

EVENING BULLETIN

Published Every Day Except Sunday, at 210 King Street, Honolulu, T. H., by the BULLETIN PUBLISHING CO., LTD. WALLACE H. FARRINGTON, Editor

Entered at the Post Office at Honolulu as second-class matter. SUBSCRIPTION RATES: Per month, anywhere in U. S. \$ .75 Per year, anywhere in U. S. \$ 8.00 Per year, postpaid, foreign, \$ 12.00

Telephone . . . . . 256 Post Office Box . . . . . 718

FRIDAY, . . . . . SEPTEMBER 27, 1901.

AT REST.

Loving hands have laid the earthly remains of our late President in their last resting place. The body is dead; the inspiration of William McKinley's life lives and will endure throughout the history of our Nation.

It now remains for the loyal citizens of the Nation, particularly of this Territory to mark well the lessons that life taught and press forward to the duties of the hour and of the future with that same unflinching trust in the wisdom of God and the same steadfast confidence in the magnificent mission of our Nation that characterized the private and public career of the leader they mourn.

NO MERCY FOR THURSTON AND HIS CREW.

(Continued from page 1.)

Exhibit 225 avers, in substance, that these native Hawaiians who had been admitted to practice were ignorant of the English language, and otherwise unqualified for admission to the bar. It is further suggested that some of them resided permanently outside of the circuit. It is further sought to be shown that the admission of these Hawaiian legislators to practice by Judge Humphreys was an inconsistency on his part, as by the rules of the Court all proceedings must be conducted in the English language, and Judge Humphreys had expressed an opinion that no one should be admitted to practice in the Circuit Court who resided permanently outside of its jurisdiction.

The matter of these admissions to the bar is purely a question for the discretion of the Judge. Administering law in a court where the English language is spoken, but in which many of the litigants only speak the native tongue, presents, necessarily, great difficulties. Moreover, the conditions which prevail in Hawaii necessarily require local courts throughout the islands. There are doubtless many small communities at inaccessible places which must have some method of obtaining legal advice in the Hawaiian tongue and of adjusting their differences. Judge Humphreys believed that to secure this end it was necessary to admit Hawaiians to membership in the bar, and in his judgment the members of the court, who enjoyed a position of trust and responsibility, and who had direct official relations with the native population, and presumably enjoyed their confidence, were obviously proper recipients of this special favor. I have no reason to question the wisdom of the action which Judge Humphreys reached, and in any event would regard it as a matter entirely within his discretion.

The third charge is further sought to be established by Exhibits 320 and 321, which show, in substance, that the editor of the Honolulu Republican was indicted on February 15, 1901, for an assault with a weapon dangerous to life. On February 19 a plea in abatement was argued before Judge Humphreys. It appears from the affidavit of Larrin Andrews (Exhibit 320) that Judge Humphreys, who was then presiding at the court, expressed his disinclination to hear any portion of the case, and that the counsel for the prosecutor thereupon stated that the matters involved in the plea of abatement were merely matters of law, that they did not affect the facts in the case, and that it was very important an early decision should be rendered in this case, and requested that the Judge for these reasons should hear the matter at once. The Judge thereupon stated that he would do so, and on or about the 25th day of February, 1901, an argument was had in the matter, at the conclusion of which the court stated, that he would reserve decision and would decide the case as early as possible. It appears that about March 20, 1901, the prosecutor upon whom the assault was charged had disappeared from Hawaii, and from these facts the complainants against Judge Humphreys gravely aver that the decision of Judge Humphreys on the plea in abatement was "unduly and improperly delayed" with a view to favoring the defendant and unduly favoring the prosecution. It is extraordinary that members of the bar could prefer so grave a charge upon so insufficient grounds. Such charge seems to betray a reckless desire to degrade Judge Humphreys, and reflects little credit upon those who have given their endorsement to it. The complainants' own proof shows that, although no legal grounds existed to disqualify Judge Humphreys from considering and deciding the case, yet because the defendant was editor of the Honolulu Republican and Judge Humphreys had an interest in the business corporation which owned this newspaper, he expressed his willingness and his disinclination to hear the case, and only heard it at the direct suggestion and request of the attorney for the prosecutor. The prosecutor left Hawaii about March 20, 1901, and decision had therefore been reserved by Judge Humphreys less than a month. The complainant wholly fails to show upon what grounds the plea in abatement was based, but whether the delay in the decision was reasonable or unreasonable, the suggestion that it was due to a desire to favor the defendant is purely a matter of innuendo, utterly without any justification in fact, and reckless and intemperate in spirit.

The fourth charge avers that Judge Humphreys "has been harsh, arbitrary, tyrannical, and vindictive toward members of the bar and others appearing before his court and has abused his powers over them." In support of this charge some

eight instances are given, to which the first relates to the action of Judge Humphreys in sentencing Mr. Hitting, a member of his bar, to imprisonment for ten days for contempt of court. It appears from the record that Mr. Hitting, in criticizing the action of Judge Humphreys with reference to a pending matter, stated that "it was peculiar and unusual." Judge Humphreys regarded it as an intentional insult to the court, and imposed the sentence in question. It is impracticable for me to review his decision in this respect, for an insult can be only in matter and manner, and is quite as much as in words. It is obvious that the expression "peculiar and unusual" could be used with an intonation and in a manner as to suggest injudicial conduct on the part of the presiding Judge. It does not appear that Mr. Hitting, in any way to review the imposition of the sentence as an abuse of judicial discretion, and this specification may be regarded as unsubstantiated by adequate testimony.

The second instance is the fining of a juror for lack of punctuality, and it seems to have been plainly justified under the circumstances.

The third instance relates to a criticism which Judge Humphreys made upon the manner in which his bailiff performed his duties, and the imposition of a fine for contempt. It is apparent that the Judge acted within his discretion.

The fourth and fifth instances are those of jurors who refused to concur in a verdict. Judge Humphreys was of opinion that there was no excuse for their failure to agree, and after charging the jury, he refused the two dissenting jurors from further service, and denied them their fees as jurors. Whether the testimony in this case in which the jury sat justified the belief of Judge Humphreys that the two jurors were not dissenting in good faith is a matter which it is not possible for me to determine, as the testimony in the case has not been submitted to me. It is fair to assume that the Judge acted in good faith in the matter. Subsequently he reached the conclusion that he was without power to deny them the payment of their fees as jurors, and he entertained and sustained a motion vacating the forfeiture of their fees.

The sixth instance refers to a criticism uttered by Judge Humphreys from the bench of the Attorney General of Hawaii, who was then arguing a case before the court. In the course of an elaborate and important argument, the Attorney General made reference to the respective powers of the Executive and Judicial Departments of the Government, which Judge Humphreys regarded as an effort to coerce him in the discharge of his duties. It is not important to determine whether either the suggestions of the Attorney General in his argument on the one hand or the comments of the Circuit Judge on the other were justified. An examination of the printed record would suggest that both were equally unnecessary, feeling in the discussion of a purely legal question. I can find, however, no just grounds for the removal of a faithful Judge in the comments of the Court. He sought to defend the rights of the judiciary from what he regarded probably mistaken criticism, and in so doing, and having this feeling it is not unnatural that he expressed himself with some warmth. It is obvious, however, that Judges cannot be removed simply because they are sometimes betrayed into unnecessary expressions. There is nothing to suggest any corrupt or improper motive in the matter.

The seventh instance refers to the imposition of a fine of \$100 by Judge Humphreys upon a member of the bar who declined to divulge to the grand jury the name of a client. Whether the attorney was justified in refusing to disclose the name of a client, after having testified as to what the client said, may be a debatable question. The Executive Department is under no obligations to review the judicial decisions of Judges, and it is quite clear that Judges cannot be removed because of mistakes of law. Judge Humphreys having concluded that the attorney was compelled, under his oath, to divulge the name of his client, and the witness having, notwithstanding such opinion of the court, declined to do so, Judge Humphreys could only impose some punishment upon the recalcitrant witness, and the amount of such punishment was in his discretion.

The eighth instance of "arbitrary and tyrannical conduct" is the one upon which the complainants lay the most stress. It refers to the imposition by Judge Humphreys of a punishment of thirty days in jail upon three members of his court. It appears that the three members in question were attorneys in a case pending in the Circuit Court, and were of opinion that by reason of a personal animus, Judge Humphreys was disqualified from sitting as the trial judge. In support of a motion to transfer the case to another judge, they submitted an affidavit which contained insulting language, which was wholly unnecessary, and plainly in contempt of court. The court felt obliged to vindicate its dignity by the imposition of the sentence in question, but the sentence was never carried into effect, as the Governor of Hawaii pardoned the three members on the bar on the same day. The records do not show that the Judge was animated by improper motives, or that the imposition of this sentence was an intentional abuse of the discretion imposed in him.

The fifth charge is that Judge Humphreys has performed the duties of his office with a view to bring discredit upon public reputation and under public suspicion.

This charge is sought to be established by proofs that Judge Humphreys, in the first place, appointed an unfit person as bailiff in his court. This charge is sought to be established by proof of charge five that Judge Humphreys was "instrumental in drawing and allowed a partisan grand jury to be drawn." This is sought to be established by Exhibits 328 and 329. The charge is in substance that the grand jury in question, and who deposed that "of the fifteen who actually served upon said grand jury, all but one were hostile to Governor Dole and his administration." Dependent further states that it is "his belief and conviction that said Grand Jury was packed deliberately and intentionally with political opponents of the present local administration." The affidavit further suggests, by innuendo rather than by direct statement, that the personnel of this grand jury had been selected by Judge Humphreys and by the bailiff. There is not a scintilla of testimony

to show that Judge Humphreys had intended to do with the selection of the grand jury. There is no law that requires a grand jury to be divided between members of the different political parties, and to hold inquiry into the political affiliations of its members seems to me unseemly and improper. The charge is based so entirely upon vague suspicion and unfair innuendo as to merit rebuke. Members of the bar, as officers of the court, should be loyal to the court. Where there is a fair reason for believing the Judge is acting improperly, it is the duty of the bar to declare it openly; but a member of the bar is faithless to his high calling when he assails a Judge and impeaches his integrity upon no facts, even remotely justifying the attack, but upon vague suspicion and unfair innuendo. That there is no law of the land which forbids a member of the bar to have been preferred by members of his own court, clearly shows the difficulties of his position, and the severity of the ordeal through which he has passed. It is obvious that many members of his court have not observed that loyalty to the bench which should be both the duty and the pleasure of a lawyer to observe, and the heavy responsibility of administering justice with dignity under such conditions at once becomes apparent.

I have thus reviewed all of the charges made against Judge Humphreys and all of the specifications offered in support thereof. In my judgment, they wholly fail to establish any just cause for his removal. In the most unfavorable construction they might show a mistake of judgment, or at times undue feeling under trying circumstances, but it is not probable that the integrity of the Judge is ever directly impeached. The attorney who represented the Hawaiian Bar Association in these proceedings expressed his personal confidence in Judge Humphreys' judicial rectitude, and while presenting the complaint of the Bar Association in good faith and in accordance with his instructions, yet he personally disclaimed any responsibility for or concern in some of the charges. It is possible that many of the attorneys who signed the petition did not concur in all of the charges that have been made against the Circuit Judge. Indeed, it is probable that they would, as I have shown that some of them are based upon such insufficient premises as to fairly justify the comment that they are reckless in spirit.

In administering justice in our new possessions, the task will not be an easy one; and where Judges selected by you discharge their duties with courage and integrity and with reasonable ability, they should be sustained, even though they may in attempting to solve the difficult problems which present themselves at times err, some consideration must be had for the exceptional difficulty of their position. Having fully considered the complaints against Judge Humphreys and his answer thereto, I am entirely satisfied that not only the Judge has done nothing which would justify his removal, but that he has met his heavy responsibilities with great courage and unquestioned integrity. I, therefore, recommend that the petition for his removal be denied.

Respectfully, (Signed) P. C. KNOX.

ARIZONA BEET SUGAR

Phoenix, A. T., Sept. 16.—Phoenix will probably have a \$1,000,000 beet sugar plant in less than a year, to be constructed by the Eastern Sugar Co. of New York and Chicago. An agent of that corporation, Marshall E. Sampson of Chicago, is here with a view of securing signatures to a contract binding business men and farmers of this section to support the enterprise, and if he is successful the construction of the plant will be begun at once. It will be completed early in June in time to reduce the next crop of beets. Sampson asks that the people here give a bonus of 2000 acres of land, or its equivalent in cash. He declares that the company represented by him makes the financial interest of the people in the enterprise, thus insuring their hearty co-operation and the success of the sugar beet plant. He believes that the company might accept a tender of 1500 acres of beet land, but it will require an agreement on the part of the farmers to plant for this season 5000 acres of beets.

THAT BARGE RACE.

The action of the Judges of Regatta Day at the meeting yesterday has caused surprise in many quarters. The Judges have forced the two clubs to race by declaring the senior barge event no race and calling on them to be at the scratch at a certain time a week from tomorrow, if any crew not present on time will be decided forever thereafter and, if there is one crew present, the race will be awarded to that crew. The public want to see the race rowed over again in order that the supremacy of one crew or the other may be definitely settled. The Judges have absolute power in the matter and there are many Myrtles who, rather than see the race go by default, would like to see it rowed over again.

Several newsboys selling San Francisco papers on the streets were arrested this morning for being absent from school. At the police station, they were given a good sound lecture by the captain in charge and told that, on Monday next, a vigorous campaign against boys who sell papers during school hours, would begin. They were then allowed to go.

For Sale at a Sacrifice

LOT 50 x 150 planted with fruit trees, 300 feet from Wilder Avenue. . . . . Apply to J. M. VIVAS POST OFFICE LANE.

NEW IMPORTATION OF THE FAVORITE BRADLEY and HUBBARD LAMPS For sale by the PACIFIC HARDWARE CO., Ltd. These goods were ordered from advance sheets of the catalogue of the above manufacturers, and are the latest in design and mechanism. Call early and make your selections.

Pacific Hardware Co., LIMITED.

Shipment of Good Young MULES Broken to harness, just received via the "OLYMPIC," for sale at the lowest figures. G. SCHUMAN, LTD, Merchant Street, between Fort and Alakea.

Does your horse need new Clothes? Of course he does—and wants them to fit too. That's where we can help you. OUR STOCK OF HARNESS is the most beautiful and complete in this city, and the price is sure to suit. We have buggy, surrey, team, express wagon and dump cart harness, collars, etc. Complete line on exhibition at our salesroom, next door to Stangenwald Building. MERCHANT STREET. CHAS. F. HERRICK CARRIAGE CO., Ltd.

DRIVES HIS PATRONS AWAY does the man who carries old stock over into the new season. In order to make room for our 1902 line of WALL PAPER we shall sell out every roll of 1901 stock in the house at 33 1/2 per cent reduction. We have papers that will be sold as low as 5c per roll. This sale will last till the goods are all gone. BEAL'S Alakea street, below Merchant. Phone Main 358. P. O. Box 834.

OAHU CARRIAGE MFG CO., Ltd. 1179 River Street. Bet. Beretania and Paunahi. MANUFACTURERS OF Fine Carriages, Wagons and Trucks. Repair Work a Specialty. All orders promptly attended to. Only competent help employed. Rubber Tires put on in Satisfactory Manner. Tel. Blue 541. P. O. Box 978.

Beer and Wine Dealers. Ohayo Saloon Kukul St., Near Nuuanu. Primo Beer ON DRAUGHT AND IN BOTTLE. Gonsalves & Co., LIMITED. WHOLESALE GROCERS AND WINE MERCHANTS. 225 Queen St., Honolulu, H. I.

The New DEPOT SALOON opposite the R. R. depot. PRIMO LAGER ON DRAUGHT AND IN BOTTLE. Ryan & Dement Also proprietors of the popular ENCORE SALOON.

The Fountain MINERAL AND SODA WORKS. MANUFACTURES Ginger Beer, Birch Beer, Hire's Root Beer, Cream Soda, Wild Cherry, Orange, Raspberry, Strawberry, Sarapapilla, Vanilla Cream, Lemon, Gingers-Ale, Apple Cider, Pineapple, Peach Champagne, Orange Champagne, Kola Champagne, Pear Champagne, Cider and Soda Cocktails. Mineral Waters—Carlsbad, Congress, Lithia, German Mineral Water, Seltzer, Wicky and Pure Distilled Water from the Barnsted Hill, Boston, for family and medical use a specialty. Brews and Aerated Water, 50c per doz. Distilled Water in 3-gallon demijohns, 10c per gallon and 50c charge on demijohn until returned.

KOMEL Is steadily growing in favor among people who appreciate good things, and is rapidly becoming the favorite family drink. CARBONATED BY THE CONSOLIDATED Soda Water Works Co., Ltd. Sole Agts. for the Territory of Hawaii. Office and Works, 601 Fort and Alakea streets. Telephone No. 71 Main. Soda Water, etc., delivered free to all parts of the city. Island orders solicited.

Opening Announcement! JOSEPH HARTMANN AND COMPANY. Wholesale Liquor Dealers BETHEL STREET WAVERLEY BLOCK. All Orders Promptly Filled. Telephone 219. HENRY ST. GOAL EDWARD POLLITZ Members Stock and Bond Exchange.

Edward Pollitz & Co. COMMISSION BROKERS AND DEALERS IN INVESTMENT SECURITIES. Particular attention given to purchase and sale of Hawaiian Sugar Stock. Loans Negotiated. Eastern and Foreign Stocks and Bonds. 403 California St., San Francisco, Cal.

W. C. ACHI & CO Brokers & Dealers REAL ESTATE We will Buy or Sell Real Estate in all parts of the group. We will Sell Properties on Reasonable Commissions. OFFICE, 10 WEST KING STREET

To Let or Lease A Fine House and Lot on the makai side of Beretania street between Piikoi and Keaumoku Sts. The house has several rooms and all modern improvements.

DAVID DAYTON 233 MERCANT STREET. A. C. LOVEKIN STOCK AND BOND BROKER REAL ESTATE AND FINANCIAL AGENT 402 JUDD BUILDING

Architects, Contractors and Builders Edward R. Swain, ARCHITECT STANGENWALD BLD., HONOLULU. CROCKER BUILDING, SAN FRANCISCO. V. HOFFMANN. J. F. RILEY Hoffman & Riley GENERAL CONTRACTORS AND BUILDERS. Estimates Furnished. P. O. Box 156.

Geo. W. Page, Tel. 229 F. W. Beardslee, P. O. Box 778 BEARDSLEE & PAGE Architects and Builders. Office, Rooms 2-4, Arlington Annex, Honolulu, T. H. Sketches and Correct Estimates furnished on Short Notice.

BUILDING MATERIALS OF ALL KINDS. Dealers in Lumber and Coal. Allen & Robinson, Queen Street, Honolulu.

Fred Harrison, CONTRACTOR AND GILDER . . . . . Jobbing promptly attended to.

H. F. BERTELMAN'S Carpenter Shop 18 - MOVED To rear of old stand, Entrance on King street. Orders left at either shop or office at John Nott's store, King street, will receive prompt attention.

Dainty Biscuits Lewis & Co. Lending Grocers. Owing to the consolidation of the best Biscuit Co's in America we can offer to the public the following choice makes of biscuits: Athena Oswego Romona Afternoon Tea Bremers Cecelian Tea Dainty Minnets " French Waters Original Bent's Water Biscuits Dr. Johnson's Educators Full Line of Uneda Biscuits Give Us a Sample Order.

VERY HOT But most people are not worrying about it. They just buy one of our desk or ceiling fans and keep cool. That's what you should do. The cost is very little in comparison to the amount of comfort you will get from them. TRY ONE. Prices—DESK FANS, \$16.00 CEILING " 40.00

Hawaiian Electric Co., Alakea Street, Telephone Main 390.

John R. Bergstrom, PIANO AND ORGAN TUNER Bergstrom Music Company Telephone 321.

WOMEN'S EXCHANGE 314 FORT ST., Has the Best Assortment of PACIFIC ISLAND CURIOS in the City. FRESH HOME-MADE PONES TUESDAYS AND FRIDAYS.