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THE HAWAIIAN STAR.

The Hawaiian Star is the paper that goes into the best homes of Honolulu

VOL. VIII. HONOLULU, H. I., WEDNESDAY, JULY 3, 1901. No. 2901

SMITH CASE IS ENDED

PERJURY INDICTMENT FALLS TO PIECES.

Paul Neumann Had Been Deputized to Prosecute—The Attorney-General Enters a Nolle Prosequi.

The case of the Territory of Hawaii against Walter G. Smith came to an end this morning. It was the finish of the big grand jury rumpus of a short time ago. Attorney-Genera. Dole entered a nolle prosequi in Judge Gear's court, declaring that there was no evidence and that he did not think it worth while to try the case.

When the case was called at 10 o'clock Smith and his attorney, Ballou, were absent. Dole was on hand. The court intimated that it would declare the defendant's bail forfeited and issue a bench warrant. McClanahan stated that the absence of Ballou and his client was due to a misunderstanding, and the matter was postponed until 11 o'clock, when all parties were in court.

In entering a nolle pros. the attorney-general stated that he had commissioned the late Paul Neumann to try the case, as he did not desire to try it himself. He had been unwilling to prosecute, as he was to an extent involved in recent factional differences and thought there was a possibility that he might be biased, unconsciously.

"Under these circumstances," said Dole, "I had made arrangements with Paul Neumann, whereby he was to represent the prosecution in this matter. I felt that he was one who stood aloof from local factional fights, and that he would be the man to take up the matter. He consented to do it and only last Monday I issued a commission to him as deputy attorney-general, so that he might represent the government in this case."

Dole stated that since Neumann had died, he had decided to take hold of the case. He doubted if there was any other lawyer in Honolulu who could be regarded as so free from prejudices in favor of one faction or another, as Paul Neumann. Dole said he took the matter under consideration himself, and would enter a nolle prosse, as there was no evidence on which to base a charge of perjury.

Judge Gear discharged the defendant, but not without intimating his disapproval of the action of the attorney-general's department in the matter. The judge stated that the indictment had been prepared by the deputy attorney-general first and the attorney-general later and that the Grand Jury had brought an indictment under advice from the attorney-general that there was evidence to warrant a conviction. The attorney-general, said the judge, was not answerable to the court, but to the people, for his actions, and the court had no power to do anything but discharge the defendant, if a nolle prosequi was entered.

In his statement entering a nolle pros. Dole explained that he had found that the charge of perjury was based upon a confusion of testimony as to a "corporation" that was supposed to have been asked for bribes. It was the Jacob Coerper railway, which is not incorporated and Smith's testimony that he did not know of any corporation that had been asked for bribes was correct.

SAILORS' UNION ROBBED.

The rooms of the Sailors' Union were entered last night and robbed of $189.55. Of this amount, $65.55 belonged to the union and the rest was money which sailors had intrusted to the union for safe keeping. The robbers defiled the rooms in a shameful manner.

COLLEGE HILLS.

The Electric Car line is being rapidly constructed through College Hills and is to be in operation by September 1st. The private water supply will be laid through every block by July 1st.

NEW SHIRTS.

L. B. Kerr & Company have just unpacked 25 cases of the most up to date goods in Men's White and Negligee shirts. This lot comprise the very newest ideas in New York. They are being sold with the other goods at Fair Prices.

ICE HOUSE DELICACIES.

Camarinos California Fruit Market is the place for ice house delicacies. Everything the California market affords at this season of the year can be found at Camarinos'.

The Customs Tariff Act of 1897 with alphabetical schedule, revised up to July 1st, 1900—an indispensable book for all importers, just received and for sale by the Golden Rule Bazaar.

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THE ROWING REGATTA

HEALANI AND MYRTLE CREWS TO MEET.

Annual Rowing Contests at Pearl Harbor Will Start at 9:30 O'clock tomorrow Morning—The Crews.

The biggest event in athletic sports in the Hawaiian Islands will occur tomorrow morning at Pearl Harbor. The annual championship rowing contest will occur. The Myrtle and Healani Clubs will send their respective crews over the mile and a half course for the senior championship and the junior shell event. The crews have been in training since the early part of last month for the two events. That the races will be close and exciting, seems certain.

Special arrangements have been made by the Oahu Railroad Company to handle the large crowds which will go to Pearl Harbor to witness the events. A special train will leave Honolulu at 8:45 a. m. tomorrow and arrive at the Peninsula shortly after 9. At 9:30 o'clock after the arrival of the crowds and the people have secured places of vantage from which to view the race, the first race will be started. This is the senior shell race, the championshihp event which each club would rather win than any thing else in rowing contests during the year. In other years the junior race has been pulled off first but the rowing committee desires to assure as good weather and smooth water as possible for the big contest so they have decided to hold the big event first.

The crews are as follows:

Healanis, stroke, Paul Jarrett, No. 3, Dan Renear, No. 2, Fred Damon, bow Sam Walker, coxswain Charles Reynolds.

Myrtles, stroke A. Giles, No. 3, Girvin, No. 2, Armstrong, bow, Lyle, coxswain Lincoln Wheeler.

Thus far the Healani crew seems to be the favorite in the betting. But little money has been wagered however for the wise people who are generally regarded as being well posted on rowing matters are forced to confess being in the dark over the outcome of the senior race. The Healani crew is considered heavier than its opponent but as it will row in a regular Cambridge shell it is expected that this will to an extent offset whatever surplus weight it and its coxswain may have. The Myrtle senior crew was formerly intended to row in the junior event but the boys developed such surprising superiority over the original Myrtle seniors that they were substituted and the old senior crew thrown out entirely.

Captain Judd of the Myrtle club says he is well pleased with both of his crews and he is confident that they will both give excellent accounts of themselves in the races. Captain Atkinson of the Healani club is equally well pleased with both of his crews. They are a gritty lot he says and both will make desperate effort to win.

The junior event will be rowed immediately after the senior race. The crews are composed as follows:

Myrtle, stroke, Ross, No. 3, Sam Johnson, No. 2, Allan Judd, bow, McLean, coxswain, Milton Alvarez.

Healanis, stroke, Webster, No. 3, Tracy, No. 2, Murray, bow, Walcott, coxswain, "Toots" Lansing or Henry Steiner.

There is quite a disparity of weights between these two crews, the Myrtles being the heavier. The Healani crew has had the advantage of more training than its opponent as the junior crew was put together by the Myrtles on short notice. All but McLean are experienced oarsmen and the only thing against them is that they are not quite in as good condition as the Healani crew. The betting is slightly in favor of the Healani crew. The wise ones do not admit any marked superiority however of the Healani team and it is more than likely that the betting will finally shift down to even.

A number of yachtsmen will go down this evening or early tomorrow morning in their boats to Pearl Harbor to witness the races. The big crowd however will start tomorrow morning on the 8:45 train. Many will also drive down to Pearl Harbor. Immediately following the races the special train will return to Honolulu arriving in town before noon. The Healani club announce open house to their members and friends from 1 to 6 o'clock in the afternoon at the club. A number of the boys from both clubs will also go out to dinner at the Moana hotel.

Following are the various officials having the races in charge: Judges S. E. P. Taylor, F. J. Church, A. G. M. Robertson, starter, A. W. Carter; time keepers, E. H. Paris, G. H. Angus, F. J. Kruger and C. J. Willis; regatta committee, A A. Wilder, chairman, F. J. Church, S. E. P. Taylor.

The races will be started at the head of Pearl Harbor on the Ewa side and finish at the little wharf just Waikiki of the Healani training quarters.

SEAMLESS SHOES.

L. B. Kerr is making a specialty of Nettletons' seamless shoe for men. See display in window corner Fort and Hotel streets.

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HONOR TO PAUL NEUMANN

UNITED STATES COURT ADOPTS RESOLUTIONS.

Acting Governor Cooper, Attorney-General Dole, Judge Estee and Others Speak in Eulogy of the Deceased.

United States Judge Estee and Circuit Judge Gear occupied the bench together in the United States District court this morning, while members of the bar paid tributes to the memory of the late Paul Neumann. Acting Governor Cooper, Attorney-General Dole, and a number of other attorneys were present.

The proceedings were begun by the attorney-general, who presented an engrossed copy of the resolutions prepared by the committee consisting of himself, W. A. Whiting and W. L. Stanley. The attorney-general made a very eloquent and impressive address of eulogy of the deceased lawyer in asking the court to have the resolutions spread on the record. "Well as I knew him, I did not know his creed," said Dole, in the course of his remarks, "but I know that he lived according to the teachings of the great Master when he said 'Thou shalt love thy God and thy neighbor.'"

Judge Stanley spoke next, at the invitation of the court. He also was warm in his tributes to the memory of his late friend. He had known Paul Neumann for eight years, and spoke with feeling of the dead man's noble and generous character. "Friends have noticed for months that dear old Paul was failing," said Stanley, "and he knew it himself, but hoped that a change of climate would bring a return of his old strength. It was his intention to leave the island next month, for a trip to recuperate on the mainland." Stanley also spoke of Neumann's happy home life.

E. B. McClanahan was called upon by Judge Estee, and made a brief address seconding the resolutions offered. "I never knew a man or knew of a man so universally beloved as Mr. Neumann," said McClanahan. "His friends were legion. When in San Francisco lately I was struck by the fact that everyone seemed to known Paul Neumann and all spoke of him in terms of love and endearment."

J. J. Dunne, acting United States district attorney, added afew words in appreciation of the head lawyer, also seconding the resolutions. He had known Neumann in San Francisco, and had learned to appreciate the character that made him so widely popular.

Acting Governor Cooper also addressed the court. He spoke of Neumann's character as a peacemaker. "He was ever moderate in his speech, and always tried to bridge over the chasms made by political differences," said Cooper. "In the old days his pronounced political views opposed to the changes that took place found expression in efforts to do by other means what some sought to do by force, and his course won the admiration of all.

"I feel that I have lost a personal friend in the death of Mr. Neumann—one that could always be consulted with confidence and trust. I mourn deeply his loss, and am glad to have this opportunity to second the motion to spread these resolutions on the minutes of the court."

Judge Estee said he had known Paul Neumann for thirty years. "Mr. Neumann was misunderstood even by some of his oldest friends," said the judge. "He had almost a national reputation as a club man and yet he was not a mere club man. In his manhood he had a varied learning and a memory rarely found among men of our profession. He was in no sense a mere case lawyer. He never looked for a large number of authorities to sustain him on any given point. He knew the principle and then sought for a well digested authority to sustain it.

"In a sense he was not an agressive lawyer and yet for what he deemed was right no man would fight harder.

"He was a safe counselor; he never advised his clients into difficulties that he could not safely and honorably get them out of. He spurned all the so-called tricks of the profession. With him, an oral stipulation was as safe as a written one. Indeed he was always ready to make any stipulation to accommodate opposing counsel which did not injure his own client, but which would save the other side trouble.

"He was eminently a literary man. He could quote from the old Latin authors as well as from all the modern German, French, Spanish and English writers. He never forgot anything.

"He had a wonderful faculty of remembering and telling anecdotes. He was hospitable to a fault, his home was the meeting place of all who had character and wit.

"His friendships were most enduring. He never forgot a name or a face. He liked club life whereby he could meet and bandy pleasant words with men of culture. Though not born in America, he was thoroughly American. Though in a technical sense he was not a scientific man, yet in a broader sense he was most learned. Though always at ease and apparently at leisure, he was industrious. Though full of repartee he never made enemies. He was one of the few men who had no enemies. He had opinions and yet he rarely offended even the most sensitive by asserting them. He was a greater and a better man than he seemed. Though dead he will still live. Our regret is that he has left behind him too few who are able to fill his place."

The court made an order spreading the resolutions upon the record, and directing that an engrossed copy be sent to the widow of the deceased. The resolutions are as follows:

"WHEREAS, the Honorable Paul Neumann, after a long and honored and brilliant career in public and in private life, has passed from among us laden with the love, not only of his brethren of the profession, but also of all who knew him, holding a unique place in our hearts and in the hearts of his fellow citizens on account of the chivalry of his character; his unswerving loyalty to truth and duty as he saw them; his breadth of view that did full justice to the motives of political opponents; the sweetness of his nature softening bitter differences; his kindness to all and, most of all, to those who needed kindness most; his brilliant wit; his never failing cheerfulness, even in sickness and in pain, and the sunlight of his life

(Continued to page five.)

MUST PAY FOR SEWERS

HONOLULU PEOPLE TO BE TAXED.

Rate Card Issued Showing Charges for "Use of Sewer"—Revenue to Maintain The System.

The Department of Public Works has issued a rate card, showing annual charges "for use of sewer." It appears that all who use the new sewer system in Honolulu are to be charged a yearly rent, and an elaborate schedule of rates has been made up.

Superintendent Boyd says that the system will probably run itself, with the rentals to be received. When asked as to the reason for making charges, the right of the department to ask pay for use of sewers being challenged, Boyd stated that it had been decided that people in Honolulu ought to pay for the use of sewers, because property owners were not directly taxed for the putting in of sewers, as in many other places. "The sewer system here was put in by funds drawn from the general treasury," said the superintendent, "instead of each owner of street property being compelled to pay a proportion for sewer work, as in other places.

"I don't know that there is any authority for charging this rental beyond the need of a fund for maintaining the sewer system, and the justice, as the department thinks, of making those who use the sewer pay for its maintenance. I know of no act to the Legislature requiring such a charge to be paid."

The income from the sewer system will be very large, under the proposed rent schedule. It is expected that there will be over 4,000 connections. The following is the rate card:

Dwelling houses and office buildings: 500 or less square feet area (20x25) $3.00 per year; 500 to 800 square feet area (25x32), $4.00; 800 to 1,100 square feet area (30x36) $5.00; 1,100 to 1,400 square feet area (35x40) $6.00; one dollar additional for each 300 square feet of floor area.

Lodging, tenement houses and stores. For every adult, 75 cents.

Restaurants saloons and hotels, charges according to the number of fixtures in place: Urinals, $2 each; water closets, from $4 for 1, to $18 for 5; washbowls from $1 for 1; to $3 for 5; baths from $2 for 1, to $9 for 5; sinks, from $6 for 1, to $13 for 5.

Laundry tubs, for each tub, $5.00.

Floor drains, for each drain, $5.00.

Laundries and factories. 2 persons employed $5.00 per year; 3 persons employed, $7.00; 4 persons employed, $9.00; 5 persons employed, $10.50; 6 persons employed, [illegible]; over six persons employed $1.50 additional for each person.

Stables: Each head of live stock 75 cents. Special rates for anything not included in the above schedule.

4th of July.

7:45 A. M., PARADE OF THE FIRST REGIMENT, NATIONAL GUARD OF HAWAII, AND THE FIRE DEPARTMENT.

Line of March: Drill Shed to Beretania, to Fort, to Merchant, to the Capitol in review, to the Drill Shed.

8: 45 A. M., SPECIAL TRAIN FOR THE PEARL HARBOR BOAT RACES.

9:30 A. M., SENIOR RACE, PEARL HARBOR. Junior race to follow immediately afterwards. Trains return at once after the races.

1 TO 6 P. M., HEALANI CLUB keeps open house to its members and friends; dancing.

8 A. M. to 5 P. M., Y. M. C. A. at the John Cassidy place, Waikiki.

7:30 P. M., LITERARY PROGRAM AT THE Y. M. C. A.

8 P. M., MARQUARDT CONCERT AT THE OPERA HOUSE.

BROTHERS LEAVE.

Three of the Brothers of St. Louis College, oldest in point of service in the Islands, left by the Zealandia yesterday for the mainland for extended vacations and, indeed, one and probably two of them may not return. They are Brothers Bertram, Anthony and Mark. Brother Bertram brought the first Brothers to the Islands for St. Louis college. This was in 1883. He will make quite a tour and expects to return again.

Brother Mark will probably not return. He was at Wailuku for twelve years and had been connected with St. Louis college since for six years. Brother Anthony had been at St. Louis college ten years. He also will probably not return.

On monday evening a farewell reception was given in the hall at the college to the departing Brothers. Two plays were put on and there were a number of musical and other specialties. Brother Bertram made the farewell address to the students.

CURE FOR CHOLERA INFANTUM, NEVER KNOWN TO FAIL.

During last May an infant child of our neighbor was suffering from cholera infantum. The doctors had given up all hopes of recovery. I took a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy to the house, telling them I felt sure it would do good if used according to directions. In two days time the child had fully recovered. The child is now vigorous and healthy. I have recommended this remedy frequently and have never known it to fail. Mrs. Curtis Baker, Bookwalter, Ohio. For sale by all dealers. Benson, Smith & Company general agents Hawaiian Islands.

PACIFIC HEIGHTS RAILWAY.

No grander scenic view to be had than Pacific Heights affords. Take the Pacific Heights Electric Railway and have a pleasant outing. Round trip fare only 10 cents.

SEMI-WEEKLY STAR.

Honolulu people who are going abroad can have the Semi-Weekly Star mailed to any address for the small sum of twenty-five cents a month. The Semi-Weekly Star contains all the local news of importance, besides the daily stock quotations are published.

Finie Job Printing, Star Office.

SENATE WRITES A LETTER

ASKS LOWER HOUSE FOR AN EXPLANATION.

Eighteen Karat Solons Quite Angry Over Action of Representatives. Salaries Bill Again.

The Senate devoted most of its time this morning to discussion of the action of the House in turning down the bill appropriating money for the expenses of the Legislature. In the original bill the sum mentioned was $15,000. Upon investigation the Senate discovered that the bills now due footed up $16,000 and that more were likely to be contracted. The amount mentioned in the bill was accordingly raised to $20,000 and the amendment, which was summarily rejected, sent to the House.

During the debate of this morning Kalauokalani, Cecil Brown and others were particularly severe in censuring members of the lower house, not only for their action, which was characterized as irregular and highly discourteous, but for remarks they had made in town. Kalauokalani stated that Representatives had run around town like a lot of children, telling street gamins and newspapers that the Senate was gobbling up all the money. These statements were untrue and seemed to be intended to reflect badly upon members of the upper house. The discussion ended with the adoption of a letter asking the lower house why it had rejected the amendment of the Senate.

The first thing taken up in the Senate this morning was a notice from the House that it had failed to concur in the Senate's amendment to House bill 4, appropriating money for expenses of the Legislature.

Senator Crabbe objected to certain hard things representatives had said about the senate. It was clear that $15,000 would not be enough and that $20,000 would be required. If the House did not care to appropriate money to pay all the bills, it might as well provide none at all and he would favor dropping the matter. John T. Brown suggested a joint committee to examine the outstanding bills and to report back the exact amount due.

Torrid atmosphere then appeared. Kanuha declared that the House had spent more than its share of money. Crabbe agreed with him, and Achi introduced Cushings' Manual and tried to prove that the House could not turn down the amended bill until it had failed three times. Cecil Brown defended the action of the Senate in raising the appropriation from $15,000 to $20,000.

Mr. Brown said the duty of the House, if not favorable to the amendment, was to appoint a committee to confer with a like committee from the Senate, to find out the reason for the increase in the appropriation. In place of that the body had spent the time abusing the Senate and had returned merely a note curtly informing the Senate of its refusal to confer. The speaker did not wish to bandy words with the house, but did not believe the lower body had done the square thing.

Achi wanted to send a letter to the House setting forth the views of the Senate on the matter, and was supported by Kalauokalani. The latter said the Representatives had acted badly, and on top of that had run around the streets telling all the gamins and newspapers that the Senate was robbing the treasury.

Mr. Achi introduced a short letter, addressed to the House, asking that body why it declined to concur in the troublous amendment. This was adopted.

The house's salary bill was then taken up and work of amending it to conform to the Senate's bill passed. This continued to noon.

EVEN WITH THE SENATE.

The house this morning received its amended current expenses bill from the senate, and the senate's salaries appropriation bill. The latter was promptly laid on the table, as was the house bill in the senate.

As the situation now is there is no salary appropriation bill left. The senate tabled the house bill, and the house lost no time in giving the senate a dose of its own medicine. "Let the senate take up the house bill, if it wants one" said one representative. "Why should we work on their bill, when we have passed our own?"

Most of the morning was occupied in reading and comparing the amended current expenses with the bill as received from the senate, with the house's figures. There were many differences. It is the plan to appoint conference committees now, and try to agree on a bill.

PACIFIC HEIGHTS RAILWAY.

Commencing Tuesday, June 25th, cars will be run from Nuuanu Avenue Station at the Tramway terminus, directly connecting with Nuuanu and School streets cars of the Hawaiian Tramways Co. Transfer tickets will be issued by both railways.

Ladies' French dancing slippers at McInerny's Shoe Store, something entirely new.

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Made from pure cream of tartar.

Safeguards the food against alum.

Alum baking powders are the greatest menacers to health of the present day.

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CHINESE BEFORE ESTEE

BORN HERE BUT MAY BE DEPORTED.

Arrived From China Too Late to Register and are Now Under Arrest to Be Sent Back.

A pretty little Chinese Girl of eleven years and another 21 years old, with two Chinamen, were before United States Judge Estee this morning, with a view to convincing him that they ought not to be sent back to China. They arrived here on the China less than two weeks ago, and are under arrest to be sent back, unless Judge Estee comes to their rescue. They arrived too late to register.

The girls are Ah See and Cut Yung both born in Honolulu, according to their statements and the men are Lum Chow and Ah Tu. They employed T. McCants Stewart to look after their interests, and he tried to convince the judge that the case was one in which bail was allowable. It is a cast iron rule that Chinese taking proceedings under the laws excluding them from the country are not to be admitted to bail but Stewart claims that the Chinese he represents are in a different position, being already in the country. The court agreed to hear the matter this afternoon.

In the meantime the Chinese were taken care of in United States Marshal Ray's office. Deputy Hendry agreed to look after them, so that they need not go to jail, unless Judge Estee should decide not to allow bail. Their friends and relations in town were allowed to see them and to send lunch to them in the registration of Chinese refers to

The prisoners are in the same fix as about 250 other Chinese who have gone home during the last year, not having returned here in time to register. In some cases it is claimed that sickness prevented return in time. Many of the absentees, like those now before Judge Estee, claim to have been born here, and demand to be allowed to stay on the ground that they are native born citizens.

The provision in the organic act for the registration og Chinese refers to "the Chinese in the Hawaiian Islands" when the act took effect. One technical point in favor of some of the endangered ones is that they were not actually in the islands when the act took effect.

HARP AND VIOLIN.

Marquardt Concert Tomorrow Evening Will be of Rare Interest.

The management of the Marquardt concert to be given at the Opera House tomorrow evening, thinks that no more fitting entertainment for the night of Independence Day could be given. Both Herr Marquardt and Madame Breitschuck-Marquardt are artists.

The harp more than any other instrument figures in history and literature. In its essential principle it is one of the earliest of instruments. But it has been developed as music itself has been developed until now it is an instrument of rare quality and capacity. Masters of the harp have ever been accounted masters of the spirit of music. Madame Breitschuck comes with the reputation of rare skill as a harpist, but also with more than the reputation, for she is not a stranger here.

Herr Marquardt is a violinist of splendid power, and an interpreter of music of rare intelligence. The concert tomorrow evening may be expected to be a most excellent one.

SHOWS INCREASING PROSPERITY.

The twenty-sixth annual report of the Provident Savings Life Assurance Society, which has just been published is gratifying to all the friends of the company. Since President Scott assumed the management of the company it has doubled its assets, income and reserve fund for policy-holders. A. Newhouse, resident manager; office: 6 Model Block.

DIFFERENCE OF TEN DEGREES.

The difference in temparature between Honolulu town and Pacific Heights is now 10 degrees Fahrenheit and the difference in humidity from 15 to 20 degrees. This makes Pacific Heights the long looked for ideal site for residence purposes.

Fine Book and Commercial Printing, at the Star Office.

Bring In your Feet We Will Cover Them Properly For You.

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