

Table with columns for various rates and prices, including 'RATES OF ADVERTISING' and 'RATES OF FREIGHT'.

Watch Your Words

Keep a watch on your words, my dear friend. The words are powerful things. They can do more than you think.

Miscellaneous

It is not calling your neighbor names that makes a quarrel.—Dr. Lowell.

Custom is to be supplied with your water by a water company. This is the case in London.

The best government is not that which renders the individual happy, but that which renders the greatest number of people happy.

It is a no secret, said Mr. J. H. Smith, as he gave water to religious agencies, "I believe that water is the best of all things."

The almost daily record of one or more suicides in Honolulu, at the rate of one every two days.

The Order "Four in Merit," conferred by Kaiser Wilhelm upon the Duke of Connaught in recognition of his services in the Boer war.

Other copies in the possession of Dr. McClellan, has not only immediately relieved facial neuralgia, but has afforded a perfect cure.

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Mechanical Cards

- ED. C. ROWE, House and Sign Painter, Paper Hanger, &c. W. W. JOHNSON, Merchant Tailor. C. C. COLEMAN, BLACKSMITH AND MACHINIST. JOHN NOTT, Importer and Dealer in Goods from London, Manchester, Glasgow, and Edinburgh. J. M. OAT & CO. SAILMAKERS. PIONEER STEAM Candy Manufacturing and Bakery. G. ENGLING & CO., Tinmiths and Glass Dealers. HONOLULU IRON WORKS CO., Importers and Dealers in Goods from London, Manchester, Glasgow, and Edinburgh. SARAH E. PEIRCE M. D., LADIES' AND CHILDREN'S PHYSICIAN. J. H. WILKINSON, Cabinet Maker. C. E. WILLIAMS, Importer and Dealer in Goods from London, Manchester, Glasgow, and Edinburgh. J. D. LANE'S MARBLE WORKS, MANUFACTURER OF MONUMENTS. B. HESTLER, Plumber and Gasfitter. C. BREWER & CO., SHIPPING & COMMISSION MERCHANTS. A. W. PEIRCE & CO., SHIP CHANDLERS & COMMISSION MERCHANTS. F. O. HALL & SON, Importers and Dealers in Hardware. J. M. OAT & CO. SAILMAKERS. J. W. GIBBIN, Commission Merchant and General Dealer. DR. H. THACHER, DENTIST. JAMES N. MONSIEUR, Attorney and Counselor at Law. THEO. R. DAVIES, Importer and Commission Merchant. COSMOPOLITAN RESTAURANT. P. A. COSTA, Proprietor. THE CORNER BARNES STORE. CHARLES HAMMER, Bought for Cash, a Large Stock of First-Class Harness Fittings. J. H. BRUNS, JR., ALL KINDS OF FURNITURE. HAWAIIAN Furniture Manufactory. MRS. W. H. WILKINSON, 103 Fort Street. GREY & CO., Importers and Dealers in ALL KINDS OF SOAPS. P. MCINERNEY, Confectionery. THE BEST BRANDS OF CHOICE CIGARS. THE BEST ICE CREAM, SOFT WATER & CONDIMENTS. EPSON SALTS, IN BOXES OR

Mechanical Cards

- New Steam Bakery! MR. HEW SHIN, HAS OPENED A NEW STEAM BAKERY. On King Street. GEO. LUCAS, CONTRACTOR & BUILDER. HONOLULU STEAM PLANING MILLS. J. D. LANE'S MARBLE WORKS, MANUFACTURER OF MONUMENTS. B. HESTLER, Plumber and Gasfitter. C. BREWER & CO., SHIPPING & COMMISSION MERCHANTS. A. W. PEIRCE & CO., SHIP CHANDLERS & COMMISSION MERCHANTS. F. O. HALL & SON, Importers and Dealers in Hardware. J. M. OAT & CO. SAILMAKERS. J. W. GIBBIN, Commission Merchant and General Dealer. DR. H. THACHER, DENTIST. JAMES N. MONSIEUR, Attorney and Counselor at Law. THEO. R. DAVIES, Importer and Commission Merchant. COSMOPOLITAN RESTAURANT. P. A. COSTA, Proprietor. THE CORNER BARNES STORE. CHARLES HAMMER, Bought for Cash, a Large Stock of First-Class Harness Fittings. J. H. BRUNS, JR., ALL KINDS OF FURNITURE. HAWAIIAN Furniture Manufactory. MRS. W. H. WILKINSON, 103 Fort Street. GREY & CO., Importers and Dealers in ALL KINDS OF SOAPS. P. MCINERNEY, Confectionery. THE BEST BRANDS OF CHOICE CIGARS. THE BEST ICE CREAM, SOFT WATER & CONDIMENTS. EPSON SALTS, IN BOXES OR

Insurance Notices

- Boston Board of Underwriters. Philadelphia Board of Underwriters. THE LONDON AND PROVINCIAL FIRE INSURANCE COMPANY. THE PACIFIC MUTUAL LIFE INSURANCE COMPANY. GREAT WESTERN INSURANCE COMPANY. UNION INSURANCE COMPANY OF SAN FRANCISCO. CASTLE & COOKE, AGENTS FOR THE LONDON AND PROVINCIAL FIRE INSURANCE COMPANY. THE CITY OF LONDON FIRE INSURANCE CO., LIMITED. J. D. LANE'S MARBLE WORKS, MANUFACTURER OF MONUMENTS. B. HESTLER, Plumber and Gasfitter. C. BREWER & CO., SHIPPING & COMMISSION MERCHANTS. A. W. PEIRCE & CO., SHIP CHANDLERS & COMMISSION MERCHANTS. F. O. HALL & SON, Importers and Dealers in Hardware. J. M. OAT & CO. SAILMAKERS. J. W. GIBBIN, Commission Merchant and General Dealer. DR. H. THACHER, DENTIST. JAMES N. MONSIEUR, Attorney and Counselor at Law. THEO. R. DAVIES, Importer and Commission Merchant. COSMOPOLITAN RESTAURANT. P. A. COSTA, Proprietor. THE CORNER BARNES STORE. CHARLES HAMMER, Bought for Cash, a Large Stock of First-Class Harness Fittings. J. H. BRUNS, JR., ALL KINDS OF FURNITURE. HAWAIIAN Furniture Manufactory. MRS. W. H. WILKINSON, 103 Fort Street. GREY & CO., Importers and Dealers in ALL KINDS OF SOAPS. P. MCINERNEY, Confectionery. THE BEST BRANDS OF CHOICE CIGARS. THE BEST ICE CREAM, SOFT WATER & CONDIMENTS. EPSON SALTS, IN BOXES OR

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- WILLIAMS, DIMOND & CO., Shippers and Commission Merchants. W. H. GREENMAN & SONS, COMMISSION MERCHANTS. H. W. SEVERANCE, Hawaiian Consul and COMMISSION MERCHANT. DR. JORDAN & CO., PURVES OF PURE, ETC. FISHERIES! SUPPLY THE HAWAIIAN ISLANDS. Highest grade of Cotton Yettings. Nets and Seines to Order. AMERICAN NET AND SEINE CO. INDIA RICE MILL. Cleansing and Polishing. Hulling and Dressing of Paddy. Wm. M. GREENWOOD, General Commission Merchant and Proprietor of the Delta Rice Mill. DR. J. COLLIS BROWN'S CHLORODYNE. Celebrated Billiard Tables. DRUGS AND MEDICINES! Largest Stock and Most Complete Assortment. SELL AT VERY LOW FIGURES. Only the Best Quality. J. C. AYER COMPANY, LOWELL, MASS. Crown Perfumery Co., London. PARKE, DAVIS & CO., Manufacturing Chemists. HUMPHREY Homeopathic Medicine Co., New York. G. G. Green, August Flowers and German Syrup. CELLULOID TRUSSES! Physicians' Prescriptions. HOLLISTER & CO'S Wholesale & Retail Druggists. Soda Water and Sarsaparilla. Only Pure Fruit Acid. Pure Filtered Water. L.P. FISHER'S NEWSPAPER ADVERTISING AGENCY. ESTABLISHED IN 1860.

The Convention, in spite of strong opposition from the most intelligent portion of our community, will assemble to-day at the hall of the Hotel de Ville...

Our contemporary denies that any measure was given out to summon the Legislature to an extra session. We certainly had no such intention...

The report of the Police Commission, which we referred to last week, has been handed in to the Governor...

There is one more question to ask in this matter, and that is, why the refusal to grant a writ of habeas corpus...

A patient, just a very paradise, upon a quiet evening, when the sun is setting, can never see anything of the tropic landscape...

How the delicate sky turns black, how the light fades away, how little we care for the beauty of the day...

This is no longer one, we are not sure, of the most beautiful of the island...

It is a terrible task to have to lay bare the secrets of the mind...

We have already advertised to what the condition of affairs in Hawaii...

We must also add, that so far as the public mind is concerned...

Advantages of the present work made for a patient for a particular invention...

Our new paper, which is published weekly, contains a great deal of interesting information...

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late years, and to have washing done by hand, and to have the washing done by hand, and to have the washing done by hand...

FROM SOUTHERN SEAS

Captain Tenny's Story of the Schooner 'Julia'.

The schooner 'Julia', Capt. Tenny, master, arrived at Honolulu on the 10th inst., having left the port of San Francisco on the 10th inst...

On the 10th inst. we sailed from Honolulu for the purpose of visiting the islands of the Hawaiian group...

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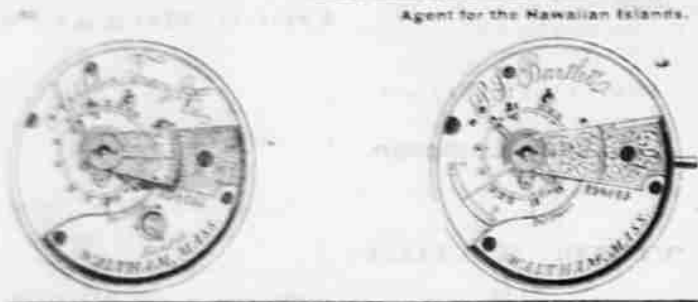


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AWARDED FIRST-CLASS GOLD MEDAL. The Only Gold Medal; also, Two Special and Four First Prizes for Watches.

There are several Worthless Watches bearing the marks of Waltham Waltham, Mass., U. S. A. Beware of cheap imitations.

M. McINERNEY, Agent for the Hawaiian Islands.



JOHN NOTT,

At the Old Stand, No. 8 Kaahumanu Street.

TIN, COPPER & SHEET IRON WORKER

PLUMBING, in all its branches;

Artesian Well Pipe, all sizes;

STOVES AND RANGES

Galvanized Iron Water Pipe, all sizes, and laid on at lowest rates: Cast Iron and Lead Soil Pipe.

House Furnishing Goods, all kinds;

Chandeliers, Lamps, Lanterns

ESTABLISHED IN 1850.

J. W. ROBERTSON & Co.

SUCCESSORS TO R. M. WHITNEY.

Importing and Manufacturing Stationers.

Publishers, Printers, Book-Binders and

NEWS DEALERS!

The Oldest, Largest, and Cheapest Stationery Establishment in the Kingdom. Kept constantly on hand.

A FULL & LARGE Assortment of STATIONERY

Of All Descriptions.

In Our Subscription Department

IN OUR BOOK-BINDING AND PAPER RULING DEPARTMENT.

We Make All Description Blank Books.

Having a First Class Ruling Machine

In the PRINTING DEPARTMENT, we are prepared to do ALL KINDS OF BOOK AND JOB PRINTING.

BOOK ORDERING DEPARTMENT:

MUSIC! MUSIC! MUSIC!

Just Arrived! HONOLULU

AND FOR SALE: CLOTHING EMPORIUM,

ONE MILE OF Light Portable Railway Rails,

AND 10 LIGHT SUGAR CANE WAGONS FOR THE RAIL.

Previous to the Arrival

HOLIDAY

GOODS!

General Merchandise.

C. BREWER & CO.

offer for Sale the Cargo of the

Furness

ABBEY.

Card Matches.

FRANKLIN STOVE COAL!

Hair Mattresses.

Double and Single

NESTS OF TRUNKS

SAFES!

Washington Chairs.

Frazer's

Axle

Grease.

Carriages,

Phatons,

Basket Tops

Cut Under

Carry-Alls,

Brunell Top Buggies

"EDWARD MAY."

Groceries' Wagons!

Democrat Wagons.

Hand Carts, and Ox Carts!

Goods are in an Excellent Condition.

WILDER & CO.

Importers and Dealers in

LUMBER

BUILDING MATERIALS!

JUST RECEIVED

LATE ARRIVALS!

NORTH-WEST LUMBER.

ALL THE USUAL STOCKS

SCANTLING.

TIMBER, PLANK, BOARDS.

ALSO, ON HAND

A FINE ASSORTMENT OF WALL PAPER

NAILS, LOCKS

BUTTS, HINGES,

BOLTS, SCREWS, Etc

DRY REDWOOD!

Scantling, Plank, surface and rough

Paint and Whitewash Brushes.

WHITE LEAD

METALLIC AND OTHER PAINTS!

Class.

Salt.

Firewood.

DOORS SASH BLINDS

ALL SIZES.

FOR SALE IN QUANTITIES TO SUIT

LOW PRICES

Hawaiian

BELL

TELEPHONE COMPANY!

INCORPORATED DEC. 31, 1896.

WE ARE NOW PREPARED TO RELL

COVERING BOILERS, STEAM PIPES

SALAMANDER FELTING

Covering Boilers, Steam Pipes

Saves 25 per Cent. of Fuel.

PRICE REDUCED TO \$7.50 BBL.

THEO. M. DAVIES & Co.

PARTIES HOLDING LEASES

Moehonua's Lands!

D. K. FYFE,

Commissioner.

Hawaiian Gazette.

WEDNESDAY, JANUARY 17, 1895.

Toile Solis.

This system of music, although of recent introduction into the United States has been tested in England for twenty-five years.

It originated with a Miss Glover, who had charge of a mission school somewhere in the suburbs of London, and began a list of the exercises with a view to making the study of music for the children of her school.

It gradually, but extensively, extended till about the year 1848, when it was introduced into the United States by a member of the same school, who, as a member of the same school, was commissioned by a convention of ministers and christian workers to devise some plan for the improvement of the negro population among them.

Miss Glover's system as a book, he spent years in seeking, by every possible means in his power, to make it known to the colored people of the United States. It is now published in Great Britain. It is stated that out of five thousand three hundred and fifty-four schools, in which music is taught, not only the colored people, but the white people, are benefited by it.

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Elizabet who was known as the Virgin Queen.

The territory of the Carolinas was granted to the French settlers in 1663 and was named after Charles I of France.

King George II of England was the sponsor for the Southern States of Georgia.

The same name was given to that State descriptively, since in the original charter it was considered "the Mayo Land of New England."

Vermont was also a descriptive name, being formed from two French words "verd" and "mont" meaning "green mountain."

Kentucky is from Kentuck, an Indian Shawnee word, signifying "the head of a river."

Mississippi is from the Indian Mowocopee, meaning "the father of waters," but "the great water."

Colorado is named from the Rio Colorado river. The name is of Spanish origin, and means "red," or "red," referring to the color of the water of that river.

Minnesota is named from the name of the State of Minnesota, which was located on the west of the Tennessee river.

The State of Nevada is named from the Sierra Nevada, which in turn are said to have been named from the Sierra Nevada of Granada.

Nebbraska takes its name from the Nebraska River. The name is of Indian origin, meaning "shallow river."

Kansas is also named from its principal river, a tribe of Indians, formerly of that locality, were known as the Kansas or Kaws, and the State is probably named from them.

The origin of the name of the peninsular State of Florida is not known.

In 1512, Ponce de Leon sailed from France to the west in search of the "fountain of youth." He first saw land on "Pascua Florida," and on account of the richness and quantity of the flowers found on the new possession, he called it Florida.

Alabama is named from an ancient Indian tribe of the Mississippi Valley. The name itself signifies "here we rest."

Olio takes its name from the river on the west of the State, which is from the Wyandotte Indian dialect, o-ka-uh, and means, "something great."

Low is named from the river of that name; the river from the lowly Indians.

Missouri was also named from a river. The word is from the Indian Min-neo-shay, meaning "great river."

The name Wisconsin is of French-Indian origin. It was formerly spelled Ojibwa, meaning "we are the men."

Illinois is derived from the Delaware Indian word, "Illin" or "Lini," meaning "real man," and the soft French termination "ois," meaning "we are the men."

Indiana is named from an ancient Indian tribe of the Mississippi Valley. The name itself signifies "here we rest."

Louisiana was called in honor of Louis XIV of France and was formerly applied to all the French Possessions in the Mississippi Valley.

The word Arkansas is of Indian stock. A tribe of Indians, who had rebelled against the Spaniards, were called by the name of Arkansas, and the name of the river was derived from them.

Arkansas is named from the name of the river. The name is of Indian origin, meaning "shallow river."

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Hawaiian Gazette Supplement, Jan. 17, 1883.

Supreme Court of the Hawaiian Islands. In Banco. His Majesty Kalikahu and Her Majesty Kapulani vs. G. W. Karamanah et al. In Equity. Before Justices J. C. McCall and Austin J. J.

The question in this case comes before the full Court by consent, on a demurrer to the bill of Complaint. The bill alleges in substance that the defendants, except D. K. Pyle, are the heirs at law of William L. Moehenu, late of Honolulu, deceased, that in the year 1848 or thereabouts the said Moehenu married one Karamanah who died intestate without issue in 1849; that letters of administration were issued upon her estate to said W. L. Moehenu on the 23d day of March 1852. That said Moehenu died in September 1858 leaving behind any accounts as such administrator and never having been discharged from said trust.

That said Karamanah was seized and possessed in her life time of the tract of land in the bill described by virtue of the Will of her late husband, and that she and her heirs, in the year 1848, that said Karamanah, in her life time, filed her petition before the Land Commission praying that her title in said lands be confirmed by an award, that after her death an award was issued upon her and her heirs being No. 6432, a copy of which is filed and made part of the bill of Complaint; that three Royal Patents have been issued upon portions of said premises which are described in the said bill being the same, numbered 2589, 6940 and 7038, copies of which are filed and made part of the bill of Complaint; that the words "and W. L. Moehenu" were fraudulently and erroneously inserted in the name of said Karamanah in certain portions of said award referring to said lands described in the said bill, but not in other parts of said award.

And the plaintiffs allege that the plaintiff Her Majesty Kapulani is the grantee and now holds all the title of Karamanah and her heirs, as to the lands described in said bill, and at the time of said grant the grantee was the sole surviving lineal heir of said Karamanah.

That the defendants, except D. K. Pyle, falsely pretend that they are entitled, under said award, to possession of said lands which they hold and retain in favor of said W. L. Moehenu deceased. Whereas the plaintiffs charge that said W. L. Moehenu was not a party, in interest before said Land Commission and offered no evidence before them in support of any claim of title on his part, and that the words "and W. L. Moehenu" which they insert in said award were fraudulently and erroneously inserted, without right, and in violation of law. Whereas the plaintiffs claim in accordance with their allegations.

The defendants deny and seek in substance that the bill entitles the plaintiffs to no relief, that they cannot recover because of lapse of time and want of diligence in presenting their claim, and that the statute of limitations has run upon the plaintiffs claim.

The award which concerns the land described in the bill bears date Sept. 17th 1851. Karamanah died in the year 1849. Under the statute of 1848, c. 38, Sec. 2, Moehenu, at the time of her death, had possession of all her lands as her husband. When appointed administrator of the estate of her late husband on the 23d of March 1852, there was an award in his favor for the lands in the complaint described, bearing date Sept. 17th 1851. This was equivalent to a judgment in his favor.

See *King vs. Nanihala and Kahina*, *Kawa and Her's R. p. 228-9-40*.

Kalika vs. Donna, *1st Her's R. p. 42*. *Kalika vs. Gail*, *2d Her's R. p. 54*. *See Kane vs. Perry*, *3rd Her's R. p. 103*. *Kalakaohala vs. Kahina*, *4th Her's R. p. 182*.

The plaintiffs' counsel however argues that there was not an affidavit in favor of Moehenu at all because he was not a claimant before the Land Commission, and no evidence was offered in his favor. The bill alleges that Karamanah filed a petition in her life time praying that her title in said lands be confirmed by an award. That after her death said award 6430 was issued in her and her heirs. It is not stated that any new proof was taken after her death, and yet the situation of the property was changed. We are not to assume, after this lapse of time that the Land Commission had no authority for issuing the award they actually did issue. It was undoubtedly an award in favor of Moehenu. The failure to record evidence to confirm it does not vitiate it, although if the question were opened it would be possible against it. Moehenu is dead, if he were he might be able to explain it.

The plaintiffs claim that by the appointment of Moehenu as administrator of her late husband's estate, she became trustee of her lands for her heirs, and never relinquished the trust and that therefore, his possession up to the time of his death was not adverse to her heirs the plaintiffs' grantor. If she were so as to make her, by her, it is plain we think that by taking administration he did not intend to acknowledge any land to belong to his wife's heirs which was then awarded to himself.

A possession to be adverse must be under a claim of title against all the world. See *Kalika* at p. 44. *Orville and husband*, *5th Hawaiian Reports*, pp. 708-74. *Opinion of Justice J.*

We think the award and Moehenu's possession under it constituted an adverse possession as against the heirs of Karamanah. The bill shows Moehenu's possession to have continued from the death of his wife to his own death, more than thirty years after. Possession adversely continued is presumed to continue adversely so long as maintained. *Boggs vs. Trinity Church*, 4 Sand. Ch. R. 523, 728. 1 *Greenleaf's Ev. Sec. 41*.

The plaintiff's claim that after Moehenu became administrator his possession was not adverse.

See also *Washington on Real Property*, vol. 2, p. 458. We think the case at law is stronger than this. Moehenu, as we have said, appears by the bill to have never admitted a trust as to the lands in the complaint described. The award constituted an open and consistent reputation of any trust. We think it is a notice to the plaintiffs' grantor, and to those under whom she claimed, that he claimed the possession as owner.

The plaintiffs further claim that Moehenu's possession was never adverse because of fraud and error in the award as alleged. We think this is not so. We believe the law to be well settled, that the circumstances that the title claimed was void, or commenced in fraud of law, does not detract from the force of adverse possession maintained under it.

See *Hartshorn vs. The Federalist Press*, *10 Conn. R. 455*. *Boggs vs. Trinity Church*, 4 Sand. Ch. R. 523, 728, above cited.

The plaintiffs further claim that as Statute of Limitations cannot be taken advantage of by a demurrer. We will think the plaintiff's error in this line.

They in his Equity pleadings say that the Statute of Limitations may be taken advantage of by a demurrer, in equity as at law, when it appears on the face of the bill. See 503, Note 1, *Statutes* 184 and 254. He further says: "The policy of the law is to give speed and repose to titles. After great lapse of time and long peaceful possession equity asserts its right not to interfere."

It is also *Story's Eq. Jur. Sec. 1329*.

We think all the facts regarding to establish thirty years adverse possession in Moehenu and his heirs appear on the face of the bill.

The plaintiffs' counsel also with some degree of subtlety and another had *How's R. p. 228* as an authority alluding to the bill to exempt the award. In this case the award was issued February 18th 1852 and the Royal Patent on it was May 14th 1853, and the bill was filed March 25, 1860, only nine years after the award.

The court say they will not allow evidence of adverse possession prior to the award and that it is not justified that any more time.

See *King vs. Perry*, *3rd Her's R. p. 103*. The language quoted indicates that if the proofs had been as here the defense would have prevailed.

But the plaintiffs' counsel says this award was not a deed, as to this case, the statute does not begin to run until the discovery of the fraud, and that the bill does not allege the time of the discovery, so the full time of the statute may not follow run. It may continue the Statute of Limitations "enlarged" in cases of fraud. In England the statute begins to run in cases of concealed fraud from the time when with reasonable diligence the fraud might have been discovered.

Story's Equity Jurisprudence, Sec. 1321 A. 2. In our statute of Limitations there is no such enlargement of the time. The limitation is twenty years. No disability of Karamanah's heirs is alleged in the bill and therefore time is presumed to run.

It is said they were frauds, and that the family relationship of the parties and the unwillingness to have a contention with the husband Moehenu who was a petty thief and Hawaiian criminal may be taken into account in explaining the delay in being suit. This argument assumes knowledge of the fraud, if any, and would be properly provable in satisfaction of delay if the statute had not run, but not now.

We think as we have said that the heirs of Moehenu must be presumed from the facts alleged in the bill to have had knowledge of the nature of the award from the time it was made.

His continued possession of the lands after the death of her wife was evidence of the nature of his claim, that possession was never questioned in his life time, and could not be so questioned now. See *Perry on limits*, Sec. 228, vol. 1.

The Statute of Limitations fully ran long since. We have examined all the authorities cited by the plaintiffs' counsel and under the law of this Kingdom, we think the plaintiffs' claim cannot be maintained.

The demurrer is sustained with leave, however, to the plaintiffs to amend the bill in two days from the date of this decision, and if they do not so amend, then let judgment absolute for the defendants be entered with costs.

Hon. E. Proctor and Mr. Hays for plaintiffs, J. M. Davidson for defendants. Honolulu, January 12th, 1883.

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Steel Rails
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BARKS KALE, AND IOLANI, FROM BREMEN,
Consisting in part of the following:
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Merinos, black and colored, 4 qualities
Raggs, Calicoes, Alpaca, Italian Cloth, and
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SUCH AS
Fancy Prints, Twenty-Five New Styles,
Printed Satinets, Pompadours, Flannels, Ginghams, Victoria Laines, Swiss Stripes, Fancy Striped Grasscloths, White Silk Japanese, Twills, Serges, Poppins, Satin and Mohair, Black and Colored Velvets,
FINE SILKS,
Black, Grayish, Fancy, Colored and Striped, Velvets, Crepes, &c.
TAILORS' GOODS:
Barkskins, Diagonals, Tweeds, Cordes, Serges, Satins, Doanins, Customers, &c.
A Splendid Assortment of Shirts,
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Merino and Cotton Undershirts, White House Shirts, and Blouses, Socks and Stockings, Handkerchiefs, Handkerchiefs, &c.
A LARGE INVOICE OF CLOTHING
Fine Black Cloth, Frock Coats and Pants, Doublet Suits, Pants and Suits, Felt, Mohair, Drill, Flannel Suits and Pants, Boys' Suits and Children's Jackets, Sweater and Sailor-Jackets, L. M. Vests and Leggings, Carpet Slippers, Silk and L. C. Underwear and Parasols, Money and Travelling Shirts, Cotton and Turkish Towels, White and Fancy Quills, Foot Staps and Travellers Carpeting.

BLANKETS:
Heavy Blankets, White and Fancy Blankets, Fancy Striped Woolen, Two sizes, Scotch, Orange, White Woolen, and 4 points, Turkish, Tape, Elastic, Scarfs, &c., Silk and Velvet Ribbons, Patterns for Hats, Coats, Pants, Dresses, &c.
PERFUMERY, FLORIDA WATER,
Genuine Eau de Cologne, India's Extracts, Toilet Soap, Hair Creams, Hair Oil, Cosmetics, Mirrors, Looking Glasses, Eyes, L. L. India, Hair-pencils, Black Hooks, Albums, Guit Lead, Jewelry, Watches.
VIENNA FURNITURE:
Parlours, Arms, Dining Room and Parlor Chairs, Settees, &c., Sofas, Calabans, Giras, Stumps, Leathers, &c.
CRATES OF ASSORTED CROCKERY,
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SUGAR & RICE BAGS
Of all sizes and quantities,
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GROCERIES:
1. Macaroni, 12 half and quarter boxes, H. and P. Macaroni, Salt in jars, Caddy Oil in Tins, Strained Castles, 1, 5 and 6, Macaroni, Coconut Oil, Wash Blue, Hubbard's Lined Palm Oil, H White Lead, White Zinc Paint.
LIQUORS:
Dr. Ligon Oil and Bouteilles of Brandy, and other liquors,
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There were more than 100 States in the Union—enthusiastic men of women who had made it a success, and it is said to have been inspired to see the crescendo of enthusiasm, not only among these, but among those

...southern boundary. The word is from the Wyandotte Indian dialect, o-ha-uh, and means, "something great."
Iowa is named from the river of that name; the river from the lower Indians.

Men White and Brown Cotton Hair-Rose, Ladies' Hose, Men's Ready-made Clothing, India Rubber Coats, Caps and Leggings, Bogatta and Woolen Shirts, Blue and Grey Horse Blankets, White Cotton Rhinoceros

Supreme Court of the Hawaiian Islands. In Banco.

His Majesty Kalakaua and Her Majesty Kapulani vs. G. W. Keawamani et al.

Before Judd C.J., McCully and Austin J.J.

Opinion of the Court by Austin J.

A jury was waived in this case and it came before us in the first instance by consent in vacation, upon an agreed statement of fact.

It is an action of ejectment to recover the possession of certain land situate at Puulena, Manoa, District of Kona in the Island of Oahu, described in Royal Patent 7283 on land Commission Award 6450 to Kaunohou (w).

The plaintiff claim to recover, for Her Majesty Kapulani, as grantee of the lineal descendant of the heir of Kaunohou. The defence is a general denial, and the statute of Limitations. The agreed statement of facts is as follows:

The premises named in plaintiff's complaint were awarded by Land Commission Award No. 6450 to Kaunohou (w); that said Kaunohou died in the year 1849 without issue leaving her surviving husband W. L. Moeohou; that said Moeohou took out Letters of Administration upon the estate of said Kaunohou, March 13th, 1852; that said Moeohou died in the year 1878 never having filed any accounts as such Administrator, and never having been discharged from said trust; that said defendants are the heirs at law of said Moeohou, and are in possession of said premises; that Kahanaauwa: Kanoa (w), is the nearest blood relative of said Kaunohou, now living; Kiwai was the father of Kaunohou; Ke-kialono was the mother of Kaunohou; Kiwai by Heleino had a daughter Kanoa who was the mother of Kahanaauwa; Hanou: was the mother of Kahanaauwa; Hanou: that the plaintiff, Kapulani, has purchased said premises from said Kahanaauwa Kanoa; and now holds all the title of the latter thereto.

It is admitted Hanou was living in Honolulu when Kaunohou died. It is also agreed, by and between the parties to this submission, and admitted that, the record and proceedings in the Probate Court in the matter of the estate of Kaunohou (w) of March 13th, A. D. 1852, and also the Record in the estate of Moeohou, more especially the claim of His Majesty Kalakaua, filed May 9th, 1882, and proceedings thereunder in said record, and the record and proceedings in the two suits in ejectment, wherein Kapulani, Queen Consort, is plaintiff, and Keawamani et al. are defendants, filed respectively in March, A. D. 1881, and February, A. D. 1882, be made part of the record of submission for the consideration of the Court.

It is also admitted that W. L. Moeohou was in possession of the lands in dispute, forming the estate of Kaunohou from the 13th of March, A. D. 1852, and that he and his heirs have continued in possession thereof, to the present time, excepting the land of Kalii at Waikiki, of which plaintiff claim to have been in possession since the month of May, A. D. 1882.

From these facts we think it must be presumed that Her Majesty the plaintiff is the grantee of the lineal descendant of the lawful heir of Kaunohou. The illegitimacy of her grantor or her ancestors is not to be assumed unless clearly proved, and there was no such proof.

The substantial question in the case is whether the defence of the statute of limitations is made out.

Under the agreed facts, it must be assumed after the marriage of W. L. Moeohou to Kaunohou in 1848 that by force of the statute of 1846, he took and held possession of the land claimed, as her husband and that he held possession thereof at the time of her death, and thence till his death in 1878; and that thereafter his heirs held and now hold the possession thereof. If this possession after the death of Kaunohou, was adverse to the plaintiffs, their right of entry was long since tolled, and they cannot recover.

The plaintiff claims that by virtue of the appointment of Moeohou as administrator of the real and personal estate of Kaunohou his wife, he became a trustee for the plaintiffs and those under whom they claim and that thereafter he remained their trustee till his death, and that, therefore, his possession of the land was never adverse to, but was in accordance with the plaintiffs title.

It is a familiar principle that a trustee will not in general be held to take any larger estate than the nature of his trust requires.

See 2 Washburn on Real Property, p. 496.

If the administrator was such trustee and was thereby entitled to the possession of the property in suit, it was only temporarily, and for the purposes of paying debts and subject to this duty the heir was entitled to immediate possession, and to the receipt of the rents and profits. If the heir were in possession at the death of the ancestor, we feel sure that the law would not allow the administrator to oust him from the possession, except upon petition before the Probate Court showing the necessity of selling the property to pay debts. In the proceedings in the Probate Court in this case no such petition was made, nor was any indebtedness shown, and the proofs show that there no personal property. W. L. Moeohou was in possession when he applied to be made administrator, what he then claimed to be the nature of his possession, and what trust he then intended to assume, are to be determined by what was then said and done.

The petition for administration and the proofs in probate are part of the record in the case and are as follows:

Honolulu, Jan'y 2nd, 1882.
To the Hon. Wm. L. Lee,
Probate Judge.

The undersigned hereby prays to administer (or settle) the estate real and personal of Kaunohou my wife who has died in Honolulu, leaving no written Will, but the day she died she left by word of mouth in my presence and in the presence of some other persons, all her property to which she had any right, to me her husband. This is what I ask of you. Respectfully,
W. L. MOEOHOU.

SUPERIOR COURT.—MARCH 13th, 1882.
In the matter of the Estate of KAUNOHOU.

Present.—W. L. Lee, Chief Justice, H. Rhodes, et al.

Kapua, sworn, says:—I knew Kaunohou the deceased; she lived at the King's

palace; she is now dead; she died I think in 1840; she died of a "mai maoli," an internal disease; I was present and saw her die; I lived with her a great many years; she had a land (an ili) called Aipulena in Manoa Valley; she had entered a claim in Land Comm'n; she had two ilis in Kalia called Mokuani and Nihaun 2; she entered claims for them; the Ahupuaa of Kaha-papa on Molokai; she had no personal property but her clothes; she had a little house lot in Lahaina, at Molokai; W. L. Moeohou was her husband; she has no brothers or sisters or parents; Moeohou is her heir, and no one disputes the property with him; there was a dispute with Alexander Liholiho about two house lots but Moeohou has relinquished them; she made no Will to my knowledge; I did all her business but never heard of her having made any Will.

A. Paki, sworn, says:—I knew Kaunohou; she is now dead; she lived in Honolulu sometimes with the King; she died sometime in 1849; Moeohou is her heir; I have heard of no dispute to the property; I have never heard of her having made any Will, except by word of mouth; the property is as stated by the former witness.

No person appearing to oppose the application the Court did order letters of administration to be issued to W. L. Moeohou, without filing Bonds.

(Signed) HENRY RHODES, Clerk Supr. Court.

Letters of administration issued in usual form.

The petition was presented and considered February 15th, 1882.

These papers are conclusive that he then claimed as heir of his wife.

Kapua, the first witness in Probate swears, that Kaunohou has no brothers or sisters or parents, that "Moeohou is her heir and no one disputes the property with him."

This shows him to have been then in possession claiming as heir.

By the agreed facts we are now bound to say that Kaunohou then did have a sister living whose lineal descendant was the plaintiff's grantor, but the above proofs show that Moeohou disputed that fact, and claimed to be owner of the whole in his own right.

The petition shows that Moeohou said that Kaunohou on the day of her death made a verbal will in his favor.

Prior to the enactment of the organic laws of 1846 a verbal will might be made.

See estate of L. H. Kanin 2nd Haw'n R. P. 82-84.

In that case a verbal will was established in favor of his present Majesty Kalakaua. But we think that when Kaunohou died a verbal will was no longer valid.

See Stat. Laws 1846, pp. 249-50 Sec. 1, Laws 1847 p. 35 Sec. 3.

It is however evident that when Moeohou accepted the administration he was in possession openly claiming to be heir of Kaunohou and to be entitled to the property in dispute, as owner, against all the world. This claim, and the petition and proofs then made, characterize and qualify his acceptance of letters of administration, and show that he was not trustee for the plaintiffs, or their grantor and that he never acknowledged the existence of any such relation.

The probate proceedings are matter of record. The sister of Kaunohou, who was then living in Honolulu, and under no disability, must be presumed to have had notice of those proceedings and of Moeohou's claim to the title. After a trustee denies a trust his possession is deemed adverse.

See Washburn on Real Property Vol. 2 p. 436, Perry on Trusts Vol. 2, Sec. 864. Moeohou not only denied the trust; he never admitted it, and it may be properly inferred that he took the administration because he believed it would aid his claim of title as sole heir and it was his assertion of it in Court. He expressly denied the title of all other heirs. An administration so taken cannot possibly be construed into an admission of other's rights.

A possession adversely commenced is presumed to continue adverse, so long as maintained. Bogardus vs. Trinity Church, 4 Sand. Ch. p. 683, 733. 1 Greenleaf's Ev. Sec. 41.

When the administration was granted, the possession of Moeohou was adverse. This condition continued unless taking administration was an abandonment of the character of the possession, and we think we have shown that it was not. See Jackson vs. Sears, 10 John R. p. 455.

The circumstance that the title claimed was void or commenced in fraud of the law does not detract from adverse possession commenced under it. See Bogardus vs. Trinity Church, 4 Sand. Ch. R. p. 739. Harpending vs. The Reformed Protestant Dutch Church, 16 Peters R. 455.

Even though Moeohou claimed under a verbal will or claimed as heir without any reason for it, his claim was none the less adverse on that account.

For these reasons we hold that an adverse possession of thirty years is made out, and that the defence of the Statute of limitation is established.

Let judgment absolute for the defendants be entered with costs.
Hon. E. Preston and F. M. Hatch for plaintiffs; J. M. Davidson for defendants.
Honolulu, January 12th, 1883.

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