Stoessel Will Suffer Penalty

Surrender of Port Arthur was Due to Cowardice.

ST. PETERSBURG, Feb. 20.—The basis of the indictments upon which Lieutenant General Stoessel, General Fock, who commanded the Fourth East Siberian Division of Port Arthur, and Major General Reiss, chief of staff to General Stoessel, were tried for their lives was a secret report made by Lieutenant General Smirnoff of the defense of Port Arthur. Smirnoff was acting commandant of the fortress, Stoessel being commander of the Kwang Tung Peninsula.

Snirnoff categorically accused Stoessel of cowadice and incapacity, and finally, of the deliberate and treasonable hastening of the surrender to save his own life and in defiance of the decisions of two successive councils of war. The report was extremely biased. It breathed of the most bitter personal enmity, and showed that the high officers of the Port Arthur garrison, in the darkest days of the siege, were almost at one another's throats.

In opposition to this side of the picture are the statements made by Japanese officers who were the first to enter the fortress. Captain Tsunoda, who on behalf of General Nogi conducted the negotiations for the surrender of the fortress, came out last summer with an open letter in defense of General Stoessel. The Japanese captain painted a pitable piture of the conditions prevailing at Port Arthur.

All proper food was exhausted, he said, and the 20,000 Russians under arms were in no condition to fight. The key to the fortress was gone when 203 Metre Hill was captured. General Stoessel, according to the Japanese officer, might have held out for a fortnight longer, but the result would have been an inevitable massacre, in which it would have been difficult to distinguish combatants from non-combants. In conclusion Captain Tsunoda said:

"If others forget, we remember that Port Arthur cost us 60,000 lives by gunfire alone. We dug 40 kilometres of parallels and expended 30,000,000 rounds of ammunition.

"European History chronicles the glorious capitulation of Port Arthur, and it is so considered in Japan. That is why the Emperor of Japan ordered General Nogi to treat General Stoessel with all the honors due to a gallant soldier. His own country should treat him likewise.

Anatole Mikhailovitch Stoessel was born in 1848 and entered the army in 1864. He comes from a family of military men. He has been a most severe disciplinarian. It is related of him that he has sentenced many men to death for infraction of the regulations. and he is far from popular in the Russian Army.

WASHINGTON, Feb. 20.—The sentence of General Stoessel is regarded by the American military officers as the logical consequence both of the surrender of Port Arthur and Russian military discipline. That the sentence is justified is the general expert belief.

The American articles of war prescribe death as the penalty for exactly such conduct. Such a sentence, however, has never been carried out in this country, altnough it was imposed in the case of General William Hull, who surrendered Detroit in the War of 1812. General Hull was subsequently cashiered in lieu of the sentence because of his previously excellent record.

What Dr. Morrison, the London Times correspondent, styles "the most spectacular incident" in the Russo-Japanese war, namely the surrender of Port Arthur, has a sort of secret history, and the recent condemnation of General Stoessel has caused the European press to reprint the revelations of this famous correspondent It is widely reported that his account of the surrender compelled the Russian Government to place on trial the surrendering officer. He is quoted as saying that the Russians fought most valorously against the investment army of Japan, until mid-November of 1904. Then he declares in the columns of the paper he represented, "something seemed to go wrong." He is quoted as saying in substance:

"By the sacrifice of thousands of lives the Japs took 203-Meter Hill and began mounting heavy guns on it. On December 18 the Keekwan Fort was taken, and General Kondrachenko, the soul of the defense, killed. From the points of vantage secured the inner forts and harbor were shelled, but the garrison was still in fighting fettle, when on January 7, 1905, Stoessel surrendered. No more discreditable surrender has been recorded in history. It was found that when Port Arthur was surrendered the Japs captured 25,000 able-bodied soldiers, 528 guns of position, 36,598 serviceable rifles, over five million rounds of small-arm ammunition, and 206,000 rounds of shell for the big guns. The supplies included 7,000 tons of flour, 58,000 pounds of canned beef, 33,000 pounds of sugar, and large quantities of other food-stuffs. There were 15,307 sick and wounded men in the city and forts, but apart from the problems caused by their presence Port Arthur garrison had no difficulties that forced surrender."—Literary Digest.

Shipping Must Be Protected

To Assist Foreign Vessels would damage our own.

We are glad to see that Mr. W. M. Giffard, at a meeting of the trustees of the Honolulu Chamber of Commerce, voted against a resolution to urge the passage of a bill to amend the coastwise shipping law to such an extent that it will establish Free Trade in the transportation of passengers between Hawaii and the Pacific Coast of the Mainland, discriminating against American built, American owned and American manned steamships, in favor of foreign built and foreign owned vessels manned by Oriental labor. The first opponent of the bill now before Congress, introduced by our Delegate, at the request of those whose motives were purely personal and selfish, was Mr. P. C. Jones. Now comes Mr. W. M. Giffard, and following him Mr. C. P. Morse.

It will be claimed that the two latter, Mr. Giffard and Mr. Morse, may also have personal and selfish motives inasmuch as they represent American steamship companies doing business in Hawaii. If so, then the entire policy of Protection to American industries and commerce must be selfish. including any claim for protection to the sugar industry. It is like the action of some New England manufacturers who want free hides and free wool for the greater benefit of their shoe and clothing manufactures, utterly regardless of the great cattle and sheep interests of the Western States. The Republican policy of Protection has always been a national one, therein consisting its strength. When goods have been admitted into the United States free of duty it has been because they could not be produced or grown there, and that is why we find in the Dingley tariff, enacted before Hawaii was a Territory of the United States, no Protection for vanila, cocoa, coffee, sisal, bananas, cocoanuts, copra, rubber, or mahogany lumber.

In asking Congress to let a few of the residents of this Territory travel on Japanese steamers rather than on the boats of the Pacific Mail, American-Hawaiian, Oceanic and Matson Navigation Companies, all of which fly the American flag, we are advocating a policy of Free Trade. But has anybody considered what the ultimate cost of such a concession may be to Hawaii? President Roosevelt is willing to concede the point. So is Secretary Taft. So is Secretary Straus because he once suffered a little inconvenience, and he is willing to sacrifice the policy of protection so that it may not occur again. The Congressmen who visited Hawaii are helping Delegate Kuhio's anti-American Bill because the commercial bodies of Honolulu have wished it. They have not considered the matter from the broader and National viewpoint. We have recently seen the withdrawal of an American steamship line doing business across the Pacific because it could not secure Protection, and now we aim to injure the four American companies that are doing business between Hawaii and the Pacific Coast, to take some of their earnings from them and give them to foreigners, for no other reason than absolutely unadulterated selfishness.

We can imagine how Secretary Taft chuckles to himself at the idea of those fellows in Hawaii fighting Protection for Philippine sugar and asking for Free Trade in shipping. Should he be elected the next President of the United States, what can we expect from him when we ask for Protection to Hawaiian sugar, for our coffee, sisal, rubber, pineapples, bananas and other products? The Tariff will be revised in 1909, that is a certainty. The Ways and Means Committee will be influenced by the President without a doubt. The President may be either Taft or Roosevelt again. They both want Free Trade for Philippine sugar, Hawaii does not. But we want Free Trade in shipping and Taft or Roosevelt will concede the point. How, then can we consistently ask for protection to Hawaiian Sugar or for any other Hawaiian product?

The Philippine Tariff bill, as originally drawn by the Secretary of War, simply meant that the American customs houses were to swing their gates wide open to Philippine sugar and tobacco. As regards sugar it is now modified to 300,000 tons, seventy five per cent as much as Hawaii produces. If Hawaii is an advocate of a just and proper industrial Protection, it must equally insist upon a just and proper Protection for shipping. The very same power exercised for the Protection of our industries on land is the one that authorizes the Protection of our maritime industries. And there is no other. We cannot juggle with one hand and jiggle with the other.

Let the progress of the un-American Hawaiian shipping Bill, now before Congress, be stopped at once. —From Trans-Pacific Trade.

Test Case Re Bond Issue

Suit Brought Points That May Affect Bonds.

An important suit was filed yesterday in the Supreme Court, being an attack on the validity of the Maui bond issue, authority to dispose of which was recently granted in Washington. The suit is brought to clear up some of the points involved, being submitted on an agreed statement of facts. It is brought by W. T. Robinson, "a citizen and taxpayer of the County of Maui, Territory of Hawaii, on his own behalf and on behalf of all and singular the citizens and taxpayers of said county," and is brought against L. M. Baldwin, Treasurer of the County of Maui A. Lewis, Jr., appears for the plaintiff, and County Attorney Case and J. L. Coke of Wailuku for the defendant.

The case is of importance to every county of the Territory, as the main matters at issue are such as would affect the bonds of any of the counties. The agreed statement of facts is a recital of the history of the Act of the Legislature authorizing the bonding of county, the Act authorizing the issue of the Maui bonds and the various proceedings of the Maui Supervisors regarding the bonds. On these facts the following questions of law are submitted:

"The said W. T. Robinson as a citizen and taxpayer of said County of Maui contests and denies the right, power and authority, and the said L. M. Baldwin, as said Treasurer of the said County of Maui, affirms, declares and insists on his right, power and authority as said Treasurer of said County of Maui, to lithograph or steel engrave, and to have executed, and to issue, sell and deliver, the bonds and coupons of the said County of Maui; and the said W. T. Robinson, as such citizen and taxpayer, contests and denies, and the said L. M. Baldwin, as said Treasurer, declares and affirms the validity of said proposed bonds and coupons, when issued, as valid and binding obligations of said County of Maui; and the said W. T. Robinson states the following propositions in support of his contests and denials, each of which propositions the said L. M. Baldwin, as said Treasurer, disputes:

"(A) That Act 139 of the Session Laws of 1907 is unconstitutional, invalid, null and void, on the following grounds, viz.:

"First: That Section 4 of said Act 139 of the Session Laws of said Territory is in conflict with and in violation of Sections 48, 49 and 50 of the Organic Act of the Terrritory of Hawaii.

"Second: That Section 4 of said Act 139 is a delegation to the President of the United States of the power of approval of an Act of the Legislature of the Territory of Hawaii.

"Third: That it was improper by Section 4 of said Act 139 to require the approval of the President of the United States of a bill passed by the Legislature of the Territory of Hawaii.

"Fourth: That the said Act 139 required the approval by the President of the United States of the Act itself and not the loan merely.

"Fifth: That said Act 139 is otherwise unconstitutional, invalid, void and inoperative.

"(B) That said Act 65 of the Session Laws of 1907 is unconstitutional, null and void and incapable of enforcement.

"(C) That said Act 65 and said Act 139 are unconstitutional, null and void and incapable of enforcement in this:

"First: That said Acts last mentioned are in conflict with Act 42 of the Session Laws of 1903 of the Territory of Hawaii; Act 55 of the Session Laws of 1905 of said Territory; and Act 41 of the Session Laws of 1907 of said Territory.

"Second: That said Acts are an attempt to impair the obligation of the Territory bonds heretofore issued.

"Third: That said Acts purport to authorize the Treasurer of the County to issue bonds, the County itself not being authorized to issue bonds.

"(D) That the said County of Maui as now constituted is without power or authority by law to issue bonds.

"(E) That the issuance of said bonds is not properly authorized by the President of the United States.

"(F) That said Resolution 150 does not comply with the performance of the conditions precedent necessary to authorize and render effective said Act 139 or the said resolution which said Act attempts to confirm.

"(G) That the conditions precedent required by Section 3 of Act 65 of the Session Laws of 1907, necessary for the proper authorization for the legal issuance of said bonds, have not been complied with in this that by said Section 3 it is provided inter alia that 'No bonds shall be issued until a resolution authorizing the issue thereof setting forth * * * the term of the proposed bond issue shall have been passed by the Supervisors of the County and confirmed by an Act of the Legislature,' and that the said resolution No. 150, passed by said board, does not definitely fix said term.

"(H) That said Treasurer is without power or authority to issue or cause said bonds to be issued, and that said proposed bonds when issued would not be valid and binding obligations of the said County for the reason that said Resolution No. 150 does not comply with said Act 65, nor does said Act 139 comply with the terms of said Act 65.

"(I) That said Act 139 is unconstitutional, null, void, inoperative and legally incapable of enforcement upon the grounds stated under headings G and H above set forth.

"(J) That the expenditure by the said Treasurer of any of the funds the County for lithographing or steel engraving said bonds would be unwarranted expenditure and waste of County funds for the reasons set forth under said headings G, H and K.

"(K) That the said Resolution 150 is invalid, null and void and not the legal act or resolution of the Board of Supervisors of said County in this, that said meeting of said board of said April 17, 1907, was not properly called for lack of legal or proper notice particularly upon Supervisor Samuel Kaiue who was not present at said meeting, and that no action of said board subsequent to the passage of said Act 139 could be held or construed to validate the said illegal action of April 17, 1907.

"(L) That upon each and every of the grounds hereinabove assigned, and upon all of them combined, he claims and asserts that said Act 139 is unconsitutional, invalid, void and incapable of operation or effect, and that said Resolution 150 is invaild, null and void, and that said Treasurer is without legal power or authority to cause said bonds to be issued or sold or to incur the expense of lithographing or steel engraving said bonds, and that said proposed bonds when issued would not be the valid and binding obligations of said County of Maui, and that as a citizen and taxpayer said W. T. Robinson is entitled upon the said agreed statement of facts and on each and every of the propositions or grounds aforesaid to an injunction restraining and enjoining said L. M. Baldwin, Treasurer of said County of Maui, from taking any further proceedings or steps in the matter of lithographing or steel engraving said proposed bonds and coupons, expending any of the revenues or money of the County of Maui therefor, or taking any further steps or proceedings in the matter of the issuance, sale and delivery of the said bonds.

It is agreed between the parties hereto that in the event that the contentions of said W. T. Robinson be sustained, that an injunction may issue restraining said Treasurer as asked for by said W. T. Robinson, and that in the event that all of the contentions of said W. T. Robinson shall be held as untenable, then the said prayer for an injunction shall be denied or that the parties will obey, conform to or abide by such order, ruling, decision or judgment as this Honorable Court may be pleased to make or render."

NOT A SPORT.

A well-known club man of Boston was married during the early days of the past winter to a charming Wellesly girl, who, of her many accomplishments, is proudest of her cooking.

The husband returned late one afternoon to his home in Brookline to discover his wife was "all tired out."

"You look deardfully fatigued, little one," came from hubby, in a sympathetic tone.

"I am," was the reply "You see, dear I heard you say that you liked rabbit. So early this morning I went to the market to get you one. I meant to suprise you with a broiled rabbit for dinner, but I'm afraid you'll have to take something else. I've been hard at work on the rabbit all day and I haven't got it more than half picked."

QUIET IN ARKANSAS.

"Things are quiet down in Arkansas" says a traveling man, "to judge from a conversation that I overheard recently in 'the New York store' of that town in that State.

"A tall, slab-sided native entered the store and asked:

"'Is there airy letter heah for weuns?'

"'No letters,' responded the postmaster, storekeeper and station master.

"'Airy postal card?'

"'No.'

"'Airy newspaper?'

"'No papers.'

"'Has you any almernacks?'

"'No.'

"'Well-er, I reckon I'll take a hunk o' side meat an' a bottle o' quinine.'"

NO DANGER.

One day recently there entered the office of a Philadelphia real estate man a tattered and forlorn girl of 14 or thereabout who sidled up to his desk with a memorandum book in her hand.

Ordinarily, the Philadelphian is the politest of persons, but this day he was so busy that he knew not which way to turn. So with a swift glance from the corner of his eye, he said, rather sharply, "Well, what do you want."

"Mister, please buy a chance on our go-cart," pleaded the girl, hesitatingly.

"Your go-cart!" repeated the real estate man, who is a bachelor, "what on earth could I do with a go-cart even if I should get it?"

"Oh, you won't get it, Mister,' breathlessly came from the girl "Please buy a chance?"

What C. B. Cockett has to Say.

Editor Maui News.

I have learned and seen in your papers the Maui News, about the list of Deliquent Taxes of Lahaina District, of which I am one of the interested party in the list. Either through carelessness of the Deputy Assessor or the Taxes Assessor himself of the Island to come forward before the public and swear under oath it is correct.

I would say, it is incorrect. On December, 10, 1907, I have meet all arrears of my Taxes of Lahaina District, and also my Father's Estate.

As for Molokai Taxes, I admit is correct.

C. B. COCKETT.

THE
ALOHA SALOON
Market Street, Wailuku

Nothing but the best of
Well Known Standard Brands
OF
Wines Whiskeys
Cordials, Liqueurs
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Bottled Beers
25c 2 Glasses 25c
HEADQUARTERS FOR
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