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HONOLULU, HAWAII, THURSDAY, JULY 5, 1906.

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## NICHOLAS WAKES UP

(Associated Press Cable to The Star.)

ST. PETERSBURG, July 5.—The czar's unprecedented offer to the Douma directs Duke Nicholas to investigate the disaffection among the Russian soldiery.

Several generals have been dismissed from the army, in disgrace.

## MISS SUTTON LOSES AT TENNIS

WIMBLEDHOWN, England, July 5.—Miss Douglass is the winner of the ladies championship singles, as she defeated Miss May Sutton the American here today.

## BELGIANS DEFEAT BRITONS

HENLEY, England, July 5.—The Belgian crew today defeated the Trinity Hall crew in the finals in the Challenge Cup race.

MANILA'S CHOLERA.

MANILA, July 5.—The cholera is spreading, but is believed to be controllable.

INDICTING RUSSIAN POLICEMEN.

BIALYSTOK, July 5.—Twelve policemen have been indicted for participating in the recent massacres at this place.

## Celebrated The Fourth By Beating Their Wives

HUSBANDS WERE VERY STRENUOUS IN THEIR METHOD OF ENJOYING THE OCCASION.

There were few arrests made yesterday by the police. In fact the number is incredibly small, for a Fourth of July, only two drunks being gathered in, but it was nevertheless one of the busiest days that the local force has known in years.

A great deal of celebrating was going on and a very large number of the celebrants proceeded to observe the glorious fourth by thumping their wives. Telephone messages after telephone messages came over the lines to Station Clerk Joe McKinnon. "Hey, this police station? Then 'Hi' you 'hic' send policeman. My brother, he been beat his wife. Send him wikkiki." And immediately a bicycle officer would be dispatched to Kalihl to hunt up the cruel husband. When the officer would arrive it would be to find the crowd "protesting" and every one in a good humor. No arrests would be made.

Other times to Kakaako and Palama the police would be hurried in response to calls for aid and they would have to act as peace arbitrators.

It was the worst day for wife beating that has been known since the islands were annexed and the Glorious Fourth became an official holiday.

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## YACHT ANEMONE HAS A HARD LUCK STREAK

BLOWS OUT TWO BOILER TUBES, GOES AGROUND AND HAS HARD LUCK GENERALLY.

The Yacht Anemone which was to have sailed today for Seattle has delayed her start until tomorrow as her owner wishes to wait for the mail which is due tomorrow on the S. S. Alameda from San Francisco.

Before departing for Pearl Harbor yesterday the Anemone had the misfortune to blow out two of her boiler tubes and that delayed the arrival of the yacht at Pearl Harbor although she was in time to see the finish of the first boat race.

On coming home yesterday from Pearl Harbor the yacht went ashore off Kalihl. T. W. Hobron had piloted the boat safely to Pearl Harbor and out again and had turned the boat over to Alex Lyle when she went aground. The foresails were set and the north-east trade winds which were blowing took her off of the reef without any damage occurring to her.

Mr. Tutt expects to sail sometime tomorrow after the arrival of the mail. Commodore Sinclair of the Lurline may get away for San Pedro tonight but he may decide to wait until tomorrow. He was undecided whether to leave this afternoon late or not.

## SHORTAGE OF COAL AT HILO

There is a shortage of coal at Hilo. Efforts are being made by the Oahu Railway officials to have the S. E. Fairfield go to Hilo to discharge the remainder of her cargo of coal. She has about 1,200 tons aboard now, the bulk of the cargo having been discharged at the railway wharf.

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## CHAMBERLAIN'S COLIC, CHOLERA AND DIARRHOEA REMEDY.

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RESUMED PRACTICE. George D. Gear has opened law offices in the rooms formerly occupied by Justice Hatch on Kaa'umana street. Telephone Main 214.

## WHAT IS THE RULE ABOUT WIFE-BEATING?

ACHI'S PROPOSITION ON THE SUBJECT AS MADE BEFORE JUDGE DE BOLT THIS MORNING—EVERYONE WILL LOSE HIS FAMILY IF ONE CASE OF CRUELTY IS TO BE REGARDED AS JUSTIFYING DESERTION.

How many times has a husband a right to beat his wife or be cruel to her, before she by reason of such action has a right to leave him and take the children with her? At least more than once, according to Lawyer Achi, who told Judge De Bolt this morning that if the court was going to lay down a rule that the better halves could quit the first time "we should all be losing our children."

"How many times do you claim it should occur?" the court mildly inquired.

Achi didn't answer the question, but he repeated that once was certainly not enough, and that only one occasion of husbandly cruelty had been shown in evidence in the case under trial, which was the habeas corpus petition in behalf of little Hianna, a diminutive Japanese girl who looked something like a poster advertisement of a geisha girl. "Why," said the fifth district statesman and attorney, "if that was to be the rule we all lose our children."

Magoon, who appeared for the other side, joined the court and spectators in manifestations of surprise and amusement, but this did not stop the flow of

Achi's argument. He told the court that it had been shown that the girl had been sent "up stairs" by her mother, when her father called, and had been told not to come down. The father, under local law, had the prior right of authority over the children, and the mother's act in sending the girl up stairs was illegal restraint of liberty.

Hianna testified for her mother. She talked fairly good English. She emphatically declared that she wanted to live with her mother and not with her father. This very largely influenced the judge in dismissing the petition, and ordering that the man who brought it, Tatsuzi Nakashima, pay the costs. It appeared that his wife had left him in Kohala and come to Honolulu with the child, and he secured the writ of habeas corpus to get possession of the child.

Judge De Bolt intimated that Achi's propositions as to the father's right of control might be considered in a divorce or guardianship proceeding, but said he didn't see how any showing had been made that there was any illegal restraint of liberty, hence habeas corpus would not lie.

## Liquor Licenses Refused

WAIKOA, KAUAI, IS HAVING A MERRY WAR OVER THE BOOZE BUSINESS.

Treasurer Campbell has refused three applications for liquor licenses from Waikoa, Kauai, on account of protests against them by a majority of the voters of the precinct in which the liquor establishments were to be conducted. One of them is that of the Waikoa Wine and Liquor Company, a corporation, of which C. W. Spitz is a principal stockholder. It was turned down by a substantial petition of 95 voters, in a precinct where there are 178 voters.

The treasurer also revoked the license of the Kauai Wine and Liquor Company, of Waikoa, on account of the conviction of Manager Hall of supplying liquor to a minor. After an investigation, however, Campbell came to the conclusion that the case did not warrant such severe action, and he rescinded the revocation. The facts of the case showed that Hall had had nothing personally to do with the violation of law, and his conviction was sustained on technical grounds. The application of the company for a renewal is undecided, however, and the conviction is a matter to be considered in connection therewith.

A fight among liquor dealers, rather than a wave of temperance, is responsible for the turning down of the three applicants. The other two are S. Osaka, against whom 93 voters signed a protest, and K. Oto, with 94 voters' signatures against him.

## Reorganize Board of Education

TWO VACANCIES ON ACCOUNT OF WHICH GOVERNOR CARTER IS CONSIDERING APPOINTMENTS.

Governor Carter is considering appointments for two vacancies on the Board of Education, the commissions of Mrs. R. W. Jordan and H. M. Von Holt having expired. Mrs. Jordan has expressed her intention to retire and it is said that Von Holt is also willing to let someone else tackle the work for the next term, hence there may be two new members of the Board.

This morning the governor had a conference with Superintendent Babbitt, at which the matter of appointments is understood to have been discussed. The Board is to hold a meeting tomorrow. The terms of Mrs. Jordan and Mr. Von Holt both expired last Sunday.

MORE NEW GOODS. Dainty fancies and novelties for ladies wear just opened and now ready for your inspection. Belts, valings, laces and embroideries are well worth seeing.

## M'Grew Must Defend Roe Case

SUPREME COURT INTIMATES THAT MRS. ROE WAS DAMAGED BY PISTOL SHOT.

The Supreme Court held this morning that Mrs. Evelyn Cooke Roe apparently has a cause of damages against Dr. J. S. McGrew on the evidence submitted in the trial of her suit for damages for alleged shooting at or near her by the doctor, in order to drive her and her husband away from his Pearl Harbor property. This is the case in which Roe appeared as counsel, and was promptly consulted. Later he employed counsel and on motion of Castle & Withington the order of non-suit was vacated. The defense appealed from this order.

After disposing of a claim that the lower court had no right to vacate the non-suit because no exception to it was taken, the Supreme Court, in an opinion by Wilder, says:

"The second ground depends upon whether there was sufficient evidence to go to the jury. The testimony on behalf of the plaintiff showed in substance that on April 12, 1905, while she and her husband were rowing in a boat in Pearl Harbor, about fifty feet away from defendant's pier, defendant ordered them to go away, swore at them, threatened to shoot them with a pistol which he was flourishing, and finally shot at them, the bullet passing by them; that they then went home, which was a mile or so from the place of the shooting; that plaintiff became sick in body and mind; that Dr. Wood treated plaintiff professionally on April 17, 1905, and a few times after that, stating that plaintiff was suffering from nervousness and morning sickness caused by pregnancy and she also had a pain in her knees.

"Defendant claimed that as no actual damage was shown exemplary damages could not be awarded, and also that there was no showing that any damage was the clear and necessary consequence of the sort alleged. The evidence would have properly justified an inference that damage resulted from the assault and consequently it should have been left to the jury. The contention of defendant is practically this, that because the bullet did not hit plaintiff she suffered nothing. With this contention we cannot agree.

"The exceptions are overruled." Castle & Withington appeared for plaintiff and Thompson & Clemons for defendant.

## A MAUI VERDICT

Judge Robinson returned this morning from Maui, where he went to try the case of J. A. Aheong vs. the Haiku Sugar Company, a suit for \$1500 damages for trespass, involving water rights. W. A. Kinney appeared for plaintiff and W. O. Smith and L. J. Warren for defendants. The trial lasted twelve days, and the jury was out about three hours, delaying the departure of the steamer that long last Tuesday night. A verdict for plaintiff, for the full sum asked, was rendered.

Fine Job Printing, Star Office.

## HARD CASE FOR JUSTICES TO SETTLE

SUPREME COURT FINDS POINTS IN THE GODFREY-ROWLAND CASE OVER WHICH THE LEADING AUTHORITIES ARE IN CONFLICT—VERDICT FOR THE PLAINTIFF IS SUSTAINED, WITH THE CHIEF JUSTICE DISSENTING.

With Chief Justice Frear dissenting, the Supreme Court this afternoon decided the famous Godfrey-Rowland case—the "Black and White" case, which has been fought in the courts here for many years. It involves about \$50,000 worth of real property on Alapai street. The suit was brought by Frank Godfrey, as trustee for Thomas Metcalf, against Helen Rowland. After weeks of trial, which ended with the "Black and White" episode, a jury before Judge Robinson found for the plaintiff. An appeal was immediately taken and it is announced that a further appeal will now be taken to the United States Supreme court.

Both the opinion of the court, which is by Hartwell, and the dissenting opinion of the chief justice, contain references to the extreme difficulty of the case. The decision refers to the "conflict of American decisions" on the points involved. It further says that authorities are "not quite clear" and others not satisfactory, and closes by saying that "upon the whole" the court thinks the verdict ought to stand. Chief Justice Frear begins his dissenting opinion by saying that he dissents "not without hesitation" for he realizes that "much can be said on the other side, both in reason and on authority." He quotes, however, a long

list of cases in which he finds grounds for dissenting.

The points ruled upon are stated in the syllabus as follows: "Plaintiff as trustee for T. M. brought ejectment for T. M. as the only surviving lawfully begotten child of F. M. (1) A clergyman's entry of the W. T. M., shown to be T. M., was authenticated by proof of his handwriting, he being in Australia. Held: No error. (2) The wife of F. M., having testified for the defendant that she had two other sons living, born after she had become separated from her husband the plaintiff showed by her testimony in rebuttal non-intercourse with her husband after they had become separated and until his death, the sons having been born several years after the separation began. The defendant was not allowed to cross-examine her concerning her illicit relations with the plaintiff. Held: The evidence was inadmissible under the rule in Goddard v. Moss, Comp. 591, which appears to be law in England still and to have been adopted generally in the American cases, but the evidence, and the refusal to allow cross-examination were harmless in the view that the verdict can stand for the plaintiff even if the sons George and Harry, designated in the evidence of the defendant, were co-tenants."

## LYMAN TRIED TO DESTROY CHECKS

TORE UP TWO WHEN SEARCHED AT THE POLICE STATION THIS AFTERNOON.

Harry Lyman is once more in the police toils with the police making an investigation that may result in another charge being filed against him. He was arrested this afternoon on the charge of profanity. When searched at the police station he tore up two checks on Bishop & Company's Bank, one for \$24 made out payable to himself and bearing the signature of "C. T. Rosenberg" and the other for \$52 bearing the signature of "Fred Waterhouse," payable to Lyman. The police tried to prevent him destroying the checks but he was able to tear them up. Station Clerk Joe McKim on pasted the torn paper together and turned them over to Assistant Sheriff Henry Vida who will inquire as to the circumstances of Lyman getting the checks.

Lyman was sentenced to six months in jail recently for swindling. He appealed the case. His bondsmen in that case surrendered him today.

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## BOARDS OF REGISTRATION

SIX VACANCIES ON VARIOUS BOARDS TO BE FILLED BY GOVERNOR'S APPOINTMENTS.

Six vacancies on various boards of registration, two of them on this island, are to be filled by Governor Carter in the near future, and applications are being considered. In Honolulu A. F. Judd, who went to the Philippines, resigned and A. St. Planalia has also given up his post. On Hawaii the resignation of W. H. C. Campbell and K. K. Kekaula, now a deputy sheriff, are in and on Kauai W. H. Rice has resigned from the board.

A. F. Knudsen, it is said, will be appointed to fill the vacancy on the Kauai board. It is thought that there will be other vacancies on various islands, before the time for organizing the boards for work comes.

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