

COMMERCIAL.

There is a little or no change to report in business circles during the week. Business is reported very quiet about the streets as well as on the water front.

The receipts of sugar during the week, August 30-31, from the islands at this port were: 15,823 bags; rice, 1,578 bags; paddy, 1,887 bags; live stock, 431 head; hides, 243; lumber, 5,040 ft. together with a variety of produce, in small quantities, comprising cord wood, tarry, wax, coira, bananas, molasses, brains, and some 200 other sundries.

The shipments to foreign ports during the week were to the value of \$58,428.33. Under arrivals, besides the regular mail steamers, we have had the St. Lucie and Mary Winkelman.

The following is Williams, Diamond & Co's latest circular, per Australia on Tuesday last: SAN FRANCISCO, August 19th, 1897. SUGAR.—Since July 15th, the date of our last circular, there have been the following changes in the prices of the local Refiners. On the 19th ult., all grades of the American Refinery were advanced 1/4 cent per lb. This was followed by the California Refinery with an advance of 1/4 cent per lb.

Table with columns for American Refinery and California Refinery, listing various grades of sugar and their prices.

On the 23d ult., the California Refinery advanced another 1/4 cent per lb., which was followed by the American Refinery with an advance of 1/4 cent per lb. and Power and Co. on Granulated A, per lb., and on the 25th ult., the price list of both Refineries has been quoted as follows:

The two Refineries maintain independent lists, and the American Refinery lists ready sales for its product at the advanced prices. This can only be accounted for by the fact that the California Refinery has not sufficient stock to supply the trade.

On the 21st inst., the California Refinery advanced another 1/4 cent per lb., which was followed by the American Refinery with an advance of 1/4 cent per lb. and Power and Co. on Granulated A, per lb., and on the 25th ult., the price list of both Refineries has been quoted as follows:

On the 23d ult., the California Refinery advanced another 1/4 cent per lb., which was followed by the American Refinery with an advance of 1/4 cent per lb. and Power and Co. on Granulated A, per lb., and on the 25th ult., the price list of both Refineries has been quoted as follows:

Wells, Miss M. R. Wells, F. W. Burchard, J. White, H. M. Alexander and wife, J. H. King, children, Ching Sing, A. Sam, M. Louison, Mrs. M. Kewill and two children, Sing You, J. Goldstein, Mrs. F. E. Atwater, H. P. Baldwin, C. L. White, E. H. Bailey, J. J. Jones, C. MacDonell, Mrs. H. F. Hobbard, C. B. Miles, Mrs. A. Bolster, J. P. Scholten, Mrs. F. Schimmel, Miss Deborah Lyle, Master Lyle Logan, Master Wm. Lyle, Mrs. Mary Rose, Ah Yang, A. Laine, J. M. Honoe, A. L. Olsen, Ya Yamato, and two children, Kia Nahnoleina, and 116 deck passengers.

From San Francisco, per steamship Australia, Aug. 28—Mrs. S. N. Bishop, Fred S. Nowlan, Miss L. Napoleon, Mrs. Fuller and child, Misses Fuller, John Dyer, Dr. Haedike, Dr. Passavant, Mrs. G. W. Wilford, Mrs. D. Center and family, Miss Allen, W. R. Castle and family, Mrs. C. M. Hyde and son, W. L. Stage and wife, Mrs. J. T. Dunne, Miss S. Beckley, Theron Nye, Allen Herbert, Mrs. W. D. B. Smith and sister, Mrs. Captain Hamilton, and 57 others.

From Hawaii and Maui, per steamer W. G. Hall, Aug. 23—Rev. J. D. Dana, Mrs. Dana, Miss Dana, Maj. W. H. Cornell, Maj. Sam Parker, Rev. W. C. Merritt, Mrs. Merritt, Miss M. Payson, Rev. S. E. Bishop, Dr. J. A. Whitney and two children, J. E. McDonald, J. S. Leake, W. R. Cuthbert, Hon. H. Kuhlmann, D. Foster, A. A. Todd, D. M. Smith, J. F. Mackenzie, Mrs. H. Cornell, J. B. Mounsratt, Miss L. Rose, Mary J. Richardson, R. M. Fuller, A. Wall, V. A. Acheong, R. T. Wilton, Mrs. A. Love, Mrs. Leclair, and 36 deck.

Per Iwalaui, from Hanalei, Aug. 24—Henry Rogers and Annie Horner, A. Atkinson, and 26 deck.

From Honolulu, per C. R. Bishop, Aug. 26—Hon. H. A. Wideman, Alex. Young, Mrs. A. B. Fernandez, Miss Davis, Miss Eva Fernandez, Mrs. Cox, and 18 deck.

From the Colonies, per steamship Alameda, Aug. 26—S. Brown, T. B. Walker, H. Rummel, H. Poor, Miss B. G. Roberts, D. B. Nichols, J. S. Webb, and 114 in transit.

Per Casapelo, from San Francisco, Aug. 27—Mrs. L. B. Kerr and child and Miss L. Everque.

From Maui and Hawaii, per Kiana, Aug. 27—W. H. Brodie, J. F. Candler, C. Fairman, and wife, A. F. J. J. H. Townsend, Rev. W. B. Olson, W. H. Holmes, W. C. Wilford, D. E. Williams, C. N. Spencer, H. Deacon, Dr. John Brodie, Miss Moore, Bro. Bertram, Mrs. H. Turton, Mrs. S. Macy and child, Apol, Miss E. Van Norden, W. Hasse, wife and 2 children, and 28 deck.

From Kanae, per Mikahala, August 28—H. F. Glade, C. Borchgrevink, Norman Hillbert, H. Flor, Anna Munden, Bessie Munden, W. A. Hardy, J. H. Kaine and son, G. H. Dole, Mrs. Dole, Walter Dole, Herbert Dole, Mrs. Kait and child, Mrs. Kester, J. Munden, H. W. Robinson, Miss Haipo, Miss Anderson, Miss Appleton, Miss Meyer, J. Long, C. Long, 5 Children, and 64 deck.

Per Kanae, per steamer Wahiawa, Aug. 27—W. F. Hoppe and wife, A. Sharpe, F. Gardner, F. Purdy, Father Sylvester, and 50 deck.

Per Mikahala, from Kanae, Aug. 26—G. N. Wilcox, A. S. Wilcox, Miss Lewis, Miss Sorenson, Miss Clara Dole, Miss Emily Dole, Ah Sing, Chan Fook and 2 boys, W. E. Rowell, D. Debon, L. Turner, J. Hay Wodehouse Jr, and 36 deck.

Per Kanae, per Hilo and way ports, Aug. 27—Miss L. Victor, Mrs. Alexander, Mrs. H. and 3 children, Mrs. Andrews, Miss Lyman, Kopt and 3 children, Ah. Tai, H. P. Baldwin, Rev. W. B. Olson, R. Bycroft, Mr. Montano, Mr. Wilson, Mr. Bailey, F. S. Dodge, L. Asie, Dr. Brodie and wife, Akon, Mr. Daniels and child, C. Atone, J. Ross and wife, O. H. Baldwin, Kimo Pake, and about 15 deck.

Per Kanae, per Samoa, Aug. 24—John Taylor, Lillian Stanford, R. H. McKay, and 14 in transit.

From San Francisco, per W. S. Bowne, Aug. 26—W. Ellerbrock, Miss Morris, Miss Katy Kelly, E. Anderson, Mrs. Anderson and two children, B. Mortensen and three children.

From San Francisco, per Alameda, Aug. 27—Rev. Dr. Beckwith, Samuel Parker and wife, Mrs. H. F. Wells, Miss M. Wells, J. A. Louson, J. M. Louson, J. M. Louson, J. M. Louson, H. M. Alexander, E. F. Newton, E. W. Barnard and wife, W. H. Cornell and son, J. H. Lake, Major A. H. Hayley, D. Foster, Mrs. Cooper, J. S. Wright, E. F. McCleskey, John Ryon, E. McDade, Thos. Weeder, M. Christian, M. H. Howe, M. Silva, Chas. H. Clark, H. F. Weber, Thos. Patterson, Mrs. Patterson, J. Gill, J. H. Congdon, C. B. Carter, Egn, and 114 in transit.

The bark Lilian, Captain G. B. Holland, sailed for Samoa on Wednesday. She took 30,000 feet assorted lumber, 9,000 corrugated iron, and a lot of miscellaneous merchandise, the whole valued at \$125,000, and 17 passengers, of whom 14 were Chinese.

The steamship Australia, Captain H. C. Hoadley, left San Francisco August 16th, at 2 p. m.; first 24 hours strong northwest breeze, with moderate sea; thence to port light easterly to southern point of Hawaii, smooth sea and light weather; last 24 hours passing showers; arrived at the dock Honolulu, at 11:30 a. m. Tuesday.

The schooner Rosario arrived August 24 at Kanae, Maui, 15 days from San Francisco. She had 50 bags and general merchandise, consigned to P. N. Makoa, A. F. Hoppe, Weber & Co., F. L. Soble, Wing Wo Tak Co., C. H. Decker, Wahiawa Sugar Company, Crystal Soda Works, Hoppe & Mondell, and A. Barnes. She will probably sail today, in ballast, for Papeete.

The S. S. Alameda, Capt. H. G. Morse, from Sydney to San Francisco, sailed before Saturday morning with 36 passengers from Honolulu and 114 in transit. She took a cargo of 1,000 boxes bananas, valued at \$18,000, by sundry shippers; 2,997 bags sugar, valued at \$16,000, shipped by C. Brewer & Co.; and sundry other articles; together with 4,572 pigs to transit. Total value of shipments from this port, \$36,327.

register not only those who apply, but also those whom they may find qualified. And it also seems to me that it is the duty of the Board to place upon the register all such persons who may apply for that purpose, and who shall if required by the Board, make oath that they are possessed of the necessary qualifications.

I will, for the present, pass over the second objection and consider the third, which raises a very important question.

It was contended by the Attorney-General that the law, by which I understand is meant the regulations, confers upon the Board of Inspectors a judicial and discretionary power to place upon the register the names of such persons only as the Board may consider entitled to vote, and having so decided, however wrong such decision may be, it cannot be reviewed by this Court, and that having in their discretion and as their judgment decided that the petitioner was not qualified, that decision was final.

Many authorities, which it was contended sustained this view, were cited, and in particular, Freeman vs. Selection of New Jersey, 34 Conn., 414. In which case it was held that as the Constitution of that State provided that "the electors, and town clerk of the several towns shall decide on the qualifications of electors, at such times, and in such manner as may be prescribed by law," the Constitution had made those parties the sole judges of the qualifications of electors and therefore a writ of Mandamus could not issue.

I do not think that this decision, or the authorities cited, apply to the case before me.

Our Constitution has no such provision, neither do the regulations contain any such or similar provisions. I cannot agree with the contention made on behalf of the respondents, that if the Inspectors will not place upon the list, the name of a voter properly qualified, and thereby deprive him of his right to vote, this Court cannot interfere. I think that it is competent for and the duty of the Court to compel the Board to insert the name of any person legally qualified to vote, upon the register of voters, on the refusal of the Board to do so—by this register I mean the list provided for by regulation 14.

In the case of Thompson vs. Montgomery and others, Inspectors of Elections for Honolulu, (1870) Hartwell J., issued a mandamus to compel the Board to place the name of the elector upon the register of voters, notwithstanding that the Board had held that the elector was not qualified by law, and I would, without hesitation, make a similar order in this case, if I considered the petitioner was properly before the Court, as I am of opinion that the duties of the Board in making up the alphabetical list under regulation 14, are purely ministerial.

If any name is improperly on the list, the regulations provide for a revision and for the striking off such name.

I will now turn to the second objection, which I feel compelled to sustain.

I deem it to be absolutely necessary that the petitioner should state in his petition the title of the petitioner to the right claimed; this may be done under a general allegation that the petitioner is legally qualified and entitled to vote for nobles for the district, although it would be much better if the petitioner should state specifically his qualifications.

This the petitioner has not done, he has not stated his right generally, neither has he stated that he possesses the qualifications required by the Constitution.

The allegation is that he is a native Hawaiian and a resident of Honolulu, over twenty years of age, that he has taken the oath required by law for registration as a voter for representatives and registered as such in the 5th ward—that he presented such certificate to the respondents and requested to be enrolled as a voter and deposited on oath that he had received the prescribed income for the prescribed time required by law as a qualification to vote for nobles, and that he was in receipt of an income of \$600 per year.

The Constitution requires these qualifications for a voter:

- 1. That he shall be a male resident of the Hawaiian Islands of Hawaii, American or European birth or descent.
2. That he shall have attained the age of twenty years.
3. That he shall have paid his taxes.
4. That he shall have caused his name to be enrolled on the list of voters for nobles for his district.
5. That he shall have resided in the country not less than three years, and in the district in which he offers to vote not less than three months immediately preceding the election at which he offers to vote.
6. That he shall own and be possessed in his own right, of taxable property in this country of the value of not less than \$3,000 over and above all incumbrances, or shall have actually received an income of not less than \$600 during the year next preceding his registration for such election.
7. That he shall be able to read and comprehend an ordinary newspaper printed in either the Hawaiian, English or some European language.
8. That he shall have taken an oath to support the Constitution and laws.

For the purpose of registering and voting at the ensuing election he three years residence in the district, and the payment of taxes, by which I understand taxes due and payable, are still necessary qualifications.

It will be seen that regulation 10 only refers to the evidence required as to payment of taxes and does not, as it could not, dispense with the constitutional requirement.

The petitioner, as will be seen from the foregoing remarks, has not brought himself within the requirements of the law.

He is not deprived of his vote, as he may yet apply for registration and will, if he proves his qualification to the Board, no doubt, be placed upon the revised list.

Counsel for petitioner asked leave to amend, if I should be against him on the second ground, but I do not think it is a case in which an amendment should be allowed. This is an application for an extraordinary remedy and should have been perfect in the first instance. I cannot, therefore, give leave to amend.

The matter was important and the respondents have been defended by the Government, and I therefore, do not award costs against the petitioner. The petition is dismissed.

PROF. DANA'S VISIT TO THE CRATER!

KILAUEA IN GREAT ACTIVITY. Professor Dana of Yale College, has just returned from a visit to the Volcano of Kilauea. He was accompanied on this trip by Mrs. Dana, Miss Dana, Professor Merritt of Oahu College, Mrs. Merritt, Rev. S. E. Bishop, Dr. Whitney, Mrs. Whitney and children, Miss Payson, and Mr. J. S. Emerson of the Government Survey.

This is the second visit to Kilauea by this eminent scientist. He was geologist of the United States Exploring Expedition under Commodore Wilkes in 1840. His visit at the present time was for the purpose of making a special study of the volcano with a view to publishing a history of it.

After the famed collapse of Halemauana on the 7th March, 1886, surveys were made by the government survey officers, first in April when the crater was entirely empty there being no fire and no smoke, and next in October when the fire had returned and the crater had begun to manifest considerable activity. These surveys have been carefully mapped and Professor Dana now takes with him the new maps and diagrams.

Mr. Emerson, one of the party named above was interviewed by a representative of the GAZETTE, and the following interesting facts elicited.

Very great changes have taken place in the volcano since 1840. At that time it was described as a lake of the 1,000 feet in diameter. In general, the bottom of the crater descends from several hundred feet, as it were, filling up.

The present activity though considerable is slight compared with what it was forty-seven years ago. At the present time the volcano is, however, quite active. Two lakes of fire are easily visible, and the fire eruptions take place at two other points. The greatest activity is found in a little lake situated in the western side of Halemauana. This fiery lake is estimated to be about 175 by 150 feet in diameter. The depth of the lake below where the party stood looking down into it was about ten feet. The lake is the main lake to which visitors resort. There are other smaller lakes which are of less interest. The party visited it in the daytime and saw the molten matter in the cauldron always in motion. It was seemingly pouring in from some unknown source. This lake is closed at parts by a great mass of stone, the center of which is seemingly the source of all the fiery lakes great and small situated about it. The explorations were not able to look down into this cone. The cone was so covered with sulphurous vapors that it would be very risky to go on it, although a plank had been laid across it and it was not absolutely inaccessible. The native stated that Mr. Severin had been on the cone taking photographs. The current seemed to have a south-westerly set from the central cone. It would dash against the eastern side of the lake into a great mass of stone which was looking the spray, consisting of molten lava, dashing up at times some fifteen feet high, but much less than seen by Mr. Emerson, some twenty years ago, and very much less than seen by Professor Dana 47 years ago. There were five or six of these fiery lakes about parts of the crater and it was noticed that all the activity was near the margin.

On Thursday, the 18th, a member of the party visited the lake at night. The sight was very much more impressive than by day. It was very brilliant. The most remarkable thing noticed in addition to what had been seen by day was that at various points around the edge of the lake, all saw flames shooting up with colors suggestive of the presence of sulphur. The existence of these flames has been questioned by persons interested in the volcano; and many were positively told in addition to what had been seen by day was that at various points around the edge of the lake, all saw flames shooting up with colors suggestive of the presence of sulphur. The existence of these flames has been questioned by persons interested in the volcano; and many were positively told in addition to what had been seen by day was that at various points around the edge of the lake, all saw flames shooting up with colors suggestive of the presence of sulphur. 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