

# YOUNG'S DEFENSE

VALLEJO, September 18.—The opening of the court-martial of Commander Young on charges of neglect of duty in connection with the Bennington disaster, at the Mare Island Navy Yard, ended today with honors distinctly in favor of the accused officer. The most biased observer must have admitted as much. The sensation of the day was sprung when Emil Frederiksen, water tender on the Bennington and the first material witness called by Captain West for the prosecution, tangled himself up under cross-examination in a maze of contradictory statements and lapses of memory, displayed unmistakable symptoms of animus toward the accused commander and finally wound up with an admission that he had lied while testifying under oath before the naval board of inquiry at San Diego. After showing that the witness had been a deserter from the Navy, and in addition had been twice put in confinement by Commander Young for breaches of naval discipline, Judge Gear turned him loose, thoroughly discredited.

## TESTIMONY AGAINST YOUNG.

Four witnesses were called by the prosecution, and, almost without exception, under the cross-examination of Civilian Counsel Judge Gear for the accused, their testimony toned down considerably the harshness of the charges made upon direct examination. The prosecution endeavored to show that Commander Young had been habitually negligent in the matter of engine-room inspections, and indorsements of engine-room logs, resulting in the sentinel and safety valves on the boilers not receiving the care prescribed by the Navy regulations, and that the deck gear for controlling the safety valves had been out of order for an extended period.

The net result of the day for the prosecution was a fairly strong showing that Commander Young had never made a practice of visiting the engine-room nor of indorsing the engine-room log at the end of each month, as required by Navy regulations, and that so far as any witness examined could testify, the safety valve on boiler B had not blown off nor given warning prior to the explosion. For the defense the net results of the day, as gained by the witnesses for the prosecution on cross-examination and in addition to the impeachment of Frederiksen, were that the sentinel valves, forming the basis of charges 4 and 5 by the Secretary of War, were obsolete and had never been used by the engine-room crew, and that the deck gear for lifting or mechanically operating the safety valves while the vessel was in port had never been used regularly, but that the safety valves had been lifted by a bar by hand in the engine-room.

## VALVES OUT OF GEAR.

After the steam logs had been identified and offered in evidence, Frederiksen was summoned by the judge-advocate. The witness testified that he had been on the forecastle deck just prior to and at the time of the explosion, but that he had not heard the safety valve give any warning. He stated that the deck gear for lifting the safety valves was corroded and immovable, and threw in a vicious aside that failed to help his case, "just the same as they have been since."

Concerning the hand-lifting gear on the lower deck, witness testified that he had not seen it operated for eight months. Asked as to whether the cocks and valves were moved once a week according to routine, the witness answered no. He recalled very distinctly the dates of the overhauling of boilers C and D as of June or July, but had no recollection of boiler B, the exploded boiler. On cross-examination the witness began to develop irregularities in memory and a general lack of intelligence on the things he attempted to criticize.

## CONFESSES THAT HE LIED.

The wind up came when, in an endeavor to impeach the witness' memory, Judge Gear asked him a question regarding the overhauling of boilers C and D to which he had answered in the negative to the board of inquiry. The question was as to whether the boilers had been overhauled during June and July. The witness answered yes. Asked if he had answered so at the board of inquiry, he stated that he did not remember, and, when shown that he had answered directly contrary, floundered about for a moment helplessly and then announced defiantly that he must have lied.

Boyd Seavey, engineer of the second class, was called by the prosecution and testified that the lifting gear was out of order; that the safety valves were not lifted once a week, and that the sentinel valves had been continually out of order. On cross-examination he admitted that the sentinel valves were obsolete and had not been used since he was on the Bennington. He further stated that, by orders of the commander, the safety valve on boiler C had been set at 130 pounds, or five pounds under the safety valves of the other three boilers. When the boilers were in series, that acted as a sentinel.

## SAW BOILERS OVERHAULED.

Charles Wheeler, chief machinist's mate, testified that he had never seen the hand gear successfully used for lifting the safety valve, and stated that whether or not the safety valve on boiler C could be heard on the ship would have depended on circumstances, whereupon that line of questioning was abandoned by the judge-advocate. The witness testified that he had seen boilers A, C and D overhauled and knew that they were in

fair condition. He had lifted the safety valve on boiler B by hand at Honolulu just prior to the trip to San Diego.

He stated that no reliance had been placed by the engineering room on the sentinel valves. He knew by observation that the valves on boilers C and D had been overhauled in February or March of the present year. Most of Wheeler's testimony, which was distinctly favorable to the defense, was elicited on cross-examination.

## MORE TECHNICAL EVIDENCE.

John O'Hana was the last witness called by the prosecution. He testified that he had not heard the safety valve of boiler B blow off for over eighteen months, but stated that that was no reason why the valve might not be in good working order. He testified that the lifting gear would not work and that he had never seen any of the safety valves lifted. He could not testify of his own knowledge whether the valve on B boiler was working or not. According to this witness on cross-examination the sentinel valves had not been working since the Bennington went into commission.

The trial is to be resumed at 10 o'clock this morning.

VALLEJO, September 20.—Today after a heated debate between counsel the court allowed the admission in evidence of blue prints of the Bennington's engines made, 16 years ago. According to the defense these prints are of no account owing to innumerable changes in the engines during a long period of time. The witnesses called upon today were even less effective for the prosecution than any of those called before.

# ALCOBOLISM CAUSE OF UNTIMELY DEATH

Too much good time resulted in the untimely decease of Ralph Calderwood, a native of Massachusetts, who was found dead in a cottage in the rear of the Alohaalua saloon in Kakaako, yesterday morning.

A coroner's inquest was held yesterday afternoon, the jury returning a verdict to the effect that deceased died from the effects of chronic alcoholism. Calderwood had been on a protracted spree for some time past and had been living in H. Klemme's cottage since last Monday. He had been a member of the crew of the S. S. Morning Star, but had been paid off on Wednesday of last week.

On Monday he asked Klemme's permission to stay a while in his cottage, saying that he was not feeling well. He was suffering from stomach sickness and vomited repeatedly. Yesterday morning a man occupying the adjoining room heard the noise of a body falling. Investigation resulted in Calderwood being found unconscious on the floor, shortly afterwards, exclaiming, Dr. Hoffman was summoned, but it was too late.

Deceased was about thirty years of age and is said to come of a good family.

# SUPERVISORS DO MUCH WORK

(Continued from Page 1.)

county attorney, as a point of law was involved.

The chair said that when road supervisors were appointed the district people had not been consulted, the member of the board representing each district, being called upon for nominations.

The petition was referred to Paele, the committee.

Bonds of road overseers for the various districts were read and accepted. The bonds were ordered placed in the treasurer's hands.

Archer wanted to ask the Chairman of the Roads Committee if the proposition of the Inter-Island Steam Navigation Co. to keep miniature waterfront parks in condition, could be put down in black and white.

Lucas will write to the company about the matter.

Attorney Milverton drew attention to the fact that certain warrants not backed by appropriations had been drawn. The board had been under the impression that motions had authorized these warrants, but it transpired that the warrants, concerning which the treasurer had reported, had never been backed by any appropriations.

The matter comes up at the next meeting.

Moore stated that the county's power was fully taxed at present, when suggestions for more electric street lights were made.

Former citizen Testa wanted to know why electric lights were burned at Palama on moonlight nights. It showed gross extravagance on the part of either the electric light department or the moon.

Adjourned till Tuesday next at 7:30 p. m.

# M'LEOD'S GOOD PUT

A. C. McLeod, formerly field boss at Kahuku Plantation, returned recently from a visit to his folks at Prince Edward's Island and is now occupying the position of assistant head luma at Wai-pahu Plantation.

McLeod is quite an athlete and possesses strength of no mean order. While away he competed at an athletic meeting at his home and won the 16-pound shot put with the very good distance of 39 feet 4 inches.

He put the 14-pound shot 42 feet 4 inches.

A year or so ago, it will be remembered, McLeod won a star/par event against all comers at Waimea, Kauai. He did some boxing while on his vacation, making a creditable showing when he put the gloves on.

McLeod used to be a pupil of Jimmy Fox.

# BREWER WILL CERTIFY REFUNDING BOND ISSUE

Mr. and Mrs. Calvert Brewer of New York are tarrying in Honolulu upon their wedding tour to the Orient. They arrived in the Sierra from San Francisco yesterday and will resume their journey in the Manchuria on Wednesday next.

Incidental to his visit here Mr. Calvert will have an important hand in the weighty financial business of the Territory of Hawaii. He is secretary of the United States Mortgage and Trust Company, which has handled Hawaii's recent loans, and on this occasion will certify the official signature of the Treasurer to the \$500,000 of four per cent bonds whereby an equal amount of five per cent bonds of the Territory are refunded.

The new bonds arrived in the Nebras, Kan's mail on Sunday last and are in the custody of Treasurer A. J. Campbell. They are 600 in number of the denomination of \$1000 each, and are to be delivered to the purchaser, William G. Irwin, duly executed, on October 4.

# JURIES LEGALLY DRAWN BUT TERM IN SUSPENSE

Juries for the September term were legally drawn. The Supreme Court yesterday afternoon, by Chief Justice Frear orally from the bench, decided that way on the question reserved by Judge De Bolt.

Whether or not there is a September term of the First Circuit Court the Supreme Court has yet to decide, the question having been taken under consideration at the conclusion of argument.

Associate Justices Hartwell and Wilder having returned from the Coast in the steamer Sierra, both in robust health, a session of the Supreme Court composed of its own members was opened at 10 o'clock. The question reserved by Judge Robinson in the case of Ah On, charged with perjury, as to whether or not the September term had lapsed on account of having not been opened on Monday, September 4, was immediately called for argument.

A. S. Humphreys, former Circuit Judge, opened the combat, followed by A. Perry, former Supreme Court Justice. Both argued at length that the term lapsed for the cause stated, as the statute fixing the opening day as the first Monday in September was mandatory and, besides, was subsequent to the statute declaring the same day, as Labor Day, to be a legal holiday.

F. W. Milverton, Deputy County

Attorney, replied. He argued that the Legislature created the term as a whole, fixing its limits of time, and that the omission of the court to do business on any day within the set period—no matter if it was the opening day—could not invalidate the term. Authorities were quoted to show that legal holidays were non-judicial days like Sundays, one being a case where the filing of exceptions by a clerk on a legal holiday was held a nullity.

H. G. Middleitch contributed to the argument against the existence of the term, and Mr. Milverton made a closing reply.

At the close of argument the matter was taken under consideration.

Then the civil case of H. E. Murray vs. D. H. Lewis was called for argument on the question raised by counsel for defendant, of the validity of the jury panel, which Judge De Bolt had reserved.

W. L. Stanley of Holmes & Stanley and A. Perry, for the defendant, argued that the drawing of the jury had been illegal as not complying with the amended jury law of 1905. C. F. Clemons of Thompson & Clemons and Mr. Milverton replied.

Without leaving the bench the chief held a consultation, when the Chief Justice announced its decision that the jury had been legally drawn.

The jury was drawn, it may be stated, under the law as it existed prior to the amendment of 1905. Jury lists from which to draw juries for this year were made last year and, according to the decision just rendered, hold good to the end of this year.

# BRYAN IS SATISFIED WITH THE LOCAL ARRANGEMENTS

Attorney E. B. McClanahan received a cablegram yesterday from Hon. William Jennings Bryan stating that the arrangements for his entertainment, spoken of in Mr. McClanahan's letter to him, were satisfactory. In general, these arrangements were to the effect that the local Democrats had plans looking only to Mr. Bryan's entertainment and comfort while he was in Honolulu.

The cablegram was sent just before Mr. Bryan's departure yesterday on the Manchuria for Honolulu. The arrangements so far made are that the Territorial Central Committee will take charge of the reception. The committee will go out in a tug to the Manchuria, and Mr. Bryan may be brought ashore in the tug, but it is quite possible he will remain aboard and land after the steamer docks.

Mr. Bryan will at once be driven to the Pali in an automobile, after which the party will go to the O. R. & L. depot where a train will convey them to Honolulu plantation. A stop will

be made on the way back at Moanala, where automobiles may be in waiting to convey the party back to the city. If time permits a peep will be taken into the Bishop Museum. The party will then proceed to the Royal Hawaiian Hotel where a public reception will be held.

If the situation develops, Mr. Bryan may address the assemblage, but this course will not be pursued unless Mr. Bryan desires to do so, as the committee will entertain Mr. Bryan and not look to the distinguished American to entertain them.

Mr. Bryan will lunch privately at the Young Hotel and later on he will be taken out to Kapiolani Park and view the fishes at the Aquarium, afterwards going to the Moana Hotel and if he wishes he will be accommodated with a canoe ride. This will about complete the entertainment planned, and the party will then be taken back to the Manchuria.

The Manchuria is due to arrive here the morning of Tuesday, October 3.

# DECREE ON GEAR'S CABLED DECISION

With reference to the bill to annul marriage of Eliza R. P. Holt by her guardian, Annie K. Kentwell, against Albert Christian, Judge Lindsay yesterday granted a motion for a decree in conformity with the decision, cabled from San Francisco by Judge Gear, who tried the case, dismissing the bill. A. G. M. Robertson appeared for complainant and made the motion. C. W. Ashford for respondent in open court dissented to entry of such a decree. C. C. Biting, as senior counsel for complainant, stated that matters between himself and his client had not been settled, therefore asked that the entry of decree be postponed. W. C. Aebi, appearing for the first time, made remarks on behalf of the respondent. Mr. Robertson proposed to submit the decree to all parties interested before entry. The supposition is that the decree is desired for the purpose of appeal therefrom.

## CHAMBERLAIN'S PAIN BALM.

This liniment should occupy a prominent place in every home. It has no equal for its prompt cures of cuts, burns, bruises and sprains. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

make her own living. She turned her splendid education to account by teaching classes and by doing high-class embroidery work. She and her daughter had the distinction of doing all the embroidery for the banquet during the coronation festivities for King Kala-kaun. On her return to San Francisco Mrs. de Miranda (for she had resumed the name of her first marriage) taught embroidery and Spanish, continuing to do so until her daughter's marriage to William B. Winn, the well-known newspaper editor and publisher, who died only two years ago. After this she lived with her son-in-law's family in different parts of California, finally settling in Berkeley.

# THIS JUDGE WILL FAVOR THE CHINESE

WHEELING (W. Va.), September 19.—Judge A. G. Dayton of the United States Court has given notice before the bench that he would rule in favor of the Chinese, henceforth in exclusion act cases. The Court's statement—rather remarkable, yet backed by unmistakable conviction—was based on the case of Yee Kam, a Chinese, coming to the United States twenty-five years ago. At that time he entered as a merchant, later becoming a laundryman. He was picked up some months ago and held on the ground that he did not own a certificate requiring new registration, which the officer insisted should classify him as a laborer. The old Chinese, Judge Dayton said, has established a business and secured property and had a right to be here.

The idea of enforcing the exclusion act, which was a measure of political expediency aimed to protect the Pacific Coast, when no restraint is placed upon the lowest type of slave and Southern Europe offscouring, was repugnant to the spirit of the day. He said he would continue to rule thus until reversed by a higher authority.

# An Alarming Case SEVERE TEST OF A BLOOD REMEDY IN ERYSIPELAS.

Dr. Williams' Pink Pills Banish Pain and Inflammation and Avert Peril from the Vital Organs.

Erysipelas or St. Anthony's fire is a most uncomfortable disease on account of the burning, the pain and the disfigurement; it is also a very grave disorder, attended always by the danger of involving vital organs in its spread.

The case which follows will be read with great interest by all sufferers as it affected the whole body, and refused to yield to the remedies prescribed by the physician employed. Mrs. Ida A. Colbath, who was the victim of the attack, residing at No. 19 Winter street, Newburyport, Mass., says:

"In June of 1903 I was taken ill with what at first appeared to be a fever. I sent for a physician who pronounced my disease chronic erysipelas and said it would be a long time before I would be up and around.

"Inflammation began on my face and spread all over my body. My eyes were swollen and seemed bulging out of their sockets. I was in a terrible plight and suffered the most intense pain throughout my body. The doctor said my case was a very severe one. Under his treatment, however, the inflammation did not diminish and the pains which shot through my body increased in severity. After being confined to my bed for two months under his care, without any improvement, I decided to get along without any physician.

"Shortly after this, on the advice of a friend, I began to take Dr. Williams' Pink Pills for Pale People, two at a dose three times a day. After the second box had been used I was surprised to notice that the inflammation was going down and that the pains which used to cause me so much agony had disappeared. After using six boxes of the pills I was up and around the house attending to my household duties, as well as ever."

No better proof of the power of this great remedy to expel poisons from the blood and to supply new vigor could be given. Dr. Williams' Pink Pills cure all diseases springing from an impoverished or vitiated condition of the blood, such as anaemia, rheumatism, scrofula. They make pale complexions ruddy and are the best of tonics in all cases of debility.

Dr. Williams' Pink Pills are sold by all dealers in medicine or may be obtained direct from the Dr. Williams Medicine Co., Schenectady, N. Y.

Dr. William Oster recently recited a quaint old cure for gout: "First, pick a handkerchief from the pocket of a spinster who never wished to wed; second, wash the handkerchief in an honest miller's pond; third, dry it on the hedge of a person who never was covetous; fourth, send it to the shop of a physician who never killed a patient; fifth, mark it with a lawyer's ink who never cheated a client, and, sixth, apply it hot, to the gout tormented part. A speedy cure must follow."

E. J. Cross, manager of the Inter-Island Telegraph Co., says that in his travels through the States and Canada he did not see any wireless telegraph that he preferred to the local system.

# IT'S FIGHT TO FINISH

"Most of the law cases on the term calendar are as peanut shucks to dollars compared with this suit in equity. It is usually great property interests that are involved in equity proceedings. This Parker case stands to ninety-nine cases out of a hundred for jury trial as a thousand dollars to ten cents."

Thos. W. A. Kinney, senior counsel for A. W. Carter in the Parker guardianship case, argued in part against a continuance to make way for September term jury work.

Judge Lindsay, who had suggested the question of continuance, decided to go ahead and asked if the attorneys were willing to work nights.

J. A. Magoon, senior counsel for John S. Low, petitioner as next friend of Annie T. K. Parker, minor, for the removal of A. W. Carter, guardian, agreed to the decision to proceed as acceptable to him and said he was "willing to work some nights."

It was agreed to begin with last night, besides continuing the afternoon session until 5 o'clock.

Samuel K. Parker, son of Samuel Parker, was on the witness stand all day, his direct examination by Mr. Magoon closing a little after 3 p. m. Mr. Kinney then took him in hand, but the rigid cross-examination made slow progress owing to Mr. Magoon's objections.

In his direct examination the witness had given opinions derogatory to the management of the Parker ranch by Fred. W. Carter, the guardian's brother, in various particulars. When Mr. Kinney proceeded to test his knowledge of the circumstances under which certain affairs of the ranch had been conducted, with especial relation to the general interests of the respondent's ward, his most frequent answers were that he did not know anything about the matters in question. Also he made a number of admissions of improvements that had been made upon the ranch after it had come under the general superintendency of the respondent.

Judge Lindsay overruled, in the main, the objections to the line of cross-questioning. To Mr. Magoon's remark that it was "fishing for evidence," he observed:

"Cross-examination is usually intended to be a fishing for evidence."

# SUPERVISORS IN FAULT

Judge Robinson yesterday morning granted the motion of petitioner to strike out the supplemental answer of Treasurer Trent to E. B. McClanahan's petition for an injunction to restrain the respondent from paying a blanket warrant on account of road work to Andrew Adams, chairman of the Koolau-poko road board. The injunction case will come up for trial on its merits at 9 o'clock this morning.

Mr. McClanahan, who appeared in person, called as witnesses County Clerk Kalaaukalanui, Auditor Bicknell, Supervisors Geo. W. Smith, John Lucas, E. R. Adams and H. T. Moore, and Andrew Adams. By their evidence it was shown that Saturday afternoon's meeting of the board of supervisors—when the resolution canceling the warrant in question was passed—was convened at the call of Chairman Smith pursuant to adjournment, but being called at only a half hour's notice all of the members could not be notified. This was the case even with H. T. Moore, though he was in town at the time.

Andrew Adams testified that when Trent had refused to pay the warrant, he had turned it over to County Attorney Douthitt, but without "surrendering" it. After the temporary injunction was dissolved, Trent telephoned to him that he would pay the warrant.

Mr. McClanahan argued that the hurried meeting of the board was both unbusinesslike and a dangerous precedent. He also said it was absurd to cancel a warrant that had not been surrendered.

W. A. Whiting, for the respondent, submitted that the meeting had been regularly called pursuant to the void of adjournment of the previous meeting. He also contended that the treasurer was bound by the resolution of the supervisors and could not pay the warrant. Therefore the proceedings were useless.

Mr. McClanahan replied, saying that the treasurer had promised to pay the warrant and that, if the court held that the board had no right to cancel the warrant, it was still effective.

Judge Robinson, in granting the motion, said it looked as if the board of supervisors had trifled with the court, or else had been carried away by excessive zeal in gaining a point.

# IMPROVEMENT CLUB MEETING TONIGHT

The annual meeting of the Wai'alae, Kaimuki and Palolo Improvement Club will be held at 8 o'clock this evening in the hall of the Builders and Traders' Exchange, Elite building. There is a membership of about sixty on the roll, and anyone having property interests in the district will be welcome at the meeting. New officers are to be elected and the plans of improvement for the coming year discussed.

One important matter to be considered is that of improvement of the Wai'alae road. The county supervisors are understood to be willing to hold a conference on this subject with representatives of the club. President Clark will read a report on the work of the club for the past year.