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DICK ON STAND TELLS OF NIGHT AT HULA JOINT

(Continued from page one)

endeavor to prove the shooting was premeditated. On re-direct examination, County Attorney Cathcart sought repeatedly but vainly to have the witness recite his conflicting statements, but Puahi seemed unable to understand the queries, constantly reiterating the words, "I didn't hear anything else but 'I'm going to get my gun'." The prosecutor finally gave up in despair at getting a satisfactory answer. Humor was injected into the hearing by Attorney Thompson, while County Attorney Cathcart was endeavoring to elicit from Puahi an opinion concerning the alcoholic con-

dition of Marshall on the night of the fracas. Thompson at first objected on the ground that Puahi was unable to describe the condition, and that it was a question which should be left to the jury to decide, the witness merely telling how he acted and the jury reaching its opinion from that. A moment later, however, when the prosecutor himself expressed a doubt as to one's ability to say precisely what stage of intoxication a man might possess, Thompson said: "In the navy four stages of intoxication are recognized—jocose, bellicose, lachrymose and comatose." Puahi said that Marshall was noisy, talkative and evidently had taken too much liquor. He said, in answer to queries, that he did not know Marshall's companions, Startup and Drew, but did know the defendant in the present case, because Marshall had been to the dance hall on previous occasions.

W. R. Dick, called by the prosecution, testified he is cashier for the J. G. White Engineering Company, which is engaged in erecting the Marconi Wireless Company's plant at Koko Head. He had known C. R. Guertler about three years and had been working under Guertler's direction here, as the latter was superintendent of the local construction.

He, Guertler and E. S. Frank had first met Marshall about a year before the murder, when they all were coming from the Coast on the steamer Sierra. He met Marshall several times prior to the night of August 10, but had little conversation with him. On one occasion he said Marshall had approached Guertler and Dick in front of the Alexander Young hotel and asked the former for a job. This was after Marshall had lost his position at the Waialeale tunnel.

Coming down to the evening of August 10, Dick said that he, Guertler and Frank had gone to the Young bar after the prize fight at the Bijou theater, and were joined at the bar by Miller. Here they had seven rounds of drinks, Dick taking five short beers and two cocktails. Guertler was drinking cocktails, too, but Dick did not know how many he took, for he said Guertler was a heavy smoker and may have taken some cigars in lieu of drinks at times. Prior

to the drink at the Young, he said he and Guertler had taken a bottle of beer apiece in the course of their dinner, earlier in the evening.

Marshall, the witness averred, appeared at the Young bar, and conversed a few minutes with Guertler and Frank, but Dick said he did not hear the subject of their talk. He said Marshall did not take a drink with any members of the Guertler party.

Guertler and his friends remained at the Young about an hour and a half, and before leaving for the bench Dick bought a flask of whiskey. At the time of their arrival at the hula house, which he gave as about 11:45 p. m., Dick declared neither he nor Guertler was drunk. There were five in the party all told—Guertler, Frank, Dick, Miller and Baker, the latter the driver of the automobile. Only three, Miller, Guertler and Dick, entered the resort, the others remaining outside in the car.

They had been in the hall about 10 minutes, and were awaiting the arrival of the hula girls when Marshall stepped through a door directly opposite the benches on which they were seated. He at once threw off his coat and hat and in the words of Dick, shouted:

"I want to fight somebody! I want to fight somebody!"

Witness averred he and Guertler got up and approached Marshall to quiet him. They were peaceably inclined, he said, and so told Marshall, but just as they reached him Miller rushed up from the other end of the hall and "jumped on Marshall," sending him to the floor. Dick said Guertler pulled Miller off, while he assisted Marshall to his feet, handing him over to Moses Puahi, who led the young man to the telephone room.

A few moments afterward, in answer to a request from Madam Puahi, Dick went to Marshall in the telephone room. He said the latter still insisted on returning to the hall and "fighting somebody." Witness assured him that none of those in the hall was looking for trouble, advised Marshall to get out, and finally succeeded in inducing him to leave.

"I believe you're all right," he quoted Marshall as saying, just before the latter left the house. But when he heard Marshall calling outside a little later he went out and found Marshall again insisting on returning to the hall to "fight somebody." Marshall, he asserted, called for Guertler, and the latter hearing his name came out. Together they induced Marshall to go away, and they were just returning to the hall when they heard Marshall shout, "I'm going to get my gun," and utter curses which caused Dick and Guertler to turn and chase him.

When questioned by the prosecution as to when he next saw Marshall after the latter had left the hula resort in his automobile, Dick replied that Marshall was standing by the piano. Dick sat with Guertler near the lower end of the hall. The witness said that he and Guertler looked up at the same time and saw Marshall standing there.

"Guertler said, 'There's Marshall again; I wonder what he wants now,'" Dick said, in answer to a question by the prosecution. "I got up and started to walk toward Marshall. Guertler was a few steps behind me."

The prosecution then ceased questioning along the line of what happened, and asked Dick where Madam Puahi was sitting when he first saw Marshall. Dick said she was sitting on the same bench with himself and Guertler, and next to Baker. There was no question asked as to what happened before the shot was fired, nor whether Guertler made any statements other than the one he made when he first saw Marshall. Asked what Madam Puahi did when he and Guertler got up and started toward Marshall, Dick answered that he did not know, as his back was toward her. The prosecution asked Dick when he first saw the gun with which the shot which killed Guertler is alleged to have been fired, and Dick replied that he saw it in Marshall's right hand, just after the shooting. He further said that he made a grab for the gun and took it away from Marshall and then forced the latter back onto a bench at the same time putting the gun in his shirt. Dick said that Miller also had hold of Marshall, and went on to say that, after he had forced Marshall to the bench, he walked back to where Guertler was lying on the floor.

"Guertler told me that he wanted ice water," testified Dick. "I asked him if he wanted to leave any word and all he would say was 'ice water.'" He picked Guertler up and started toward the door, where he was relieved by Miller. Finding that someone already had phoned the hospital, he said he put on his hat and coat, picked up Guertler's cap, and walked out of the house toward the beach, and when he reached that place, he emptied the revolver. At this place, he said, he met the police patrol and accompanied it back to the hula resort, and finally to the hospital.

The examination rested at this point, and the revolver which Marshall is alleged to have used was brought into court and handed to Dick, who, after a moment's inspection, testified that it was the gun he wrested from Marshall's hand and which he later emptied of its remaining shells. Further testimony from Dick showed that, when Dick left the hula resort and started for the beach, Marshall was at the upper end of the hall with Puahi.

The court adjourned shortly after noon until 8:30 o'clock tomorrow morning, at which time further examination of Dick will be conducted by the prosecution.

MERCHANTS WILL AID ARMY MEN TO WEAR CIVIL TOGS

The Honolulu Merchants' Association intends taking steps toward securing the passage of a regulation allowing officers and enlisted men in the army in Hawaii to wear civilian clothing while on leave or pass in the city or in places outside their respective garrisons. Forceful arguments along this line, favoring the men in the service, were set forth at the meeting of the directors of the association yesterday afternoon, resulting in Ed Towse and T. M. Church being appointed a committee to interview the commander of the Hawaiian department, various army officers and, perhaps, officials in Washington, to ascertain the probability of securing such a regulation. As pointed out by Mr. Church, action in this matter was taken a year ago, at which time the army officers in Hawaii gave their cooperation. When communicated with, the secretary of war said that there was a regulation prohibiting officers and men on Oahu from wearing civilian clothes, and that nothing could be done. It is the idea of the Merchants' Association to give impetus to the agitation commenced a year ago.

"Why should this matter come up in Hawaii?" asked J. T. Warren. "Has such agitation been furthered by the soldiers in other parts of the United States? If the soldiers in other parts of the United States have to wear their uniforms when on leave, why should those in Hawaii be exempt?"

President Farrington pointed out that, if the association desired to do something, it should first ascertain the views of the army officers. He said that many officers had spoken to him on the subject, saying that a uniform practically makes a soldier a marked man. In other words, when a soldier is on leave, he "does not like to be in brass buttons."

"Possibly, by keeping constantly at it, we may be able to secure some change in the regulation covering the wearing of the uniform," he concluded. Ed Towse moved that the Merchants' Association address a communication to the commander of the Hawaiian Department, saying that Honolulu desires that both officers and men on leave of absence be permitted to wear civilian clothing. Under such regulations as the war department might see fit to make, President Farrington appointed Mr. Towse and Mr. Church a committee to take this matter up and report its progress at the next meeting of the directors.

Asked this morning whether he favored allowing the wearing of civilian clothes by officers and enlisted men, Major-general Carter, department commander, was non-committal. "I am not familiar with the facts in regard to this matter," said he, "and prefer not to give any opinion until I have looked into them."

A war department order issued about two and a half years ago, requires officers and men in Hawaii to wear the uniform at all times. Even officers taking a month's leave in the islands are forbidden to wear civilian dress. This regulation has been in effect in the Philippines for many years, the original reason for it being the belief that constant sight of the uniform would have a good effect on the native population, serving as a constant reminder that Uncle Sam's men were on the job. This reason of course does not apply in Hawaii, and several efforts have been made to have the order rescinded. About six months ago, when General Funston divided the enlisted men into classes A, B and C, with certain privileges to each, he asked the war department for authority to allow the class A men to wear civilian clothes on pass. This was denied, the reason being given that it would be a slur on the uniform to hold up the privilege of discarding it as a reward of merit.

As the war department has so recently announced its policy in this matter, army officers here believe that any move to have the ruling reversed will be futile.

THICK, GLOSSY HAIR FREE FROM DANDRUFF

Girls! Try it! Hair gets soft, fluffy and luxuriant at once—No more falling hair

If you care for heavy hair, that glistens with beauty and is radiant with life; has an incomparable softness and is fluffy and lustrous, try Danderine. Just one application doubles the beauty of your hair, besides it immediately dissolves every particle of dandruff; you cannot have nice, heavy, healthy hair if you have dandruff. This destructive scurf robs the hair of its lustre, its strength and its very life, and if not overcome it produces a feverishness and itching of the scalp; the hair roots famish, loosen and die; then the hair falls out fast.

If your hair has been neglected and is thin, faded, dry, scraggy or too oily, get a 25-cent bottle of Knowlton's Danderine at any drug store or toilet counter; apply a little as directed and ten minutes after you will say this was the best investment you ever made.

We sincerely believe, regardless of everything else advertised that if you desire soft, lustrous, beautiful hair and lots of it—no dandruff—no itching scalp and no more falling hair—you must use Knowlton's Danderine. If eventually—why not now!—advertisement.

Advertisement of Dick will be conducted by the prosecution.

POLICE STINGS

Nine Japanese and Filipinos taken into the police dragnet by officers from Captain of Detectives McDuffie's department were found guilty of being present at a place where gambling was conducted. With but one exception, a fine of \$5 was assessed.

When Henry Sheeline, a representative for a Pacific Coast wholesale liquor house landed from the liner Sonoma and began a canvass of the business houses, he encountered a snag in the laws of the territory that resulted in the agent being out of pocket to the extent of \$50 when the case against him was called before District Magistrate Monsarrat this morning. Sheeline was charged with having taken orders for intoxicants without first securing a license.

EXHIBITION DANCE

The management of the Young and Moana hotels has secured the services of Mr. William L. Thode, master of dancing, who arrived recently from the Hotel Virginia, Long Beach, California, to give exhibitions of the latest dances at the regular Thursday evening dance.

At this evening's dance, which will take place at the Young Hotel, Mr. Thode will demonstrate the "Parisian Tango"—advertisement.

NEW TANGO TO BE SHOWN AT ROOF GARDEN DANCE

Local civilian and service society will probably turn out in force to night, at the dance that is to be given on the roof garden of the Young hotel by the hotel management. The special attraction is to be a demonstration of a new Parisian tango, by W. L. Thode.

The roof garden is most artistically decorated, and the lighting effect is obtained by long strings of Japanese lanterns, with electric light globes inside. The entire length of the roof garden is protected by a canvas covering, making the dancers independent of the weather.

BASEBALL NEXT SUNDAY

There will be one last flicker of baseball, before Athletic park is turned over to the repair gang. Next Sunday the All-Service team, winner of the recent inter-island series, will play a picked team, organized by Dave Desha. The Oahu team will be taken as the nucleus of the picks, with Lal Tin, Henry Bushnell, and one or two others called in to strengthen it.

A meeting of the Waialeale, Kalaheo and Palolo Improvement Club has been called for 7:30 o'clock this evening at the Liliuokalani school. The steamer Kalanui has been charged with cargo including 100 cases of wood brought from Hilo, and scheduled to return to the Big Island today.

Shakespeare's advice to "thrust physic to the dogs" was written before the days of "Shac." Had he known of the pain-banishing virtues of that excellent article, he might have paraphrased his famous eulogy to sleep in its favor and termed it "balm for aching heads." It always cures. Insist on "Shac."—advertisement.

Advertisement for Gotham Shirts, featuring an illustration of a shirt and text: 'Gotham Shirts are the shirts that are reasonably priced, come in patterns to suit all-- and return from the laundry the greatest number of times. \$1.50 The CLARION'

Advertisement for 'Morning on Change' featuring an illustration of a person and text: 'Morning on Change... Pins made a quarter point gain this morning, 150 shares selling between boards at 37. The other stock sold, which was also between boards, was Olan, 20 shares of which went at 1. It did not show a new price. The only business of the session was the sale of two bonds. One McBryde 5 sold at a basis of 92.50, and one Olan 6, of 50.'

Advertisement for 'CLOTHING FOR MEN & YOUTHS ON CREDIT THE MODEL' with address 'FORT ST. NEXT TO CONVENT'

Advertisement for 'King Street Auto Stand (Mahuka Site)'

Advertisement for 'CHAUFFEURS' listing names: Henry Hughes, Frank Baker, Antonio Rodriguez, W. B. Harrub, Dan Nee, Johnny Frazier, Henry Kuahli, (Former Young Stand Chauffeurs)

Advertisement for 'WATCH OUR ADS Pleasanton Hotel - LOOK FOR THEM - J. W. Kershner Valcanizer Correct Prices King St. Opp. Library.'

Advertisement for 'Honolulu Photo Supply Co. KODAK HEADQUARTERS 1059 Fort Street'

Advertisement for 'Typical Hawaiian Luau and Hula SINGERS AND DANCERS' with details: 'From 12 to 2 and 2:30 to 9:30 p. m. Tickets \$1.00 At Promotion Committee Rooms'

Advertisement for 'Popular Theatre' with details: 'GOOD PICTURES FOR OLD AND YOUNG Special Feature MATINEE AND EVENING "The Princess of Lorraine" (Two Reels) THE COUNTING OF TIME—Western. A MESSAGE FROM NIAGARA—Drama. AN OCCASIONAL PORTER—Comedy. BLOOD THICKER THAN WATER—Drama.'

Advertisement for 'W. W. Dimond & Co., Ltd.' with details: 'BATHROOM FURNISHINGS OF THE HIGHEST QUALITY IN LATEST DESIGNS AND FINISHES TOWEL RACKS SOAP HOLDERS SPONGE RACKS MEDICINE CABINETS MIRRORS, ETC. Special attention is directed to our Ivoirized line. Is as white as snow, attractive and sanitary. SPECIAL—Tub Sponge Holder, 50c ea. The House of Housewares. 53.65 King Street.'

Large advertisement for 'Centennial's BEST Seattle, Wash.' flour, featuring a circular logo and text: 'A mark used to distinguish (from all others) a sack containing the BEST flour for you to use. The "why" will be answered when you taste the finished product. Henry May & Co., Ltd. Distributors Phone 1271'