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SMART'S ATTACK ON FRED KNIGHT BRANDED FALSE

(Continued from page one)

Richard to third parties on the condition named in black and white by his attorneys that Mrs. Knight should abandon all of the extremely valuable claims Mrs. Knight has under the second will and should allow probating of the third will to go through without contest on her part.

"Put Child on Market."
"In other words, Mr. Smart then and there put his child upon the market and named his price; the only point now being that the rights over the child he was willing to give to strangers he denies now to the child's own grandmother."

Mrs. Knight has postponed her trip to the coast and it is not certain when she will leave Hawaii.

Mrs. Knight's Attitude Toward Smart. The feeling toward Smart by Mrs. Knight is shown in the following excerpts from Attorney Kinney's affidavit of yesterday:

"That affiant (Mr. Kinney) is informed and believes that Mrs. Knight in asking Mr. Smart for the control and custody of the child has at all times distinctly recognized that it unquestionably was for the benefit of the child that he should be taught to love and respect his father and should be kept as far as possible from the humiliation of believing or suspecting that his father was not worthy of such respect and love."

"Furthermore, deponent (Mr. Kinney) is informed by Mrs. Knight that she has never addressed a discourteous word to Mr. Smart from the day she met him to the hour of her daughter's death except on the occasion when he had violated his honor and broken his pledge that he would wait a year before claiming her daughter's hand in marriage, on which occasion in her desperation she told him that she then believed that he was wholly mercenary and without honor; but that thereafter and as soon as she fully realized that her daughter's happiness depended upon making the best of the situation and up to the day of her daughter's death she has never allowed herself to address him otherwise than in a courteous manner, and that she distinctly denies that their relations have ever been marked by a single quarrel, and while she does not and cannot respect him, she does respect and has respected his rights, and would continue to do so after receiving the custody of the child, and that if more is required of any antipathy many otherwise eligible would not be able to qualify."

In the answer filed at Kona yesterday in Henry Gaillard Smart's behalf Smart asserts among other things that his late wife was kept in ignorance of her property rights until she became of age; that within a few days after she was prevailed upon by her mother to execute the trust deed of the ranch, divesting herself and her family of legal title to it and of any residence right on the property.

Smart estimates the value of the Kona ranch at \$1,500,000 to \$2,000,000. Under this trust deed, Smart says, his wife, the rightful heir, received only a portion of the income, but Mrs. Knight, his mother, was to receive an income of \$1000 a month with certain provisions which will be fulfilled this year, raising Mrs. Knight's income to \$1500 a month.

He avers further that Thelma Parker was further induced to deed over to her mother the home in San Francisco, valued at \$75,000.

These statements are as follows:

"Respondent is informed and believes and upon such information and belief alleges that prior to the coming of age of the said Annie T. K. Parker Smart, she was kept in ignorance by the said petitioner, Elizabeth J. Knight, of her property rights and the extent thereof, and within a few days after the said Annie T. K. Parker Smart became of age the said petitioner, Elizabeth J. Knight, and others, secured to be executed a deed of trust of substantially all of the property and estate of the said Annie T. K. Parker Smart consisting almost entirely of the ranch and ranch property situated at Waimea, in the third judicial circuit of the territory of Hawaii, and known as the Parker ranch, which said ranch and ranch property has been variously estimated to be of the value of from \$1,500,000 to \$2,000,000, and that under said deed of trust the said Annie T. K. Parker Smart was divested of the legal title to the said ranch and ranch property and the whole thereof, and was entitled merely to receive a portion of the income derived from said ranch and ranch property during her lifetime. Deprived of Property.

"That under said deed of trust the

BUY IN HAWAII AND BUY IT NOW!

PUBLIC HEARINGS HELD TONIGHT ON UTILITIES GRANTS

Three special public hearings are scheduled for 8 o'clock this evening in the senate chamber by the committee of Oahu senators. At that session any citizens desiring to express their opinions for or against three separate measures now under consideration will have the privilege of presenting their arguments.

The bills to be discussed relate to extending the use of the right of eminent domain by electric light and power companies, extending the Hawaiian Electric Company's franchise to cover the island of Oahu, and granting a similar extension to the Honolulu Gas Company. Senator A. L. Castle is chairman of the Oahu committee and will preside at tonight's meeting.

said Annie T. K. Parker Smart was not only deprived as aforesaid of the legal title to said ranch and ranch property but said trust deed did not even reserve or set apart for herself or for her family any residence or right of residence on said ranch property, and neither said Annie T. K. Parker Smart nor her family had the right at any time to go upon said ranch property except upon the consent and sufferance of the trustee named in said deed of trust. That under the terms and conditions of said deed of trust the said petitioner, Elizabeth J. Knight, was and is entitled to receive a large income out of said ranch and ranch property, and under the provisions of said deed of trust has continuously received since the execution thereof on April 25, 1912, up to the present time, an income of \$1000 a month and will, under the provisions thereof, within a year, receive an increased income to an amount of not less than \$1500 a month for the remainder of her life. That within a few days after the coming of age of the said Annie T. K. Parker Smart, the said petitioner, Elizabeth J. Knight, further secured from the said Annie T. K. Parker Smart a deed and conveyance of a home the said Annie T. K. Parker Smart then owned in the city of San Francisco, Cal., which home is of the value of about \$75,000.

Child Not Disinherited.

"Respondent further says that he is informed and believes and upon such information and belief alleges that counsel for the said petitioner, Elizabeth J. Knight, are making the contention that the last will, known as the third will of the said Annie T. K. Parker Smart, does not obligate respondent, Henry Gaillard Smart, to share with his child, Richard, any part of the estate or income of the estate, that there is not expressed in the will anything which legally obligates respondent to share the income of the estate with the child, and that the child is practically disinherited and not recognized by the will so far as any binding, legal obligation or right is concerned, and respondent further alleges in this behalf that he has requested his counsel, Frank E. Thompson, Esq., Fred W. Milverton, Esq., and John W. Cathcart, Esq., to see that the spirit as well as the letter of every wish of his late wife, Annie T. K. Parker Smart, as expressed by said last will, to wit, the third will, be carried out and has been advised by his said counsel that under the terms and conditions of such will, the child Richard is entitled, as a matter of right and of law, to two-thirds of the income of such estate from the time of his majority, and that he, the said Henry Gaillard Smart, is entitled to one-third of the income of such estate only after the coming of age of the said Richard Smart, and that if he, respondent, dies at any time before the death of the said Elizabeth J. Knight, the whole estate under the terms of the will, becomes the property of the child, Richard. Respondent further alleges that acting under instructions from him, his said counsel will, in the said probate proceedings, instituted as aforesaid, for the purpose of probating said third will, attempt to secure an interpretation of said will from the court consistent with the interpretation so placed upon it as above stated. That counsel for the said Elizabeth J. Knight have been advised as to the construction placed on said will by respondent's said counsel and have been advised as to the intention of respondent to secure an interpretation of said will as above stated, but nevertheless, as respondent is advised and believes, and upon such information and belief alleges, contemplate the carrying on of legal proceedings based upon the assumption that such expensive witness and expenses of the said Annie T. K. Parker Smart as set forth in said third will, are not binding and obligatory and that therefore the said child, Richard, is practically disinherited and that if such contemplated legal proceedings are carried out by counsel for the said Elizabeth J. Knight, they will result in a needless wasting and squandering of the estate of the said child Richard without any benefit to him whatsoever and for the sole benefit of the said Elizabeth J. Knight, and in furtherance of her plan as aforesaid to secure a larger share of the profits of said Parker ranch and ranch property."

The Japanese firm of Mitsui & Co. purchased two city blocks at Galveston to build a large cotton warehouse.

COLDS CAUSE HEADACHE

LAXATIVE BROMO-QUININE, moves the cause. Used the world over to cure a cold in one day. E. W. GROVE'S signature on each box. Made by PARIS MEDICINE CO. Saint Louis U. S. A.

TWO CHARGES GRAND JURY IS TOLD TO PROBE

"I desire at this time to record my emphatic protest against the alarming and disgusting growth of the crime of perjury in our courts. It is something with which we must grapple, and grapple earnestly and diligently and promptly if we are going to stifle it. It constitutes an attempt, and a most felonious attempt, to poison the streams of justice at their very fountain head and if the decisions of courts and juries are to be gaged and controlled by perjured evidence you can all see, gentlemen, where your rights and my rights and everybody else's rights will simply go glimmering; because none of us can feel secure if it be once established that the processes of the court cannot be depended upon, and if it be further established that those processes are to be controlled by perjured evidence."—Judge Ashford.

The case of Mrs. L. S. Hampton, widow of a former colored soldier who complains that the Honolulu police entered her home on the night of February 5 and thereby caused or permitted her home to be robbed of \$250, will be investigated by the territorial grand jury if it obeys instructions given it by Circuit Judge Ashford in a special charge this afternoon.

Judge Ashford told the inquirers in effect that the sanctity of the home should be inviolate, and that no home can or should be permitted to be entered wrongfully by any man, whether he be in the uniform of a policeman or otherwise. He has brought the affair to the grand jury's attention as the result of a letter sent him by Mrs. Hampton.

Judge Ashford also instructed the jury to investigate reports concerning the crime of perjury, alleged to have been committed in his court in the two trials of Joe Ferreira, who was convicted on the second hearing and sentenced for stealing an automobile. Four or five witnesses testified in Ferreira's behalf at both trials and an effort was made to establish an alibi. Several witnesses swore to being with Ferreira out at Kaimuki at an hour of night when several policemen on Kaimuki testified they had seen him, one officer even declaring he stopped Ferreira and made him get out of the car to light the lamps on the machine.

LEGISLATIVE NOTES

Hale's house bill providing for government loans to homesteaders was reported upon favorably by the lands committee today.

Representative Makekau has leaped on the proverbial "band wagon" in proposing salary boosts. He introduced a bill in the house today to raise the salary of the district magistrate of South Kohala from \$60 a month to \$65.

Thirteen homesteaders of Maui petitioned the house today to assist them in securing patents for their claims. They stated in a communication that they had "proved up" but that the patents had not been given to them. It was referred to the lands committee.

Representative Crockett's bill relating to the hours and working conditions of women employes in the territory was reported upon favorably by the health committee in the house today. The bill passed second reading and will come up tomorrow for final passage in the house.

If a bill introduced today by Representative Kaupiko passes both houses of the legislature, Emil de Harne, for 32 years a school teacher in the islands, will receive a pension of \$30 a month for the remainder of his life from the territory. De Harne retired recently owing to ill health.

Acting on the advice of the educational committee of the house, Representative Goodness abandoned his bill for the establishment of a high school at Lahainaluna, Maui, and instead introduced a resolution late today providing for the installation of a commercial course of study at the Lahainaluna seminary.

Representative Isenberg, chairman of the agricultural committee which will investigate the contractual relations between the small homesteaders and the sugar cane mills, introduced a resolution in the house today, to be concurred in by the senate, making the investigating committee a joint body of both houses. The house adopted the resolution.

WEST VIRGINIA MINING MAN HERE; AWAITS MORE NEWS ON FATAL DISASTER

Detailed news of the mine disaster reported by Associated Press from Hinton, West Virginia, is eagerly awaited by W. P. Tams, a tourist in Hawaii.

Tams is a mine-owner and operator in the Hinton district and late yesterday he did not know whether or not the disaster had occurred in any of his mines. He left on the Matsushita for Hilo but may cut short his visit here and return to the mainland.

"I do not understand how 182 men could have been entombed at night, as stated in the despatches," he comments, "for at 4:30 the day's work is over and no such number of men work in any mine in this section at night."

The Singer Sewing Machine plant at Elizabeth, N. J., resumed operations on full time.

Skating Rink Tonight

New Prices, New Service, New Management

Admission: Wardrobe and Skates,

25 cents

7 P. M.—10 P. M.

Harry Whitcomb, Manager

BOARD O. K.'S CHANGES IN FIRE DEPARTMENT

Changes in the fire department crew were endorsed by the civil service commission at a regular meeting today. Alfred Joao was promoted from hoseman to driver to fill the vacancy left by J. Lynch, resigned. B. F. Bradley was appointed as hoseman from the eligible list and Joseph Malterre was put on the force to relieve John Frias temporarily.

A communication from the Los Angeles county civil service commission urging the election of delegates from Honolulu to the National Assembly of

Civil Service Commissions in Los Angeles, June 14 this year, was filed for future reference.

BIRTHS
JAMES—in Honolulu, March 4, 1915, to Mr. and Mrs. Frank L. James, a son.

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