

CATHCART BRINGS SUIT FOR LIBEL

County Attorney Sues Advertiser

A. G. M. ROBERTSON AND F. W. MILVERTON COUNSEL FOR THE REPUBLICAN CANDIDATE IN ACTION TO BRING THE ADVERTISER'S CHARGES BEFORE A COURT AND JURY—CATHCART IS TO TAKE THE STUMP.

FREAR SPEAKS WEDNESDAY AND CATHCART SATURDAY AT THE ORPHEUM THEATRE

On Saturday John W. Cathcart, County Attorney candidate, will answer his critics from the Orpheum stage and John Lane, for Mayor, and John Wise, for Sheriff, will also speak.

County Attorney John W. Cathcart this morning filed a \$20,000 libel suit against the Advertiser, including Editor Walter G. Smith as a defendant, on account of the publications of last Saturday regarding Cathcart. He has A. G. M. Robertson and F. W. Milverton as counsel, and says he will bring other libel suits as the Advertiser's promised programme of charges continues. Cathcart also issued a statement in denial of new charges sprung this morning, and declared that he would take the stump and answer in person.

Cathcart's statement as to the J. F. Colburn charges made this morning in behalf of Long's candidacy was as follows: "I have not yet read the 'Sunday Advertiser,' but am informed that Goo Wan Hoy makes a charge that in 1899 I embezzled a \$90 judgment that I had obtained for him. This is false. Any sane person knows that if I had embezzled \$90 in 1899 from Goo Wan Hoy, some mention would have been made of it before now. It certainly would have appeared in the action that Humphreys brought for him.

"As to the statements of Colburn, if there was any truth in them, Mr. Kinney would certainly have taken some action at the time, either by bringing the matter before my superior, the Attorney General, or before the Bar Association. Kinney would, in all probability, have used this in my contest of two years ago, as he was then Chairman of the Democratic Committee. The alleged blackmail is a transparent lie. The public will notice that all of the Advertiser's charges are years old. If I had been guilty of them, is it possible that they would not have been brought to light long before now?"

"The public knows Colburn, Goo

(Continued on Page Eight.)

W. R. CASTLE MISQUOTED

Hon. W. R. Castle was asked this afternoon if the report was true that he considered himself as having been put in a wrong light regarding the charges against County Attorney Cathcart by the Advertiser of Saturday. He replied: "In Saturday's paper I appear to be a principal in these proceedings against Mr. Cathcart—in the headlines chiefly. "I did not know anything about this business until Mr. Joe Cooke asked me to go and see Mr. Thurston with him. So I went to see Mr. Thurston and he wanted to know if I had receipts and papers to show what the transaction in question was. Of course I had no objection. "The Advertiser reporter came over and I showed him Mr. Cathcart's receipt for the settlement which was dated October 24, 1961, since which time I do not know anything about the case at all. "I know that I was very much disgusted at the settlement for \$500, for it was a case worth \$2000 to the Chinaman. It could only be worth that on account of some misconduct on his (the Chinaman's) part. It was an action to set aside a deed which probably would not have been successful. "If it had been successful the land would not have belonged to him unless, as I believe to be the case, it was a matter whereby he was to get the land for nothing, practically. "All this was claimed by the defendant in the case, who was going to bring her proofs in case the action was tried. "My relations with Mr. Cathcart have always been friendly."

GREAT ENTHUSIASM IN JAPAN OVER THE AMERICAN FLEET

TOKIO, October 19.—A great banquet was given today in honor of the American fleet. Admiral Sperry spoke of the peaceful mission of the warships. The enthusiasm here exceeds that which was shown in the welcome to Admiral Togo on his return after the war.

KAUKEA'S BACKERS

Sheriff Curtis Iaukea has filed his nomination papers with the County Clerk as an independent candidate to succeed himself as sheriff.

Those who sign Iaukea's nomination papers are as follows: H. C. Pfleger, W. R. Castle, R. O. Mitchell, W. L. Castle, Rev. E. S. Timoteo, J. J. Williams, H. Armitage, Morris Rosenblatt, T. K. Ulukou, George A. Davis, Ching Shai, A. S. Humphreys, James L. Holt, H. F. Bertelmann, George C. Beckley, Solomon Hanohano (editor Kuokoa), J. K. Nakila, Rev. E. W. Thwing, Rev. W. N. Lono, J. K. Kaimanui, C. F. Peterson, Anthony N. Gilman, John Effinger, Lyle A. Dickey, W. W. Hall, Robert Parker Waipa, Abraham Fernandez, Joaquin Silva, Peter Kealakaionua, H. M. Whitney, Judge W. L. Stanley, Ho Fon.

NEW AUTOMOBILE RATES.

The Auto Livery will from this date reduce all automobile work 25 per cent. 1 passenger inside city limits Punahou St., Wylie St., or Kamehameha Schools 50 cents; calling or shopping \$3 per hour; continuous driving \$5 per hour; \$4 second, \$3 for third. Around Island \$40. E. H. LEWIS, Proprietor, Tel. No. 6.

FINE MEALS.

The combination lunch at the Alexander Young Cafe at 25c, 35c, 50c, and 75c will suit everybody.

NEW CROP OF JAPAN RICE.

K. Yamamoto wholesale dealer, is expecting the new crop of Tengu Japan Rice by the next steamer which will be the very first shipment this year for this country. This is in keeping with this enterprising merchant's record.

BLOOD POISON PREVENTED.

There is no danger from blood poison resulting from a wound when Chamberlain's Pain Balm is applied. It is an antiseptic liniment, and unless the injury is very severe it will not leave a scar. For sale by all dealers, Benson, Smith & Co., agents for Hawaii.

MURDERER PASSES AWAY

Kalo, who was condemned to death as an accessory before the fact in the murder of Dr. Jared Smith, of Kauai, the brother of W. O. Smith, of this city, and whose sentence was afterward commuted to life imprisonment, died of stomach trouble in Oahu prison yesterday. There were two other participants in the crime, both of whom are dead. Kapea, who committed the murder, was hanged on April 11, 1898, and Upapa, who was an accessory, died shortly after his release from jail a few years ago.

A daughter of Kalo's was declared to be a leper by Dr. Smith, whereupon a conspiracy was started in which Kalo, Kapea and Upapa, took part and it was decided that Dr. Smith must die. It was then determined that Kapea should do the actual killing, while the plans were laid by the other two. The case created a most intense interest at the time, on account of the prominence of the murdered man and the trials were conducted before Judge Antonio Perry, then judge of the First Circuit Court.

GRAND LUAU AND NO POLITICS

The Cummins Pawa mansion was Saturday afternoon the scene of a most delightful luau at which there was no politics. The spirit of the occasion had been conjured as a memorial in honor of the recently completed waterfront "billiard table" section of road between Fort and Nuuanu on Queen street, whereof Merseberg was the creator and others were the faithful co-operators.

Deacon Trent was introduced to Best cup of coffee in the city at New England Bakery.

Stone tools, machinery and polish scar. For sale by all dealers, Benson, Smith & Co., agents for Hawaii.

FAIRCHILD RUNS ALONE ON KAUAI

The Supreme Court this afternoon at 2 o'clock handed down a decision against John S. Chandler in his mandamus proceedings against Secretary of the Territory Mott-Smith.

Chandler got his nomination papers, for Senator from Kauai, in too late and he mandamus Mott-Smith to admit the papers.

The decision against Chandler leaves Fairchild, Republican, the only senatorial candidate from Kauai.

It is held that in case the thirtieth day before election falls on Sunday this fact does not entitle the candidate to file his papers on Monday.

Further than this it is held that the section of the statute which prescribes the time within which the nominations must be filed, is not in conflict with the Organic Act.

ROOSEVELT AS EDITOR

(Associated Press Cable to The Star.)

NEW YORK, October 19.—It has been officially announced that President Roosevelt will, after he leaves the presidential chair on March 4, take the position of associate editor of the "Outlook" the weekly magazine of this city.

ARMS FOR REBELS

BERLIN, October 19.—An Austrian torpedo boat on patrol duty has placed under arrest a British steamer in Antifari Bay. She was carrying arms and ammunition to Montenegro.

HOME PORT REACHED

PORTSMOUTH, Me., October 19.—The battleship Maine, arrived at this port today. The battleship Alabama, is off Sandy Hook.

EVANS IS GUILTY

YOKOHAMA, October 19.—Lieut. Evans, son of Rear Admiral Roddley D. Evans, has been found guilty by a general courtmartial of disrespect to a superior officer, and of leaving the deck while on duty. He was found not guilty of the charge of being intoxicated. He has been sentenced to a loss of 150 numbers in rank and to receive a public reprimand.

ISELL INJURED

Wireless Expert Isbell is suffering from contact with high voltage at the Kahuku wireless station as the result of his watch chain coming in contact with a terminal point Friday night. His side was seared and but for convulsions which threw him clear of the contact he would have received full force and died.

his successor (?) as Treasurer of this County, to-wit: Front Admiral Beckley, and Archie Robertson was too cute for anything in his alleged interpretations of English-speaking speakers. There was an abundance of dainty delicacies; also no end to good feeling among the political candidates and respectable citizens present. Berger was there with the band.

Fine Job Printing, Star Office.

CORPORATIONS MAY CONTRIBUTE TO CAMPAIGN

JUDGE DOLE FINDS THAT THE FEDERAL LAW PROHIBITING THE CONTRIBUTION BY CORPORATIONS TO PARTY CAMPAIGN FUNDS DOES NOT APPLY TO THE ELECTION OF DELEGATE TO CONGRESS OR LOCAL OFFICE HOLDERS.

It is perfectly proper for a corporation in a Territory to contribute toward the election of a Delegate to Congress, or to the campaign fund of Representatives or other officers who are to be selected at the same election. A decision to this effect was handed down this morning in the case of the United States vs. the Haleakala Ranch Company. Judge Dole at the same time held that the protest made against the constitutionality of the law would not hold water and that so far as a State was concerned the law had full force.

In the two first counts the decision rendered by Judge Dole holds for the defendant corporation. In the matter of the first count it was alleged that the defendant corporation was organized before the annexation to the United States, and therefore is not a corporation existing by virtue of an act of Congress. On this matter Judge Dole held that there had been no break in authority from the days of the Kingdom to the present status as a Territory and that therefore the law did not affect the defendant. On the same point it had been asked by counsel for both sides that if there was a difference between a corporation which was "organized by the authority of any laws of Congress" includes corporations created under a Territorial law. The reason for such a conclusion is so much stronger than any basis for a contrary one, that it may be regarded as imperative, and, if so, the rule of strict construction has little weight, or rather it may be said that the rule requires this conclusion rather than a contrary one.

On the second count comes the important part of the decision, at least in regard to local politics. The contention of the defense in this regard was that in the Congressional Act the word "representative" in Congress was used and that this did not include the "delegate." In treating on this subject Judge Dole in his opinion, which is of considerable length, quotes from a number of Federal decisions in which it is held that in penal cases "it is not permitted to courts to attribute inadvertence or oversight to the legislature when enumerating the classes of persons who are subject to a penal enactment or to depart from the settled meaning of words and phrases in order to bring persons not named or distinctly described within the supposed purpose of the statute." For this reason the demurrer on this count is allowed.

When it comes to the constitutionality of the law, Judge Dole holds for the Government. He states that there is no doubt of the fact that Congress has full power to guard in every manner the election of Federal officers, even though State officers may be voted for at the same time: "State officials whose duty it is to conduct such elections are for the time being acting for the United States as the paramount authority and may be punished for violation of Federal regulations relating to the conduct of such elections." It is held that the act in question and the Employee's Liability Act, upon the unconstitutionality of which the defense based its demurrer, are not analogous. Judge Dole holds that there has been no showing made by the defendant which justifies the contention that the law on which this case is based is unconstitutional.

The gist of the decision is found in Judge Dole's holding that on account of the fact that the statute does not mention the term "delegate to Congress" specifically, he act is not to be enforced in this Territory, but that in any state in which an election is being held at which a "Representative to Congress" is being voted for the law has full effect.

MEETINGS TONIGHT

Republican—Atkinson Park, 4th District, J. K. Nakila chairman. School and Liliha streets, 5th District, B. Zaban chairman.

Democratic—Joe Aea's, 4th District, Kamehameha road and King street, 5th District.

DANCE AT SEASIDE HOTEL THIS EVENING

A dance in honor of the Pacific Fleet will be given at the Honolulu Seaside Hotel this evening. A special dinner will be served in the open ball room from six thirty until eight. Music for both dinner and dancing will be furnished by the Kaal Glee Club. A cordial invitation to all is extended.

NEW WHITE GOODS.

Some very new and swell white dress goods direct from New York are now at Sachs.

OUR NEW Hub Last

is the greatest SHOE VALUE ever offered to men who do lots of walking and appreciate Comfort, Fit, and Appearance.

Stock No. 407. Price \$4.00.

ROYAL BAKING POWDER Absolutely Pure

The only baking powder made with Royal Grape Cream of Tartar No Alum, No Lime Phosphate

MANUFACTURERS' SHOE CO. LIMITED. 1061 FORT STREET.

A policy in one of our Standard Fire Insurance Companies pays good dividends in Security; and, in case of fire, it will enable you to cash your stock at a big advance. It is a good investment. Hawaiian Trust Company, Ltd., 923 Fort Street

Walk-Over Shoes ALL THE LATEST STYLES Now Showing AT L.B. Kerr & Co., Ltd Honolulu Department Store. ALAKEA STREET.

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