

BOYD IS ACCUSED

By S. Mahaulu In Open Court at the Trial.

(From Wednesday's Advertiser)

E. S. Boyd, former Commissioner of Public Lands, now being tried in Judge Robinson's court for embezzlement of public moneys, was yesterday accused in open court by Stephen Mahaulu, former sub-agent for the Fifth Land District, of having converted to his own use \$2500, the cash proceeds realized on T. H. Davies & Company's check which had been presented in payment on a lease held by the firm.

The accusation was made suddenly and following it there was a moment's silence. No one spoke, the jurors riveting their attention on the witness as if waiting for more developments of the same kind.

Mahaulu stood pat on his statement and could not be shaken in it. It was the first time that any public tangible accusation has been filed, and coming from such a witness has an important bearing on the prosecution of the case.

The following jury was filled out yesterday morning to try the Boyd case: Percy Lishman, Chas. P. Osborne, J. J. Sullivan, L. C. King, Willard E. Brown, J. C. Cohen, Patrick Ryan, Norman Watkins, Harry A. Wilder, Wm. T. Erving, J. R. Montz and C. J. Falk.

Attorney General Andrews appeared for the Territory, assisted by Mr. Fleming, S. F. Chillingworth appeared for the defendant Boyd. Jacob F. Brown, former Commissioner of Public Lands, was the first witness put on the stand by the prosecution. The Attorney General filed in evidence two receipt books for 1900 and 1901. He also introduced receipt No. 302, marked Exhibit C, bearing Boyd's signature, dated September 29, 1900; receipt for \$675, marked Exhibit D, dated March 5, 1901, Kaneohe Ranch Co., to Commissioner of Public Lands; receipt for \$1552.50, marked Exhibit E, dated March 5, 1901, Hamakua Mill Co., to Commissioner of Public Lands; all receipts signed by Boyd.

At the afternoon session Mr. Brown was cross-examined by the defense. In answer to a question he said he believed Mahaulu had the combination to the safe as well as Boyd. When Boyd went to Hawaii in connection with Olan land leases Mahaulu took up Boyd's duties in the office.

M. T. Lyons, at present sub-agent for the Fifth Land District, and chief clerk in the Land Commissioner's office, brought to the witness stand the lease books of the office, which were offered as exhibits. The Attorney-General called for several specified leases bearing on the Boyd case. The first was lease 475, to Haku and Paia plantations, Maui, entered September 30, 1893, to expire September 30, 1915. The amount of the lease calls for \$2,500 per annum, payable semi-annually, as did all subsequent leases; lease payments due September 30 and March 30; lease No. 529, Hamakua Mill Co., made May 18, 1899, for 15 years at \$1005 per annum, payable May 18 and November 18.

John Waterhouse, treasurer for Alexander & Baldwin, testified as to a check issued by his firm to the Commissioner of Public Lands for leases held by the Haiku Sugar Company, dated September 29, 1900, for \$2500. The check was made out by the cashier and presented for payment, for which the company holds a receipt.

George F. Davies, director of the T. H. Davies & Co., Limited, was shown a check, marked Exhibit F. He was also shown a receipt.

"I received this receipt," said he, "when I was acting as cashier for Davies & Co. It has been in possession of our firm among our vouchers ever since. I received it from Mr. Mahaulu."

"Did you pay him the money?" "Yes, and received a receipted bill; I paid him by check."

This check was for \$1552.50 and was dated March 6, 1901.

"Mr. Davies, was there not another demand made on you for this same sum of money?" inquired the Attorney General.

"Yes, upon the cashier."

C. Bolte identified a receipt given by him on behalf of the Kaneohe Ranch Company to the land office for payment of lease.

MAHAULU ACCUSES.

Stephen Mahaulu was then called. While Mr. Boyd was chief clerk under Commissioner Brown, Mahaulu was clerk under Boyd. On the latter's promotion to the Commission, Mahaulu went up one notch, taking Boyd's old place.

Attorney Hawkins at this juncture arose and said he represented Mahaulu, who was under indictment for embezzlement, and asked that the judge instruct the witness not to say anything that would incriminate him.

Exhibits C, D, E and F were shown the witness, who identified Boyd's signature on each document.

The Davis receipt and check were shown the witness.

"Did you have anything to do with that bill?"

that check?" "Yes, Mr. Boyd." "Who had charge of the combination to the safe in September, 1900, to March, 1901?" "There are two combinations—one to the outside safe and one to the inside door. I had the combination to the outside, and Mr. Boyd had the combination to the inside door. I paid over all moneys to Boyd."

Cross-examination by Mr. Chillingworth.

"You are charged, Mr. Mahaulu, with a series of stealings from the government, are you not," inquired Mr. Chillingworth.

Attorney General Andrews was on his feet in an instant with an objection, and asked the court to protect the witness from such questions. The objection was sustained. Mr. Chillingworth said he desired merely to test the credibility of the witness.

"You got a check from Davies & Co.," pursued the attorney.

"Yes, sir." "What did you do with it?" "I took it to the office."

"What else after that?" "I took it and stamped it with the office stamp and then attached my signature to it. I then went down town and got the money."

"Was Boyd in the office when you stamped the check?" "He was. He had told me that all drafts and checks payable to bearer I could attach my signature and get them cashed."

"Did you tender your services as a witness in this case against Mr. Boyd?" "No, sir, I was subpoenaed."

"When?" "Today."

Then ensued considerable parley over Mahaulu having gone to Davies to identify his signature on the check and receipt, it being finally shown, however, that Mahaulu had not been asked to do so, except by his own attorney, and voluntarily offering to do so for the attorney general on Monday.

"The whole matter was to see whether I had the money or Mr. Boyd, said Mahaulu finally. "But I know that Mr. Boyd had that money." This was said with emphasis.

Territorial Auditor Fisher was called to the stand, but at this point the court adjourned until 9:30 this morning.

COURT NOTES.

The "Little Joker Tobacco" case was on hearing nearly all day in Judge Gear's court yesterday.

Henry Smith, administrator of the estate of Kekie Amara, has filed an inventory of the estate showing realty in Kawailan-kai, Wailua, Oahu, the wet land portion being under an annual rental of \$200 and household furniture.

Defendant in the case of The Portuguese Mutual Benefit Society vs. Mary Ann Kahanamakal has filed a general denial to plaintiff's declaration.

Charles Phillips, administrator of the estate of Henry Congdon, deceased, has filed notice that he will present his return of sale of real estate made under order of court, on October 12, at 9:30 a. m.

Defendant German Savings Bank of San Francisco has filed a demurrer to the complaint of plaintiff in the foreclosure mortgage case of Sister Albertina vs. Prince David, Prince Kuhio, et al., making a general denial.

Defendant in the ejectment case of Samuel Savidge, trustee, vs. Mary Bertemann has filed a demurrer and alleges that the plaintiff's declaration is ambiguous, in that it does not state what title, or what character of title in the land is claimed by the plaintiff. The defendant asks that the case be dismissed. Frank Bertemann makes a similar answer.

M. T. Simonton, as principal, with J. F. Morgan, as surety, has filed a bond in the sum of \$1,000 as Commissioner in the foreclosure of mortgage proceedings of H. Hackfeld & Co., Ltd., vs. W. C. Achi, Kapiolani Estate, W. R. Castle and J. M. Monsarrat.

A deficiency judgment has been ordered by Judge Robinson against defendants in the case of the First American Savings Bank vs. Mary J. and A. A. Montano, for \$1899.

Defendant in the case of Mary Buckle vs. S. Ahihi has filed a general denial to plaintiff's declaration. The defense intimates it will rely upon the statute of limitation to prove its case.

APPEALS FROM DISTRICT COURT

Appeals to the Circuit Court from the District Court were filed yesterday as follows:

B. T. White vs. M. R. de Sa, assumpsit, judgment for plaintiff for \$234.

Tax Assessor vs. T. A. Hays, defendant, W. W. Hall, garnishee, judgment for plaintiff for \$76.05 (income taxes).

Territory of Hawaii vs. Henry Romero, charged with vagrancy, sentenced to imprisonment for one year.

Territory of Hawaii vs. Jose Reyera, charged with vagrancy, sentenced to imprisonment for one year.

W. S. Noblitt vs. J. W. Hirt, assumpsit, judgment for plaintiff for \$4.40.

Hong Quon vs. O. Yamaoka, judgment for plaintiff for \$122.33.

E. G. Ferris and E. A. Douthett vs. Frank L. Welsko and Minna Lucewicko, assumpsit, judgment for plaintiffs for \$129.50, representing amount used for an attorney's fees in defending the defendants in court.

Harold Jeffs vs. Honolulu Rapid Transit Co., judgment for plaintiff, \$125.00, transfer case wherein conduct of defendant is being defended by plaintiff in a Heretain street car conductor.

REPUBLICAN RALLIES IN THE CITY LAST NIGHT

Two Spirited Meetings Which Were Addressed by Candidates and Others—The Wine Issue Catches On Among the Portuguese.

(From Wednesday's Advertiser)

There was something doing last night at the Republican rally held in Roosevelt Square, the vacant lot between the Hawaiian Electric Company's building and the Occidental hotel. A band played before the meeting and when the speakers got into action they made things hum. A crowd of rowdies and some Home Rulers and Democrats raised a disturbance throughout the meeting, some of the speakers being almost forced to leave the stand on account of the volley of jokes and cat-calls that was directed at them. Towas was the presiding officer and conducted the meeting well. Liliokalani was a prime favorite and held the attention of his audience throughout. He spoke in Hawaiian but his gestures were so apt and his manner so pleasing that it was an enjoyment for even those who do not understand the language to listen to him. His speech was one continuous ovation. E. W. Quinn was also popular with the crowd and was called for several times before his turn to speak came.

The first speaker was Carlos A. Long. He made a good address speaking for the Republican party as one that had fulfilled its promises. He scorned the idea that the Republicans had held back the spending of \$1,000,000 of the loan fund in order to use it as a campaign fund by employing men just before election. He showed how long it took to advertise for bids and to get the material around the Horn. "I believe in county government," he said. "I believe that is the uplifting of the Hawaiian people. I don't believe that they understand the present system." Long made a plea for the making of wine in this Territory and expressed himself as in favor of a law allowing wine to be made. "Hawaiians like wine," he said, "even in preference to beer. Instead of paying our money to the States for wine let us have a home industry."

Mr. Liliokalani was the next speaker and was greeted by a tremendous outburst of cheering. His speech was in Hawaiian and was frequently punctuated with shouts of "pololei" and other approving terms from the audience. He spoke first of the ticket and then of the improvements made under Republican administration. He outlined the platform and eulogized President Roosevelt and Governor Carter. He said that if a portion of the community wanted to make war on the administration it was all right but that he thought that it was composed of as good men as could be found in any land. He said if anyone was to be scratched from the ticket let him be the one, nevertheless he was of the opinion that he would be elected with all his colleagues.

E. Faxon Bishop said that this was his first appearance in politics. He had a hot roast for Cecil Brown saying in substance: "Beware of free lunches. When a man is standing on a party platform you know what he stands for but if an independent he is one who is going into the legislature for his own interests and not for those of the people. I won't call Mr. Brown hard names, but I will say that he is playing the baby act. He was fairly beaten and now he is not man enough to take his own medicine." Bishop devoted the rest of his speech to the candidates of the party.

W. W. Harris made a rattling good speech. He said in part: "The Democratic platform sounds like a letter from Karopatikin. It is all regrets. They regret that the Republicans are in power, that the loan bill was passed, they regret that they are not spending the loan fund and that the Republicans passed the citizen labor law." Harris soaked the Democracy for their opposition to the cutting of salaries in the work of retrenchment and pointed to the fact that all the business firms had been forced to cut salaries also. He also quoted Laukea's speech made when the calling of another session of the legislature to frame

a new county act was being considered. Laukea then stated, he said, that it would be no use to refer the bill to the legislature for the influence of the business community was against counties and they controlled the legislature. He quoted Laukea as saying that he was for County Government not because it was best but because the people wanted it and they should be given it as a reward for the independence that they had lost.

"Jim" Quinn was the next speaker, and he waxed very humorous in the course of his remarks. The audience was convulsed when he shouted, "Why is the United States the greatest country under God's green earth? Because it is governed by the Republican party. We have three candidates for delegate," he continued; "if we sent a Republican the men in Congress will say, 'What do you want?' and he will say, 'A naval station at Pearl Harbor, improvements at Pearl Harbor and fortifications at Kaimuki.' Then the congressmen will say, 'Oh yes, we know all about Kaimuki, for the Kaimuki Improvement Association has kept us posted, and we know that Judge Gear lives at Kaimuki and that some hostile lie might sneak around past Diamond Head and shoot the horns off of Judge Gear's pet cow, and so you go to the ways and means committee and they will give you the fortifications to protect the cow and incidentally the islands.' But if you send a Democrat they will say, 'We are too busy with the Republican districts to give you anything, so we can't send you down to the ways and means committee, but you go down and find some nice little Promotion Committee and have a nice time in Washington.' Or if we sent a Home Ruler they would say, 'Who are you? We thought that you were dead and they would telephone for copies of the Chicago Lakefront and the Buffalo Breeze to find out who this fellow was and would send him away empty handed.'" Quinn praised the Governor for making his appointees give him their resignations as a matter of protection of the people (groans from the Democratic ranks).

Frank Andrade spoke in both English and Hawaiian, receiving generous applause. His speech was clear-cut and showed the importance of the legislature. He pleaded for a straight ticket. Senator W. C. Achi was the next speaker and promised that if the Republicans were put in power that a bill would be introduced allowing wine to be made in this Territory. He made an appeal to the Portuguese on this issue, saying that it would open up a great industry to them. His remarks were greeted with evident satisfaction.

Mr. Bernard Kelekolio, the "boy orator," was the next speaker. He spoke in both Hawaiian and English as his predecessor had done, and made an eloquent address on the past of the Republican party and a forecast of its future. Mr. Frank Camara and E. W. Quinn made brief remarks and the meeting closed with three cheers for the party, Governor and the candidates.

SPELLBINDERS ON LILIIA STREET

A large and enthusiastic gathering of people was present last night at the Republican out-of-door meeting held at the corner of Liliha and School streets. A cordon of torches was erected in an empty lot adjoining the street and within this was raised a platform from which the speakers addressed the audience.

A Hawaiian glebe club was present which sang campaign songs as well as Hawaiian melodies, this feature being accentuated by a young man who had the hula habit badly, creating consid-



MIRANDA'S TWO COMPANIONS, MARIA COLLONA AND RAMON TORRES.

erable fun. John C. Lane, candidate for senator, presided. He proved his ability in this respect by introducing the speakers with wit. Isaac Sherwood acted as interpreter.

Among the speakers were J. M. Dowsett and E. Faxon Bishop, candidates for the Senate, and F. T. P. Waterhouse, Oscar Cox, Sol. Mabeiona, Kawaiwa and Kalelopu, candidates for the lower house.

Mr. Dowsett said he came up to the meeting just to place himself on exhibition before the people to show them who "Jack" Dowsett was and to let them hear words of wisdom from his lips. He said the reason he had joined the Republican party was because he thought it would be best for himself and the whole race of Hawaiians. It was the party of truth, the party of progress. Without the protectionist policy of the Republican party on the mainland the people in the islands had better prepare to be starved. It was necessary as the United States Senate was to be Republican, and in all probability the House also, that a Republican delegate be sent to Washington, to get action on Hawaiian bills which had had their first introduction in Congress last session.

Born on the soil of Hawaii, Mr. Dowsett said he was entitled as much for support in his race for the Senate as any Hawaiian born.

Sol. Mabeiona said if elected to the legislature he would place himself in the position to carry out the wishes of the party and his constituents.

Oscar Cox said he was neither a rich nor a poor man, but he was a working man. He was not running on the ticket merely for the honor of becoming a legislator, but because he would hope to represent the people of his district there faithfully and true. Remarks had been made that some of the members on the ticket were not fit. For that reason he asked the people to give them an opportunity to show that they are competent. He spoke of the Hawaiian language bill introduced by Kuhio in Congress, saying that the Democratic and Home Rule statements concerning it were a tissue of lies.

Kawaiwa said that he was young, but he was living to learn. He had, since leaving school, studied and been given a good position by his present employers and he believed they had confidence in him. He hoped this would put him before the people in a way to bring him their votes.

Fred Waterhouse said that before voters cast their ballots next November 8 they should stop and consider what they are about to do. They were to elect legislators who were to pass the bills and appropriations for the next two years. This was important and they should be in accord with the administration. He asked the support of the voters for himself and the entire ticket.

Mau's Registration.

The corrected list of registered voters on Maui is as follows:

Precinct	Votes
1-Kalapapa	310
2-Pukoo	130
3-Lahaina	324
4-Honokohau	73
5-Lanai	42
6-Wailuku	266
7-Kahului	173
8-Kihui	42
9-Makawao	117
10-Hamakuapoko	240
11-Huelo	47
12-Keanae	65
13-Hana	159
14-Kipahulu	53
15-Honououlu	77
16-Kaunakakai	45
17-Halawa	52
18-Waiheke	188
19-Nahiku	32
20-Kaupo	79
Total	2544

F. WOODBRIDGE WAS ARRAIGNED

Frank Woodbridge appeared in Judge Gear's court yesterday morning where four indictments were read, charging him with embezzlement in each case. His attorney, Frank Thompson, requested that the defendant be allowed until Monday to plead. The request was granted.

There are sixty Porto Ricans in Oahu prison.

"GREEN SICKNESS"

The unhealthy complexion of green sickness is changed to the rosy blush of good health by Scott's Emulsion.

Green sickness is one of the forms of blood disease found in young women. The change from girlhood to womanhood often upsets the nervous system, weakens digestion and throws the blood-making organs out of gear.

Scott's Emulsion puts new heart into pale girls. It tones up the nervous and digestive system, and feeds the blood. It is a natural tonic.

Remember that 30 per cent. of these cases go on into consumption unless prevented. Scott's Emulsion prevents consumption.

IN SHADOW OF GALLOWS

Jose Miranda Has Death Sentence Passed.

(From Wednesday's Advertiser.)

The gibbet, the noose, the black cap, the springing of the trap and death by hanging is to be the fate of Jose Miranda, the murderer of S. Edward Damon, Judge Gear yesterday morning sentencing the man to be executed. The matter is now in the hands of the Governor to set the date for the last act.

Judge Gear's sentence was brief and concise: "Jose Miranda, it is the sentence of this court that you suffer the penalty of death—that you be hung by the neck until you are dead—and may God have mercy on your soul."

The prisoner for the first time betrayed an anxiety as to his fate, for in voluble Spanish he rapidly spoke in favor of a life imprisonment.

The sentencing of the prisoner attracted a large crowd to Judge Gear's courtroom. Miranda was brought to the room by detective McDuffie. When a Spanish interpreter was found, Miranda was brought before Judge Gear. The latter leaning over on his desk, addressed the prisoner:

"Jose Miranda, the Grand Jury of the Territory of Hawaii drew an indictment against you charging you with the crime of murder in the first degree for having killed Samuel Edward Damon. You were thereafter duly arraigned and tried on a plea of not guilty before a fair and impartial jury in this court, the court being legally constituted. You were assigned for your defence two of the ablest and



MIRANDA THE CONVICTED MURDERER OF S. E. DAMON.

most learned members of the bar and were by them faithfully and ably defended. The jury after due consideration returned a verdict finding you guilty of murder in the first degree and on that verdict the law inflicts the punishment of death."

As the words of his honor were translated to him the doomed man paid strict attention, once or twice nodding his head slightly as if in token that he understood.

"Have you anything to say as to why sentence should not now be passed on you?" asked the judge.

The statement was translated into Spanish for the benefit of Miranda, who replied that he was drunk at the time. He added that the jury might have found him guilty but he did not find himself guilty. The judge replied that was a matter for his own conscience, between himself and his God.

The court then pronounced his sentence.

Miranda at once became active. He said he was not satisfied and asked to be sent to prison for the remainder of his life.

Judge Gear said this was impossible, but he had at least two weeks before the date of the execution would be set, during which time the prisoner could make his peace with his Maker.

Miranda was then returned to Oahu Prison, and a death watch was placed over, to remain with him until the day he is executed. Last night he was lying on the floor of his cell with his head close to the grated door where lantern-light fell upon it. The warden asked him how he was getting along and in a faint voice he said "Very well." Miranda begins to feel his position.

