

## GERMANS START NEW DRIVE TO CUT THROUGH POLAND

### RUSSIA FORCES AUSTRIA OUT OF BUKOWINA, OPENING NEW ROAD TO HUNGARY

#### H. G. SMART HERE; DENIES ALL CHARGES; WILL FIGHT THE CASE

#### Baby Son Cared for on Hawaii; Father Must Answer to Court

YOUTH ACCUSED OF HASTENING DEATH OF HIS GIRL-WIFE, THELMA PARKER, ARRIVES IN HONOLULU AND DECLARES ALLEGATIONS FALSE—WILL CONSULT ATTORNEYS—AFFIDAVIT OF SAN FRANCISCO PHYSICIAN, FILED IN KAILUA COURT, BACKS UP SENSATIONAL STATEMENTS MADE BY MRS. KNIGHT IN OPENING FIGHT FOR CHILD AND GREAT ESTATE OF HAWAIIAN HEIRESS

Henry Gaillard Smart, husband of Annie T. K. Parker Smart, Hawaiian heiress, whose recent death is alleged to have been hastened by his indifference, against whom a sensational suit for possession of their baby son was filed yesterday at Kailua, arrived in Honolulu today and made a vigorous denial of the charges filed against him. He also announced his intention of fighting the case to a finish.

Smart arrived this morning from Hawaii on the Mauna Kea. He left his 19-month-old baby, for possession of which the fight is being directed, in Waimea on order of the court. The suit was filed by Mrs. Elizabeth J. Knight, mother of Annie T. K. Parker Smart, and foreshadows an allied fight for the \$1,500,000 or \$2,000,000 estate left by Mrs. Smart. Smart is charged with abuse and indifference before and at the time of his wife's last illness and with scheming to obtain her fortune.

The child probably will be kept in Waimea until the suit is disposed of in court. "I am going to fight this case to a finish," Smart told the Star-Bulletin this morning. "I have engaged attorneys, but I cannot say how many additional lawyers I will employ. I even haven't had time to thoroughly digest the charges brought against me, so how can I make a statement?" "This newspaper publicity may hurt me and perhaps it will prejudice the veniremen so much that it will be impossible for me to get a panel of 12 impartial men. If so, then a special venire should be summoned," he continued.

On the same steamer that brought young Smart to Honolulu Attorney C. H. Olson of Holmes, Stanley & Olson returned from Kailua. Attorney Olson and Attorney M. F. Prosser of Fear, Prosser, Anderson & Marx went to Kailua to file the petition of Mrs. Knight that the child be removed from its father's custody and that she be appointed its guardian. The petition was filed, together with affidavits backing up its sensational allegations, and on Thursday night a court order was served on Smart removing the child from his possession and placing it in the care of Mary Ann Lemon, who has had charge of some of the Smart property on Hawaii.

Attorney Prosser has remained on Hawaii to look after some further matters in connection with the case. "DENY EVERYTHING." Smart this morning was handed a copy of the Star-Bulletin containing the first story of the filing of the suit. He read the headlines and then smiled bitterly. He was asked for a statement.

"I cannot make any statement at this time," he said, "at least not until I have thoroughly examined the complaint in this suit. I must have time to read it all, even between the lines. It would be foolish, after having engaged attorneys to advise me, for me to give out any statement until I have conferred with them."

"This much you can say for me, however," he said, turning and facing his interviewer, "that I deny everything alleged in that complaint. I haven't had time to read it thoroughly, but I read enough to satisfy me that there is no truth in it."

Smart hurried down town early in the morning to consult friends. He said he would remain in Honolulu until some definite plan of action has been mapped out.

Smart, while in Honolulu, will probably reside with Col. Sam Parker, grandfather of his late wife, at the latter's residence in Waikiki.

COURT HEARING MARCH 3. The court order served on Smart Thursday night names March 3 as the date of the hearing before Judge Matthewman as to the permanent removal of Smart as guardian of his baby son.

It restrains Smart from interfering in any way or removing his 19-month-old child from the jurisdiction of the Kailua courts and at the same time ordered him to deliver over the child to Mrs. Mary Ann Lemon, a neutral party in the litigation, and who has had charge of some of the Smart property since the death of Mrs. Smart. The order is as follows: "Territory of Hawaii. "To Henry Gaillard Smart. "Greeting: "You are hereby ordered and commanded to deliver over forthwith the person, and the custody, care and control, of the above-named Richard Smart, your minor son, unto Mary Ann Lemon, and, pending the hearing and determination of the above-entitled cause on the petition hereto annexed, to refrain and desist from exercising or assuming any control over said minor or removing him from or without the jurisdiction of this court, subject only to the further order of this court."

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#### NEW NAVY CIVIL ENGINEERS DUE HERE NEXT WEEK

Civil Engineer Charles W. Parks, U. S. N., recently assigned to the Pearl Harbor naval station, who will have supervision over the construction of the drydock under the modified specifications, left San Francisco today in the Mongolia. He is accompanied by Assistant Civil Engineer Glenn S. Burrell, also ordered here for duty.

#### COLE BLEASE'S FINAL DEED IS TO EMPTY JAILS

[Associated Press by Fed. Wireless.] COLUMBIA, S. C., Jan. 9.—Governor Cole Blease, recently beaten in the elections, today issued pardons for 1500 convicts, thus practically clearing the prisons before he leaves office.

#### BOMB OUTRAGE RESULTS IN DISCOVERY OF TRUNK FILLED WITH EXPLOSIVE

[Associated Press by Fed. Wireless.] TRENTON, N. J., Jan. 9.—As a result of a search made by the police in the Italian quarter since a bomb was exploded in St. Joachim's church on Monday, a trunk with 50 bombs has been found in possession of an Italian named Ignalle Gabrelle.

#### NEW CITY OFFICIALS TAKING FIRST TOUR AROUND THE ISLAND

Members of the board of supervisors, Mayor Lane and City Engineer Wall started out early this morning to tour the island for the purpose of viewing the various county properties in Oahu. One of the principal objects of their tour is to examine the roads in the outlying district. They will return late today. The outlying water mains also are being examined under Wall's direction.

Smart by the radiographer, and the conditions explained absolutely to him. I had spoken to the radiographer, Dr. Davenport, before, and asked her to impress upon Mr. Smart the seriousness of such a trip in the condition Thelma was in. Mr. Smart received all this knowledge with no comment except to say that, he had been told that he had tuberculosis when he was many years younger and he was living now and in good health. I do not remember any remarks that he made at all, except that he had had tuberculosis, that the doctor had said that he was in a serious condition, and to look at him now. They, of course, went ahead with their preparations and I went to Paris just as they had at first planned. The result was exactly what I feared it would be. I spoke absolutely plainly to them, and as earnestly as I would speak to any patient. It was my conviction that Thelma's life was in danger, and I told them it was a very great risk. I made it as plain as possible and advised them in the strongest terms I could. I was not only Thelma's physician but her friend, and was very fond of her. I told them that in the condition she was in and knowing the conditions in the East and the conditions she would have to face in Paris, they were taking great risks. One reason it was a great risk is that where there is a pregnancy, followed so soon by another pregnancy, as there was in Thelma's case, with a history of pleurisy following the first pregnancy, it is the observation of physicians that a second pregnancy may be followed by the same thing, lung condition. It has a tendency to recur and with greater intensity. I did not believe that Thelma would suffer immediate harm by the trip and the exposure and fatigue. I felt, however, that that would tend to weaken her constitution, so that when it came to her delivery she would not be in condition to meet it and fight the pleurisy or this lung involvement she might

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#### FORBES' PLANS FOR FILLING AT WAIKIKI LIKED

Promotion Committee Recommends Project to Chamber of Commerce

#### DISCOVERY MADE THAT GOVERNMENT HAS LAND

Part of Proposed Reclamation District Owned by Territory; Scope of Work Outlined

Waikiki reclamation on a big scale is urged in a letter Superintendent of Public Works Charles R. Forbes has written to Governor Pinkham. Details of the proposed fill in the unsavory and unsightly "dack-pond district" are outlined by Superintendent Forbes. Furthermore, the superintendent calls attention to the fact not generally known—if it has been known at all—that the government owns more than 60 acres of land in this district. In the hope of enlisting the active support and cooperation of the public so that the next legislature may feel favorably inclined toward the plan, Superintendent Forbes has sent a copy of the letter to the Promotion Committee. The Promotion Committee yesterday voted to refer the suggestions to the Chamber of Commerce with the committee's hearty recommendation.

Superintendent Forbes' letter outlining the big project says: January 7, 1915. Honorable Lucius E. Pinkham, Governor of Hawaii, Honolulu.

Sir: I hand you herewith a plan of the proposed Waikiki sanitation project. After a careful investigation of the site and on one occasion accompanied by Attorney General Stainback and Dr. Pratt, president of the board of health, we made an additional examination for the purpose of satisfying ourselves that the entire proposed area was insanitary. The president of the board of health stated that there was no question but that these lands were insanitary and came within the law that appertains thereto and which is herewith attached.

The plan for this entire reclamation is to be performed by units; the first of which is shown on plan No. 2211 and made a part of this report. The first unit being 500 feet by approximately 3400 feet, or an area of approximately 37 acres. The heavy dotted line shows the mauka boundary of this unit and the line parallel to Kalakaua avenue represents the makai boundary. It extends from that portion of the Honolulu Rapid Transit and Land Company's right-of-way across the swamp to that section of the Queen Emma estate now leased to the territorial Hotel Company. In the first unit of this improvement there is no government property, the owners being the Queen's hospital, August Ahrens, J. F. Boller, J. A. Magoon and the Queen Emma estate.

Big Fill Required. We have made careful soundings of this first unit and have established grades from city datum, which are shown in block on Kalakaua avenue. This area requires an approximate fill of 190,230 cubic yards. At the present time this unit is covered in part with stagnated pools of water and decom-

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#### SEVEN BIDS MADE ON CONTRACT FOR EPIPHANY CHAPEL

Seven contractors entered bids today for the contract to build the new Epiphany Mission chapel in Kaimuki. The bids were opened at noon in the office of H. L. Kerr, architect, before the members of the chapel building committee.

The proposals follow: Y. Takuya, \$4,550, 100 days; George Yamada, \$5,000, 125 days; Aloha Building Company, \$5,250, 120 days; Freitas and Fernandez, \$5,855, 110 days; Hawaii All-Blasting Company, \$6,025, April 30; Sanko & Co., \$6,817.70, 120 days; Gandell and Martin, \$8,235, June 30. The building committee, which consists of Rev. F. A. Saylor, W. C. King, H. A. Schroeder and G. W. R. King, will meet tonight in the Mission Hall to make the award. The chapel, ground for which was broken last Wednesday, will be built largely of native stone and will cost \$5,000. Work will be begun immediately.

#### GERMAN CHIEF, WHOSE EFFORTS ARE BENT ON CUTTING RUSSIAN LINE



Gen. von Falkenhayn.

#### CROWDED DOCKET IN CIRCUIT COURT SHOWN IN REPORT

One Division Must Handle Case a Day to Clear Calendar, Says Judge Ashford

Circuit Judge Ashford formally closed the 1914 term of court for the first circuit at noon today, simultaneously submitting the annual report of his division, with the comment of a decidedly interesting character, to the chief justice of the supreme court.

Among other things his summary shows that Judge T. B. Street of the third division is confronted with a formidable trial calendar, containing a total of 326 cases to be disposed of in the coming year. The third division in the year just closed disposed of only 117 cases. To clean up the slate merely of the suits now pending, not counting new ones which will be filed in the next 12 months, Judge Stuart will be called upon to dispose of an average of one per day for practically every working day of 1915.

Judge Ashford reiterates, in his annual report, the opinion advanced by him shortly after he took office last fall, that the indeterminate sentence law applying to penalties for crime is unconstitutional. He again recommends its repeal by the next legislature. He suggests the advisability of a more definite parole system, saying upon this point:

"It is true that at least one American court of high authority (supreme court of Pennsylvania) has held that any interference with the execution of the judicial sentence of a court having jurisdiction in the premises, by executive boards or officials, through the medium of reducing the terms of imprisonment imposed by such sentences, is in itself an invasion of the prerogatives of the judiciary, unless it shall be done under the authority usually vested in the chief executive to grant commutations, reprieves, pardons, etc. But I have my doubts whether that view should now be accepted and acted upon by our courts, and it may well be that provision might be made for the parole or other conditional discharge of prisoners from imprisonment, through the medium of the executive officers before the expiration of the sentences imposed, without violating any constitutional principle."

Judge Ashford asserts that it seems unnecessary to compel the executive officer to wait a definite length of time before he can exercise the parole power, a limit now placed on the governor under the indeterminate sentence act.

Judge Ashford says he has been unable to find any legal authority vested in the governor to grant commutations of sentence, though that power has been and is constantly exercised. "He may relieve the prisoner, or pardon him, for either of which acts he has specific authority, but, for a commutation of sentence I have found no authority in the written law," says the court.

He advises that this subject be submitted to the incoming legislature with a view to obtaining more comprehensive provisions. One other feature of the report is the court's recommendation that statutes be enacted providing imprisonment and suspension of driving licenses as penalties for persons convicted of heedless, reckless automobile driving. This is fairly well covered, he says, in the new ordinance of Honolulu, but he advises legislative action that the penalties may be uniform throughout the territory, because the local ordinance might be easily repealed by the supervisors at any time.

#### TERRIFIC ASSAULTS AT MANY POINTS ARE SLOWLY CHANGING WAR SITUATION

ROUMANIA TO BEGIN MOBILIZATION OF 600,000 MEN AS COUNTRY IS BECOMING INVOLVED IN CONFLICT—GERMANS RECAPTURE ALSACE TOWN AT HEAVY COST—BERLIN OFFICIAL BULLETIN CLAIMS SERIOUS REVERSES TO FRENCH FORCES—KAISER ASKS NO PUBLIC FESTIVITIES ON HIS BIRTHDAY

[Associated Press Service by Federal Wireless.] LONDON, England, Jan. 9.—Taking advantage of the increasing cold and the freezing of the marshes and muddy roads in East Prussia and Poland, the Germans are starting a new drive in an attempt to cut through the Russian line. This time the attack is being made from the north with reinforcements brought from the western front. To engage the main Russian forces and make any advances, it is necessary for the Germans to cross the rivers Maren and Bug. The heavy Russian fortress Novo Georguevsk interposes itself in the way of such an advance. The Russians profess to believe that the success of this German move is impossible.

#### Russians Drive Austrians Out of Bukowina, Open New Road to Hungary

PARIS, France, Jan. 9.—The Petrograd correspondent of the Paris Matin says that the Russians have entered Transylvania, that the Austrians have hastily evacuated all Bukowina and that thus a new road is opened to Hungary.

#### Berlin Says French Driven Out of Alsace Village; Other Reverses

BERLIN, Germany, Jan. 9.—Official—"The French attack near Perthes has been repulsed with severe loss. In eastern Argonne we have stormed the French positions and captured 1200 men and several mine-throwers. The French have been driven out of Burnhaupt-Lehaute, in Alsace. "On the east the bad weather continues. We captured 2000 Russians Thursday."

#### Paris Declares Several Advances Made in Alsace by Brilliant Attack

PARIS, France, Jan. 9.—Official—"Near Soupir last night we captured a hill and 132 men in a brilliant attack and repulsed three counter-attacks. Our gain of three trenches is on a front 600 meters long.

"Three almost simultaneous attacks were made on another hill, on trenches between the hill and Perthes, and on Perthes itself gained us that village. We have since advanced beyond the village boundaries.

"In Alsace the enemy has recaptured Burnhaupt-Lehaute, Alsace, at a heavy cost in lives."

#### Roumanian Mobilization to Begin January 24, Says Petit Parisien

PARIS, France, Jan. 9.—The Petit Parisien says that the mobilization of the Roumanian army will begin on January 24 and continue until 600,000 men are ready for battle.

#### Report no Festivities for Kaiser

AMSTERDAM, Holland, Jan. 9.—The Berlin correspondent of the London Telegraph says that the Prussian ministry of state has decreed: "In view of the seriousness of the times, public festivities should be postponed on the kaiser's forthcoming birthday, January 27."

#### POLICE LEARN OF MORE VICTIMS OF JAPANESE 'SPY'

the series of charges to be brought against the Japanese were based on evidence gathered by the detective department. In addition to scattering collections said to have been made in the country districts, the police today learned of a number of larger contributions, among them being Rev. C. Zimmerman, \$150; Dr. Haida, \$33; Oda Hotel, \$50; Dr. Yanagi, \$30; Kanaya, a wireless operator in the Nippon Maru, \$50. Yonekura, a local fisherman, owner of a power sloop, told the officers that Yamamoto approached him and said he was a relative of a prince of the royal household. He said he had been sent to Hawaii to secure plans of all island fortifications. He had about accomplished his mission and desired a sloop to catch a Japanese warship soon to call some distance off the islands to pick him up. The fisherman became suspicious, reporting the matter to Captain McDuffie. The arrest of Yamamoto followed. Sheriff Rose said this morning that