

Evening Bulletin

With which is Incorporated the "Independent."

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HONOLULU, H. I., TUESDAY, JULY 2, 1895.

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THE Evening Bulletin

With which is incorporated the INDEPENDENT.

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

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Does all kinds of Work in

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He has on hand a large supply of Chinese Granite Curb and always keeps Hawaiian Curbing Stone. Estimates given and lowest prices assured. Telephone 333.

INDIGESTION And Liver Complaint CURED BY USING Ayer's Sarsaparilla

Mr. T. J. CLUNE, of Wallerville, S. Australia, writes: "Six years ago, I had an attack of indigestion and liver complaint that lasted for weeks; I was unable to do any hard work, had no appetite, food distressed me, and I suffered much from the action. My skin was



yellow and thin, and I lost much weight. I tried several remedies, but failed to get a doctor, without obtaining a prescription for one of my customers, I procured Ayer's Sarsaparilla, and after taking 45 bottles, I was completely cured, and resumed my usual and healthy life.

Ayer's Sarsaparilla

Has cured others, will cure you. Made by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

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Practical Confectioner and Baker,
No 71 Hotel Street.
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WHOLESALE AND RETAIL

Japanese Goods!

206 Fort Street.

The SINGER Received

54 First Awards for SEWING MACHINES and EMBROIDERY WORK at the World's Fair, Chicago, Ill. being the largest number of award, obtained by any Exhibitor, and more than double the number given to all other Sewing Machines

B. BERGERSON,
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Direction of - - - FRANK L. HOOGS.

In response to many requests the management has decided to give one more concert.

ALEXANDRA BREITSCHUCK MARQUARDT

Harp Soloist.

AND

JOHN MARQUARDT

VIOLINIST.

— WILL APPEAR —

To-Night! To-Night!

An attractive programme will be furnished.

Reserved seats will be on sale this morning at 9 o'clock, at the Hobson Drug Company's store.

THE LEGISLATURE.

THE SENATE OCCUPIED WITH THE NEW LAND BILL.

The Power of the Land Commissioners to be Restricted. Notes from the Lower House.

SIXTEENTH DAY JULY 2ND.

THE SENATE.

Yesterday afternoon was devoted to the consideration of the Land Bill on the second reading. The first twelve sections were discussed and passed with a few amendments, the most important of which makes the Land Commissioners to be appointed by the President subject to the approval of the Senate instead of the Cabinet.

The Senate was occupied this forenoon in considering the land bill as amended by the House. There was a full attendance.

THE REPRESENTATIVES.

Minister Smith, on the opening of the House, stated that President Dole wished to be furnished with printed copies of all bills introduced in the House.

A letter from the clerk of the Senate was read, announcing the election of J. A. Kennedy as a member of the Council of State.

Mr. Bond said that, in the report of the education committee presented yesterday, an item of \$750 for a school house on Maui was omitted. He moved the item be added to the recommended appropriation of \$13,650.

Mr. Richards reported that the bill appropriating \$12,000 for this special session of the legislature had been presented to the President for his signature.

Mr. Robertson gave notice of a bill to regulate the acquisition of rights of way over the lands of others. He also read a first time his bill relating to the importation of alcohol and spirits for medicinal purposes.

The bill relating to Chinese immigration passed third reading unanimously.

Mr. Robertson denied the right of the Speaker to vote.

Speaker Naone held he had the right under a rule of the House which said "a majority of all elective members of the House" was required to pass a bill on third reading.

Mr. Robertson quoted another rule that said the Speaker could not vote except to decide a tie or when a ballot was taken.

The question was referred to the committee on rules.

Mr. Richards resigned from the sanitary joint committee.

At 11 a.m. the House adjourned till 10 a.m. tomorrow.

Five leading grocery firms announce closing on the fourth.

"Aloha oe" and "Like no a like" at the concert to-night.

Co. G, under Captain Henry Kais, will turn out on the Fourth of July.

There will be another meeting of the Council of State at 4 o'clock this afternoon.

Judge Hartwell left this afternoon for a vacation to Kauai, taking his daughter with him.

J. A. Wilder and a party of friends left on the Claudine this afternoon for a trip to Haleakala.

Charles Murray, son of the Councillor of State, has accepted a berth in the tax-assessor's office.

HE GOES BACK TO JAIL.

SUPREME COURT DECISION ON THE HABEAS CORPUS CASE.

Justice Frear Delivers the Opinion Refusing the Writ to Prince Jonah Kalaniana'ole.

At 10 o'clock this morning the Supreme Court opened after a few days' adjournment. Jailer Low produced Prince Kalaniana'ole, commonly known as "Prince Cupid," in court. The prisoner was attended by his counsel, Paul Neumann. A. M. Brown, Deputy Marshal, was present, also attorneys W. A. Kinney, who was Judge Advocate of the Military Commission, J. A. Magoon, E. Johnson, J. K. Kahookano, W. L. Stanley and others. Dr. Joseph Cook of Boston sat in the jury box and appeared to take a profound interest in the proceedings. "Cupid" was dressed in a plain and halfworn woolen suit.

Chief Justice Judd asked Mr. Brown if he was the only representative of the government present.

Mr. Brown answered, "I believe so, Your Honor."

The Chief Justice then announced that the decision of the Court in the matter of a petition for a writ of habeas corpus on behalf of Prince Jonah Kalaniana'ole would be delivered by Mr. Justice Frear.

Justice Frear opened with a story of the insurrection of January 5 and succeeding days, the arrest of the petitioner and his sentence, on conviction of misprision of treason by the Military Commission, to imprisonment at hard labor for one year and to pay a fine of one thousand dollars.

His Honor recited the chief ground of the petition, namely, that the Military Commission was an illegal body. He quoted the provision, in the constitution of the republic, for the proclamation of martial law, saying that it was not peculiar to this country. Its reason lay in the doctrine of public necessity. Great Britain had instituted martial law in Ireland at different times, and the government of the colony of Jamaica had also resorted to it. A large number of cases were cited from the British and American books to prove that martial law was in the power of the governments in grave public exigencies. One decision was that the power was held by the President of the United States without the concurrence of any other authority. It had been a question whether the President or the Congress had the "dangerous power," and the authorities agreed that either the President or the Congress had it. The courts had generally refused to review the authority of the executive to declare martial law whenever it was deemed necessary, as in the case of the Rhode Island rebellion of 1842. Cases arising out of the great rebellion in the United States were also cited to sustain the position taken, namely, that the civil courts can afford no redress for alleged wrongs committed under martial law.

The court pointed out a distinction between military rule and martial law. All the conditions under which martial law might be proper would be hard to define. What might have been appropriate in the time of Napoleon might not be so today. This court was not prepared to go so far as Judge Hare of the

United States, in saying that what was done under martial law could not be reviewed by the civil courts, even where an abuse of authority had taken place. Instead they preferred to take an English decision that limited the review of the civil courts to inhumanity resulting from the action of martial law.

As to whether misprision of treason was a crime under the laws of this country which was under the jurisdiction of a military commission, the Court said it was so regarded in American and English law. To the argument that a military commission had no jurisdiction to try civilians in a time of peace, it was held that the necessity for martial law did not always cease with the termination of actual hostilities.

It was deemed unnecessary by the Court to consider the argument that the military commission had no jurisdiction for an offense committed before the outbreak of war. There might be misprision of treason after as well as before the outbreak.

Regarding the question as to the jurisdiction of the military commission while the civil courts were declared, by the proclamation of martial law, to be open for ordinary business, the Court held that matters arising out of a serious insurrection were not to be classed as ordinary business.

The last point considered was whether the President had the power to delegate his authority to the head of the military commission. In answer the Court said that the President could not be everywhere at the same time, and anyway he had signed all the judgments of the military commission. There being no reason for surrendering the prisoner, the writ was denied, and the prisoner remanded to the custody of the jailer.

Paul Neumann for the petition; A. S. Hartwell for the respondent.

President Dole entered the courtroom as the reading was concluded, and obtaining the document sat down to read it.

COUNCIL OF STATE.

First Meeting of the Third Branch of the Legislature.

Yesterday afternoon the Council of State assembled in the chamber of the House of Representatives. There were present: President Dole, presiding; Ministers Smith and Damon, Councillors C. Brown, G. W. Smith, John Nott, P. C. Jones, W. C. Wilder, D. L. Naone, J. U. Kawanui, A. G. M. Robertson, T. B. Murray, J. A. Kennedy, J. Mendonca, C. Bolte, John Egan, M. P. Robinson and O. M. Cooke.

Mr. Smith was appointed secretary of the meeting.

On motion of Minister Smith the President appointed Councillors Brown, Naone and Robertson a committee on rules.

President Dole announced the business as the consideration of a list of pardons he would submit. He left it to the Council to decide if the session should be secret.

Minister Smith advocated and moved that the business be considered with closed doors. The motion carried unanimously. Marshal Hitchcock and W. A. Kinney were asked to continue their presence.

James F. Morgan sold the old two-story wooden building on the Waikiki side of Alakea, near King street, at auction today for removal. Wing Chong Tai bought it for \$77. A house of worship for the Christian Church is to be erected on the site.