

**The Hilo Tribune.**

PUBLISHED EVERY TUESDAY  
OFFICE, KING STREET, HILO, HAWAII

TRIBUNE BLOCK.  
Hilo Tribune Publishing Company, Ltd.  
Publishers and Proprietors.

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Vice-President.....E. E. RICHARDS  
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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.

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AGENT FOR  
HAWAIIAN FERTILIZER CO.  
Limited.  
Collector of Rents for Waiakea Mill Co.  
General Collecting Solicited  
and Returns Promptly Made.  
Office with Theo. H. Davies & Co., Ltd.  
Waiuanuenu and Bridge Sts. Hilo.

**W. H. BEERS**

INTERPRETER AND  
TRANSLATOR  
(English and Hawaiian)  
Commission and Business Agent.  
Will Act as Administrator, Guardian and  
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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 1868.**

**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 WAIUANUENU ST.**

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

**C. F. BRADSHAW**  
Proprietor. 43

**LEGAL NOTICES.**

**Notice to Creditors.**

Notice is hereby given that the under-  
signed has this day been appointed Ad-  
ministrator of the Estate of Antone do  
Rego, deceased, and has qualified as such  
Administrator by filing an approved bond  
and taking out Letters of Administration.  
All creditors of the said deceased are  
notified that they must present their  
claims together with duly verified vouchers  
to the undersigned within six  
months from the date hereof or they will  
be forever barred.

JOAQUIM CARVALHO,  
Administrator.  
CARE S. SMITH,  
Attorney for Administrator.  
October 10, A. D. 1905. 50-4

**BY AUTHORITY.**

**Territory of Hawaii  
EXECUTIVE DEPARTMENT.**

**ARBOR DAY PROCLAMATION.**

In accordance with the custom adopted  
by other States and Territories setting  
apart a day for the promotion of forest  
growth I do hereby designate Friday,  
November 3rd, 1905, as ARBOR DAY  
for the Territory of Hawaii.

I recommend that appropriate and in-  
structive exercises be held in all public  
schools and that a part of the day be de-  
voted to the planting of trees and shrubs  
upon the school grounds.

Given under my hand and the great  
seal of the Territory of  
Hawaii at the Capitol  
Building in Honolulu,  
this 11th day of October,  
A. D. 1905.

G. R. CARTER.  
BY THE GOVERNOR,  
A. L. C. ATKINSON,  
Secretary of Hawaii. 51-1

**Notice.**

Hilo, Hawaii, Sept. 25, 1905.  
To whom it may concern.  
Wm. Fernandes was this day appointed  
collector for the Serrao Liquor Co., Ltd.,  
and therefore he is authorized to collect  
all accounts due said company.  
JOSE G. SERRAO,  
Mgr. Serrao Liquor Co., Ltd.  
48-1f

**Flower and Vegetable  
Seeds.**

The Cox Seed Company of San Fran-  
cisco 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.

**"ROGER"**

The thoroughbred Jersey bull,  
formerly owned by John McTaggart,  
will be permanently located at the  
old Kilauea stables, near the Hawaii  
Mill. For further particulars, apply to  
JIM MORRIS.

**Embroidery Lessons.**

Classes in embroidery will be formed  
upon reasonable terms. Classes meet  
Mondays, Tuesdays and Thursdays.  
Orders will also be taken for embroidery  
and artistic needle work.  
MRS. ELLA M. LOEBENSTEIN.

**For Rent.**

House on School Street, recently oc-  
cupied by F. Souza, Apply to  
R. A. LYMAN  
or H. VICARS

**PAY FOR THE BEST  
IT'S CHEAPEST**

AND THAT'S THE CLASS OF WORK  
EXECUTED BY

**CAMERON  
THE PLUMBER**

FRONT ST., OP. SPRECKEL'S BLOCK

**To Shippers.**

All freight sent to ships by our launches  
will be charged to shippers unless accom-  
panied by a written order from the cap-  
tains of vessels.  
R. A. LUCAS & CO.  
301f

## ALCOHOL CAN BE MADE FROM HILO BANANAS

(By Wireless to THE TRIBUNE.)

**Datto on Rampage Again.**

Manila, P. I., Oct. 16.—Datto Ali has become oppressive, killing friendly Moros.

**Portsmouth Treaty in Effect.**

Tokio, Japan, Oct. 16.—The treaty of peace becomes effective when published today.

**Latest Sugar Quotations.**

San Francisco, Cal., Oct. 16.—96° Test Centrifugals, 3.625c; per ton, \$72.50. 88° analysis beets, 8s. 8½d.; per ton, \$76.20.

**Henry Irving Is Dead.**

London, Eng., Oct. 14.—Sir Henry Irving, the actor, died suddenly last night.

London, Eng., Oct. 16.—It has been suggested that Sir Henry Irving be accorded burial in Westminster Abbey.

Christiania, Norway, Oct. 16.—Dr. Nansen will probably be appointed Norwegian Minister to America.

**Captain Taggart Gets Divorce.**

Wooster, O., Oct. 13.—Judge Eason has granted Captain Taggart a divorce from his wife. The trial of this case has been one of the most sensational that has occurred in Army circles for years.

**Found Guilty of Bribery.**

Sacramento, Cal., Oct. 12.—Ex-State Senator Emmons has been found guilty of bribery.

**Republicans Nominate Mayor.**

New York, N. Y., Oct. 12.—Wm. M. Ivins, a lawyer, has been selected as the Republican nominee for Mayor.

**Subsidy to Merchant Marine.**

Washington, Oct. 12.—The Bankers' Congress has given its voice in favor of a government subsidy to merchant marine.

**Governor Wright to Retire.**

Washington, D. C., Oct. 12.—Hon. Luke E. Wright, Governor of Philippines, and successor to Tait, will retire from office December 1st.

**Hottentots Capture a Camp.**

Capetown, South Africa, Oct. 12.—Morango and Morris, chiefs of the rebellious Hottentots of German Southwest Africa, captured Jerusalem camp after severe fighting. Lieut. Surmand and five men were killed and eight wounded. The Hottentots captured a stock of stores.

**King Alfonso Seeks a Wife.**

Madrid, Oct. 11.—King Alfonso departs for Germany in November, presumably in quest of a wife.

**Royal Wedding in Germany.**

Gluecksburg, Oct. 11.—Princess Victoria, daughter of the Duke of Schleswig-Holstein, and Duke Charles of Saxe-Coburg, were married yesterday.

**Japanese Capture Freighters.**

Nagasaki, Japan, October 11.—The Norwegian steamer Arnfrid and the German steamers Kowloon, Hans Wagner and Struve, have been captured by the Japanese en route to Vladivostok.

**Are Charitable Institutions.**

New York, October 10.—During the progress of the Insurance investigation President McCurdy testified that his company was a philanthropic enterprise and not founded to make money for the policy holders.

New York, Oct. 12.—The Merchants' Association has passed resolutions asking District Attorney Jerome for the indictment of the officials of insurance companies making contributions to campaign funds.

**Canal Contract is Annulled.**

Washington, October 11.—The Panama Commission has annulled the \$50,000,000 market food supply contract for the canal workers. The Commission is returning to New York.

[This is the contract let to an Omaha railroad caterer, upon changes made in the specifications after bids were received by Chairman Shonts. The other bidding contractors made a protest with the above result.]

**Adams Express Company Robbed.**

Pittsburg, Pa., October 10.—The Adams Express Company has been robbed of \$100,000 by an employe.

Pittsburg, Pa., Oct. 11.—The Adams Express Company has paid the bank the amount lost by recent robbery. The robber has not been caught.

**Henry Deacon Succeeds Manager Olding.**

Henry Deacon of Hilo left on Friday to assume the management of Kohala Plantation, succeeding manager E. E. Olding. The announcement of the proposed change was made to Manager Olding only ten days ago, and is as much a surprise to him as to the public. He has been manager of the Kohala plantation and his familiarity with the conditions there as well as his long experience as a manager eminently qualify him for his new post of duty. It is understood Mr. Olding goes to Porto Rico.

Dr. John Holland submitted to the Board of Trade, at the meeting Friday afternoon, samples of banana spirits, or alcohol, extracted from Hilo bananas, together with a report of Edward C. Shorey, Chemist of the United States Hawaii Experiment Station at Honolulu. The report shows the perfect feasibility of transforming bananas into high-proof alcohol. The sample furnished to Dr. Holland was 90% alcohol, which is the usual strength of commercial alcohol. In appearance it is as clear as crystal and has a faint aroma of the banana. It is shown that a sixty-pound bunch of bananas, when converted into alcohol, will make one gallon of proof spirits. The bananas used were the Chinese variety, the fruit being macerated to form the pulp, from which, after fermentation, the spirits were distilled. The waste product, after distillation, forms an excellent feed for pigs, says Mr. Shorey.

Spirits distilled from bananas would make most excellent brandy, which ordinarily contains 47% of alcohol. Whiskey is usually turned out of the distillery at 110 to 130 proof, or an equivalent to 55% to 65% alcohol. Subsequently it is diluted by rectifiers and sold at 90 to 95 proof. Commercial alcohol is sold at a strength of 90% to 95%, or 50 proof spirit.

Professor Shorey's report in part is as follows:  
"In the matter of the amount of alcohol to be obtained from bananas by fermentation and distillation, I beg to report as follows:  
"Analysis of average well-ripened bananas without skin gave the following figures:

"Water, 75.83%; ash, .74; protein, 1.25; fat, .21; fiber, 1.98; reducing or fermentable sugar, 1.38; No cane sugar present.

"The skins make about 25% of weight of bananas, so that if the fermentable sugar is calculated to the weight of the whole fruit it will be 10.35%. The theoretical yield of sugar on fermentation is approximately 50% of alcohol by weight. Then 100 pounds of bananas of this composition should give 5.17 pounds absolute alcohol, or eight-tenths of a gallon, equivalent to 1.6 proof galloa of proof spirit, or 1 gallon of proof spirit from 62.5 pounds of bananas.

"There is considerable variation in the content of fermentable sugar, according to the condition, stage of ripeness, etc., but I think the above may be taken as an average theoretical yield. The first lot of bananas received from you were badly infected with a fungus (gleosporium sp.), causing ripe rot, and in consequence did not become well ripened. Of this lot a number of small lots were used in making preliminary tests to determine the best method of treatment, and then these lots were worked up, with results as follows:

"Lot 1. 5.87 lbs. Single extraction. Fermentation, 60 hours. Yield, .179 qt. proof spirit, or 1 gal. proof spirit from 131.1 lbs.

"Lot 2. 19.39 lbs. Double extraction. Fermentation, 60 hours. Yield, 1.06 qt. proof spirit, or 1 gal. proof spirit from 73.17 lbs.

"Lot 3. 25.79 lbs. Double extraction. Fermentation, 70 hours. Yield, 1.57 qt. proof spirit, or 1 gal. proof spirit for 65.6 lbs.

"Lot 4. Well-ripened Honolulu bananas bought in market. 15 lbs. Double extraction. Fermentation, 70 hours. Yield, 1.1 qt. proof spirit, or 1 gal. proof spirit from 54.5 lbs.

"Lot 5. Hilo bananas. 16.7 lbs. Double extraction. Fermentation, 78 hours. Yield, 1.5 qt. proof spirit, or 1 gal. proof spirit from 89 lbs."

There is a movement on foot to ascertain the cost of a plant for distilling bananas into commercial alcohol for use in the manufacture of brandy and high-proof whiskey. When these figures are received a company will be organized to build such a plant. By this means it is expected that large quantities of bananas which are not now marketable because of size or condition of ripeness may be utilized to advantage and profit.

**Keolanui Passes on the Problem.**

Growing out of the popular demand, as evidenced by the scores of petitions numerous signed in behalf of Japanese horseshoers, who desired to ply their trade in and throughout the county, Sheriff Keolanui has passed the problem up to Treasurer Campbell. In the meantime, being satisfied that several of the Japanese candidates for licenses were qualified sufficiently to shoe a horse, even though they may not be metallurgists, he has given four Japanese temporary permits pending the receipt of their licenses from Honolulu. Two other Japanese returned from Honolulu having successfully passed the examination there. The Japanese having licenses are Nagahama, R. Enseki, Murokami, Tanaka Kingoro, Ezuni, Omayo.

Sheriff Keolanui bases his action upon an opinion rendered by Deputy Attorney Ajuli by his request and which is approved by County Attorney Chas. Williams. The opinion, in part, is as follows:

"The law does not point out how and in what manner and method you are to examine the applicant to determine whether he is a suitable person to carry on the trade of a horseshoer and farrier for hire." I hold that you may attest on an application after being satisfied that the applicant is a suitable person to carry on the said trade from your examination of the applicant as to the time spent by the applicant in the trade, whether he has spoiled any horses or not, his general reputation as a horseshoer and otherwise, and such other facts that may help you to determine whether or not "the applicant is a suitable person to carry on the trade of a horseshoer and farrier for hire."

"The Territorial Treasurer and not you does the granting of the license. All that you have to do is to look into, inquire, ascertain and be satisfied yourself either from your own knowledge or from other reliable person or sources that the applicant is a suitable person and to note such fact on the application."

Under the heading of "Injustice of Examination of Horseshoers", the Hilo Shimbun has the following to say in a recent editorial:

"In an article appearing in the Honolulu Shimbun, it is stated that the injustice against the horseshoers is a subject which involves the entire Japanese community. From the latest report about Hilo, we have heard about more injustice, and our countrymen who are bitterly indignant are now taking steps for redress.

"We heard a rumor at the police headquarters that officers had been sent abroad to examine Japanese horseshoers, and ordered them to report to the Portuguese stable at Hilo to pass the required examination. The three examiners ordered the Japanese to make a pair of new shoes of wrought iron and put them on the animal's feet. They all followed the directions, doing the best they knew how. In case of a little mistake or defect in the shoe, they were not passed. Afterwards they were all refused licenses and orders were given if anybody attempts to shoe a horse without a license, he is liable to pay a fine of \$50.

"Not one of the applicants were passed in the district of Hilo or Puna—about twelve or thirteen Japanese, who have not been allowed from that day to put on a single shoe. These people have lost their occupation and as a consequence are in great trouble. An expert opinion says the wrought iron cannot be heated twice, and that it is impossible to make shoes from this kind of iron equal to the ready made shoes imported from the mainland. I guess it is beyond human power to make such a horseshoe, but those examiners are trying to drive out the Japanese horseshoers by such an unjust examination."

Washington, D. C., Oct. 14.—Charles M. Cooke of Honolulu has been elected one of the Vice-Presidents of the American Bankers' Association.

**The Hilo Tribune.**

TUESDAY, - OCT. 17, 1905.

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

**TREE PLANTING.**

Governor Carter's recognition of the importance of instilling in the minds of the young the love of trees and plants, by the inauguration of an arbor day in the schools is most praiseworthy. Although there is abundance of tropical foliage and verdure in these islands of the Pacific, too often are the playgrounds and school premises neglected in the interests of teaching the young idea to sprout. Tree planting cultivates the love of nature and fresh air. It creates a respect of trees by old and young alike. Trees beautify the town, protect the streets and add value to the real estate.

The public schools need not confine their attention to their own door yards, but broaden the scope and purpose of the day by undertaking the beautifying of the local parks. No more lasting memorial to the public school system could be devised than the improvement of Hilo's parks by the school children. No public expenditure unless it be for the betterment of our public roads, is wiser or brings greater returns. Tree planting makes for civic refinement and for the comfort of mankind.

**CHECK UPON A CHECK.**

Judge Parsons decision upon the legal status of Sheriff Keolanui's appointments was not a surprise to many, who were familiar with the circumstances and had followed the controversy between the Board of Supervisors and that official. Both cases involved practically the same points as to the right of the County Sheriff to appoint his subordinates, which he is empowered to do, subject always, however, to the approval of the Board of Supervisors. If that body refuses to give its sanction, such appointee is an officer in name only. In other words, by a strange anomaly in the County Act, according to Judge Parsons' decision, the Board of Supervisors is an effective check on the Sheriff and the Auditor is an effective check on the Board of Supervisors.

"BANANAS FOR PROFIT" may soon be a realized fact, if the smaller bunches of fruit which are now regarded as waste product, can be utilized in the manufacture of commercial alcohol. The erection of such an establishment while employing a considerable amount of labor will serve to extend the banana plantations many owners of which are becoming discouraged. Dr. Nicholas Russel in an article in the TRIBUNE over a year ago was one of the first to seriously agitate an alcohol distillery as one of the by-products of small farming which would materially benefit Hilo. His theory was that the rural districts and the towns should work hand in hand, thereby adding to their mutual benefit and prosperity. The manufacture of commercial alcohol would serve to accomplish this much sought union of interests, which is not altogether Utopian in its practical application.

If ANY further evidence were needed, the report from the young Hawaiian girl, whose case developed the bitter criticism and whose letter is printed elsewhere, is a complete refutation of the silly charges of ill treatment by the health authorities.

If THE Alameda is going to be put back on her former run, those who now enjoy a quick mail service from the Coast will rejoice. Few ocean going tubs can equal the regularity and reliability of the Alameda as a time server.

SHERIFF KEOLANUI may well regard himself as about as useful as the fifth wheel to a wagon, when it comes to the matter of appointments. The fifth wheel needs more diplomatic grease.

THE Japanese horseshoers like Mahomet decided that if the mountain would not come to them, they would go to the mountain to get their licenses.

GOVERNOR CARTER has been quick to side-step the accusation that he proposed to run another political campaign.

**HAWAIIAN ASIATIC LABOR.**

**Federal Labor To Take Up The Question.**

"Hawaii must not be Asiatic," is the cry of every union laborer in the United States. At the meeting of the executive council of the American Federation of Labor held at Washington, D. C., Sept. 21st, President Gompers is quoted as having said:

"The sugar plantations of Hawaii are making every effort for the admission of Chinese into Hawaii and have declared their purpose to have amended (and consequently annulled) the Chinese exclusion law.

"But it is either immeasurable avarice or ignorance, or a combination of both, that would ask for the limitation or exclusion of Japanese immigration to the United States, and at the same time seek either the modification or the repeal of existing law prohibiting Chinese immigration. So far as the Americans and Europeans—that is, the white people—are concerned, in Hawaii, that country is almost overwhelmed with Chinese and Japanese, who have engaged not only in the work on the plantations and the farms, but have invaded and practically controlled every other trade, business and commerce.

"There can be no question that now the duty of the Caucasian workmen, employers, and the people generally of Hawaii, having at heart the best interests of Hawaii, is to demand that Chinese be excluded, that Japanese immigration be restricted or wholly excluded, and that the people of Hawaii receive the continued support of our people on the mainland of the United States in the effort to save Hawaii from becoming Asiatic."

Secretary Metcalf of the Department of Commerce and Labor is not disposed to discuss the problem of Chinese exclusion. To a representative of The Washington, D. C. Star he said the question is one which will require much deliberation on the part of the next Congress.

"It is a matter which involves the future of this country to a greater degree than anything else, save only the negro question," is the way he put it.

From other sources just as authoritative facts have been ascertained which warrant the prediction that the existing exclusion laws will be modified materially except so far as they effect the "coolie" or working class of Chinese. Since long before the Chinese boycott was thought of there was a growing sentiment in the east favoring a modification of the laws to some extent, but the eastern politicians looked apprehensively toward the west, where they feared they would be encounter a "stand-pat" policy and an absolute opposition to the idea of tampering with the exclusion laws.

But this idea was put to rest lately by a prominent government official, whose home is in California and who is in a position to get at pertinent facts first hand.

"I know that the merchants and leading business men on the Pacific coast," said he, "will agree to a modification of the exclusion laws. But this modification must not in any way effect the coolie."

"The merchants and students are all right, but the coolie makes a very poor American citizen. He works well, but cannot assimilate with the American. He retains his oriental garb and his oriental manners. He continues to eat oriental foodstuffs, and if some Chinese merchant does not import these goods he will import them himself.

"He does not take any part in the American political institutions and he has no interests in common with the law abiding citizens of this country. We folks on the Pacific coast don't want the coolie, and we will not have him. As far as the better classes are concerned, I believe we would even agree to unrestricted immigration."

**Truant Officers.**

Arrangements have been made between Inspector Chas. E. King and Sheriff Keolanui for the services of the police force in the various school districts as truant officers. Sheriff Keolanui has agreed that an officer shall each week make a visit to the schools of the respective districts and apprehend all offenders of the compulsory school law. The police department hereafter will co-operate in every way with the school teachers in the enforcement of the law.

**An Antiseptic Lintment.**

For wounds, bruises, burns and like injuries there is nothing better than Chamberlain's Pain Balm. It acts as an antiseptic, forming a thin imperceptible film over the injured parts, which excludes the air and causes the injury to heal without matter being formed, and in much less time than by the usual treatment. In cases of burns it allays the pain almost instantly. Sold by Hilo Drug Co.

**WALL, NICHOLS CO., LTD. REMOVAL SALE**

In order to reduce stock and have only nice new goods in the new brick store we are to occupy the last of October we will, from October 1st till we begin to move,

**Give Away Goods**

**TO CASH CUSTOMERS, According to the Following Plan:**

We will sell staple and desirable goods at our regular prices (which we guarantee to be as low as are to be obtained in the Territory), and, except on sales of School Books, News or Commission Goods, we will select and donate 25 per cent. of the bill in other goods at COST PRICE. For Example: You buy \$4.00 worth of Stationery at regular prices and we will pick out and donate to you goods that COST US \$1.00. We have a large over-stock of Pictures that we will sell at cost or donate with sales of staple goods.

**Come and See Us or Send in Your Orders We Will Surely Give You Bargains**

We have in stock 125 kinds of Moulding, with a fine variety of Mat Boards, and have machinery for doing your framing work in the best manner; also Dumb Bells, Indian Clubs, Whately Exercisers, Golf, Tennis and Ball Goods. We can string your tennis rackets and give perfect satisfaction. Victor Talking Machines, with a good stock of records; also, the Talkophone and Phonograph. A Piano at \$100.00 and another at \$175.00; these are bargains. Typewriters—Chicago, \$20.00; New Sun, or second-hand Fay-Sholes at \$40.00. Kindergarten Material and Teachers' Books, Artists' Materials, Surveyors' and Draughtsmen's Books and Supplies. Fine lot of Hawaiian Wooden Ware, Papier Mache Armor, SUNDAY SCHOOL CARDS, BEST FOR THE MONEY YOU CAN BUY ANYWHERE. Perry Pictures at Malden prices. Bibles, Wall Charts, Text Charts, Cyclopedias, Dictionaries, 25c to \$15.00; Chinese, Japanese, Portuguese, Hawaiian, Spanish and German Books, etc.

Remember the Time—October 1st to 15th or 20th Only.

**Wall, Nichols Co., Ltd, Hilo**

Energy, Ambition, Cheerfulness, Strength, a Splendid Appetite, and Perfect Health



may be secured by all who follow the example of the young lady who gives this testimonial:

"Every spring, for years, I used to have intolerable headaches and total loss of energy, so that the season which should be welcomed by me was a dread; for, as the warm, pleasant days arrived, they brought to me lassitude and pain. A friend advised me to take

**Ayer's Sarsaparilla**

I commenced using it and have not had since then the first symptoms of headache. My appetite is splendid, and I perform my duties with a cheerfulness and energy that surprise myself. I take pleasure in telling all my friends of the merit of Ayer's Sarsaparilla, and the happy results of its use."

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.

7 A.M.	9 P.M.	STATIONS	8 A.M.	10 P.M.
7:00	2:30	Hilo	9:40	5:45
7:05	2:35	Waiakea	9:35	5:40
7:12	2:53	Olaa Mill	9:20	5:25
7:30	3:15	Keauau	9:15	5:15
7:46	3:30	Ferndale	9:00	4:55
8:00	3:55	Mount. V'w.	8:50	4:45
8:20	4:15	Glenwood	8:30	4:25
1 3 A.M.	3 P.M.	SUNDAY:	2 4 A.M.	4 P.M.
8:00	2:30	Hilo	10:48	5:15
8:06	2:36	Waiakea	10:44	5:11
8:25	2:55	Olaa Mill	10:28	4:56
8:32	3:02	Keauau	10:22	4:50
8:49	3:19	Ferndale	10:06	4:35
9:05	3:35	Mount. V'w.	9:55	4:25
9:25	3:55	Glenwood	9:35	4:05

FOR PUNA: The trains of this Company between Hilo and Puna will be run as follows:

WEDNESDAY: Leave Hilo Station, by way of Railroad Wharf, for Olaa and Puna, upon the arrival of the Steamship Kinat, running through to Puna and stopping at Pahoa, both going and returning.

13 A.M.	FRIDAY:	14 A.M.
6:00	iv.....Hilo	9:55
	ar.R. R. Wharf	9:50
6:06	ar.....Waiakea	9:30
6:28	ar.....Olaa Mill	9:10
6:58	ar.....Pahoa Junc.	8:42
	ar.....Pahoa	8:30
7:20	ar.....Puna	7:35

5 A.M.	SUNDAY:	6 P.M.
9:00	iv.....Hilo	4:40
9:06	ar.....Waiakea	4:35
9:25	ar.....Olaa Mill	4:15
9:50	ar.....Pahoa Junc.	3:47
10:20	ar.....Pahoa	3:35
10:55	ar.....Puna	3:00

Excursion tickets between all points are sold on Saturdays and Sundays, good returning, until the following Monday noon.

Commutation tickets, good for twenty-five rides between any two points, and thousand mile tickets are sold at very low rates.

D. E. METZGER, Superintendent.

**"HO FOR THE SHOOTING"**

PACIFIC SMOKELESS CARTRIDGES (Quality guaranteed.)

TO BE HAD AT THE

**HAKALAU STORE**

TELEPHONE 96A

**E. N. HOLMES**

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Ladies' Box Hats  
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Men's Underwear  
Men's Half Hose  
Suspenders  
Neckwear  
Collars and Cuffs  
Scrivens Drawers

Purses  
Fancy Paper Napkins  
Royal Society Embroidery Floss  
Ladies' and Children's Tams  
Ladies' Stocks and Collarettes

**E. N. HOLMES**

**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.  
R. A. LUCAS & CO.  
307f

Why cut your own throat when you can buy a Gillette Safety Razor at Holmes' Store for five dollars.

**A. S. LeBaron Gurney**

AUCTIONEER  
COMMISSIONS PROMPTLY EXECUTED

FRONT STREET OPPOSITE SPRECKELS' BUILDING

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.

NOTICE—Neither the Masters nor Agent of vessels of the "Matson Line" will be responsible for any debts contracted by the crew. R. F. GUARD, Agent.  
Hilo, April 16, 1901

**THE HENRY WATERHOUSE TRUST CO. LIMITED.**

Agents 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



**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**

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**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 AND 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**

**REVIEW AND DRILL.**

**Hilo Teachers Discuss Methods of Teaching.**

On Friday, October 6, a very successful meeting of the Hilo Teachers' Union was held in the Hilo Union School, there being forty members and seventeen visitors present. President L. C. Lyman presided. After the opening prayer the rollcall was answered by quotations from Mother Goose's rhymes. The minutes of the May meeting were read and adopted, as was also the financial report for the past year. By unanimous vote the annual fee for membership was fixed at twenty-five cents. The report of the Book Committee was given and adopted. The ballot for officers resulted in the election of Mr. C. Swain for President, Miss Ward for Vice President and Miss M. L. Deyo for Secretary and Treasurer. Upon Miss Deyo's declining to act the President declared Wm. McCluskey elected as he had received the next highest number of votes.

The day's program was commenced by a Third Grade class chorus conducted by Miss Esther Lyman.

Miss Deyo was called upon to state the educational value of Mother Goose's Rhymes, as classic nursery rhymes are now generally termed. Popular opinion strongly favors their use in teaching little ones. Children's love of them is a wholesome and profitable one. They appeal to and develop the sense of rhyme, cultivate the imagination and hold the attention. They often introduce nature lessons. They lay the foundation of the vocabulary and enlarge it. Many possess real literary merit. Miss Deyo made many valuable suggestions helpful to teachers regarding devices in using rhymes.

Mrs. Carpenter with a class illustrated the teaching of reading by the phonetic system. The sounds of the letters were taken from sounds heard in nature and woven into a story which was told to the children. Words were formed by combining the sounds, and the words were used in sentences. Phonetic teaching secures clear enunciation and children learn to help themselves in studying out new words.

From the receiving room Miss H. Hapai had a class in nature study on the mosquito. With specimens in view Miss Hapai drew from the class and told in simple and attractive form the life habits of a mosquito, where her eggs are laid, how and when hatched, the various stages of its existence, the evils attending its presence and some precautionary measures in guarding against the pests.

Miss Mary Deyo gave her experience in teaching the mosquito to a first grade class. The teaching began with the larvae in a glass, the children observing and drawing, then describing by actions or sentences what they learned. Closer observations were made by a magnifying glass, which resulted in better drawings and descriptions. The habits and evils of mosquitos were considered.

After recess Mr. McCluskey read a paper descriptive of county government and outlining the work as it might be taught in the various grades of the public schools.

Inspector of Schools, Mr. C. E. King, who was present was called upon for an address. Mr. King complimented the Union on their good meeting. In his remarks he emphasized the teaching of language. Every subject should be made a language lesson. Children should be taught to think quickly, talk correctly and freely. The course of study should be followed closely and in all work teachers must review and drill, then review and drill. Nature studies are very important. Frequent excursions should be made to industrial as well as natural points, and the teacher should not take too much for granted concerning the child's knowledge of places visited. Collect and classify specimens. Manual training should be practical. The physique and bearing of children should be improved by deep

breathing and chest exercises. The effects of alcohol and tobacco require careful handling. Hula airs should have no place in the school room. "We must save the girls and boys," urged the speaker in closing.

Miss Dillon read a paper on "The Country Teachers' Opportunities." Work should be made practical so as to convince business men that schools really do prepare children for life work. Have children see that school education is only the merest beginning. There should be a circulating library and newspapers in the school. Cultivate the appreciation of beauty. Let the teachers be fair, courteous and kind and the moral tone of the community will be improved. This is the highest purpose of schools.

The next meeting is set for Dec. 8, with L. Malterre, Miss Maby and Mrs. Westervelt to prepare the program.

**Inflammatory Rheumatism.**

Any one who has ever experienced the excruciating and almost unbearable pains incident to inflammatory rheumatism, will be pleased to know that prompt relief may be had by applying Chamberlain's Pain Balm. Mr. D. Snyder, of Roosevelt, Ontario, Canada, says: "I have been troubled with inflammatory rheumatism for the past two years and unable to sleep at night. I have taken many remedies but must say Chamberlain's Pain Balm is the best liniment I have ever tried." For sale by Hilo Drug Co.

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

**Ohio In Japan.**

"Cincinnati is in Ohio, and Ohio is also a Japanese word meaning 'good morning,'" said a native of Tokyo. "When you go out on the street in a Japanese village the people you meet will all say to you 'Ohio.' They do not wait for an introduction. It is considered courteous to greet strangers thus.

"An American whose home was in Kentucky, but who did business in Cincinnati, was traveling in Japan and was considerably perplexed that every one who met him on the street should accost him with the word 'Ohio.' He was of an old Kentucky family and, like most Kentuckians, was proud of the state of his nativity. The second day in Japan, when he was met with the same greeting, he turned to his interpreter and said:

"What in the name of all that is mysterious makes these Japanese think that I came from Ohio? Even if I did come from that state I would not want to have it thrown up to me continually."

"Before the guide had a chance to reply a young man passed and again saluted the American with an 'Ohio.'"

"The Kentuckian turned on the Japanese young man and said:

"See here, sir, you have made a slight mistake. I am not from Ohio. I live across the river. I am a Kentuckian, and my home is in Covington."—Louisville Herald.

**Ostrich Battles.**

Male ostriches battle for supremacy and admiration of the females with as much ferocity as stags, bulls, buffaloes and other animals. An ostrich battle is amusing, as it amounts practically to a boxing match with the feet, in which the males dance around each other lightly. There is this difference, however: If any boxer could hit as hard as an ostrich with one of his feet he might settle the championship with a single blow. It must not be supposed that the ostrich will not strike his antagonist with his terrible beak. In sparring the ostrich stands on one foot, with the other foot and wings raised, bill wide open and neck distended. He strikes with the force of a trip hammer, and in fighting both birds warily dodge blows. Under modern training an ostrich equals a horse in power and can do many of the stunts of the horse. By aid of his wings an ostrich can leave behind the swiftest running thoroughbred and under harness has paced in about a horse's record time.

**What the Pie Was Made Of.**

A cooking expert gave a dinner recently to a cooking class of young married women.

"I am making," she said, "a collection of cooking stories. Only yesterday a new one was told me by a disappointed young wife.

"This young wife, who had never cooked so much as a beefsteak in her life, all of a sudden bought a cookbook, entered her kitchen and plunged into the construction of an elaborate and difficult veal pie.

"The pie, a strange looking object, was served to the husband, a caustic person, that night at dinner. He helped himself, tried a mouthful and then said:

"What's this?"  
 "A meat pie," said the wife. "I made it out of the cookbook."  
 "Ah," said the man, "this leathery part is the binding, I suppose."

**For a Good Smoke**  
 Ask for the  
**Blue Teal Cigar**

**H. Hackfeld & Co.**

LIMITED

Distributors

Waiuanuene 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 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 to and from vessels in the harbor at reasonable rates. Launches and rowboats to hire for private picnics and moonlight rides.

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AGENTS FOR

**Wolverine Gasoline Engine**

Self-starter and reversible engine. In practicability 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**

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

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#### SAILING VESSELS

Direct Line between SAN FRANCISCO AND HILO.

Bark St. Catharine, Capt. Saunders  
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Sch. W. H. Marston, Capt. Gove

#### QUICK DISPATCH

For freight and passage apply to WELCH & CO., Agents, San Francisco  
J. 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.

#### PRIMO BEER

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

### THE UNION SALOON

Always on Hand: BEST BRANDS Of Wines, Liqueurs, Beers Mixed Drinks a Specialty. Draught and Bottled. PRIMO AND SEATTLE BEER 10c Per Glass. Shipman Street Telephone No. 7

J. G. SERRAO, - Manager

### FIRST BANK OF HILO LIMITED.

Incorporated Under the Laws of the Territory of Hawaii. CAPITAL, \$200,000. PEACOCK BLOCK, HILO.

P. PECK, President.  
C. C. KENNEDY, Vice Pres.  
JOHN T. MOIR, 2nd Vice Pres.  
C. A. STOBLE, Cashier.  
A. H. JACKSON, Secretary.

Directors: John J. Grace, H. V. Patten, W. H. Shipman, F. S. Lyman, Wm. Fuller.

Draw Exchange on 1st Bank of Hawaii, Ltd., Honolulu  
Wells, Fargo & Co. Bank, San Francisco  
Wells, Fargo & Co's Bank, New York  
The National Bank of the Republic, Chicago  
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Hongkong-Shanghai Bank, Hongkong  
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SAFE DEPOSIT BOXES Rented by the Month or Year. Particulars on Application.

### Hilo Electric Light Co., Ltd.

#### Houses Wired and Lights Installed

In accordance with the rules of the National 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.

While thin hair and baldness are undesirable for men, they are vastly more so for women. Nothing adds more to the adornment of women than rich, heavy, flowing tresses. The hair is too valuable to allow it to suffer from neglect. So just as soon as you notice that your hair is coming out you should use

## Ayer's Hair Vigor



It checks falling of the hair promptly. This feature of Ayer's Hair Vigor is now recognized as most marked, and has brought to this preparation a world-wide reputation.

You cannot possibly have a splendid head of hair when the scalp is covered with dandruff. We urge upon all who are in any way troubled with dandruff to begin the use of Ayer's Hair Vigor at once. Do not be deceived by cheap imitations which will only disappoint you. Make sure you get AYER'S Hair Vigor.

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 arrive and leave this port as hereunder:

#### FROM SAN FRANCISCO.

Alameda.....October 6

Sonoma.....October 18

Alameda.....October 27

Ventura.....November 8

Alameda.....November 17

#### FOR SAN FRANCISCO.

Alameda.....October 11

Ventura.....October 17

Alameda.....November 1

Sierra.....November 7

Alameda.....November 22

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

## PICK-UPS HERE AND THERE

### SEPTEMBER BILLS PAID.

List of Claims Allowed and Paid by the County.

At the request of many readers, we herewith append a list of the bills allowed and paid by the Board of Supervisors for the month of September:

Wall, Nichols Co., supplies, \$55.20; Hilo Mercantile Co., supplies, \$5.90; box rent, \$5.25; T. H. Davies & Co., supplies, \$2.25; E. N. Holmes, \$2; Wm. Kino, \$16.50; Mana Stables, \$1; coroner's jurors, \$4; W. C. Peacock & Co., rent, \$75; H. Hackfeld & Co., supplies and furniture, \$1172.55; C. F. Bradshaw, balance, \$4.25; First Bank of Hilo, discount, \$22; Hilo Band, \$100.25; Hilo Tribune, supplies, \$35.80; Kim Moon Sung, interpretation, \$2.25; L. Turner Co., Ltd., \$1.75; W. A. Todd, \$1.10; sundry persons, \$7.90; garbage removal, three months, \$6.25; Herald, supplies and ordinances, \$127.75; Hilo Drug Co., \$0.50; C. H. Williams, mileage, \$2.75; High Sheriff, boarding prisoners, \$24; Hilo Electric Light Co., August and September, \$49.75; Volcano Stables, \$7.45.

The following claims were paid upon the approval of the County Attorney as to their legality:

Kohala Club (Doyle), \$72.50; Kohala Club (hack hire), \$11.50; expenses of witnesses (Kohala) \$222.55; transportation and board, prisoners (Honokaa), \$15.25; board of persons arrested (Hilo Jail), \$55.50; incidentals Sheriff Office, transportation jurors, prisoners and witnesses (Volcano Stables), \$156;

## ALLIGATOR AND LIZARD

The latest novelties in Suspenders are the imitation Alligator and Lizard in Lisle. The beautiful marking of these two reptiles has been most beautifully reproduced in webbings. Kid ends and mountings. They are practical and neat as well as original.

75c EACH THE ECONOMIC HILO

priation for the support and maintenance of prisoners. Claims No. 323 and 324 and 439 were approved and paid.

We will bond you. United States Fidelity and Guaranty Co., Henry Waterhouse Trust Co., agents.

### UGHT-TO-GO CAR.

#### A Japanese Milkman's Revenge on a Speedy Chauffeur.

A story comes from Glenwood about the recent experience of a popular society man of Hilo, who is an automobile enthusiast, which verifies the adage that the race is not always to the swift.

A Japanese milkman driving a venerable horse of hattrack proportions to a delapidated cart was slowly ascending the hill towards the Volcano, when a heavy touring car of the latest fashion rolled up behind him and then whirled by. As the car passed the milkman the chauffeur looked around at the ancient outfit with a derisive smile, and then saluted it with three hoarse "honks" of the shrillest proportions.

Two hundred feet away the car came to grief. The sparker refused to work and the great machine came to a sudden stop.

Then the Japanese clucked to his plodding horse, and urging him into a trot passed by the car with head well up and a derisive smile on his weatherbeaten countenance.

And as he passed he stopped and raised his milk bell and gave it three mighty rings, and jogged contentedly along.

The Economic Shoe Co. have a new stock of the celebrated Shaw-knit hose.

In your dress do not consider your circumstances nor your tailor; only put on good clothes. It is important also to distinguish sex—otherwise you might get into the wrong seat. Clothes are the first great principal—they show the difference between a hobo and the Four Hundred. You can get the right kind at the Economic. Do so.

## "KORRECT SHAPE" Shoes for Men

The kind that is so easy and comfortable on your feet. That's the kind we opened this week. They are made in vici kid, box calf and gun metal calf. Cut from the best grade of upper leathers and bottomed with tough and flexible sole leather.

Price, \$5.00 per Pair

We should like you to try a pair on and see how easy fitting they are.

ECONOMIC SHOE CO. HILO

### 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. C. 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. WHOLESAL DEALERS PEACOCK BLOCK, HILO

## HAWAIIAN FERTILIZER CO., Limited

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## 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 WAIAUENUE STREET, HILO

## Canadian-Australian Royal Mail S.S. Co.

Steamers of the above line running in connection with the Canadian Pacific Railway 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. For Brisbane, Q., and Sydney: MOANA.....OCT. 21 AORANGI.....NOV. 15 MOWERA.....NOV. 18

From Sydney, Brisbane (Q). For Victoria and Vancouver, B. C. MOANA.....OCT. 18 AORANGI.....NOV. 15 MOWERA.....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.

## HILO MERCANTILE CO. LIMITED.

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P. O. Box 94 Telephones 4'A, 4 B

### 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

## RING UP 'PHONE 21

FOR PRICES ON ALL KINDS OF PRINTING

LATEST STYLES AND FAIR PRICES

**CONDENSED LOCAL ITEMS**

Miss Emma Forbes is a clerk in L. Turner Co., Ltd.  
 The bark Amy Turner left San Francisco for Hilo on Thursday last.  
 Wm. Thompson representing Theo. H. Davies & Co. Ctd. is now in town.  
 James Dougherty, representing the firm of W. H. Wichman & Co., Honolulu is now in Kohala.  
 Tea consumers will relish the Nirvana brand of tea sold by Theo. H. Davies & Co., Ltd. See adv.  
 The County Band will give a concert Thursday evening at 7:30 o'clock at the Waiakea boat landing.  
 If you wish a "wood Christmas" look over the large stock of curios in Hawaiian woods at the Hilo Boarding School fair.  
 Harry T. Lake has been appointed an assistant to the County Attorney of Oahu County, to succeed Rex Hitchcock, displaced.  
 A splendid opportunity to secure the most popular magazines is open to cash subscribers under the combination club offer of the TRIBUNE.

One book free with every four. See our ad.—Wall, Nichols Co.  
 Miss Evans, who has been visiting Miss Shipman returned to Honolulu on Friday.  
 A. Richley, accompanied by Bob Shingle, expects to return from Honolulu on Wednesday.  
 Mr. and Mrs. R. T. Guard will spend a month at C. E. Wright's mountaintop home at 22 miles, Volcano road.  
 Miss Ruth Richardson, after a pleasant visit in Honolulu, returned to her home at Keed's bay on Wednesday last.  
 A. Humburg expects to leave on Friday to assume the duties of his new position at the home office of H. Hackfeld & Co., Ltd.  
 The bark St. Katherine, Saunders, master, cleared Friday for San Francisco with 2,143 bags of Honomu sugar and general merchandise.  
 Karl T. Romie of Paraiso Springs, who has been spending the past fortnight with his cousin, Ted Guard, returned to his home yesterday by the Ship Falls of Clyde.  
 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.  
 James Henderson is expected from Scotland in about a week. J. D. Kennedy after visiting the Scottish heath returned by way of New York. The latter is now at Chicago laying in a large supply of Xmas goods.  
 Mr. and Mrs. E. A. Irish of Waiohina, Kau, arrived overland Sunday night and are residing at Mrs. Wm. Wright's. Mr. Irish will probably spend a month in Hilo. Mr. Irish is the popular manager of the Kau telephone system.  
 Fred Angus of Honolulu, was a departing passenger on the S. S. Enterprise for the coast. It is his first trip east and it is said he will return with a bride. He was accompanied by Allen W. Judd, son of the late Chief Justice Judd.  
 Rev. Dr. A. S. Baker of Honolulu, Kona, proposes to build a new chapel and residence not far from the home of N. P. Scott at that place. The land is being provided by the Hawaiian Board which is also advancing a large part of the money for the new church.  
 It is reported that United States Attorney Breckens has received instructions from the Department of Justice at Washington, D. C., directing him to bring legal proceedings against the alleged beef trust in Hawaii, said to be preventing competition and forcing up the price of beef.  
 The latest Butterick fashions always at hand, Butterick cook books, embroidery books, drawn work books, tatting and netting and many other fancy work books, at E. H. Moses, Hilo. Phone 178.  
 Hotel Demosthenes has been embellished with a luxurious bar and smoking room adjoining the present quarters. All liquors are kept at the required temperature by pipes run from the refrigerating plant in connection with the establishment and all of the wants are looked after in a substantial and satisfactory manner.  
 J. L. Kaulukou, the local attorney, has received word that his son Abraham G. Kaulukou successfully passed the bar examination at Honolulu and has been admitted to practice in all the Courts of the Territory. The young man was a graduate from Yale in June. Mr. Kaulukou's eldest son, Lot Kalaui Kaulukou, is a celebrated tenor opera singer, at present in New York city, whose stage name is "Signor Sebastino."

**Kau Homesteads.**  
 Surveyor Wright of the Government Survey Office is at present in Kau, plotting the Homestead Settlement Association for Dr. L. S. Thompson, and others in that district. The land in question comprises about a thousand acres of land now under cultivation by the Hutchinson Plantation. There are twenty applicants, each of whom will be allotted fifty acres by Land Commissioner Pratt.

**Kinau Departures, Oct. 13th.**  
 Miss Louisa Daschalsky, E. C. Brown, P. Peck, Wm. Hay, A. McKillop, Theo. Wolf, J. Genelly, Miss Evans, A. Lorentz, E. H. Cant, E. Ames, H. J. Ames.

**Departed By S. S. Enterprise.**  
 The following passengers departed by the S. S. Enterprise, Saturday, Oct. 14th: Mrs. C. McLennon, Miss Marguerite McLennon, Robert Innes Lillie, Dou. S. Bowman, Miss A. Bergschicker, Miss M. Bergschucker, Miss Frances Gonsalves, Miss Brackenridge, Fred Angus, Allen W. Judd, L. A. Marks, G. W. Wilson, and Capt. Gillespie.

**Kinau Arrivals, Oct. 11, 1905.**  
 Miss T. Akina, Mr. Tanaka, J. M. Aral, A. McKillop, H. Mariner, Miss R. Richardson, F. A. St. Gair, M. Wright, E. Ames, H. S. Ames.

**A Safe Cough Medicine For Children.**  
 In buying a cough medicine for children never be afraid to buy Chamberlain's Cough Remedy. There is no danger from it and relief is always sure to follow. It is especially valuable for colds, group whooping cough. For sale by Hilo Drug Co.

**A MATTER OF HEALTH**  
  
**ROYAL BAKING POWDER**  
 Absolutely Pure  
**HAS NO SUBSTITUTE**

**TO PLANT TREES.**

**Arbor Day to be Observed in the Public Schools.**

By official proclamation, appearing elsewhere, Friday, November 3rd, has been designated a local holiday by Governor Carter, and it is the desire of the Commissioner of Public Instruction that the new holiday be generally observed throughout the Territory. Superintendent Davis has presented a tentative program to the principal of each school for exercises in the various public schools. His plan and its suggestions follow:  
 The purpose and history of Arbor Day in the United States.....Principal Song—(About trees).....Class Recitation—(About trees).....Class How trees should be planted and cared for.....Principal Tree planting.....Class Song—(About trees).....Class Recitation—(About trees).....Class Tree planting.....Class  
 This program is only suggestive—schools having limited supply of water should plant accordingly. Schools having no fenced space should plant in boxes that may be put in doors over night. All schools desiring trees may secure the kinds suitable to their different localities from the government nursery by addressing Mr. David M. Haugs. Freight and carriage on such trees will be paid by the Department.

**CHINESE LAUNDRYMEN.**

**Oahu County Enacts Ordinance Against Unsanitary Methods.**

The following is the text of an ordinance passed on October 3rd by the Supervisors of the County of Oahu:  
 It shall be unlawful for any person or persons, ironing or performing any act, in the laundrying of clothing of another, or in the laundrying of clothing for hire, within the County of Oahu, to spray any article so laundered with liquid sprayed or projected from the mouth of said person or persons, or to direct or permit any person in his employ to so spray such article laundered.  
 Section 2. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined no less than Five Dollars, nor more than Twenty-five Dollars and in case such fine is not satisfied by immediate payment thereof the person so fined shall be committed to prison for the nonpayment of the same and the time of such imprisonment shall be deemed to discharge the same at the rate of One Dollar per day.

**HAWKHURST IN MANILA.**

**Selected To Inspect Proposed Railway Routes.**

The Manila Bulletin, under the date of Sept. 5, 1905, gives the following account of a former Hilo townsman:  
 "Robert Hawkhurst Jr, an engineer of wide experience in railroad location, construction and maintenance has been selected to present the Harriman interests for a thorough examination of the proposed route to be traversed by the railway system under consideration throughout the southern islands.  
 "Mr. Hawkhurst will sail for Hilo today. He will make an exhaustive research into the existing engineering difficulties which may be expected to be encountered in building the railway lines through the southern territory, and will spend the greater portion of a month or six weeks in this field.  
 "Messrs Wallace and Holabird also closely allied with the Harriman syndicate, left for Batangas yesterday for a close inspection of the proposed lines through northern Luzon."

**Teachers' Salaries.**

At the last meeting of the Commissioners of Public Instruction in Honolulu the resolution on the matter of salaries was slightly amended, on a motion of Commissioner Farrington, to read that salaries shall not be raised until a proportionate increase can be made. This leaves the Board open to grant an increase all along the line should there be any surplus at the end of the biennial period.  
 A petition from residents of Puako asked that Mrs. D. F. C. Wagner, the teacher there, be removed because of incompetence. Superintendent Davis states that Mrs. Wagner is merely holding a temporary appointment. The petition was referred to Mrs. E. W. Hay, School Agent.  
 The application through Mr. Richmond of Miss Potter, assistant at Hilo High School, for an increase of salary was not granted.  
 That the resignation of Mrs. Swain, on account of having to live on a homestead, be accepted.  
 That Miss Josephine H. Barnard be appointed assistant at Laupahoehoe vice Mrs. L. Swain, at a salary of \$35.

**Carter Not Candidate.**

In a private letter to a friend in Hilo, Secretary A. L. C. Atkinson has written that neither Governor Carter nor himself are out for the office of Delegateship. The report had been circulated in Honolulu that Carter was organizing his forces to succeed Delegate Kuhio. There is also a suggestion from reliable sources that A. G. M. Robertson may be a possibility in the event of Cupid not desiring to return to Congress.

**PUBLIC WORKS ON HAWAII**

**Public Improvements Made on the Big Island.**

Superintendent of Public Works, C. S. Holloway, has just issued his annual report to the Governor of the work done in his department.  
 He states "There was a balance unexpended on June 30, 1905, amounting to \$634,579.72. Of this sum \$698,583.72 is reserved for uncompleted contracts, leaving \$35,946.00. This balance is now available for new work authorized by the Legislature for the biennial period ending June 30, 1907, and includes the premium secured from the sale of the bonds of \$1,626,000."  
 Following are extracts from the report referring to Hawaii:  
 A large number of new roads have been constructed during the past year, the most important improvements being the relocations of certain portions of the main belt roads on the various islands.  
 In the districts of Hamakua and North Hilo, the construction of roads on light grades has been found very difficult owing the great number of gulches between Honokaa and Hilo.  
 Grades in gulches have been reduced to a maximum of about six per cent. Mr. Holloway recommends ample drainage and rock top dressing in wet districts and also suggests the use of oil to prevent the washing of roads.  
 William Vanatta, Superintendent Hilo Water Works, reports considerable improvements, with revenue of \$6825.04 and expenditures of \$1,207.02.  
 John Fitzgerald, harbor master, Hilo, reports the arrival and departure of 50 vessels all told at that port, and net receipts of \$1,400.75.  
 The balance of the road tax fund of the Island of Hawaii on July 30, 1905, amounted to \$4,718.84 a statement of which appears as follows:  
 On hand July 1, 1904.....\$18,506.49  
 Credited during year.....29,337.00  
 Total.....\$47,843.49  
 Disbursed by drafts.....43,124.65  
 Balance, July 30, 1905.....\$ 4,718.84  
 The balances to the credit of each of the islands on July 30, 1905, are: Oahu, \$8,119.55; Kauai and Nihoa, \$7,053.61; Hawaii, \$4,718.84; Maui, Molokai and Lanai, \$1,904.35. Total \$21,796.35.  
 Referring to the appointment of a supervising engineer for each island, Mr. Holloway says: "It is impracticable to attempt the personal direction of so large amount of work on the other islands without such assistance, as it would necessitate the almost constant absence from Honolulu of the assistant Superintendent or myself."

**NO VIOLENCE OCCURRED.**  
 Anna Kekoa, Leper Suspect, Writes Denying False Reports.  
 A letter received from a personal friend of Anna Kekoa, now at the detention camp at Kalihi, Honolulu, completely contradicts the charges of alleged cruelty and harsh treatment received by her at the hands of the Board of Health authorities. Her letter, which is in Hawaiian, is translated in part, as follows:  
 Honolulu, Oct. 9, 1905.  
 Dear Friend:—I have not had an opportunity to write to you before. I am in good health and have no plikias. I have everything I want from my sister Lucy and Paul, I am being treated well here. We arrived in Honolulu Friday afternoon about one o'clock. The trip was fine. I was not sick but some of the other passengers were.  
 My sister Mary writes me about a report that I was pulled about and badly used. I do not know anything about that. I wonder why people should spread reports about things that never occurred. I do not know where they saw me treated that way.  
 About seven new persons came in last Sunday from Kohala, two women and five men. There are about thirty in the detention camp at Kalihi. The inmates seem to be having a good time—plenty of singing, hulas and music. Three of my family have been to see me—my mother and two brothers. There is no other news.  
 Yours truly,  
 ANNA.

**For Sale.**

Pure blood Jersey cow, for sale or trade, with calf.  
 J. G. SERRAO.

**GRAND LU'AU FAIR AND FAIR**  
 Thanksgiving Day  
 November 30th  
 For the Benefit of...  
**Hilo Boarding School New Building**

**THE HILO TRIBUNE'S MAIL CHART**

**OCTOBER, 1905.**

MAILS ARRIVE IN HONOLULU AND DEPART AS FOLLOWS:

S.	M.	T.	W.	T.	F.	S.
1	2	3 *Coptic	Manchr'a 4	5	Alameda 6	7
8	9	10x	Alameda 11	12	13	Nevadan 14
15	16	17 *Nevadan *Ventura	Sonoma 18 Moana	Korea 19	20	Miowera 21x
22	23	24	25	26	Alameda 27 Mongolia	*Coptic 28
29	30	31x	Nov. 1 *Alameda	Siberian November 2 *Ventura November 3 *Sierra	Nov. 7 *China *Sierra	Siberian Nov. 11

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; (†) To Colonies; (‡) To Victoria; B. C.; (§) To Yokohama.  
 S. S. Kinau departs from Hilo for Honolulu every Friday at 10:00 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.

**UTILISE**  
 (TO MAKE USE OF)  
 This is what I should do with that wall space that I have. How well it would look to have it fitted in with a nice set of GLOBE-WERNICKE bookcases; and it would certainly keep my books in better shape. I think I will take ten minutes and go and see them at  
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 satisfactorily in a moist climate unless your materials are good. That is a fact admitted by anyone who ever pushed a button or focused a lens.  
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 is well supplied with necessary appliances and is at the disposal of tourists as well as residents.  
**WE SELL**  
 Cameras, Kodaks, Plates, Films, Chemicals, Paper and Trays, Films and Plates developed and prints made promptly.  
**THE HILO DRUG CO.**  
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"He dragged his eyebrow bushes down, and made a snowy penthouse for his hollow eyes."—Tennyson.  
 We all observe these "dragged eyebrows" on faces innumerable. A symptom of eye defect—an indication of glass need. Every symptom has a cause. We adapt glasses to every defect of vision by the latest eye-testing appliances, and prescribe them in accordance with the teachings of the authorities on the eye.  
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## KEOLANUI CAN APPOINT SUBJECT TO APPROVAL.

**Judge C. F. Parsons Gives Decision on Two Test Cases—Sets Aside Mandamus Proceedings Against Auditor Maguire—Appointment of Patrolman Knell Invalid Without Board's Approval.**

On last Tuesday, Judge Parsons filed with Clerk Gurney, his decision upon mandamus proceedings to compel County Auditor Maguire to issue a warrant to Norman K. Lyman, for services as clerk to the Sheriff. In effect, the decision denies the right of the Board of Supervisors to appoint members of the police force. The decision is as follows:

### MANDAMUS DECISION.

Norman K. Lyman, Petitioner,  
vs.  
Charles Maguire,  
Auditor of County of Hawaii.

The Board of Supervisors of the County of Hawaii at a regular meeting of that body held in Hilo, Hawaii, on or about the first day of July, 1905, passed a resolution appointing the Petitioner to the position of clerk of the Sheriff of Hawaii. Claiming authority under this resolution Lyman, who prior to that time had been the clerk of Sheriff Searle, remained in the clerk's office during the month of July, keeping regular office hours during that time and transacting certain routine business of the office. Sheriff Keolanui, who went into office about the first day of July, during the entire time of Lyman's alleged employment refused to recognize him as his clerk, but sent to the Board of Supervisors the name of Brickwood Lyman as his choice for the position, which nomination the Board of Supervisors refused to confirm.

On or about the eleventh day of August, 1905, the Petitioner presented to Chas Maguire, as Auditor of the County of Hawaii, a written demand for \$75.00 alleged to be due the Petitioner as his salary for the month of July as clerk to the Sheriff of Hawaii. W. A. Fetter, Deputy Sheriff South Hilo, having certified to the faithful performance of Lyman's services; and the demand, before presentation to the Auditor, having been presented to the clerk, approved by the Board of Supervisors, countersigned by John T. Moir, Chairman of said Board, and attested by Sam K. Pua, Clerk of the County of Hawaii. Upon such presentation the petitioner demanded that the Auditor issue to him a warrant for \$75.00 upon the Treasurer of the County of Hawaii in accordance with his claim. This demand the Auditor refused. Whereupon Petitioner brought mandamus proceedings to compel the issuance of such a warrant by the Auditor.

Petitioner contends that power of appointment of a Clerk to Sheriff of Hawaii is conferred upon the Board of Supervisors by Sub-division 2 of Section 62 of Act 39 of the session Laws of 1905, which provides that such Supervisors shall have power "to appoint such subordinate officers as they may deem necessary for the public service," and claims that under this power he was duly appointed to said position.

Respondent denies the right of the Supervisors to make such appointment and claims that it is his right to refuse to recognize their attempted appointment of Petitioner.

Section 110a of the County Act provides: "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 section clearly confers upon the Sheriff the right to appoint his own clerk subject only to the approval by the Board of Supervisors, and this right is in no way affected by the right of the Supervisors "to appoint such subordinate officers as they may deem ne-

cessary for the public service." The latter clause confers upon the Supervisors power to make appointments only in those instances where the right to make appointments, or election, is not specifically conferred upon others. Section 13 provides for the election of deputy sheriffs. Section 110 provides for the appointment (subject to the approval of the Board of Supervisors) of a deputy to each of the following officers, namely: the Clerk, Auditor, Treasurer and County Attorney. To sustain Petitioner's contention, in effect, would be to hold that the County Act has conferred upon the supervisors the right to nullify the provisions of Section 110 and Section 110a.

Whether or not it is within the power of the Supervisors to appropriate money to pay for special services rendered any county officer without the consent or approval of such officer need not here be considered. In this instance they do not pretend that the appropriation was made for such purpose. An inspection of the vouchers shows that the claim was for salary as Clerk to the Sheriff.

Petitioner claims that so far as the Auditor is concerned the action of the Board of Supervisors in allowing Petitioner's claim is conclusive, and the Auditor is vested with no discretionary powers in the premises; that it is his duty, acting ministerially, to issue a warrant to Petitioner for the payment of such claim without questioning the authority of the Board of Supervisors to order its payment. I cannot adopt this view. In my opinion the Auditor cannot be compelled to issue a warrant upon an illegal claim, even when the same has been approved by the Board of Supervisors.

Subdivision 7 of Chapter 4 of the County Act provides: "All contracts, authorizations, allowances, payments and liabilities entered into, granted, made or incurred in violation of this Act shall be void and shall never be a basis for a claim against the County."

Section 75 of the County Act provides: "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 by the Board of Supervisors."

From this provision the converse is fairly inferable, viz.: that if such claims have not been legally allowed, etc., the Auditor shall not issue warrants for their payment; and I cannot hold that the Legislature intended the Supervisors to be the final judges as between the Auditor and themselves, as to the legality or illegality of their action in making such allowance.

The title "Auditor" implies the right to audit, that is (adopting the language of the Supreme Court of Wyoming in Donzelman vs. Grant, 21 Pac. 693) the right "to hear and upon a hearing to adjust, or to allow, or to reject, or otherwise decide according to the nature of the claims."

"He (the auditor) is charged \* \* \* by the very nature of his office with the duty of auditing or examining accounts, comparing charges with vouchers and thereafter of allowing or rejecting charges and stating balances." Donzelman vs. Grant, supra.

If upon such examination he finds any claim to be illegal it is not only his right but his duty to reject it. "He is in a certain sense a trustee." (Norman vs. Kentucky Board of Managers, 18 L. R. A. 556) and it is his duty to protect the treasury not only against fraud and dishonesty but against

illegality as well. The good faith of the Supervisors is not questioned; but their good faith, in this instance, cannot avail the Petitioner.

Where the Auditor undertakes to reject vouchers which have received the approval of the Board of Supervisors he does so at his peril; but when he pleads as his excuse for such rejection the illegality of the claim, the Court will not refuse to hear him. If the claim is found to be illegal the Court will not assist in its enforcement.

In 1891 the City Council of Seattle passed, over the Mayor's veto, an ordinance providing for the issuance of bonds in excess of the amount of indebtedness which the city was authorized to incur. The mayor refused to sign the bonds. In denying a writ of mandamus against him the Court said:

"While it is true that the regularity of the proceedings of a City Council should not be subject to being questioned in this way, and the due execution of the city's business thus hampered and interrupted, where the power to do the thing attempted is possessed, yet the argument that the mayor should be compelled to sign these bonds regardless of their validity, it seems to us, is without sanction in law or justice. If these instruments would be void if issued, it would be a bad state of affairs indeed if the mayor must be compelled to sign them, and thus put the last finishing touch to their fair appearance, enabling them to be thrown upon the market and find their way into the hands of innocent purchasers, resulting in possible loss and tedious litigation, and thus to the defamation of the fair name and financial standing of the city. Surely the Courts, in the execution of the law, are not so impotent, and compelled to be so blind to justice, as to sanction or enforce the perpetration of such an injustice. If the proceedings had been void, it is manifest for the good of all concerned they should be so stamped at the earliest possible moment, and it is well these steps were taken in advance to determine their value before harm could result to any one." Chalk vs. White, Mayor, 29 Pac. 978.

I find that the Auditor was justified in rejecting the claim of Petitioner. Peremptory writ denied.

Let judgment issue in conformity with this decision.

(Sgd) CHARLES F. PARSONS,  
Judge.

Hilo, Hawaii, October 10, 1905.

### KNELL IS OUSTED.

On Saturday, Judge Parsons handed down his decision on the second case. This was upon a writ of quo warrantu sued out by Chairman John T. Moir, on behalf of the Board of Supervisors, against Harry A. Knell, a mounted patrolman, appointed by Sheriff Keolanui, which questioned his appointment and authority to act as a police officer. The second decision is in line with Judge Parson's opinion given in the first case. Sheriff Keolanui has the power of appointment, subject however to the approval of the Board of Supervisors. Without such approval, such police officers are acting without authority. The full text of the decision is as follows:

Territory of Hawaii  
ex rel. John T. Moir  
vs.  
Harry A. Knell.

Relator alleges, inter alia, that on or about the 1st day of July, 1905, William M. Keolanui, sheriff of the County of Hawaii, under claim of authority, commissioned and appointed respondent police officer for South Hilo; that the respondent, claiming under said appointment to be lawfully entitled to hold said office is, and for two months last past has been performing its duties and claiming its emoluments; that Keolanui was without lawful authority to make said appointment, that the said appointment is void; and that respondent is unlawfully occupying and performing the functions of said office.

Respondent, in his answer, admits that he is holding the position of Police officer under the sheriff's appointment but alleges said appointment, under the County Act and particularly under Section 67

thereof, to be valid; and avers that he is lawfully performing the duties of his office.

Section 67 of the County Act, under which respondent claims for the sheriff the right of appointment of police officers provides 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 jurisdiction, the same being the County in and for which he shall have been elected, as are now 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; and shall have such other powers and duties as are by this Act conferred and which may be provided by any law hereafter enacted by the Legislative authority; provided, however, that nothing in this Act contained shall be construed to vest in the Sheriffs of the various Counties respectively, the care, custody or control of any Territorial jail, house of correction or penitentiary, or the care and custody of prisoners confined therein."

In order to ascertain the "powers, privileges and authority" provided by law "to be had, exercised and performed by the High Sheriff of the Territory or by the sheriffs of the various Islands respectively" at the time of the enactment of the County Law, reference must be made to Chapter 106 of the Revised Laws of Hawaii.

Section 1556 of that chapter provides:

"HIGH SHERIFF. There shall be a High Sheriff of the Territory, hereafter in this chapter named the High Sheriff. He shall be the Chief of Police for the Territory, and shall be responsible to the Attorney General. He shall have the supervision and control of the Sheriffs and subordinate officers of the police."

Section 1558. "SHERIFFS. There shall be a sheriff for the island of Hawaii, a sheriff for the islands of Maui, Molokai, Lanai and Kahoolawe, and a sheriff for the islands of Kauai and Niihau, who shall have the exercise, the care, supervision and control of the police within their respective jurisdictions, subject, however, to the superior control of the High Sheriff and Attorney General."

Section 1564. "Deputies sheriff, police officers, appointment, removal, pay: The high sheriff for and within the island of Oahu, subject to the approval of the attorney general, and the several sheriffs for and within their respective jurisdictions, subject to the approval of the high sheriff, may appoint such deputies sheriff and other police officers as occasion may require, and may dismiss them in their discretion; and may in like manner appoint the duties, and adjust the compensation of such officers, except as otherwise provided by law; provided, however, that the number of regular police officers shall not exceed, for the island of Oahu, one hundred; for the islands of Maui, Molokai, Lanai and Kahoolawe, eighty; for the island of Hawaii, one hundred; for the islands of Kauai and Niihau, forty; and further provided, that nothing in this section contained shall be construed to prevent the appointment of any number of special police officers to serve without pay, except that for service during any emergency such special officers may be paid, in the discretion of the officer by whom they were appointed to serve during such emergency, if such payment be approved by the attorney general."

Section 1559 provides for the appointment and removal of sheriffs by the High Sheriff with the approval of the Attorney General:

Section 1560 provides that the sheriffs shall give bonds, in the sum therein named, to the Attorney General.

Section 1563 enumerates the duties of the High Sheriff and of the several sheriffs:

Section 1565 authorizes the High Sheriff and the several sheriffs to exact indemnity bonds from their respective deputies.

It now becomes material to enquire how far the foregoing sections of the Revised Laws have become modified by the "special provisions" of the County Act referred to in section 67, above quoted:

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

Section 61, as amended by Act

54, gives to the Board of Supervisors power to fill vacancies in office (except in the board) caused by death, resignation or removal.

Section 68 (quoted hereafter at length) recites the duties of the sheriff, differing from the recital contained in section 1562 of the Revised Laws:

Section 110a provides as follows: "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."

Section 112 provides: "All laws or parts of laws, so far only as the same may be inconsistent with any provision of this Act, are hereby repealed."

Respondent claims that the right of appointment of police officers conferred upon the sheriff of the island, (subject to the approval of the high sheriff) by Section 1564 of the revised laws, now vests in the sheriff of the county by virtue of Section 67 of the county act, and that such right is unaffected by any of the "special provisions" above quoted.

Section 110a, above quoted, empowers the sheriff, subject to the approval of the Board of Supervisors, to "employ such clerks and other assistants as may be necessary to aid him in the performance of the duties of his office."

The "duties of his office" are prescribed by statute.

"Section 68. He shall:

"1. Preserve the public peace;  
"2. Arrest and take before the nearest qualified magistrate for examination all persons who attempt to commit, or who have committed a public offense, and shall prosecute the same under the direction of the County Attorney;

"3. Prevent and suppress affrays, breaches of peace, riots and insurrections;  
"4. Attend all Circuit Courts held within the County and obey all lawful orders and directions of all courts held within the County;

"5. In an emergency requiring the same, command the aid of as many male inhabitants of the County as he may think necessary in the execution of his duties;

"6. Take charge of and keep the County jail, and the prisoners therein.

"7. Endorse upon all processes and notices the year, month, day, hour and minute of reception, and issue therefor to the person delivering the same on payment of fees, a certificate showing the name of the parties, title and paper and time when received;

"8. Serve all processes and notices in the manner prescribed by law;

"9. Certify, under his hand, upon every process or notice, the manner and time of service, or if he fails to make service, the reason of his failure and return the same without delay."

Manifestly it was not the intention of the legislature that all of these duties, should be performed by the Sheriff personally. It is ap-

parent that one man cannot at once preserve the public peace, make arrests, prosecute offenders in the district courts, prevent and suppress affrays, breaches of peace, riots and insurrections, process and attend all circuit courts within the County. To aid him in the performance of these duties the appointment of "assistants" is necessary and obviously the proper assistants to aid in the performance of such duties, are police officers.

Section 110a, in my opinion, empowers the sheriff to appoint police officers, but under that section the approval of the Board of Supervisors is required to make such appointment valid. The approval of the Board of Supervisors does not appear to have been given to respondent's appointment.

I therefore find that respondent is occupying the position, exercising the functions and claiming the emoluments of a police officer for the District of South Hilo without authority of law.

Let judgment of ouster, with costs, issue against the respondent, in conformity with this decision.

(Signed) C. F. PARSONS,  
Judge.

Hilo, Hawaii, Oct. 13, 1905.

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WATER—A three-million-gallon-a-day artesian well of one thousand feet in depth supplies abundance of delightfully soft water of high chemical purity. Every room in the building has hot and cold water. All the table water, as well as that supplied to the rooms for drinking purposes, is distilled.

HOTEL FARM—The excellency of the table is much enhanced by this hostelry possessing its own farm, where, from a fine herd of Jersey cows, an abundant supply of milk and cream is obtained; a fine lot of poultry produces eggs and nice broilers; a lot of choice runs produce the delicate squab required; sucking pig and young pork are produced by a herd of fine Berkshire hogs. Fresh fruit and vegetables of all kinds are daily supplied from this farm; frogs and mullet from the ponds are also supplied daily.

ROOF GARDEN—On the fifth floor, in centre section of building, there is a ROOF GARDEN of one-third of an acre in area, furnished with beautiful shrubs; seats and tables are interspersed and refreshments are served by active and obliging waiters all day and throughout the evenings. Awnings are provided for shelter and band concerts are frequently given. At one end of this garden there is a large dance pavilion, while at the other end there is a similar room fitted with all the comforts for a lounging room, where billiards and other games are enjoyed by ladies and gentlemen.

From the Roof Garden the whole of the city and surrounding country, with the sea on one hand and the verdure-clad mountains on the other, present a panorama of tropical beauty which for grandeur cannot be surpassed. Long-distance telephone in every room.

Cable Address—"Young's," Honolulu  
American and European Plan  
**SPECIAL RATES TO ISLAND PEOPLE**