

EVENING BULLETIN

Cheaper Advertising Rates on Long Contracts

AS A MATTER

of fact, we do not believe that any business can ever succeed except by a large outlay of money through the medium of advertising.—President Beeman, Beeman Chemical Co., Cleveland.

STEAMER TABLE.	
From San Francisco—	
Doric	July 22
Alameda	July 18
For San Francisco—	
Peru	July 15
Alameda	July 23
For Victoria—	
Mlowera	July 30
From Victoria—	
Moana	Aug. 2

Vol. XI No. 208.

HONOLULU, TERRITORY OF HAWAII, TUESDAY, JULY 15, 1902

PRICE 5 CENTS.

DAMAGES ALLOWED MATE LORENZEN

Amount of Wages for Two Years Probable Disability.

COMPENSATION FOR PAIN SUFFERED IN ADDITION

Total Judgment of \$2940.—No Contributory Negligence—Inter Island Company Was Wholly Responsible.

Hans Lorenzen was awarded \$2940, together with costs of court, as damages and compensation against the Inter-Island Steam Navigation Company, by Judge Estee this morning. The decision was read in the United States District Court in presence of counsel, J. J. Dunne and R. W. Breckons for plaintiff and Smith & Lewis for defendant.

Lorenzen was first mate of the barkentine Irmgard and sued for \$10,240 damages for injuries received by him on board that vessel while she was taking sugar cargo from the L. I. S. N. Co.'s steamer Noeua by means of machinery and appliances aboard that steamer. The mishap occurred in Honolulu harbor on January 30 last. A slingload of ten bags of sugar each weighing 125 pounds struck the libellant, who was on the deck of the Irmgard, knocked him down, rendered him senseless and broke his right leg below the knee. He was removed to the Queen's hospital, where he remained undergoing medical treatment until May 5, 1902.

The question involved in the case, the court says, is one of negligence. It was a well known principle of law in cases of that character that the negligence of the plaintiff must have contributed directly to produce the injury in order to defeat his recovery of damages. His negligence must have been such that but for it the injury could not have happened. "And the principle is equally well established," says the court, "that the negligence of the defendant cannot be excused on the score of the negligence of the plaintiff. While the theory that every man must look out for himself prevails in so far that he shall not deliberately place himself in the way of injury, yet the law contemplates that every man in his relation toward others shall conduct himself with reasonable care and prudence, no matter what the imprudence of others may be; and if in so conducting himself he can avoid injury to the person or property of others, he is liable for any injury resulting from a neglect to exercise such reasonable care and prudence."

The contention of counsel for the defendant that the plaintiff deliberately placed himself in the way of danger "does not appeal to the common sense of the court of its experience of men in general." Besides, it was not sustained by the evidence. Porter, the engineer of the Noeua, was the only witness to testify that Lorenzen stepped forward two and a half feet to meet the sling of sugar, but this statement did not appeal to the common sense of the court aside from a consideration of the other flatly contradictory evidence upon the same point. Later, in reviewing the evidence, the court finds it clear that the libellant did all he could to avoid the injury. Dr. Sinclair's testimony was corroborative of the blow being from behind. The bruise upon the shoulder was excessively severe. Evidence was conflicting as to warnings having been given. Witnesses for the defendant, especially Captain Petersen, testified that the

transferring of the first slings of sugar is a very dangerous operation, from the difficulty of telling just where the sugar would land or how the machinery would operate. If that were so, then the utmost care should have been used in the handling of the apparatus. That this was not done is found from the testimony that the rope was new and stretched, the forward guy as much as five feet according to Petersen but the court thinks from other evidence not more than two or three feet. The stretching in any case should not have sufficed alone to cause the accident, for Lorenzen was struck by the load thirteen feet forward of the hatch. Captain Petersen, an experienced mariner, should have had the rope tested before beginning operations. After further analysis of the testimony the court concludes on the question of responsibility, thus: "That the injury to libellant was

PERU FROM ORIENT

The Pacific Mail liner Peru was sighted off port early this morning and moored at the Quarantine wharf at about 9 o'clock. The Peru left Hongkong on July 24, making the whole run in 21 days and 11 hours. She left Yokohama July 5, making the run between that port and Honolulu in 10 days and 6 hours. The voyage was pleasant and uneventful. The vessel passed the Gaelic, the City of Peking and the Hongkong Maru. Nothing, however, was seen of the Mohican.

Among the passengers in the Peru are Mrs. Jesse Clement, Miss Ruth Clement, Miss A. M. Onslow and Lieutenant Commander J. M. Robinson, U. S. N., will stay over in this city. Of these, Mrs. Clement is a missionary worker now returning to her home on the Mainland.

Of the through passengers Rev. L. A. D. Boggs, who with his wife and child are returning to the Mainland, has been engaged in missionary work in India.

Miss M. F. Durphy returns from a visit to Manila. J. G. H. Vander Dussen is on his way home from Java, where he has served in the Dutch Colonial army and T. T. Veerkamp is a Dutch merchant from the same place. Miss I. M. Elliot and Miss A. M. Onslow, are English ladies who are making a tour around the world. Miss Elliot is a teacher of natural sciences at the Newham College, Cambridge, England. These ladies are accompanied on their tour by Miss E. P. Upjohn of New York.

The Peru brings in her steerage 563 Japanese and two Chinese for this port. She has 563 tons of freight for Honolulu.

The Peru is booked to leave this port for San Francisco at 6 o'clock this evening.

RACES FOR 28TH.

A meeting of the Jockey Club was held in the Hawaiian hotel last evening for the purpose of arranging a race meet for July 28, during the Merchants' and Agricultural fairs. Edgar Halstead presided in the absence of Col. W. H. Cornwell. The following committee was appointed to arrange a program for the 28th and submit the same at a meeting to be held Thursday evening, July 17: Clarence Crabbe, Chas. Bellina, Lucas, Davis and Ballentine. Any one having horses to enter in any races are asked to call on any member of the committee and register the entries.

TAUGHT TO HUSTLE.

Rome, July 8.—The answer of the committee of Cardinals to Governor Taft's recent note on the subject of the friars' lands in the Philippines, was presented to the Pope this morning by Cardinal Rampolla, the Papal Secretary of State. The Pontiff expressed his pleasure at the celerity with which the business had been dispatched and said jestingly: "We are teaching the Americans the renowned art of hustling."

HOW "UNCLE JOE" CANNON TURNED DOWN FIRE CLAIM APPROPRIATION

In opposition to the amendment, Mr. Cannon said in part: "The committee of the House, provided over by the gentleman from Massachusetts, has not brought in this bill here. How does it come here? Why, the Committee on Pacific Islands in the Senate has considered this question and extracts from its report have been read here. Did that Committee on the Pacific Islands take it to the Senate and go into Committee of the Whole and consider it hour after hour until it was fully considered? Nay, nay. Nay, nay; but on the contrary, somebody in the Senate moves this amendment on this bill, a bill which must pass or the Government must stop. And so the amendment comes here. Now, what does anybody in this House know about it—intelligently, fully, so that he can say, 'Of my own knowledge, looking at it from my own standpoint, the amendment ought to pass.' There are not fifty persons in this House who have that kind of knowledge of it.

"But even if it were a meritorious measure, the House ought to reject this amendment and say to the Senate, 'It is that kind of legislation which is prohibited by the rules of the House and which does not run along the lines of good legislation.'

Gave Us Free Trade.
"Now, I fancy I hear somebody say, 'How about the merits?' Give me your attention while I guess at the merits; for the question has two sides. Thirty years ago the United States made a treaty with Hawaii under which we gave them free trade in sugar and their other products; and they gave us free trade. They did not buy much of us; but as we had for nearly all that time a duty of 1-1/2 to 2 cents a pound on sugar coming from other parts of the world to us, the moment their sugar landed it had the 2 cents a pound added to it; so that during those thirty

years we practically paid Hawaii a bounty of 2 cents a pound on her sugar, amounting in round numbers to \$100,000,000. She prospered. Great plantations grew up there, such as I have never seen anywhere else. I am not thoroughly familiar with sugar plantations; but I was down there once. Great fortunes have been piled up there; great plantations exist there now.

"Hawaii was annexed with her own consent. In July, 1898, Congress passed an act which I have before me. What did we agree to do? We agreed to pay every dollar of her debt—\$4,000,000. So the moment she was annexed she was free from all kinds of debt. The United States has paid her indebtedness.

"We passed an act—known, I think, as the Newlands Act—in 1898, containing this provision: 'Until Congress shall provide for the government of such islands, all the powers exercised by the officers of the existing government in said islands shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct; and the President shall have the power to remove said officers and fill the vacancies, etc.'

"Now, we not only assumed the debt of that country, but also the Hawaiian postal savings bank indebtedness, and so on.

"In the meantime, under this act, until later on—a year later on, almost—Hawaii was collecting the revenues from customs by virtue of this act; and they went into her own treasury. Between the time of annexation and the time of the passage of the enabling act under the lead of the gentleman from Massachusetts (Mr. Knox), chairman of the Committee on Territories, these revenues from customs went into the treasury of Hawaii. In the fullness of time she was annexed; but before

annexation—in 1899, a few months before annexation—the bubonic plague developed there. It developed also in San Francisco. I do not know whether any property was destroyed in San Francisco or not—whether any houses were burned.

"And there has been smallpox in Arizona and all over the country; and Cize have been measles, whooping cough, diphtheria, etc., everywhere.

Take Care of Ourselves.
"Now, what is the rule? The rule is that the respective States or Territories pay the expenses of the kind referred to. And if Los Angeles, or Phoenix, Ariz., or Albuquerque, N. Mex., had an attack of bubonic plague, and had to burn up a block of buildings, it would be a burden upon the respective State or Territory.

"Now, one word further. This very amendment recognizes the law to which I have referred. Now, is there anything from a charitable standpoint that should make Uncle Sam give a million dollars to his dusky daughter? 'The fairest daughter,' said my friend from Wyoming; 'the duskiest daughter,' said I. But be she dusky or fair, we want to be just to her. Is there anything in her position to make us pay this money? No. She has great industries, rich sugar plantations. She has free trade with the United States. She is owned by the United States and is absolutely without one dollar of debt, because Uncle Sam has paid it all. And now Uncle Sam is getting ready to construct there a naval station and a navy yard. We are paying all the usual expenses—improvement of her harbors, erection of fortifications—everything of that kind.

Hawaii Is Not Poor.
"Now, I make another proposition. She does not begin to be as poor as New Mexico is or as Arizona is. She

(Continued on Page 4.)

PAIN THE DEFENDANT COMMITTEE WILL COME FREIGHT CHARGES SUIT OF WILDER'S COMPANY

Case in Judge Humphreys Court—Philadelphia Court's Jurisdiction Questioned—The Orpheum Contract Case.

Judge Humphreys is hearing the case of Wilder's Steamship Co. against W. H. Pain, a claim for freight charges on defendant's Lanai shipments. The following jury is empaneled: Benjamin W. Houghtaling, Eli J. Crawford, H. F. Wichmann, James McKee, Frank H. Foster, Joseph C. Cohen, E. B. Mika, Iemi, Starr Kapu, Horace N. Crabbe, Solomon Katoepu, John A. Hughes and Charles Schoellkopf. Kinney, Ballou and McClanahan for plaintiff; Holmes & Stanley for defendant. Frederick J. Amweg and Blanche E. Amweg by their attorney, J. T. De Bolt, have entered a demurrer to the suit of the Good Hope Building Association. Besides the usual technical grounds, they deny the jurisdiction of the Court of Common Pleas of Philadelphia to render the judgment of which suit is brought.

W. H. Cornwell, W. Lucas and H. Armitage by their Attorneys, Robertson & Wilder, have filed a motion as defendants in the Orpheum contract case to suppress the depositions of I. C. Cohen and the twenty-two members of the Hogan minstrel troupe, on the ground that these defendants were not served with process.

STEAMSHIP CHINA FROM THE COAST

The steamship China arrived in port from San Francisco at about 8 o'clock last night and was moored at the Pacific Mail wharf. The voyage was made in very pleasant weather and was entirely without event worthy of notice. The China carried a very fair list of

UNCLE SAM EXEMPT BISHOP ESTATE DEED REQUIRES NO STAMPS

The Territorial Treasurer Justified in Registering Fire Claim Warrants—Opinions By Attorney General Dole.

Attorney General E. P. Dole has addressed an opinion to Wm. H. Wright, Treasurer of the Territory, in reply to a request for such, "relative to the liability of the deed of the Trustees of the Bishop Estate to the United States Government to pay Territorial stamp duties. The stamp duties on this deed if collected amount to \$265.

The Attorney General quotes the Hawaiian Stamp Act, which says no instrument requiring to be stamped shall be recorded by the Registrar of Conveyances, or be of any validity in any court of Hawaii, unless the same shall be properly stamped. "It is settled law," he goes on to say, "that such provisions do not apply to governments unless they are expressly included, and quotes Macfarlane vs. Republic of Hawaii, 11 Haw. 357, to show that "the Territory of Hawaii, under our law, is not liable for stamp duties upon its deeds."

Even if our law included the United States Government, it would in that respect be null and void. The stamp duty is a tax to raise revenue and it is not within the power of a Territory, or of a State, to tax the United States Government or any department thereof. The opinion holds that it is nearly or quite as clear that the stamp duties in this case cannot be collected from the Bishop Estate, in support of this view quoting Chief Justice Marshall's great opinion in Brown vs. State of Maryland. This opinion held that a tax on the transfer of land is a tax on the purchaser—in the present instance being the United States Government. The Attorney General concludes thus: "In the present case, as I understand, the title passed by judicial process, which is not taxable against the United States. If any impression in this respect is correct, the deed offered for

registry is a mere form, given as a matter of courtesy by the Bishop Estate to place the muniments of title beyond question and in the simplest form. However this may be, I think it is clear that the deed is not, to quote the language of our statute, an instrument requiring to be stamped."

The Attorney General's opinion agrees with that of Assistant District Attorney Dunne expressed in the Federal court.

Mr. Dole, in another opinion to the Treasurer, holds that he is justified in registering warrants for the payment of fire claims, saying:

"I am in receipt of your communication of even date herewith, asking for an opinion from my department as to whether you are justified in registering warrants issued by the Auditor, for the payment of claims awarded by the Fire Claims Commission. 'I think you are.'"

QUEEN SANG CHORUS

A moonlight boating party and dance was given in honor of Wade Armstrong last night. There were in the neighborhood of sixteen in the party. A large barge rowed by natives was used to convey the merry-makers about the harbor. The young people who had arranged for the moonlight party had secured Solomon's quintet club for the evening and there was much fine music. The rowing about the harbor over with the young folks went to the Myrtle boat house, where they danced until a late hour.

As the China was nearing the Pacific Mail wharf, the barge was rowed up alongside and the singers struck up "Kuu Pua i Paoakalani" in honor of Queen Liliuokalani. When the chorus was reached, the royal lady graciously leaned over the rail and joined in.

PORTO RICAN TO JAIL

Porto Rican questionable characters figured very prominently in the Police Court this forenoon. Pedro Morales, caught sleeping in a car of the O. R. & L. Co., at the depot, was sentenced to six months' imprisonment at hard labor on the charge of vagrancy. O. Mendez got the same sentence on the same charge. He was the suspected leader of the gang of Porto Rican thieves who have made their headquarters at Myers' place in Kakaako. Cecilio Ortiz, charged with stealing a silver watch, the property of Lake, was committed to the Circuit Court for trial. Pedro Molina and O. Carpa, the two young men caught on Kanai, and charged with receiving stolen goods were also committed to the Circuit Court for trial. Two Porto Rican women, charged with vagrancy, had their cases continued until tomorrow.

Lieut. Ward P. Winchell, U. S. A., has been ordered detached from the Boston to Frisco and will board the Mariposa for a cruise to Tahiti, the object of the Navy being to keep watch of the trial of oil as a fuel aboard the steamer.

The Italian ship Wallacetown arrived at Callao on July 3 on her voyage from London to Honolulu.

Wells, Fargo & Co. Express
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Masonic Temple, with American Messenger Service.

NEW PARTY SETS WHEEL MOVING

Enrollment Blanks Sent To Various Islands Today.

EWALIKO HOPES FOR BIG HAWAII FOLLOWING

What Democrats Are Doing—Committee of Fifteen On Organization Named By Chairman McCarthy.

As was anticipated by those who had had occasion to watch the drift of things among the men who bolted from the Home Rule party the other day, these young politicians at a meeting held in Foster hall last night, decided to announce to the people a complete split and the formation of a new party to be known as the Hui Kuokoa or Independent Society.

There was some disposition to give the "old men" until Thursday to consider the terms of their ultimatum, presented yesterday, but enough straws had been seen to point in a certain direction and it having been decided that there could be no reconciliation, it was voted to declare a new party without further delay. Committees were appointed and today the work of organization is going on.

It was not twenty minutes after the adjournment of last night's meeting in Foster hall that the enrollment blanks were in the hands of the printer and today the steamers are taking away copies of these.

Among the passengers in the Kinaiu for Hilo today was David Ewaliko, the young man who came to the Home Rule convention with the vote of seven hundred voters of Hilo at his back and with special instructions to "down" Kalaauokalani.

It seems that there was recently instituted a very strong movement in the Hilo, Puna and Hamakua districts against the leaders of the Home Rule party and this movement took such definite shape that the promoters wished to call the society by the name of Aloha Aina.

This was the state of affairs found by Prince Cupid when he was in Hilo in January and he it was who, working for the good of the people, counseled the reformers to stand by the party and to work for unity rather than disruption. His advice was followed, and there was nothing heard from the leaders of the movement until David Ewaliko made known to the Home Rule convention what he represented. It is on this movement that Ewaliko is now counting for the success of the new party in November. He says they will surely join the Hui Kuokoa and that the Island of Hawaii will throw her votes on the side of Prince Cupid.

This evening, Morris Keohokale, one of the committee on organization, will leave for Maui in the Claudine, taking enrollment blanks with him.

(Continued on page 5.)

HAMILTON-BROWN SHOE CO.'S



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EGYPTIAN DEITIES



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