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STEAMER TABLE.

From San Francisco—	
Zealandia	Nov. 21
Gaile	Nov. 22
For San Francisco—	
Doric	Nov. 25
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Moana	Dec. 17
From Victoria—	
Mlowera	Nov. 22

Vol. XII. No. 2309

HONOLULU, TERRITORY OF HAWAII, FRIDAY, NOVEMBER 21, 1902

PRICE 5 CENTS.

BROWN AND MEYERS CITED INTO COURT

Charged With Contempt In Disobeying Mandate.

LATEST MOVE MADE BY AUDITOR AUSTIN

ATTORNEY ASHFORD ALLEGES MANDAMUS WAS DISOBEYED BEFORE APPEAL WAS TAKEN.

Arthur M. Brown, High Sheriff, and Henry C. Meyers, Deputy Auditor, were early this forenoon served with a citation for contempt of court. Judge Gear issued the process on the motion of Herbert C. Austin filed by his attorneys, C. W. Ashford and A. G. M. Robertson, supported by affidavits of all of them, in which it is charged that they and each of them, the said Arthur M. Brown and Henry C. Meyers, have refused and still refuse, although specifically requested, to obey the mandate of the peremptory writ of mandamus issued to them and to Edmund P. Dole, Attorney General, and to admit Austin to the possession and control of the office of the Auditor of said Territory, and of the books, records and equipment thereof and therein, and to the full and free discharge therein of his duties and functions as Auditor of the Territory.

They and each of them, the said Arthur M. Brown and Henry C. Meyers, are therefore cited and commanded to appear before Judge Gear at chambers, at 10 o'clock in the forenoon of Saturday the 23d day of November and then and there show cause, if any they have, why they and each of them should not be punished for contempt of court in having refused to obey the mandate of the Circuit Court as expressed in the peremptory writ of mandamus.

The affidavits tell nothing more than was related in the Bulletin yesterday about the futile attempt of Austin to obtain possession of the Audit office, excepting the following in Mr. Ashford's deposition. After describing the service of the writ on Meyers, the deponent says:

"That while said Meyers was so examining said certified copy, this deponent went to the telephone in said office and, having secured through said telephone direct communication with said defendant Brown, conversed with said Brown over said telephone in effect as follows:

"Deponent stated: 'I hold here in my hand a certified copy of a peremptory writ of mandamus in the Austin case, directing you to forthwith admit Mr. Austin to the possession of the Auditor's office; but there is a man at the door of the office who forcibly prevents Austin from entering, and says he is acting under your orders, although I have showed him a copy of the writ.'

"To which said defendant Brown replied: 'That's right, he did perfectly right. When was the writ issued?'

"To which deponent replied: 'Just now. What are you going to do about it?'

"And said Brown responded: 'I'll come right up there and see about it.' "That after waiting some time for the arrival of said Brown, during which time said Meyers continued to study said certified copy so served upon him by deponent, and said Meyers having failed and refused (by his action, though not in words) to admit said Austin to said office, this deponent proceeded to the office of the High Sheriff at the police building in said Honolulu, where, at 16 minutes past 12 o'clock p. m. on said last-mentioned date, he made service upon said defendant Brown of a copy of said peremptory writ of mandamus, certified by the clerk of said court, and under the seal of said court, as being such copy. The said defendant Brown read and examined said paper and then informed deponent that he would have to decline to obey the mandate therein of, as an appeal had been taken in said case. That deponent went to the telephone in the office of said High Sheriff, established communication with the office of the clerk of this court, inquired whether such appeal or notice thereof had been filed and, if so, at what time, and was informed in reply that such notice had just been filed, it being then about 15 minutes past 12

HILO VOTE STANDS

The Senate came together this morning at 10 o'clock for the work of the second day of the special session convened by the Governor for the purpose of acting on appointments to various governmental positions. Senator H. P. Baldwin was in the chair and all the Senators were in their places, Senator S. W. Wilcox having arrived from Kaula in the Ke Au Hou this morning.

After the regular preliminaries, Senator Crabbe presented the majority report of the Committee on Credentials consisting of himself and Senators J. T. Brown and J. D. Paris. The report was to the effect that the credentials of all the Senators present had been found in order. Senator Crabbe further reported for the same committee that a protest against the seating of any of the newly elected Senators from the Island of Hawaii had been sent in to the committee by Stephen L. Desha, defeated candidate from the Big Island and that the committee had decided to refer the matter to the Senate, as a whole.

The report was signed by Senators Crabbe and John T. Brown.

By way of supplementing the report presented, Senator Crabbe stated that Senator Paris was a member of the committee but as he was one of the parties concerned, he did not feel as if he should sign it. There would therefore be no minority report of the committee.

Senator Baldwin stated from the chair that had he known the protest was to be filed he would not have appointed Senator Paris on the committee. He had heard rumors of such action but he had thought the matter had been dropped. In his mind, the protest should not have been handed to the Committee on Credentials but should have been presented directly

to the Senate for the members to dispose of there. It could then have been referred to the Committee on Credentials.

Senator Paris here stated that he had been placed in a peculiar position by the filing of the petition. However, as he was an interested party, he had had nothing whatever to say about the matter and had no report to present.

Senator Achi moved that the report of the committee with reference to all the Senators with the exception of Senators Paris and Wood, the two members concerned, be accepted. This was seconded by Senator Dickey.

Senator Kaiue here made objection, stating it to be his belief that the full report should be accepted and Senators Paris and Woods allowed their seats. The Committee on Credentials had no right to present to the Senate any matters that had not been referred to them.

Senator Achi stated that in order to show that fairness was meant to Mr. Desha and the people of Hilo, the protest should be considered by the Senate. He thereupon moved the previous question and eight Senators voted in favor of the motion. The report of the committee with reference to all the Senators present with the exception of Senators Woods and Paris was thereupon accepted and a committee consisting of the following was, upon motion of Senator Dickey, appointed to call upon a Justice of the Supreme Court and ask him to swear in the members who had been voted in: Senators Dickey, Achi and Kaiue. A recess of ten minutes was taken at this point to allow the committee time to go over to the Judiciary building and return.

In a short time, the committee returned, accompanied by Chief Justice Frear who upon the Senators taking

their places, called upon them to stand while the oath was being administered.

After this formality, Senator Achi moved that the permanent officers of the Senate be elected.

Senator Baldwin, from the chair, stated that this was not necessary. In fact it would be better to elect the permanent officers after the matter of the protest of Mr. Desha had been acted on.

The motion of Senator Achi to elect the permanent officers forthwith, was lost.

On motion of Senator McCandless the protest was taken up for consideration and the following letter from Mr. Desha, which accompanied the formal protest, was read:

Honolulu, H. T., Nov. 19, 1902.

To the Honorable Members of the Senate of the Territory of Hawaii.

Gentlemen:—Owing to certain irregularities in the count of the Senatorial vote on the Island of Hawaii, there is great dissatisfaction among the voters of the First District, and it is not confined alone to the members of the Republican party.

It has aroused sectional feeling which can only be suppressed by a recount, throughout which the same rulings should be made to apply to all precincts.

I therefore beg to file the enclosed affidavit and enter a protest against the seating of any of the Senators-elect from the Island of Hawaii upon their certificates until a recount of the ballots can be made.

I am informed that this can easily be done within twenty-four hours, and I believe that during this interim, it is justice to the Senator who received the highest number of votes from Hawaii, and whose right to the seat will not be affected by this recount, that no

business should be done by the Senate until this matter is settled.

May I add that this step is distasteful to me personally, but I consider it a duty which I must perform on behalf of my constituents. By this act you will do justice to all, and I am sure no fair-minded candidate can object to abiding by the result of such a recount, which would clear up all suspicion and doubts on the part of the voters. Very sincerely yours,

STEPHEN L. DESHA.

The secretary next read the affidavit which was as follows:

Affidavit of Stephen L. Desha.

Territory of Hawaii, Island of Oahu—

I, Stephen L. Desha, being first duly sworn, depose and say: That during the election held on Tuesday, November 4th, 1902, in the Fourth Precinct of the First Representative District of the Island and Territory of Hawaii, I was present at the counting of the votes by the Inspectors in the aforesaid Fourth Precinct; that the Chairman of the Board of Inspectors was one William Vannatta, the other members being J. T. Stacker and George Kaihenui; that on or about 5 o'clock in the afternoon of said day the Inspectors closed the polls and began the count of the ballots deposited for Delegate; that as soon as the count for Delegate was finished, said Inspectors began the count for Senators, during the entire period of which Mr. N. C. Wilfong sat at the same table with the Inspectors, checking and tallying the result of the vote; that there was in addition to said Mr. Wilfong, Mr. Alfonso and Mr. Nelson and others occupied in the same manner, to wit, the tallying off of the result of the ballots as read out by said Inspector Stacker; that as the ballots were taken from the

ballot box, on several occasions the question was raised as to whether or not the marking of the ballot was legal; that on these occasions the said three Inspectors would discuss the matter and decide the same, and a number of ballots were rejected; that when such decision was reached, it became the duty of said George Kaihenui to write "Rejected" across the ballot and file the same; that on each such occasion the aforesaid Inspector Stack-er would begin calling off the result of the next ballot before said George Kaihenui was ready to proceed with the tally; that said Inspector George Kaihenui was thus often interrupted in his official work of keeping accurate tally of the count, and his mind was distracted and attention diverted; that when the count was completed, the tally sheet of Mr. N. C. Wilfong showed that Candidate Stephen L. Desha, the deponent, had received two hundred and thirty votes, while the tally sheet of said Inspector George Kaihenui showed that there were but two hundred and twenty-eight votes for said Candidate Stephen L. Desha; that the tally sheets of Mr. Nelson and Mr. Alfonso showed two hundred and twenty-nine votes for said Candidate Stephen L. Desha; that thereupon and at that time I called the attention of the Inspectors to this discrepancy, and was informed that the count of Inspector George Kaihenui was the official count.

I therefore protest against the acceptance by your body of credentials from any Senatorial candidate on the Island of Hawaii, and it is my certain belief that the official result does not show the actual and real expression

(Continued on Page 4.)

MAGOON INDICTED AS AN ACCESSORY

Charged With Assisting Escape of W. H. Wright.

SURRENDERS TO COURT WITHOUT A WARRANT

THE PENALTY IS HEAVY—MANY ATTORNEYS VOLUNTEER TO APPEAR IN HIS BEHALF.

J. Alfred Magoon was indicted by the Grand Jury just before noon today for aiding Treasurer W. H. Wright to escape from justice. Before there was time for a warrant to issue, or even for Judge De Bolt to examine the indictment, Mr. Magoon surrendered himself to the jurisdiction of the court.

Recess had been taken at 12 o'clock and the court room was nearly clear of people, when E. C. Peters, law partner of the accused, entered with the latter following him and asked that Mr. Magoon be arraigned immediately for the purpose of reserving his plea.

Judge De Bolt resumed the court's session and, after a short wait for Deputy Attorney General Cathcart called by telephone, ordered the indictment to be read to the defendant, which was done rapidly by Mr. Cathcart.

Mr. Peters wanted to have the plea reserved until next Thursday, to which Mr. Cathcart objected and the court said it was a holiday. Mr. Cathcart had not remembered the holiday. His reason for objecting was that the Grand Jury would probably be through their labors early in the week, and it was desirable, if any flaw were found in the indictment, that a proper one should be presented before the present Grand Jury were dismissed.

There was some discussion of the question, Judge De Bolt saying the defendant was entitled to reasonable time, and Wednesday morning at 9 o'clock was set.

The penalty for the offense charged is imprisonment for not exceeding ten years or a fine of not more than two thousand dollars. This is for being accessory to any crime for which the penalty is death or imprisonment for life, and the latter may be imposed for the embezzlement by a public officer of public money with which the principal in this case is charged.

Within an hour after the defendant was arraigned the following law firms and individual lawyers volunteered to defend his case: Kinney, Ballou & McClanahan; Humphreys, Thompson & Watson; C. W. Ashford; Robertson & Wilder; Thos. I. Dillon; Gill & Farley.

Bail was fixed at \$2,000 and the bond was ready with C. W. Booth as surety.

Following is the form of the indictment, leaving out the heading:

"The Grand Jurors of the Territory of Hawaii upon their official oath, present that William Harrison Wright of Honolulu, in the Island of Oahu, in the First Circuit, at Honolulu in the Island of Oahu, and in the Circuit aforesaid and within the jurisdiction of this Honorable Court, on the 23d day of September in the year of our Lord One Thousand Nine Hundred and Two, he, the said William Harrison Wright, then and there being an officer of the Territory of Hawaii employed in the Treasury of said Territory, to wit, Treasurer of said Territory of Hawaii, and being then and there

MANY QUEER RELIGS

FOUND IN THE HULKS OF OLD ROTTEN ROW

COINS FROM MANY COUNTRIES RATS LINED NESTS WITH THE SILKS OF THE SAILORS.

F. G. E. Walker, who owned the old hulks in rotten row in the harbor, namely, the Topgallant, Sebastian Bach and the schooner Twilight, and who for the past few months has had a force of men working on them breaking them up for firewood and copper, yesterday sold the hulks to a hut consisting of E. M. Jones, J. Bothello, Jas. K. Clark, A. Lazarus and Thomas Kelly. The new owners took possession of the vessels yesterday and continued the work of breaking them up as there still is a lot of material of value left in the old hulks.

E. M. Jones is superintending this work. As the new owners reside, retaining the force, which Mr. Walker had employed, put on a number of new men the work will proceed more rapidly than it has done heretofore and in the near future the interesting old hulks will probably be things of the past.

Mr. Walker states that during the breaking up of the vessels many odd and interesting things have been found which were lost or mislaid by sailors during the half hundred years of the old vessels' experience. In cracks and behind boards a large number of coins, mostly coppers, from all parts of the globe, were found, and in the innumerable rats' nests which were located, silk handkerchiefs and all other kinds of trinkets were found in variegated collections.

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A NICE LITTLE GAME

BELIEF IN WASHINGTON PRICES WILL RULE HIGH

DIRECTOR JARED G. SMITH RECEIVES A LETTER FROM A DEPARTMENTAL OFFICIAL.

A small Portuguese boy with a keen insight into human nature has hit upon a scheme which he works to great financial benefit to himself. The little fellow has been observed to place himself on some spot near the Union Grill between 7 or 8 o'clock. He weeps bitterly, thereby attracting the attention of the patrons of the Grill as they pass out. They stop and ask him what the plikia is, whereupon he explains that he has sold some papers and lost the money taken in (the sum varies from 15 to 25 cents) through a hole in his pocket, and that he is afraid to go home without the money.

The man who has dined well and feels at peace with the world in nine cases out of ten makes good the loss, whereupon the little fellow skips off seemingly happy, only to work the same game on the next corner.

JOKE ON ROBINSON.

The omission on the part of a clerk in the police station in failing to insert on a bail receipt the name of a man arrested for larceny a few days ago has made Attorney H. M. Robinson the target of many a joke.

One day last week a client of Mr. Robinson's was arrested for larceny. He sent for the attorney, who went to the police station and put up the bail in the sum of \$50. Mr. Robinson put the receipt in his pocket without looking at it.

A few days later, the case of his client was nolle pro'd for want of evidence and Robinson sent the bail receipt to the station to be redeemed after having just endorsed it with his name on the back. The joke was that the receipt read:

"Received from H. W. Robinson \$50 as bail for larceny in the second degree," the clerk having omitted to insert: "in the case of Kalama." Consequently, Mr. Robinson by endorsing the bail receipt endorsed himself as having been arrested for larceny in the second degree and had to stand much laughing from brother attorneys and police officials.

SISAL'S FINE OUTLOOK

BELIEF IN WASHINGTON PRICES WILL RULE HIGH

DIRECTOR JARED G. SMITH RECEIVES A LETTER FROM A DEPARTMENTAL OFFICIAL.

Director Jared G. Smith, of the Federal Experiment Station, lately received a letter from an official of the Agricultural Department, Washington, containing a reference to the sisal industry. It had been learned at the department that the Hawaiian Fibre Company was offered 10 1/2 cents a pound for its product delivered at San Francisco.

The letter said that if sisal fibre were capable of being produced in the Hawaiian Islands for anything like the cost in the Bahamas, namely four cents a pound, the industry ought to be highly profitable. There would likely be high prices for the product ruling for several years to come. The present brisk demand was for the purpose of making binder's twine and would probably exceed the supply for some time. While this condition was not twined, it was a fine thing for the growers of fibre.

KAUAI POLOISTS.

The Kauai polo team with twelve horses arrived this morning. The players are Arthur and Charley Rice, and Sam and Peter Melina. The Hawaii team and the rest of their horses will arrive on the Claudine tomorrow.

Princess Charles of Denmark, King Edward's second daughter, has just produced her first book, which is circulating in manuscript form among the members of the Danish Court circles.

J. H. KAHLINA DEAD

BELIEF IN WASHINGTON PRICES WILL RULE HIGH

DIRECTOR JARED G. SMITH RECEIVES A LETTER FROM A DEPARTMENTAL OFFICIAL.

The steamer Ke Au Hou, which arrived from Kaula this morning, brings the news that J. H. Kahlina, one of the Home Rule Senators during the last session of the Legislature, died at his home near Anahou on Monday night. The deceased had just been eating a hearty meal when he was suddenly taken by violent pains in the abdomen and expired only a few minutes later.

Mr. Bannister of the Inter-Island Steamship Company received a letter by the Ke Au Hou from Tax Collector Hanaike, in which the following particulars of Mr. Kahlina's death are given:

"The ex-Senator was dining with his people at noon Monday when he was suddenly seized with a violent pain in his stomach. He was loquacious and this gave him some temporary relief, but his condition soon grew worse and at 1 o'clock Tuesday morning he died. He was buried at Wai-paie the same day.

"Ex-Senator J. H. Kahlina was a man of about sixty years of age. He was born on Hawaii, but in his youth went to Kaula, where he resided the rest of his life. Prior to his election to the Senate he had held several public offices such as Judge of Koolau District, Tax Collector, etc.

"The deceased was married twice, his second wife being Mrs. S. C. Bertelmann, from whom he was divorced a few months ago. He left no issue but had several adopted sons. He is also said to have had a brother on Hawaii.

C. W. ASHFORD'S NAME

was on the Police Court calendar this morning, under a charge of assault and battery. This is one of the numerous cases growing out of the fight for the possession of Mrs. Kalkinahaole's premises on Queen street. Mr. Ashford did not appear in court but a note from him to Judge Wilcox explained his absence. The request that his case be continued was granted.

TO LET cards for sale at the Bulletin office.

THEIR TIRES NOT WIDE

PUBLIC WORKS DEPARTMENT WAGONS ARE REMISS

ABOUT THIRTY SENT TO REPAIR SHOP TO MEET WITH REGULATIONS OF LAW ENFORCED.

When Acting Superintendent of Public Works H. E. Cooper told the police to enforce the wide tire act he probably little suspected that he was toying with a boomerang which would come back and hit the Public Works department very hard. Yesterday four drivers were fined \$10 and costs each in the Police Court and yesterday afternoon Hack Inspectors Macy and Smith still continued on their raid on wagons and drays with their rules and measures when lo—it was found that the Public Works department's own wagons were wanting. Consternation immediately reigned in the camp and today about thirty of these vehicles are said to be in the repair shop having tires put on that will come up to the legal standard.

As a consequence the violators of the law who appeared in the Police Court this morning, five of them all told, were given a continuance of their cases until Dec. 27 in order that they could have new tires put on their vehicles in the meantime.

For baby carriages and sewing machines and stoves and safes, call on Hoffschlaeger Co., Ltd.

(Continued on Page 5.)

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For further information inquire at office of HONOLULU INVESTMENT CO., JUDD BUILDING, MERCHANT STREET

STANDING OF THE BOYS

ALEX HEWITT	4162
WILLIE JOHNSON	2930
VINCENT	2594
CHARLES CORREA	2331
ERNEST MUNIZ	2066
LOUIS RICHARDS	1774
DAVID MIHA	1477
JOHN MEDIEROS	1139
MAN'L TISCHERA	1074
CHARLES WILCOX	558

First Prize,..... Order on Whitman & Co. for Argonaut Bicycle
Second Prize,..... Order on Hub Clothing House for Suit of Clothes
Third Prize,..... Order on H. W. Foster for Waltham Watch
Fourth Prize,..... \$10.00 Cash
Fifth Prize,..... \$7.50 Cash
Sixth Prize,..... Thanksgiving Pig
Seventh Prize,..... Thanksgiving Turkey
Eighth Prize,..... Thanksgiving Turkey
Ninth Prize,..... Thanksgiving Chicken
Tenth Prize,..... Thanksgiving Chicken

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