

CONTEST IS BEFORE DOLE

The greater part of the day was given by U. S. District Judge Dole yesterday to the hearing of the testimony in the election contest brought by Curtis P. Lankester for the seat of Delegate in Congress Kuluio Kalani-ansole. Judge Galbraith and E. M. Watson appeared for the contestant. Judge Galbraith said that no witnesses had been subpoenaed, as it was not known whether the contestee would be ready to go on with the case. Glynson Bell was sworn as interpreter, whereupon Watson proceeded to read the notice of contest which was filed in evidence.

W. F. Erving, who was Secretary of the Democratic Central Committee at the last election, was the first witness called. One of the very first questions asked by Judge Galbraith, who conducted the examination, was objected to on the ground that it was irrelevant and immaterial. Judge Dole ordered notice of the objection be made on the record, but ruled that the question should be answered. The court stated that he would rule only such questions as were purely irrelevant, but would not pass on points of law. The objections made by the contestee's counsel would be entered on the record, so that the higher tribunal could pass on these points.

At this point Watson proceeded to read the formal charges of Lankester, which gave in detail the various instances of offenses against the election laws, which are alleged to have taken place in the general election last November. The charges dwell on the numbered ballot question, stating that on account of the manner in which the election was conducted, the way the voters voted could be and was ascertained by interested parties. It also states that threats were made to Territorial employees to the effect that they would lose their employment if they voted for the contestant. The protests which the Democrats made to these procedures, which were ignored, are appended to the document.

Erving resumed his testimony, showing how he on election day had gone around to various precincts and had noticed numerous infractions against the election law. He mentioned the numbered ballots and gave details of the precincts where he had seen them used and the number of votes which had been cast in different places before this practice was stopped. He also stated that he had seen a number of sample ballots in the polling booths and the presence inside the enclosure of people who were not inspectors and who were taking count of the votes. The witness also dwelt on the protests he had made against these practices.

In the afternoon C. R. Buckland, chief clerk in the Governor's office, was on the stand until the time of adjournment. He was still undergoing examination when the case went over to 2 o'clock this afternoon, when he was instructed to bring into court the polling lists from all the precincts in the Territory.

PERIERA IS HELD FOR KOLOA ROBBERY

District Court Commissioner Judd yesterday held Gilharne Periera, also called Brillante, to answer in the sum of \$2,500 for complicity in the loot of the Koloa postoffice by M. A. Rego. It was shown by several witnesses that in May, 1903, Rego sent a batch of money orders to Honolulu by Periera for collection, the defendant having knowledge that no money had been deposited in the Koloa office to meet the orders. These orders were turned over by Periera to J. C. Abreu for collection, and the money was collected by Abreu and paid into Bishop's bank to the credit of Rego.

The attorney for Periera claimed that a sufficient case had not been made out upon which to hold defendant, but Commissioner Judd did not take this view.

At the opening of the proceedings in the forenoon United States District Attorney Breckons entered a nolle pro in the case of Abreu, also accused of complicity in the postoffice frauds, who was arrested a few days ago and released upon a bail bond signed by himself.

Periera was taken to the house of Commissioner Judd last night, and his bond for \$1,500 was signed by the United States Fidelity and Guarantee Company. He was then released from custody.

TRAVELERS FIND CHAMBERLAIN'S COUGH REMEDY EVERYWHERE

Mr. C. W. Eckerman, manager of the Smith-Premier Typewriter Co. at Omaha, Nebraska, U. S. A., who is a staunch friend of Chamberlain's Cough Remedy, says: "I have taken particular notice that this remedy seems to be carried by drug stores in all parts of the country, which is quite an item when one is traveling. It gives me pleasure to say that I have used it for years and have always found it highly satisfactory, effecting a cure in a shorter time than any other medicine." For sale by all dealers. Benson, Smith & Co., Ltd., Agents for Hawaii.

H. W. Holling, a traveling solicitor of subscriptions for the San Francisco Examiner, was arrested on Maui the other day for offering premiums with his paper, and was discharged by the District Magistrate at Wailuku. Holling, whose work was partially checked in Honolulu by official order had been notified by his home office to permit himself to be arrested and "wait orders," but preferred to have the thing done in the country, as that would not interfere with business. The charge was that the Examiner gift enterprise is a lottery.

FAILS TO NAME A SPEAKER A WOMAN SMUGGLER

OFFICERS OF THE SENATE.

PRESIDENT—D. P. EISENBERG, OF OAHU.
VICE-PRESIDENT—J. D. PARIS, OF HAWAII.
CLERK—WILLIAM SAVIDGE.
ASSISTANT CLERK—PAT SILVA.
CHAPLAIN—REV. H. H. PARKER.
SERGEANT-AT-ARMS—CHARLES CLARE.
INTERPRETER—J. E. BUSH.
JANITOR AND MESSENGER—D. NAHALE.

The Senate caucus met at three o'clock yesterday afternoon and very promptly disposed of the business of getting its organization ready to commence the business of the legislative session the first thing this morning.

The House caucus met at 7:30 last night at Republican headquarters, and was a flash in the pan. The contest for the Speakership, therefore, will be fought out in open session on the floor of the House today—where all may see. It was clear, last night, that the Long forces considered that the adjournment of the caucus without action was a victory. Long himself voted for the adjournment. So did Aylett. Coelho wanted it, although he tried to accomplish the same thing in another way. And Pali twice made the motion to adjourn, the Chairman refusing to recognize his second the first time.

On the other hand, Knudsen voted against the adjournment. So did Rice of Kauai, one of his most ardent supporters. Rice, in fact, was inclined to be grievously discouraged over the way the thing had gone, and Sheldon of Kauai was very earnest in wanting to bring matters to a vote on the Speakership last night.

Nevertheless, it was not an unmixt Long victory. Greenwell of Hawaii, who has been counted as among the Knudsen supporters, favored adjournment because he thought it was better to fight the thing out in open session rather than to make a caucus nomination and run the chance of falling down on it in the House, as happened two years ago. There is reason to believe that others of those who voted for the adjournment were actuated by a like motive. And there were some who thought the public interest would be best served by a fight in the open, although it is not sure that a fight on the floor will be a fight in the open. There is the secret ballot. Perhaps those who favor that, too may be worked.

The caucus of the House last night was the second that had been held during the day. There was a pretty full meeting in the afternoon when Lewis of Hawaii called the caucus to order, but a marked disinclination to get down to business. It was even proposed to name the inferior officers ahead of the Speaker, as a means of fighting away from the main issue—and perhaps of confusing it—but this proposition it was seen would not be entertained for a moment.

It covered a political trick too old even to be tolerated by people who were only learning the game. And at last the afternoon caucus broke up without doing anything at all, an adjournment being taken until 7:30 p. m.

All the members were present but Fernandez of Hawaii when Mr. Lewis called the caucus to order in the evening. It was apparent from the start that there was a plan on foot to talk against time, but evidently nobody had posted Mr. Lilikalani of the Fourth District, because he got the floor as soon as the meeting was called to order and in a long speech in Hawaiian placed Carlos Long in nomination for Speaker.

Then nobody said anything for a long time. Presently Mr. Rice of Kauai arose in his place and asked, softly: "Mr. Chairman, would you please state the objects of this meeting?"

"That is for the members to say," said Mr. Lewis. Mr. Coelho of Maui arose with the evident purpose of staving off a vote on the organization, but he wanted to do it by taking up the matter of selecting the committees of the House, an unheard of thing, saying what the subordinate organization should be, and adopting rules.

Harris did not approve of this at all. "We are here to name our officers," said the statesman from the Fourth, "or we are not. If we are not, then we are simply wasting time. And in order that we may get at the sense of this meeting, as to whether we want to caucus on officers now, or thresh this thing out on the floor in open session, I move you that we proceed to ballot for Speaker."

There was a general second to this, apparently, but Pali leaped to his feet and moved that the House adjourn. Greenwell seconded this, but was not recognized.

Pulaa said that he wanted to elect the officers now, and Sheldon of Kauai took the same ground. Aylett said that he did not want to have a repetition at this time of what had occurred two years ago, when the caucus had elected a candidate for Speaker, and the House had failed to elect him.

And again Pali moved that the caucus adjourn. This time there were many seconds, and the Speaker could not escape it. Indeed, it is very probable that the Speaker did not seriously want to go ahead with the election. And so he put the motion, and the caucus did adjourn.

It had been a flash in the pan, and the result had left no material change in the standing of the two leading candidates, so far as was apparent on the surface. The only thing that seemed sure was that there was a possibility that some bitterness might arise between the supporters of the leading candidates. Perhaps it was the appreciation of this possibility that led to the talk yesterday afternoon, more or less prevalent in all the delegations, in favor of turning to Carl Smith of Hilo as a man upon whom all the elements could unite harmoniously in the event of the possibility of a long drawn out battle in the House.

As matters stood last night, while there has been no formal withdrawal of any candidate, while Knudsen and Long and Harris and Holstein are still in the field, it was becoming more and more apparent that the fight as it lies now is between Knudsen and Long—bar the springing of a dark horse, as a compromise measure. It is claimed by Knudsen's backers that he has the promise of nineteen votes, but he can win with a great deal less than that. The Long men give no figures, but neither do they give up the struggle. It is unquestionable that Knudsen has the confidence of the business men, and if the House elects with an open ballot, he will probably be the winner.

As to the lesser officers, nothing is sure until the Speakership is out of the way. How long that fight will last, no man can say. It depends largely upon the form of the ballot. The public will expect the members, however, to ballot openly.

There was a story last night to the effect that Wilcox of Maui had been slated for Clerk, but if this has been done, the supporters of Knudsen disclaim any knowledge of the fact. Mr. Knudsen himself stated that he had not the remotest idea who would be clerk



HON. PAUL EISENBERG, WHO WILL BE PRESIDENT OF SENATE

Very late last night—or, rather, very early this morning—a line was obtained on the actual support claimed by the Long people. And the information indicates that there is treachery in the wind. Knudsen, as is well known, claimed eighteen votes pledged to him on Monday night. There was the best possible basis for this claim.

Yesterday, if pledges count for anything, he grew in strength, and last night his supporters were confident that he had nineteen—and perhaps twenty. This vote was divided as follows: Four on Kauai, six in the Fifth District pledged to him on the honor of the delegation in caucus, three in the Fourth District, three on Maui and three on Hawaii.

The Long people last night claimed to have a bare fifteen, but that will suffice if they can be held. These were divided as follows: Seven on Hawaii, but as that would include the entire delegation from the big island, Long's managers would appear to have another guess coming; four on Maui, but as there are but six on Maui and Molokai, it is obvious that Knudsen cannot get three from there and Long four; three in the Fourth District of Oahu, where again there are conflicting claims; and three in the Fifth District which by its caucus vote is pledged solidly for Knudsen.

Clearly, eternal vigilance is the price of victory in the fight that will open upon the floor of the House today. How long that fight will last, no man can tell. "I do not believe," said one member last night, "that they will succeed in electing in one day, nor yet in two."

All the same, there is an impression that time will be saved by fighting out the Speakership battle on the floor.

KOHALA-HILO ROAD MAY GET CHANCE TO RAISE MONEY

If the men who are back of the Kohala-Hilo railway project can show to the satisfaction of Superintendent of Public Works Holloway by the first of August that they can raise the money needed to build the line to Onomea in two years and to Hakalau in three, they will be given an extension of their franchise. That is to say, if Attorney General Andrews can see the way legally for the Superintendent to grant the extension. Whether he can or whether he cannot will be a matter for future consideration.

That was the net result of a hearing that was granted to the parties at interest in the case before Governor Carter in his chambers at the Capitol yesterday. The hearing was rather an impressive proceeding. Mr. Peck, the promoter of the Kohala-Hilo road, was there with his attorney, A. Lewis, and Mr. Gehr, who was one of the men who was interested originally in the project. W. O. Smith, also, was present in behalf of Mr. Peck. Mr. Dillingham, one of the owners of the original franchise for the Hilo railroad, which franchise covers the ground occupied by the Hilo-Kohala road, was seated beside Mr. Dennison, his superintendent, and for him appeared Mr. L. A. Thurston. Mr. C. M. Cooke occupied a chair next to Mr. Thurston, and Representative Carl Smith of Hilo came in with Attorney General Andrews. Superintendent Holloway and Treasurer Campbell supported the Governor in the interest of the Territory and the public, and Secretary Crendon took notes in short hand of the proceedings.

Governor Carter said that he was pleased to see so large a crowd present, and called on Attorney Lewis for a statement of what was desired by the Kohala-Hilo people. Mr. Lewis, in rising, said that he would only say a few words preliminary to what was to be said by Mr. Peck. The Kohala-Hilo road was proposed to be built under a charter granted by the Minister of the Interior of Hawaii on June 26, 1899. This charter had been especially approved by President McKinley on June 22, 1900. The clause under which the extension of time was desired was that which gave the Secretary of the Interior, and consequently his successor, the Superintendent of Public Works, power to declare the charter forfeited in case the road was not completed within two years from the time of the acceptance of its surveys. It was properly a waiver of this right to forfeiture that was asked for.

Governor Carter said it was a question, so far as the public was concerned, of who could build a railway

in the territory in question the quickest. Could the gentlemen who were promoting this project do that, or would it be better to throw the matter open to some other parties. He then read a letter from the Engineer of the Kohala-Hilo road showing the practical difficulties of the project, and how it would not be possible to build the road in the time specified in the charter, in any event. A couple of letters were also read from citizens of Hilo showing the justice of granting the extension of time proposed.

Mr. Lewis arose again to say that the promoters had not slept upon their rights, but had used all due effort to interest capital in the project, and then Mr. Peck took the floor to explain the difficulties he had had in getting capital to take hold of it. He had now, he said, some parties in Pittsburg who had agreed to finance the road, provided they were given the handling of all of its bonds, and these parties he had given ninety days' time to reach a final determination in the matter. Mr. Peck went at some length into the difficulties of the project, and told how much money had already been spent for labor and material.

W. O. Smith spoke in favor of granting the waiver of the forfeiture clause asked for by the railroad people. Carl Smith wanted to know whether the projectors wanted the government to enter into a new contract, or just exactly what was wanted. He knew that the people of Hilo were vitally interested in the construction of this road by somebody. He would not favor taking snap judgment, but if these people could not build the road, then other parties should be given a chance. W. O. Smith said that more time was wanted. "How much?" asked Governor Carter. "Two years," replied Peck. "I know that if I cannot finance this road in a year, I cannot do it at all." "What we want," said Attorney Lewis, "is an assurance from the Superintendent of Public Works that the government will not exercise its right of forfeiture under the franchise." "Do you expect the government to give you a written assurance?" asked Carl Smith. "Yes."

"Then," said Carl Smith, "I think the government is entitled to a more explicit statement of what Mr. Peck has to go upon in the way of financial backing. If he is asking for an extension merely upon the chance that he can raise the money to build the road then I think the franchise should

Yards and yards of lace, bolts of beautiful silks, exquisite doilies and many other handsome fabrics from the Orient were seized on Monday by the customs house authorities. The property was in the possession of Mrs. Jacobson, the only cabin passenger on the S. S. Siberia for Honolulu.

Mrs. Jacobson is the mother-in-law of Rosenberg, proprietor of the Globe Clothing House on Hotel street. She made a round-trip from Hawaii to the Orient, taking in Manila on the trip. Mrs. Jacobson purchased a large amount of goods, enumerated as above.

On arrival here she declared on the customs blanks that she had \$150 worth of goods. When the inspectors searched her baggage there was at first glance nothing beyond the declared stuff. There were bags presumed to be filled with soiled linen. On the top were numerous pieces of unsewned garments; but beneath this dirty exterior the inspectors discovered the smuggled stuff. In Mrs. Jacobson's trunks were found stockings tied into knots and carelessly tossed or stuffed into corners, and when the knots were unbound the interior of the stockings were found filled with laces. In all manner of places, intended to deceive the eye, more undeclared goods came to light. Pillows were also stuffed with valuable fabrics.

When Mrs. Jacobson's attention was called to the matter she at first stated that her trunks had been packed for her by other persons. Then she said she had bought them in Japan and had handed them in Manila, at first intending to stay there, but she changed her mind and continued the voyage on the Siberia.

This story is discredited by the customs authorities, for reasons best known to themselves. Finally, U. S. District Attorney Breckons was called into the conference and Mrs. Jacobson was told to make any explanation she had to that official.

The foreign value of the goods was probably about \$350. The duty added brings the appraised value to about \$550. The law provides the penalty for smuggling shall be treble the appraised value, which would be in the neighborhood of \$1,650, and the goods are also confiscated.

District Attorney Breckons says that two daughters of Mrs. Jacobson was present at the interview with him and vainly tried to keep her mother from making damaging admissions. But the old lady told enough to make the case stick all the tighter. At that, the daughter asked what they would have to pay to take the goods and keep out of the courts. Mr. Breckons pointed out that, although no crime had been committed, under a recent ruling of the court that dutiable articles must be brought ashore before they could be called smuggled, still the seizure would have to stand and the penalty of three times the value of the goods exacted. A judgment would be taken out for that amount if the fine was not paid.

"And by the way," he said blantly to the daughter, "has your mother any property?" "No, she has not," snapped the young woman—"except me." "Well," remarked Breckons, amiably, "if we could attach you and put you up at auction you would probably bring enough to pay the fine."

"You think he should have three or four months to find out whether he can raise the money?" asked Governor Carter.

"I do," replied Mr. Cooke. L. A. Thurston then arose and gave an interesting statement of the history of the Hilo railroad situation, going back to the first charter of the Hilo railway. He told how, in interest with Mr. Dillingham, he had procured a charter covering the very country to be served by the Kohala-Hilo line, and how, upon the statement of the Gehr crowd that they had the money to build that particular road at once, the Dillingham people, not having the money and not desiring to stand in the way of progress, had withdrawn their protest against the granting of the Kohala-Hilo franchise, theretofore successfully maintained.

The Hilo road had been built to Puna, had acquired wharves and expended money in improvements at Hilo during the six years that the Kohala-Hilo project had lain in abeyance, and had been at all times friendly to that project, notwithstanding the suspicion with which it was regarded and the hostility of the Kohala-Hilo people toward it. It was to the interest of the Hilo road to have the other road built, because that would build up Hilo.

"I regard the building of the Hilo-Kohala road as vital to Hilo," said Mr. Thurston. "The people need it. And if Mr. Peck will assure us here that anybody will furnish him the backing to build the road within the next sixty days, then I say by all means give him the extension asked for. And give it to him under a franchise that is workable. I do not believe that any power on earth could complete this project in the time specified in the franchise."

"You are correct," broke in Mr. Peck. "The Hilo railroad isn't anxious to put any stumbling block in anybody's way," went on Mr. Thurston. "But the Hilo road is willing to go ahead, if there is no other franchise in the way, and put a railroad through the Hamakua district. And the Hilo railroad is in a position to do this, having an

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