

# THE INDEPENDENT.

Vol. X.

HONOLULU, H. I., SATURDAY, MAY 12, 1900.

No. 1507.

## Oceanic Steamship Company. TIME TABLE:

The Fine Passenger Steamers of This Line Will Arrive and Leave This Port as Hereunder.

FROM SAN FRANCISCO:	FOR SAN FRANCISCO:
AUSTRALIA.....MAY 9	AUSTRALIA.....MAY 15
ALAMEDA.....MAY 23	MARIPOSA.....MAY 25
AUSTRALIA.....JUNE 6	AUSTRALIA.....JUNE 12

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. Company.

## THE "AUTOMATIC" — IS —

### Wilex & Gibb's Light Running Sewing Machine

Knife edge bearings make the treadle rock silently and without friction.

### OIL IS NEVER USED.

It is the only silent machine, and by far the lighter running. For sale at the Household Department, Bethel Street.

### THE PACIFIC HARDWARE CO., LTD.

### Good Air. • Good View. • Good Health.

A Special Invitation is extended to Everybody to visit Honolulu's most delightful residence site,

### PACIFIC HEIGHTS.

**Via Maxima** KAIULANI DRIVE—Aptly termed, the Via Maxima or Grand Boulevard, and in itself an artistic piece of engineering—affords easy access to all points, as also scenic and marine views of exquisite grandeur at every turn.

**Electric Railway.** Contracts have been let for material, and the work of construction, equipping and installation placed in the hands of a competent electrical engineer to be fully completed by June 1st. Having an independent power plant we are prepared to furnish power for electric lighting, heating and other purposes, to our home builders at most reasonable rates.

**As Promised.** Our reservoirs are now completed and water mains laid so as to supply each lot. Permits for making water connections will be granted on application.

An inspection of the attractive homes now building, or the name of purchasers of lots, will convince anyone that PACIFIC HEIGHTS is the choicest and most select of all the residence sites of Honolulu.

For further information, prices, terms, etc., apply at office of

**BRUCE WARING & CO.,**  
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## Theo. H. Davies & Co., L'd

### SUGAR FACTORS,

— IMPORTERS OF —

### General Merchandise

— AND —

### COMMISSION MERCHANTS

Agents for Lloyds,  
Canadian-Australian Steamship Line,  
British & Foreign Marine Insurance Co.,  
Northern Assurance Co. (Fire and Life),  
Canadian Pacific Railway Co.,  
Pioneer Line of Packets from Liverpool.

#### An Important Decision.

Following is the syllabus of the decision of the Supreme Court in the case of C. K. C. Rooke vs. The Queen's Hospital and the Trustees of the Bishop Estate, and *vice versa*, as filed yesterday and mentioned by us:

"(1) At common law, including the early statute de donis, Emma (Queen Emma) would take an estate tail, in which case C. C. K. Rooke would take a vested remainder; but (2) Estates tail cannot exist in these Islands.

"(3) At common law, before the statute de donis, Emma would take a fee simple conditional, in which case C. C. K. Rooke would take by way of remainder, if a remainder could be limited on a fee simple condition, and, if not, he would take by way of executory devise,—the words 'without leaving issue' import a definite failure of issue and perhaps even if they import an indefinite failure of issue, and, if not, the heirs general of the testator would take the possibility of reverter; but

"(4) Fees simple conditional cannot exist in these islands.

"(5) Under Hawaiian Law, Emma would take either (a) a fee simple or (b) a life estate with (1) a vested remainder in the Prince or (2) alternate contingent remainders in the Prince and C. C. K. Rooke."

It is stated that the will of T. C. B. Rooke was dated Feb. 28, 1852. Emma married King Kamehameha IV., June 2, 1856, and gave birth to the Prince of Hawaii May 20, 1858. The testator made a codicil, changing one of the executors, May 29, 1858, and died November 28, 1858. Grace Kamaikani Rooke, (wife of T. C. B. Rooke) died soon after. The Prince died in 1862, the King in 1863, and Emma in 1885.

Under the will of the testator he bequeathed all his real and personal estate to his wife, Grace Rooke, to be used and enjoyed by her during the term of her natural life, and from and immediately after her decease he gave and devised the same to his adopted daughter, Emma Rooke, afterwards Queen Emma, to be used and enjoyed by her during the term of her natural life, and her children forever. But in case of her dying before the testator, or not leaving any issue, he then bequeathed the property as above to his nephew and godson, Creswell Charles Keene Rooke, and his heirs forever.

"In either case the words 'without leaving any issue' must be read in their natural sense, meaning without leaving any issue surviving and not in either of their artificial senses meaning 'without having had issue,' or importing an indefinite failure of issue.

"In either case the word 'or' must be read in its natural sense and not as 'and.'"

"In either case, therefore, upon the death of Emma without leaving issue surviving her, C. C. K. Rooke became entitled in fee simple in possession, by way of executory devise or remainder as the case might be." The exceptions to the order of the Circuit Judge overruling the demurrers in the first and sustaining the demurrers in the second of the cases which have been tried before the Supreme Court, are overruled, and the cases are remitted to the Circuit Court for such further proceedings as may be proper.

Magoo & Silliman for C. K. C. Rooke; A. S. Hartwell, Robertson & Wilder, Castle and Weaver for the Queen's Hospital; Kinney, Ballou & McClanshan and Holmes for the trustees under the will of Mrs. Bernice P. Bishop.

Kentucky's famous Jesse Moore Whiskey, unequalled for purity and excellence. On sale at any of the saloons and at Lovejoy & Co., distributing agents for the Hawaiian Islands.

#### Certificates of Deaths.

Following are the deaths recorded and not reported by us, for which burial certificates have been granted by the Board of Health, viz.:

#### TUESDAY'S RECORD.

Kiyo Yasui, Japanese, female, 19 years; born at Wakayama, Japan, and died on Hotel street, near Like-like, after one month's sickness, of typhoid fever; attended by Dr. Haida; Makiki cemetery.

Kamai, Hawaiian female, 80 years; born at Lahaina, Maui, and died in Manoa Valley, above Kamoihi i church, after six months' sickness, of senile debility; attended by Dr. Garvin; buried on a kuleana in Manoa Valley.

#### WEDNESDAY'S RECORD.

George S. Baker, part-Hawaiian male, 43 years; died in the Victoria Hospital, where he had been since the 1st, of phthisis; attended by Dr. Bowman; Makiki cemetery.

Keoloha, part-Hawaiian male, 3 months; born and died on Kawaiahaio street and Ward avenue, after four days' sickness, of dysentery; attended by Dr. Garvin after death; Kawaiahaio cemetery.

#### THURSDAY'S RECORD.

Rose Kahula, Hawaiian female, 20 years; born in Honolulu and died in lane off School street, near Waiakabalulu bridge, after seven days' sickness, of heart disease; attended by Dr. Alvarez; Pauoa cemetery.

#### War Department Advice.

WASHINGTON, May 3—Recent mail advices to the War Department from the Philippines indicate that the latest plan of the insurgents is to organize into mounted bands of 100 and harass the American forces wherever possible. These bands will be scattered throughout the islands, will be in daily communication with each other as far as possible by means of scouts, who will carry the orders to govern concerted movements and all information concerning retreats, reinforcements, etc. According to the Liberal, the organ of the Filipinos, a complete plain of military strategy will be drawn up "as a result of which the Americans will soon suffer."

It is reported that a strong insurgent camp is being organized in the Zmbeles mountains and that nearly all the towns of the provinces, whether occupied by Americans or not, continue to pay taxes for the sustenance of the Filipinos in arms and the prosecution of the struggle.

#### A Fight on Panay.

MANILA, May 3—A dispatch received here this afternoon from Iloilo reports that a desperate fight took place at Leambauo, in the center of the island of Panay. It appears that a reconnoitering party of the Twenty-sixth Infantry was surrounded and that four of the Americans were killed and sixteen others severely wounded were left on the field. The remainder had a narrow escape.

The dispatch adds that reinforcements were sent from Iloilo as soon as the news was received, whereupon the Filipinos retreated to their mountain strongholds.

When you want a back ring up 191. On that stand you will get a reliable and good driver, a fine back, and no overcharging.

Special bargains for the gentlemen Hats and Caps, Shirts, Collars, Cuffs and Neck Ties, for one week only, at L. B. Kerr & Co., Queen Street.

#### RING UP 82.

THE OLD BOYS ARE STILL to the front. The fire took the stables and the rats but the fine carriages and experienced drivers of the Hotel Carriage Co. are again on deck on the old stand, corner of Hotel and Richards streets, and will be on hand as soon as their patrons ring up 82.

## Wilder's Steamship LIMITED:

### TIME TABLE.

#### Stmr. KINAU,

FREEMAN, Master.

MOLOKAI, MAUI, HAWAII.

NOTICE—CHANGE IN SAILING OF STEAMER KINAU.

On and after Tuesday, Nov 6, the steamer Kinau will sail from Honolulu on Tuesdays at 12 noon, for Kaunakakai, Lahaina, Maunaloa Bay, Kihai, Makaha, Mahukona, Kawahae, Lualaba, and Hilo.

Returning will sail from Hilo every Fridays at 2 p. m. for above named ports, arriving at Honolulu on Saturdays.

Passengers and freight will be taken for Makaha, Mahukona, Kawahae, Hilo, Hahaione, Honolulu, Papahou and Pepee. Passengers and Packages only will be taken for Kaunakakai, Lahaina, Maunaloa Bay, Kihai and Lau, ahoeoe.

#### Stmr. CLAUDINE

CAMERON, Master.

MAUI.

Will leave Honolulu every Tuesdays at 3 p. m. touching at Lahaina, Kahlili, Mahiki Hana, Hamoa and Kipahulu, and returning, touches at above named ports, arriving at Honolulu Sunday mornings. Will call at Nuu, Kaupo, once every month.

#### Stmr. LEHUA,

BENNETT, Master.

MOLOKAI, MAUI, LANAI.

Sails every Monday for Kaunakakai, Kamalo, Maunaloa, Kalaupapa, Lahaina, Honolulu, Olowalu, Kona and arrives Honolulu Saturday mornings.

This Company reserves the right to make changes in the time of departure and arrival of its Steamers without notice and it will not be responsible for any consequences arising therefrom.

Consignees must be at the Landings to receive their freight; this Company will not hold itself responsible for freight after it has been landed.

Live stock received only at owner's risk. This Company will not be responsible for Money or Valuables of passengers unless placed in the care of Purser.

Passengers are requested to purchase Tickets before embarking. Those failing to do so will be subject to an additional charge of twenty-five per cent.

The Company will not be liable for loss of, nor injury to, nor delay in the delivery of baggage or personal effects, of the passenger beyond the amount of \$100.00, unless the value of the same be declared, at or before the issue of the ticket, and freight is paid thereon.

All employees of the Company are forbidden to receive freight without delivering a shipping receipt therefor in the form prescribed by the Company and which may be seen by shippers upon application to the pursers of the Company's Steamers. Shippers are notified that if freight is shipped without such receipt, it will be solely at the risk of the shipper.

C. L. WIGHT, President,  
S. B. ROSE, Secretary,  
CAPT. T. K. CLARKE, Port Sup't.

CLAUS SPRECKELS & WM. G. IRWIN

## Claus Spreckels & Co., BANKERS.

HONOLULU

San Francisco Agents.—THE NEVADA NATIONAL BANK OF SAN FRANCISCO.

#### DRAW EXCHANGE ON

SAN FRANCISCO—The Nevada National Bank of San Francisco.

LONDON—The Union Bank of London, Ltd.

NEW YORK—American Exchange National Bank.

CHICAGO—Merchants National Bank.

PARIS—Credit Lyonnais.

BERLIN—Fresenius Bank.

HONG KONG AND YOKOHAMA—Hong Kong & Shanghai Banking Corporation.

NEW ZEALAND AND AUSTRALIA—Bank of New Zealand.

VICTORIA AND VANCOUVER—Bank of British North America.

Transact a General Banking and Exchange Business.

Deposits Received. Loans made on Approved Security. Commercial and Travelers' Credit Issued. Bills of Exchange bought and sold.

Collections Promptly Accounted For

## Metropolitan Meat Co.

81 KING STREET.

G. J. WALLER, MANAGER.

Wholesale and Retail

## BUTCHERS

— AND —  
Navy Contractors.