

Masonic Temple Weekly Calendar MONDAY: Oceanic—Stated. TUESDAY: Hawaiian—Second Degree. WEDNESDAY: Honolulu Third Degree. THURSDAY: FRIDAY: SATURDAY: All visiting members of the order are cordially invited to attend meetings of local lodges.

Meet on the 2nd and 4th Mondays of each month at K. P. Hall 7:30 P. M. Members of other Associations cordially invited. MARINE ENGINEERS' BENEFICIAL ASSOCIATION. HAWAIIAN TRIBE NO. 1, I. O. R. M. Meets every first and third Tuesday of each month in Fraternity Hall, I. O. O. F. building. Visiting brothers cordially invited to attend. W. J. ROBINSON, Sachem. E. V. TOLSON, C. of R.

HONOLULU LODGE, 616, B. P. O. E. Honolulu Lodge No. 616, B. P. O. E. Meets in their hall, on King Street, near Fort, every Friday evening, 7:30 P. M. Visiting brothers cordially invited to attend. D. P. R. ISENBERG, R. R. GEO. T. KLUGGEL, Sec.

M. McKINLEY LODGE, NO. 8, K. of P. Meets every 2nd and 4th Saturday evening at 7:30 o'clock in K. of P. Hall, cor. Fort and Beretania. Visiting brothers cordially invited to attend. E. F. KILBEY, C. C. E. A. JACOBSON, K. R. S.

OAHU LODGE NO. 1, K. of P. Meets every first and third Friday at 7:30 o'clock, Pythian Hall, corner Beretania and Fort streets. Visiting brothers cordially invited to attend. S. DECKER, C. C. O. HEINE, K. of R. & S.

HONOLULU AERIE 140, F. O. E. Meets on second and fourth Wednesday evening of each month at 7:30 o'clock, in San Antonio Hall, Vineyard street, near Emma. Visiting brothers are invited to attend. GEO. A. DAVIS, W. P. WM. C. MCCOY, Secy.

MILTON & PARSONS are showing a complete line of SUMMER AND FALL MILLINERY. Also the latest novelties in Feathers, Flowers and Band Trimming. Hotel Street - Opposite Young Hotel Phone 3083

VISIT THE Mary-Ann Bonnet Shop

NEW TRIMMED HATS BEAUTIFUL SELECTION NOW ON DISPLAY. MISS POWER'S Boston Building - Fort Street

ON Saturday MRS. F. S. ZEAVE, at her rooms in the Young building, will open up a new line in Shirtwaists, Coats and Novelties received ex S. S. Lurline.

Manila and Madeira Embroidered Shirtwaists Collars, Cuffs and Handkerchiefs Baby Pillow Slips MISS WOODARD'S, FORT STREET

K. UYEDA 1027 Nuuanu Street HOLIDAY SALE BEGINNING JUNE 3 All the Hats at Reasonable Prices

Weekly Bulletin \$1 per year.

TERRITORY MUST REPAY LICENSE

(Continued from Page 1) ment is ambiguous and doubtful, is the decision of the Supreme Court as handed down this morning. The case was that in which George E. Smithies, acting as assignee of some of the claimants, brought suit against the treasurer when he refused to pay over the amount of the claims. There were two points on which the latter based his refusal—first, that there was not enough money appropriated by the Legislature to pay the claims and that the act did not state whether they were to be paid in the order in which they came or pro rata; second, that although the title of the bill stated what the money was for, the body of the bill did not.

Under Act 143 of the last Legislature appropriated \$20,000 for the repayment of money wrongfully collected as merchants' licenses, which amounted in all to \$53,000. Twenty-seven thousand dollars of this represented payments that had been made after June 14. Of this amount G. E. Smithies was assigned \$18,928.75, the balance owing to several people. The treasurer refused to pay the claims when they were made and stated as his grounds for doing so that although the title of the bill expressed the purpose for which it was passed, the body of the bill did not state pro. or did it appear from there as to whether all should be paid or what should be done.

The Supreme Court gave its decision as follows: "Every reasonable view which may be taken of the language used in a statute should be resorted to in order to save the act from invalidity, and if it is capable of a restricted construction which would avoid conflict with the fundamental law, that construction should be adopted.

Neither the title of a statute nor its preamble may be used to control the provisions in the body of the act, but may be resorted to where the language of the enactment is ambiguous and the intent doubtful."

The second point raised by the treasurer was that the amounts claimed were in excess of the amount appropriated and the law did not say whether he was to pay pro rata or in the order in which they were claimed. The Supreme Court in its decision on this point lays down as follows: "Under Act 143 of the Session Laws of 1911, claims should be paid in the order of their presentation till the fund is exhausted, the appropriation being insufficient to pay all the claims presented."

A. A. Wilder and A. L. C. Atkinson (Thompson, Wilder, Watson & Lymer and A. L. C. Atkinson on the brief) for plaintiff; E. W. Sutton, deputy attorney-general (Alexander Lindsay Jr., attorney-general, with him on the brief) for defendant.

PERSONALITIES

BILLY REED of Chanslor & Lyons, San Francisco, is visiting in Honolulu on a business trip.

EX-GOVERNOR FORT, who recently visited Hawaii, predicts that Hawaii will be the next new State.

GOVERNOR FREAR is living at one of the private hotels of the city while his family is away on the mainland.

HUGH HOWELL, former county engineer of Maui, now resigned to go into private business, is in Honolulu for a few days.

CHIEF OF DETECTIVES McDUFFIE went down to Pearl City this morning on official business. He will return this afternoon.

C. J. SCHOENING, the popular automobile man, who has established a business for himself at Wailuku, is in the city. He will return to Maui Friday evening on the Claudine.

H. J. KIMIE, a mainland newspaper man and writer, is numbered among the passengers who arrived in the Matson Navigation steamer Honolulu. He proposes making an extended stay in the islands.

MR. AND MRS. FRED WALDRON, at one time manager of the Volcano House, returned from a pleasant visit to the mainland. They arrived in the Matson Navigation steamer Honolulu this morning.

MISS MARIE EHRHORN, and her brother Edward Ehrhorn, who have been visiting their sister, Mrs. Arthur James, and other relatives in San Francisco, are coming back to their home here. They were largely entertained on the coast.

MR. AND MRS. W. G. OGG, of Kona are in the city for a brief visit, having arrived in the Mauna Loa, and propose returning to the big island in the same vessel, which sails for windward Hawaii ports on Friday.

BAYARD HYDE-SMITH, of San Francisco, who has been visiting in Europe, is coming to Honolulu shortly to join his mother, Mrs. Hyde-Smith, and they expect to spend a large part of the winter visiting the Dillinghams.

WILLIAM JOHNSON, one of the principal owners in the distressed American schooner Sailor Boy, now lying at anchor in Honolulu harbor was an arrival at the port this morning as a passenger in the Matson steamer Honolulu. Mr. Johnson comes here in response to urgent cables from Captain Erratt, who has passed the matter of settling the claims against the schooner to the owners.

Furniture and Piano Movers

City Transfer Co. - Phone 1281 JAS. H. LOVE

Shipping TORRENTIAL RAINS DAMAGE KAUAI IRRIGATION SYSTEM

Inter-Island Steamer Hall Brings Last of Garden Island Sugars—Honolulu From the Coast With Fair List of Passengers—Claudine Returned From Maui and Hawaii Ports—Rough Weather at Many Island Ports.

Seventy or more feet of ditch and flume used to convey water to Kealia plantation on windward Kauai was damaged and carried away during the height of a storm which continued for a period of several days.

Torrential rains are reported to have fallen along the windward portion of the Garden Island, according to information received through the officers in the Inter-Island steamer W. G. Hall, which returned from Kauai ports this morning.

Considerable damage is said to have been done to many irrigation ditches and flumes, but especially so at Kealia. Lihue sugar mill will complete the season's grinding with the close of the week according to advices received here today.

The Hall met with a lot of rough weather on the homeward trip. In addition to a small list of cabin and deck passengers, the vessel brought 3416 sacks sugar, a quantity of empties, 29 sacks coconuts and 35 packages sundries. The vessel will be held over here pending the arrival of the Oceanic steamship Sierra from the coast with mails and express matter.

Matson Boat Well Laden With Freight Reporting a fair trip down from San Francisco, the officers in the Matson Navigation steamer Honolulu stated this morning that the Lurline was the only vessel sighted during the voyage.

The Lurline was passed at midnight and while within sight of the Hawaiian islands, The Honolulu came alongside Hackfeld wharf before 8 o'clock this morning and work immediately commenced in the discharge of about two thousand tons cargo for this port. It is the intention to dispatch the vessel for Hilo and Kahului at noon tomorrow. For Hawaii the vessel carries 3400 tons freight with a small shipment to be left at Kahului. On deck there arrived sixteen head horses and mules. Twenty-nine passengers left the steamer at this port. The local postal officials received 89 sacks of later mainland mail. Purser P. H. Levey, a new officer in the ship, arranged a number of pleasing entertainments for the passengers. Levey is also a clever wireless operator and he carried on communication for a distance of over eleven hundred miles on this trip. The officers in the Honolulu report that Charles Stutz, a well known chief steward in the Matson service, is to join the ranks of the beneficiaries with the close of the year. Stutz it is said will take to himself a dashing San Jose society girl. The popular steamship man is in line for a number of handsome gifts from his host of friends in the Matson service.

Three Vessels at Hilo. There were three deep sea vessels discharging or loading cargo at Hilo during the stay of the Inter-Island steamer Claudine at that port. The schooners S. C. Holmes and Prosper were discharging lumber at railway wharf while the American-Hawaiian freighter Alaskan was taking on the last of a large shipment of sugar destined for Salina Cruz. The Claudine met with heavy swells from the north accompanied by much rain as the vessel steamed along the Maui coasts. Purser Kibbling reports fine weather from Lahaina to Honolulu. The vessel returned this morning with a fair list of passengers and a list of freight including dogs, horses, 3 autos, 4 barrels tallow, 12 barrels wine, 22 bales wool, 73 sacks corn, 14 crates chickens, 97 hogs, 3807 feet lumber and 128 packages sundries.

Without indication of a compromise, the findings of the Bishop street commission are soon to be turned over to Governor Frear with the difference in opinion between the commission and Sullivan & Buckley still unsettled.

The commission held a meeting this morning to make a revision of the offer of the First National Bank, the revised offer being \$2000. Some other revision is to be made, and then the commission will report to the Governor on its efforts to settle with the property-owners affected by the extension of the street.

Sullivan & Buckley still hold out for \$100,000, and the commission declines to approve this amount. At the same time, the commission does not wish to recommend against it and thus perhaps block a much-needed improvement, and the matter may be decided in the end by Governor Frear himself.

FOSTER'S JOB CINCHED (Continued from Page 1) ed on the street and told that Foster had resigned. He said he hadn't heard of it, but that there were plenty more willing to take the job, mentioning Nicholson and "Bill" Larsen, foreman for Hustace-Peek Co. From this the report spread until it is said that Nicholson understood the opportunity was much more definite than it was.

The commissioners this morning also talked over the charges made by the Masters' and Pilots' Association and published in the Bulletin yesterday, but without acknowledging in the least that the association had been treated unfairly. Secretary Berndt said this morning that the commission has been practically insulted by the representative of the association.

RESULTS OF TENDERS FOR CAST IRON PIPES The working out of the tenders for the cast-iron pipes and fittings for the water mains were finished this morning. Honolulu Iron Works gets the cast-iron pipe, all sizes, and the fittings, all sizes. It is also to supply lead, hemp, meter boxes and curb cocks. Catton, Neill & Co. are to supply the 18-inch valves and corporation cocks. Hackfeld & Co. supply the hydrants, and the Honolulu Iron Fence and Monument Co. the 12, 8 and 6-inch gales.

Blank books of all sorts, ledgers, etc., manufactured by the Bulletin Publishing Company

TIDES—SUN AND MOON Table with columns for Date, High Tide, Low Tide, etc.

VESSLS TO AND FROM THE ISLANDS (Special Cable to Merchants' Exchange) Table with columns for Date, From, To, etc.

Wednesday, Sept. 27. SEATTLE—Arrived, Sept. 27: S. S. Virginian, from San Francisco. SAN FRANCISCO—Sailed, Sept. 27: 12:40 p. m.: S. S. Wilhelmina, for Honolulu. SAN FRANCISCO—Sailed, Sept. 27: 1:30 p. m.: S. S. Shinyo Maru, for Honolulu.

WIRELESS—Manchuria will arrive about 4 p. m. Thursday from Yokohama and sail for San Francisco about noon Friday, 1240 tons freight.

BISHOP STREET WORK UNSETTLED

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TAI LOY COMPANY MANUFACTURERS OF CHINESE JADE JEWELRY—GOLD AND SILVERSMITHS CORNER NUUANU AND HOTEL PHONE 3562

W. C. Peacock & Co., Ltd. Tel. 1704 Wines and Liquors Tel. 1704 Family Trade a Specialty Sole Agents Mont Rouge Wines Mumm's Champagne Schlitz Beer

MATTERS UP FOR LAND BOARD Several lease matters are to come before the land board at their meeting this afternoon, the reports from the sub-agents having been received by Land Commissioner Charles S. Judd. The meeting will start at two o'clock.

The matter of the lease applied for by the Hawaiian Agricultural company at Moaula and also for another lease at Palima were brought up at a previous meeting but were referred back to the agents. Thomas C. White now reports that the price of the lease at Moaula for which the company offer \$900 should be raised to \$1,143.80. The price on the Palima lease should remain the same.

Mr. Judd stated that he had been over the ground during his last trip and that the first named lease is a very good one but that the second one is way up on the cloud line and so far the company have only been able to grow one sort of cane there.

The Hutchinson plantation are offering \$75 for a lease of some land at Manuka. They want it for fifteen years. Agent White again reports that this should be made \$100 and the term only ten years. He also suggests that a clause should be put in the lease in regard to the protection of the forest that is there.

The land is grazing only and is under lease to the plantation at the present time. The Kailua land applied for by Hackfeld and Company will also come up this afternoon. Chairman Alfred Carter was to have made a report on this. The company want to erect a new store, but want to make certain of the land before they start in. The present building is in a very bad state.

Commissioner Kinney is also to bring in a report on his trip to Hilo and Lahaina an account of which was published in the Bulletin. Two unimportant land exchanges are to come up. One is in connection with the extension of Kuakini street and the other an exchange between the Territory and Atherton estate at College Hills.

The patents for the Alewa Heights are also being put through the land office at the present time the four years residence conditions having expired.

E. P. Ripley, president of the Atchison, Topeka & Santa Fe railroad, said that unless business conditions improve it will be necessary to reduce the 60,000 employees of the company.

Entered for Record September 26, 1911. Western & Hawaiian Investment Co. Ltd. to Catherine Lloyd. Maria A. Baptista and hsb to Umberto Comacho. W. H. Harbottle and wf to C. F. Peterson. E. L. Schwarzberg and wf to Yong In. William H. Harbottle and wf by atty to Yong In. Chun Wai Fat to William R. Castle, Jr. Mrs. Elizabeth K. Booth to Fong Yee Hop Co. M. Matsuoka et al to S. Masui. Luciana Larsen and hsb to Joe Rabello. Navelu and wf to Luciana Larsen. Mamoto Jinguo to Hilo Emporium Ltd. Oahu College by trs to Gdn of Alexander M. More. Pukalani Dairy & Pineapple Co Ltd to Central Mill Co Ltd. Myrtle Wolf and hsb to M. W. Tschudi. M. W. Tschudi and wf to Bank of Honolulu Ltd.

POSTMASTER SAYS MUST FULFILL REGULATIONS Referring to the discussion over the extension of the free delivery system, Postmaster Pratt said today: "It is a mistake to charge this or the inspector's office with lack of the matter of not extending free city delivery service in the established or to outside districts the residents of which fail or neglect to meet the requirements of postal regulations in respect to streets, sidewalks, street names, street lights, house numbering and erection of boxes."

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DYSPEPSIA is the curse of modern civilization. Eight out of every ten persons have dyspepsia in one form or another. The only absolute cure for dyspepsia and indigestion is Duffy's Pure Malt Whiskey.

Dyspepsia symptoms are a sense of burning in the stomach after eating, sometimes accompanied by heartburn, constipation, irritability, dull headaches. All these symptoms show that your digestive organs are out of order and you should take Duffy's Pure Malt Whiskey. It will cure dyspepsia. It is the greatest strength builder and tonic stimulant known to medicine. It attacks the seat of the disease, drives out the germs and rebuilds the weakened tissues in a healthy, natural manner. Write for free medical booklet containing rare common sense rules for health and testimonials, and doctor's advice. Sold everywhere. The Duffy Malt Whiskey Co., Rochester, N. Y., U. S. A.

ARRIVED Wednesday, Sept. 27. San Francisco—Honolulu, M. N. S. S. 6:30 a. m. Hawaii (via Maui ports)—Claudine, str., a. m. Kauai ports—W. G. Hall, str., a. m.

DEPARTED Tuesday, Sept. 26. San Francisco—Lurline, M. N. S. S. 6 p. m. Kauai ports—Klan, str., 5 p. m. Maui, Molokai and Lanai ports—Mikahala, str., 5 p. m.

MAILS. Mails are due from the following points as follows: San Francisco—Sierra, Sept. 29. Yokohama—Manchuria, Sept. 29. Victoria—Makura, Oct. 11. Colonias—Zealandia, Oct. 10. Mails will depart for the following points as follows: Yokohama—Shinyo Maru, Oct. 3. Vancouver—Zealandia, Oct. 10. San Francisco—Manchuria, Sept. 29. Sydney—Makura, Oct. 11.

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LOST. Grass auto hub cap. Return to 134 Beretania, Roward. 5042-94

BY AUTHORITY. SEALED TENDERS. SEALED TENDERS will be received by the Board of Harbor Commissioners until 2 p. m. of Wednesday, October 18, 1911, for constructing a SEA WALL, QUEEN STREET, HONOLULU. Plans, specifications and blank forms of proposal are on file in the Office of the Superintendent of Public Works, Capitol Building, Honolulu. The Board of Harbor Commissioners reserves the right to reject any or all tenders. MARSTON CAMPBELL, Chairman, Board of Harbor Commissioners. 5042-101

BROWN & ROBINSON Will Make Their Appearance at the EMPIRE TOMORROW (Thursday) EVENING Those who fail to hear them in their "Rollicking Cavaliers Act" will miss a rare treat. It will probably be a long time before two such singers will be heard again in Honolulu. Preparations are being made to give an unusually good show at the SAVOY Saturday evening.