

Steamer Table.	
From S. F.	Feb. 22
Alameda	Feb. 22
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From Sydney.	Mar. 12
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Mlowers	Mar. 15

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Vol. X. No. 2076.

HONOLULU, TERRITORY OF HAWAII, THURSDAY FEBRUARY 20, 1902

PRICE 5 CENTS.

LET ALL BOSSES TAKE DUE WARNING

The Humblest Laborer Is Protected in His Liberties.

JUDGE GEAR DENOUNCES EVIDENCE AS UNLAWFUL

He Describes the Action of the Manager of Waialua Agricultural Company as Outrageous.

Judge Gear delivered a plain warning to plantation managers this morning that they were not privileged to take the law into their own hands even when dealing with the humblest laborer.

Three Porto Ricans found guilty yesterday of burglary for breaking into the store of the Waialua Agricultural Company were brought up for sentence. The judge said that the witnesses for the prosecution entered the house of the defendants to obtain evidence against them. He quoted a declaration of Judge Humphreys which denounced the testimony of police officers when secured by unlawful means. This case revealed most glaring and unrighteous violations of the rights of the defendants.

The manager of Waialua plantation, without calling on a police officer or procuring a warrant, entered the house of these defendants and rummaged it, even rifling their pockets, for evidence of the burglary. He and his assistants in the search went as far as they could go in violation of the constitution of the United States. All of the evidence against the defendants was obtained through the illegal acts of the witnesses. They evidently thought they could do as they were wont under the defunct Republic of Hawaii, when a state of slavery existed in these islands.

All old things, however, had passed away and all things become new. Even the manager of Waialua Agricultural Company could not lawfully enter a laborer's cabin and search his pockets or dismantle his bed as had been done in this case. Judge Gear quoted an authority to the effect that it was not merely the wrong of forcibly breaking into a house, but a transgression of a man's indefeasible rights of security in property and person which was involved. The seizing of a man's papers and books without a warrant was tantamount to compelling him to be a witness against himself. "It was the duty of the courts to guard against stealthy encroachments upon constitutional liberties."

It was true that, in this case, no objection was made to the testimony at the trial. Still, the court could not distinguish the acts of the witnesses in point of illegality from the battering down of a man's door by police officers without a warrant. The manager of Waialua plantation unblushingly admitted on the stand that he entered these men's house without a legal warrant. Not even the President of the United States could exercise such power over personal rights.

The jury had recommended these defendants to mercy. It was far from the desire of the court to let guilty persons escape. He would confer with the Attorney General and the other judges about the punishment. The court believed that the evidence under which the defendants had been found guilty was incompetent. Imprisonment for life might be the sentence for the crime. Some punishment ought to be inflicted, in view of the recent prevalence of burglary. The matter would be continued till 2 o'clock this afternoon.

Judge Gear in conclusion again denounced the action of the witnesses as

most unwarranted and outrageous. One of the rights every man possessed under the constitution of the United States was to be secured in his house and his person from unwarranted seizure. Plantation managers and others should take notice that the rights of their laborers, with those of everybody else, were defended by the constitution of the United States.

HE HAS NO FRIENDS

James Mersberg Jr., the young man who is alleged to have taken the cushion and curtains from Dr. Cooper's buggy some nights ago, appeared in the Police Court this forenoon on the charge of larceny in the second degree. Judge Wilcox asked the defendant if he had any attorney to represent him and he replied in the negative, stating that no one has called on him during his incarceration of two or three days. Deputy Sheriff Chillingworth stated in this connection that the friends and relatives of the defendant had been notified but that they had all refused to have anything further to do with him. They had absolutely refused to present themselves in court.

FIELD DAY MARCH 29

REPRESENTATIVES MEET AND ARRANGE PROGRAM

W. W. Harris States Object of Proposed Meet at Kapiolani Park -- Championship Medals Suggested.

Last night representatives of the various athletic organizations of this city met with the committee from the Boys' Brigade to make arrangements for the coming field day. There were present representatives from the Honolulu Athletic Association, Malle Hlmas, Kamehameha School, Kamehameha, Alumi, Punahou Athletics, Punahou Alumni, Scottish Athletic Association, Young Men's Christian Association, and the Boys' Brigade.

W. W. Harris of the Boys' Brigade committee, who presided at the meeting, stated that the committee's aim in arranging for this field day was to advance good, clean sport and to raise money for the furnishing of an athletic field in the middle of the city. He suggested that championship medals be given the winners of the events and that the rules of the Amateur Athletic Association of the United States be adopted to govern the events.

It was decided to hold the field day at Kapiolani Park on March 29 as this would give the clubs time to put their men in good training. All the fourteen standard track and field events, with the exception of the one-mile walk, were adopted. A silver cup will be given to the team obtaining the greatest number of points as it is thought this will encourage the various clubs to make better efforts than would be the case if merely the individuals received awards. A games committee consisting of one member from each of the organizations named, will practically take charge of the events.

The various clubs will now appoint committees to look after the teams on the field day and assist the clerk of the day in his work. A committee will be appointed to canvass the business houses of the city in order to induce them to close at 1 p. m. on that day. Arrangements are being made to have the band play at the meet.

Among the events will be the following: One hundred yard dash, 220-yard dash, 440-yard run, half-mile run, one-mile run, low hurdles, high hurdles, pole vault, shot put, hammer throw, discus throw, running broad jump, high jump.

MADAME BISHOP BETTER.

Madame Geneva Johnstone-Bishop was very much improved yesterday and her many friends will be glad to hear that today she has recovered almost wholly from the nervous shock which she suffered as a result of the fall on Fort Street.

J. W. HALL'S CASE.

J. W. Hall appeared in the Police Court this forenoon on the charge of rape. It was stated by Deputy Sheriff Chillingworth that both he and the attorney for the defense had learned from the Grand Jury that the witnesses in the case had been examined and that the evidence in the case had all been submitted. The report on Hall's case would be presented some time during the day. On this showing, Judge Wilcox continued the case until tomorrow morning.

COFFEE PLANTERS ARE GETTING BUSY

Plan to Send a Man To Washington As Lobbyist.

WANT DUTY PLACED ON SOUTH AMERICAN COFFEE

Porto Rico May Join Hands With Hawaii In Appealing to Congress for Protection of Industry.

The coffee-men of the island are awakening to the necessity of protecting their interests and now a movement has been started which has as its object the sending forth of a man to Washington to furnish facts regarding Hawaiian coffee and to work for a duty on South American coffee and particularly that of Brazil. Henry C. Birbe, who has had much to do with the exportation of coffee from these islands and who has viewed with alarm the increasing importation into the United States of South American coffee, duty free, had the following to say to a Bulletin reporter yesterday:

"This proposition of sending a man to Washington to work in our interests has been brewing for some time past and I have had quite a number of talks with the men most interested. They all agree that it is the only thing we can do. We must have protection or else the coffee industry in these islands will not grow and those who have taken up the business as a life-work will be discouraged in their efforts."

"There is no need of dwelling on the coffee of the islands. It is admitted all over the world to be among the best. However, South America, and particularly Brazil, is sending great quantities into the United States, and it is one of the articles on the free list. If we are to lose, we must have protection. I see no reason why we should not have it. When we became annexed, we presented to the United States a new industry that had never before existed there. We need all the encouragement we can get, but there must be someone in Washington to talk for us. In my opinion, A. L. Louison is the best man we could send. He is intimately acquainted with all matters pertaining to the coffee industry in the islands and would therefore be able to furnish facts to members of Congress that would be valuable should there be any attempt at legislation.

"We do not ask for very much. All we want is a small duty on South American coffee in order to protect our own. I might say in this connection that letters from Porto Rico have been received and that the planters there are anxious that their coffee should also be protected. In fact, they want to work along the very same lines we have proposed.

"In talking with some of the coffee planters of the islands, I find that they are anxious to co-operate with the planters of Porto Rico. They suggest that a man be sent there to confer with the planters and get them all interested in the project of sending a man to Washington to work for the joint interests of both the new possessions. He would not take more than one man, for the conditions are almost identical.

"To show that there is reason in the contentions of the coffee planters of these islands as embodied in the interview with Mr. Birbe, the following from a recent coffee publication is quoted:

"Since 1885 the production has increased enormously. Brazil alone produced for exportation in 1891-1892, 7,000,000 bags of 132 pounds each, showing that its exports for this year exceeded the total production in 1888-89 by over 100,000,000 pounds.

"While the total production of the world has thus increased, the ratio of this increase has been far greater in the countries that make up Latin America than in the coffee producing districts of the Old World, where the once famed plantations of Arabia have dwindled to an insignificant production, and the difficulties of cultivation in Java have increased. It is in the former, therefore, that the steadily growing demands shown by the constantly increasing prices must stimulate the opening of new fields.

Certainly the exportation of coffee from South America is dangerous to the industry in the islands under the present conditions, as will be shown by the following statistics:

Season of 1897-98--Total arrivals in the United States and Europe, 15,985,296 pounds; total crop in Brazil for the same period, 10,462,000 pounds.

Season of 1898-99--Total arrivals in the United States and Europe, 14,156,943 pounds; total crop in Brazil for the same period, 8,771,000 pounds.

Season of 1899-1900--Total arrivals in the United States and Europe, 14,754,747; total crop in Brazil for the same period, 8,959,000 pounds.

Hawaii has the following figures to offer: Total exportation for 1895, 118,755 pounds; for 1896, 225,655 pounds; for 1897, 351,158 pounds; for 1898, 733,285 pounds; and for 1899, 824,864 pounds.

These figures show conclusively that the industry in the islands is growing, and from recent developments, it would seem as if this increase will continue with great strides. With the opening up of the district of Kona by the Kona Railroad,

there will be a larger increase than ever, and Hawaii may in time come to be one of the principal coffee producing countries of the world. With a small duty on South American coffee, the industry here would be protected and many who have hitherto held off because they have seen nothing much in planting coffee, will be enrolled on the list of planters.

CHILLINGWORTH AND DAVIDSON HAVE TILT

There was quite a tilt between Deputy Sheriff Chillingworth and Attorney Davidson in the Police Court this forenoon when the case of Manuel Cabral, charged with using vulgar language, was brought up for trial.

Mr. Chillingworth asked that the case go over until Monday because the Grand Jury had not yet handed in a report on the same. Judge Davidson stated that he had seen Deputy Attorney General Cathart and that that officer had told him no such case had come up before the Grand Jury. In fact, he had never heard of such a thing being presented to that body for investigation and if it were presented to him, he would not, in turn, present it to the jury.

Mr. Chillingworth answered that the Grand Jury could take up anything it saw fit to and that that body had already taken up cases of using vulgar language. However, if the attorney for the defense wished to go ahead with the case, he would send for the witnesses and be ready in a half-hour's time. Mr. Davidson did not like the looks of things and resorted to further argument. Thereupon Judge Wilcox took a hand, stating that Mr. Cathart was not in it. He was only a part of it. When the Grand Jury wished his advice or assistance, they would very probably ask for it.

ANOTHER ROUGH TRIP

SCHOONER CHARLES LEVI WOODBURY FROM HILO

Japanese Badly Hurt in a Stiff Blow--Boom Struck Him On Top of the Head.

The schooner Charles Levi Woodbury returned from Hilo yesterday afternoon after an unusually rough trip. She left Hilo on Friday afternoon of last week. Immediately after leaving the bay, she was struck by a very strong northwesterly gale with a heavy swell rolling right into the bay. The storm, which lasted for about twelve hours, did no damage to the vessel which is an exceedingly good sea boat despite her size. She was originally engaged on the North Atlantic coast fishing banks and has been around the Horn and in the Alaskan trade, so she is a very staunch.

A Japanese deckhand was pretty badly injured during the blow. It was a pitched dark night and the Japanese, who was standing right under the foreward boom did not notice that the heavy sea kept jerking the boom up and down in a dangerous proximity to his head. Finally an unusually heavy jolt brought the boom down with great force right on the top of his head, inflicting an ugly wound which laid him up for the rest of the trip and which will incapacitate him for work for some time to come.

During the rest of the trip, which is said by the officers to have been the most unpleasant one in their experience in these waters, absolute calms, alternating with rough sea and strong head winds retarded the vessel's progress.

The Woodbury is now lying at the fishmarket wharf discharging her cargo of firewood.

PHABTONS ASHORE.

The crew of H. M. S. Phabton will be entertained at a concert at the Y. M. C. A. hall at 8 p. m. tomorrow, to which members of the Y. M. C. A. and their friends are also cordially invited. The first part of the program will be provided from the shore, the second part from the ship; after which refreshments will be served.

The meeting of the Honolulu and Hoola Lahui Society at the Maternity Home today adjourned without doing any business. All business was postponed until Wednesday of next week in order to await the return of Prince David, the president of the society, and Mrs. Parker, from the States.

GASOLINE BOAT IN STORM OFF MOLOKAI

"The Brothers" Had to Jettison Her Paial Cargo.

IT WAS IMPOSSIBLE TO MAKE KALAUPAPA

Made a Second Try For Settlement But Had to Give It Up and Come Home.

Yesterday afternoon, the gasoline schooner The Brothers, returned from a very exciting trip to Maui and Molokai. Herbert Young with two men left Kahului with a cargo of 150 bags of paial from Waialua, which they were going to take to the leper settlement at Kalaupapa. They left on Friday afternoon at 3 o'clock and arrived about six miles off Kalaupapa at about 6 p. m. There a terrible wind, accompanied by an extremely rough sea, struck the small craft and for hours the vessel had to combat with the storm which gradually increased in force. At about 10 p. m. the weather grew so bad that Young, in order to save his vessel, had to abandon his ship's boat and two anchors and also jettison all the paial with the exception of 85 bags. He stood off with his vessel until the following morning when he saw that it would be impossible for him to land at Molokai and returned to Kahului, making the run in three and a half hours. Just outside Kahului he spoke the tug Leslie Baldwin which was on her way to that port where she arrived safely.

After his arrival in Kahului harbor Young borrowed mooring lines and moored his boat. About three hours after he had arrived the storm, which was still increasing in fierceness, sent the breakers over the bar and began to play havoc with the shipping in the harbor. On Sunday the force of the waves made the barkentine Edward May, which was then in the harbor, drag her anchors and bump into the four masted schooner Rolph which was lying close by. For a while both these vessels were in imminent danger of being washed ashore together when luckily the storm abated and the vessels were secured without having suffered much damage.

On Monday, Young started out for Molokai again with one of his men. The other had had enough of the Molokai channel and preferred to remain at Kahului. Young managed to work his way up to within a mile of the same place where he had been before, but as he found that the weather was just as bad as it had been on the previous occasion and that, furthermore, he did not have any boat in which to land the paial, he concluded that it was wiser to get out of the bad weather and run down to Kaunakakai on the leeward side of the island. Here he laid out until the storm had abated somewhat and finally succeeded in getting back to this port yesterday afternoon.

The paial which remained from the cargo was sold at auction by Jas. Morgan on the Fishmarket wharf this noon as it could not wait for transportation to Kalaupapa without spoiling. There were not many people present at the auction and the whole lot went for \$50.

TWO NEW SALOONS GRANTED IN HONOLULU

The executive council kept school until 1 o'clock today, rehearsing a new version of "Much Ado About Nothing"--the "nothing" referring to work accomplished.

Most of the talk, so far as could be elicited from heads of departments after the meeting, was upon the saloon question.

Treasurer Wright, in view of the eventuality of the shutting up of all the Primo beer saloons through proceedings threatened by the general retail liquor trade, verbally proposed an extension of the regular saloon limits. The extension as proposed would comprise:

On Queen street, between South and Cooke streets.

On King street, between Aala lane and Beretania street junction with King.

for a light wine and beer license at Pahaia, Pung, was not decided. Manuel Raposa Freitas' application for a light wine and beer license at Kapala, Lihue, was referred to the High Sheriff.

BUILDERS' EXCHANGE.

The first daily session of the Builders' Exchange took place today. A large number of members were present during the session from 12:30 until 1:30 p. m., transacting routine business and discussing general affairs. The Exchange will be of great value to the members as a place where they can meet together to transact business, discuss plans, etc., and when the present dullness of business is past, be the scene of many transactions.

P. Danson Kellett, who as clerk of the Circuit Court made many friends for himself, has begun the practice of law. His office is in the Magoon block.

Kubelik is to play in eighty concerts in the United States, receiving \$529 for each. All moneys received over \$1000 per concert are to be divided between player and manager. He will leave this country with \$129,500.

Weekly edition of the Bulletin \$1 a year.

VERDICT NOT GUILTY

THREE JUDGES KEEP THE JURYMEN BUSY

Damage Suit for Breach of Lease--Compromise of Plumber's Bill--Probate and Divorce.

Judge Humphreys is hearing the damage suit of Wong But Nan vs. Chock Sing in which \$1200 for breaking a lease is involved. The following is the jury: Jas. D. Cockett, W. K. Kapu, W. F. Jones, H. E. Gares, E. T. Tarrant, Isaac Noar, D. Nakuole, Jas. Mersberg, W. J. Ordway, D. Hoagbill, W. F. Sabig and Jas. Sims.

Judge Humphreys has signed decrees of divorce in the cases of J. J. Arraijal vs. Guilhermina Arraijal on the ground of desertion, and of Alexandra Fernandez vs. Manuel Fernandez on the ground of cruelty and failure to provide.

Ah Nee, defended by Mr. Brooks, was found not guilty of larceny second degree before Judge Gear this forenoon. Mr. Douthitt presented. The jury consisted of W. C. Crook, C. Kimball, Charles G. Spencer, D. B. Renner, W. Dusenberger, M. R. Houghtaling, Jas. Jaeger, John H. Drew, Chas. Spencer, W. R. Castle Jr., E. K. Kaal and D. M. Ross.

Judge Robinson calls a jury this afternoon to try Chung Man Sing vs. Makano C. Amara, ejectment.

In the case of Gehring & Butzke vs. W. W. Ahana it is stipulated that judgment without costs, interest or commission may be entered for plaintiff in the sum of \$2983.

Judge Robinson has taken under advisement the demurres in J. Alfred Magoon, trustee for Sophie K. Wiley, J. W. Wiley and Chun Kin Pong vs. C. Lai Young.

Phillip J. Farley, master, has made a report on the accounts of M. G. Silva, administrator of the estate of John de Costa, deceased. Expenditures are found verified by vouchers amounting to \$243.42. There is an unexpended balance of \$1223.38. The master recommends that the administrator furnish the court a statement of the property from which he received \$130 rent, as there is no real estate in the inventory.

C. A. Long in a master's report recommends approval of the accounts of F. A. Schaefer, administrator of the estate of Samuel Johannowitz.

Demurrer in the case of Puhipaka Malama Guerrero, minor, vs. Frank Pahaia et al. is set for hearing by Judge Robinson next Tuesday.

BREWER & CO. MAY TAKE HOLD

New Development of Kona Sugar Company Affairs.

MANAGER ROBERTSON WILL INSPECT PROPERTY

Bond of Receiver Wundenberg Approved With Four Sureties--Pressure On Judge Humphreys Was Unavailing.

There is a prospect that C. Brewer & Co. will finance the affairs of the Kona Sugar Company in connection with the receivership. A conference of parties interested with members of that corporation was held this morning. Later P. C. Jones, one of the Brewer directors, attended the proceedings at Circuit Court chambers, when Judge Humphreys approved the bond of Fred. W. Wundenberg as receiver. The bond is for \$75,000 and the sureties are Allan Herbert J. Alfred Magoon, Samuel C. Allen and J. A. McEandless.

Judge Humphreys has been subjected to considerable pressure to induce him to reconsider his appointment of Mr. Wundenberg and appoint Samuel M. Damon according to the original petition. The First Judge has, however, steadfastly adhered to the appointment as ordered at the hearing of M. W. McCheaney & Sons' petition.

George H. Robertson, manager of C. Brewer & Co., will accompany Receiver Wundenberg in the steamer Mauna Loa tomorrow, for the purpose of inspecting the property of the Kona Sugar Company. If Manager Robertson's report be favorable, then C. Brewer & Co. will take up the proposition.

ELECTION PROCLAMATION

Evidently Governor Dole has made up his mind not to hold off any longer on the special election proclamation which he announced some time ago he would call. The news comes from a reliable source that the Governor's statement, Mr. Hawes, stated yesterday that it was the intention to publish the proclamation either today or tomorrow. As it did not appear in the Advertiser this morning, it will probably be seen there tomorrow morning.

The secretary, when he gave out the information, was seeking out for some suitable person to be named by the Governor as an inspector of election to fill a vacant place in the Fourth District.

A reporter for the Bulletin called on Governor Dole this afternoon and asked this question: "Governor Dole, can you tell me when the special election proclamation will be issued?" "No," came the answer and the Governor turned to talk to another party standing near.

However, one of the attaches of the office stated to the Bulletin reporter that the proclamation would be called in two or three days. Whether the lady, who, by the way, is the electoral registrar, knows more about the matter than the Governor could not be learned, but certain it is that this statement, coupled with the announcement made by the Governor's secretary yesterday, would go to show that there is something doing and that the proclamation may be expected within the next two days.

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