

THE DAVIS-GEAR SAN JOSE GRAFT IS CUT LOOSE

Superior Court Dismissed the Proceedings Brought against the James Campbell Trust.

In the Superior Court of San Jose yesterday, the proceedings to break the trust under James Campbell's will were dismissed.

Cecil Brown, one of the executors and trustees under the will, received the news by cable in the afternoon.

Thus probably ends, for good and all, the attempt of George A. Davis and the Gears to break into the administration of an estate whose millions would yield fat attorney's fees if the scheme succeeded. Davis, in related proceedings here, revealed the line of attack, while Judge Gear, whose relatives are the attorneys working the California end, emphasized the disclosure with utterances from the bench. It was a reliance on the Fair will case decision to upset the control of the San Jose property by the trustees.

Attorney Davis and Judge Gear maintained, as a matter determined, that the will of James Campbell was void in California, claiming further that this was a fact which the executors and trustees admitted. The decision of the Superior Court of San Jose would seem to knock the bottom out of the entire contention.

BAR ASSOCIATION WILL SEND MEMORIAL TO WASHINGTON

The Bar Association by a practically unanimous vote yesterday decided to send to Congress the memorial asking for the amendment to the Organic Act, increasing the number of Supreme Court Justices to five.

The action was taken with little discussion and the meeting was without incident other than the attempt of G. A. Davis to butt in on the association. He came in just as the meeting opened and though he tried to make himself conspicuous, no one paid the slightest attention to him. He kept quiet for him, other than a sneering reference now and then to the Supreme Court which disbarred him.

The meeting was held in Castle & Cooke hall at five o'clock. Mr. Smith stated briefly that the meeting had been adjourned from Wednesday evening, because of a lack of quorum, and that the memorial had already been thoroughly discussed. Secretary Mattheiman then read the second memorial, the briefer one drawn by E. B. McClain.

S. E. Derby objected to one portion of the proposed amendment to the Organic Act, which is to accompany the memorial. He suggested that the law compelling a decision by at least a majority of the justices was a grave defect. He thought that a majority of the court should be sufficient, and favored a change providing for the filling of the bench in case of disqualification.

W. O. Smith from the chair, replied that the objection to the present court had been as to decisions by only two out of three judges, and it would be even worse if the decision was made by two out of five judges.

Mr. Cathcart stated that if there was no decision by a majority of the court, the decision of the lower court would stand affirmed. To this Mr. Derby re-

plied that there was always the possibility of a denial of justice, where two or three justices are disqualified, and the unanimous decision of the remainder is required. E. P. Dole said that there was not a likelihood of such a thing happening in twenty years.

"Not unless the members of the Supreme Court are stockholders in corporations," said Butt-in-Davis, when no one was watching. "The time is coming, though, when they will have to sell their stock in corporations," continued Mr. Davis. No one paid the slightest attention to him and the discussion of the memorial was continued.

President Smith stated that at the time of the drafting of the Organic Act, the provision for substitute justices had been approved because of the limited population and the possible frequent disqualification. He contended that with an increase in the membership of the court there was less danger of disqualification. It was finally decided to leave the amendment as it was, and the vote was then taken on the memorial. It was adopted with but one dissenting vote, that of Judge Dickey.

Mr. Smith suggested that four original copies of the memorial be made, two to go to Delegate Kuhio for presentation to Congress, one to the Department of Justice, through Mr. Brockton, and the other to the Chief Justice for the Supreme Court. Mr. Stewart wanted to know why a copy was being sent to the Chief Justice and Davis laughed and made some sneering remark. Stewart hastened to disclaim any such meaning as intended by Davis, and Mr. Smith explained that it was a simple act of courtesy to send a copy of the memorial to the Supreme Court, which is most affected by the proposed change.

SONS OF MADEIRA ISLE DEDICATE A HOLY SHRINE

Over a pathway strewn with blossoms and leaves and beneath arches of flags and bunting, the Bishop of Zeugma, accompanied by members of the Society of the Holy Ghost, the Concordia band and little girls dressed in white and bearing baskets of flowers, yesterday carried the crown and scepter of the Holy Ghost to the new shrine and church just erected on the sunny, vine-clad slopes of Punchbowl, and deposited them upon the altar. In the presence of crowds of Portuguese, to the music of the band and choir, and with ceremony, the church and shrine of the Holy Ghost were blessed and dedicated in the name of the Catholic church.

The shrine or chapel occupies a prominent position on the Punchbowl slope adjacent to the Tantalus road, and at first sight gives an impression of being a Russian church or Turkish mosque with its odd shaped dome. This dome typifies the crown, a bit of the Holy Ghost paraphernalia, which is indispensable in all the celebrations. The structure is entirely of wood, and cost about \$1600. The interior is plain, the most prominent furnishings being the altar and its trimmings.

At 1 o'clock yesterday afternoon the

Bishop, accompanied by Father Stephen, Father Valentin and the choir appeared. Donning his vestments the Bishop left the chapel, accompanied by the band and Holy Ghost Societies, and walked down the gaily bedecked road to the house in which the crown, scepter and Holy Ghost banner reposed. The return to the chapel with the precious adornments was in the nature of a festival procession, the Bishop carrying the crown and scepter, his pathway being strewn with blossoms. The banner was carried by little girls. A pretty little girl, the daughter of Alex. Bisho, her shoulders adorned with wings, preceded the procession, casting flowers before the prelate. The clergy, choir and principal members of the Holy Ghost societies entered the crowded edifice and the shrine received the objects of adoration. A small throne erected to one side of the altar was occupied by the Bishop during the ceremony.

The afternoon, following the service indoors, was devoted to holiday purposes out of doors. Booths gaily decorated with flags and greens contained edibles and small household trinkets, which were sold, the proceeds being devoted to the fund for completing the edifice.

MEASURED BY THE MODISTE.

"How much longer is this play going to last?"

"They're about half through. The curtain has just descended on the fourth frock and there are eight frocks and a nightgown altogether."—Life.

THE FACTS OF THE CASE.

Uncle John—Which is right, Willie, "I have had my boots blacked," or "I have had my boots blackened?"

Willie—I guess neither ain't right, Uncle John. You should say, "My boots need blacking."—Boston Transcript.

THE GOVERNMENT FORCED INTO GETTING ITS OWN

J. H. Boyd's Eagerness to Embarrass His Successor Leads to Discovery of Public Land Jumped by Kapiolani Estate.

Forced to the wall in litigation over a thin streak of land taken for widening the Waialae road, the Government has come into a windfall or, more properly speaking, a landslide. Trouble forced upon it by intrigue has suddenly changed to a boon in the shape of about two and a half acres of land. The Government, as now appears, condemned land in a tract absolutely owned by itself.

Suit by injunction was brought by Yong Wai, after the road improvement was well advanced, seeking damages against the Government for trespass. Yong Wai is the lessee of the land in question from the Kapiolani Estate, Ltd. James H. Boyd, when Superintendent of Public Works, settled with John F. Colburn, manager of the Kapiolani Estate, for the required right of way. Mr. Colburn engaged to stand behind the Government in any difficulty that might be interposed by the lessee.

Since Yong Wai has taken proceedings against the Superintendent of Public Works and the contractors, Lord & Belser, Mr. Colburn has side-stepped and left the Government to its own devices in the matter. At the same time, it is understood, James H. Boyd is backing up the Chinaman whom he enlisted his grantor, Colburn, in case of necessity to fight.

Up against the situation described, the Superintendent of Public Works and the Attorney General instituted an examination into titles. The result is a discovery that the tract of land leased by the Kapiolani Estate to Yong Wai—a beautiful piece—is apparently part of the public domain. According to the records in both the Survey and the Land offices, it is ungranted Government land. It has never, so far as appears, been conveyed either in fee simple or by lease.

Yong Wai, only too well coached, has refused several offers to compromise his injunction suit. Now, unless his lessor can show a title the litigious Chinaman will be "hoist with his own petard."

J. W. ERWIN INDICTED FOR POSTOFFICE FRAUDS

WASHINGTON, D. C., Sept. 11.—The investigation of the Postoffice Department frauds brought out another surprise today when former Postoffice Inspector Erwin of San Francisco was indicted by the Grand Jury. Erwin is superintendent of the rural delivery department with headquarters at San Francisco. His tour of duty included Hawaii. Erwin is indicted for fraud in connection with the purchase of letter boxes.

Lorin H. Bricker, the Postoffice inspector in charge of the Territory of Hawaii, states that the charge against Mr. Erwin is incredible. "I have known him for fifteen years," said Mr. Bricker last night, "and never knew him to do or say a thing of which any gentleman should be ashamed. He is as honest as they day and does more good with what little money he has than do many men of great wealth. No one knows Mr. Erwin better than I, and I would trust him anywhere and with anything. I presume the indictment rests upon his having stock in a concern, of which Postmaster Montague of San Francisco is a member, which manufactures a registry device for letter-boxes. In the present excited state of things at Washington any postal official who ever sold a patent or a patented product to the Government at a fair price is in danger of indictment. But Erwin will come through the investigation unscathed; I feel sure of that."

Mr. Erwin has made two visits in Honolulu and will be remembered for his stereopticon lectures at the Hawaiian Hotel.

KILPATRICK ARRIVES WITH 300 BODIES

NEW YORK, Sept. 13.—The bodies of 300 soldiers from Manila arrived today on the transport Kilpatrick.

SHANGHAI, China, Sept. 13.—The Japanese minister at Peking has protested to the Chinese government against Russia's delay in evacuating Manchuria, thus reopening the entire Far Eastern question.

WASHINGTON WILL GIVE HONOLULU TRANSPORTS

(SPECIAL CABLEGRAM TO THE ADVERTISER.)

WASHINGTON, D. C., Sept. 12.—It is stated at the War Department that Honolulu will be made a port of call for transports.

E. G. WALKER.

BAGGAGE ORDER WILL NO LONGER BE OBNOXIOUS

Stackable and Armstrong Meet at San Francisco and Rescind Old Rule.

SAN FRANCISCO, Sept. 12.—At a conference here between Collector Stackable of Honolulu and Assistant Secretary of the Treasury Robert B. Armstrong, it was decided to have all in-bound baggage from the Orient examined here instead of at Honolulu. Passengers from Honolulu are given the option of inspection there or here.

The order, which the Treasury Department has now decided to rescind, went into effect June 26th. It has never been liked by the people in Honolulu, one of the chief objections being that tourists, who had but a few hours in port at best, were held on the steamer or wharf, until an examination of their baggage had been made.

Under this order every through passenger had all of his baggage examined by the customs inspectors here. The heavy baggage containing dutiable goods was placed in a sealed compartment and sent on, on the same steamer.

The order practically necessitated a double passage of the customs inspectors, and naturally the passengers objected. Hackfeld & Co. also protested to the Secretary of the Treasury, and passengers returning on Oriental steamers sent a complaint to Washington against the treatment they had received in Honolulu. Finally on August 5th, the order was suspended and has not been enforced since then. Collector Stackable was then asked to come to San Francisco to discuss the advisability of rescinding the order, and the cablegram given above shows the result. Personally Mr. Stackable was opposed to the order, as working injury to Honolulu and causing unnecessary inconvenience to through passengers.

PORTLAND, Ore., Sept. 12.—There have been earthquakes throughout Oregon and Washington. No damage.

SALONICA, Sept. 12.—Three hundred insurgents were massacred after surrendering.

CONSTANTINOPLE, Sept. 12.—Cholera is raging at Beirajik, Syria.

SYRACUSE, Sept. 12.—Major Delmar trotted a mile in 2 1/4.

HOME RULE CANDIDATES NOMINATED ON HAWAII

(BY WIRELESS TELEGRAPHY.)

HILO, Sept. 11.—The Home Rule nominations today were Supervisor Eugene Dynon, Palau, Lalauka, Makekau, Blacow, Sheriff Keolimai, Auditor Wilfong, Assessor Edmunds, Attorney John Smith, Treasurer R. Lyman, Clerk Norman Lyman, Surveyor Cook.

THREATENED SECRETARY HAY.

(ASSOCIATED PRESS MAIL SPECIAL.)

NEW YORK, Sept. 5.—Francis N. Beuque, 45 years old, a photographer, was committed to Bellevue Hospital today to be examined as to his sanity. Beuque had been arrested for writing a letter to Secretary of State Hay in which he threatened the Secretary if a claim of \$41,000 was not paid. Beuque has written letters on the subject to the various Presidents and Secretaries of State since the administration of Harrison, none, however, threatening, until this letter to Secretary Hay in which he declared if Mr. Hay did not attend to his claim, he (Beuque) would attend to Hay. Magistrate Cornell declared that he did not believe Beuque was in his right mind and committed him to Bellevue for examination.

SOFIA, Sept. 13.—Immediate mobilization of the Bulgarian army is to take place owing to the rumored presence of 60,000 Turkish troops near the frontier.

LONDON, Sept. 13.—The powers may resort to drastic measures to maintain peace between Bulgaria and Turkey.

ROME, Sept. 13.—The Porte informs Italy that peace in Macedonia will soon be assured.

WASHINGTON, Sept. 13.—Rear Admiral Cook, U. S. A., has gone on the retired list.

Rear Admiral Cook commanded Schley's flagship, the Brooklyn, during the Spanish war. He is a Massachusetts man and entered the Academy at Annapolis in 1866. He was an ensign in the west gulf blockading squadron during the last two years of the Civil War and was commissioned a Lieutenant in 1867. Since that time he has lived the life of change and transfer common with most naval officers. In 1868 he was made a Lieutenant-Commander, a Commander in 1871 and a Captain in 1886. Later he was given command of the cruiser Brooklyn, and remained in that post until and during the war with Spain. The Brooklyn subsequently became the flagship of the famous flying squadron, and Rear Admiral Cook acted as Commodore Schley's chief of staff. Rear Admiral Cook has a magnificent physique and frank and manly bearing. In appearance he is the very ideal of a naval officer. He has always been known as a close friend of Schley.

OYSTER BAY, Sept. 13.—There will be no extra session of Congress before November 9.

NORFOLK, Va., Sept. 13.—The explosion of a barrel of alcohol on board the cruiser Olympia yesterday caused the death of two men and the injury of several more.

VALLEY SPRINGS, S. D., Sept. 13.—Eight masked men dynamited a bank here during the night and escaped with over \$5000.