, at 1:05 p. m. A. K. Aona, Asst. Returned for further service this 4th day of October, 1910, at 1:55 o'clock p. m. A. K. Aona, Asst. Clerk. Territory of Hawaii, City and County of Honolulu, ss.

I, Henry Smith, Clerk of the Circuit Court of the First Judicial Circuit, Territory of Hawaii, do hereby certify the foregoing to be a full, true and correct copy of the original summons in the case of Marston Campbell, Superintendent of Public Works of the Territory of Hawaii, vs. Isabella H. Woods et als., as the same remains of record and on file in the office of the Clerk of said Court.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Circuit Court this 17th day of November, 1910.

HENRY SMITH,
Clerk of the Circuit Court of the First Circuit, Territory of Hawaii.

Alexander Lindsay Jr., Attorney-General, and Arthur G. Smith, Deputy Attorney-General, for the petitioner. 4779-3m

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Assessment No. 13

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is due on November 15, 1910, and becomes delinquent December 15, 1910.

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LEGAL NOTICES.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE TERRITORY OF HAWAII.

THE UNITED STATES OF AMERICA, Plaintiff, vs. THE TERRITORY OF HAWAII, et al., Defendants.

THE PRESIDENT OF THE UNITED STATES, GREETING:

THE TERRITORY OF HAWAII, AMERICAN SUGAR COMPANY, LIMITED, a Corporation organized and existing under and by virtue of the laws of the Territory of Hawaii; CHARLES R. BISHOP; WILLIAM O. SMITH, SAMUEL M. DAMON, E. FAXON BISHOP, ALBERT P. JUDD, and ALFRED W. CARTER, Trustees under the Will and of the Estate of BERNICE P. BISHOP, deceased; ELIZABETH LIHUE, LUCILE NIUMALU, ESTHER KALIHI, CAROLINE PUKOO, ANNIE KAPAPALA, CLARA KILAUEA, ELSA HILO, MARION MAKENA, DAVID PUULOA, ALBERT PUNAHOU, ROBERT WAIHAWA, ALEXANDER LANAI, GEORGE KEWALO, HENRY KAMALO, WALTER HAWEA, and PHILIP LAHAINA, unknown owners and claimants.

You are hereby directed to appear, and answer the Petition in an action entitled as above, brought against you in the District Court of the United States, in and for the Territory of Hawaii, within twenty days from and after service upon you of a certified copy of Plaintiff's Petition herein, together with a certified copy of this Summons.

And you are hereby notified that unless you appear and answer as above required, the said Plaintiff will take judgment of condemnation of the lands described in the Petition herein and for any other relief demanded in the Petition.

WITNESS THE HONORABLE SANFORD B. DOLE, and the HONORABLE A. G. M. ROBERTSON, Judges of said District Court, this 22nd day of November, in the year of our Lord one thousand nine hundred and ten and of the Independence of the United States one hundred and thirty-fifth.

(Sgd.) A. E. MURPHY,
(Seal) Clerk.
(Endorsed)

No. 66. DISTRICT COURT OF THE U. S. for the Territory of Hawaii. THE UNITED STATES OF AMERICA vs. THE TERRITORY OF HAWAII, et al. SUMMONS. ROBERT W. BRECKONS and WILLIAM T. RAWLINS, Plaintiffs' Attorneys.

UNITED STATES OF AMERICA—Territory of Hawaii, City of Honolulu—ss.

I, A. E. MURPHY, Clerk of the District Court of the United States of America, in and for the Territory and District of Hawaii, do hereby certify the foregoing to be a full, true and correct copy of the original Petition and Summons in the case of THE UNITED STATES OF AMERICA vs. THE TERRITORY OF HAWAII, et al., as the same remains of record and on file in the office of the Clerk of said Court.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court this 1st day of December, A. D. 1910.

(Seal) A. E. MURPHY,
Clerk of the United States District Court, Territory of Hawaii.
4790 3m

LEGAL NOTICES.

IN THE CIRCUIT COURT OF THE First Circuit, Territory of Hawaii.—At Chambers. In Probate. In the matter of the Estate of Marianno J. Borges, deceased. On reading and filing the Petition of William Savidge, Administrator of the Estate of Marianno J. Borges, deceased, praying for an order of sale of certain real estate belonging to said deceased, and more particularly described as being a portion of Royal Patent 5618, L. C. A. 1141 to Pilikua, situate on Liliha street, at Kukanaka, in Honolulu, Oahu, and setting forth certain legal reasons why such real estate should be sold, to wit: that the personal property of said estate is insufficient to pay the debts of said decedent; it is hereby Ordered, that the heirs and next of kin of said decedent and all persons interested in the said estate, appear before this Court on Wednesday, the 28th day of December, A. D. 1910, at 10 o'clock a. m., at the courtroom of this Court, in the City of Honolulu, then and there to show cause why an order should not be granted for the sale of such estate. Dated, Honolulu, November 21, 1910. By the Court: M. T. SIMONTON, Clerk, Circuit Court of the First Circuit. (Seal.)
4781—Nov. 22, 29; Dec. 6, 13.

CORPORATION NOTICES.

NOTICE.

A special meeting of the stockholders of the Oahu Country Club, Ltd., will be held on the Alexander Young Hotel roof garden Thursday evening, December 8, 1910, at 8 o'clock.

ALLEN C. ROBINSON,
Secretary.
4791-4t

Weekly Bulletin $1 per year.

MOVEMENTS OF MAIL STEAMERS

VESSELS TO ARRIVE

Tuesday, Dec. 6.
Kona and Kau ports—Mauna Loa, stmr.

Wednesday, Dec. 7.
Kauai ports—W. G. Hall, stmr.
Hawaii via Maui ports—Claudine, stmr.
Australian ports via Suva—Moana, C.-A. S. S.

Friday, Dec. 9.
San Francisco—Sierra, O. S. S.
Victoria and Vancouver—Zealandia, C.-A. S. S.

Saturday, Dec. 10.
Hilo via way ports—Mauna Kea, stmr.
Hongkong via Japan ports — Asia, P. M. S. S.

Sunday, Dec. 11.
Maui, Molokai and Lanai ports—Mikahala, stmr.
Kauai ports—Kinau, stmr.

Monday, Dec. 12.
San Francisco—China, P. M. S. S.

Wednesday, Dec. 14.
San Francisco—Lurline, M. N. S. S.

Monday, Dec. 19.
San Francisco—Manchuria, P. M. S. S.

Saturday, Dec. 24.
Hongkong via Japan ports—Mongolia, P. M. S. S.

Tuesday, Dec. 27.
San Francisco—Chiyo Maru, Jap. stmr.
San Francisco—Wilhelmina, M. N. S. S.

Friday, Dec. 30.
San Francisco—Sierra, O. S. S.
Central and South American ports—Kiyo Maru, Jap. stmr.

Saturday, Dec. 31.
Hongkong via Japan ports—Tenyo Maru, Jap. stmr.

VESSELS TO DEPART

Tuesday, Dec. 6.
Kauai ports—Noeau, stmr., 5 p. m.
Mahukona, Kawaihae, Honokaa, Kukuhaele—Wailele, stmr.
San Francisco—Sherman, U. S. A. T., 5 p. m.
Kauai ports—Kinau, stmr., 5 p. m.
Maui, Molokai and Lanai ports—Mikahala, stmr., 5 p. m.

Wednesday, Dec. 7.
Midway Island — Flaurence Ward, Am. schr.
Victoria and Vancouver—Moana, C.-A. S. S.
San Francisco—Wilhelmina, M. N. S. S.

Thursday, Dec. 8.
Kauai ports—W. G. Hall, stmr., 5 p. m.

Friday, Dec. 9.
Australian ports via Fanning Island—Zealandia, C.-A. S. S.
Hawaii via Maui ports—Claudine, stmr., 5 p. m.

Saturday, Dec. 10.
San Francisco—Asia, P. M. S. S.

Monday, Dec. 12.
Hongkong via Japan ports—China, P. M. S. S.
Kauai ports—Noeau, stmr., 5 p. m.

Tuesday, Dec. 13.
Hilo via way ports — Mauna Kea, stmr., 10 a. m.
Kauai ports—Kinau, stmr., 5 p. m.
Maui, Molokai and Lanai ports — Mikahala, stmr., 5 p. m.

Wednesday, Dec. 14.
San Francisco—Sierra, O. S. S.

Monday, Dec. 19.
Manila via Hongkong and Japan ports—Manchuria, P. M. S. S.

Tuesday, Dec. 20.
San Francisco—Lurline, M. N. S. S.

Saturday, Dec. 24.
San Francisco—Mongolia, P. M. S. S.

Tuesday, Dec. 27.
Hongkong via Japan ports—Chiyo Maru, Jap. stmr.

Saturday, Dec. 31.
Hongkong via Japan ports — Kiyo Maru, Jap. stmr.
San Francisco — Tenyo Maru, Jap. stmr.

MAILS.

Mails are due from the following points as follows:
San Francisco—Per Sierra, Dec. 9.
Yokohama—Per Asia, Dec. 10.
Australia—Per Moana, Dec. 6.
Victoria—Zealandia, Dec. 9.

Mails will depart for the following points as follows:
San Francisco—Per Wilhelmina, Dec. 7
Yokohama—Per China, Dec 12.
Vancouver—Per Moana, Dec. 6.
Australia—Zealandia, Dec. 9.

TRANSPORT SERVICE.

Buford at San Francisco.
Dix sailed from Honolulu for Seattle, Nov. 23.
Logan sailed from San Francisco for Honolulu, Dec. 5.
Sheridan, sailed from Honolulu for Manila, Nov. 14.
Sherman, sailed from Manila for San Francisco, at Honolulu, Dec. 6.

NOTICE TO MARINERS.

HUMBOLDT BAY ENTRANCE, CAL.

Notice is hereby given that South Jetty Outer End Buoy No. 2, a red 1st-class nun, off the submerged end of the South jetty, entrance to Humboldt Bay, Cal., was reported adrift November 23. It will be replaced as soon as practicable.

The Wise Wear TORICS, the new form fitting lenses; accurately and promptly ground. Factory on the premises. Eyes correctly fitted. Alfred D. Fairweather, manufacturing optician.

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European Plan $1.50 a day up
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The royalty and nobility of the Old World and the Far East and the men of high achievement in America who assemble here contribute to the cosmopolitan atmosphere of an institution which represents the hospitality and individuality of San Francisco to the traveler.

The building, which marks the farthest advance of science in service, has now the largest capacity of any hotel structure in the West, and upon completion of the Post street annex will be the largest caravansery in the world.
WHILE THE SERVICE IS UNUSUAL, THE PRICES ARE NOT.

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Unique designs just received.
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BULLETIN ADS PAY

Cable News

FISH TRUST MEN SENTENCED

(Associated Press Cable.)

SAN FRANCISCO, Dec. 5.—After almost a year of legal procedure and delay the "fish trust" case today resulted in the sentencing of eight of the trust members to pay slight fines.

The investigation which led to the conviction yesterday commenced when a San Francisco newspaper called attention to great quantities of fish which were being destroyed by the "trust" rather than place it on the market and break the prices down.

Officials took the matter up and commenced prosecution. Each of the eight fined expected an immunity bath through testimony against others, the Portola Fish Company, in particular, but were sadly disappointed. Their fines were set at $250 each.

COMMERCIAL COURT BEING FORMED

WASHINGTON, Dec. 5.—It is reported that two of the members of the new court of commerce now being organized by the executive will be Charles A. Prouty and Franklin Lane, each formerly a prominent member of the interstate commerce commission. Their experience in that post is considered as peculiarly fitting them for the other duties.

Lane is a California Democrat, once a candidate for the Governorship of that State. He was a popular member of the commission and was particularly successful in handling the oil transportation difficulties of his native State.

Prouty, engaged for many years in the practice of law, is considered one of the most capable men for the new position that could be secured, and a general satisfaction is felt over his reported appointment.

AVIATOR DREXEL QUITS CLUB

NEW YORK, Dec. 5.—Owing to disagreements arising over late aerial contests and rules governing the same, J. Armstrong Drexel, one of the most prominent American aeronauts, resigned from the Aero Club of America today. Drexel was a prominent figure at the Belmont Park meet, which ended recently.

SCHUYLER GOES ON TRANSPORT

Colonel Walter Schuyler commanding the Fifth Cavalry leaves today on the transport Sherman for San Francisco where he is assigned to staff duty with the commander of the department.

Until the arrival of General McComb to command all troops in Hawaii, Lieutenant Colonel Homer Wheeler of the Fifth will be the ranking officer here.

POPULAR COUPLE ARE WEDDED AT WAILUKU

WAILUKU, Maui, Dec. 3. — On Tuesday afternoon of this week, at the home of Rev. R. B. Dodge, Miss Marie Greve of Indiana was united in marriage to Enes Vincent of Paia, Maui, the deputy county attorney of Maui county. The bride is stenographer to County Attorney D. H. Case. The young couple are extremely popular in this town.

The wedding was a quiet one, only the most intimate relatives and friends of the contracting parties being present, and was performed by the pastor of the Wailuku Union church, of which the couple are members. They left on their honeymoon trip to Hawaii Tuesday evening by the Mauna Kea, and as they were leaving they received the blessings of those present in the customary form of "showers of rice and old shoes." Mr. and Mrs. Vincent returned this morning from their Hilo trip and will occupy the Dodge premises during the latter's absence of several months on a visit to the scenes of his boyhood in New England.

GETTING DIPHTHERIA UNDER GOOD CONTROL

WAILUKU, Maui, Dec. 3. — Five schools in central Maui—Hamakuapoko, Paia, Kaupakulua, Keahua and Kealahou—have been closed on account of the prevalence of diphtheria in these districts. The two cases in Wailuku are improving so that they will soon be out of quarantine. The epidemic is mostly among the Portuguese children in the upcountry districts.

CON'T NEGLECT THAT COUGH

It certainly racks your system and may run into something serious. Allen's Lung Balsam will check it quickly and permanently. For sale at all druggists.

Whooping Cough
CROUP COUGHS ASTHMA COLDS CATARRH BRONCHITIS
Vapo-Cresolene
ESTABLISHED 1879
A simple, sure and effective treatment for bronchial troubles, avoiding drugs. Vaporized Cresolene stops the paroxysms of Whooping Cough and relieves Croup at once. It is a boon to sufferers from Asthma. The air rendered strongly antiseptic inspired with every breath makes breathing easy, soothes the sore throat and stops the cough, assuring restful nights. It is invaluable to mothers with young children.
Send postal for descriptive booklet.
ALL DRUGGISTS
Try Cresolene Antiseptic Throat Tablets for the irritated throat. They are simple, effective and antiseptic. Of your druggist or from us 10c. in stamps.
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Cards, Stickers in Santa Claus and Holly designs.
Pasteboard Boxes for the Present.
Everything You Want for the Holiday Time
Hawaiian News Co.,
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Warmer does the rest

The Welkom Warmer
Size 3½ x 5½ inches, weight 4½ ounces.
The only modern, safe, effective and sensible substitute for the antiquated Hot Water Bag.
No water to heat—no rubber to rot. Will last for years.
The Warmer is made of metal heated within one minute by the lighting and insertion of a paper tube containing a **blazeless, smokeless** and **odorless** fuel generating a uniform heat which lasts over two hours at a cost of less than one cent. It is curved to fit any portion of the body and held in place by means of a bag and belt allowing the wearer to move about at will.
AS A PAIN KILLER
The Welkom Warmer has no equal. It can be put into constant action and is indispensable in cases of rheumatism, lumbago, neuralgia, sciatica cramps, etc.
By placing the Warmer on the affected part the heat being dry, not moist, **bakes** out the cold. Physicians say that the moist heat of the hot water bag will not cure but aggravate the ailments above mentioned.
Many have been sold—not a single complaint.
Complete outfit including Warmer, bag belt, coil and 10 tubes of fuel sent prepaid to any part of the U. S. upon receipt of $1.00.
If you wish to know more about this wonderful device write today for free descriptive booklet.
WELKOM WARMER MFG. CO.
198 Fulton St., New York.

A SUGGESTION ON ECZEMA
It is suggested that eczema sufferers ask Honolulu Drug Co. of this city what reports they are getting from the patients who have used the oil of wintergreen liquid compound, D. D. D. Prescription.

WANTS
ONE CENT A WORD

WANTED

Man to enlist as OILER on United States Revenue Cutter Thetis. $60.00 per month. Enlistment one year. 4788-1t

Have your hat cleaned by the Expert Hat Cleaners, 1123 Fort St., opp. Club Stables. Best workmanship; no acids used. 4669-tf

By young boy, position as typewriter; experienced. Address, "Type," this office. 4765-1m

You to know Nieper's Express phone number is 1916. Baggage moved to any part of city. 4739-tf

500 bicycle tires to vulcanize. J. W. Kershner, 1177 Alakea street.

Anything of value bought for cash. Carlo, 1117 Fort St. 4753-tf

Clean wiping rags at the Bulletin office.

HELP WANTED.

Ten white boys to sell sodawater at circus. Apply not later than Friday at Rycroft's Fountain Soda Works. 4787-3t

SITUATION WANTED

An experienced clerk for dry goods, clothing, gents' furnishing and shoe department; 15 years experience. Good references. Address F. A. G., Bulletin office. 4785-tf

Japanese Cooking School. Families or hotels supplied with cooks. C. M. Matzie, 1457 Auld Lane. Tel. 1564.

FOUND.

Bicycle. Saiki store, Beretania St. 4790-1w

TAILOR.

Fine line of new suitings recently received. Latest diagonal weaves made up to the highest dictates of fashion. J. E. Rocha, room 25 Young building. 4772-tf

MEN'S CLOTHING.

Men's clothing on credit, $1 per week; suit given at once. F. Levy Outfitting Co., Sachs building, Fort street. 4742-tf

CLOTHES CLEANING.

Clothes cleaned, dyed and pressed on short notice. Called for and delivered. Phone 3029. S. Harada, 1160 Fort street. 4760-tf

City Clothes Cleaning Co., No. 4 Masonic Temple, Alakea St. Clothes called for and delivered. Tel. 2067.

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Dr. Birch, Surgeon Chiropodist. Office, 64 Alex. Young Building. Hours 10 to 5. 9 to 12 on Sunday.

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Around the island, four or more passengers, $6 each. Independent Auto Stand. Special rates by the hour. Phone 2609. 4677-tf

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First-class livery turnouts at reasonable rates. Territory Livery Stable, 348 King; phone 2535.

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George Yamada, general contractor. Estimates furnished. 210 McCandless building. Phone 1115. 4768-tf

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C. Henry Hustace, selling agent Palmer-Singer car; Horsey's no-cement patches; special attention given to repairing automobiles and motorcycles. South near King. Phone 2174.

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HENRY MAY & CO.
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TO LET—K. of P. cottage, 2-story, Garden Lane, near Union street, now vacant. Apply to J. M. McChesney, 16 Merchant street. 4786-tf

Furnished cottage; three bed rooms, two lanais; boating and bathing. Cresetty's, 2011 Kalia Road, Waikiki. 4788-tf

Hotel Delmonico; under new management. Rooms by the day, week or month. 130 Beretania street. Reasonable rates.

Furnished cottage on Alewa Heights. Address W. L. Eaton at Bulletin office, or apply on premises. 4784-tf

Store and offices, single or en suite, Telephone building, Merchant and Alakea. H. E. Hendrick.

3 large furnished rooms. Mrs. F. D. Wicke, 1245 Beretania St. 4790-tf

Two furnished rooms. Apply Mrs. D. McConnell, 1223 Emma St.

Two bedroom cottage. Apply opp. Lunalilo Home. 4789-2t

F. housekeeping rooms. Cottage Grove 4787-tf

ROOMS AND BOARD.

Shady Nook, 1049 Beretania; Tel. 1333. Newly-furnished apartments, mosquito proof, at reasonable rates. 4768-tf

Cool furnishes rooms and cottages, with board. 1634 Nuuanu Ave., near School St. Prices moderate.

FOR SALE.

The Transo envelope—a time-saving invention. No addressing necessary in sending out bills or receipts. Bulletin Publishing Co., sole agents for patentee. tf

One No. 1 Ransome concrete mixer No. L-226 (new), complete, with trucks, etc. H. S. Gray, 832 Fort street; P. O. Box 549.

Second-hand Remington Typewriter in first class condition. Price $30.00. Address "K. M.," this office. 4783-tf

Selected Caravonica wool cotton seed. A. V. Gear, 1214 Fort St. P. O. Box 404. 4693-tf

Inter-Island and Oahu Railroad shipping books, at Bulletin office. tf

Sewing machine (White) for sale. Tregloan Place No. 9.

Choice cut flowers. Phone 3029.

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A case of Mrs. Kearns' Gold Medal Hawaiian Preserves makes a nice Xmas present. Order early. Phone or call at 471 Beretania avenue. 4773-1m

BEAUTY CULTURE.

Marinello system — Minnie Rhoads, 1110 Alakea street. Scalp and facial massage; shampooing and manicuring; salt glows. Phone 3089. 4756-tf

SODA WORKS.

Phone 3022 for the best soda water made in Honolulu. Honolulu Soda Water Co., Matsumoto lane, near corner of Beretania and Nuuanu. 4751-tf

MASSAGE.

Spanish system; shampooing, manicuring. Dolores E. Cutter, 727 Beretania. 4758-1m

WELDING.

Any kind of metal welded. Bring your broken parts to 207 Queen, near Alakea.

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Mrs. Hodgson—Experienced teacher of piano. Best methods. All ages. 236 King street, near Alakea. Studio in rear. 4752-1m

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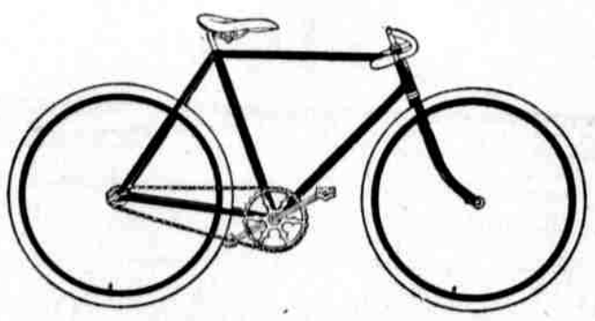

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GEAR: 75, 24x9 sprockets.
CHAIN: 3-16 inch block, 1 inch pitch.
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HANDLEBARS: 18 inch up curve reversible.
CRANKS: 7 inch single piece, forged from selected stock.

E. O. HALL & SON, Ltd.
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MINOR CHANGES IN NEW RULES

Decision of Football Committee About the Game Is Given.

That the latest American football game under the new rules is likely to stand for several years at least, with perhaps a few minor changes, is the opinion of many of the coaches and players of the New England college elevens at the close of the present season.

From the spectators' standpoint the game proved more popular than ever before. Injuries were less in number and seriousness than for many years, only one fatality occurring in this section. That was on Thanksgiving Day, at Winsted, Conn.

According to Trainer "Pooch" Donovan and Dr. Nicholls, of the Harvard eleven, twisted knees were more prevalent than any other injury. "Don" Pryor of Brooklyn said the new rules helped his team immensely.

"They gave a greater chance for heady, speedy men," he said, "than was allowed the same players under the old rules, and are entirely satisfactory except possibly for the 20-yard zone relating to forward passes and on-side kicks and the division of periods."

Coach F. S. Durgin of Bowdoin College said the new game had great possibilities which even the larger colleges did not bring out.

Dr. Carl Williams, representative of the University of Pennsylvania on the football rules committee and chairman of the advisory board of coaches, is of the opinion that, while the new rules have decreased injuries, they have not made the game more interesting to the spectators.

"The game has been marred," he said, "by the fact that under the new rules prohibiting the giving of assistance to the runner, it is almost impossible for either of two evenly matched teams to gain more than two or three consecutive first downs.

"I would remedy this by permitting the runners to receive the assistance of at least one man. If such a rule were passed it would be possible to restrict the forward pass to back of the line of scrimmage. This would give the offense an even chance. Then I would remove the 20-yard restriction from the on-side kick.

"With the experience of this year as a guide, next year's game should be far more interesting and just as safe."

ANOTHER SOCCER LEAGUE FORMING

There is prospect of a new soccer league, with at least four teams composing it, and the probable teams will be Kams, Fort Shafter, Alilolani Alumni and McKinley High.

The Kams have wanted to start another league, and as each of these other organizations is thinking strongly of getting into the game, a league will probably be formed within a short time and the teams fight for the championship.

This week a picked team from the Grammar School League is going up against the champion Kams and try to put a goal over them, this picked team to represent the best players on the other teams of the league.

There will be a game of baseball at the Palama gymnasium this evening between the Beretanias and Palama Juniors. Each team has won one game, and the play tonight will decide the match.

In Boston a thief was caught who had stolen a glass eye from a poor peddler. The thief acted on a sight-sighted policy.—Cincinnati Commercial-Tribune.

"ALL THE POWER OF GOLD" GOOD

Well Acted Human Nature Offering by Orpheum Players.

CAST.

Maurice Brachard ..... Mr. Robert McKim
Jerome Le Govain ..... Mr. Charles E. Murphy
Max D'Andeline ..... Mr. James B. Norton
Marquis D'Andeline ..... Mr. Guy Hitner
Henri Deveaux .... Mr. Arthur Elton
Marcel De Fontenay ..... Mr. Oliver D. Bailey
Anne Marie ..... Miss Betty Jonson
Eleise Vernette ..... Miss Dorcas Matthews
Honore De'Andeline ..... Miss Marion Dunn
Clotelle ..... Miss Eva Martella

George B. Howard has so well handled his company of play actors that he can go away and leave them for a day or so with perfect safety; in fact, they do very well without him. This state of affairs materialized, crystalized and harmonized in "All the Power of Gold," the week's opening production at the New Orpheum.

The piece is a four-act drama, and is a far cry from the comedy in former productions, and demonstrates the fact that this company is "equal to the occasion" in any phase appertaining to the mimic stage.

The Orpheum was comfortably filled last night, notwithstanding the advent of the great American attraction at Aala Park.

Miss Dorcas Matthews again came into her own last night after a forced absence as the result of an accident, and it was very evident that her return was appreciated. She took a leading part in the new offering and certainly acted the requirements of the role.

Each member of the cast filled the role to the satisfaction of a critical audience, and the applause given them was hearty and wholesome.

Miss Betty Jonson had personal charge of the title role in "All the Power of Gold," and there were certain parts that called for the best acting there was in her, and she made good.

"All the Power of Gold" will be given again tonight and tomorrow night, and is well worthy of the patronage that is being given the piece by those of the city who enjoy some clean, capable acting.

The George B. Howard Company will close their Honolulu engagement a week from next Saturday night, so there will be another full week after this one of appreciated talent at the New Orpheum.

Of course it is expected that another troup will arrive to take the place of the Howard Company and it is to be hoped that there will be no falling off in the standard of productions.

DEFEATING WHITES REDS CAPTURE CUP

Fifteen to ten was the score of the baseball game last evening at Palama gym between the Reds and Whites, in which the former team was victorious and won the Alfred Castle Cup.

The teams:

Reds—A. Akana, c; Hamauku, p; W. Hoapili, 1b; D. Hoapili, 2b; Townsend, 3b; H. Aki, ss; McIntyre, rf; W. Saffery, lf.

Whites—Brito, c; Zerbe, p; Kailmajehu, 1b; W. Desha, 2b; D. Desha, 3b; Aukai, ss; Kamakau, rf; Melnecke, lf.

Live trout are carried from French streams to Paris sometimes more than 100 miles in automobiles fitted with glass tanks in their tonneaus.

SPORT CALENDAR.

Tonight.
Indoor Baseball, Palama Gym—Beretanias vs. Palama Juniors.
Thursday and Friday Nights.
Regular Matches Between Baseball Teams at Y. M. C. A. Gym.
Saturday, Dec. 17.
Big Fight at Asahi Theatre With Preliminary Bouts.
Friday Dec. 23.
Field Meet at Fort Shafter.
Tomorrow Night.
Bout at Navy Wharf Between Young and Hippel of the Navy.

AMUSEMENTS.

New Orpheum
(Telephone 2660)

LAST TWO WEEKS
Biggest Hit of Season

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None of Them Undeveloped!
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LIGHTNING CHANGE ARTIST!
And a Modern Reproduction of
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ADMISSION ..... 10c and 15c
No Extras!

Entrances on Hotel and Pauahi Sts.

WORES PAINTINGS ON VIEW FOR FEW DAYS

Splendid Collection Exhibited By Artist at Alexander Young Hotel.

The exhibition of paintings by Theodore Wores in the Young Hotel opened last evening with an informal reception under the auspices of the Kilohana Art League. The pictures are forty in number and will be on view until December 17.

It is a striking collection that Mr. Wores has brought to the Islands, and illustrates better than words the wandering of this painter over the world in search of material. Twelve of the paintings deal with Hawaiian subjects. Japanese, Samoan and Spanish subjects are also shown, the last named being among the artist's later works.

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THE
MALAN-MACGRATH COMEDY COMPANY
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Introducing
Will Malan, Jim Macgrath, Nellie Howard and
Dot Raymond, Singer and Dancer
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LOCHRANE
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They are the product of the best makers, the materials are excellent, the tailoring faultless, the styles pleasing to the quiet and to the fashionable dressers.

It is to the interest of every man to participate in this great clothing event. Plain to say, we give good, solid, honest value, and value sticks out all over our clothing.

Prices range from $6.50 to $21.50 and worth from 40 to 65 per cent more. Before buying any clothing look at our goods and prices. It will convince you of our great money savers.

Open Evenings

THE LEADER,

Fort Street near Beretania, Harrison Building, opp. Japanese Consulate.