

The Hilo Tribune.

PUBLISHED EVERY TUESDAY
OFFICE, KING STREET, - HILO, HAWAII
TRIBUNE BLOCK.

Hilo Tribune Publishing Company, Ltd
Publishers and Proprietors.

President..... C. C. KENNEDY
Vice-President..... E. E. RICHARDS
Secretary-Treasurer..... J. CASTLE RIDGWAY
Auditor..... A. R. SUTTON
Directors..... E. M. THOMPSON, D. W. MARSH

Advertisements unaccompanied by specific instructions inserted until ordered out.
Advertisements discontinued before expiration of specified period will be charged as if continued for full term.

ATTORNEYS-AT-LAW.

Chas. M. LeBlond

ATTORNEY-AT-LAW

Hawaiian, Japanese, and Chinese Interpreters and Notary Public in Office.

Office: SEVERANCE BUILDING,
Opposite Cour House. HILO, HAWAII

CASTLE RIDGWAY THOS. C. RIDGWAY

Ridgway & Ridgway

ATTORNEYS-AT-LAW
Solicitors of Patents General Law Practice
HILO, HAWAII.
Notary Public in Office.

OFFICE: Tribune Building.

I. E. RAY

ATTORNEY-AT-LAW
AND NOTARY PUBLIC

Waiuanueue St. Hilo, Hawaii

J. L. Kaulukou

ATTORNEY-AT-LAW

OFFICE IN TRIBUNE BUILDING
HILO, HAWAII

REAL ESTATE, ETC.

F. S. LYMAN

AGENT
FIRE, ACCIDENT AND MARINE
INSURANCE

Waiuanueue Street, Hilo, Hawaii

Henry Deacon

AGENT FOR

HAWAIIAN FERTILIZER CO.
Limited.

Collector of Rents for Waiakae Mill Co.
General Collecting Solicited
and Returns Promptly Made.
Office with Theo. H. Davies & Co., Ltd.
Waiuanueue and Bridge Sts. Hilo.

W. H. BEERS

INTERPRETER AND
TRANSLATOR
(English and Hawaiian)

Commission and Business Agent.
Will Act as Administrator, Guardian and
Executor. Rents and Bills Collected.
Office with I. E. Ray. Telephone 146

Akau's Restaurant.

To be opened **Saturday, Sep-
tember 16.** Opposite Fish Market.
Short Orders a Specialty. Orders for Ice
Cream and Cake attended to promptly
and delivered to any part of City.
Telephone No. 17.

ESTABLISHED 1858.

BISHOP & CO.

Bankers.

HONOLULU - OAHU, H. I.

Transact a General Banking and Ex-
change business
Commercial and Traveller's Letters of
Credit issued, available in all the principal
cities of the world.

Special attention given to the business
entrusted to us by our friends of the other
Islands, either as Deposits, Collections
Insurance or requests for Exchange.

FURNISHED ROOMS

BY DAY, WEEK OR MONTH.
Neat and newly fitted. Centrally and
pleasantly located on

**PITMAN STREET
NEAR WAIUANUEUE ST.**

Facing on Court House and Hilo Hotel
Parks. A quiet, pleasant retreat.
Terms Reasonable.

C. F. BRADSHAW

Proprietor. 43

BY AUTHORITY.

Walls and Shed at the Head of Hilo Water System.

Proposals will be received at the office of the Superintendent of Public Works, Honolulu, T. H., until 12 o'clock m. of December 11th, 1905, for constructing the masonry walls and shed at the head of Hilo Water System, Hawaii, T. H.

Plans, specifications and blank forms of proposal may be obtained at the office of the Assistant Superintendent of Public Works, and with C. H. Gere, Hilo, Hawaii, for which a deposit of \$5.00 is required, which sum will be refunded intending bidders after they have returned the plans and specifications.

Proposals will not be accepted unless submitted on the blank forms furnished, enclosed with a certified bank check for One Hundred (\$100.00) Dollars in a sealed envelope, endorsed "Proposal for Walls and Shed at the head of Hilo Water System, Hilo, Hawaii," and delivered previous to 12 o'clock m. of the day specified at the office of the Superintendent of Public Works, who reserves the right to reject any or all bids.

C. S. HOLLOWAY,
Superintendent of Public Works.
Honolulu, T. H., Nov. 17th, 1905. 4-2

Notice.

All persons having wagons, brakes, etc., for repairs in the Piibonua blacksmith shop prior to the 10th day of October, 1905, and the repairs on which have not been paid for, will take notice that if the said repairs are not paid for within thirty days from date hereof, the said articles will be sold to pay charges on same.

M. CORDEIRO,
MARIANO DA SILVA.
Hilo, Nov. 7th, 1905. 2-4

Flower and Vegetable Seeds.

The Cox Seed Company of San Francisco have appointed the undersigned as their local agent. Orders for seeds, bulbs and plants solicited. Catalogues and prices furnished on request.

ROBERT INNES LILLIE,
Hilo.

For Sale or Rent Cheap!

The Paty dwelling at 11-miles, Oloa, with one to five acres of land. Luxuriant fruits and flowers, an ideal home, and an excellent place for dairy, poultry and small fruits.

A. G. CURTIS,
Kurtistown, Hawaii.

For Rent.

House on School Street, recently occupied by F. Souza. Apply to
F. S. LYMAN
or H. VICARS

To Shippers.

All freight sent to ships by our launches will be charged to shippers unless accompanied by a written order from the captains of vessels.

30tf R. A. LUCAS & CO.

Lost.

A reward will be given for the return of a gold cuff button bearing an Elk's head.
TRIBUNE OFFICE.

A S. LeBaron Gurney

AUCTIONEER

COMMISSIONS
PROMPTLY EXECUTED

FRONT STREET
OPPOSITE SPRECKELS' BUILDING

PAY FOR THE BEST IT'S CHEAPEST

AND THAT'S THE CLASS OF WORK
EXECUTED BY

**CAMERON
THE PLUMBER**

FRONT ST., OP. SPRECKELS' BLOCK

HOMESTEADERS APPEAL TO SUPREME COURT

-Enterprise Passengers-

It is announced that Dr. J. Holland, of Hilo, will make a test case of the ruling of the Land Office regarding a two years' residence as a condition precedent to the acquirement of title under the Right of Purchase and Cash Freehold plans.

Dr. Holland took up 40 acres of government land at Pahoia, Puna, about three years ago. After clearing half of it and putting up a substantial two-story house and other improvements aggregating \$3,000, the Land Department refuses to issue a deed to him, unless he can make affidavit that he has slept on the land 365 nights in the year for two years. This, Holland says, he cannot do, as he doesn't know. He insists, however, that he has maintained his home upon the place and demands his patent.

Under the recent ruling of the Department, which is being rigid enforced by the local office, nearly every member of the Curtis Settlement Association, Kaihenui Settlement Association, Jas. D. Lewis Settlement Association, Wm. Naillima Settlement Association and J. A. M. Osorio Settlement Association, will be affected.

The first three associations have taken up land at 12 3/4-miles, Oloa, while the latter organization is seeking government lands located in the Kaiwiki-Wailea tract, consisting of about 5590 acres. The lease on this tract to the Hakalau Plantation Co. expires June 15, 1906. There are about 1800 acres cleared and under cultivation and is regarded as a very valuable tract in the very heart of the plantation, for which it has been paying an annual rental of \$300. In response to the application of the Association, Commissioner Pratt has replied stating that it is not his intention to open up under the right of purchase plan for settlement associations "first class agricultural land now under cultivation near a city and a shipping point as are the Hakalau lands." Applicants must satisfy the Department of their ability to maintain the present high state of cultivation of the land in question, which will be divided into small holdings and sold at public auction, a "reasonable market rate" being fixed as an upset valuation. Each case will be acted upon separately. It is alleged that the purpose of these conditions is to insure proper cultivation, prompt building of roads, a fair return for the land, an equal chance to all and no favoritism. The Osorio Association, which contains thirty-six members, maintain their bona fide intention of complying with the provisions of the Land Act, but deny the right of the Public Lands Office to impose conditions which make settlement associations valueless and their fulfillment impossible.

(By Wireless to THE TRIBUNE.)

Russian Congress Organizes.

Moscow, Russia, Nov. 20.—The Zemstvo Congress has begun its deliberations.

Latest Sugar Quotations.

San Francisco, Cal., Nov. 20.—96° Test Centrifugals, 3-4375c; per ton, \$68.75. 88° analysis beets, 8s. 3d.; per ton, \$74.20.

Tenement Fire in Scotland.

Glasgow, Scotland, Nov. 20.—A fire in a man's lodging house here resulted in the death of thirty-nine persons and injuries to thirty-two.

Fifteen Years In Canal Construction.

Washington, D. C., Nov. 20.—A sea level canal at Panama is estimated to cost two hundred and thirty million dollars and take fifteen years in construction.

Wrecked in English Channel.

London, Eng., Nov. 20.—The Steamer Hilda running through the Channel struck a rock upon the French Coast and sunk. A hundred persons were drowned and only five saved.

Japan Has Army of Unemployed.

Tokio, Japan, Nov. 17.—There is an industrial depression here. The presence of 700,000 people whom the war threw out of employment is causing uneasiness.

Advocates of Peace Arbitration.

Paris, November 17.—Representatives of Parliament of Nations will assemble here on Friday to consider the American proposition for an international parliament for general arbitration.

A False Czar Arises.

St. Petersburg, Nov. 16.—A false Emperor of Russia has suddenly made his appearance in Russia near Penza. His followers already number 50,000.

Strike Feeling Spreads.

St. Petersburg, November 16.—It is reported that a meeting of soldiers and sailors has indorsed a general strike and refused to replace railroads.

The workmen at Odessa declare for a general strike, the workmen of Moscow are opposed.

Feeling of Panic Prevails.

St. Petersburg, Nov. 16.—A panic occurred on The Bourse here today as the result of a false rumor to the effect that the Grand Duke Nicholas Nicholaeitch had been appointed military dictator.

A blizzard has prevented the expected demonstration. An almost general response has been made locally to the strike order.

The panicky feeling has been renewed and foreigners are preparing to depart. The British embassy has advised a removal of all women and children. Horrifying accounts of Jewish massacres have been received here from various sections.

The Cabinet is considering the advisability of declaring local martial law and stopping the publication of newspapers. The telegraphers are also expected to strike.

Wreck of Rio Found Again.

San Francisco, Nov. 14.—It is claimed that the wreck of the Pacific Mail S. S. Rio de Janeiro which sunk on February 22, 1901, has been located near Mile Rock.

The following passengers will arrive on the S. S. Enterprise this morning, via Honolulu: E. E. Richards, J. D. Kennedy, James Henderson, Don S. Bowman, Robt. I. Lillie, Harry Richards, wife and 2 children, Mrs. V. H. Curtis, Miss Louise Monteverde, Mrs. W. T. Balding and 3 children.

Lawson and the Mutual Life.

New York, Nov. 17.—President McCurdy of the Mutual Life Insurance Company has voluntarily cut \$75,000 from his salary. Other reductions total \$150,000.

Boston, Nov. 15.—A warrant has been issued for the arrest of Thomas Lawson of "Frenzied Finance" fame on the charge of Criminal libel. The complaint was sworn to by Barron.

Says Carter Violates the Law.

It is stated that a protest has been sent to Washington by Senator McCandless against Governor Carter's reduction of the loan authorized by the Legislature. The Governor says he has expected hostility from McCandless since he turned the Senator down in the matter of land and water rites. Foiled at one turn, McCandless always gets up a fight and carries it into other questions. During the Legislature, the Governor says, Senator McCandless was fighting to keep loan expenditures down; now he wants it to go to an extreme because the executive doesn't.

Because of these statements, Senator McCandless has given out the correspondence between himself and the Governor as follows:

Executive Chamber, Honolulu, Hawaii, Sept. 14, 1905.

Senator L. L. McCandless, Honolulu.

My Dear Senator:—Yesterday I was informed that you had made the statement in a semi-public place, in regard to the Loan Fund, that I was contemplating cutting it down, defying the instructions of the Legislature and ignoring the law, or rather taking it into my hands.

May I suggest that the prominent position you hold and the highest interests of this Territory can best be conserved by your making a slight investigation of the Acts passed before giving out any such statement as the above. I shall be very pleased to have you show me the language of any statute making the carrying out of appropriations under the Loan Fund mandatory upon the administration.

Very sincerely yours,

G. R. CARTER,

Governor.

Honolulu, T. H., Sept. 18, 1905.

His Ex. George R. Carter, Governor of the Territory of Hawaii, Honolulu, Oahu.

Dear Sir:—I beg to acknowledge the receipt of your communication of the 14th inst., in which you refer to my having made certain remarks in a semi-public place concerning appropriations under the Loan Fund, and suggesting that I make slight investigation of the Acts passed by the Legislature before giving out any such statement.

In reply thereto, I will admit that I did make a statement concerning appropriations under the Loan Act to Mr. L. A. Thurston, stating that I believed there was only one thing for you to do and that was for you to carry out the Loan Act as passed by the Legislature, and I further stated to Mr. Thurston that I considered you were ignoring the wishes of the Legislature, who represent the people, and asked him to call upon you and urge you to carry out the wishes of the Legislature in the matter.

Regarding your asking me to investigate the Acts passed and being mandatory upon you to carry out the same, I would refer you to Section 48 of the Organic Act.

Section 48 requires the signature of the Governor in order to make valid any Act passed by the Legislature, and I believe your signature has been attached to the Loan Act (Act 6, Extra Session, 1905).

Section 49 provides that if the Governor approves an Act, he shall sign it, and it shall become a law. The records show that, after this bill passed both houses of the Legislature and was presented to you, you had the right to veto the same, or any specific item or items therein. Your failing to exercise your right of veto, and your signing the Act, made it a law of the Territory of Hawaii.

Section 55 gives the Legislature the power to pass a Loan Bill, under certain restrictions. The Legislature of 1905, having conformed with these requirements, passed a Loan Bill amounting to One Million, Three Hundred and Seventy-seven Thousand Dollars, which was signed by you, the Governor, thus making it a law of the Territory of Hawaii.

As to the duties of the Governor. Has not he taken an oath to carry out the laws to the best of his ability? And is there any reason today why we are not able to borrow the amount appropriated by the Legislature at a very low rate of interest (say 3 1/2 per cent.)? These facts, in my opinion, make it mandatory upon the Governor to carry out the Loan Act. If not, what is the use of having a constitution, given us by the United States, giving the right to make appropriations? And what is the use of the Legislature making appropriations if the wishes of the people are not to be considered?

Under the above conditions, in my judgment, there is only one course to pursue, and that is to carry out the law as passed by the Legislature. There is no discretionary power left to the Governor, unless the Legislature should have passed a law which was impossible for the Governor to carry out. Such a condition is not applicable in this particular case, because our credit is good. You will acknowledge therefore that we would have no difficulty in getting this money. Besides, in the Regular Session, you recommended in one of your messages that the Legislature pass a Loan Bill amounting to One Million One Hundred Thousand Dollars. The Legislature made some changes in your recommendations, but not to any great extent, and only increased the Bill Two Hundred and Seventy-seven Thousand Dollars. In my judgment you surely should give the Legislature a little credit for knowing the needs of the several islands of this Territory.

This bill carries appropriations for belt roads and a great many other branch roads for the benefit of homesteaders on the Island of Hawaii, the Islands of Maui, Molokai and Lanai, the Island of Kanae, and the Island of Oahu, which are necessary and should be carried out. The appropriations in the old bill of 1903 were, in many instances, not used, and this new bill has re-appropriated money for those improvements which are most urgent.

You are not to infer that I necessarily approve of every item in the Act, but what you may consider most important another, equally interested, might deem of small importance, in comparison. But that is not the question; the Act stands as law.

In conclusion, I trust that my ideas in the matter will be thoroughly looked into by you, and that you will carry out the Loan Act as passed by the Legislature, which will probably not exceed One Million One Hundred Thousand Dollars because some of the improvements will probably not require the full amount appropriated, and if this should be the case, then the appropriation would be within your recommendation.

Yours very truly,

L. L. McCandless,

The Hilo Tribune.

TUESDAY, - NOV. 21, 1905.

Entered at the Postoffice at Hilo, Hawaii, as second-class matter PUBLISHED EVERY TUESDAY. J. CASTLE RIDGWAY - Editor D. W. MARSH - Business Manager.

NOT A FARCE.

Some one has said that the administration of the land office was a farce. Anyone who has had any business relations with the public land officials will join in denial of such an accusation. It is far from being a farce, and were a casual observer to look in upon the sanctum of the dispenser of public lands and free homes, he would witness a hive of industry. Like the busy bee, the land agent improves each shining hour to find some excuse for not granting to a homesteader title to his land after the latter has toiled by the sweat of his brow and suffered hardships and deprivations in order to own a few acres of rocky and often unprofitable land.

There is a longing in every man's heart to become a landowner no matter how small his holding. There is an old Arabian proverb that says: "Thrice blessed is he who diggeth a well and planteth a tree." The American spirit is to own a home, to dig wells and to plant trees and see things grow. It is that love of being a property owner and of assisting nature in her operations that helps to build up a community with the fibre of the nation.

But the policy of the Land Bureau of Hawaii, if we are to judge by the attitude of some of its representatives, is to discourage the immigration of settlers and to throw obstacles in the way of the easy acquirement of land. The excuse is given that the law requires the fulfillment of certain conditions, yet in the same law a liberty of discretion is given to land officials in its administration and enforcement. A land agent is not appointed with a view of his ability to keep people from acquiring public land, but as a referee, who should assist in the settlement of the country with sturdy farmers. Neither is a land agent called upon to act as judge, jury and public prosecutor of every applicant for a homestead. Too often do prosecuting attorneys labor under the belief that their duty is to secure a conviction and not to see that justice is done. A public official loses his usefulness when he is carried away with this belief, and the law can become tyrannical instead of subserving the public good. No, the land office is not a farce. It is fast becoming a sad tragedy.

ECHOES OF THE PRESS.

The fact that Japanese are beginning to leave California to settle in Korea and Manchuria was foreshadowed some time ago by the statement of the Japanese premier that the emigration of his countrymen to America would soon stop and turn the other way. The prospect is one to be considered by Hawaiian planters in all its lights. It ought to stimulate the hardest kind of effort to establish a new labor element here, and affix it to the soil. The sooner all hands come to realize that the treaty of Portsmouth utterly changed the labor situation in Japan and that the country has outlets of its own for surplus workers, the better for Hawaii's economic system. -Advertiser.

If the Supervisors did nothing more during their entire term of office than start a park scheme for the city, this work alone would entitle them to a place high in public esteem. Towns don't go backward these days. Once a park scheme is laid out Honolulu citizens will have a practical ideal. -Bulletin.

The following industry has apparently escaped notice thus far. Large quantities of crude molasses are sent from Louisiana to San Francisco. In the city the molasses is freed from impurities, and offered for sale in attractive tin cans, with neat labels. Many of these molasses cans eventually reach Hawaiian stores, and are sold at a high figure. Why do we not can our own molasses, and sell it at a reasonable rate? -Maui News.

The quickest way would perhaps be to let the County of Oahu have the benefit of the taxes from Kauai and the other islands for two years, and let the Legislature enact an amendment to the income tax law on the lines of the one "lobbied" out by Governor Carter. -Garden Island.

CLEMENT'S DEATH.

Mystery Surrounds Reason For Editor's Suicide.

The coroner's jury which sat three days and nights at Wailuku, Maui, trying its level best to secure from Dr. Boote a document which the jury considered was very material towards unveiling the mystery surrounding the tragic death of the late Clement, became meek all of sudden and declared the note irrelevant and immaterial. Dr. Boote will now tear to pieces at his leisure the much coveted epistle written by the deceased as a parting farewell to friend and foe.

The verdict of the jury is that the deceased came to his death from a bullet wound through his brain, and that he believed the wound had been self-inflicted.

The note which the deceased left to Dr. Boote was not delivered to the jury although its members demanded it. Dr. Boote had flatly refused to give the letter to the jury, as there was something in the note injurious to somebody, and Dr. Boote said that such scurrilous remarks, although written by the deceased, should not be aired for the public criticism, as he believed that it was nobody's business to know what actuated Clement to take his life. It is enough to know that Clement took his own life with the pistol.

There are various surmises as to the contents of the letter. Some seem to think that the deceased reviled a certain party in town, while others think that Clement in his despair let loose his wrath on his friends who were directly instrumental in leading him astray from the paths of virtue and sobriety.

BOOKS TO READ.

Hilo Library Receives New Consignment.

On the last mail the Hilo Free Reading Room and Library Association received a shipment of new books, most of which are fresh from the press. No library in the islands has a more varied assortment of current literature than the Hilo Library, and the Trustees strive to secure all of the latest books as soon as published. The new books are as follows: "At the Sign of the Fox." - Macmillan Co.

"The Little Hills." - Mrs. Nancy H. Banks. "Iole." - Mr. Robert Chambers. "The Trident and the Net." - Author of "The Martyrdom of an Empress." "Sanna." - M. E. Waller. "At the Sign of the Jack-O-Lantern." - Miss Myrtle Reed. "Will Warburton." - Geo. Giessing. "Dr. Greenfell's Parish." - Norman Duncan. "Following the Sun-Flag." - John Fox, Jr.

"Land of Little Rain." - Mary Austin. "The Orchid." - Robert Grant. "The Beautiful Lady." - Booth Tarkington.

"The Indifference of Juliet." - Grace S. Richmond. "Partners of the Tide." - Jos. Lincoln. "Nancy Stair." - Mrs. Elinor M. Lane. "At Close Range." - F. Hopkinson Smith.

"The Man of the Hour." - Octave Thanet.

Well Known in Hilo.

Word has been received of the announcement of the engagement of Miss Ethel Wight of Northfield, Mass., to C. N. Proby of Spencer, Mass., who was formerly connected with the Hilo Railroad.

Another interesting engagement which has just been made public and described by the San Francisco Chronicle is that of Miss Margaret Tutt, daughter of Mrs. Iva L. Tutt of Los Angeles, Cal., to Captain Carroll F. Armistead, U. S. Army, at present on detail in the Philippines. Miss Tutt is described as a pretty, vivacious, attractive girl, who comes from a distinguished Southern family and has spent much of her life in the South. She has but recently completed school and is one of the debutantes of the winter. Miss Tutt met Captain Armistead at the Hawaiian Hotel, while the latter was on furlough en route to Manila. It is expected that the wedding may take place this winter.

Fined For Contempt.

Last week in Honolulu, Judge Dole of the United States Court sentenced J. G. Wyman to 24 hours' imprisonment in Oahu Jail for contempt of court in refusing to attend as a federal juror. Wyman resided in Kauai where he ekes out a bare livelihood as a fisherman. He gave as a reason for his absence that he had no money and could not borrow any. Later it developed that Wyman is exempt by reason of his advanced age.

FROM THE ANTILLES.

Chamberlain's Cough Remedy Benefits a City Councilman at Kingston, Jamaica.

Mr. W. O'Reill Fogarty, who is a member of the City Council at Kingston, Jamaica, West Indies, writes as follows: "One bottle of Chamberlain's Cough Remedy had good effect on a cough that was giving me trouble and I think, I should have been more quickly relieved if I had continued the remedy. That it was beneficial and quick in relieving me there is no doubt and it is my intention to obtain another bottle." For sale by Hilo Drug Co. *

While the Agents of many Life Insurance Companies are petitioning their Officers for the ANNUAL DIVIDEND policy, it is a source of great satisfaction to the Policyholders of the Pacific Mutual to know that their Company has been issuing almost nothing else for years.

No petitioning necessary for liberality with the good old Pacific Mutual.

The Directors of the Company are by the California law made jointly and severally liable for all monies EMBEZZLED or MISAPPROPRIATED by the officers during the term of office of such Director. Quite a provision from the SECURITY STANDPOINT, considering what has recently occurred.

The best policies are issued by the best Company on Earth for policyholders.

THE PACIFIC MUTUAL LIFE INS. CO. OF CALA.

CLINTON J. HUTCHINS, General Agent, 920 Fort Street. H. E. PICKER, Traveling Representative.

Assignee's Notice.

Notice is hereby given that Wing Sing Co., doing business on Front Street, Hilo, as merchants, have made a voluntary assignment to the undersigned for the benefit of their creditors. The creditors of the said Wing Sing Co. are hereby requested to file their claims with the undersigned or with Ridgway & Ridgway within thirty days, and all persons indebted to the said Wing Sing Co. are requested to call and pay the same at once. All claims against Wing Sing Co. must be certified.

THE VON HAMM-YOUNG CO., LTD., Assignee of Wing Sing Co. Hilo, Hawaii, Nov. 18, 1905. 4-3

BY AUTHORITY.

Thanksgiving Proclamation.

In conformity with established custom, and in accordance with religious sentiment, I hereby proclaim and designate Thursday, the 30th day of November, 1905, as Thanksgiving Day, and recommend the setting apart of said day in the same spirit that has characterized its observance during many generations.

By remembering the poor and needy with gifts that will cheer and comfort, by the suspension of labor, by social intercourse and friendly greeting, by thanking Almighty God for His loving kindness, His manifold blessings, His aid and protection in all times of danger, trial and tribulation, let us show our sincere gratitude for the conditions that have blessed upon us, for our health, happiness and content.

Let the day be observed according to the inclination of each person for the accomplishment of good, that the result may benefit all. In witness whereof I have hereunto set my hand and caused the seal of the Territory of Hawaii to be affixed at the Executive Building, in Honolulu, this 8th day of November, in the year of our Lord one thousand nine hundred and five, and of the Independence of the United States of America the one hundred and thirtieth.

G. R. CARTER, Governor.

LEGAL NOTICES.

Temporary Administrator.

In the Circuit Court of the Fourth Circuit, Territory of Hawaii. AT CHAMBERS-IN PROBATE. In the matter of the Estate of AH WO, deceased.

ORDER OF APPOINTMENT.

This cause coming on for hearing upon the 7th day of November, A. D. 1905, upon the petition of C. Ahip, praying for the appointment of said petitioner as temporary administrator of the Estate of the said Ah Wo, and it being shown to the satisfaction of this Court that it is for the best interests of the said Estate that

the prayer of the said petition be granted. It is therefore ordered that the said Ahip be and hereby is appointed temporary administrator of the Estate of Ah Wo, deceased, with full power to continue the business of the said Ah Wo, at Pahoia, Puna, collecting accounts due the said Estate, preserving the assets of said Estate, and buying and selling goods in the regular course of business for the maintenance of the said business; this order to take effect only upon the filing in this Court of an approval bond in the sum of Five Hundred Dollars (\$500.00).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of this Court to be affixed on the 7th day of November, A. D. 1905. CHARLES F. PARSONS, Judge.

In the Circuit Court of the Fourth Circuit, Territory of Hawaii. AT CHAMBERS-IN PROBATE. In the matter of the Estate of ALBERT A. ZIMMERMANN of Oloa, Hawaii, deceased.

A document, purporting to be the will and testament of Albee A. Zimmermann, deceased, having on the 5th day of November, A. D. 1905, been presented to said Probate Court, and a petition presented therefor, and for the issue of letters testamentary to Mrs. Anna Zimmermann having been filed by Mrs. Zimmermann.

It is hereby ordered, that Tuesday, the 12th day of December, A. D. 1905, at 10 o'clock A. M., of said day, at the Court Room of said Court, at Hilo, in the County and Territory of Hawaii, be, and the same is hereby appointed the time for proving said will and hearing said application, when and where any person interested may appear and contest the will, and the granting of letters testamentary.

It is further ordered, that notice thereof be given by publication, for three successive weeks, in the Hilo Tribune, a newspaper printed and published in Hilo. Dated November 8th, 1905. CHARLES F. PARSONS, Circuit Judge.

Attest: A. S. LeBARON GURNEY, Clerk. W. S. Wigg, Attorney for Petitioner. 3-3

In the Circuit Court of the Fourth Circuit, Territory of Hawaii. AT CHAMBERS-IN PROBATE. In the matter of the Estate of Ah Wo of Pahoia, Puna, deceased.

ORDER OF NOTICE OF HEARING PETITION FOR ADMINISTRATION.

On reading and filing the petition of C. Ah Hip, a creditor of said deceased, alleging that Ah Wo of Pahoia, Puna, died intestate at Pahoia, Puna, on the 28th day of November, 1905, leaving property in the Territory of Hawaii, and praying that he be administered upon, and praying that letters of administration issue to said C. Ah Hip.

It is ordered, that Tuesday, the 12th day of December, A. D. 1905, at 10 o'clock A. M., be, and hereby is appointed for hearing said petition in the court room of this Court at Hilo, Hawaii, at which time and place all persons concerned may appear and show cause, if

any they have, why said petition should not be granted, and that notice of this order be published in the English language for three successive weeks in the Hilo Tribune, a newspaper in Hilo.

Dated at Hilo, Hawaii, Nov. 7th, 1905. By the Court: A. S. LeBARON GURNEY, Clerk of the Fourth Circuit Court. By Chas. Hitchcock, Deputy Clerk. 3-3

In the Circuit Court of the Fourth Circuit, Territory of Hawaii. AT CHAMBERS-IN PROBATE. In the matter of the Estate of L. E. Swain, deceased.

ORDER TO SHOW CAUSE ON ADMINISTRATOR'S APPLICATION TO SELL REAL ESTATE.

On reading and filing the petition of Charles H. Swain, Administrator of the Estate of L. E. Swain, deceased, praying for an order of sale of certain real estate belonging to the said L. E. Swain, said real estate being described as follows:

- All that certain piece or parcel of land situated at Waipunaui, District of North Hilo, Island of Hawaii, containing 100 acres, bounded and described as follows: Beginning at E. S. corner of this Lot at a point on road, being North corner of Lot 11, 35 ft. South, 28 ft. West of reference concrete block at South corner of Lot 4, and running as follows: 1. N. 67 deg. 00 min. W. true 505 feet along road. 2. N. 71 deg. 50 min. W. true 95 feet along the same. 3. N. 48 deg. 20 min. W. true 282 feet along the same. 4. S. 44 deg. 30 min. W. true 373 feet along Lot 9. 5. S. 45 deg. 30 min. E. true 780 feet along Lot 14. 6. N. 56 deg. 30 min. E. true 406 feet along Lot 11. 7. N. 41 deg. 50 min. E. true 185 feet along the same to initial point and containing an area of 8.69 acres.

And seeing forth certain legal reasons why such real estate should be sold, to wit: insufficient personal property to pay debts of the deceased.

It is hereby ordered that the next of kin of said L. E. Swain, and all persons interested in said estate, appear before this court on Tuesday the 5th day of December, A. D. 1905, at ten o'clock a. m., at the court room of this court in Hilo, Hawaii, then and there to show cause why an order should not be granted for the sale of such real estate.

And it is further ordered that a notice of this order be published once a week for four successive weeks before the said day of hearing in the HILO TRIBUNE, a newspaper published in Hilo, the last publication to be not less than ten days previous to the time therein appointed for said hearing.

Dated at Hilo, Hawaii, October 27th, 1905. CHARLES F. PARSONS, Judge of the Fourth Circuit Court. Attest: A. S. LeBARON GURNEY, Clerk of the Fourth Circuit Court. 1-4

THE HENRY WATERHOUSE TRUST CO. LIMITED.

- gents London Lancashire Fire Ins. Co. National Fire Insurance Co. Niagara Fire Insurance Co. German-American Fire Ins. Co. Pennsylvania Fire Insurance Co. United States Fidelity Guaranty Co. Continental Casualty Co.

H. VICARS, Hilo Representative

WHEN IN HONOLULU STOP AT THE Alexander Young Hotel NOAH W. CRAY Manager

The hotel is a beautiful 100-foot, steel-framed, up-to-date fire-proof building. Corridors, halls and bathrooms are all wainscoted with Tennessee marble. All rooms are elegantly furnished and excellently well ventilated. Gentle breezes waft through corridors and sleeping-rooms day and night. This locality, of already well known fame, opened a little over two years ago, and has been favored by persons from all parts, who unite in the opinion that it is the best place to live in the islands, its climate, its crystal, etc., being equal to none of the best hotels anywhere. WATER-A pure artesian well, a dozen feet deep, of one thousand feet depth, supplies a constant flow of soft water of high chemical purity. Every room in the building has hot and cold water. All the table water, as well as the drinking water, is distilled. HOTEL FARE-The delicacies of the table are much enhanced by this hotel's own cooking, which is prepared by a head of Jersey cows, an award-winning prize, and a head of Jersey cows, an award-winning prize, and a head of Jersey cows, an award-winning prize. The delicate dishes prepared by the chef are of the highest quality. The hotel is a beautiful 100-foot, steel-framed, up-to-date fire-proof building. Corridors, halls and bathrooms are all wainscoted with Tennessee marble. All rooms are elegantly furnished and excellently well ventilated. This locality, of already well known fame, opened a little over two years ago, and has been favored by persons from all parts, who unite in the opinion that it is the best place to live in the islands, its climate, its crystal, etc., being equal to none of the best hotels anywhere. WATER-A pure artesian well, a dozen feet deep, of one thousand feet depth, supplies a constant flow of soft water of high chemical purity. Every room in the building has hot and cold water. All the table water, as well as the drinking water, is distilled. HOTEL FARE-The delicacies of the table are much enhanced by this hotel's own cooking, which is prepared by a head of Jersey cows, an award-winning prize, and a head of Jersey cows, an award-winning prize. The delicate dishes prepared by the chef are of the highest quality. Cable Address-"Young's," Honolulu American and European Plan SPECIAL RATES TO ISLAND PEOPLE

Warm, Debilitating Weather

Many people, after a long spell of oppressive heat, suffer from lassitude, loss of spirits, and a general "run down" feeling.

They need a course of Ayer's Sarsaparilla, a medicine which has revived and restored to active life and health thousands of such sufferers. A lady who recently returned from South Africa writes concerning this "wonderful medicine": "While in Cape Town the past summer I suffered greatly from the long-continued heat. I was completely worn out; my blood seemed to become as thin as water, and I lost all energy and interest in life. My friends recommended



and a course of this wonderful medicine restored my health and spirits. My husband suffered in the same way as I did, and he also was greatly benefited from the use of Ayer's Sarsaparilla."

Ayer's Sarsaparilla

There are many imitation 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.

For Sale by HILO DRUG COMPANY

Hilo Railroad Co.

Short Route to Volcano TIME TABLE In effect July 1, 1905. Passenger Trains, Except Sunday.

Table with columns for time (A.M., P.M.), stations (Hilo, Waiakea, Oloa Mill, Keau, Ferndale, Mount, Glenwood), and times (9:40, 9:55, 9:30, 9:20, 9:15, 9:00, 8:50, 8:45, 8:30, 8:20, 8:10, 8:00, 7:50, 7:40, 7:30, 7:20, 7:10, 7:00, 6:50, 6:40, 6:30, 6:20, 6:10, 6:00, 5:50, 5:40, 5:30, 5:20, 5:10, 5:00, 4:50, 4:40, 4:30, 4:20, 4:10, 4:00, 3:50, 3:40, 3:30, 3:20, 3:10, 3:00, 2:50, 2:40, 2:30, 2:20, 2:10, 2:00, 1:50, 1:40, 1:30, 1:20, 1:10, 1:00, 12:50, 12:40, 12:30, 12:20, 12:10, 12:00, 11:50, 11:40, 11:30, 11:20, 11:10, 11:00, 10:50, 10:40, 10:30, 10:20, 10:10, 10:00, 9:50, 9:40, 9:30, 9:20, 9:10, 9:00, 8:50, 8:40, 8:30, 8:20, 8:10, 8:00, 7:50, 7:40, 7:30, 7:20, 7:10, 7:00, 6:50, 6:40, 6:30, 6:20, 6:10, 6:00, 5:50, 5:40, 5:30, 5:20, 5:10, 5:00, 4:50, 4:40, 4:30, 4:20, 4:10, 4:00, 3:50, 3:40, 3:30, 3:20, 3:10, 3:00, 2:50, 2:40, 2:30, 2:20, 2:10, 2:00, 1:50, 1:40, 1:30, 1:20, 1:10, 1:00, 12:50, 12:40, 12:30, 12:20, 12:10, 12:00, 11:50, 11:40, 11:30, 11:20, 11:10, 11:00, 10:50, 10:40, 10:30, 10:20, 10:10, 10:00, 9:50, 9:40, 9:30, 9:20, 9:10, 9:00, 8:50, 8:40, 8:30, 8:20, 8:10, 8:00, 7:50, 7:40, 7:30, 7:20, 7:10, 7:00, 6:50, 6:40, 6:30, 6:20, 6:10, 6:00, 5:50, 5:40, 5:30, 5:20, 5:10, 5:00, 4:50, 4:40, 4:30, 4:20, 4:10, 4:00, 3:50, 3:40, 3:30, 3:20, 3:10, 3:00, 2:50, 2:40, 2:30, 2:20, 2:10, 2:00, 1:50, 1:40, 1:30, 1:20, 1:10, 1:00, 12:50, 12:40, 12:30, 12:20, 12:10, 12:00, 11:50, 11:40, 11:30, 11:20, 11:10, 11:00, 10:50, 10:40, 10:30, 10:20, 10:10, 10:00, 9:50, 9:40, 9:30, 9:20, 9:10, 9:00, 8:50, 8:40, 8:30, 8:20, 8:10, 8:00, 7:50, 7:40, 7:30, 7:20, 7:10, 7:00, 6:50, 6:40, 6:30, 6:20, 6:10, 6:00, 5:50, 5:40, 5:30, 5:20, 5:10, 5:00, 4:50, 4:40, 4:30, 4:20, 4:10, 4:00, 3:50, 3:40, 3:30, 3:20, 3:10, 3:00, 2:50, 2:40, 2:30, 2:20, 2:10, 2:00, 1:50, 1:40, 1:30, 1:20, 1:10, 1:00, 12:50, 12:40, 12:30, 12:20, 12:10, 12:00, 11:50, 11:40, 11:30, 11:20, 11:10, 11:00, 10:50, 10:40, 10:30, 10:20, 10:10, 10:00, 9:50, 9:40, 9:30, 9:20, 9:10, 9:00, 8:50, 8:40, 8:30, 8:20, 8:10, 8:00, 7:50, 7:40, 7:30, 7:20, 7:10, 7:00, 6:50, 6:40, 6:30, 6:20, 6:10, 6:00, 5:50, 5:40, 5:30, 5:20, 5:10, 5:00, 4:50, 4:40, 4:30, 4:20, 4:10, 4:00, 3:50, 3:40, 3:30, 3:20, 3:10, 3:00, 2:50, 2:40, 2:30, 2:20, 2:10, 2:00, 1:50, 1:40, 1:30, 1:20, 1:10, 1:00, 12:50, 12:40, 12:30, 12:20, 12:10, 12:00, 11:50, 11:40, 11:30, 11:20, 11:10, 11:00, 10:50, 10:40, 10:30, 10:20, 10:10, 10:00, 9:50, 9:40, 9:30, 9:20, 9:10, 9:00, 8:50, 8:40, 8:30, 8:20, 8:10, 8:00, 7:50, 7:40, 7:30, 7:20, 7:10, 7:00, 6:50, 6:40, 6:30, 6:20, 6:10, 6:00, 5:50, 5:40, 5:30, 5:20, 5:10, 5:00, 4:50, 4:40, 4:30, 4:20, 4:10, 4:00, 3:50, 3:40, 3:30, 3:20, 3:10, 3:00, 2:50, 2:40, 2:30, 2:20, 2:10, 2:00, 1:50, 1:40, 1:30, 1:20, 1:10, 1:00, 12:50, 12:40, 12:30, 12:20, 12:10, 12:00, 11:50, 11:40, 11:30, 11:20, 11:10, 11:00, 10:50, 10:40, 10:30, 10:20, 10:10, 10:00, 9:50, 9:40, 9:30, 9:20, 9:10, 9:00, 8:50, 8:40, 8:30, 8:20, 8:10, 8:00, 7:50, 7:40, 7:30, 7:20, 7:10, 7:00, 6:50, 6:40, 6:30, 6:20, 6:10, 6:00, 5:50, 5:40, 5:30, 5:20, 5:10, 5:00, 4:50, 4:40, 4:30, 4:20, 4:10, 4:00, 3:50, 3:40, 3:30, 3:20, 3:10, 3:00, 2:50, 2:40, 2:30, 2:20, 2:10, 2:00, 1:50, 1:40, 1:30, 1:20, 1:10, 1:00, 12:50, 12:40, 12:30, 12:20, 12:10, 12:00, 11:50, 11:40, 11:30, 11:20, 11:10, 11:00, 10:50, 10:40, 10:30, 10:20, 10:10, 10:00, 9:50, 9:40, 9:30, 9:20, 9:10, 9:00, 8:50, 8:40, 8:30, 8:20, 8:10, 8:00, 7:50, 7:40, 7:30, 7:20, 7:10, 7:00, 6:50, 6:40, 6:30, 6:20, 6:10, 6:00, 5:50, 5:40, 5:30, 5:20, 5:10, 5:00, 4:50, 4:40, 4:30, 4:20, 4:10, 4:00, 3:50, 3:40, 3:30, 3:20, 3:10, 3:00, 2:50, 2:40, 2:30, 2:20, 2:10, 2:00, 1:50, 1:40, 1:30, 1:20, 1:10, 1:00, 12:50, 12:40, 12:30, 12:20, 12:10, 12:00, 11:50, 11:40, 11:30, 11:20, 11:10, 11:00, 10:50, 10:40, 10:30, 10:20, 10:10, 10:00, 9:50, 9:40, 9:30, 9:20, 9:10, 9:00, 8:50, 8:40, 8:30, 8:20, 8:10, 8:00, 7:50, 7:40, 7:30, 7:20, 7:10, 7:00, 6:50, 6:40, 6:30, 6:20, 6:10, 6:00, 5:50, 5:40, 5:30, 5:20, 5:10, 5:00, 4:50, 4:40, 4:30, 4:20, 4:10, 4:00, 3:50, 3:40, 3:30, 3:20, 3:10, 3:00, 2:50, 2:40, 2:30, 2:20, 2:10, 2:00, 1:50, 1:40, 1:30, 1:20, 1:10, 1:00, 12:50, 12:40, 12:30, 12:20, 12:10, 12:00, 11:50, 11:40, 11:30, 11:20, 11:10, 11:00, 10:50, 10:40, 10:30, 10:20, 10:10, 10:00, 9:50, 9:40, 9:30, 9:20, 9:10, 9:00, 8:50, 8:40, 8:30, 8:20, 8:10, 8:00, 7:50, 7:40, 7:30, 7:20, 7:10, 7:00, 6:50, 6:40, 6:30, 6:20, 6:10, 6:00, 5:50, 5:40, 5:30, 5:20, 5:10, 5:00, 4:50, 4:40, 4:



For the Stomach's Sake

an occasional glass of beer is very good. It is a well-established fact that

PRIMO LAGER

contains corrective and tonic qualities which make it invaluable to the run-down system... Apart from its medicinal properties Primo is an ideal beverage, well suited to the requirements of this climate.

DEMOSTHENES' CAFE

Comfortable Rooms... Hot and Cold Baths... A Well-Stocked Buffet... Mixed Drinks and Fine Wines... A Cold Storage Plant on premises with all the Delicacies of the Season... Open Till Midnight
WAIANUENUE STREET, HILO
CUISINE UNEXCELLED FIRST-CLASS SERVICE

Nirvana Tea

Our Nirvana brand of Ceylon Tea is now so well and favorably known on this Island as to require little further recommendation. It's high standard of purity, and exquisite flavor, have placed it at the head of first-class teas.

Consumers have recognized its delicious and fragrant properties. We absolutely guarantee every pound as represented.

It is put up in one-half pound, one pound and five-pound air-tight packages.

THEO. H. DAVIES & CO. Ltd.

INSURE YOUR PROPERTY...

In a Reliable Insurance Company

We are the Resident Agents for the

Phoenix of Hartford, Conn. and Svea of Gothenburg, Sweden

H. HACKFELD & COMPANY, Ltd.

Kaumana Real Estate

THREE MILES FROM POST OFFICE

A **SPLENDID** opportunity is offered to buy **82.8 ACRES** of Land, on the Kaumana Road, suitable **FOR RESIDENCE OR FARMING PURPOSES**, with **THE FINEST VIEW** of any suburban site.

FINE LAND FOR GRAPES

Three Acres Grape Land (in Bearing). One Acre in Vegetables. Orange, Peach and other Fruit Trees. All Fenced. Good Soil. Six-Room Dwelling, Kitchen and Stable. **PRICE, \$10,000, EASY TERMS**

J. G. Serrao, - - Hilo

TELEPHONIC ROMANCE

By **AMY DUPREE**

Copyright, 1905, by T. C. McClure

"Two hundred thirty-four J don't answer," said central, ringing off, but before she could lean back for an instant's breathing spell 719 M called her up again.

"Central, why can't I get my house?" "I'm sure I don't know," she answered, with a suspicion of laughter in her voice.

"I'll bet those confounded servants are gossiping down in the basement. Ring 'em again, and ring 'em like thunder."

Central obeyed his orders energetically, but without results.

"I can't get any answer," she said gently to the irate man at the other end of the line, "but I'll try them again in a few minutes, and if I get an answer I'll call you up. No, I won't forget," she said, almost before the man had uttered his warning. "I know you call the house every morning from your office."

"Thank you," said the man, much mollified. "Those servants are so careless, and my niece, who looks after the children, is confined to her room by illness."

Cireleville's telephone system was not very complicated. The three girls who presided in the central office were not kept occupied as in a larger city because this was a new institution in the pretty inland city and subscribers were not coming in fast enough to satisfy the telephone company. Only one of the girls hailed from Cireleville. The other two were from Chicago, and it was Margaret Baxter, one of the Chicago girls, who had answered Mr. Dickson's imperative calls.

For the next few minutes she was kept busy plugging in and out on her board. But all the time a queer little smile hovered about her lips and a light almost tender shone in her eyes.

"It would be very funny," she said to herself, "if it should all be straightened out by telephone, and I would not be at all surprised if that is just what Jack hoped for." Then she turned suddenly and rang up 234 J.

A rather thick voice with a distinct brogue answered this call with a sulen "Hello." Margaret's face turned grave and firm lines showed about her mouth.

"Why has no one answered the telephone?" she said rather sternly. "I have been ringing you on and off for fifteen minutes."

"Sure I've somethin' to do beside runnin' up them stairs to answer this bell. It's a wonder a woman can't eat her breakfast in peace."

Margaret connected 234 J with 719 M, sighing softly to herself, "Poor Charley and his babies at the mercy of that woman."

The conversation at the wire claimed her attention. There were reasons why she felt she had a right to listen. "Hello, Mary, is this you?"

"Yes, sir."

"How is Master Reginald?"

"Fine, sir."

"What did he eat for his breakfast?"

"A peach, a bowl of rice and milk and five cakes."

"Now, Mary, I've told you repeatedly not to let him have hot cakes."

"Then, sir, you'll have to stay at home and keep him from it. It's a cook I am and no nurse."

"Well, well," said the man anxiously, as one who realized he was in a predicament and needed the good will of every one. "I'm sure while Miss Ellen is sick you will look after the children, and I will not forget it when I pay you next week."

This bit of diplomacy elicited no reply from the other end of the wire.

"Has Miss Bessie gone to school?"

"She has not. Sure the string's off her hood and one of her rubbers is lost entirely, and I told her she'd best stay home till her Aunt Ellen could get about."

"Dear, dear," said the man, and a prodigious sigh seemed to choke his utterance.

"Is that all, sir?" said the woman impatiently.

"I guess so," he replied reluctantly and hung up his receiver.

At her end of the wire the woman slammed up the receiver with a crash which made central flush just a bit angrily. Clump, clump, clump, she went down the basement stairway to meet a look of inquiry on the face of her husband, gardener and man of all work for Henry Dickson, president of the Excelsior Hardware company.

"Sure, it's the same old thing," she said snappishly as she tossed the soap into the dish pan. "Frettin' his soul out about those two children. It's no place for me and you, Tim. Either the old man or the young un ought to marry. What with church and phrises and a fly be night nature into the bargain, Miss Ellen's no good at all, at all. When she's in the house she's in bed, and when she's not in bed she's out of the house."

Tim shook his head and marched out to the stable, and Mary turned to face a shrinking little figure in the doorway.

"I want to sit behind the stove, Mary. There's no fire in the library, and I'm cold all over."

"I'll bet the young un's got to be sick," said Mary as she made room for the child on the wood box behind the stove. "She ought to had on her warm flannels last week. Sit there, dear, whilst I tell you about the fairies Paddy O'Glyn met on his way to Donegal fair."

The man at the other end of the line

had been leaning back in a chair, staring up at the ceiling. Finally he called his stenographer and dictated a letter. It was addressed to Charles Dickson and wound up as follows:

"While you're in Chicago I wish you would stop in to see your aunt Mary Graves. Things are not going right at the house, I fear. Ellen is too frivolous and fond of society to do what is entirely right by us and the children. Your aunt Mary is a capable woman and would pull things together in less than no time."

But even with the letter started on its way Mr. Dickson felt uneasy. Aunt Mary was capable, but was she sympathetic enough to deal with those children? He recalled the gentle ways and the fair face of the dead daughter-in-law. He wished somehow Aunt Mary would wave her hair about her face and smile once in awhile. But she was better than the more uncertain element he had dreaded—a stepmother for his beloved grandchildren.

And all the time Margaret Baxter sat in front of the switchboard, plugging the jacks and thinking. Just before he closed up his desk to go home Mr. Dickson was surprised to catch her voice with a new, almost friendly accent.

"Is this Mr. Dickson?"

"Yes."

"Shall I call Mary and tell her to have the children come down to meet you?"

Mr. Dickson lived some distance beyond the street car terminus, and Tim always drove down in the runabout to meet him. It never struck him as odd that the telephone girl knew of his daily habit. Perhaps she lived in the neighborhood. He answered in a relieved tone:

"Yes; I'd forgotten to call her."

"And if you didn't call her she wouldn't remember, would she?"

"No, no," agreed the man; "these servants are a great trial." Then as central rang off he murmured to himself: "There's a girl who will make a fine business woman some day. I would not mind having her in my office."

And, though he could never tell just how it happened, from that time on it was central who had the trying conversation with Mary until Miss Ellen got about, and after that with Miss Ellen herself, merely giving him a condensed report of the conversation. This saved his time, which was valuable, and it pleased his fancy that some one appreciated his absorbing interest in the children.

That was why he had a bouquet of flowers sent up to the telephone exchange one day and a box of candy another. Several times he was tempted to call in person, but he finally decided that seeing the girl face to face might prove a disillusion. Faces and voices do not always harmonize, and yet he thought of the great relief it was to receive messages from central instead of irate Mary or butterfly Ellen. He felt sure that this particular voice stood for a face fair and womanly. Then he would recall a recent letter from his son, Aunt Mary would come for—a consideration.

But finally an inspiration came to him. Reggie was having a birthday. Ellen, with characteristic heedlessness, had forgotten this important event and had arranged to join a house party for the very night. But this should not stand in the way of a proper observance of the occasion. Reggie should have a birthday spree, and the guest of honor should be this central girl, with whom the two children had held many little talks across the wire.

She accepted the invitation sent in Reggie's name. She rode out in the runabout driven by the suspicious Tim, who had made unpleasant remarks to his wife about old fools and pretty girls. And she finally entered the door opened by Mr. Dickson himself.

He gave a sigh of relief, which was drowned in the tumultuous greetings of the children. She was just what he had dreamed of, but what he had not dared to hope for. They had a merry evening, and when the two children were sitting down, one on either side of her, to hear what Reggie described as corking goblin stories, the sound of a latchkey fell upon Mr. Dickson's ear.

He rose uncertainly; so did Margaret Baxter, and so did the two children. And that was the scene upon which entered Charles Dickson, general representative for the Excelsior Hardware company, just returned from a hard trip on the road. He looked at his father, who flushed. He looked at Margaret Baxter, who smiled. He looked at the two children, who shrieked alternately and made a rush at him.

When he had escaped from their embraces his father started to make the necessary introduction, but the younger man waved him aside.

"I have known Margaret for some time—in fact, long before you knew her. When the children have finished their frolic and gone to bed I—well, we will explain this matter to you."

Mr. Dickson, Sr., looked from his son's dancing eyes to Margaret Baxter's flushed face and remarked dryly: "It won't be necessary. And while Miss Baxter is finishing that goblin story you had better telegraph to Aunt Mary. Tell her she need not come. We've changed our minds."

Sleeping Time.
 A New York physician gives the following as his ideas of the pace that tells:

"Every man that does not take at least eight hours' sleep out of every twenty-four is robbing himself of just that much vital energy. The men who in the future will live to be 100 years old will take more than eight hours' sleep every day of their lives. Man cannot burn the candle at both ends because nature will not permit him to do it."

For a Good Smoke

Ask for the

Blue Teal Cigar

H. Hackfeld & Co.

LIMITED

Distributors

Waiianuenu Street, Hilo.

PLANTERS, ATTENTION!

SPECIAL ATTENTION IS CALLED TO THE FACT THAT

THE ONLY ORIGINAL AND CELEBRATED



FERTILIZER

Is that which has been manufactured for the past fifteen years exclusively by the

California Fertilizer Works

SAN FRANCISCO, CAL.

When purchasing be sure that in addition to the brand the name of the California Fertilizer Works is on every sack, otherwise you will not be getting the genuine article.

A large stock of our Diamond A and our

XX HIGH-GRADE FERTILIZER

Is kept constantly on hand and for sale at San Francisco prices, plus only freight and actual expenses,

By Our Hilo Agents,

L. TURNER CO.

LIMITED

Waiakea Boat House

R. A. LUCAS & CO., Prop'rs.
 WAIAKEA BRIDGE, HILO.
 HAVE NOW A FLEET OF

Gasoline Launches and Small Boats

FOR PUBLIC HIRE
 Passengers and baggage taken on and from vessels in the harbor at reasonable rates. Launches and rowboats to hire for private picnics and moonlight rides.
 RING UP ON TELEPHONE

AGENTS FOR

Wolverine Gasoline Engine

Self-starter and reversible engine. In practicality it is equal to the steam engine. Sizes from 1 1/2 h. p. upwards. Boats fitted with this engine or frames of any size to order. For particulars apply to R. A. LUCAS, Manager

CRESCENT CITY BARBER SHOP

CARVALHO BROS., Proprietors.
 The Old Reliable Stand is still doing
UP-TO-DATE WORK
 Razors honed, Scissors and all edged tools perfectly ground.—Satisfaction Guaranteed.
 WAIANUENUE STREET
 Second Door Above Demosthenes' Cafe

WAIAKEA SALOON

Wharf Road, Second Door From the Bridge.

Fresh Cooling

Primo

FINEST BRANDS

Wines

Liquors

Beers

SCOTCH AND AMERICAN WHISKIES

and

European Wines

Draught and Bottled Beer

Subscribe for the TRIBUNE Subscription \$2.50 a year.

Subscribe for the Hilo Tribune, \$2.50 Per Year

L. RICH & CO.

HOUSE PAINTING

Paper Hanging, Carriage Painting
Polishing, Etc.
Prices Reasonable.
All Work Done in a Neat and Workman-
like Manner.
Leave Orders with W. A. Todd

PLANTERS' LINE

—OF—

SAILING VESSELS

Direct Line between SAN FRANCISCO
AND HILO.

Bark St. Catharine, Capt. Saunders
Bark Amy Turner, Capt. Warland
Sch. W. H. Marston, Capt. Gove
QUICK DISPATCH

For freight and passage apply to
WELCH & CO., Agents, San Francisco
C. BREWER & CO., Ltd., Agents,
Honolulu, or

H. Hackfeld & Co., Ltd.
AGENTS, HILO.

SERRAO LIQUOR CO

LIMITED

WHOLESALE LIQUOR DEALERS

Complete Stock of Finest Table
Wines, Beers, Whiskies, Gins,
Brandies and Liqueurs.

Sole Agent for
PRIMO BEER

Wholesale House:
Serrao Block, Shipman Street
Telephone No. 7

THE UNION SALOON

Always on Hand:

BEST BRANDS

Of Wines, Liquors, Beers
Mixed Drinks a Specialty

Draught and Bottled

**PRIMO AND
SEATTLE BEER**
10c Per Class

Shipman Street
Telephone No. 7

J. G. SERRAO, - Manager

THE FIRST BANK OF HILO

LIMITED.

Incorporated Under the Laws of the
Territory of Hawaii.

CAPITAL, \$200,000.
PEACOCK BLOCK, HILO.

C. C. KENNEDY, President.
JOHN T. MOIR, Vice-Pres.
C. A. STOBIE, Cashier,
F. S. LYMAN, Secretary.

DIRECTORS:

John Watt, John J. Grace,
F. S. Lyman, H. V. Patten,
Wm. Pullar, W. H. Shipman.

Draw Exchange on

In Bank of Hawaii, Ltd., Honolulu
Wells, Fargo & Co. Bank, San Francisco
Wells, Fargo & Co's Bank, New York
The National Bank of the Re- } Chicago
public }
Glynn, Mills, Currie & Co., London
Hongkong-Shanghai Bank, Hongkong
ing Corporation, } China,
Hongkong-Shanghai Bank, Shanghai,
ing Corporation, } China,
Hongkong-Shanghai Bank, Yokohama
ing Corporation, } and Higo,
Japan.

SAFE DEPOSIT BOXES

Rented by the Month or Year. Part-
iculars on Application.

Hilo Electric Light Co., Ltd.

Houses Wired and
Lights Installed

In accordance with the rules of the Na-
tional Board of Fire Underwriters.

A complete stock of

ELECTRICAL SUPPLIES

Fixtures, Shades, Table, Bed and Desk
Lamps, etc., always on hand.

Fan Motors . . . \$15

Fan Motors, swivel frame 18

Sewing Machine Motor 20

Power for operating them \$1 a month
Installation charged extra.

Estimates furnished on all classes of
Electrical Work and Contracts taken to
install apparatus complete.

A cough is a danger signal. You
should heed its warning promptly.
Begin at once, and take regular
doses of

Ayer's Cherry Pectoral



All serious lung troubles
begin with a common
cold. A cold in the
throat easily passes to
the bronchial tubes,
and you have bron-
chitis, leading possi-
bly to pneu-
monia or con-
sumption. Stop
your cold before it goes down into
the chest. When you bring a bottle
of Ayer's Cherry Pectoral into the
house you bring with it relief, good
cheer, hope, and sunshine. It is a
standard and unrivaled remedy for
colds and coughs.

There are many substitutes and imi-
tations. Beware of them and of so-
called "Genuine Cherry Pectoral."
Be sure you get AYER'S Cherry
Pectoral.

Put up in large and small bottles.

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U. S. A.

For Sale by HILO DRUG COMPANY

HILO MARKET CO., LIMITED.

Telephone No. 39.

BRIDGE ST. HILO, H. I.

Pacific ★ Meat ★ Market

FRONT ST., HILO, H. I.

Choice Cuts of

**Beef, Mutton,
Pork, Veal.**

POULTRY of all Kinds

FRESH ISLAND BUTTER

Fine Fat Turkeys.

Sucking Pigs.

Oceanic S.S. Company

Time Table

The steamers of this line will ar-
rive and leave this port as here-
under:

FROM SAN FRANCISCO.

Alameda.....October 27

Ventura..... November 8

Alameda.....November 17

Sierra.....November 29

Alameda.....December 8

FOR SAN FRANCISCO.

Alameda.....November 1

Sierra.....November 7

Alameda.....November 22

Sonoma.....November 28

Alameda.....December 13

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
any steamship line to all European ports.
For further particulars apply to

Wm. G. Irwin & Co. LIMITED

General Agents Oceanic S. S. Co.

WM. G. IRWIN & CO., Ltd.

Sugar Factors, Commission Agents

Sole Agents

National Cane Shredders,
Baldwin Locomotives,

Alex. Cross & Sons' Sugar Cane
and Coffee Fertilizers

SUFFERS IN HOT WEATHER.

The Horse Needs Special Attention
When Days Grow Warm.

"No animal," says W. H. Gil-
bons, field agent for the Humane
Society, "suffers so much during
hot weather as the horse. He has
no protection from the hot rays of
the sun and is usually 'rushed'
through the day's work and often-
times he is neglected by his careless
driver at the close of it. Hot weath-
er and sore necks go together,
but the trouble can be avoided by
observing the following rules:

A work horse should never be
reined up while at work. He should
be so that he lower his head and
work the collar front slightly while
standing. It is the horse that car-
ries his head high that is most like-
ly to get a sore neck. The collar
should fit the neck of the horse and
when taken off at the close of the
day's work it should be scraped
well. A short collar is more sure
to make a sore neck in warm weath-
er.

"The hames should fit the collar.
A hame that has to be let out by
lengthening the strap at the top is
also liable to make a sore neck. As
the horse pulls, the harness will
spread on such a fit, pulling the
collar together and spreading
it at the same time so it will
work back and forth and is sure to
cause trouble. For this reason,
high hames are preferable. With
the short hame any alteration has
to be made by lengthening or
shortening the strap, while it is the
hame that should be shortened or
lengthened. Sole leather or zinc
pads should be used on top of the
neck. Either is cooling and heal-
ing, while the abominable cloth
collar pad is heating and irritating.

"A sore neck is usually preceded
by a bunch coming on the top of
neck where the collar rests. If it
is left and the horse continues to
be worked, it soon becomes a deep-
seated sore, causing no end of trou-
ble, both to the humane officer and
the owner. Aside from the hu-
mane point of view, it pays to look
after the welfare of the horse, as he
is our main dependence during the
rushing work of summer. It never
pays to rush the horse through these
hot days, nor should he be loaded
to the usual limit. During the hot
weather they should be loaded
lightly, and driven moderately and
watered between feeds. It may
cause a little more work and time
and, in all probability, save a horse
or two at the end of the week.

"Lame horses are a source of
much annoyance with us and in
nearly all cases the lameness is
caused by neglect on the part of
the driver. When driven into a
barn at the close of the day's work
the hoof ought to be examined for
gravel and nails, as both are easily
'picked' up in the foot and become
embedded before a lameness is
shown. Much of the lameness
among horses is caused by poor
shoeing and I am sorry to say three
out of five of our blacksmiths do
not know how to shoe a horse prop-
erly. Perhaps the proprietor of
the shop does know how to shoe a
horse on scientific principles, but
when a horse is brought to the shop
for shoes he is busy 'managing' the
shop and the horse is turned over
to a helper who can analyze a hoof
and tell its distinct parts no better
than he could articulate the human
frame.

"I hope the day will soon arrive
when horsehoers will have to pass
an examination on their work to
a reliable board of examiners, just
like the barbers have to undergo in
their profession, for there are about
as many 'blacksmith' horsehoers
in town as there would be 'black-
smith' barbers were it not for our
state board of examiners among
our tonsorial artists. During the
past week I have relieved eighteen
horses of their harness on account
of bad necks and ordered eleven
horses off the streets till cured of
their lameness—and yet I did not
catch all of them."

ALL KINDS OF RUBBER GOODS

GOODYEAR RUBBER CO.

R. H. PEASE, President.

SAN FRANCISCO, CAL., U. S. A.

MUSCULARIS.

An Effective Cure is Not Eating but
Exercise.

A good many persons who lead
fairly sensible lives as regards
health conditions, who eat moder-
ately, sleep in well-ventilated
rooms, and take sufficient exercise
in the open air, strangely neglect
one of the most important set of
muscles in the entire body, namely,
the abdominal.

It needs but a thought to appre-
ciate how important these muscles
are. In the abdomen we have all
the digestive organs, among them
the solid and heavy liver, and to
keep them in place there is nothing
but the interior muscular wall, ex-
cept the so-called ligaments, which
are only folds of the peritoneum,
too weak to hold a heavy weight
for a long period without stretch-
ing. When these lack tone there
is more or less sagging of all the
contained organs. The entire cir-
culation within the abdomen is
affected.

At the watering-places this con-
dition is treated by dieting and the
use of the waters internally and
externally. The measures give
relief for a time—but only for a
time. Far better is it to strengthen
the abdominal muscles, and so not
only banish the trouble for a time,
but keep it from returning.

Walking does little, at least not
enough, for these muscles, and it
is often advisable for those engaged
in sedentary pursuits to take special
abdominal exercises. These are of
various kinds, but one simple ex-
ercise will answer all the require-
ments. It is best taken in the
morning before the bath. With all
the clothing removed to the waist,
and with nothing tight about the
waist, lie on the back on the floor
with the feet under the rung of a
heavy chair or the opened lower
drawer of a bureau. Then with
the arms folded on the chest rise
slowly to a sitting posture, keep-
ing the back perfectly straight;
then gradually sink back again to
the supine posture. Take a deep
breath, and repeat. This may be
done five times at first, the number
being gradually increased. When
it can be done without undue effort,
the exercise may be taken with the
hands clasped under the back of
the head, and finally, with the
arms extended above the head.

New Bridge Play.

Bridge has become so thoroughly
systematized that a new play pos-
sessing merit has become a rarity.
Such a one, however, has just been
invented, and is now being sub-
jected to the test of experience
among those who know of it.
Whether one should discard from
strength or weakness has ever been
a vexed question. The books say
strength, but it goes so hardly
against the grain to part with a
possibly winning card that a major-
ity of players discard from weak-
ness, or from weakness in no
trumps, and from strength in a
declared trump. The custom, in
making up a game, of announcing
one's method and asking that of
the others, everybody concedes, is
a nuisance. The new way is to
discard from either, but to throw
an even card—i. e., a two, four, six
or eight spot, if from weakness,
and an odd card if from strength.
This makes for elasticity in play,
eliminates the annoyance of ques-
tioning, and seems to serve every
purpose more effectively than either
of the old methods. The invention
is the product of the fertile brain of
Mr. Edwin M. Post, the well-known
banker, and who is a player of the
first class. It will be known as
the "Post discard," and, we are
informed, has received the distin-
guished approval of the great Mr.
Elwell.

Nothing To Fear.

Mothers need have no hesitancy
in giving Chamberlain's Cough
Remedy to their little ones, as it
contains nothing injurious. This
remedy is not only perfectly safe to
give to small children, but is a medi-
cine of great worth and merit.
For Sale by Hilo Drug Co.

Subscribe for the TRIBUNE
Island subscription \$2.50 a year.

FOR TABLE USE

The Leading Brands of
**Rhine Wines
Liqueurs and Mineral Waters
ARE UNEXCELLED**

Marie Brizard & Rodgers'
Brandies and Liqueurs

**Usher's Celebrated Scotch Whiskey
O. V. G. Special Reserve**
The Most Popular in the Islands

Kinderlin's Freebooter Gins
The Finest Put on the Market

**Pabst Beer
A. B. C. Beer**
In Quarts and Pints, in Casks and
Cases and by the Dozen

Mineral Waters, White Rock and Ginger Ale

W. C. PEACOCK & CO. Ltd.
WHOLESALE DEALERS
PEACOCK BLOCK, HILO

HAWAIIAN FERTILIZER CO., Limited

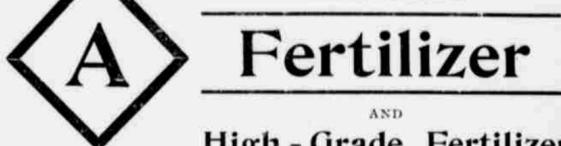
SAN FRANCISCO OFFICE: 218 CALIFORNIA ST.
Factory: South San Francisco.

FERTILIZERS

OF ALL KINDS IN ANY QUANTITY

Sulphate of Ammonia Double Superphosphate
Sulphate of Potash Fish Guano
Manure Salts Bone Meal
High-Grade Tankage

We Have Constantly on Hand in Hilo the
Standard Brands of



Fertilizer

AND
High-Grade Fertilizer

At San Francisco Prices Plus the Freight and Charges.

Fertilizers of any required Analysis, with guarantee of same, furnished
at short order.

SEND IN YOUR ORDERS
H. DEACON, Agent
Telephone 3 WAIANUENUE STREET, HILO

Canadian-Australian Royal Mail S.S. Co.

Steamers of the above line running in connection with the Canadian Pacific Rail-
way Company, B. C., and Sydney, N. S. W., and calling at Victoria, B. C., Honolulu
Suva and Brisbane, Q.; are **due at Honolulu** on or about the dates below
stated, viz:

From Vancouver and Victoria B. C.	From Sydney, Brisbane (Q).
For Brisbane, Q., and Sydney:	For Victoria and Vancouver, B. C.
MIOWERA.....OCT. 21	MOANA.....OCT. 18
MOANA.....NOV. 18	AORANGI.....NOV. 15
AORANGI.....DEC. 16	MIOWERA.....DEC. 13

The magnificent new service, the "Imperial Limited," is now running daily
BETWEEN VANCOUVER AND MONTREAL, making the run in 100 hours,
without change. The finest railway service in the world.

Through tickets issued from Honolulu to Canada, United States and Europe
For freight and passage, and all general information, apply to

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

The Old Buggy...

made new for a few cents and
a little labor. With

**THE
SHERWIN-WILLIAMS
BUGGY PAINT**

you can paint and varnish at
the same operation. You will
be surprised how easy it is
to renew vehicles.
Let us show you color cards.

SOLD BY

HILO MERCANTILE CO. LIMITED.

SOLE AGENTS FOR HAWAII
P. O. Box 94 Telephones 4 A, 4 B

RING UP 'PHONE 21

FOR PRICES ON ALL KINDS OF PRINTING

LATEST STYLES AND FAIR PRICES

CONDENSED LOCAL ITEMS

Sanford, the optician, fits glasses. See adv.

LOUISIANA RICE—L. Turner Co., Agents.

Mrs. N. Russell has been ill at her home at Mountain View.

The prettiest stock of lace goods ever in Hilo is being sold by E. H. Moses.

J. P. Rego, representing Whitney and Marsh, has opened up salesrooms opposite the Volcano Stables.

Miss Louise Monteverde, arrives this morning on the Enterprise to assume charge of the Hilo hospital.

C. Ahip has been appointed temporary administrator of the estate of Ah Wo, deceased, lately of Pahoa, Puna.

Only machine-made poi hygienically prepared will be used at the Hilo Boarding School luau on Thanksgiving Day.

To shoe the feet is not a fad or fancy but an art which the Economic Shoe Co. have learned and which their customers enjoy.

Miss Bernice K. Dwight, stenographer in the Public Works Office at Honolulu is spending a ten day's vacation at the Volcano.

Owing to the inclemency of the weather the bark Amy Turner was delayed in getting away until Friday morning.

Mrs. Evan da Silva has been quite ill for the last two weeks at her home on School Street.

Mr. and Mrs. M. M. Springer returned from Kohala and are now residing on School Street.

Mrs. W. T. Balding and children are expected to return by the S. S. Enterprise this morning.

The Hilo Market Company have for sale a quantity of live turkeys grown on the slopes of Mauna Kea.

Preparations are in progress for a song praise service at the First Foreign Church to be held at an early date.

The Bark Annie Johnson, Nilson, master, arrived Sunday afternoon, twenty days from San Francisco.

J. D. Easton left for Kohala last Friday and is traveling overland to Hilo on business connected with his firm.

Miss Mabel Wise is a novice in the Order of Eastern Star, being initiated a member of Hilo Chapter 1 last evening.

Mrs. J. H. Baron and child, who have been absent from Hilo for two years, returned on the Annie Johnson, Sunday last.

Commodor H. E. Picker, representing the Pacific Mutual Insurance Company, is making a business trip through Hawaii.

The S. S. Enterprise is scheduled to leave Saturday noon. The banana train will go out Friday morning on the Hilo Railroad.

The firm of Wing Sing Co., Chinese merchants on Front street, have assigned to the Von Hamm Young Co., Ltd., Honolulu. See ad.

R. W. Shingle, representing the Henry Waterhouse Trust Co., of Honolulu, is in Waimea and is expected to arrive overland on next Thursday.

W. T. Balding after a three month's vacation trip to his home at Milwaukee, Wis., and other points east, returned on the Kinan last Wednesday.

Miss Maud Lovejoy, formerly a resident of Honolulu, but whose home is now at Oakland, Cal., is making a visit with Miss Mary Shipman at Riverside Park.

Harry Richards and family of Salida, Kas., who arrive this morning on the S. S. Enterprise, will spend the winter with his brother, E. E. Richards, who has been making a tour of the eastern states.

Dr. E. L. Hutchinson, the Honolulu dentist, is visiting his parents at their Kaunana home. Ira A. Hutchinson, his father, who has been ill for the past week at the Hilo hospital is much improved in health and now at home.

Ask for the Atlas shoe for men, a good black vici kid shoe, made by Rice & Hutchins, price \$2.50 at Holmes Store.

Mr. George Deacon of Waialua, who has been spending the past six weeks in Hilo in the hope of improving his health, returned to Honolulu on the last Kinan feeling very much better. He was accompanied by his daughter-in-law, Mrs. MacGregor Deacon.

The plantation managers who went to Honolulu on Friday to attend the Planters' Meeting are C. C. Kennedy, J. A. Scott, W. H. C. Campbell, John Ross, Jas. Webster, Albert Horner, David Forbes, C. H. White, A. Lidgate, Jas. Gibb, John Hind, C. McLennon and J. T. Moir.

Shoeting feet—that's our business. Feet are different, but we fit all kinds. These days of strenuous action a man wants comfortable shoes. Our lasts are so shaped that a man can keep his feet off his mind. If you are a \$3.50, \$4.50, \$5 or \$6.50 shoe man your shoes are here. Come see.—Economic.

Do you smoke? If so, drop in the Hilo Drug Store and see their elegant line of pipes and smoker's articles.

Captain Thos. Dowdell of the steamer Alameda has been exonerated by the federal officials from any blame for the running of that vessel on the rocks on September 30th. Pilot C. B. Johnson has had his license suspended for six months by the federal authorities and for four months by the state board. The damage to the steamer is estimated at \$50,000.

BOARDING SCHOOL CONCERT.

An Interesting Program Outlined for Evening Entertainment.

The Hilo Boarding School is a busy place these days and preparations are progressing for the luau and fair to be given on Thanksgiving Day. The concert to be given in the assembly hall of the new school building promises to be an interesting entertainment. Time and energy are being given in unstinted measure to give the public their money's worth. The program will consist of varied numbers by local favorites, who can always be depended upon to attract a large crowd.

Mrs. A. G. Curtis will give a recitation appropriate to the occasion, Mrs. Louise Hapai is down for a solo. Mrs. R. T. Moses has consented to give a violin solo. The Kamehameha Quintette Club will render several vocal selections of Hawaiian songs. The sword drill by a squad of students will be interesting. A comedy sketch called "A Charming Young Fellow" given by six young ladies of Hilo is in the hands of Mrs. Chas. Siemsen. The "Floradora Sextette" participated in by six couples under the auspices of Mrs. J. T. Lewis will prove a novel feature of the program which is replete with good things from beginning to end.

Died From Typhoid.

Robert E. Ford, assistant engineer at Kukuihaele, died last Tuesday, April 14th, at the Hilo hospital of typhoid fever. He was brought to the hospital over two months ago, and his steady improvement had given rise to hopes of his ultimate recovery. But other complications set in about two weeks ago, and in his weakened condition, his constitution would not withstand a second attack. He was attended in his last illness by friends who knew him as a machinist at Pioneer Mill, Lahaina, Maui, and local Odd Fellows, of which organization he was a member. Mr. Ford was between 40 and 45 years of age, and came from Los Gatos, Cal., where his people reside. He leaves a widow, who at present is confined in the Puunene hospital, Maui. Interment took place in Homelani Cemetery.

Made Same Mistake.

HILO, Hawaii Ter., Nov. 18, 1905. To the Editor,

HILO TRIBUNE, Sir:—I note in an interesting letter by Mr. L. A. Andrews to the Board of Supervisors, that he accuses Dr. Stow of an inability to distinguish between an abscess in the shoulder and worms. As it is human to err I feel no shame in admitting that both Dr. Irwin and I made the same error of diagnosis in the case referred to. As Dr. Irwin is away I regret that I cannot obtain an expression of his feeling in the matter but I am sure he would join me in expressing thanks to Mr. Andrews for his instruction.

Yours truly,
(Sgd.) JOHN J. GRACE.

Mortgages His Ranch.

There was placed on record last week in the office of the Registrar of Conveyances a mortgage from Col. Samuel Norris to Claus Spreckels & Co. of his Kahuku ranch property at Naalehu, Kau, for the sum of \$5,000. Norris is an eccentric character, who runs his ranch as a pastime and although having thousands of head of cattle, refuses to sell a pound of beef to the trust. Negotiations have been made several times for the purchase of the valuable ranch property, but the conditions placed upon the sale by the old gentleman have been such, that every prospective buyer has been driven away.

Kinan Departures, Nov. 17th.

Mrs. H. Lockington, Capt. May Barker, Lieut. Nellie Jensen, Mrs. C. K. Stillman, A. Lidgate, Jas. Gibb, Mrs. Edwards and child, G. R. Clagy and wife, F. A. Garnogost, B. G. Dixon, P. P. Watson and wife, Rev. Y. Imamura, D. Forbes, A. Horner, C. White, H. G. Claxton, John Hind and wife, C. McLennon, J. A. Scott, J. Ross, C. C. Kennedy, J. D. Easton, H. W. M. Mist, A. Gartley, J. T. Moir, Geo. Deacon, Mrs. S. M. Mitchell, Mrs. MacGregor Deacon, J. W. Webster, W. H. C. Campbell and wife.

Enterprise at Honolulu.

The S. S. Enterprise arrived early last Friday morning from San Francisco with 3,700 tons of freight. She encountered head winds and was delayed some on this account. For Honolulu she brought 2,000 tons of freight, 900 for Hilo and 700 tons for the Honolulu Plantation Co. After returning from Hilo next week the Enterprise may be loaded at the Oceanic wharf with a cargo of something like 10,000 bunches of bananas for the States.

Manager Fraser Resigns.

E. A. Fraser, for many years manager of the Kohala Railroad Company has resigned his position and will leave Mahukona for the mainland. The resignation is to take effect January 31st, 1906. The question of a successor has not been taken up by the board of Directors of the road.

Holiday Millinery.

Mrs. W. J. Stone will take charge of the millinery department at the store of L. Turner Co., Ltd., for the next two months and during the Xmas holidays.

NOTICE TO BANANA SHIPPERS
THE STEAMSHIP

ENTERPRISE

Will Sail for San Francisco

SATURDAY, NOV. 25
AT NOON.

BANANA TRAIN GOES OUT
FRIDAY MORNING

R. T. GUARD,
Agent Matson Navigation Company

Eben Low has asked that the annual meeting of the Hawaiian Stock Breeders' Association be postponed from Thanksgiving Day and the place of meeting changed from Hilo to Honolulu. He does not think there would be any attendance at Hilo.

E. H. Moses is selling the most improved typewriter ever offered to the public. The L. C. Smith & Bros. visible writer is a writing machine simple in construction and yet comprising all good features of a high grade typewriter. Give one trial is all I ask.

The limited stock of Japanese goods brought by P. C. Beamer, who has just returned from a trip to the Orient, is being rapidly sold out. Mr. Beamer regrets now that he did not lay in a larger supply, as he was not aware of the demand for this class of goods.

First Foreign Church.

Sabbath, Nov. 26, 1905, 11 a. m.—By prayer and supplication, with thanksgiving, let your requests be made known unto God. Phil. 4:6. 7:30 p. m.—Seek ye the Lord while he may be found. The benevolent collection for November is for the benefit of the Haiti Church.

A MATTER OF HEALTH

ROYAL



BAKING POWDER
Absolutely Pure
HAS NO SUBSTITUTE

OBITUARY.

Death Struggle of Once Famous Cotillion Club.

The Hilo Cotillion Club died hard. There were those who prophesied that it would be possible to resuscitate the form of the old organization but only a remnant of what was once Hilo's glory and is now rapidly disappearing in the realms of innocuous desuetude, by reason of slow starvation and neglect, gathered at Spreckels' Hall last Friday night to administer the last rites of prayer and benediction to the dying club. When the end came there were ten men and thirty-two women present to count the last pulse beats and weep large, three-cornered crocodile tears over the remains of the one time flourishing society. Beautiful music by a Hawaiian quintette club was played when the life became extinct and the soul of the old organization was spirited away in sad surroundings. The assembly hall was modestly but tastefully decorated in memory of the departed, but there was no money for flowers or a shroud. The gentleman who volunteered to collect the funds to defray the expenses of the funeral festivities, reported that the treasury was "broke" and many of the members refused to "dig." Only a gathering of two score persons showed any interest in the dying society by attending the funeral and joining in the sad sorrowful cortege. The patient from long neglect and ill treatment sighed its last sigh and breathed its last breath last Friday night, and hereafter only the memory of the departed will remain to gladden the hearts of those of its members who were present at the death bed and to bring remorse to those who helped to bury it by refusing to pay their dues. Requiescat in pace.

S. S. CITY OF HILO.

Name of Matson's New Steamer.

The following account of Matson's new steamer appears in the San Francisco Examiner:

Chief Engineer Hogan of the steamer Enterprise left for New York yesterday to superintend the work on the steamer Gaditana, which has just been purchased by the Matson Navigation Company. He will direct the work of equipping the steamer for oil burners and then bring the vessel out to this coast.

The Gaditana was bought at auction by the Matson Navigation Company. The vessel is built to carry passengers and freight. It is stated that when the vessel arrives her name will be changed to the City of Hilo. The steamer is about the same size as the Enterprise. She is expected to leave New York about the first of the year.

GRAND LUAU FAIR AND FAIR

Thanksgiving Day
November 30th

For the Benefit of...
Hilo Boarding School New Building

DO YOU SMOKE?

We carry in stock every variety of pipes, from the cheapest that's made to the elegant meerschaum. We call attention especially to our genuine French briars, straight or curved stems, with genuine amber mouthpieces.

We can supply you with the best grades of pipe tobacco, all varieties.

Come in and look around.

The Hilo Drug Co. Limited

NOTICE—Neither the Masters nor Agent of vessels of the "Matson Line" will be responsible for any debts contracted by the crew. R. T. GUARD, Agent.
Hilo, April 16, 1905

Ladies' brown kid gloves, a good quality, price \$1.25 at Holmes' Store.

Kinan Arrivals, Nov. 15, 1905.

D. F. Kennedy, Mr. Doiran, wife and child, Rev. C. V. M. Williams, Mrs. E. Du-chinsky, J. A. Mayer, Rev. I. C. Colcord, A. Gartley, Dr. Hutchinson, H. E. Picker, J. P. Rego, Mrs. J. A. Merrill, M. D. Merrill, Miss D. F. Devilo, Miss Mary P. Lucas, Miss Nancy Lucas, Thos. Fay, Solomon Lucas, John F. Ross, W. Muller, Mrs. J. F. C. Abel and maid, G. R. Clagy, and wife, Master F. Abel, Mrs. C. J. Schoening, Mrs. F. Klamp, two children and maid, Mrs. F. M. Mitchell, D. C. Dixon, H. P. Watson and wife, F. A. Carnjost, W. T. Balding.

Subscribe for the TRIBUNE. Subscription \$1.50 per year.

THE HILO TRIBUNE'S MAIL CHART

NOVEMBER, 1905.

MAILS ARRIVE IN HONOLULU AND DEPART AS FOLLOWS:

S.	M.	T.	W.	T.	F.	S.
			1 *Alameda	2	3 Am. Maru Nebrask'n	4
5 *Nebrask'n	6	7 *China *Sierra	8 Ventura	9	10	Siberia 11x
12	13	14	15 Aorangi	16	17 Alameda	18 Moana
19	20	21x *Doric	22 Mongolia *Alameda	23	24 Nevadan	25
26 Nevadan	27	28 *Manchr'a *Sonoma	29 Sierra	30		China Dec. 2x

Vessels whose names appear OVER the date ARRIVE from the Coast. Vessels whose names appear BELOW the date DEPART for the Coast. Destination of Vessels—(*) To San Francisco; (1) To Colonies; (1) To Victoria; B. C.; (1) To Yokohama.

S. S. Kinan departs from Hilo for Honolulu every Friday at 10:30 a. m. S. S. Mauna Loa's mail closes in Hilo on Saturdays and Tuesdays marked (x) at 2:15 p. m., arriving in Honolulu at daylight three days later.

LISTEN!

Are you in a business where you handle and have clerks that handle cash? Do you realize that the savings from mistakes during a year if you use a

NATIONAL CASH REGISTER

will easily pay for the register? We have one style of National Cash Register that shows you, without the slightest chance of error, what clerk took in a bad coin or made an error in change. If you are interested call on or write to

J. A. M. JOHNSON COMPANY, LTD.
931 FORT STREET, HONOLULU

Ladies' Wash Suits and Skirts

A large assortment just to hand from the East.

L. TURNER CO. Ltd

ECONOMIC SHOE CO.

It's a sin to buy poor goods. Don't be a sinner. Buy Economic Shoes. Look perfect; not only that they are perfect in style, in fit, in wear.

Gladiator Shoes, \$3.50
Royal Shoes, \$4.50
Stetson Shoes, \$6.50

Always act right; they can do no wrong. Do right, and write the Economic when ordering the next pair.

E. S. Co.

A Word to Travelers.

The excitement incident to traveling and change of food and water often brings on diarrhoea, and for this reason no one should leave home without a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy. For sale by Hilo Drug Co.

If you wish your coffee to bring the highest market prices let the Hilo Coffee Mill clean, classify and place the same on the market for you. Liberal cash advances made on shipments.

The Hilo Drug Co. have an artistic window of Hawaiian curios, smokers articles, etc. See adv.

THE SUPREME COURT ON TWO TEST CASES.

Text of Decision—Right of Sheriff to Appoint Police Officers—Approval of Board of Supervisors Not Necessary—Powers and Duties of County Auditor—Fraudulent and Illegal Claims Distinguished.

Territory of Hawaii
Ex rel. John T. Moir
vs.
H. A. Knell.
Appeal from Circuit Judge, Fourth Circuit.
Decided Nov. 6, 1905.

Frear, C. J., Hartwell and Wilder, JJ.
County Act—Power of sheriff to appoint police officer—approval of such appointments by board of supervisors or high sheriff.

"By Sec. 67, Chapter 15 of Act 39, Laws of 1905, known as the County Act, the sheriff of the County of Hawaii may legally appoint police officers in that county. Neither Sec. 110a of the Act providing that 'Any county officer may, with the approval of the board of supervisors, employ such clerks and other assistants as may be necessary to aid him in the performance of the duties of his office,' nor paragraph 2 of Sec. 62 of the Act, which gives the board of supervisors power to appoint such subordinate officers as they may deem necessary for the public service, refers to the appointments of police officers. Such appointments made by the sheriff are not required to be approved by the board of supervisors or by the high sheriff."

OPINION OF THE COURT BY
HARTWELL, J.

Upon the petition of John T. Moir, a citizen of the United States and of the Territory, residing at South Hilo, in the County of Hawaii, and a taxpayer in said county, setting forth that the respondent had during the previous two months claimed to be lawfully entitled to hold the office and exercise the functions of police officer in and for the District of South Hilo, County of Hawaii, and as such officer had assumed the right and authority to perform the duties of such office and had claimed and was still claiming to be entitled to remuneration for his services therefor and to enjoy the privileges and emoluments of such office, and that the respondent was wholly without right in his claim so to do, which claim was based solely upon the respondent's appointment as such police officer by William M. Keolani, the sheriff of the County of Hawaii, whereas the petitioner averred that the said sheriff had not the right or lawful authority to appoint or commission the respondent to the position aforesaid and prayed that an order of the court be issued to the respondent inquiring by what authority he claimed to hold the office of police officer and that it should finally be adjudged that the respondent is not entitled to hold the said office and is not authorized to execute the duties thereof, a writ of quo warranto was issued by the judge requiring the respondent to answer the petition and show by what authority he claimed to hold such office as police officer and to observe what the court should direct in that behalf.

The respondent's answer denied that he was without right in his claim to exercise the duties and functions of a police officer and to be entitled to remuneration for his services therefor, admitting as stated in the petition that his claim to the office was based solely upon his appointment as such police officer by the said sheriff, denying that the sheriff had not the right or lawful authority to appoint him and alleging that by virtue of the provisions of Act 39, being the County Act of 1905, and particularly of Sec. 67, Chapter 15 of said Act 39, the authority to appoint police officers for the County of Hawaii was vested in the said sheriff, and that under the authority conferred by said Act the respondent was duly and legally commissioned as police officer by the said sheriff and claimed to hold the office of police officer and was exercising the duties and functions of said office.

The Circuit Judge was of the opinion that Section 67 of the County Act, under which the re-

spondent claimed for the sheriff the right to appoint police officers, does not give the sheriff that right but that the power of appointing police was granted by Section 110a of the County Act to the sheriff "with the approval of the board of supervisors," and as the respondent had not such approval the judge found that he was occupying the position, exercising the functions and claiming the emoluments of a police officer for the District of South Hilo without authority of law and thereupon ordered, adjudged and decreed that the respondent be ousted from the office of police officer, from which judgment, order and decree the respondent appealed to this court.

The appellant makes the following contention: "The absolute power of appointment of police officers is conferred upon the sheriff by Section 57, Chapter 15 of the County Act, which reads as follows:

"Subject to the special provisions of this act, the county sheriff of each county shall have and exercise all the powers, privileges and authority and be required to perform all the duties in his own jurisdiction * * * as are now by law provided to be had, exercised and performed by the high sheriff of the territory or by the sheriff of the various islands respectively; and shall have such other powers and duties as are by this act conferred."

"Prior to the institution of county government, the sheriffs of the various islands, by Sec. 1558, Rev. Laws of Hawaii, were given 'the exercise, care, supervision and control of the police within their respective jurisdiction,' and by Sec. 1564, Rev. Laws of Hawaii, were empowered 'for and within their respective jurisdictions, subject to the approval of the high sheriff to appoint such deputies, sheriff and other police officers as occasion might require and to dismiss them in their discretion and in like manner to apportion the duties and adjust the compensation of such officers.' Further, by Sec. 1565 they were authorized to exact indemnity bonds from their respective deputies.

"The sections of the Revised Laws above quoted have become modified by the County Act and the meaning of the words 'subject to the special provisions of this act' becomes apparent on the modifications being ascertained. Amongst other modifications subject to which the county sheriffs have all the powers, privileges and authority enjoyed by sheriffs before the County Act, are the following:

"Section 13 of the County Act contains a 'special provision' for the election of deputy sheriffs, thus depriving the sheriff of the power of appointing them.

"Sections 20 to 27 inclusive, contain provisions regarding the bonds of county officers, deputy sheriffs included, which differ materially from the provisions of Chapter 106 of the Revised Laws.

"Section 60, as amended by Act 54, contains a 'special provision' for the removal, under certain circumstances, by the board of supervisors of any elected officer of the county (except supervisors). This includes deputy sheriffs who formerly might be dismissed by the sheriff.

"The supervisors also are empowered by subdivision 3, Chapter 14, County Act, 'to authorize and supervise the expenditure of all funds belonging to the county,' and can regulate the number of police appointed by the sheriff by the appropriation made by them for the support of the police.

"Significance and effect can thus, it is apparent, be given to the

words 'subject to the special provisions of this act,' and yet the power of appointment of police still held to be conferred upon the county sheriff."

The appellee claims that the judgment of ouster can be sustained either on the ground upon which the Circuit Judge based his decision, namely, "that police officers are within the class designated as clerks and other assistants by Sec. 110a of the County Act," or because by paragraph 2 of Sec. 62 of the Act, "the board of supervisors is given power to appoint such subordinate officers as they may deem necessary for the public service."

The claim that the power of appointing police officers is in the sheriff subject to the approval of the board, can be sustained and is sought to be sustained on no other theory than by regarding police officers as 'clerks or other assistants' of the sheriff "necessary to aid him in the performance of the duties of his office," within the meaning of Sec. 110a of the Act. This construction cannot properly be placed upon that section. In statutes, as well as in contracts, words are construed with reference to their collocation by the rule *noscitur a sociis*. This is a common law rule of construction. The rule has been recognized and declared by this court in respect of a steamship company's receipt for goods forwarded by its steamer.

"The words in a receipt 'any other accident or dangers of the seas' can only mean that the dangers previously enumerated are of the same kind; no other construction is logical. The obvious meaning of this receipt is, that exemptions contained in it were limited to the sea route." *Gonsalves vs. Wilder Steamship Company*, 9 Haw. 66, (1893).

"In the construction of statutes, likewise, the rule *noscitur a sociis* is very frequently applied, the meaning of a word, and, consequently, the intention of the legislature, being ascertained by reference to the context, and by considering whether the word in question and the surrounding words are, in fact, *ejusdem generis*, and referable to the same subject matter." *Broom's Legal Maxims* 591.

"The general word which follows particular and specific words of the same nature as itself takes its meaning from them, and is presumed to be restricted to the same genus as these words." *Endlich on Int. of Stat.* 568.

Although it is true, as remarked by the Circuit Judge in his opinion; that the manifold duties prescribed by law to be performed by sheriffs cannot in the nature of things be performed by them personally and police officers are "the proper assistants to aid in the performance of such duties," it is also true that if we should find that in another part of the Act power is granted to the sheriff alone to appoint the officers there would be no occasion to infer that under the provisions of Sec. 110a the power was intended to be granted to the sheriff subject to the approval of the board, for this would make direct conflict between the grantees of this power and would be subversive of due and orderly execution of laws by sheriffs and police officers. It would clearly be a case in which the maxim applies, *expressio unius exclusio alterius*. It remains then to consider whether the power in question is vested in the board of supervisors under paragraph 2, Sec. 62 of the Act, or in the sheriff alone by virtue of the provisions above quoted from Sec. 67. Upon this subject the appellee correctly says that "The determination whether a police officer is performing territorial or local functions does not determine the questions involved." There is therefore no occasion to consider the correctness of his claim that "While the preservation of the peace of a commonwealth is solely a state function and officers who assist in its performance are state officers, still they are such only in a limited sense. The state preserves the public peace but does so through the instrumentality of local self-governing bodies. In this sense a police officer is a state officer but

he is essentially a county officer also."

The sheriff's right to appoint police officers in his county is so clearly defined in the County Act that it is immaterial if true that such an officer is "a subordinate officer in the county system."

With reference to Chapter 15 entitled "Sheriff," the appellant has correctly stated the special provisions of the Act which modify the sections of the Revised Laws which declare "the powers, privileges and authority" of sheriffs. Sec. 62 of the Act provides that "The board of supervisors of each county shall have general supervision and control of all public affairs of their respective counties and the supervision of all subordinate officers." By Sec. 60 of the Act the board also has the power to impeach any elected officer except members of the board and to remove him from office upon charges of malfeasance or maladministration in office. If then a sheriff by vicious appointments of police officers should properly incur a charge of malfeasance or maladministration in office he would be subject to impeachment and removal by the board. We are at a loss to see what "powers, privileges and authority" which, prior to the enactment of the County Act were "by law provided to be had, exercised and performed by the high sheriff of the territory or by the sheriffs of the various islands respectively" are by Sec. 67 granted to the county sheriff of each county if the power of appointing police officers is not granted. We think that the power of appointment is undoubtedly thereby granted to the sheriff.

We do not think that such wide discretionary power was meant to be vested in the board as to enable it to say whether or not police officers were "necessary for the public service." Such power would enable its grantees to obstruct the enforcement of the law by neglecting to make appointments or by appointing officers who would not regard the orders of the sheriff.

While entertaining no doubt that the meaning and effect of Sec. 67 relating to sheriffs are as we have above stated, it is only after careful consideration that we have come to the conclusion that sheriffs' appointments are not subject to the approval of the high sheriff, or, if made upon the Island of Oahu, of the attorney general. It was not contended by counsel on either side that such approval is requisite. Any other construction of the section would fail to harmonize with the general intent of the Act by giving to appointive territorial officers power to negative and thereby control police appointments made by elected county sheriffs in no way under their control. Before the County Act went into effect, when sheriffs were appointed by the high sheriff, it was proper that the selections of police officers made by sheriffs should be subject to the approval of the high sheriff. It could hardly be otherwise if sheriffs were to remain subordinate to him and subject to his direction in other matters. Any other rule would have presented the evils of a house divided against itself and worked injuriously upon the entire department of justice. If the statute had declared that "county sheriffs shall have all the powers heretofore by law provided to be had by the high sheriff and" (instead of or) "the sheriffs of the various islands respectively," it would be obvious that appointments were in no case subject to approval. "Each of the terms 'or' and 'and' has the meaning of the other or both, where the subject matter, sense and connection require such construction." *Sec. 15, R. L.* A similar conclusion would follow by omitting the word "respectively" and retaining "or" in the context.

We accordingly hold that the appointment of the respondent as a police officer for the district of South Hilo by the sheriff of the County of Hawaii was valid.

The judgment appealed from is reversed; judgment may be entered for the respondent.

Carl S. Smith for the petitioner.

Holmes & Stanley for the respondent.

Norman K. Lyman
vs.
Chas. K. Maguire
Auditor of the County of Hawaii.
Decided Nov. 6, 1905.
Appeal from Circuit Judge, Fourth Circuit.

Frear, C. J., Hartwell and Wilder, JJ.
County Act—Auditor—Warrant.
The county auditor may refuse to draw a warrant on the treasurer for an invalid claim against the county although such claim has been examined, allowed and ordered paid by the board of supervisors.

Id.—Appointment of sheriff's clerk.
Under the County Act the board of supervisors has no power to appoint sheriff's clerk, that power being in the sheriff subject to the approval of the board of supervisors.

OPINION OF THE COURT BY
WILDER, J.

This is an application by Norman K. Lyman, the petitioner, for a writ of mandamus to compel the auditor of the county of Hawaii to issue to petitioner a warrant on the treasurer of said county in payment of petitioner's claim for salary for the month of July, 1905, as clerk to the sheriff of Hawaii. After a hearing the circuit judge denied a peremptory writ, from which ruling the judgement thereon the petitioner appealed to this court.

On or about the 1st of July, 1905, the board of supervisors of the county of Hawaii appointed petitioner clerk to the county sheriff of Hawaii. Previous to this time petitioner had been clerk to the territorial sheriff of Hawaii. Petitioner remained in the county sheriff's office during the month of July and did certain work, apparently under the direction of the board of supervisors. The county sheriff of Hawaii, who did not qualify until a week or so after July 1, refused to recognize petitioner as his clerk, never appointed him as such, and, in fact, appointed someone else to that position, which appointment was not approved by the board of supervisors.

On August 11, 1905, petitioner presented to the auditor a written demand for \$75, alleged to be due petitioner as his salary for the month of July as clerk to the sheriff of Hawaii, which demand was approved by the board of supervisors, countersigned by J. T. Moir, chairman of said board, and attested by the county clerk. Upon such presentation the petitioner demanded that the auditor issue to him a warrant for \$75 upon the treasurer of the county of Hawaii in accordance with his claim. This demand the auditor refused, whereupon petitioner instituted these proceedings.

Two questions are presented for consideration, namely, first, could the auditor refuse to issue a warrant for a claim allowed by the board of supervisors which he alleged was invalid, and, second, if so, was the claim as a matter of law invalid?

1. Petitioner claims that the action of the board of supervisors in allowing the claim is conclusive on the auditor and that the auditor cannot question the validity or invalidity of any claim so allowed. In our opinion this contention is without merit. Section 75 of Act 39 of the Session Laws of 1905, commonly known as the county act, provides that the auditor "shall issue warrants on the county treasurer in favor of persons entitled thereto in payment of claims and demands chargeable against the county which have been legally examined, allowed and ordered paid." In the first place, the auditor shall only issue a warrant to a person entitled thereto, and, in the second place, only for a claim against the county which has been legally examined, allowed and ordered paid by the board of supervisors. It is contended that "legally" in this latter provision means "in a legal manner," but in view of another section of the county act that contention cannot be upheld. Under section 62 of the county act the board of supervisors has the power to authorize and supervise the expenditure of all funds belonging to the county and to enforce all claims on behalf of the county and "approve all lawful claims against the county."

Thus, the only claims that the board of supervisors can approve, for which claims warrants shall issue, are "lawful" claims. To say that the board of supervisors may determine what are lawful claims and what are not lawful claims, and that such action by the board is binding and conclusive on every one, would be to put it in the power of the board to nullify that very provision and would be giving to the board a power which the act in question does not give. Such a construction would also put it in the power of the board to order paid, without being questioned, a claim against the county which subdivision 7 of section 9 of the county act provides "shall never be the basis of a claim against the county." It is clear that the board has no such power. A county auditor has the right in a proper case to question the validity of claims allowed and ordered paid by the board of supervisors.

It is conceded that the auditor could refuse to draw a warrant for a claim that was fraudulent, although examined, allowed and ordered paid by the board of supervisors, but we can see no distinction, so far as the power of the auditor is concerned, between a fraudulent claim and one that is not legal. See *People vs. Wood*, 35 Barb. 656.

2. Is petitioner's claim a lawful one? This depends on whether or not the board of supervisors had the power to appoint him as sheriff's clerk. It is claimed that the board did have this power under subdivision 2 of Section 62 of the County Act, which provides that the board shall have the specific power to "appoint such subordinate officers as they may deem necessary for the public service," which is a general provision and might be applicable in the absence of any particular provision to the contrary. Section 110a of the County Act provides that "Any county officer may, with the approval of the board of supervisors, employ such clerks and other assistants as may be necessary to aid him in the performance of the duties of his office, and may, without such approval, remove the same." This last section is a particular specific provision covering the appointment of sheriff's clerks, and in case of a conflict would undoubtedly control subdivision 2 of Section 62. But there is no conflict between the two sections. A statute should be so construed as to make it consistent in all its parts and so that effect may be given to every section, clause or part of it. See *Amber vs. Whipple*, 139, Ill., 311; *Calhoun Gold Mining Co. vs. Ajax Co.*, 27 Colo. 1. Even if the sheriff's clerk is a subordinate officer, still the power of the board of supervisors under Section 62 to appoint such subordinate officers as they may deem necessary for the public service refers only to such subordinate officers whose appointment or election is not otherwise provided for in the County Act, and the appointment of a sheriff's clerk is specifically provided for in Section 110a.

The claim of petitioner that there is a dual method provided for appointing sheriffs' clerks, that is, ordinarily by the sheriff and under some circumstances by the board of supervisors, does not meet with our approval, for the reason that such a construction would lead to a conflict of Authority. Either the board of supervisors or the sheriff has the power of appointment of Sheriff's clerk, and as the County Act specifically provides that the sheriff shall appoint his own clerk, with the approval of the board of supervisors, that would seem to settle the question. And it is only right that the sheriff should appoint his own clerk.

It was also claimed that inasmuch as no qualified county sheriff for a week or so after July 1, and consequently no sheriff's clerk could be appointed by the sheriff, this appointment was justified and the writ should be made absolute. But this claim is mainly for salary after the sheriff had qualified and consequently in a position to make his own appointment. Whether or not petitioner is entitled to be paid by the county for the work done by him up to the time that the sheriff qualified it is unnecessary to say, because that question does not arise in this case. The order of the Circuit judge denying the peremptory writ is affirmed.

Carl S. Smith for petitioner.
Holmes & Stanley for respondent.