

EVENING BULLETIN

By use of BULLETIN "AD." SPACE

Steamer Table.

Table with 2 columns: Destination and Date. Includes entries for Hongkong Maru, Alameda, Sonoma, Nippon Maru, For Victoria, Mlowera, and From Victoria.

I'M TOO SICK

to take medicine now, doctor. "Times are too dull to advertise now." The foregoing are on a par. As with business health so with the health of an individual. Medicine helps nature; advertising in the Bulletin helps business.

Vol. X No 2123

HONOLULU, TERRITORY OF HAWAII, WEDNESDAY APRIL 16 1902

PRICE 5 CENTS.

QUICK DESPATCH BY GRAND JURY

First and Final Report Received and Jurors Discharged.

WARRANTS ARE ORDERED ON THREE INDICTMENTS

Names of Indicted Persons Are Kept Secret Pending the Arrests—One Indictment Ignored.

All the business of the United States District Court this morning consisted in receiving the first and final report of the grand jury.

Judge Estee cordially thanked the grand jury for its quick dispatch of business. Foreman C. C. Kennedy being asked said he did not think it necessary to have the report read in court, and it was therefore merely ordered to be filed.

Honorable M. M. Estee, Judge of the United States District Court, of the Territory of Hawaii.

The Grand Jury, empaneled, sworn and charged by you on the 14th day of April, 1902, having concluded its duties, begs to submit herewith the following report.

The United States District Attorney has brought to the attention of this Grand Jury four cases, all of which have been carefully considered, and in three cases true bills of indictment have been found and returned to your Honorable Court, and in the fourth case no bill has been returned.

In concluding its report the Grand Jury desires to state that there were no secret investigations made, other than those presented by the United States Attorney, and takes this opportunity to express its appreciation of the ability, fairness and courtesy that has characterized Robert W. Breckons during its short session.

A list of the cases investigated by this Grand Jury, in which true bills of indictment have been found, is hereto attached and made a part of this report.

The bench warrants were made returnable at 10 a. m. tomorrow, to which time the court adjourned.

PENALTY IS REMITTED.

Washington, March 26.—(Special.)—The Treasury Department has remitted the penalty of \$12,000 assessed against the firm of H. Hackfeld & Co., Alexander & Baldwin, Irwin & Co., Greenbaum & Co. and others on account of undervaluation of sugar bags.

Friends of Mr. and Mrs. Herberg W. M. Mist gave the young couple a surprise party last night at their residence on Kinan street.

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LITIGATION PILES UP BATCH OF APPEALS FROM DISTRICT COURT

Two of Magoon's Tenants Deny His Claim That Their Lease Was a Mistake—Kapiolani Estate vs. Atcherley Received.

The Orpheum Company has appealed from District Judge Dickey's judgment against it for \$215.18 in favor of W. W. Ditmond & Co.

Morris Keohokaloie has appealed from District Judge Dickey's judgment against him for \$32.96 in favor of W. W. Wright.

S. K. Kane has appealed from judgment for \$216.81 in favor of Lovejoy & Co. by Judge Dickey.

Wing Wo Lung Co. has appealed from Judge Dickey's judgment for \$66.88 in favor of M. W. McChesney & Sons.

Dr. A. Gordon Hodgins has appealed from the judgment of Judge Dickey dismissing his action of trespass for \$150 damages against J. Miguel. The injury was alleged to have been done by a runaway horse of defendant, breaking the doctor's carriage, harness and medicine bottles.

J. Alfred Magoon has appealed from Judge Dickey's dismissal of his action for possession of premises against Chin Kee Ghau and Aug Ton. Defendants have answered the plaintiff's complaint in equity upon the same matter of dispute, denying his allegations about inadvertence in drawing his lease to them. They declare that Magoon read over the lease to them at his own office before it was executed, and that its terms were in accordance with a prior agreement, namely that the rent was to be \$100 for the first two years, \$150 for the next four years and then \$250 a month for the succeeding twenty-four years.

Kapiolani Estate, Ltd., has filed an amended bill of injunction against Mary H. Atcherley.

A FORTUNATE ESCAPE

An accident which might very easily have resulted seriously happened this morning at a little after 7 o'clock on Nuuanu street, near Beretania. A lady drove up in a buggy and was going north when her horse suddenly took fright at the steam roller which was standing on the street outside of the Commercial saloon. The animal turned completely around so suddenly that the lady who occupied the seat in the buggy gave up all hope of saving herself in any other way and made a flying leap for safety, which she performed gracefully and without receiving the slightest injury.

It was well that she jumped in time, for a moment later the horse had turned the buggy completely over by a sudden twist. The animal did not run away, and Officer Needham, who had been standing close to the scene of the accident, rushed to assistance and righted the buggy. Not the slightest damage was done beyond the loss of a bit of the buggy's paint.

FAIR AGAIN PUT OFF

The fair which was to have been held on the Normal School grounds some time ago, but which was postponed on account of the inclement weather and the Boys' Brigade field-day has been postponed again, this time on account of the fact that the Territorial band, the assistance of which is counted upon, has left for Maui. The date now set for the fair is Saturday, April 25.

DUMONT AND MISS STONE

New York, April 10.—Wireless telegraph dispatches from the steamer Deutschland passing Nantucket, R. I., shortly after midnight bore greetings from Santos Dumont, the Brazilian aeronaut, who comes to this country to confer with the Louisiana purchase exposition officials.

Miss Ellen M. Stone, the missionary, is also a passenger on the steamer.

VOELLER PLACE SOLD.

Will E. Fisher, auctioneer, yesterday sold the house and lot of P. J. Voeller under bankruptcy proceedings in the United States District Court. The property was bid in by L. C. Aldes for Mrs. Voeller at \$1200. The value had been appraised at \$1600 and the price obtained being 75 per cent of that valuation just brings the sale within the Federal law.

SECOND EDITION Board of Health Report CENSURES Reynolds and Dr. Oliver

The following report was read at the Board of Health meeting this afternoon. It severely censures Superintendent Reynolds and Resident Physician Oliver. As Mr. Reynolds has had his resignation on the table since the session of the Legislature, this report practically decrees a change in the superintendency of the Settlement. Its terms are equally indicative of a change in the office of physician. The report is based upon a voluminous mass of evidence taken stenographically before the investigating committee at Kalaupapa.

Mr. Reynolds has complained that Dr. Oliver was in Honolulu at the time of the legislative session, doing all he could to injure him with members of the Legislature and other interested. Of course any previous occasions of bad blood between the doctor and the superintendent, or alleged grievances held against either or both by the sick denizens, have nothing to do with the matter that the committee has now investigated with judicial care and precision. The committee's report, however, goes further than the subject matter of its commission with regard to Dr. Oliver. It finds him censurable for habitual and general neglect of his duties.

As it has been an open secret ever since the committee returned that official changes were inevitable, John D. McVeigh, the veteran quarantine worker, has been slated for the position of superintendent. In the Matter of the Investigation of Charges Preferred by Ambrose Hutchinson, Leper Settlement Report of Committee. Dr. Henry C. Sloggett, President of the Board of Health. Sir: We have the honor to submit the following report, based on the foregoing charges and evidence:

We find that Philip Mikila and William Kalani were not arrested upon a trumped-up charge or without probable cause; that Mikila's friends were not denied access to him; and that such food as he had was at all times sufficient in quantity. We find that the charges in other respects, although not proved in all details, are proved in substance and beyond reasonable doubt.

On December 2d, 1901, Mikila and Kalani left the settlement in violation of the regulations of the Board of Health. John Waiaman, captain of police, believed and had probable cause to believe, that they had been stealing sheep. No one being on trial for stealing sheep, the committee declined to investigate the truth of this charge, beyond the question whether there was probable cause for arrest. Upon the return of Mikila and Kalani December 4th, Waiaman arrested them and put them in jail.

Kalani made a confession, and was put in a light, airy cell. Mikila denied guilt, and, as a punishment, was put in a cell with no outside window, comparatively dark and, but, ill ventilated. He was given a diet of salmon (which he chose instead of meat), bread and water, and was more or less closely confined for about a week, as a punishment. After that, he had ordinary rations and the liberty of the jail yard; during all of the time he was in jail, from December 4th, 1901, until March 12th, 1902, he was not arraigned on any charge, and no written accusation was made against him.

He was in an advanced stage of leprosy when he was arrested. As the disease progressed he became very weak, and was little more than skin and bones. As early as about the first of March his hands and feet were alive with maggots. The stench was offensive. On the 12th of March he was taken home by members of a fraternity to which he belonged. He died on the 18th. He had no proper care before leaving the jail. He had no medical attention, worthy of the name, at any time.

There is only one district magistrate on the island of Moakai. He lives at Pukoo, thirty miles away—but as distant, as far as the physical difficulties of getting to the settlement and leaving it are concerned, as New York is from Chicago. He did not visit the settlement while Mikila was in jail. Without a magistrate in the settlement, prompt arraignments and trials are virtually impossible. A resident magistrate can be appointed under existing laws, although there is no appropriation from which he can be paid. We recommend the appointment of a magistrate, to be paid such salary as the next Legislature may appropriate.

In transforming the old church at Kalaupapa into a jail, windows should have been cut to give a cell plenty of air and light. We recommend that this be done now.

The arrest of Mikila and Kalani probably comes within the provisions of sections 546 and 547 of the Penal Laws, which are as follows: "Whenever a crime is committed, and the offenders are unknown, and any person shall be found near the place where the crime was committed, either endeavoring to conceal himself, or endeavoring to escape, or under such other circumstances as to justify a reasonable suspicion of his being the offender, such person may be arrested without warrant. Policemen or other officers of justice, in any seaport or town, even in cases where it is not certain that an offense has been committed, may, without warrant, arrest and detain for examination such persons as may be found under such circumstances as justify a reasonable suspicion that they have committed or intend to commit an offense."

Section 551 of the Penal Laws is as follows: "In all cases of arrest for examination, the person making the same must conduct the party arrested before the court or magistrate empowered to make such examination within forty-eight hours after his arrest, except in cases where a longer delay is absolutely necessary to meet the ends of justice." The magistrate having jurisdiction did not visit the settlement during the time in question. Certainly these two lepers could not have been taken to Pukoo for trial; but, even so, holding them in jail more than three months for violating a regulation of the Board of Health, or for stealing sheep, without arraignment or written accusation, appears to be a very lax construction of the words "except in cases where a longer delay is absolutely necessary to meet the ends of justice." Mikila and Kalani could not have escaped if they had been given their liberty pending the arrival of the district magistrate. We think, however, taking into account what can reasonably be expected of a native policeman in such an isolated place, that it would be unjust to hold him responsible for such a construction of a statute as a trained lawyer would give it.

Putting Mikila in a comparatively dark cell and depriving him of pol, as a punishment for not confessing, or for an offense of which he had not been convicted, was an outrage upon the fundamental principles of Anglo-Saxon liberty. Waiaman bears an honest name. He is a man of good repute. We think he tries to do his duty, according to his lights. Neither he nor the jailer appeared to be conscious of wrong doing. As most natives would have done under like circumstances, they looked to the white man in charge of the settlement, and took their impress. Making allowances for their subordinate positions, and for native characteristics, we think they are less in fault than Mr. Reynolds, and much less in fault than Dr. Oliver. They are, perhaps, as well qualified for their respective positions as any persons who can be found in the settlement to succeed them. We believe that the censure expressed in this report will teach them a lesson and serve the purposes of humanity and good government quite as well as their dismissal.

We think that Mr. Reynolds and Dr. Oliver should be judged by more severe standards. They are the men in charge, responsible to the Territorial government and to humanity for such help and comfort as can be given to nearly nine hundred human beings isolated from all the world and slowly dying from a loathsome disease. They are the men to whom the Board of Health, the Attorney General, and all departments of the Territorial government rightfully look for full and reliable information in regard to conditions in this isolated and inaccessible lazaretto.

We have absolute confidence in Mr. Reynolds' honesty and honor, and commend his diligent and zealous efforts to administer the affairs of the settlement well; but it seems to us that his neglect to ascertain more carefully Mikila's condition when his attention was called to it, was inexcusable, and that his lamentably bad judgment on that occasion calls for severe censure.

We are forced to the conclusion, not only that Dr. Oliver neglected Mikila, but also that he has neglected his work in other respects. He has shirked grave professional duties, delegating them to a leper who has had no medical training. He has kept no data worth mentioning. There is no other place on earth where leprosy can be studied so advantageously as at the leper settlement on Moakai. The physician stationed there, if he can rise to his opportunities, has good prospects of world wide fame. We find that Dr. Oliver deserved very severe censure.

Respectfully submitted, This 14th day of April, 1902. (Signed.) R. P. DOLE, WM. L. MOORE, J. S. B. PRATT.

The committee is a unit in regard to the findings of fact and the record. (Continued on page 4.)

CLAIMS BILL IS DRAWN COMMITTEE REPORTS ON HAWAII SENATORS

WILCOX MEASURE ASKS \$3,000,000 APPROPRIATION Bill is Referred to Surgeon General Wyman For Report From Hospital Marine Department.

Washington, April 2.—(Special.)—Delegate Wilcox on March 27 introduced a bill providing for the settlement of fire claims during the year 1900 of the Territory of Hawaii. This bill was referred to the Committee on Claims. The text of the measure is as follows:

"Be it enacted, etc., that the sum of \$3,000,000 is hereby appropriated, out of any money not otherwise appropriated, for the settlement of the fire claims for the destruction of properties in the city of Honolulu during the bubonic plague in the year 1900.

"Section 2. That the Secretary of the Treasury is hereby empowered to pay out of the Treasury the above sum to the commissioners of the fire claims of the Territory of Hawaii, who have the adjusting of the said fire claims under the authority of an act of 1900 therefor."

Mr. Wilcox states that he will appear before the committee and urge the favorable reporting of this measure, and believes that in all justice to the people whose property was destroyed for the purpose of preventing the spread of the plague and the probable extension of the same to the United States, the money should be appropriated. The committee has called on Surgeon General Wyman for a report on the matter. J. A. BRECKONS.

DELEGATE WILCOX IS RECOVERING SPEEDILY

Washington, April 3.—(Special.)—Delegate Wilcox on the 25th of March visited the Capitol, having been confined to his home since the 1st of January by severe illness. The Delegate has lost considerable flesh, but is convalescing rapidly and as the weather here is becoming warmer each day he hopes to be as strong as ever in a short time.

He intends calling on the President some time this week, probably on Saturday and will discuss the Hawaiian situation with him. J. A. BRECKONS.

REDUCE WHISKEY TAX.

Louisville, Ky., April 10.—It is said among Louisville whiskey men that a petition with 3,000,000 signatures will be sent to Congress by the distilled spirits interests of the United States asking that the internal revenue tax be reduced from \$1.10 to 70 cents a gallon. It is said also that the organizers of this movement propose to enter politics in opposition to Senators and Congressmen who oppose the request for reduction of the spirit tax.

TRIAL FOR HERESY.

Lebanon, Ill., April 10.—Because of the authorship of a book advocating the doctrine of reincarnation of souls and offering scriptural reference in support thereof, Rev. Columbus Bradford, has been removed from the pastorate of the Methodist Episcopal Church at Okawville, to which he was appointed last year, and at the next meeting of the Lebanon district conference he will be called on to answer the charge of heresy.

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Washington, April 5.—(Special.)—At today's session of the House Committee on Territories Representative Robinson of Indiana introduced a resolution which was adopted authorizing the chairman of the committee to request Governor Dole to appear before the committee and answer questions relative to legislation in the Territory of Hawaii. One of the questions which will be asked Governor Dole is why the Territorial Legislature was not given an opportunity to pass upon the question of providing money for Territorial use at the time the Governor borrowed funds for adjustment of bubonic plague expenditures. The Governor will also be invited to explain why certain measures plainly intended for the benefit of the Territory were prevented from becoming laws through the failure of the Governor to approve them after passage by the Territorial Legislature. It is not known with certainty what day Governor Dole will arrive in Washington. He is now reported en route and is expected early during the coming week. Should he reach here when expected he will not have an opportunity of meeting the President until the latter part of the week as the President is going to Charleston tomorrow and will not return until Friday next. J. A. BRECKONS.

S. S. SONOMA, APRIL 15, Next express steamer to the Coast Wells, Fargo & Co. Express TEL. MAIN 199. Masonic Temple, with American Messenger Service.