

SPERRY'S ACTION EXCITES MANILA

ABUSE OF DISCRETION QUESTION IS DECIDED

The opinion and decision of the Supreme Court in the case of Carl Waldeyer vs. the Walluku Sugar Company was placed on file today. The case is one which was taken to the Supreme Court on a bill of exceptions alleging an abuse of discretion when Judge Kepolai refused to grant a continuance to the defendant when asked. The Maui jurist was sustained by the Court. The full text of the decision follows:

IN THE SUPREME COURT OF THE TERRITORY OF HAWAII. OCTOBER TERM, 1908.

CARL WALDEYER v. WAILUKU SUGAR COMPANY, LTD. EXCEPTIONS FROM CIRCUIT COURT, SECOND CIRCUIT.

Argued November 19, 1908. Decided November 20, 1908.

HARTWELL, C. J., WILDER, J., AND CIRCUIT JUDGE DE BOLT IN PLACE OF BALLOU, J.

Continuance—abuse of discretion.

An order denying a motion for a continuance will not be reversed unless, as does not appear in this case, an abuse of discretion is shown.

STATEMENT OF THE CASE.

The plaintiff brought his action to recover damages for several breaches or violations of the terms of two separate tunnel contracts made with him by the defendant, the sum of \$24,975 being demanded as damages for certain alleged violations of the terms of the contract of February 15, 1905, and the sum of \$10,404.86 for certain alleged wrongful acts of the defendant in relation to the contract of March 1, 1905. The defendant's motion for a continuance on the ground of the absence of material witnesses being denied the defendant excepted to the ruling and was allowed an interlocutory bill of exceptions. The motion was supported by the affidavits of C. company until October 31, that he had B. Wells, manager of the defendant full control and charge of the transactions between the defendant and the plaintiff, and that he had not prepared to meet litigation on the first contract because he understood that the second settled all claims under the first contract, and that he was surprised by a letter from the plaintiff about the close of August presenting an enormous claim for damages against the defendant for breach of the contract, which letter was immediately placed in the hands of Messrs. Kinney & Marx, whose senior member, W. A. Kinney, had represented the defendant in all matters concerning the contracts, authorizing the firm to take all necessary steps to meet the claim, although no suit was then brought, and it was uncertain when it might be brought; that he notified the defendant's present manager, Penhallow, then assistant manager, on a vacation at the coast, to hunt up witnesses on the coast who were in Walluku when the first contract was being carried out and had worked up it under the plaintiff, and also to meet Kinney on the coast, where he was then due to arrive shortly and get his assistance in carrying out the instructions; that a number of witnesses known to him whose evidence was material and necessary for the defense were as yet not located, although strenuous efforts

had been made to secure them, but there was every reason to believe that they would be located within a reasonable time, and that the failure to get hold of all the evidence necessary was wholly due to the plaintiff's delay in bringing the suit, and that the time from the plaintiff's demand was wholly too short to secure the necessary evidence, scattered as it was in Japan, on the coast and elsewhere, and that the time until the next term would not be too long by due diligence to secure the witnesses in deposition form and ready for trial, with further immaterial averments as to plaintiff's having harassed and annoyed the affiant by suits,—of W. A. Kinney, of the firm recently of Kinney & Marx, and now Kinney, Marx, Prosser & Anderson, to the effect that his firm was retained by the defendant in an arbitration suit with the plaintiff relating to differences between the parties under another tunnel contract between them, and that the hearing at the arbitration there was valuable evidence, particularly from the plaintiff, having a vital and pertinent bearing on many of the issues in the present action; that the arbitration matter was settled and that no transcript of the testimony was called for as it was not anticipated that the plaintiff would bring any further suit on said contract; that the affiant was the only member of his firm conversant with the arbitration proceeding; that he left Honolulu on business for Boston on September 8, being furnished just before leaving with the plaintiff's demand for redressing this action, and that altogether not certain that the suit would be brought he made inquiries in San Francisco for collecting evidence upon the subject, and particularly as to the whereabouts of one Halverson, who for about a year had charge in the plaintiff's name of the performance of the first contract, and saw Halverson and obtained from him much valuable information on the issues raised by the plaintiff's demand; although affiant did not learn that the suit was brought until his return to Honolulu October 23, his trip to Boston being exclusively for professional engagements in matters pending before courts in Massachusetts affecting the interests of clients in Hawaii; that upon returning from Boston he saw Halverson again in San Francisco, and then learned that means had been found to locate a large number of Japanese, ten or twelve in number, who worked under plaintiff and under Halverson in performing the original contract, and that he thereupon retained McClanahan & Derby in San Francisco to represent the defendant, instructing them to proceed forthwith to locate the Japanese and take their depositions; that in order to furnish data for McClanahan & Derby's search for evidence from the Japanese it was necessary to furnish them with the evidence taken before the board of arbitration; that upon returning to Honolulu affiant found that the transcript of the evidence had been ordered and was shortly to be completed, whereupon copies of plaintiff's complaint and the transcript were got away by the first mail after the transcript was furnished

DIVORCE LAWS MAY NEED CHANGING

MATTER MAY BE SUBJECT OF IMPORTANCE IN REPORT OF CHIEF JUSTICE HARTWELL TO LEGISLATURE—DIVORCES IN 1907 NUMBERED OVER TWO HUNDRED AS AGAINST SEVENTY FOR TWO PREVIOUS YEARS—IS CHANGE NEEDED.

While Chief Justice Hartwell has not yet signified in any manner that he will take up the divorce question as it appears in this Territory in his report to the Legislature, the figures which the statistical portion of the report will show probably mean that he will take some such step. The manner in which the number of divorces here has increased is so astonishing as to call for at least a most careful examination to see whether an abuse exists, and if it does, what steps can be taken to remedy it. The report of Chief Justice Hartwell for the two years of 1905 and 1906 show that the courts of the Territory in this city granted seventy divorces in that period. In a most striking contrast to this report made to Governor Prear for the single year of 1907 shows that 204 divorces were

granted, eight being refused, one discontinued and one dismissed. The figures for the current year are not yet obtainable, but it is safe to say that they will show a great increase over those of 1907. This matter is one which has been taken up by the Ministerial Association for examination but the report, if completed, has not been given publicly. The ideas of Chief Justice Hartwell on this subject will be received with attention by all classes, as he holds a position from which he is able to see the actual working of the statutes in this regard from both the legal and practical point of view. His long residence in the Territory, as well as his extended service on the bench will tend to make anything which he says on this subject of importance.

MORE HARBOR WORK BEING TALKED OF

The dredgers are now "cleaning up" in the harbor widening work and the completion of the building-up of Sand Island.

By the end of this month the piling of the digging and piling machines all day and all night, except Sundays, will be at an end and, also, the new lighthouse will be taking on the appearance of completion.

Early in December the lighthouse tender Kukul is expected and before the new year is old enough for people to forget to write 1908 on their letter-heads, big guns will be on the Federal islet that so strategically guards this port.

In addition to the perfection of Sand Island as a fortification, light headquarters and general stronghold, the harbor is to be further improved, if

present considerations are materialized, by the addition of new naval slips. Soundings have already been made for the dredging of the present slips, which have been filling in the last few years, but in addition to this it is said that at least one more wharf will be added.

The removal of the marine railway may follow, not necessarily in conjunction with the addition of a navy wharf, but contemporaneously, so as to effect a general facilitation of shipping.

Later, however much later cannot now be guessed, the quarantine wharf and shed will be removed back, or rather makai, and the basin toward Kalahehi cut in and deepened. The marine railway may be put over at the Ewa end of the harbor.

ed by the stenographer and has probably reached McClanahan & Derby; that affiant had for some years acted as defendant's counsel prior to the formation of his partnerships, and was cognizant from time to time of the matters of the contracts between plaintiff and defendant arising out of the said two contracts; that he was counsel for defendant in drawing the contract, both he and the defendant understood the first contract so that the plaintiff's claim was a surprise and no preparation had been made by him to prepare for it; that nearly four years have passed since the first contract and most of the witnesses to the issues thereunder are scattered in foreign countries, many of them having been completely lost sight of, all or many of whom are vital and important witnesses for the defense; and that it would be unsafe for the defendant at this time to proceed to trial without securing evidence of a number of them, including the evidence of Halverson and the Japanese located in California as well as one Honda who had been subpoenaed in the cause and in violation of the subpoena left the Territory for Japan, and also the testimony of one McCann, formerly of Lahaina, well acquainted with the plaintiff's business methods ability and record as a tunnel man and contractor; that the defendant's officers, as the affiant is informed and believed, have credibly been informed that the plaintiff's tunnel plan and appliances under the original contract were inadequate for the work called for by it and not such as it required of the plaintiff, but that sufficient time has not been given to counsel or the defendant to secure and prepare expert evidence to establish that fact, which evidence would have to be obtained partly at the coast from men skilled in making and using tunnel machinery and appliances, and that to secure the evidence it would be necessary to have a detailed description of plaintiff's appliances and also personal in-

spection by the experts; that it is customary for the affiant's firm to have engagements blocked out from two to three months ahead, and that when this suit was brought fully two months' work had been provided for, the affiant and his partner, Mr. Prosser, being now due in Honolulu on November 16 by positive engagements for the trial and defense of one Koki in the federal court on a charge of embezzlement, which trial in all probability would take a month, and that then the affiant and said Prosser as well as his partner Anderson had several months' work accumulated and for trial in the first circuit court, and that an unusual length of time would be required to prepare for trial in this cause by reason of the plaintiff's laches in delaying it until witnesses were scattered thousands of miles away; that all of the witnesses would give vital and material evidence if called at the trial; that Halverson would testify, among other things, that the plaintiff was wholly incompetent and unable to carry out the original contract and had failed to perform the same and was in default when the plaintiff and his bondsmen called in Halverson to perform the contract for them; that when he took charge all the men had deserted the tunnel work and plaintiff was unable to get them back because he had fraudulently and unfairly appropriated money furnished him by defendant to pay the men, which he had failed to do, and moreover that the plaintiff was so abusive and violent at times to the men that they did not care to work under him, with further details as to the testimony which Halverson would give.

(Continued on Page Two).

BIG DEMAND.

The first shipment of the new crop of Tengu Japan Rice arrived a few days ago and is almost exhausted. Cables have been sent ordering large shipment which will arrive soon. K. Yamamoto, sole agent.

PLANS ARE NOT HERE

SEATTLE EXPOSITION AGENT HAS NOTHING TO BASE HIS WORK ON—EVERYTHING DELAYED.

While there has been a good deal of talk about this and that being done in connection with the exhibit which Hawaii will have at the Seattle Alaska-Yukon exposition, it appears that the affair is quite at a standstill. No one in the Territory has apparently the slightest idea of even what space will be allowed the Territory, let alone what will be done with it.

It is understood that the plans have been drawn for the building, that even the contract has been let but no one in Hawaii has the faintest idea of how much room will be allowed for the local exhibition and therefore no plans can be made. Special Agent Childs is working hard, it is said, but what is being done, when it is uncertain whether there will be room enough for the exhibits or not, is hard to see. The exposition is supposed to open on the first day of next June, but it is evident at the present time that Hawaii will be a little late in having things ready for the public gaze.

Another matter that is a source of worry to the members of the commission appointed to handle the matter in this Territory, is the fact that the knowledge of how these things are to be shipped to Seattle seems to be hard to get. It is hoped that one of the army transports may take the freight un-free of cost, but this is not by any means certain. If the freight money comes out of the appropriations by the Legislature and by Congress it will mean that other things will have to be cut down.

Some of the members of the Legislature are rather against doing much for the exposition, or if it is done, believe that the money should come from the appropriation for the Hawaii Promotion Committee, which is handling the entire affair. It is doubtful if both will get large appropriations.

BUSY WEEK

Next week's going to be busy in shipping and otherwise. Monday morning brings from San Francisco the T. K. K. S. Hongkong Maru with a week's mail and also brings from the Orient the T. K. S. S. Tenyo Maru, bearing the home-returning California commercial delegates to Japan, and sailing for San Francisco probably in the afternoon of the day of arrival.

Tuesday is island steamer day with the departure of both the Mauna Kea and Mauna Loa at noon and the usual afternoon out-going fleet to Maui and Kauai, Hawaii and Molokai.

On Wednesday is due from the coast the Hilonian with guns for Pearl Harbor and Waikiki, mail and Thanksgiving freight.

Thursday is Thanksgiving Day and Saturday is Hawaiian Independence Day.

STOCKS BOOMING

All at once today, after an unusually barren week, the stock exchange list assumes the aspect of a boom. Many transactions are reported and the highest prices of late noted are in general maintained.

LOOKED GOOD TO HIM.

First Bystander (watching two men fighting)—Can't somebody part them? Second Bystander—Let 'em fight. One is a dentist and the other fellow's a chiropodist.

Best cups of coffee in the city at New England Bakery.

The place to have your typewriters and machines repaired is at Wall, Nichols Co., Ltd. Ford and Merchant streets. Telephone 10.

PHONE FOR TABLES

Patrons of the Alexander Young Cafe who wish reserved tables will please phone in advance. Phone 59.

ADMIRALS CLASH OVER CHOLERA PRECAUTIONS

(Associated Press Cable to The Star.)

MANILA, November 21.—Rear Admiral Charles S. Sperry, commanding the Atlantic fleet, has refused shore leave to the men of the fleet on account of the presence of cholera in this city. Governor General Smith has referred the matter to Washington. Captain Giles B. Harber, commanding the Asiatic squadron of the Pacific fleet, is allowing unrestricted liberty. Great indignation is felt here against the Atlantic fleet.

DENIES GIVING HUSBAND GUN

SAN FRANCISCO, November 21.—Mrs. Morris Haas, widow of the exposed saloonkeeper who shot Prosecutor Heney in court during graft proceedings and later came to his death in jail, alleged to have shot himself, emphatically denies that she gave her husband the pistol with which it is said he took his own life.

HARVARD CRIMSON BEATS YALE BLUE

SAN FRANCISCO, November 21.—In the important football game played today, Harvard defeated Yale by a score of 4 to 0; the University of Minnesota beat the Carlisle Indians, 11-6; the University of Wisconsin was defeated by the University of Chicago, with a score of 18-12.

EMPEROR AFOOT AT FUNERAL

ST. PETERSBURG, November 21.—The Emperor was today to be seen walking through the streets of this city, being one of the procession in the funeral cortege of the Prince Alexis.

GOMPERS RE-ELECTED

DENVER, November 21.—Gompers has been re-elected President of the American Federation of Labor at the convention being held here. He was given but one negative vote.

RIOTING NEAR HANKOW

WASHINGTON, D. C., November 21.—It is reported that there is rioting on the Yangtze River near Hankow.

AN INFALLIBLE REMEDY.

No matter how severe an attack of diarrhoea may be, Chamberlain's Colic Cholera and Diarrhoea Remedy never fails to give relief. You cannot afford to be without it. For sale by all dealers, Benson Smith & Co., agents for Hawaii.

HARBORMASTERS & PILOTS.

The Harbor Masters and Pilots' Association has called a special meeting for tomorrow evening, at seven o'clock, to consider the matter of sending a representative to Washington, and for other business.

MONEY-SAVING SPECIALS.
Sachs' holiday season special will be big money savers. The first one is next Saturday—white nainsook.

Why Should You Buy From Us?

Because--

We have an established reputation for honesty and fair dealing.

While we have had some dissatisfied customers, we have never allowed one of them to leave with the feeling that he had not been treated fairly.

Doesn't it pay to buy of a store of this kind?

Some
NEW STYLES
Just Arrived

MANUFACTURERS' SHOE CO.,
LIMITED.

1051 FORT STREET.

Broken Wills

They are too common, now-a-days. Wills are often drawn up by unskilled hands with many fatal flaws in them.

If you want to be sure that your will will be properly carried out, have it drawn up in proper form without charge by the

Hawaiian Trust
Company, Ltd.,
923 Fort Street

IN OUR CLOTHING DEPARTMENT Just Opened

SWAGGER CLOTHES
FOR YOUNG MEN

And men who wish to remain young.

FASHIONABLY CUT

THOROUGHLY TAILORED

Up-to-Date Garments

Prices Within the Reach of All

L.B. Kerr & Co., Ltd

Honolulu Department Store.

ALAKEA STREET.

Oceanic Steamship Company

Alameda Schedule

ARRIVE HONOLULU.	LEAVE HONOLULU.
ALAMEDA NOVEMBER 13	ALAMEDA NOVEMBER 18
ALAMEDA DECEMBER 4	ALAMEDA DECEMBER 9
ALAMEDA DECEMBER 25	ALAMEDA DECEMBER 30

On and after June 24th, 1908, the SALOON RATES between Honolulu and San Francisco will be as follows:

ROUND TRIP, \$110.00. SINGLE FARE, \$65.00.

In connection with the sailing of the above steamers, the Agents are prepared to issue to intending passengers coupon through tickets by any railroad from San Francisco to all points in the United States and from New York by steamship line to all European Ports.

FOR PARTICULARS, APPLY TO

W. G. Irwin & Co., Ltd

AGENTS FOR THE OCEANIC STEAMSHIP CO.

Canadian-Australian Royal Mail Steamship Co

Steamers of the above line running in connection with the CANADIAN PACIFIC RAILWAY COMPANY between Vancouver, B. C., and Sydney, N. S. W., and calling at Victoria, B. C., Honolulu and Brisbane, Q.

FOR FIJI AND AUSTRALIA. FOR VANCOUVER.
 AORANGI NOVEMBER 14 MOANA NOVEMBER 11
 MOANA DECEMBER 12 MAKURA DECEMBER 8
 Will call at Fanning Island.

CALLING AT SUVA, FIJI, ON BOTH UP AND DOWN VOYAGES.

Theo. H. Davies & Co., Ltd., Gen'l Agents

American - Hawaiian Steamship Company

From New York to Honolulu---Weekly Sailings via Tehuantepec

Freight received at all times at the Company's wharf, 41st Street, South Brooklyn.

FROM SAN FRAN. TO HONOLULU. FROM SEATTLE AND TACOMA TO HONOLULU.
 ARIZONAN TO SAIL.....NOVEMBER 21
 COLUMBIAN TO SAIL.....DEC. 5
 FROM HONOLULU TO SAN FRAN. CISO.
 COLUMBIAN TO SAIL.....NOV. 29
 ALASKAN TO SAIL.....DEC. 13

TEXAN TO SAIL.....NOVEMBER 20
 ARIZONAN TO SAIL.....DECEMBER 4
 Freight received at Company's wharf Greenwich Street.

H. HACKFELD & CO., LTD.
 Agents, Honolulu.
 C. P. Morse,
 General Freight Agent.

Pacific Mail Steamship Co.

Occidental & Oriental S. S. Co.

Toyo Kisen Kaisha S. S. Co.

Steamers of the above companies will call at Honolulu and leave this port on or about the dates mentioned below:

FOR THE ORIENT. FOR SAN FRANCISCO.
 MANCHURIA NOVEMBER 16 MONGOLIA NOVEMBER 14
 HONGKONG MARU NOVEMBER 24 TENYO MARU NOVEMBER 24
 ASIA DECEMBER 1 KOREA DECEMBER 5
 MONGOLIA DECEMBER 7 AMERICA MARU DECEMBER 19
 TENYO MARU U. DECEMBER 18 SIBERIA DECEMBER 26
 KOREA DECEMBER 28

FOR FURTHER INFORMATION APPLY TO
H. HACKFELD & CO. LTD

UNION-PACIFIC TRANSFER CO., LTD Phone 58
 BAGGAGE, SHIPPING, STORAGE, WOOD, PACKING, COAL.
 126 KING ST. FURNITURE AND PIANO MOVING.

MATSON NAVIGATION COMPANY

Arrive Honolulu. Leave Honolulu.
 S. S. HILONIAN NOV. 24TH DEC. 1ST
 S. S. HILONIAN DEC. 22ND DEC. 29TH

The S. S. Lurline of this line sails from San Francisco for Honolulu direct Dec. 4 arriving here Dec. 11, thereby affording the merchants of Honolulu ample time in which to receive and unpack goods for the Holiday trade.

S. S. Hyades of this line sails from Seattle for Honolulu direct Dec. 10th. PASSENGER RATES TO SAN FRANCISCO: FIRST CABIN, \$60.00. ROUND TRIP, FIRST CABIN, \$110.00.

Castle & Cooke Limited, Agents

STAR Printing Office

For years the Star's printing office has been a busy place. We have gained a reputation for doing good work at fair prices and delivering the job when promised. Few printing offices can make a similar claim. With addition to our plant we are in a better condition than ever to handle commercial printing. Our three Linotypes are at your service for book and brief work. If you are not a Star customer, send us a trial order; you will be pleased with the result.

Star Printing Office

McCandless Building.

Telephone 305

SHIPPING INTELLIGENCE

TIDES, SUN AND MOON.
 Last quarter of the moon Nov. 15th.

Date	High Tide	Low Tide	High Tide	Low Tide	Sun Rises	Sun Sets	Moon Rises	Moon Sets
Nov.	High Tide	Low Tide	High Tide	Low Tide	High Tide	Low Tide	High Tide	Low Tide
9	4:52	2:0	4:15	9:50	11:20	6:10	5:19	0:44
10	5:05	2:0	4:45	10:16	11:25	6:10	5:19	7:41
11	5:45	1:9	5:18	10:45	1:30	6:10	5:19	8:32
12	6:30	1:9	6:15	11:15	2:40	6:11	5:18	9:25
13	7:12	1:7	7:45	8:45	11:44	6:12	5:18	10:16
14	8:00	1:6	9:30	4:35	—	6:12	5:18	11:30
15	8:50	1:5	11:55	5:15	A. M.	6:13	5:18	12:30

Times of the tide are taken from the U. S. Coast and Geodetic Survey tables. The tides at Kahului and Hilo occur about one hour earlier than at Honolulu. Honolulu standard time is 10 hours 30 minutes slower than Greenwich time, being that of the meridian of 157 degrees 30 minutes. The time whistle blows at 1:30 p. m. which is the same as Greenwich, 0 hours, 0 minutes. The Sun and Moon are for local time for the whole group.

Shipping in Port

(Army and Navy).
 U. S. S. Ironclad, Moses, station tug. (Steamships).
 Br. S. S. Katuna, Norfolk, Nov. 18. (Sailing Vessels).
 Am. sc. Florence Ward, Piltz, Midway. Oct. 28.
 Fr. sp. Rocheambeau, Geau, Leith, Nov. 15.
 Br. bk. Edinburgh, McKenzie, Leith, Nov. 18.
 Am. bk. W. B. Flint, Hansen, Eureka, Nov. 21.

The Mails

INCOMING.
 From S. F., Hongkong Maru, Nov. 24.
 From Orient, Tenyo Maru, Nov. 24.
 From S. F., Hilonian, Nov. 25.
 From S. F., Asia, Dec. 1.
 OUTGOING.
 For Orient, Hongkong Maru, Nov. 24.
 For S. F., Tenyo Maru, Nov. 24.
 For Orient, Asia, Dec. 1.
 U. S. A. TRANSPORTS.
 Thomas left Hon. for Manila, Oct. 12.
 Logan at San Fran.
 Buford at S. F.
 Dix from Hon. for Manila, Oct. 30.
 Sherman at S. F.
 Warren at Manila.
 Crook from Hon. for S. F., Nov. 17.
 Sheridan from Hon. for Manila, Nov. 14.

FOREIGN MAIL SERVICE

STEAMERS TO ARRIVE.
 Date. Name. From.
 Nov. 24—Hongkong Maru...S. Francisco
 24—Tenyo Maru...Yokohama
 25—Hilonian...San Francisco
 Dec. 1—Asia...San Francisco
 4—Alameda...San Francisco
 5—Korea...Yokohama
 7—Mongolia...San Francisco
 8—Makura...Colonies
 12—Moana...Victoria
 13—Tenyo Maru...San Francisco
 19—America Maru...Yokohama
 23—Hilonian...San Francisco
 25—Alameda...San Francisco
 26—Siberia...Yokohama
 28—Korea...San Francisco

STEAMERS TO DEPART.
 Date. Name. For.
 Nov. 24—Hongkong Maru...Yokohama
 24—Tenyo Maru...San Francisco
 Dec. 1—Asia...Yokohama
 1—Hilonian...San Francisco
 5—Korea...San Francisco
 7—Mongolia...Yokohama
 8—Makura...Victoria
 9—Alameda...San Francisco
 12—Moana...Colonies
 13—Tenyo Maru...Yokohama
 19—America Maru...San Francisco
 23—Hilonian...San Francisco
 25—Alameda...San Francisco
 26—Siberia...Yokohama
 30—Alameda...San Francisco
 * Calling at Manila.

U. S. A. Transports will leave for San Francisco and Manila, and will arrive from same ports at irregular intervals.

SOMETHING FOR THE CHILDREN.

The purity of Chamberlain's Cough Remedy has long been an established fact. Give it to the little ones. In contains no opium or other harmful drug and will cure their coughs, colds and croup. For sale by all dealers, Benson Smith & Co., agents for Hawaii.

Fine Job Printing, Star Office.

THE PRESIDENT'S LAST MESSAGE

Tariff Question Will Be Left to New President and Congress.

HE PLANS LARGE PROGRAMME.

Reform Measures Pressed in the Past Again To Be Presented.

WASHINGTON, November 6.—The President has already completed the outline of his message to Congress. Much of the material for it has been gathered together and many features have been roughly drafted. The task of working it over into final shape is still to be taken up, but it can be stated that the President will send what will be recognized as a "characteristic" message. He will reiterate the demand for those things which Congress has not yet given and will come out for some new features of progressive legislation.

In short, in his farewell message the President may be expected to cut out

a large task for the new Administration which will assure that there will be plenty doing for some time to come. The tariff question has been reserved for the new Congress and the new President, Mr. Taft will have the writing of the tariff message, and it will be his first communication to the legislative branch of the government. He is going to work on it at Asheville during the winter and have it ready before inauguration.

WILL PRESS PET REFORMS.

With the tariff taken care of, President Roosevelt will present the case of those various reform measures he has been pressing in the past. The list will include:

Practical and effective amendment of the Sherman anti-trust act with the view of establishing some such Government supervision of the great industrial corporations as the Interstate Commerce Commission maintains over the railroads.

Some considerable extension of the powers of the Interstate Commerce Commission in the matter of controlling rates, especially the power to prevent a rate or schedule of rates taking effect until after the Commission shall have had an opportunity to examine and determine its prima facie reasonableness.

Liberal appropriation for the continued enforcement of the uniform railroad accounting provisions of the Hepburn act.

Passage of the Government employees' liability act.

Increase of the naval establishment by the construction of two new battleships, at least, and possibly a renewal of the request for four.

Provision for establishment of forest reserves in the Chappalachian region.

TO CONTROL WATER POWER.

Inauguration of an effective Federal control over the water powers of the country with a view to preventing their monopolization by private interests and to arranging that power shall be sold at reasonable rates.

Internal waterways improvement and development.

Campaign fund publicity.

Whether the President will take up income and inheritance taxes and the making of a valuation of the railroads is not yet decided, it is understood. The expectation is, however, that he will discuss at least the advisability of income and inheritance taxes. It is the President's firm belief that such legislation is needed in this country for the regulation of "swollen fortunes" and he is anxious that his recommendation of it in former utterances shall not be forgotten.

It will be recalled that a few days before the close of the last session of Congress Senator Doliver, chairman of the upper House committee on education and labor, gave a promise that his committee would at the beginning of the short session take up consideration of the child labor question and that a bill would be reported. This pledge was not made till after the Senatorial leaders had agreed to it. Senator Beveridge was insisting on action on his child labor bill and his urgency compelled the promise of consideration later.

CHANCE FOR CHILD LABOR LAW.

It is expected in view of the President's vigorous advocacy of the District of Columbia child labor bill last session, that in the coming message he will be especially earnest in asking that whatever can be done in the way of national child labor statutes be done without delay.

The President favors the idea of making some changes in the organization of the District of Columbia government. Whether he will ask for the substitution of a single executive is

not finally determined, but he leans to that decision of the matter.

One part of the message to which the President has devoted himself with especial satisfaction is the discussion of the battleship fleet's trip around the world. It has been a source of gratification to him that the display has been so strikingly successful both as a demonstration of the fitness of the navy and of the excellent relations between the United States and the nations of the world. The President will take occasion once more to press for a permanent policy of naval expansion. He is also strongly inclined to some changes in the navy bureau system, possibly aimed to bring the department organization nearer to that which prevails in the British navy.

ABUSE OF DISCRETION

(Continued from Page One.)

An affidavit was also filed by the defendant of M. F. Prosser that the papers first served on the defendant did not purport to be certified copies and that he notified the plaintiff's attorney of the mistake, and that he did not desire to take advantage thereof and move to quash as he might have done; that the action was commenced during the absence of Kinney, the senior member of the firm, who was thoroughly conversant with the matters relating to the parties; that about October 23 he learned that one Honda was a necessary and material witness for the defendant, without which the defendant could not safely go to trial; that Honda was in Honolulu and affiant caused him to be served with a subpoena to be present at this term of court as a witness for the defendant; that Honda told the affiant that he was a contractor for tunnel work for the defendant at the same time when such work was being done by the plaintiff and under similar conditions except that Honda got only four dollars a foot while the plaintiff was getting five dollars; that the plaintiff, owing to inability to carry out his contract and his unfair methods to the men, was in constant trouble with them so that he was unable to carry out the terms of his agreement with the defendant, and that by unfair methods of treating the labor and failure to pay them what they had earned the plaintiff had acquired such a reputation among the Japanese laborers that he could not obtain them at any price, therefore his work was greatly delayed and unprofitably performed to the great loss and annoyance of the defendant, and that Honda's evidence as well as that of the Japanese, whose names are unknown to the affiant, referred to in Kinney's affidavit as in California, is material and necessary to prove that the defendant's breaches of the contract did not occur; that the affiant notified plaintiff's counsel shortly after arrival at Walluku about October 26 that it would be impossible for the defendant to get to trial at this term for the reasons stated in the affidavits of himself and W. A. Kinney. The plaintiff filed objections to the motion on the ground that the affidavits do not show grounds for a continuance, that the facts expected to be proved by the witnesses are not set forth with sufficient particularity and instead of stating facts mere conclusions are stated therein; that the affidavits do not show that the evidence of said absent witnesses is not cumulative or could not be proved by other witnesses within reach, and fail to show due diligence to obtain their evidence by deposition or otherwise, and show that the witnesses whose evidence is sought are beyond reach by process, and with the exception of Halverson, whose deposition could be procured within the two months since service of summons, are unknown to the defendant. The plaintiff filed his own affidavit to the effect that the deposition of Honda could have been obtained with reasonable diligence; that many of the Japanese who worked with Honda and for the plaintiff and under Halverson are now on Maui and other islands in the Territory; denies that delay in bringing the action was due to motives assigned to him in Wells' affidavit; that he would have brought the action sooner if it had been convenient and practicable for him to do so; that the matters involved in the arbitration are different from those involved in this action and arose under a different contract; that the defendant was informed soon after the end of the arbitration proceeding that the plaintiff intended to bring this suit for damages. Other matters irrelevant to the issue are also set forth.

Lightfoot's affidavit was also filed by the plaintiff to the effect that Prosser, one of the defendant's attorneys, told him about October 23 that the defendant's cases were ready for trial and its attorneys would insist upon immediate trials and not consent to continuances but oppose applications for continuances, but October 30 Prosser told him that the defendant would be unable to proceed to trial in this case at the present term; that there was ample opportunity to take Honda's deposition both in Walluku and Honolulu.

W. A. Hardy's affidavit was also filed

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by the plaintiff that he was employed by the plaintiff in the Waiehe ditch tunnel as foreman during a large portion of the time that Halverson was there, and that many Japanese laborers working there are now on Maui. The plaintiff also filed his statement that he admitted that Honda if present would testify to all the facts which the affidavit of Prosser shows that he would testify to, and that Prosser's affidavit (affidavit) might be read in evidence in so far as it showed what Honda's evidence would be and to have the same effect as if testified to in court. Also that the witness Halverson if present would testify to the fact as set forth in Kinney's affidavit as Halverson's evidence, and that Kinney's affidavit, so far as it sets forth what Halverson's evidence would be, may be read as the deposition and evidence of Halverson at the trial.

Counter affidavits were filed by the defendant of Fennallow going further into statements made to him by Halverson and of Wells that he could not except in a general way give statements made by witnesses to him, but that he knew that they would testify as claimed by him; that Halverson's evidence would not be cumulative since he would testify to conversations with the plaintiff and to matters and things coming to his knowledge as foreman in charge of the ditch tunnels part of the time covered by the complaint, and that during Halverson's employment he was the only person familiar with the English language employed there and was a person of intelligence whose evidence would be received with respect and carry great weight, and that he only could testify to conversations had with or directions given by the plaintiff concerned the work; that he was anxious to go to trial at this term but yielded to advice of counsel that he could not safely do so, and further as to conversations with Honda and the affiant's surprise to hear of Honda's contemplated departure so that he had only time to notify his Honolulu agents twenty-four hours before Honda left the island (of Maui) on his way to Japan, and further that Honda as a contractor of similar tunnel work would testify that he had often visited plaintiff's tunnels and was familiar with his methods during times not covered by Halverson's evidence. Other facts bearing upon the case are mentioned in the opinion of the court.

ORAL OPINION.

HARTWELL, C. J. A statement of the case will be filed later and the court does not for that reason delay to announce its decision now, which is that it is unable to find legal grounds for reversing the ruling of the judge denying the defendant's motion for continuance. (Statement appended.)

In cases where it is claimed that there was abuse of discretion it is impossible to lay down clearly defined rules to control an appellate court. Definitions of abuse of discretion are frequently found. That of Chief Justice Marshall adopted in People v. Vermilyea, 7 Cow. 369, is a fairly exact definition although not covering all the cases of abuse of discretion. Disregarding known rules of law on any subject on which there are known rules would be error whether called abuse of discretion or not.

A continuance is frequently a mat-

ter of common right irrespective of any statute or rule of court and a disregard of the right by refusing a continuance would be an abuse of the discretion to postpone the trial. Take, for instance, the case of the death or sudden illness of a material witness. It is seldom that counsel would resist a continuance for that cause, but it would be a matter for consideration whether the evidence was available from another source and was merely cumulative. A question of law might arise on the ground that the evidence which the witness should have given is merely cumulative to other evidence shown to be available. The appellate court could say whether it was or was not so and there is no discretion in the determination of the matter. In this case the court denied the motion on the ground substantially that due diligence had not been shown by the defense; that the non-cumulative evidence sought was admitted by the plaintiff and that the evidence not admitted and not available was merely cumulative.

A great deal is said and ought to be considered concerning the effect of the personal attendance of a witness in place of an admission by opposite counsel that he would testify as claimed. We all understand the advantage of having a good witness before the jury, and yet the practice appears to be that if it is admitted that he would testify as claimed and that the jury might consider the evidence as if presented by the witness that is sufficient to require the trial to go on.

We are unable to find any capricious or arbitrary disregard of any general principles of law in refusing the defendant's motion, and, to illustrate this fact, I am allowed by Mr. Justice Wilder to say that he considers that if the motion had been before him he would not have been justified in granting it. On the other hand, I am authorized by Judge De Bolt to say that he would have granted the motion and I am inclined to think that I should have done so. It appears to all of us that there has been no lack of good faith on the part of the defendant or any of its attorneys. I was much impressed by Mr. Kinney's showing of the importance of full and thorough preparation of a defense in such a case and of not coming into it in a slipshod haphazard way; but, as he remarked, different counsel would look upon the matter differently. One would rely more upon a legal defense and take less care to obtain an elaborate defense on the facts than another would; in other words, one is more cautious than another may be. Now I have great respect for the habit of elaborate preparation. It is expensive frequently in time, money and effort, but it tells undoubtedly as any of us know who have had long practice at the bar. If the senior counsel for the defendant had been here when service of the complaint was made, with his methods, which we all understand, of elaborate preparation, he would not have neglected any opportunity available to obtain the showing he now seeks to obtain for the defense if he then desired the continuance; but he was absent and did not return for fifty-three days after the service. Who was to suffer for his absence? It is the general understanding, I believe, that engagement of counsel in other cases in other courts is not an excuse

Continued on page seven

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SPORTS

The Social Whirl

(From the Pacific Weekly.)

Calling Days in Honolulu

Mondays—Kakaako, Kewalo,
Tannery.
Tuesdays—Molokai, Govern-
ment Stables, Brewery.
Wednesdays—Insane Asylum,
Dowsett Lane.
Thursdays—River Street,
Vineyard Street Camp.
Fridays—Fishmarket.
Saturdays—Saloons, Clubs,
Hospitals.
Sundays—Oahu Jail.

Bill Baxter, familiarly known as the
Beau Brummel of the stevedores, re-
turned from a brief visit to his wife's
relations at Waimanalo by the steamer
J. A. Cummins, yesterday. He is
now domiciled at his cozy apart-
ments in Fogarty's flats.

After a week's sojourn at Crater Cot-
tage, Miss Cash, of Peckers & Co., is
back in town in time for the fall
stocktaking.

Mrs. Snuffles was a charming hos-
tesse at a lemon social given at her
residence behind the Brewery, last
Thursday night. The affair was thor-
oughly enjoyed by a bevy of guests of
whom the following may be men-
tioned without fear of libel suits: Bare-
footed Bill, Sweet Emma, "Buck" Mc-
Elroy, Sam Sniffen, Jack No. 11, Miss
Mary McCandless, Joe Pupule, the
Misses Makapopi (3), "Fatty" Grub-
binson, "Hatchet Face" Liz. The social
was named "lemon" on account of the
unique method of choosing partners for
the supper and dancing which follow-
ed. Each lady ate supper with her
head enveloped in a gunny-sack, the
food being conveyed to each fair
mouth through a slit in the bag. The
gentlemen picked their partners at
random. After supper the masks were
removed and each gentleman gazed
on the features of his partner. As
nearly every gentleman was heard to
remark that he had got a lemon, it
must be admitted that the party was
applied named.

A very pleasant hop was given at the
Hotel de Magoon last Friday. While
the dancers had their attention dis-
tracted by a dog fight in the street
below, some miscreant blew out the
lamps and hopped away with an arm-
ful of hats, holokus, shoes and other
articles of lingerie. Some enthusiastic
but misguided wahine turned in an
alarm of fire and in order that the de-
partment might not have its run for
nothing, some obliging person put a
match to the curtains. These unlook-
ed for little surprises are getting to
be quite a feature of Kakaako func-
tions.

Some of the prominent young bache-
lors employed at the bottling works
gave a goat dinner last Saturday eve-
ning in honor of Percival de Swipes
who will shortly join the ranks of the
benedicts. Everyone knows the scene
of the festivities, except the police,
and they would like to.

The many friends of genial "Square-
face" John Pottle, will rejoice to hear
that he has been promoted to the cap-
taincy of the mud scow "Roaring
Ann." Captain Pottle knows more
about gin and water than anyone in
town, bar none.

Tom Basher and the Walkiki Whirl-
wind, accompanied by a select coterie

SPORTING SPOUTS

The Outrigger Club will at once be-
gin construction on the breakwater in
the lagoon, on the club lanai and on
the new causeway from Walkiki road
to the club's property, the work to be
completed in time for the regatta and
feast on December 5. The bath house
and quarters for ladies are in prepara-
tion and the Ladies' Auxiliary mem-
bership cards are ready.

At Kapiolani park on Thanksgiving
Day the Automobile club will hold a
gymkana. The list of events so far,
is as follows:

First Event—Time race. Cars must
cover one mile as nearly as possible
in four minutes. The car coming close-
st to that time wins the prize.

Second Event—One mile standing-
start race. Cars will be placed in a
row with their engines dead, and driv-
ers will start one hundred yards be-
hind their cars. At the signal, drivers
will sprint for their machines, crank
them up and then race one mile round
the track.

Third Event—Potato race. Cars to
start standing and a potato to be pick-
ed up at every quarter-mile post.

Fourth Event—Tilting at the ring.
Lances for each driver and a ring hung

of admirers, took a run down to Pearl
City last Sunday afternoon. Arrived
at their destination, boxing gloves
were donned and the pair gave a
pleasing exhibition of physical culture
to the delight of all present. The
bout was a friendly one and both men
shook hands cordially at the com-
mencement of the exercises. This
pleasing detail, however, had to be
omitted at the conclusion of the
seance, as the whirlwind was out for
the major portion of ten minutes.

Clarence Snickers, who is quite a
wit, in his way, created no little di-
version in the Fashion saloon the other
night by thrusting a bunch of facetiae
on Jack, the genial bartender. The
"hot dogs" had just made their bow-
wow on the lunch counter and Clar-
ence, sliding up to the tray, whistled
entirely, explaining that he loved
dogs and had such a way with them
that they always came to him when
he called or whistled. A deftly hurled
bungstarter put an untimely kibosh
on the humorist's little joke.

Miss Dulcie Puahawalanai spent a
few restful hours in the Pawa car
shelter last Wednesday night. Dulcie,
whose absent-mindedness is notorious
among those of her own set, in some
unexplainable manner contrived to miss
the last car to Kaimuki where she re-
sides with her parents. Being quite a
pedestrian she tramped from town to
Pawa and there rested in the car
shelter, waiting for the 2 a. m. milk-
wagon to put in an appearance. Fat-
igued by her lengthy promenade, she
fell fast asleep and was awakened to
the fact that it was morning by the
good-looking and obliging conductor
of the first Waiwale, Palolo, Kaimuki
and mountain scenery car going east.
We are glad to be able to state that
Miss Puahawalanai was doing the
rounds of the moving pictures the
same evening, none the worse for
her al fresco nap.

Willie Sneakem, the well-known cap-
expert, departed hurriedly to the Coast
in the last Alameda. Willie, while
wooing the fickle jade the other eve-
ning, ran up against twenty-three pas-
sages at the hands of a rival player, and
as he continued to fade in the gamest
possible manner, a serious dislocation
of his employer's cash register has to
be recorded. Hence the jaunt.

Signor Batchigalupi, who claims to be
an Italian prince travelling round
the world incognito, left for San Fran-
cisco by a recent steamer. He was
seen off at the wharf by the Chief of
Detectives Spotter and a couple of
plain clothesmen. When he went up
the gangway, Kapelmeister Berger,
with that delicious sense of humor
which has made him famous, ordered
his music boys to play a lively lock-
step.

The Hon. Claude Fiddington, of
London, is a recent arrival at Hono-
lulu's premier hotel, and is being
made much of by the local bon ton.

The afternoon after his arrival the
scion of nobility made a sporting bet
with the bartender, who was assist-
ing him up the stairs, that it was not
4 o'clock. The barkeep, noticing that
the hands of the elevator indicator
pointed to the figure 4, indicating that
the lift was at the fourth floor, called
the attention of the Honorable Claude
to the fact, whereupon the bet was
promptly paid over, the loser exclaim-
ing, "Bai Jove, old man, you're a
deuced good guesser, doncherknow!"

from posts, six to the half mile.
Fifth Event—Tire race. Deflate
your tires, take them off and then put
them on and inflate before starting.

Sixth Event—Half-mile slow-speed
direct drive.

Seventh Event—Straight-running
race for runabouts costing \$1000 or
less.

Eighth Event—Two-mile race for
runabouts, all styles.

Ninth Event—Three-mile trotting
race for touring cars fully equipped.

The Turf

(From Pacific Weekly.)

The Hilo executive have made the
harness race five to enter and two
to start, in place of three to enter and
three to start. This is as it should
be. Otherwise owners of horses ship-
ped from the other islands for the
race would have their trouble and ex-
pense for nothing, providing only a
couple of the entries were in shape
to start.

Parnell and Adion, the Maui cracks,
will be shipped to Hilo the middle of
next month. Billy Lucas is likely to
go in charge of them.

Waldo J. looks and acts as well as
ever he did in his life. If entered for
the harness event at Hilo he should
render a great account of himself. It

is understood that he may be sold to
a Hilo party, although Owner Hollin-
ger is said to be keen on taking his
horse up and racing him himself.
The other entries for the race will
include Parnell and Naniwa.

Trainer Joe Reddy has Bruner and
Indigo quartered at the Lemon place
at Waikiki. Both horses look well,
especially the old fellow who is as
lively as a two-year-old and appears
to have several good races in him yet.
The horses are working daily in Ka-
piolani Park and are attracting no
little attention among lovers of rac-
ing.

It looks as if a bigger crowd would
go from here to Hilo than has ever
attended a race meet in the Hawaii
metropolis. The Elks are likely to go
up en masse and nearly every sport
you meet on the street is planning to
spend the year end in Hilo city.

ENTRIES IN GRAND PRIZE

SAN FRANCISCO, November 8.—Al-
though additions and subtractions to
and from the list of Grand Prize en-
tries may develop as a result of mail
advice from Europe, November 1st
saw the official closing of entries for
the Grand prize race of the Automobile
Club of America, with the entries
signed, sealed and delivered of two
famous American cars, the Simplex and
the National.

The Simplex will be driven by F.
Norton Seymour, a driver who first
came into notice at Briarcliff when he
made an impressive showing with the
Simplex, working her from nearly last
to fourth position when the race was
called off.

No driver has been named for the
National. Negotiations are pending
however, with Emile Stricker, who
drove Robert Graves' Mercedes in the
Vanderbilt. This car has a six-
cylinder motor, rated at seventy horse-
power. Not only the National but the
Locomotive seem to prefer this type of
motor for their speed creations. It has
practically been decided that neither
the B. Y. M. nor the Matheson will
start.

Two additional entries were also re-
ceived for the light car race, the added
starters being Juhanz in the S. P. O.,
that competed in the first twenty-four-
hour race, and a French Gregoire. This
brings the list of light car starters up
to nineteen, including two Chalmers-
Detroit, four Buicks, three Oldsmo-
biles, four Maxwells and one each of
the following: Lancia, Isotta, Fras-
chini, Cameron, America, Aristocrat,
Gregoire and S. P. O.

The complete list of starters in the
Grand Prize is as follows:

Italy—Fiat, Louis Wagner; Fiat, Fe-
lice Nazario; Fiat, Ralph de Palma;
Italy, Henri Fournier; Italia, Alexandre
Cagno; Italia, Giovanni Pisanza.

Germany—Benz, Victor Hemery;
Benz, Rene Hanriot; Benz, Fritz Erle;
Mercedes, Poege; Mercedes, Salzer.

France—Bayard Clement, Lucien
Hautvast; Bayard Clement, Victor
Rigal; Lorraine-Dietrich, Arthur Du-
ray; Renault, Francis Szasz; Renault,
Lewis Strang.

America—Locomotive, H. T. Grant;
Acme, Cyrus Hartschke; Lozier, Harry
Michener; Simplex F. Norton Seymour;
National, Emile Stricker; Shadwick,
Willie Hought.

Fine Job Printing, Star Office.

THE SOUL OF NIPPON

(From The Sunday Hawaii Shinpo.)

A MEDIAEVAL LEGEND OF JAPAN.
At winter dusk upon the hillside cold,
While shivering trees made moan,
Went Hojo Tokiyori all alone,
Free of his Regent robes and zone of gold,
Free of all trappings of imperial state,
Plain garbed as Buddhist priest, he bent his head
Before the icy winds that beat
Upon him as he upward strode.
Rough and stony was the road;
Across the rim of waters Fuji's crest
Rose dim and blue against the palling West.
Bare lay the frosty valley at his feet,
And faint and far upon the plain below,
The lights of Kamakura shed their glow.
He turned and gazed and grimly said,—

"No royal palace is the home of truth,
So now I dare what every mortal fears—
The judgment of a man by his compeers—
The test that men still flinch from till they die.
For if I still hold rule supreme, be great
Of deed and mind,
Myself must learn what man 't is guards my gate;
Must learn what man am I.
And happy in the hollows of the wind,
The mighty soul of Nippon I shall find."

Closer he drew his robe of ashen gray,
And faced once more the darkening, upward way.
On, on he trod 'neath cloud-veiled stars till dawn,
His spirit to the soul's high levels drawn,
And begged for food or sleeping place
From poor and rich, from good and base.

And ever learned he more from friend and foe
The subtle things that dynasts seek to know
Of wit or warning against overthrow.
Often in lordly hall or peasant's cot,
In words of praise or slight,
With deepened shadows or excess of light
Saw his own picture drawn, and knew it not.
"Yea, words are plenty; wisdom rare," said he.
"My name of common tongues the sport,
The shuttlecock of good and ill report;
Yet in it all no sunrise-ray there be.
O Soul of Nippon, speak thou unto me!"

From fruitless searchings by the Eastern strands,

GERMANY'S BIG NAVAL PROGRAM

Two United States Navy Officers Un-
der Court Martial for Mis-
conduct in Japan.

NEW YORK STREET CASUALTY.

Rockefeller Being Cross-examined—
Bryan at Rest in Mexico.
Royalty Mourning.

BERLIN, November 21.—The Reich-
stag has allowed \$55,000,000 for new
naval armament and authorized the
building of three battleships, three
cruisers, six torpedo boats and several
submarines on this year's program.

NAVAL COURT MARTIAL.

MANILA, November 21.—A naval
court martial has convened, of which
Rear Admiral Schroeder is president,
to try Lieut.-Commander Jewell of the
Louisiana and Lieut. Bowers of the
Rhode Island for misconduct in Japan.

FATAL STREET EXPLOSION.

NEW YORK, November 21.—Twenty-
five people are dead and missing owing
to the explosion of a gas main in the
street yesterday.

JAPANESE COURT MOURNS.

TOKIO, November 21.—The court
has gone into mourning for three
weeks in honor of the late rulers of
China.

THE BRYANS EN ROUTE.

LAREDO, Tex., November 21.—The
Bryans have arrived here en route to
Mexico for a month's rest.

ROCKEFELLER ON THE RACK.

NEW YORK, November 21.—The
cross-examination of John D. Rocke-
feller will continue today.

GRAND DUKES FUNERAL.

ST. PETERSBURG, November 21.—
The body of the Grand Duke Alexis
will be buried today.

IMPATIENCE REBUKED.

The minister of a certain parish in
Scotland was walking one misty night
through a street in the village when
he fell into a deep hole. There was no
ladder by which he could make his
escape, and he began to shout for help.
A laborer passing heard his cries, and,
looking down, asked who he was. The
minister told him whereupon the la-
borer remarked: "Weel, weel, ye need-
na kick up sic a noise. You'll no be
needed afore Sawbath, an' this is only
Wednesday night."—Argonaut.

BROKE ONLY THREE RIBS

SAN FRANCISCO, November 2.—The
Hornets and the Burns tied with a
goal apiece at San Mateo. Sharp of
the Hornets suffered three broken ribs
in the first of the game and the team
was compelled to finish with ten men.
Elliott scored the goal for the Har-
nets and Higgins netted the ball for
the Burns combination.

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So now I dare what every mortal fears—
The judgment of a man by his compeers—
The test that men still flinch from till they die.
For if I still hold rule supreme, be great
Of deed and mind,
Myself must learn what man 't is guards my gate;
Must learn what man am I.
And happy in the hollows of the wind,
The mighty soul of Nippon I shall find."

Closer he drew his robe of ashen gray,
And faced once more the darkening, upward way.
On, on he trod 'neath cloud-veiled stars till dawn,
His spirit to the soul's high levels drawn,
And begged for food or sleeping place
From poor and rich, from good and base.

And ever learned he more from friend and foe
The subtle things that dynasts seek to know
Of wit or warning against overthrow.
Often in lordly hall or peasant's cot,
In words of praise or slight,
With deepened shadows or excess of light
Saw his own picture drawn, and knew it not.
"Yea, words are plenty; wisdom rare," said he.
"My name of common tongues the sport,
The shuttlecock of good and ill report;
Yet in it all no sunrise-ray there be.
O Soul of Nippon, speak thou unto me!"

From fruitless searchings by the Eastern strands,

Through winter days, and toiling sore,
Back by Shinano's wild volcanic lands
The weary Tokiyori bore,
Till lost in Kozuki on an eve of storm,
It seemed he could no farther go.

The night had fall'n, and with it came the snow,
In blinding flakes and dancing whirls of white,
And numb his hands and feet began to grow.
When, as through tattered shoji, came a gleam—
Dim as a blurred star in a dream—
And groping toward it painfully,
He paused, and cried, "Pray shelter me."
Back slid the shoji, and a gaunt old man
Came out, and looked upon the farer's face.
His smile of welcome died, and in its place
Came awe and shame; then, halting, he began,—
"Most reverend—and noble—we are poor;
A famine-butt that dogs would not endure.
Cross yonder hill, and richer folk you'll find."

And Tokiyori silent faced the wind.

Now came the aged good wife raging forth,
Her anger rising more and more.
"Sano san Zymo," said she, "where's the worth
Of being born a samurai,
Thus to debase the honor of your door?
On night like this to turn a man away
When we should open to a east?"
"Before him, wife, a lordlike priest,"

Old Sano muttered, "we should die of shame."
"Were he the Regent," cried the dame,
"You should not let him go
To die amid the wind and snow.
Who knows but this our life of bitter need
Comes from God's finger, pointing to no deed
Of godlike charity to light our path?
We little have: the strange priest nothing hath.
Run: bid him back, my lord, to warmth and rest.
Say: 'Come, most reverend, we'll share our best!'"

Within the hut around the little fire,
Sat Tokiyori with the man and wife,
Sharing their scanty miller dish.
And, ever as the embers "gan expire,
A little tree hung on them gave them life—
Three little trees with large and fair good-wish.

First 't was a dwarfish pine tree long of days,
And next a tiny plum tree kings would praise.
And last a dainty cherry fed the blaze.

Said Tokiyori, "You are poor indeed,
Yet you are burning trees you've grown in jars,
Which only rich ones can afford."
And Sano, stooping still the flames to feed,
Made answer smiling, "Truly, Reverend lord,
Not with my low estate do they accord:
But in these scarecrow tatters you behold
One brave among the samurai of old,
And one from whom, while in the Shogun's wars,
His tyrant neighbors took his lands by force
And left him but this hut, his battle-horse,
And these three little trees.
Yet grieve not, priest, their tender beauty fled,
For where can costly wood the better burn
Than on the hearth where warms man's love for man?
And flower and leaf return to God the best
In lighting up the welcome of a guest;
Yea, since it is the gift of God to live,
The greatest joy in living is to give."

"The greatest joy is giving," Tokiyori said,
"And love is giving all," said Sano's dame.

"Love," smiled old Sano, "is life's fire and flame,
And evermore my heart grows warm and light
That when I bade you forth in wind and snow,
My goodwife breathed the voice of Bushido,
That teaches when a stranger's at the door
The face that looks thereout should aye be bright,
Nor poor need be the welcome of the poor.
"Were he the Regent, take him in," she cried.
"And if he were?" asked Tokiyori low.

"Ah, for the Shogun," Sano cried aloud,
"I hold my life were all is lost beside.
My old white horse still lives to bear me proud
To battle at my lord the Shogun's call.
My two-hand sword, tho' rusty, hangs him there,
Ready when forth my horse and I shall fare
For Tokiyori, greatest lord of all."

And Tokiyori smiled:—"Lo, now I know."

Fram Kamakura soon came call to war,
The war-drums rattling loud through all the ways.
And warriors trooped from near and far—
Veterans many from old fields hard-won.
And youths who yet no shining deed had done.
And all in clanking panoply of fight,
From cot and castle, and from field and town,
Came lightfoot o'er the hills before the night,
And poured through all the valleys to the plain,
With cries and cheers,
Till morning flared its red-gold arrows down
Upon a hundred thousand swaying spears.

Sat Tokiyori on his battle-steed,
His great soul shining in his searching eyes.
About him daimios, armed and spurred,
And shomios ready or to strike or bleed,
Or challenge death in any noble guise,
All watchful waiting for his word.

Then, as silent waters break
With sudden wind-stroke into weltering sound,
He spake:—
"Now know I Nippon hath but one great soul,
That soul hath answered to its Shogun's call,
And whither hence the tide of war shall roll,
Before it every foe must fall.
Long did I seek what now I know.
It came to me mid wind and snow,
And in this host the proof shall stand forth clear:—
A gaunt old man upon an old white horse,
His sword two-handed, and his eyes like flame,
His armor rusty and his garments coarse,—
Sano san Zymo is his name:
Find him, and bring him here."

Lo, from far off, amid the silent host,
Came Sano with his tottering beast.
His heart scarce beating, eyes in wonder lost,
The old horse trailing at his bjdle-rein.
"Salute the Shogun: bow!" But Sano muttered faint,—
"This is no Shogun, but a reverend priest."

"Nay, soul of Nippon," answered Tokiyori low,
"You sheltered me from wind and snow.
For me you burned your costly trees in jars,
And pledged your life into the Shogun's wars.
'T was Tokiyori warmed him in your room,
And saw the soul of Nippon in your eyes.
Your stolen lands I solemnly restore,
And ere we march, I give to you a prize:—
Reign lord of Sakurai where cherries bloom,
Of Matsuida where the pine tree grows,
And fair Umeda where the plum tree grows."

The Hawaiian Star

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Letters to THE HAWAIIAN STAR should not be addressed to any individual connected with the office, but simply to THE HAWAIIAN STAR, or to the Editorial or Business Departments, according to tenor or purpose.

GEORGE F. HENSHALLMANAGER
SATURDAY.....NOVEMBER 21, 1908

FIGHTING FOR HONOLULU HOMES.

The Makiki residents who have begun opposition to the establishment or maintenance of Japanese labor camps in their district are making an issue in which all Honolulu is interested. Every Improvement Club in the city should back the Kaahumanu Improvement Club in this matter. The fact that the Kaahumanu Club, of Makiki, is the first one to take the matter up, is simply due to the fact that Makiki is just now most affected. But every other part of the city is open to the same danger. All need the same protection, which is to be found in an enlightened public spirit, or in drastic laws, that will rid residence districts of the nuisance. As The Star has said before, this is not in any degree whatever a race movement or a matter of prejudice against Japanese. A white labor camp similar to the ones which Japanese are seeking to establish should be similarly objected to and prevented. It is a truth plain to common sense that if the beauty and attractiveness of the residence portions of our city are to be preserved, those portions of the city must exclude long rows of rude shacks, no matter who inhabits them. Those portions of the city must keep out the small soda water stands, bath houses, etc., which always are a part of the labor camps. The home builder, or resident, no matter of what race, is wanted in all these sections. But the labor camps agent will have to be shut out. When to the undesirable features already mentioned is added the more serious moral one,—when it is realized that these camps are often of a character such as no American community tolerates except in certain shunned districts regarding which it is an accepted principle that the less that is said the better,—the issue becomes very plainly one that is vital to the interests of the coming greater Honolulu.

Mr. C. L. Rhodes would make a competent mayor's secretary, and will be able to give Mayor Fern the assistance of much political and other experience in public matters.

"THE SPIRIT OF DEMOCRACY."

As the author of a work issued in New York two years ago, entitled as above, is shortly to visit Honolulu, a brief review of the book will be of local interest. Mr. Charles Fletcher Dole is the author, being a cousin of Hon. Sanford B. Dole, Judge of the United States District Court for Hawaii. A former work by Mr. Dole, on American citizenship, has been used as a textbook in the Honolulu High School. Other books he has written are "The Coming People" and "The Religion of a Gentleman."

"The Spirit of Democracy," in the first place, is indited with a pleasing literary style and an equally agreeable method of arrangement of the subject-matter. In the preface the author strikes an optimistic keynote to which the major part of the treatise itself rings true. He says:

It is my purpose in this book to show what real democratic government is. People have studied the outside of the body of democracy; they have hardly begun to know what makes its life, or upon what its good health depends.

Democracy is on trial in the world, on a more colossal scale than ever before. Its friends perhaps never faced more difficult problems. Neither have they ever had so much reason to hope for success.

He has no easy panacea to offer, nor prophecy to make, but says there is "a certain spirit of humanity or good will which all the clear-sighted thinkers are coming to agree is the essential factor in civilization." This spirit is growing among men. All the signs of the times go to show that the world is coming to demand this spirit, as the hungry body craves food. I hope to show that in the growth of this spirit we find the clue to understand and to work out the splendid experiment of democracy." Disclaiming any narrow philosophy touching the problem of evil, he accepts the facts of savagery and barbarism, the same as those of a necessary period of childhood in a human life, and sympathizes with President David Starr Jordan's lines:

Jungle and town and reef and sea,
I loved God's earth and his earth loved me,
Taken for all in all.

To which he adds in conclusion: "But I assume that we are here to carry highroads through the jungle and to mark the reefs by buoys and lighthouses. If the world on the whole is a good world, we shall find this out as fast and only as fast as we seek to make it better."

The first chapter deals with the teachings of history, a warning being given that "interesting and valuable as history is, it is easy to overestimate its importance." The largest part of its record consists of men's blunders and failures. "Many a time," the author says, "mankind has wandered from the true path of advancement in futile experiments, which only serve at best as warnings to later generations. The history of medicine, of science, of institutions, of morals, of religions, of liberty, through thousands of years, presents to the reader only here and there brief eras of progress, like jets of light rising out of the darkness of the primitive ignorance and superstition. The inventors, the discoverers, the reformers, the great leaders of the march of mankind, have not been men who worshipped the past and followed historical precedents. On the contrary, they have thrown precedents aside and have addressed themselves in every instance to the pressing questions of their own age; they have grappled at first hand with the secrets of nature, with the conditions and the materials which they found immediately at hand; they have freed their mind of prejudices; they have set their eyes on ideals and the future rather than on ancient traditions and statutes; they have believed that 'new occasions teach new duties.' It is suggested that the most startling examples of the supposed failure of democracy have not been instances of the rule of many, but rather of the despotic rule of the few, who have hoodwinked or terrorized the many." The horrors of the French revolution for instance, Mr. Dole going on to say that the trouble there, as in the matter of misrule of American cities, was that the democracy had not even been organized.

New ideas in politics are next taken up. "We have studied nature outside of us. We have only begun fairly to study the far more important science of the human nature within us," and in conclusion on this point the author says that democracy is not a mere machine to

be compared with modes of machinery—not a scheme to provide for a great tug-of-war between contending factions, or between multitudes of selfish voters—but "a force, or spirit, growing out of the nature of man."

Democracy as a social force is briefly treated, the author showing the average man to be engaged in social pursuits more than he knows. It is a habit from childhood to employ plural pronouns in discussing his personal interests. He takes pleasure in writing "we" and "our" rather than "I" and "my." The co-operative idea is at work long before men are conscious of it, beginning in the family, a little society in itself. Socrates, the mightiest individualist of his time, when advised to fly from ignominious death in Athens, replies, "I have no rights as against Athens and her laws."

Good will as a motive principle, referred to in the preface, is the subject of a chapter. "Mr. Roosevelt's extraordinary hold over the American people," Mr. Dole says, "arises from the fact that they believe him to be a man who acts altogether out of regard for human welfare."

On the topic of idealism and the facts, the author mentions the town governments of early New England, exclaiming on how far their simple business was from the enormous problems of the modern state, and how easy it was for a few hundred men who all knew one another to co-operate for the few common concerns of their community. "And yet," he proceeds, "Charles Francis Adams has shown that human nature in the towns of Massachusetts was often as mean, narrow, factious, prejudiced and selfish, albeit all were of the one Anglo-Saxon blood, as human nature often shows itself today in the heterogeneous populations of New York or Chicago. If the wheels of democracy creaked in the little town of Quincy, who wonders that the vast wheels of the nation rattle and groan under their enormous burdens?" Charles W. Eliot is cited as having made a masterly demonstration of the fact that, "however distant from our time true democracy is, there is hardly anywhere on record an instance of such success in democratic government as we have already achieved in America." And the author concludes: "Our success has been the outcome, not of men's selfishness, their distrust, their hate and jealousies, but of the precious leaven of men's essential religion, their faith in one another, their faith in justice, their faith in progress, their faith in a righteous universe."

Space will not permit following Mr. Dole throughout his discourses on new meanings of democracy and sovereignty, the question of what is government, "liberty, equality, fraternity," the extension of democracy, and discussions of practical problems, these last furnishing topics for a majority of the chapters. Suffice it to say that, until his launching into the concrete, his pages charm by their optimistic confidence in the plain people's capacity of governing themselves.

It is where he discusses propositions of practical politics that he invites dissent from no doubt many of his readers. Such will find it difficult to coincide with his apparent identification of various theories of actual government, such as woman suffrage, the initiative and referendum, minority representation, etc., with democracy as a fundamental principle. He may be right or wrong in the side he takes on any specific question discussed, but that is not the question in considering democracy as a basis of government. The deciding issue on his main theme is whether or not, in any problem that may present itself to a nation, the people ought of inherent and natural right to judge and act for themselves, according either to precedents or premises, taking the consequences and learning by the experiences. This at least would seem to have been the rule upon which democracy in America has developed.

It is good news that the Rapid Transit Company officially announces its plans to extend to Pearl Harbor. The Star has from time to time told of its preliminary work in laying plans, but for some strange reason known to the powers that be, there have always been earnest denials that Pearl Harbor was ever in the thoughts of the company. Now that the whole proposition is out in detail, citizens may congratulate themselves. It will be a great thing for Honolulu in many ways.

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In Spring-Time Many People Need a Good Tonic. WHO GETS FAT JOB?

Mrs. R. Boyer Writes From 1421 Sherman Ave., Evanston, Ill., Concerning Pe-ru-na. Read Her Letter Below:



"If any one has reason to praise Peruna, it is surely myself.
"Last spring I became run down from the serious effects of lingering cold and several complications united in pulling me down.
"I could neither eat nor sleep well, and lost flesh and spirit.
"I finally tried Peruna and it did wonders for me.
"In two weeks I was like another person and in a month I felt better than I ever had before.
"I thank Peruna for new life and strength."

Pe-ru-na, a Standard Tonic the World Over.

From the bracing rigors of winter to the balmy warmth of spring-time is a climatic change that affects every one more or less. A great multitude of people, however, are so affected by the change as to require medical assistance.

If such people neglect to take a good tonic that will safely tide them over the trying weather of early spring, the system is weakened, the blood over loaded with effete materials of the winter season and the victim is rendered an easy prey to acute ailments.

It has been the universal experience of mankind that a spring tonic of some sort is necessary. All kinds of remedies, herbal and mineral, have been used. There is usually great uncertainty as to the operation of the average spring tonic.

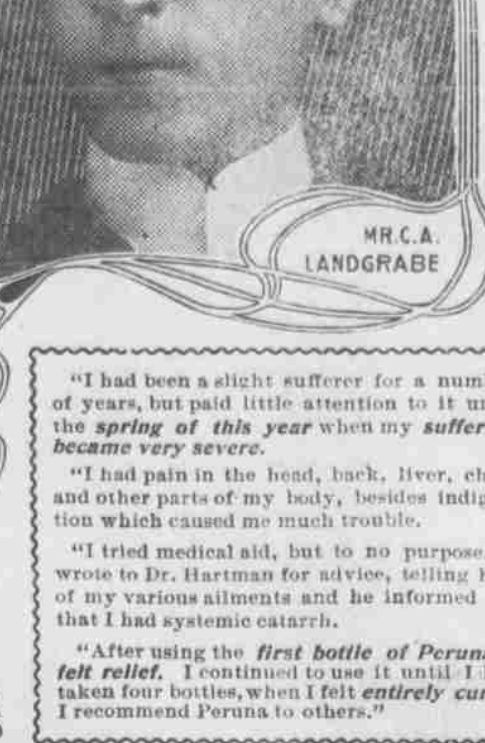
Peruna, on the other hand, has been in use for so many years and in such a variety of climates and by such a multitude of people that its beneficial operation for spring ailments has become a practical certainty. Peruna can be relied upon as a spring tonic. It cleanses the blood by correcting the digestion, which is the source of good blood.



MR. L. D. TOWNSEND



MRS. E. MALMGREN



MR. C. A. LANDGRAVE

Aids Digestion, Promotes Sleep.

Mr. E. Arnold, Westerly, R. I., writes: "I wish to say a good word for your valuable remedy, Peruna. I have taken many kinds of medicine during my life, but find that Peruna stands ahead of all. It aids digestion, promotes sleep, quiets the nervous system, strengthens the throat and vocal organs. I have used it for catarrh and to break up sudden colds which is the best of all. "I contracted a severe cold once which ended in pleurisy and left me weak, and every change of weather would bring a return of old pains. Peruna now vanishes all pain. I cannot praise it enough. I tell all my friends that it is the best medicine used for the life of life. If any word of mine will lead others to try it, you are at liberty to use my testimonial in any form."

Gave New Life and Force.

Mr. B. F. Sellers, 3334 Olive street, St. Louis, Mo., writes: "Any man in my profession often has

Mr. L. D. Townsend, suite 2, 3 and 4, Century Bldg., St. Joseph, Mich., writes: "I am grateful for what Peruna has done for my family."

"Six months ago my wife's health was very much run down, lacking vigor and suffering with pains in her head and back."

"A friend advised her to try Peruna, which she did with most satisfactory results. In a few weeks she was completely restored to her usual vigor, and is now happy, well and strong, thanks to Peruna."

"I have tried Peruna myself when tired and overworked and in every instance I have felt better within a day or two."

to spend the whole night with a tremendous strain on his respiratory organs. I have time and again gone home so worn out that I could neither eat nor sleep, and a number of my colleagues have been in the same condition. "But Peruna has changed this. I found that after using a bottle or two my system was greatly invigorated with new life and force, and I can now fortify my system to endure a greater strain than was ever possible before. Peruna certainly is very necessary to me, and keeps me in splendid health."

Headache and Backache.

Mrs. Nannie Hall, 12 Herbert street, Atlanta, Ga., writes:

"I write to tell you how much good your Peruna has done for me. I was so sick and nervous that I was almost dead. I could not eat nor sleep nor work any at all, but was in bed nearly all the time, and was almost a skeleton. I was so poor. Now I can eat anything I want and it doesn't hurt me, and I can sleep all night long and get up and work all day. I don't have any nervous-

Mrs. Elin Malmgren, 77 Cleveland street, West Manchester, N. H., writes:

"Every spring and fall, for eleven years, I have been troubled with catarrh in my throat and nose and hoarseness."

"I am pleased to state that at last I found a medicine, Peruna, from which I received great benefit, and I will hereafter use and recommend it."

"I always keep it in my house in case of sickness."

"I recommend your medicine to all my friends and every sufferer as an excellent medicine."

ness now, but am happy all the day long. I sing the praises of Peruna wherever I go, and I believe it saved my life. I could not have lived through the summer in the condition I was in."

"I had tried many doctors, but they did me no good. Peruna certainly cured me. I had headache and backache and was very nervous. I could not eat nor sleep, and was almost in my grave. I tried your Peruna, and I felt better from the start. I took about five bottles of Peruna and the awful headache and nervousness was gone. I could eat anything, and my nerves are all right, and I have no more backache. I am well, and Peruna cured me."

Catarrh of the Head.

Mr. C. Hallock, Antwerp, O., writes: "My daughter Allie, after taking three bottles of your Peruna is entirely cured of catarrh of the head of two years' standing. We have used Peruna as a general tonic, as well as for catarrh, and are well pleased with it and recommend it to anybody who has catarrh. Anybody wishing any information can write to me."

Doctors Called It Consumption.

Miss Ella L. Matthews, Box 111, Hill City, Tenn., writes:

"I find much pleasure in writing you to let you know that I have been taking your wonderful tonic, Peruna. From experience I have decided that there could be no greater medicine in the world than Peruna."

"Several physicians had pronounced my disease as consumption. I had been a sufferer for several years, and was growing weaker all the while, until I could hardly walk across my room."

"I was so fortunate as to get a Peruna book, and after reading it carefully I decided Peruna was the remedy for me, so I began taking it. Today my health is better than it has been since I had the measles ten years ago. I cannot express half the praise which is due to Dr. Hartman for his great and wonderful remedy and his advice regarding health. I do not think I would be living this day had it not been for Peruna."

CENSUS SUPERVISORS WILL SOON BE APPOINTED—DELEGATE KUHIO HAS GIVING OF POSITION.

Who will get the job as census supervisor in this Territory, is a question which is of a good deal of interest to the local politicians. The appointment will be made in the near future and is one which will be controlled by Prince Cupid. Before he left here he was asked whom he had in mind and replied that there were a number of applicants for the position but that he had not decided on the right man yet. He refused to state who had applied for it.

The job is a fat one, carrying with it a good salary for about two years. In addition to this it gives the opportunity for a distribution of patronage such as is rarely seen here. With the large number of nationalities to be found in Hawaii many interpreters will be needed and many votes can be placed away in cold storage by this method for use two years from now.

If it were not for the fact that A. L. C. Atkinson always desires that he is ever going to take a government position, it might be stated that he is likely to accept the job. His father was in charge of the last census taken in these islands and the salary would be a comfortable addition to the attorney's fees. He would also be right at home when it came to the giving out of jobs. Charles F. Chillingworth is also one who is mentioned as a possibility, as a return for election favors done to Cupid and John Lane in the recent campaign.

Besides a line to the Pearl Harbor naval station, as mentioned in the Star several weeks ago, the Rapid Transit Co. will connect the town system with the Diamond Head and Waikiki forts. When the extensions are completed there will be speedy transportation from one end to the other of Honolulu's defenses. Also, as previously reported by this paper, the Onahu railway system will make connection with the projected army post at Lihue.

NOTICE.

Notice is hereby given that Ho Shee has this day withdrawn as a member of the firm of Wo Fat, doing a Chinese restaurant and Confectionery business on Hotel street, between Kaula and Maunakea streets, Honolulu, T. H.

Dated at Honolulu, Nov. 16, 1908.
WO FAT,
By Wat Ging, Manager.

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We will buy your Diamonds, old watches and jewelry for spot cash.

J. CARLO

1018 Nuuanu Ave., and Branch, Fort St., near Hotel.

We Believe

in Quality first of all; Quality of service, and Quality in the materials employed.

We are careful of our customers and their eyes.



Boston Building.

NEW ENGLAND MUTUAL LIFE

INSURANCE CO.

of Boston, Massachusetts

New Policy

The contract embodies in an absolutely COMPLETE and PERFECT form, the principle of strictly MUTUAL life insurance.

CASTLE & COOKE, LTD.

AGENTS.

Also representing

Aetna Insurance Co.
National Fire Insurance Co.
Citizens Insurance Co.
Protector Underwriters.

HAWAII'S BIG SHED

Harry Denison has successfully moved the great ten-thousand-ton capacity sugar shed eighty feet from its original position makai of the railroad wharf and work has already started on doubling the capacity of the large freight shed, which when completed will be one of the largest west of the Rocky Mountains. Here a cement floor will be laid and space allowed for several shiploads of miscellaneous freight.

GIFTS

For Christmas

Are hard to decide upon

IF IT'S A MAN, get him a pair of our Soft, Pliable, "Comfy" Vici Kid.

Men's Slippers or Romeos

SLIPPERS in Black and Russet...\$1.50 to \$3.50.
ROMEOS...\$2.00 to \$3.50.

NOTHING SO COZY AND COMFORTABLE FOR HOME USE.

NOTHING GIVES MORE LASTING SATISFACTION.

Regal Shoe Store

McCandless Building, Corner of King and Bethel Streets.

TEACH KINDNESS

The Humane Society wishes to start a campaign in the public schools, by which all the children of the Territory may be brought up to treat all animals kindly. On Monday afternoon the society officers will appear before the Board of Education and present their scheme to its members. Some wonderful placards have been printed for the purpose of this education in huge letters of red and green, making the following statement:

"I will try to be kind to all living creatures and to protect them from cruel usage."

Swift doth the wheel of fortune spin in each election bout!
That some may now be up and in Some must be down and out.

JACK'S LEAP YEAR SO FAR BARREN

It has occurred to the minds of several prominent bachelors within the past few days, now that the year is drawing to a close, that this is leap year. A reporter started out to devote an hour this morning to gathering leap-year facts, but no lady would admit of having made any proposals and the only man seen who had the courage to make any admissions was Attorney A. L. C. Atkinson who confessed that so far he had not received a proposal of marriage, that is not this year. There still remain forty days in which Jack's fate may be decided by some courageous maid. Charlie Hustace, Bob Shingle and other prominent bachelors were too busy to be interviewed.

WOMAN SUES TELEGRAPH COMPANY FOR DAMAGES.

Claims Word "Feel" Was Changed to "Fell," Causing Her to Think Husband Was Badly Hurt.

LOUISVILLE (Ky.), November 6.—Because, as she claims, the Western Union Telegraph Company changed the word "Feel" in a message to "Fell," thereby making her think her husband had fallen from a ten-story building, Mrs. Rose Polk entered an action against the company for \$15,000 damages.

The bill specifies that the plaintiff's husband, H. H. Polk, was working as a laborer on top of a ten-story building at Peoria, Ill., about January 20. He had been ill, and his wife sent him a letter inquiring after his health. Anxious to relieve his wife of any doubt, the husband telegraphed back a message as follows: "Got your letter. Feel O. K. now." But, the bill claims the message actually delivered to the anxious wife read, "Got your letter, fell O. K. now."

Knowing her husband was working on a ten-story structure, this last message, so she claims, caused Mrs. Polk to believe he had fallen a great distance. Result was, she states, that she suffered great mental anguish, sustained permanent injuries to her health and had her powers of earning money permanently diminished. She has paid out \$200 in doctors' bills, and is still under the care of a physician; wherefore she sues for \$15,000 damages.

Fine Job Printing, Star Office.

BASEBALL TOMORROW.

The Hawaiian Star baseball team will cross bats with the Hawaii Salop team and the Bulletins with the Chronicle team tomorrow at the league grounds. The first game will commence at 1 o'clock and the second game at about 2:30. Admission free.

The Kalihl Athletic Club baseball team will play the Wailele team tomorrow afternoon at 2:30 on the Kapalani Park field. These two teams are playing for a silver cup, the Kalihl having won one game already.

A GOOD MINCE PIE.

The secret of a good mince pie is to slightly cook the mincemeat, let it cool, then make your pie. The mince pie will then be thoroughly cooked without over cooking the delicate crust. Mrs. Kearns boils her mincemeat and saves you the trouble.

IN HIS YARD.

The Small Manufacturer—I raised the wages of all my men this week.

His Friend—Indeed.

The Small Manufacturer—I paid them all in chickens I had raised myself.

THANKSGIVING DAY.

This is a timely notice for you to make plans for spending Thanksgiving Day at the famous hostelry, Haleiwa, the most delightful spot on this island for tourists or kamamāna. The dinner that day will be something better than usual and will give the housewives of Honolulu an opportunity to enjoy the day thoroughly. The ride down is a pleasant one and conditions there so pleasant that none can fail to enjoy them.

The melancholy days draw near
When winds that bleakly blow
Bring sadly to the listening ear
The words, "I told you so!"
—Washington Star.

New Advertisements

MEETING NOTICE.

HONOLULU HARBOR NO. 54, A. A. of M. M. and P.

A special meeting of Honolulu Harbor No. 54 will be held at Odd Fellows Hall, Fort street, Sunday evening November 22, 1908 at 7:30 o'clock for the purpose of discussing matters relative to sending a Representative to Washington, D. C. and for the transaction of such other business as may come before the meeting.

By order of the Worthy President,
FRANK C. POOR,
Secretary.

Mr. Bonine will show some of his finest moving pictures in the after-supper program of the Men's League of Central Union church on Monday evening.

BY AUTHORITY

NOTICE TO CONSUMERS OF NUUANU AND UPPER MAKIKI WATERS.

Until further notice the use of water for IRRIGATION PURPOSES upon the High Pressure systems, more particularly described as that portion of the system lying on both sides of Nuuanu Avenue and mauka of School and Luitana streets, Thurston Avenue, Luinailo street, Hastings street, Manoa road and including Manoa and College Hills Tracts is hereby strictly prohibited. This regulation will be rigidly enforced as the Water Works Inspectors have been instructed to shut off all services where they find irrigation. The services so shut off will not be turned on again until all costs and expenses connected therewith shall have first been paid.

J. M. LITTLE,
Supt. Honolulu Water Works.
Approved:
MARSTON CAMPBELL,
Supt. of Public Works.

Classified Advertising

LOST

Bank Book No. 2905, Bank of Hawaii in favor of S. Ladd, trustee, has been lost. Please return to Star office.

The Bank of Hawaii Ltd., Savings Pass Book No. 6186. Finder return to The Bank of Hawaii Ltd.

ROOM AND BOARD. THE COURTLAND.

Is a high class, private hotel at reasonable rates, located at the corner of Punahou and Beretania streets. It is not a large place; we'd rather care well for a few people than indifferent for many. Call and inspect the rooms.

WANTED.

Bright white boy for office, must have knowledge of shorthand and typewriting. Address M. L. this office.

FOR RENT.

Two large airy rooms. Suitable either for lady or gentleman. Apply 1920 King street.

First class furnished rooms centrally located. Hot and cold baths, Arlington Hotel, 215 Hotel St.



FOR SALE!

Eight Lots at Kaimuki, cleared and fenced. Suitable for truck farming\$2100
Two fine building lots in Manoa\$1600 and \$1000

FOR RENT

Nuuanu Avenue\$35.00
Nuuanu Avenue\$50.00
School Street\$40.00
Quarry Street\$22.50
Kinau Street\$25.00
Thurston Avenue\$75.00
Luinailo St. (Furnished), \$40.00
Waikiki (Furnished)\$40.00

"Waterhouse Trust"

Corner of Fort and Merchant Sts.

Wireless Telegraph

Low Rates, prompt, accurate service.

Weakened Vitality Impoverished Blood



Read what Ayer's Sarsaparilla did for a well-known city missionary, who writes:

"I was for many years a sufferer from boils and other eruptions of a like nature, caused by the impoverished state of my blood. My appetite was poor and my system a good deal run down. Knowing the value of

AYER'S Sarsaparilla

by observation of the good it had done to others, I began taking it. My appetite improved almost from the first dose; then my general health improved, and now it is excellent. I feel a hundred per cent. stronger, and I attribute this result to Ayer's Sarsaparilla, which I recommend with all confidence as the best blood medicine ever devised."

As now made, Ayer's Sarsaparilla contains no alcohol.

There are many imitations Sarsaparillas.

Be sure you get "Ayer's."

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.
AYER'S PILLS, the best family laxative.

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by having it papered in good taste with our Wall Paper. We have a large new stock of very handsome patterns. Our

WALL PAPER

may be seen to great advantage in our special show room down stairs. Let us show you some.

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Send it to our store and let our mechanical expert give it a general overhauling.

It will prolong the life of the machine and enable your stenographer to do MORE and BETTER work.

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Fine Job Printing, Star Office.

SOCIAL EVENTS OF THE WEEK

NECESSITIES OF LIFE IN NEW YORK SOCIETY

Mrs. Howard F. Gould's estimate in her claim for alimony, of society women's necessary monthly expenses at present in New York City:

Monthly rent of apartment, not ultra fashionable...	500	Harness, whips, carriages, etc.	25
Rent of furniture or deterioration of furniture owned	500	Two automobiles	1,000
Coal, gas, electric lights and telephones	100	Chauffeur	150
Butler	75	Gowns and street dresses, (Cheapest, \$150)	1,000
Cook and housekeeper	75	Hats, veils, etc., not more than two a month	100
Kitchen maid, housemaid and lady's maid	105	Shoes, slippers and hosiery	50
Linens, curtains, carpets, bedding, silver, dishes, glass, etc.	700	Lingerie, etc.	50
Repairing, etc.	25	Fans, parasols, umbrellas, opera glasses, etc.	50
Grocer, butcher, baker, etc.	1,000	Doctor, dentist, massage, etc.	30
"It costs as much for one as two"	1,000	Books, stationery, music, etc.	100
Four horses, veterinary services	200	Amusements, theatres, operas, etc.	50
Coachman's salary	75	Tips and small items	50
Grooms, stablemen, etc.	55	Total monthly	\$5,915
Livery, boots, keeping in order	50	Total yearly, less charities, traveling, etc.	\$70,580

Mrs. Archie Young, Mrs. Will Soper. Delicatessen Table—Mrs. H. M. von Holt, chairman; Mrs. E. T. Simpson, Deaconess Potter, Mrs. E. Kopke, Miss Ladd, Mrs. Howard Hitchcock, Mrs. Douglas, Mrs. Ichler, Mrs. Andrew Fuller, Mrs. Robert Lewers, Mrs. Crabbe, Mrs. Lawrence, Mrs. T. J. King. Ice Cream Table—Mrs. Charles Booth, chairman; Mrs. Caroline Clark, Mrs. Schmidt, Mrs. G. W. R. King. Candy Table—Miss Margaret Catton, chairman; Mrs. Bliss, Mrs. Kingsbury, Mrs. James Judd.

Advertising Committee—Mrs. Walter Combs, chairman; Mrs. Tom Sharp, Mrs. W. W. Thayer, Miss Willis. Decorating Committee—Mrs. E. D. Tenney, chairman; Mrs. Irmgard Schaefer, Miss Sophie Rycroft.

Mr. and Mrs. A. Lindsay expect to sail from Liverpool by the Lusitania on November 21. They will probably reach Hilo by the December Enterprise—Hilo Tribune.

Mrs. Osborne begs to announce that the reception to be given on Tuesday, November 24, in honor of Mr. Claude Osborne's marriage, will be held at the "Chiffs," Diamond Head, instead of at the rectory. Vehicles will meet the cars to convey guests to and from the house, and every convenience will be provided.

Mr. and Mrs. J. F. Fleming are expected home in the steamer Hilonian and will stay at the home of J. F. Morgan for the present.

Dr. Brinkerhoff returned from Maui on the Mauna Loa on Friday, and was seen in his automobile yesterday. His saddle horse seems to have become rather the favorite over the machine of late.

Mrs. Cornwallis West, better known as Lady Randolph Churchill, is quick to enter the lists in defense of society from the attack of Mrs. Astor. She has nothing startling new to say. She dismisses "smart sets" from all consideration on the ground that they do not belong to society and she asks us not to judge a caste or a class from the antics of a few people who would like to belong to it, but who do not actually find themselves within the charmed circle. Society, the true society, is made up of very exclusive and very cultured people, who detest seeing their names in print and frown severely upon whatever smacks of publicity.

But Mrs. Cornwallis West has something to say in the way of gentle strictures. She does not like the various social "sets," each one being a law unto itself and looking down upon all others as inferior. Then, again, she thinks that American society women should take an interest in politics and serious occupations of that kind.

It is said that exclusiveness is peculiarly necessary to American society if it is not to be quite overrun by the parvenu, and to this Mrs. Cornwallis West says: Perhaps if they opened their doors a little wider their influence, not to say example, might be felt. In England society is easier of access than in any other place in the world, being built on broader and more solid foundations, and a long-established order of things has made people less apprehensive of having their privileges encroached upon or their position shaken, and they can afford to receive whom they please.

English society being less exclusive, "individual merit is more appreciated than rank or fortune," and "beauty and charm in a woman and brains and good-fellowship in a man take them where dull duchesses and rich bores seek in vain to enter."—Argonaut.

The Christmas sale at the Art League closes at five o'clock. It has been a great success, artistically, financially and socially. The building presented at many times the appearance of the scene of a tea or reception in action.

A very pretty dance was given last night at the Diamond Head home of the William Smiths by Miss Mildred Smith to about fifty couples of the younger set of the city. Dainty refreshments were served during the evening. The Smith home is one of the most beautiful in the city, with its broad lawns near the water, that form a perfect place for dancing.

The coming concert of Miss Katherine Goodson, who will arrive by the Canadian-Australian steamer Makura on December 8 and give the music lovers of the city a chance to hear her wonderful art expressed through the piano, is exciting a great deal of interest. Miss Goodson's reputation is such that a crowded audience has already been secured by the advance sale at the Bergstrom Music Company. Miss Goodson will give the following program:

Sonata, C sharp minor, Op. 27, No. 2	Beethoven
Adagio Sostenuto.	
Allegretto—Trio.	
Presto Agitato.	
Three Etudes, A Flat, Op. 25, No. 1	Chopin
A Flat, Op. 25, No. 9	
Two Valses, G. Flat, Op. 70.....Chopin	
A Flat, Op. 42	
Ballade, A Flat, Op. 47.....Chopin	
Sonata, E Minor, Op. 7.....Grieg	
Allegro moderato.	
Andante molto.	
Alla Menuetto ma poco piu lento.	
Finale—Molto Allegro.	
Romance, Op. 24, No. 9.....Sibelius	
Rigaudon, Op. 23, No. 1.....Arthur Hinton	
Aeolus, Op. 59, No. 5.....Friedrich Gernshein	
Humoresque.....Tschakowsky	
Rhapsodie, No. 2.....Liszt	

SUNDAY CONCERT AT MAKEE ISLAND

The Hawaiian band will play at 3 p. m., Sunday at Makee Island. Following is the program.

PART I.	
The Old Hundred.	
Overture—Unrest	Storeh
Intermezzo—Clouds of Roses	Bergere
Gloria—Twelfth Mass	Mozart
Selection—Faust	Gounod
PART II.	
Vocal—Hawaiian Songs...ar. by Berger	
Selection—A Morning Parade	Hume
Overture—Dame Valentine	Suppe
Finale—Guilt of the Roses	Bergere
Star Spangled Banner.	

METHODIST CHURCH.
At the Methodist church tomorrow morning President Perley L. Horne of Kamehameha will preach. In the evening Rev. J. L. Hopwood will preach.

CHINESE CHURCH.
On Sunday evening, at the Chinese church, Fort street, Rev. W. B. Oleson, well known for his eloquent addresses to young people, will speak on "Humanity's Hope." The Mill Institute Glee Club will furnish two musical numbers. A cordial invitation is extended to all.

Fine Job Printing, Star Office.

MAKIKI PEOPLE IN SELF-DEFENSE

At a well attended meeting last night, the Kaahumanu Improvement Club decided to ask the Central Improvement Club to call a mass meeting of members of all city improvement clubs to take action in the matter of the Japanese camp nuisance; to secure legal assistance and have a measure drafted to present to the Legislature when it meets in February next, prohibiting the encroachment into residential districts of undesirable tenements. It was also resolved to start a movement among the Makiki property-holders to pledge them not to dispose of their property without making it a condition of the sale that the property is not to be used or disposed of for tenement-house purposes.

Information was given that Mr. Ito, the builder of the intercepted Pilokil street labor camp, was backed by white capitalists. He had paid E. C. Peters an attorney's fee of \$800 to fight his case.

S. Sheba, editor of the Hawaii Shinpo, the paper that lately charged Rev. E. W. Thwing with having by his action caused a scattering of Iwilei denizens over town, was present by request to represent the Japanese community, being introduced by Allan Herbert. His Thwing roast was read to the meeting by James L. McLean. Mr. Sheba stated that the Japanese press agreed with the people of Makiki in objecting to the building of tenements in the parklike suburbs of the city, but stated also that the determined fight now being made by the Pilokil street builder was being urged upon him by certain white partners he had in the enterprise, the ones who were putting up the money. Mr. Ito himself was reluctant to go ahead with his plans in the face of the opposition of the residents. He stated, however, that it was not a question of establishing another Iwilei on Pilokil street, but one of having quarters for the Japanese servants of the Makiki district.

E. C. Rowe reported the hauling of lumber to build another labor camp in the section close to Col. McCarthy's property on Beretania avenue.

C. W. Ashford, the volunteer attorney of the club, was assured of his expenses in the campaign. Mr. McLean reported he had been assured by Assistant County Attorney Milverton that the talk of damage suits against the club was a bluff. John Walker reported for the committee on the sewer catch-basin nuisance, in effect that nothing but barren assurances and misleading statements from the authorities had been gained. The nuisance was as bad as ever. It was decided to keep after the Board of Supervisors and the Board of Health in the matter.

A GOOD HOUSEHOLD LINIMENT.

When a bottle of Chamberlain's Pain Balm is kept in the house, the pains of burns and scalds may be promptly relieved, cuts and bruises quickly healed, swellings promptly reduced and rheumatism and neuralgia robbed of their terrors. In fact, for the household ills, it is just such a liniment as every family should be provided with. For sale by all dealers, Benson, Smith & Co., agents for Hawaii.

FREE EDUCATION NOT APPRECIATED

The afternoon courses at the College of Hawaii are not so well attended as they should be. This is an opportunity for teachers in the public schools and others not engaged in the afternoon after 3 p. m. to get instruction in subjects that will be interesting and helpful. They have been designed to afford instruction in subjects of immediate and practical interest.

There is no expense connected with these courses and the members of the faculty have spent considerable time and pains in arranging them. They are given in addition to the other regular work of the college and comprise courses in nature study, domestic science, chemistry and physics, German literature and mathematics.

WISE.

Jinks—Here's problem for you. If it takes nine tailors to make a man—
Blinks—How many tailor gowns will it take to break him.

DON'T BLAME HER



For she cannot help it. Women are often cross, irritable, hysterical, and declare they are driven to distraction at the slightest provocation.

Men cannot understand why this should be so. To them it is a mystery because in nine times out of ten this condition is caused by a serious feminine derangement.

A remedy is necessary which acts directly upon the organs afflicted, restoring a healthy normal condition to the feminine system, which will quickly dispel all hysterical, nervous and irritable conditions. Such is **LYDIA E. PINKHAM'S VEGETABLE COMPOUND**. The following letter serves to prove this fact.

Mrs. Mattie Copenhaver, 315 So. 21st St., Parsons, Kans., writes: "For two years I suffered from the worst forms of feminine ills, until I was almost driven frantic. Nothing but morphine would relieve me. Lydia E. Pinkham's Vegetable Compound brought me health and happiness and made me a well woman."

FACTS FOR SICK WOMEN.

For thirty years Lydia E. Pinkham's Vegetable Compound, made from roots and herbs, has been the standard remedy for female ills, and has positively cured thousands of women who have been troubled with displacements, inflammation, ulceration, fibroid tumors, irregularities, periodic pains, backache, that bearing-down feeling, flatulency, indigestion, dizziness, or nervous prostration. Why don't you try it?

Mrs. Pinkham invites all sick women to write her for advice. She has guided thousands to health. Address, Lynn, Mass.

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NIEUE ISLAND BASKETS.
Artistic Marked Tapes; New Post Cards of Alahau; Makee Island.
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Two Best Smoking Tobaccos on the Market.
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The Latest Parisian GOWNS!
—at—
MADAME LAMBERTS
Harrison Block. Beretania & Fort Sts.

CHOICE EGGS FOR HATCHING
—from—
PRIZE WINNER STOCK.
"Crystal" White Orpingtons, S. Gray Dorkings, Black Minorcas, White Leghorns "Nonpareils," Brown Leghorns and Buff Wyandottes.
Orders filled in rotation and carefully packed.
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Speed and Comfort

Three trains daily, through cars, first and second class to all points. Reduced rates take effect soon. Write now.

S. F. Booth
GENERAL AGENT.
No. 1 Montgomery Street,
SAN FRANCISCO

Oahu Railway TIME TABLE
OUTWARD
For Waianae, Waiata, Kahuku and Way Stations—9:15 a. m., *8:20 p. m.
For Pearl City, Ewa Mill and Way Stations—17:30 a. m., *9:15 a. m., *11:05 a. m., *2:15 p. m., *3:20 p. m., *5:15 p. m., *9:30 p. m., *11 p. m.
For Wailua—9:15 a. m. and *5:15 p. m.
INWARD.
Arrive Honolulu from Kahuku, Waiata and Waianae—8:55 a. m., 5:51 p. m.
Arrive Honolulu from Ewa Mill and Pearl City—7:45 a. m., *8:35 a. m., *10:35 a. m., *1:40 p. m., *4:31 p. m., 5:31 p. m., *7:30 p. m.
Arrive Honolulu from Wailua—8:35 a. m., *4:51 p. m.
*Daily, *Ex- *Sunday Only.
The Haleiwa Limited, a two-hour train (only first-class tickets honored), leaves Honolulu every Sunday at 8:22 a. m., returning, arrives in Honolulu at 10:10 p. m. The Limited stops only at Pearl City and Waianae.
G. P. DENISON, Supt. F. C. SMITH, G. P. & T. A.

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F. B. Damon, Asst. Cash. & Sec'y
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Board of Directors: Chas. M. Cooke, P. C. Jones, F. W. Macfarlane, E. F. Bishop, E. D. Tenney, J. A. McCandless, Geo. R. Carter, C. H. Atherton, F. C. Atherton, C. H. Cooke, F. B. Damon.

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Fraternal Meetings

HARMONY LODGE NO. 2, I. O. O. F.

Meets every Monday evening at 7:30 in Odd Fellows' Hall, Fort Street. Visiting brothers cordially invited to attend.

BEN F. VICKERS, N. G.
E. R. HENDRY, Sec.

HONOLULU LODGE 616, B. P. O. E. will meet their hall, King street near Fort, every Friday evening. By order of the E. R.

WM. H. McINERNEY, E. R.
H. C. EASTON, Secy.

DIVISION No. 1, A. G. O.

Meets every first and third Wednesday, at 8 p. m., in C. B. U. Hall, Fort Street. Visiting brothers are cordially invited to attend.

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NEW OAHU CARRIAGE CO.

Queen Street near River.

Repairs of all kinds.

Rubber tires a specialty.

Prices moderate.

GIVE US A TRIAL.

RAINIER BEER

At all Bars

Leading Hat Cleaners

Fort Street Opposite Convent.

Panamas, Porto Rican, Felt and Straw Hats cleaned and made to look like new by our specialist.

GIVE US A TRIAL.

You get the finest glass of beer in town at the

Orpheum Saloon

Fort St. above the Orpheum Theatre.

Finest wines and liquors in stock!

Honolulu Scrap Iron Co.

C. H. BROWN : : : Manager
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Highest price paid for Old Brass, Scrap Iron and all metals.

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1909 Diaries

Xmas and New Year Cards,

OAT & MOSSMAN

76 Merchants St., near P. O.

NEW ARRIVALS IN SILK GOOD

For years our line of silk goods has been the best in town and our last shipment proved no exception.

Iwakami & Co., - - Hotel St.

ASSOCIATED GARAGE, LTD

E. O. HALL & SON, LTD., Proprietors

Importers and Dealers in Automobiles and Auto Supplies, Repairing and Storage.

Sole Agents for the Pierce Great Arrow, Franklin, Kissel Kar, Thomas, Cadillac.

151 Merchant Street.

TOWN TALK

By THE MAN ABOUT TOWN.

DETECTIVES TRAIL AND CAPTURE GOVERNOR OF HAWAII.

Wouldn't this have made an interesting headline for one of the Hearst papers when Governor Frear was on the Coast some months ago. It would have been correct, too, for the Pinkertons were hot on the trail of our Executive and caught him on the train as it was nearing Ithaca, New York.

The trouble was caused by Secretary E. A. Mott-Smith, who sent a cablegram to Land Commissioner J. W. Pratt, who was in San Francisco at the time, instructing him to forward it to Governor Frear at once. The matter was important and an answer was to be obtained immediately. Poor Pratt, he was up against it. Even with the detective ability of Claudius H. McBride, and a number of telegrams scattered broadcast over the country, failed to locate Frear. Then came the new idea. Pratt rushed to the San Francisco headquarters of the Pinkertons. He told what he wanted and gave a description of the governor. Two hours after he was notified that Governor Frear had been located and had received the message.

The superb organization of the Pinkertons is shown in this instance very well. While our police departments in the various cities of the states have some fine men for their work, when it comes to hard, fast accuracy, it takes either the Pinkertons or the Secret Service to do the job. If you don't believe me, just ask the Governor.

I wish that my friend Kotinsky, out at the Experiment Station, would get busy and find me a parasite which would work dire ruin and destruction to all that horrible breed of "news-paper pests" so prolific in Honolulu. We had a good example of this insect the other day, when "Liddy the Furious" cut across the path of the jury in the Wynne case, with a scream of asininity, accompanied by an odor of exhumation in the public's nostrils.

Those two gentlemen—the man of bitter language, who thought that Honolulu people were dying by thousands as the result of malaria, and his cynical opponent and squanderer of capital letters—(you probably recognize that I mean Messrs. Osborne and Roe) come in for their share.

That Hanahana Smart Screen proposition makes me also very tired but the only way that I know of is to get my old friend Anne Marie Prescott after it. She might utilize some of those caustic pen stabs of hers in that cause.

That has given me a clue. It reminds me of a story that my father used to tell of a mining camp in the west where there was an Irishman named Mickey Flynn, who could talk more and louder than any one in the section. Then a Frenchman, with a great reputation in the same line, came to town and a match to see which could talk the longest was made. Numerous bets were put up and a committee of citizens appointed to act as judges. The contestants and the judges retired to a room in a hotel early in the morning. When it came time for lunch it was sent to the room, but the contestants were so busy they did not eat. Dinner came with like result and when it got late at night the judges themselves were tired, so locked the two competitors in the room together and retired to sleep. They came back in the morning and poor Mickey was lying on the floor dead, with the Frenchman talking into his ear.

Might this not work when the politico-medical Mary volumes herself into print. Couldn't we turn the Regenerator of China loose on her and then dispose of the punitive agent by giving old "Pro Bono Publico" a whack at him. In this way we might bring things down to a minimum, and then perhaps Dr. Peterson might give the remnant a room at his home for the broken minded old Kalihl way.

A curious scene was enacted on Hotel street at midnight, last night, when a gang of Japanese laborers, Japanese, mind you, not Hawaiians, moved a house for W. R. Castle, agent, from the makai to the mauka side. Moving by midnight is a novelty as far as houses are concerned. Boarders have been known to move at odd hours, also burglars and the police.

Judge Hardy of Kauai has reached that stage in his career, where his extreme deafness causes great joy for some of the members of the bar. An interesting little thing of this kind happened recently in a case in which Judge Quarles and W. T. Rawlins were opposed as counsel. Quarles was examining a witness and asked the question, "Was the door open or closed?" Rawlins immediately objected. The two then wrangled while the judge was apparently listening most carefully.

Then Judge Hardy told the stenographer to read the question once more. It was read and the bench gave its decision as follows: "Perfectly proper question. Perfectly proper. How

was the witness clothed? Perfectly proper?" The howl of laughter which swept through the courtroom showed that there was some sense of humor left in those present.

The poetic talent which flourishes so luxuriantly in these tropics,—or some of it anyhow, jumped to Hilo last week, and the Tribune came out with three quarters of a column of poetry. If its author wanted to make a sensation, he did so, according to a friend of mine who has just come from the Breakwater city. He says that the residents, who have a habit of getting up early on weekly paper mornings, frowned at the first verse, ground their teeth at the second, tore their hair at number three and by the time they had waded through the whole frightful lot some were breaking furniture, others used language which their astonished better halves will never forgive nor forget and none could eat any breakfast. That tuckless poet had put his feet into every hole he could find. Not a sore spot in the Hilo anatomy did he fail to reach. Hiloites are sensitive about having their place referred to as a "rainy city." They admit that showers come and go, but feel that they have their share of sunshine and are suffering for a reputation acquired years ago when it rained all the time and a boat was needed to cross Wai-nuene street. That poet blithely sang of the sun being seen three times a year from Coconut Island! Yielding to another happy inspiration he offered the pleasing little remark that owing to bugs and mosquitoes life in Hilo is "perpetual scratching and biting." Hilo has and is proud of a very pleasant and healthful night breeze from the "snowy slopes" of Mauna Loa, but this unlucky poet cheerily doubled insults in one line by persiflage about quaking and smelling Hilo! Sailing easily along to death and destruction he took a fling at the sacred Burns club and he wound up with a whack at the Hilo boom, remarking that the chief boom in Hilo just now was in yellow jacket!

Before noon of the day of publication of this happy melody, I am told again, Manager Cool of the Tribune began to wear a dangerous look and the printers' devil of his office had fled shrieking across the street to the police station. Braving all, Cool went to his customary lunch resort, where Hilo citizens gather and discuss all things much as Honolulu leading lights and gossips do at the Big Bugs' table in Nolte's. The lunch hour was a fierce battle for mere verbal existence, and Cool had no time to eat. He fled in anger from the angry and scornful furies of his one-time friends and went and told the editor what he thought of a man who could print a poem like that. Things still came his way, however, and finally he took refuge in the Elks' club. Here he was found late in the afternoon, studying forms of indignant dissolutions of co-partnerships. With ingenuity that perhaps speaks well for their lodge training, those who found him planned Hilo's revenge. One by one they kept sauntering up to him and reciting a verse of that ghastly poem. Many a citizen who hadn't tried to recite since he was a teacher that the boy stood on the burning deck, learned one of the horrible verses and declaimed it at Cool. Malicious Elks in adjoining parlors set them to music and softly warbled accompaniments to the declaiming friends. For two solid hours, my friend tells me, Cool stood it. Then war, real war, broke out. Cool threatened to break necks and to distribute prominent citizens in pieces all over the landscape. Then he went to have another talk with the editor.

At last accounts Cool was showing marked accumulation of a retiring disposition and was ready to get insulted if anyone so much as mentioned even Shakespeare in his presence, regarding anything which might in any way whatever suggest poetry as an allusion not to be tolerated.

Even as the immortal love of Damon and Pythias is that effulgent affection which must perforce exist between the Advertiser and William Herbert It-is-Said Ayres, for time and time again, till the minds of man to the contrary cannot recall, have Ayres and the Advertiser clinched in that spasm of forgiveness and the renewed passion that comes of tears shed over each other's shoulders.

Now Charlie Rhodes has repented of his Advertiserial sins, I mean his many interesting columns of commercialism, and his advice to The Bystander, and his two-page supplement stories on the liquor situation, and girding up his Democratic loins is about to secrete for the first mayor of Honolulu, thus leaving an aching void in the Advertiser writing battery which is threatened to be filled by my friend Ayres.

This will make the fourteenth or fifteenth time that the Advertiser and Ayres have come together after more or less painful separations.

I wonder what Jack Jingle will do when Ayres' moonlight glamor rhapsodies get the two-column-with-border decorations on the Sunday "What to

Eat and How to Eat It" page, edited by Him Who Knows!

I have it on good authority that Ayres' Society Chit Chat in The Pacific Weekly, a smart little paper of which the directors are H. T. Mills, B. W. Thwing, Alexander Hume Ford and John Martin, has caused the Advertiser to again fall in love with his fluent pen.

"After a week's sojourn at Crater Cottage, Miss Cash, of Peckers & Co., is back in town in time for the fall stocktaking. Miss Cash declares that on her next visit to the Volcano she will refrain from wearing sheath stockings. The nether portion of her starboard lower limb was scorched on account of its proximity to the edge of the fiery pit, while the southern section of her port nether extremity was frost-bitten by its exposure to the icy winds from snow-capped Mauna Loa. Sheaths for hiking and doing chores, or visiting volcanoes, ain't what they're cracked up to be," said Miss Cash in an exclusive interview with our society reporter.

Such little items are sure to please the public and liven up the Advertiser's social section.

Then "It is Said" will be given prominent space, it is said.

"It is said that a certain scribe lost his clothes in a taro patch; that they needed patching, anyway."

Good old Ayresvertiser!

CITY'S CHURCHES

CENTRAL UNION CHURCH.

Corner of Beretania avenue and Richards street. Doremas Scudder, minister. Services tomorrow as follows:

Bible School—Clinton H. Tracy, superintendent, with classes for all ages at 9:45 a. m. Subject, "The Real Origin of the Pentateuch."

Men's Bible Class at 10.

Morning worship at 11 o'clock. The minister will preach, subject: "The Three Great Desires." Choir and chorus, Stanley Livingston conductor, will sing "As Pants the Heart for Cooling Streams"—Spohr-Stinson, and lead the congregation.

The Christian Endeavor Society will meet at 6:30 p. m. Leader, Mrs. Jess Dutor, Subject, "Thanksgiving Service."

Evening worship at 7:30 o'clock. Address by Mrs. Katherine Lent Stevenson, subject: "The Bright Side of Temperance Reform." Choir, chorus and congregational singing. Anthem, "The Shadows of the Evening Hours"—Barri-Shelley.

A cordial invitation is hereby extended to strangers, seamen, travelers, visiting friends and the public generally to attend all these services.

A TREAT AT CENTRAL UNION.

World's Commissioner to the temperance forces of the Far East, Mrs. Katherine Lent Stevenson of Massachusetts, will speak on "The Bright Side of the Temperance Reform" tomorrow at 7:30 p. m. in Central Union church. Mrs. Stevenson is a great speaker, having been trained for the pulpit and possessing a hereditary of preaching power. A crowded house will greet her, the public being cordially invited.

CHRISTIAN CHURCH.

A. C. McKeever, pastor.

9:45 Bible school. Lesson, "Solomon Anointed King." I King 1:32-40-50-53.

6:30 Y. P. S. C. E. Subject, "Gratitude and How to Show It."

At 11 a. m. Rev. C. C. Wilson of Ash-ley, Ohio, who has come to Honolulu to take charge of the mission work under the auspices of the Christian church, will preach.

Sermon by the pastor at 7:30.

All welcome.

SPECIAL FOR A FEW DAYS ONLY

Richardson & Robbins Boned Turkey

Regular 35c size, now - - 25c
Regular 60c size, now - - 40c

This brand is the finest in the market and we guarantee every can

Henry May & Co., Ltd.

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The Leading Grocers

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PIES FOR THANKSGIVING

PUMPKIN, MINCE, CRANBERRY AND SQUASH.
ENGLISH PLUM PUDDING.

PALM CAFE

HOTEL NEAR UNION.
PHONE 311.

ABUSE OF DISCRETION

(Continued From Page Two.)

for granting continuances; if it were where would parties litigant be? The senior counsel stated very vividly where they would be when he said that if counsel in fifteen or twenty cases, equally important, had to show due diligence and be ready for trial in all of them at the same time an impossibility would be required. Of course it would be. This would mean that the plaintiff or the defendant, as the case might be, would have to await his turn until other cases in which the same counsel were engaged had received his attention. The excuse is properly not recognized.

What the defendant could have done upon service of the complaint is not for this court to say, but it is clear to us that the absence of its senior counsel is cause of the continuance being asked and that it would not have been required if he had been here giving his professional attention to the matter from his point of view. It was not until November 5, a considerable time after the term opened on October 21, that counsel felt that the continuance was requisite,—for what reasons it is not for this court to say. It appears from the affidavit of the defendant's former manager, Wells, that he wanted the trial at this term, being about to go away for a foreign trip, and that counsel had not decided to ask a continuance when one of them at the opening of the term told the plaintiff's attorney that they should insist on going to trial. It might well have been a question of balancing the advantages and disadvantages of a trial in the absence now of a principal witness or in the possible absence of Wells at the March term. What was in the mind of counsel we cannot say, but we know that after service of the complaint September 10, the answer being due September 30, on September 29 twenty days' extension of time to answer was requested by the defendant's attorneys and agreed upon by the plaintiff, the order extending the time being made September 30; that the answer due October 20, under the order extending the time was completed with by filing the answer October 19, and that no suggestion of a continuance was made until the filing of this motion November 5; that Mr. Kinney left Honolulu September 8 and returned October 23, presumably leaving San Francisco October 16 or 17.

It may be that some of the grounds

on which the court denied the motion present questions of law which we could consider and if we did not agree with his view of them we could reverse his order, as, for instance, on the subject of cumulative evidence; but due diligence is in many cases one of those general terms difficult to bring within any rules of law. The fact that the judge exercised his discretion without any apparently improper motive or from caprice, but upon consideration, as far as we can say, of the facts, makes it impossible for this court to say that he abused the discretion, no matter what any one of us would have done if the case were before us in the first instance.

Upon the undisputed facts we could not say that the judge abused his discretion, but, going further, what right have we to say that he believed the affidavits on the one side or those upon the other. I quite believe the statement of Mr. Kinney that he considered further time to be necessary for the defense and that a transcript of evidence before the arbitrators was needed in order to prepare interrogatories for Halverson. The trial court may have thought otherwise. How do we know what he thought, as his ruling was based partly upon his view of the facts and partly upon his view of the law?

As to the authority of this court to review exceptions to granting or refusing a continuance, Queen v. Ah Kiao, 8 Haw. 467, affirms the jurisdiction in cases showing an abuse of discretion. The same position, after several previous decisions declining to consider such exceptions, is taken in Isaac v. U. S., 159 U. S. 489. Earlier decisions, beginning with Woods v. Young, 4 Cranch, 237, were that such matters were not reviewable.

I may have omitted considerations that influenced the court in its decision and will ask Mr. Justice Wilder and Judge De Bolt to mention any that occur to them, whether in accord with what I have said or not.

WILDER, J. My view has been stated by the chief justice, and while agreeing with him that no abuse of discretion has been shown, I go a little further and think that the trial judge decided the motion correctly, the same as I would have done if the motion had been presented before me in the first instance. Consequently I feel quite clear that the exceptions should be overruled.

JUDGE DE BOLT. I concur in what the chief justice has said that there is no showing of any abuse of discretion.

HARTWELL, C. J. The exceptions are overruled.

R. P. Quarles for plaintiff.

W. A. Kinney and R. B. Anderson for defendant.

CURIOS

HAWAIIAN and SAMOAN
Largest Assortment in Town

Woman's Exchange
Hotel & Union Sts.

W.G. Irwin & Co., Ltd

SUGAR FACTORS, COMMISSION AGENTS

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Oceanic Steamship Co., San Francisco, Cal.

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BETTER THAN ANY OTHER

Is the contents of opinion regarding aerated water made by the
CONSOLIDATED SODA WATER WORKS CO., LTD.
Phone 71.

Cash Saving
Problem Is
Solved When
You

Burn Gas

There are many other reasons why a gas stove should be in your kitchen.

HONOLULU GAS CO.,

Limited
Bishop Street

OAHU TAILORING CO.

Merchant Tailors.

Cigar Stand on the Corner.

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LIMITED

Engineers, Machinists, Blacksmiths and Boiler-makers.
First class work at reasonable rates.

Honolulu Iron Works.

STEAM ENGINES, SUGAR MILLS, BOILERS, COOLERS, IRON, BRASS AND LEAD CASTINGS.

Machinery of Every Description Made to Order. Particular Attention paid to ship's Blacksmithing. Job Work Executed on Short Notice.

\$2500
will buy a fine home.
Easy terms.

TRENT TRUST CO

The Two Jacks

The Most Popular Saloon in the City.
THE FASHION.
Jack Scully, Prop. Jack Roberts, Mgr.
Hotel Street near Port. Phone 482.

A PERFECT FIT

Guaranteed

With our expert cutter who has just returned from the coast we guarantee every suit to fit.

W. W. AHANA CO., LTD.
Merchant Tailors.
Wally Building King Street.

NEW ADVERTISEMENTS.

Parsons' Dandruff Killer, Page 2
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N. S. Sachs Dry Goods Co., Page 5
Regal Shoe Store, Page 4
Henry May & Co., Page 5

THE WEATHER.

Local Office, U. S. Weather Bureau,
Young Building,
Honolulu, T. H., November 21, 1931.

Temperature, 8 a. m.; 3 a. m.; 10 a. m.; and morning minimum.
73; 79; 79; 84; 72.
Barometer reading: absolute humidity (grains per cubic foot); relative humidity and dew point at 8 a. m.: 30.99; 8.785; 64; 66.
Wind: Velocity and direction at 6 a. m.; 8 a. m.; 10 a. m.; and noon: 2 NE; 4 NE; 5 E; 14 NE.
Rainfall during 24 hours ending 8 a. m.: none.

Total water movement during 24 hours ended at noon 123 miles.

WM. E. STOCKMAN,
Section Director.

NEWS IN A NUTSHELL.

Paragraphs That Give Condensed News of the Day.

The comet was visible last night at 7:20.

King up 129 for Queen's \$5000 seven-cented Packard auto.

The band will play at the Queen's Hospital this afternoon.

Ho Shee has withdrawn from the firm of Wo Fat on Hotel street.

Charles L. Rhodes, of the Advertiser staff, will likely be secretary to Mayor Fern.

Work for the Kilauea Art League exhibition must be in by 5 p. m. today.

Hitching scalp, falling hair and dandruff is the work of a parasite. Parsons' Dandruff Killer cures it and nourishes the hair back to health.

If you wish the best of any thing order it. If it is soda water telephone your order to 71, the Consolidated Soda Water Works Co., Ltd.

Hilo has been visited by a plague of wasps. They swarmed into the houses in myriads, getting into soap, under mosquito bars and everywhere.

Housewives should take advantage of the special prices on Richardson & Robbins' boxed turkey at Henry May & Co., Ltd. See ad on another page for prices.

Nothing will please a man better or give more lasting satisfaction than a pair of our men's slippers or Rumors from \$1.50 to \$3.50. Regal Shoe Store, McCandless Building.

Carl S. Smith of Hilo has started suit against John W. Cathcart for the sum of \$125, alleged to have been loaned by Smith & Parsons of Hilo to Cathcart about July 1, 1931.

The dress suits and Tuxedos made by Hart, Schaffner & Marx are just as distinctive and becoming as their business suits. Come and see them at Silva's Toggery, King street near Fort.

Eight lots at Kaimuki, cleared and fenced, suitable for truck farming, \$2100. Two building lots in Maunaloa, \$1000 and \$1000. Fine houses rent in good sections. Waterhouse Trust Co., Ltd.

Paymaster J. B. Hornberger, U. S. N., as trustee, has purchased two lots of land at Kaimuki from A. Lewis, the purchase price being \$2224. The land is located at Koe avenue and Kaimuki street.

Luka Paahili, an aged Hawaiian, died yesterday at her home, Wilder and Arcturian streets, at the age of seventy years. She was a native of Honolulu. She will be buried in the Maunaloa church yard.

A grand reception will be given to Bishop Rastarick at Lohiana this evening. He will preach there twice tomorrow and the church people of Wailuku will welcome him to the county town on Monday.

Secretary Ito of the Japanese consulate here has been promoted to be secretary of legation in Chile. He will leave Monday in the Hongkong Maru for a visit to Japan before proceeding to his new post. His wife is a niece of Baron Hayashi.

The new church of the Holy Apostles in Hilo has been completed. It is in Gothic style and has a tower 65 feet high. H. Haeckel & Co. were the contractors, the price being \$2400.

The Thanksgiving Dinner must be ordered next week. Just what you want: Pure California Wines, Mince Meat, Plum Pudding and all the other "fixins" at Lewis & Co. Ltd., the Food Specialist, 129 King street, Telephone 204. Cranberries, Nuts, Boiled Cider, Superior Liquors and Cigars.

Comptroller Lloyd Childs expects to make the Hawaiian building one of the most attractive at the Seattle exposition. His floors will be covered with lauhala mats, the draperies of Hawaiian weaves and the furniture of koe. Fruit plates will bear a Hawaiian design. At the end of the show the Hawaiian furnishings will be sold.

The Kapioalani estate has sold at lot of land located at Wailuku to Lualaba R. Remann. The property has a frontage of 84 feet on Kalakaua avenue and 136 feet on the sea, being located next to the Kanakani property. The purchase price was \$5000. A mortgage for the same amount on this and other property has been released to the Kapioalani estate by the German Savings Bank.

STEAMERS FOR CHRISTMAS

Matson Navigation Company's steamers Lurline and Hilonian arrive at this port next month on dates particularly convenient to those expecting consignments of Christmas goods. The Lurline, sailing from San Francisco December 4th and arriving here December 11th, affords passengers ample time in which to receive and unpack goods for the holiday trade. In returning to the Honolulu public this company has arranged to have the H. S. Hilonian leave San Francisco for this port December 18th, arriving at Honolulu December 22, three days before Christmas. This boat, arriving as she does on the above date, will carry practically all of the Christmas cargo and goods, including fresh fruit shipments, Christmas trees, etc. The H. S. Hilonian leaves Seattle for this port on December 18th, arriving here December 20th. While the bulk of the Christmas trade comes from San Francisco, this steamer will bring fresh apples and other fruits from the north. The merchants of Honolulu certainly have no complaint to make so far as the Matson Navigation Company and their operation of Christmas steamers are concerned.

ADVERTISING FUND FOR PINEAPPLES

All the Hawaiian pineapple canning companies have been asked to contribute 15 cents a case of this year's output for an advertising fund so as to try and increase the demand, the sum of two cents a case having already been called in. To our mind the big department store advertisements would reach more consumers than any other medium, as they are before the public every day while the magazines appear only once a month. A display at Washington, with a liberal distribution of samples, while the tariff changes are being discussed would also be good advertising. In the meantime why not begin at home and give the people of Hilo a chance to buy their home fruit and send it case to their friends for Christmas? At present the only preserved pines available in the local market are imported.—Hawaii Herald.

RUBBER'S OUTLOOK

Q. Q. Bradford has completed his experiments with rubber in the Nahuiku District and returned to Honolulu by the Clatside this week. The results of his investigations will not be made public except through the Department of Agriculture in Washington as he is in the employ of that department. Those who have been with him daily are stated over the great future for rubber in Nahuiku.

The foregoing is from the Maui News, which also says that Manager W. A. Anderson of the Nahuiku Rubber Co. reports that the cost of tapping and getting ready for market the rubber of the young trees is now about forty-six cents per pound but that when the trees are large enough for commercial tapping he has every reason to believe this figure will be greatly reduced. Even at the cost mentioned he believes there will be a big profit to the industry.

ARRIVING.

Saturday, November 21.
R. S. Mauna Kea, Freeman, from Hilo and way ports, 6:49 a. m.

Am. M. W. B. Flint, Hansen, 32 days from Kureka.

DEPARTING.

Friday, November 20.
A. H. S. B. Tessa, for Kahului and Hilo, San Francisco and Kailua Cris, 6 p. m.

PASSENGERS.

Arrived.
Per — R. Mauna Kea, November 21, from Hilo and way ports—C. H. Mopkins, R. M. Anthony, Miss C. Clapp, Mrs. — Peterson, J. Rhumacher, Mrs. Rhumacher, J. Boyd, J. W. Crad, J. McGregor, Mrs. J. Lewis, R. B. Brown, S. Spitzer, S. Napoleon, Mrs. E. Napoleon, P. J. Chalmers, C. J. Russell, J. E. Napier, J. Monarratt, Mrs. Rose Lee, and infant, D. K. Kneid, W. P. Bleuth, H. O'Brien, C. Fitzpatrick, E. K. King, Boy Chong Chao, F. J. Hale, C. M. Watson, M. R. Jamison, Miss C. Travis, J. Garlos, O. A. Buffett, Mrs. Buffett, L. Ah Chow, H. Akona, W. M. Bellinger, Mrs. A. Campbell, S. Fujimoto, S. Kodama, C. F. Herrick, Y. Takahawa.

DID YOU EVER NOTICE?

Oh, laugh, ye merry punsters, because woman cannot sail.
But there are always two sides to every little tale;
It may be woman cannot sail or tack, to hold things tight.
But what man in creation can pin anything just right?
—Chicago News.

SUGAR QUOTATIONS

96° TEST

Date	Per 10	Per Ton
Oct. 26
Oct. 27
Oct. 28
Oct. 29
Oct. 30
Nov. 1
Nov. 2
Nov. 3
Nov. 4
Nov. 5
Nov. 6
Nov. 7
Nov. 8
Nov. 9
Nov. 10
Nov. 11
Nov. 12
Nov. 13
Nov. 14
Nov. 15
Nov. 16
Nov. 17
Nov. 18
Nov. 19
Nov. 20

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Stock and Bond Orders received promptly.
Information furnished relative to all STOCKS AND BONDS.
LOANS NEGOTIATED.

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Hawaiian Tobacco Plantation Co., Ltd.

Capital Stock \$100,000.00
5000 Shares Par Value \$20.00

Subscription list now open at the office of

HARRY ARMITAGE

1235 Kalia Road, Honolulu, T. H.

Prospectus may be had on application.

DAILY STOCK REPORT

Between Bonds: \$1000 Pioneer Co. \$100.00; 20 Hawaiian C. & S. Co. \$99.00; 50 Kekaha, \$100.00; \$5000 Pacific Mill Co. \$100.00; 20 Hawaiian C. & S. Co. \$99.00; 10 Oahu Sugar Co. \$25.00; 20 Kwa. \$27.00; 20 Kwa. \$27.00; 20 Hawaiian Pineapple Co. \$25.00; 20 Hawaiian Pineapple Co. \$25.00.

Between Bonds: \$1000 Pioneer Co. \$100.00; 20 Hawaiian C. & S. Co. \$99.00; 50 Kekaha, \$100.00; \$5000 Pacific Mill Co. \$100.00; 20 Hawaiian C. & S. Co. \$99.00; 10 Oahu Sugar Co. \$25.00; 20 Kwa. \$27.00; 20 Kwa. \$27.00; 20 Hawaiian Pineapple Co. \$25.00; 20 Hawaiian Pineapple Co. \$25.00.

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