THE PROGRESSIVE AMERICAN PAPER

EVENING BULLETIN

THE PEOPLE'S PAPER.

VOL. XI. No. 1898. HONOLULU, TERRITORY OF HAWAII, WEDNESDAY, JULY 24 1901 PRICE 5 CENTS.

HONOLULU Library & Reading Room ASSOCIATION

PROPERTY OF THE WIDEMANN ESTATE

Sold at Auction To-day by Auctioneer Jas. F. Morgan.

FORT STREET BUSINESS SITE SELLS FOR $97,000

C. S. Desky Buys Old Homestead--Land on Waikiki Road Containing 20 Acres Sold to W. H. Cornwell.

The valuable Widemann property at the corner of Fort and Hotel streets, the banana patch land of the same estate on the Waikiki road between the Moana Hotel and Hoppins' switch, and the homestead on Punahou street, were sold at auction today by Jas. F. Morgan at his sales rooms on Queen street. The total amount netted by the sales was $129,500, just $20,500 less than the amount it was expected would be brought in by the business property at the corner of Fort and Hotel streets.

Auctioneer Morgan first put up the property at the corner of Fort and Hotel streets as a whole, giving the upset price of $150,000. The property has a frontage of 177.5 feet on Fort street and 120.3 feet on Hotel street, the whole containing an area of 19,786 square feet.

Failing a purchaser as a whole, the four lots were put up separately. Lot 1, that portion of the property now occupied by the Pantheon saloon, Pantheon barber shop and Honolulu Tobacco Co. and having an area of 5,139 square feet, with a frontage of 77.5 feet on Fort and 70.3 feet on Hotel street, was the first to be offered. There was only one bid, $40,000, by F. W. Macfarlane, and the property was knocked down to him for that price.

Lot 2, just back of Lot 1, with a frontage of 50 feet on Hotel street, was started at $15,000 by J. M. Dowsett. The bidding went merrily along to $20,000 and was knocked down to the first bidder at that price.

Lot 3, mauka of Lots 1 and 2, with a frontage of 50 feet on Hotel street and a depth of 109.2 feet, was started at $7,000 and sold to J. W. Dowsett for $20,000.

Lot 4, containing 5,355 square feet, with a frontage of 50 feet on Fort street and a depth ranging from 105 to 109 feet, was started at $15,000 and knocked down to F. W. Macfarlane for $17,000.

The Widemann homestead on Punahou street was the next put up. This property is adjacent to the residences of R. F. Dillingham, W. F. Frear and J. M. Dowsett. It has a frontage of 244 feet on Punahou street, a depth of 599 feet and contains an area of 3.66-100 acres. There is a large, commodious and well-built dwelling house on the property and the grounds are nicely improved. The bidding was very slow, and the property was secured by C. S. Desky for $19,000. The first bid was $15,000.

The stable lot near the homestead, a piece of and 69x230.5 feet, was the next put up. According to the terms of the will, the alley way leading from the homestead is to remain open in case it was purchased by the same person purchasing the homestead. Otherwise, it is to be thrown one-half into one and the other half into the oother lot adjoining. J. M. Dowsett secured the lot for $2,500.

The large tract of land with ponds, situated on the upper side of the main Waikiki road, about midway between the Moana hotel and Hopkins' switch, was sold to W. H. Cornwell for $11,000, a ridiculously small price.

The property has a frontage of 1420 feet on the Waikiki road and comprises an area of about 20 acres. The property is now under a lease expiring November 11, 1902, at an annual rental of $650.

The wife of M. B. Curtis the actor has filed a petition in bankruptcy. With $175,000 liabilities she offers $275 assets.

Six Cool Bedrooms

THE RESIDENCE OF H. S. TOWNSEND IN MANOA VALLEY IS OFFERED : : : : :

For Rent

Partly furnished, for one or two years at a very low rate. Ten large rooms. Superb View. Cool. Three minutes walk from car line. Fine location for boarding house. Call on : : : : : :

McClellan, Pond & Co.

OXNARD WILL FIGHT

Denver, Colo., July 16.—Henry T. Oxnard, the well known promoter of the beet sugar industry, who is in the city, declared in an interview that the recent reductions in sugar prices is the beginning of an effort by the sugar trust to drive beet sugar out of the market. Said he: "The question to be decided is whether the sugar trust or the beet sugar people shall stay in the field. We have received notice that the trust will no longer sell our product, and prices are going down in anticipation of the beet sugar which will soon be upon the market."

He declared that a determined effort would be made to have the next Congress remove the tariff on sugar.

ARGUE ON EVIDENCE

CORRIDOR GOSSIP UPON ATTORNEY GENERALS MOVE

Lawyers Are Expecting Appeals by Dole From Acquittals in Criminal Cases in the Future.

The suit of Kapiolani Estate vs. the Kaneohe Ranch Company has been tied up all day in an argument of counsel concerning evidence, regarding which, the ruling of the Court will be decisive of the case. The question is whether a land commission award of lands is sufficient to show a conveyance of property. The argument will probably continue during the afternoon.

The gossip in the corridors of the court house today turned on the appeal of Attorney General Dole from the judgment of Judge Gear in the habeas corpus cases. His action was characterized as absurd by every attorney who expressed an opinion and the matter provoked smiles from the others. "It would be just as sensible to appeal from a verdict of acquittal in a criminal case," said one of Mr. Dole's friends. The filing of appeals was considered by some as only another way of expressing his personal dissatisfaction with the judgment. But on no basis could any member of the legal fraternity account for the Attorney General's request that free men be asked to give bail.

In the estate of Makanoe, Samuel Woolley, administrator, has been authorized to sell certain real property of the estate in Honolulu at public auction.

In the matter of the application of Ah Oi for a writ of habeas corpus, Attorney General Dole has filed an appeal to the decision of Judge Gear, releasing the prisoner. The Attorney General has also filed an appeal from the Goto decision.

KAUAI'S SQUEAL SQUELCHED.

Kauai, a native, was arrested last night on the charge of drunkenness. He appeared in the Police Court this forenoon with the lively part of his jag still on. Judge Wilcox fined the man $3 and costs and told him to go. As soon as Kauai got outside the court room, he began to imitate the squealing of a pig. Judge Wilcox gave a quick order and the court officer was soon pulling the native into the room. Upon appearing before the judge, Kauai was given five days for contempt of court.

For groceries ring up Blue 911.

CAPTAIN STRONG AGAIN.

Captain Putnam Bradley Strong and Lady Francis Hope, who have caused such a furore among the gossips in San Francisco were passengers in the Nippon Maru for Kobe, Japan. They dined at the Moana hotel last night, took a swim in the surf and returned to the boat. Captain Strong was through Honolulu once before, with the volunteers en route to Manila.

ZEALANDIA COMING.

The steamer Zealandia was to have sailed from San Francisco on the 20th for this port. She should arrive here Saturday afternoon or Sunday morning.

Police Court Notes.

The following cases were disposed of in the Police Court this forenoon: Shui Ying, che fa tickets in possession, $50 and costs; Antone Ricard and J. Akina, affray, $10 and costs each; S. Miota, same charge, bail forfeited; Fugeoka, leaving a horse untied in the street, $10 and costs.

Late Sugar Report

New York, July 17.—Sugar — Raw, steady; fair refining, 3 9-16c; centrifugal, 96 test, 4 3-16c; molasses sugar, 3 15-16c. Refined, irregular; crushed, 6.00c; powdered, 5.60c; granulated, 5.50c.

DEPRIVED OF LIBERTY UNCONSTITUTIONALLY

Judge Gear Renders a Decision in the Gato Habeas Corpus Case Giving Freedom to Prisoners Convicted During the "Transition Period" Upon a Verdict of Less Than Unanimous Vote of Jury. Attorney-General Dole Tries to Appeal for State.

Goto, a Japanese, convicted of the crime of rape, during the "transition period," upon a verdict of nine jurymen against three, and Ah Oi, convicted of the crime of burglary during the same period on a majority verdict of ten to two, were given their liberty this morning by Judge George D. Gear upon a writ of habeas corpus brought by Attorney F. M. Brooks in their behalf. They were released upon the ground that they were convicted by a majority verdict, while under the Constitution of the United States a unanimous verdict is required. The decision of Judge Gear is in line with the recent insular decision of the United States Supreme Court which held that the Hawaiian Islands came under the Constitution, at the time of the passage of the Newlands Resolution in August, 1898.

Attorney General Dole for the Territory of Hawaii asked Judge Gear for permission to appeal the case to the Supreme Court of Hawaii. The Court held that, in accord with the English and American law, which allows no appeal in criminal matters by the State, it could not entertain an appeal or consider an appeal bond.

The Attorney General also asked that the prisoners be admitted to such bail as they might be able to give, or for that matter upon their own recognizance, any way, in fact, to enable him to get the question before the Supreme Court. The Court suggested that when a person charged with a crime has been liberated by order of a court that it was scarcely possible for that court to hold said prisoner on bail or require his appearance in any court.

Judge Gear's opinion follows:

This is an application by defendant for a discharge from imprisonment on habeas corpus on the ground that he is held in confinement under a mittimus issued upon a sentence based upon a verdict of nine out of twelve jurors finding the defendant guilty of rape. The record in this case is made part of the petition and it appears therefrom that the court instructed the jury against the objection of defendant's counsel that "if nine of you agree upon a verdict you may render the same." The record shows an exception to this charge "allowed by the Court," and the verdict of the jury finding the defendant "guilty as charged" shows "three dissenting."

The court is satisfied from the record that the defendant did everything in his power to obtain what he then deemed his constitutional right, this is his right to demand that all the jurors concur before a verdict is reached, and the question squarely presented to this court now is as to whether the defendant was entitled to claim that right which is unquestionably the right of every defendant under the Constitution of the United States in these Islands today. Did a defendant in a criminal case have the same right after the passage of the Newlands Resolution annexing the Islands to the United States, that he has now?

Our Supreme Court Law.

Two decisions have been rendered by the Supreme Court of this Territory on this question, filed the same day and neither one expressly overruling the other. One of the cases, that of ex parte Edwards found at page 32 et seq., volume 13 of the Hawaiian Reports, decided "that by virtue of the language of the Joint Resolution (the municipal legislation of the Hawaiian Islands * * * not inconsistent with this joint resolution not contrary to the Constitution of the United States * * * shall remain in force), all municipal legislation of the Hawaiian Islands contrary to the Constitution of the United States was ex vi verbae and not by implication merely, annulled and ceased to be of force and effect after August 12 1898," and thereafter no one could be "convicted of a crime save by the unanimous verdict of twelve jurors" and that a law "authorizing nine jurors to return a verdict in criminal cases is municipal legislation contrary to the Constitution of the United States and is null and void." In the case of Territory of Hawaii v. Marshall found at page 76 of the same volume of Reports the court held that "verdict by nine or more of the twelve jurors were lawfully received after the annexation of these Islands to the United States but before the establishment of a Territorial government by Act of Congress." The two cases were for some reason filed simultaneously, and it therefore leaves this court free to follow either one of them if not opposed to the ruling of the U. S. Supreme Court, in what are commonly called the "Insular Cases." The decision of the court in the case of Territory v. Marshall as to unanimous verdict is expressly based "upon the reasoning in Peacock & Co. v. Republic,

(Continued on page 4.)

HOGAN AND WISE COMING

Lovers of coon songs and minstrel entertainments will be glad to hear that Hogan and Hen Wise are coming again to Honolulu. In a letter to a friend, Mr. Wise writes as follows under date of July 6, from New York:

"I am expecting to start for Honolulu on or about the 15th, that is if Mr. J. C. Cohen is ready for us by that time. We want to leave New York by that time so as to open up in San Francisco on the 22d inst. After a week's engagement there we will leave for Honolulu to remain as long as your people want us to stay.

"I hear Mr. Cohen is in San Francisco so you can look for my wife, myself and the company in a short time. I have a warm show and a warmer band. Every single member is a good performer. No sticks and no pickaninnies. Hogan will join us later as he has to finish his contract here first."

CHINESE WOMAN BEATS HUSBAND

A fight on the deck of the Nippon Maru just before the vessel pulled out this morning, attracted the attention of the large crowd on the wharf, there to see the vessel away.

The trouble was between an old Chinaman and his wife. The couple were talking excitedly, when all of a sudden the man slapped the woman on the face. This was the signal for a general family row. The woman was small but went at her spouse "hammer and tongs." She screamed, scratched, bit, and kicked. He had his hands so full that he had to call for help and a big Chinaman came to his assistance. The woman was dragged from her husband and, when last seen, was being carried away, still fighting for all she was worth, and giving her captor a hard tussle.

SALMON TRUST COMPLETE.

New York, July 17.—The Tribune says:

The salmon combination which has been food for rumor for several weeks, is now an assured fact, and today it will be incorporated under the laws of New Jersey. It will be called the Pacific Packing and Navigation Company, and its capital stock is $32,000,000, half of which will remain in the treasury for the purchase of additional plants and the erection of new ones.

Dr. A. B. Carter of Makao, this island, appeared in the Police Court this forenoon on the charge of assault with a weapon on W. K. Rathburn. After the reading of the charge the defendant waived examination and was committed to the Circuit Court for trial. Defendant was represented by J. M. Monsarrat.

GRANT AND NIPPON

TWO BIG VESSELS IN FROM SAN FRANCISCO

Transport Left Twenty-five Hours Ahead of Mail Boat and Arrived at Same Time ---Passengers

There was a race for the dock between the transport Grant and the Nippon Maru yesterday afternoon. The vessels were sighted off Koko Head within twenty minutes of each other and they were both made fast about the same time. The transport left San Francisco twenty-five hours ahead of the mail boat and they sighted each other for the first time early yesterday morning. At Diamond Head the transport was about five minutes ahead of the Nippon and so the former got the quarantine physician first.

Dr. J. J. Kinyoun, former quarantine physician at San Francisco was a passenger aboard the Maru and to save time, he made the regular medical examination of the steamer's crew and passengers so that instead of having to wait outside for an hour or so she was not detained at all.

Both the transport and mail steamer had splendid weather all the way to port from San Francisco. They both kept to schedule time and the race between them took place from the time they got their lines out. The Grant made the run in seven days and two hours and the Nippon Maru in six days and one hour.

The Grant has among her passengers Quartermaster General M. J. Ludington of the Army. He is on a tour of inspection of the Philippines and is accompanied by his wife. The other passengers aboard are Mrs. L. C. Bailey, Col. C. S. Roberts, wife and daughter; Col. C. A. H. McCauley, Major J. E. Sawyer, Major E. Davis, wife and daughter, Capt. J. Baxter, Capt. B. B. Ray, wife and clerk, Capt. Murray Baldwin, Capt. M. G. Zeilinski, Capt. C. H. Conrad, Capt. Carl Reichmann, Lieut. W. H. Haskins and wife, Lieut. W. W. Fiscus Jr., Second Lieut. E. K. Sterlin, Second Lieut. Guy Kent, Second Lieut. Copley Enos, Major L. Grandy, wife and child, Major G. W. Adair, Major Geo. P. Reed, Major Jas. S. Wilson, Capt. A. H. Eber, Capt. Ira A. Allen, Capt. C. H. Andrews, wife and child, Capt. R. E. Williams, Lieut. W. Hartsock, Clara Thatcher, J. Mary Weir, Mary B. Talcott, Mary U. Layton, John D. Beuet, Edward M. Shipp, Dr. W. S. Washburn, Anson H. Hisley, Mrs. Mary D. Smith and child, Mrs. Tetamore, son and daughter, R. S. Wright, G. W. Cowgill, Harry L. Omsted, G. A. Courtwright, Mrs. Cowles, Polly Patton, Mrs. D. J. O'Connell, Francis H. Evans, Samuel Beattie, Edgar M. Brown, John I. Peterson, Robert Braden, E. J. Hackett, Miss Dusenburg.

The transport will remain here until tomorrow.

The Nippon Maru sailed this morning at about 11 o'clock.

FOREIGN NEWS NOTES

The National Educational Association closed its 40th annual convention in Detroit July 12.

J. P. Morgan has a steamship trust on foot that will control the ocean trade of the world.

The will of Hugh Tevis divides his $2,000,000 worth of property between his wife and daughter.

Daniel S. Lamont, former Secretary of War is to be the President of the Northern Pacific railroad.

Carnegie has signed the deed placing $10,000,000 at the disposal of the trustees of the Scotland fund.

Democratic supporters of Bryan in Ohio have called a convention to nominate a separate state ticket.

The New York stock market suffered another break on July 12. Railroad securities were leaders in the slump.

A French suicide left a $60,000 fund for the children of those tired of life who finish their careers by suicide.

ON THE ZEALANDIA.

The following people had booked to leave San Francisco on the Zealandia when the Nippon Maru sailed: A. D. Baldwin, W. R. Castle, C. M. Clark, Miss M. B. Collins, H. Doxey, Mrs. W. F. C. Hasson and son, Geo. I. Lufkin, W. Johnston, Geo. A. Nicholson, Mrs. Geo. E. Nicholson, H. A. Juen, Mrs. R. W. Smith, Mrs. J. W. Thompson and L. Fitzjarrell.

A furnished house of six rooms is wanted. See Want column on page 8.

BUNCHES OF FIRE CLAIMS

The Fire Claims Commission is disposing of the smaller claims this week with rapidity. There were eighteen Japanese claims heard this forenoon in a bunch. These were small personal claims, for clothing and other small effects. This afternoon probably as many more will be cleared from the docket.

Send your Packages to THE COAST by MERCHANT'S PARCEL DELIVERY

Telephone 621.

HOUSE FAVORABLE TO THE UNPAID BILLS ACT

The House met this morning with quite a full representation of the members in town.

The bill embracing the unpaid bills of the government was received from the Senate and was passed on first reading without a single dissenting vote.

Emmeluth moved to commit the bill to a special committee of three. Considerable discussion was held at this point and no conclusion was reached in the matter.

A motion to adjourn was made while the discussion was going on and debate was shut off by the same carrying.

The first two days in our Clearance Sale have been good ones, but we still have some left which are rapidly going at the reduced prices.

TRIED TO EAT CHIEF

NIPPON'S WHITE ENGINEER ALMOST BITTEN TO DEATH

Rough Experience of Chief Engineer Mitchell With Fireroom Crew on Last Trip.

Chief Engineer Mitchell of the Nippon Maru is no longer with the vessel, and the engine room is in charge of a Japanese chief engineer. Mitchell was not with the vessel on her last call here from the Orient. He was left at Shanghai in a hospital.

The former chief engineer is a white man; his assistants in the engine room and all the firemen are Japanese. On the eastward trip, when about twenty hours out of Hongkong, a disagreement arose between Mitchell and the Japanese in the engine rom, which culminated in a fight.

Awaiting their opportunity, Mitchell was jumped by the entire fire room crew and nearly killed. The Japanese tackled him from all sides and almost killed him by biting his head, face, neck and arms.

The unfortunate man was finally rescued and taken to his room, where he lay in a precarious condition for several days. An effort was made to have Captain Green turn back to Hongkong where, in the British courts the injured man would have had a chance of having his assailants severely punished, but Green refused to put about, and Mitchell was landed on Japanese soil.

When last heard from, he was suffering from blood poisoning and was in a very critical condition.

ENGINEERS CHANGE PLACES.

The following changes have been made in the positions of the engineers of the Inter Island Company, to take effect today: Chief Engineer Purdy of the Nihau resigns to accept a position in the Honolulu Water Works; Chief Engineer Thompson of the Keauhou is promoted to the Nihau, his assistant is Harry Congdon; Geo. Ward takes the Keauhou with Wm. Corbett as assistant; George Gardner takes the Jas. Makee; Chief Platts goes to the Twalani and Chief Norton resumes his position in the Mikahala.

J. W. Gilmore, who, for some time past, has been teaching agriculture in the Normal School of this city, leaves in the transport Grant tomorrow to accept a position as instructor of agriculture in the public schools of Manila. He will be accompanied by Mrs. Gilmore.

Out-of-town subscribers to the Evening Bulletin are requested to send in their POST OFFICE addresses at once, otherwise the paper will not be accepted for delivery by the post office.

AUTOMOBILES TO BE SHIPPED AWAY

Rigs Will be Remodeled and Then Sent Back.

EXPERT SEARLE WILL GO TO THE MAINLAND

Two Horseless Carriages Being Built in Local Shops--Motors and Other Parts to be Purchased.

For several days past there has been great activity behind the closed doors of the Automobile Company on King street, near the Government building, and any one who happened to be passing along in that direction may hear the ring of hammers and the moving of heavy material.

The Automobile Company is boxing up the rigs that were on the streets for several weeks, preparatory to sending them back to the factory from which they came. New motors will be substituted in place of the old ones and the rigs will be remodeled to accord with the very latest deas in automobile building. One of the principal difficulties in the way of the successful operation of the automobiles that have recently been taken off the streets was the weighting of the rigs. Special attention will be paid to this. A little will be taken off here and a little added there.

Another difficulty was with the brakes. It will be remembered that none of the rigs were allowed to go up Punchbowl or Tantalus, not because they could not make the trip, but on account of the danger on the down trip of the brakes failing to work. This defect will also be remedied once the automobiles are in the home shop.

In a talk with Mr. Searle last evening, the expert of the Automobile Company said that automobiles could go up 25 per cent. grades on the Mainland and they could do it here. Continuing, Mr. Searle had the following to say about the affairs of the Automobile Company:

"We expect to have all the old automobiles packed and ready for shipment in a few days and they will be sent forth at the very first chance. I will leave for the Coast at the same time to keep a watchful eye open for the interests of the company.

"There is no question whatever in my mind that the old rigs can be remodeled so as to stand the wear and tear of the streets and climate of Honolulu. As soon as the work has been completed, the rigs will be sent back to Honolulu and again put on the streets.

"As I understand it, the intention of the company is not to branch out much in the purchase of automobiles. Only a few new ones will be bought, and the success or otherwise of the new patents on the Mainland will be carefully watched so that the company will know just what to do in the matter of future purchases.

"For several weeks past we have been building a couple of automobiles ourselves. The bodies of these have been completed and now we are ready to install the motors and other parts. It is partly to secure these parts that I am leaving for the Mainland soon.

"The automobile has come here to stay. It is a popular mode of transportation, as will be shown by the fact that we took in something like $9,000 during the short time we had our rigs running on the streets of Honolulu."

KUT YONG DEPARTS.

Kut Yong, the Chinese woman, ordered deported to China by Judge Estee was sent away in the Maru. She was accompanied by Tin Yee her young husband, who says he has shaken the dust of Hawaii from his sandals forever more.

Governor Allen of Porto Rico has resigned and is said to be slated as Ambassador to Italy.

CLEAN UP SALE of LADIES' SHOES beginning Tuesday Morning JULY 23rd.

Over 1000 Pairs at Special Cut Prices.

Ladies' Lace Boots, hand turn, vesrg top, Louis XV heel, $6.50, cut to..... $2.50

Ladies' an Button Boots $6.00, ...cut to $2.50

Ladies' Black Button Boots $5.00, $6.00, cut to.....$2.50

Ladies' Tan Lace Boots, $5.00, $6.00, cut to.....$2.50

Ladies' Fine Oxford Ties, $5.00, $6.00, cut to $2.50

Ladies' Fine Strap Slippers, Louis XV heel, $5.00, $6.00, cut to $2.50

Also 500 Pairs of Ladies' Button Boots and Ox Ties of odd sizes reduced to 75c per pair. Come in and see. We may have your size and if we have you will be money in. Don't forget the place : : : : : : : : : :

MANUFACTURERS SHOE COMPANY

1057 Fort Street.