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PACIFIC HEIGHTS FORECLOSURE

IMPORTANT DECISION HANDED DOWN THIS MORNING BY JUDGE ROBINSON.

A decision was handed down by Judge Robinson this morning in the petition of foreclosure of trust deed entered by William O. Smith as trustee under deed of trust against the Pacific Heights Electric Railway Company, Ltd., August Drier, Honolulu Rapid Transit & Land Company, Sister Albertina (known as Ellen Polyblank) as trustee for Stella K. Cockett, and C. S. Desky.

The suit was to foreclose a trust deed made by the Pacific Heights Electric Railway Co., to W. O. Smith to secure the payment of fifty first mortgage bonds of $1000 each payable in 20 years with interest at 6 per cent. Default was made in the payment of interest. The question of the sale of a cable to the Honolulu Rapid Transit & Land Co. and of a condenser to August Dreier also enters into the question. The decision runs thus:

'In regard to the sale of the cable and condenser I deem it expedient and proper applying a well known and long established principle of equity jurisprudence, that all of the remaining property first be sold and in the event that the price or sum realized therefrom be insufficient to pay and discharge the claim of the petitioner, then and in that event, that said cable and condenser be sold in inverse order in point of time, in which the sales were made.

"In my judgment the petitioner is entitled to the judgment and decree of this court as prayed for by him as to all that portion of the Pacific Heights Electric Railway included in said trust deed, being all of the property mentioned and referred to by him in his bill of complaint, save and except the rails, wire and hangers, together with the right of way, if any now forming a part of and incorporated in the so-called adjunctive railway connecting said Pacic Heights Electric Railway with Nuuanu avenue but that said cable and steam condenser be sold only in the event that the price or sum realized from the sale of the remaining property be insufficient to pay and discharge the claim of petitioner and then and in that event the said cable and condenser be sold in inverse order in point of time in which said sales were made.

"THE SPY."

"The Spy" production at the Opera House will be repeated next Saturday evening.

CHARGE OF ROBBERY.

Paul Kane and Hullmoku Kanio were arrested last night by Deputy Sheriff Albert McGurn on suspicion and today they were charged in the police court with robbery. Tom See a Chinese, claims that the pair stopped him on Gulick Avenue and one held a pistol at him and when he refused to surrender the money, they jumped him and beat him severely in the face. The fight took place in a field. He claims that they took $4.75 in cash from him. Several hats were left in the field during the encounter and these were found by the officer. The cases against the men were continue until November 25 by Judge Judd today.

CURTIS SMASHED A SCOW.

While docking at the Bishop slip yesterday on her arrival from San Francisco, the bark George Curtis smashed into a scow, breaking the scow.

SHIPMENTS OF TORPEDO BOATS

RUSSIAN SPIES SAID TO BE WATCHING THEM IN SEATTLE.

SEATTLE, October 25.—Intense excitement prevails along the waterfront over the report that a plot has been hatched by agents of the Russian government for the destruction of the nine Japanese torpedo boats which are now en route to Japan. For several days suspicious-looking characters have been been hovering about the Great Northern dock at Smith's cove, ostensibly for the purpose of watching for the arrival of the torpedo boats, which it is supposed will be shipped to Japan on the Nippon Yusen Kaisha company's Kanagawa Maru.

Yesterday the same person who was seen watching the Boston Steamship company's steamer Tremont, while she was loading at the Arlington, dock was seen at Smith's cove by Tom Morgan, a longshoreman of this city. At the time the Tremont was loading in this city, Morgan become familiar with the man in question, as he was for a number of days seen nosing about the wharf where the vessel was laoding.

One of the peculialities of the man noticeable at the time was that he always kept one hand in his side pockets. Shortly afterwards the cause of this was revealed. As the man jumped down from a box on the wharf it was seen that his left hand was terribly scarred. Since that time he has been known among the longshoremen as "The man with the scarred hand."

Yesterday while standing in the entrance of the Great Northern hotel, at Smith's cove, Morgan easily recognized the same man. Morgan says the man did not attempt to get within the gates of the dock knowing that he would have to give an account of himself if he did, but in the afternoon he was joined by a companion, who alighted from a Ballard car.

Finally, the man with the scarred hand drew a package from under his coat. Morgan, who had by this, time grown interested in the case and had followed the men, was within 50 feet of where they stood. He could plainly see every move they made. The package, which the man with the scarred hand gave to the other, was in a tin box about one foot in length and six inches wide. Morgan is firm in his belief that the men mean mischief, and thinks it is their intention to locate, if possible, the Japanese torpedo boats and destroy them with dynamite.

After talking for a moment both men returned to the car tracks, where they boarded the next car for Seattle.

The dock authorities scoff at the idea that the men intend harm, but they intend to keep a sharp lookout until the Kanagawa Maru sails for the Orient.

Chief Clerk J. W. Richardson, of the Great Northern dock, stated this morning that he was not aware of the presence of the men, and did not think any stringent measures would be taken. In regard to the torpedo boats, he said that if they were there, he did not know it. There are several shipments of steel consigned to Japan on the steamer Kanagawa Maru, but what the material is to be used for after it arrives in Japan he could not say.

The officials of the Nippon Yusen Kiasha company, owners, of the Kanagawa Maru, said this morning that while there were several shipments of steel, beside a number of consignments of iron to be forwarded on the vessels to Japan, they did not know of any Japanese torpedo boats.

"The consignments to be shippel to Japan on the vessel are just about the same that the vessel took on her last trip," said the local agent. "The bills of lading on which the material is listed call for structural iron. The iron and tseel is consigned to the different merchants of Yokohama and other cities of Japan, and as far as we know is merely for jobbing purposes."

Tom Watson says he doesn't expect to win. This makes it unanimous as far as the expectations concerning Tom figure in the case.—Chicago Record-Herald.

SUNDAY CLOSING PLEASES SHERIFF

SAID THERE WAS A GENERAL RESPONSE AND NO VIOLATIONS OF LAW OCCURRED.

"I was very much pleased," said High Sheriff Henry this morning, "over the way that the community responded yesterday in the matter of Sunday closing, and a general observance of the day. Prominent people have come to me and expressed satisfaction over the enforcement of the law. It seemed to the matter of the observation of Sunday that each man was waiting for his neighbor to take the lead.

"There were some modifications in the matter of the enforcement of the law, from the announcements first made. For instance, it was explained to me what the purposes of the Aquarium were. It was shown that that establishment can be classified under the head of an educational institution, so it was permitted to run and perhaps to take a small entrance fee. The restaurants and hotels were also permitted to keep open later than 7 o'clock during the evening, to serve meals for frequently there are people who could not eat so early and certainly they should not go without their meals.

"In the matter of base ball, I am opposed to any game where an admittance fee is charged or where any unusually noisy crowd congregates, but I see no harm in the boys getting together and enjoying healthful amusement with base ball on Sunday provided they go out where they will not disturb other people.

"The stores were closed during the day and no business was done. In spite of the fact that I had special officers detailed to go about the city and see if there were any violations, not a single case of violating the Sunday law appears on the police court calendar this morning. Many of the Chinese stores were no doubt noticed apparently open but business was not transacted. Those storekeepers live in the stores and had the right to keep their houses open but not to sell goods."

Throughout the city yesterday there appears to have been a general observance of the day. No baseball appears to have been played but large crowds took the street cars and enjoyed riding. Many Japanese and Chinese appear to have visited the Aquarium. The crowd at the band was not nearly so large as formerly.

The beach resorts were fairly well patronized, numerous bathers being in the water. The South Sea Island Curio store kept open until 6 o'clock when complaint being made, the place had to close. The store was permitted to keep open owing to the presence of the S. S. Miowera en route to the Colonies, in port. It is stated however that there were a number of passengers on the vessel anxious to spend considerable money but they were unable to find a place to part with their cash. The park at Kaimuki was open during the day.

There was pilikia for many a caller at the fish market yesterday morning, where the Sunday closing order prevented a number of people from getting supplies for the day. Inspector Berndt was on duty early, to see that the 9 o'clock closing orders were carried out and he did it thoroughly. The stall keepers were notified that they must be through by 9 o'clock, and most of them quit selling at half-past eight, to clean up and get out by nine.

By a quarter to nine all the stalls were closed. Several people came to the market and tried to buy fish, meat and butter and vegetables, but they were turned away. The stall-keepers were busy cleaning up and the inspector would not allow them to resume sales. When 9 o'clock came all were through, and the market was closed, promptly at nine for the first time since it opened in the present location. In a number of homes the expected Sunday fish or meat did not materialize.

RETURNS STILL FAIL TO COME

TWO PRECINCTS HAVE FAILED TO SEND OFFICIAL COUNT OF BALLOTS.

For some reason or other the returns from two precincts have not reached the office of the Secretary of the Territory. The two missing precincts are the Fifth of the Sixth and the Third of the First. These are at Koloa, Kauai and Hilo, respectively. The officers of the election responsible are P. McLean in Koloa and W. G. Kaihunui in Hilo. The records should come in by the next boats at the latest. Until these arrive it will of course be impossible to get the official returns of the election.

HONOLULU STOCK EXCHANGE.

Monday, November 21, 1904.

Between Boards: 5 Waialua, $60; 50 Kihei, $12; 5 Kihei, $12; 25 Kihei, $12; 50 Oahu, $100.

Stock.	Bid.	Asked
C. Brewer & Co.	$300.00	$.....
Ewa Plan. Co.	24.00	25.00
Haw. Com.	.....	74.00
Haw. Sugar Co.	28.00	.....
Honomu Sugar Co.	125.00	130.00
Honokaa Sugar Co.	16.25	18.50
Haiku Sugar Co.	130.00	.....
Kahuku	19.50	.....
Kihei Plan Co. o	11.00	13.00
McBryde Sugar Co.	4.00	.....
Oahu Sugar Co.	.....	100.00
Ookala Sugar Co.	3.00	6.00
Olaa Sugar Co.	3.75	.....
Paia Plan Co.	130.00	.....
Pepeekeo Sugar Co.	.....	130.00
Pioneer Mill Co.	120.00	125.00
Waialua Agr. Co.	60.00	65.00
Wailuku Sugar Co.	.....	300.00
Waimanalo Sugar Co.	.....	150.00
Wilder S. S. Co.	.....	101.00
Inter-Island S. S. Co.	100.00	.....
Hon. R. T. Pfd..NN	.....	100.00
Mutual Telephone Co.		19.00
Haw. Tel. 4s		97.50
Haw. Govt. 5s	100.00	
Haw. Sugar 6s		100.00
Hon. R. T. 6s		105.00
Kahuku Plan. 6s	100.00	.....
Oahu Railway 6s	104.00	.....
Oahu Sugar Co. 6s	100.00	.....
Paia Plan Co.	100.00	.....
Pioneer Mill 6s	100.00	.....
Waialua Co. 6s	99.00	100.00

SHIPPING INTELLIGENCE

ARRIVING.

Sunday, November 20.

Stmr. W. G. Hall, S. Thompson, from Kauai ports, at 3:40 a. m.

Stmr. Mikahala, Gregory, from Koloa, at 4:30 p. m.

Stmr. Noeau, Pederson, from Waimea and Makaweli, at 7:20 p. m.

Monday, November 21.

Stmr. Kauai, Bruhn, from Hamakua ports at 10:30 a. m.

DEPARTING.

Saturday, November 19.

Stmr. Noeau, Pederson, for Makaweli and Waimea at6 p. m.

Tuesday, November 22.

Stmr. W. G. Hall, S. Thompson, for Kauai ports, at 5 p. m.

Stmr. Kinau, Freeman, for Hilo and way ports, at noon.

Stmr. Claudine, Parker, for Maui ports, at 5 p. m.

Schr. Charles Levi Woodbury, Harris, for Hilo, at 5 p. m.

Monday, November 21.

Stmr. Kaiulani, W. Bennett, for Maui and Molokai ports, at 5 p. m.

Stmr. Noeau, Pederson, for Kauai ports, at 5 p. m.

Schr Lady, for Koolau ports, at noon.

Schr Kawailani, Uluanahele, for Koolau ports, at 2 p. m.

Schr Ka Moi, for Kohalalele, at 3 p. m.

PASSENGERS.

Arriving.

Per stmr. Mikahala, November 20, from Koloa: James McLean, Mr. Bissell, Charles Clapp.

MRS. NAKUINA PRESIDED.

Judge De Bolt's court presented an unusual sight this morning for in place of his honor, a lady was on the bench. This was Mrs. E. M. Nakuina who was sitting as Commissioner of Private Ways and Water Rights in the matter of the dispute between Harriet E. Wight and the Dowsett Estate and others over certain rights in the Nuuanu valley.

MARGARET CARTER ESTATE.

In the matter of the estate of Margaret V. Carter, the decree appealed from as to the removal of the executrix by Judge Robinson was reversed by the Supreme Court today and the case remanded to the circuit judge for further proceedings.

CHRISTMAS HINTS.

To those desiring photos for Christmas, we would advise an immediate appointment as time is getting short and our work is increasing. Also procure our 1905 calendar 50 cents each, ready for mailing at Rice & Perkins Photographers, Mott-Smith Building Hotel Street near Fort.

NEW ADVERTISEMENT

Extra

Mince, Cranberry, Apple and Pumpkin Pies, for

Thanksgiving Day

Delivered to any part of the city.

Hart & Co., Ltd
The Elite Ice Cream Parlors.
Order by Telephone, Main 182.

Extra Thanksgiving

MINCE PIES

Love's Bakery

ORDER EARLY.

GOODS DELIVERED.

For Thanksgiving

FINE MINCE AND FRUIT PIES AND FANCY CAKES.

Place your orders for delivery now.

ORIGINAL SINGER'S BAKERY
KING STREET.

BY AUTHORITY

TENDERS WANTED.

Tenders will be received at the Attorney General's Office till 12 o'clock noon, on Tuesday, November 29, 1904 for furnishing the Oahu Prison for one year, beginning on Thursday, December 1st, 1904, with the following supplies at such times and in such quantities as may be required.

The High Sheriff or such other officer as he may designate will make the requisition, and all supplies will be subject to his inspection and approval.

The contractor will be required to furnish suitable bond for the faithful performance of his contract. All tenders must be distinctly marked "Tenders for Supplies, Oahu Prison."

The Attorney General does not bind himself to accept the lowest or any bid.

LORRIN ANDREWS,
Attorney General.

Attorney General's Office, November 19, 1904.

Poi, pai-ai, per lb.
Fresh Meat, per lb.
Hard Bread Medium, (with case) per lb.
Fresh Bread, per loaf.
Salmon (red) per lb.
Tea, per lb.
Coffee, Kona, in bean, per lb.
Potatoes per lb.
Beans, (red or pink) per lb.
Rice, No. 1, per bag of 100 lbs.
Bar Soap, (brown) with case per lb.
Sugar, No. 1, per lb.
Milk, per quart.
Blue Denim, Amoskeag, 14 oz., per yard.
Canvas Nos. 2, 10 and 12, per yard.
Blankets, per pair.
Galvanized Iron Buckets, Nos. 13 and 14, per doz.
Yard Brooms, per doz.
Shoes, with buckles on sides, per doz.
California Wheat Hay, large bales, per ton.
Oats, per ton.
Sole Leather, per lb.
Onions, per lb.

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THE HENRY WATERHOUSE TRUST CO. LTD.
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Honolulu, Hawaii.

Notice to Creditors.

IN THE CIRCUIT COURT OF THE First Judicial Circuit Territory of Hawaii—At Chambers—In Probate. In the Matter of the Estate of William Francis Love, deceased.

Notice is hereby given by the undersigned James F. Morgan, Administrator of the Estate of William Francis Love, deceased, to the creditors of and all persons having claims against the said estate, to present their claims duly authenticated with the proper vouchers, within six months after the first publication of this notice to the said Administrator at his office No. 857 Kaahumanu street, Honolulu, Territory of Hawaii, the same being the place for the transaction of business of said estate.

JAMES F. MORGAN,
Administrator of the Estate of William Francis Love, deceased.

Dated at Honolulu, T. H., November 14, 1904.

Smith & Lewis, Attorneys for Administrator.

5ts—Nov. 14 21, 28, Dec. 5, 12.

DIVIDEND NOTICE.

EWA PLANTATION CO.

The Directors of this Corporation having declared a divided of 1½%, Dividend No. 89 is due and payable on Wednesday, November 30, 1904, to stockholders of record at the close of the stock-transfer books, Monday November 21, 1904 at 3 p. m.

Stock-transfer books will be reopened Thursday, December 1, 1904.

W. A. BOWEN,
Treasurer, Ewa Plantation Co.

Honolulu, November 19, 1904.

THE AQUARIUM
Now Open
AT
KAPIOLANI PARK

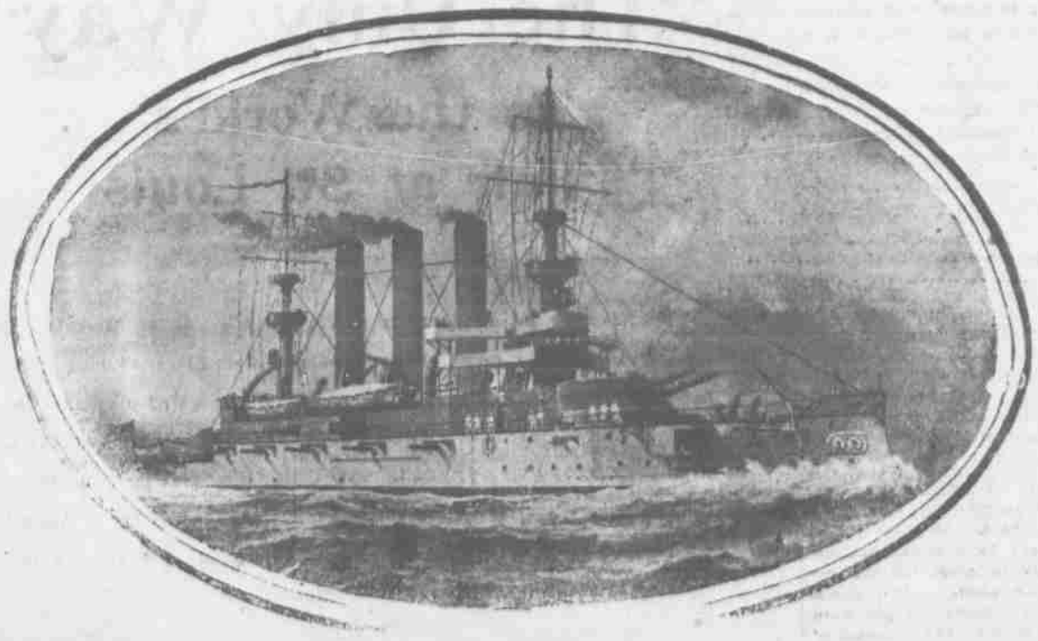
THE AQUARIUM WILL BE OPEN on Week days from 10 o'clock a. m. to 5 p. m. and from 7 to 9:30 o'clock p. m.

On Sundays it will open at 1 p. m. and close at 9:30 p. m.

ADMISSION will be FREE on Thursdays. On other days a charge will be made of 10 cents to adults and 5 cents to children under fourteen years of age.

THIS PAPER is kept on file at E. C. Dake's Advertising Agency, 64 and 66 Merchants Exchange, San Francisco, California, where contracts for advertising can be made for it.

LAUNCHED NOVEMBER 10



QUINCY, Mass., November 10.—The battleship New Jersey, built for the United States Government by the Fore River Shipbuilding Company, was successfully launched today, in the presence of a large number of guests, including Governor Murphy of New Jersey, Governor Bates of Massachusetts and former Secretary of the Navy Long. The battleship was christened by Mrs. William D. Kinney, daughter of Governor Murphy.