

# ANSWER OF HUMPHREYS

A. S. Humphreys tells his side of the story in an answer filed yesterday to the complaint of John W. E. Laker, second engineer of the cable ship Restorer, claiming \$10,000 damages of him, on account of false prosecution and personal abuse.

The answer of Humphreys is not verified by oath, as was the complaint of Laker.

Defendant says he was employed about September 18 by plaintiff, at the instance of J. J. Dunne, attorney, in a certain matter, Mr. Dunne stating that defendant's charge would be \$150, which sum plaintiff subsequently stated to defendant he was agreeable to pay. He accepted the employment. "The matter with respect to which defendant was employed involved an exhaustive and careful consideration of the treaty between the United States and Great Britain, and the statutes of the United States and the decisions of the Federal courts."

At the appointed time plaintiff came to defendant's office to receive his opinion, and as it was adverse to the "wishes, hopes and prospects of plaintiff, defendant voluntarily reduced his charge to \$25." Plaintiff left the office abruptly, saying, "Send the bill over to the ship at the end of the month." Defendant at once wrote a letter to plaintiff "upbraiding him for his conduct and demanding the immediate settlement of his account, to which letter the plaintiff made no reply."

Several days later defendant chanced to meet plaintiff at the Haleiwa hotel, Wailua, and brought a suit against him before the District Magistrate of Wailua for \$100, "which defendant then believed and now avers was a proper and reasonable charge for his services in the premises." The conclusion of the answer, relating to the graver portion of Laker's complaint, is as follows:

"The suit was filed at 11 o'clock in the forenoon, but was not served until about 9 o'clock in the evening, for the reason that no official having authority to serve legal process was in the district of Wailua, all of them being in Honolulu as witnesses in a case pending in the Circuit Court, and none of said officials returned to Wailua, until a very late hour in the afternoon. The summons was not placed in the hands of the deputy sheriff until about 8 o'clock in the evening. When the suit was filed defendant did not know that the Engineers' Association of Hawaii intended to have a dinner at the Haleiwa hotel that evening, nor did defendant know that plaintiff was in any way connected with that association, nor indeed that there was any such association, nor did defendant know that plaintiff had any lady or ladies at the hotel as his guests, or under his care, charge or protection. Defendant did not investigate or direct the officer having the summons to serve plaintiff while he was dining; on the contrary, defendant expressly instructed the officer not to do so.

"And defendant avers that the officer did not call plaintiff from the dining table to serve him, but served him after he had left the table for a temporary and necessary purpose. Defendant denies that in instituting said suit, or in doing anything in connection therewith, he was moved by malice towards plaintiff. On the other hand he charges that the suit was a reasonable and proper means of collecting a just debt, before a court having jurisdiction and which plaintiff had refused to pay but which he has since paid.

"And the defendant denies each and every allegation in the complaint not hereinbefore denied, and demands a trial by jury."

# LAHAINA IS ALIVE AGAIN

MAUI, October 20.—The October session of the 2nd Judicial Circuit Court, Hon. A. N. Kepoikai presiding, which began on the 11th, still continues. On Saturday, the 14th, the grand jury, W. A. Hardy of Keane, foreman, reported 15 true bills. The trial jurors began work on Monday and during the week have transacted considerable court business.

Thursday morning the Pala criminal assault case began and will probably be finished today. On Saturday the trial of Alfred Douse for manslaughter is scheduled. Judge A. S. Humphreys of Honolulu is in Lahaina as the representative of the Japanese consul in the Douse case. Other lawyers in town are County Attorney D. H. Case, J. L. Coke and J. M. Vivas. Lahaina appears quite gay and lively nowadays, especially in the vicinity of the court house and Pioneer hotel.

**NEW INDUSTRIES.**  
The articles of incorporation of the Kaupakalua Wine and Liqueur Co. have been duly signed and forwarded to the territorial authorities, who by this time have probably granted the charter applied for. This is a Portuguese company formed for the purpose of raising grapes, pineapples and other fruits, manufacturing wine from grapes, manufacturing and distilling liquors from fruits and vegetables, to buying, selling, leasing and mortgaging real estate, etc. Capital stock, \$5,000, with shares at \$10 each.  
The formation of this company has

caused a little "boom" in real estate at Kokomo and Kaupakalua—quite a number of acres having been purchased recently at a good price.

Those interested in the company will plant sugar cane, pineapples and potatoes for the purpose of distilling them into "agua ardente"—or, what the Hawaiians might call, "okolehao." The officers of the proposed company are J. M. Vivas, president; A. S. Medeiros, secretary; A. F. Tavares, treasurer, and J. V. Maciel and Manuel Jose together with the three officers as directors.

The pineapple industry is also "booming" somewhat. There's a deal on the carpet to purchase 600 acres near Haku for the purpose of raising pines. At Pauwela, a company of Japanese, aided by the Haku Fruit & Packing Co., have begun planting and have already an acre set out with young plants. There is also talk at this place of a company of Hawaiians starting a small plantation.

It should not be forgotten, now that pineapple culture is becoming successful and popular on Maui, that D. D. Baldwin of Haku was the pioneer planter, who introduced the industry on this island about 16 years ago.

**BABY ROOSEVELT DEAD.**  
Last Monday night, the infant son of Mr. and Mrs. John J. Fernandez died at Kokomo after a short illness. The baby was named Theodore Roosevelt and was one of triplets born several weeks ago, the other two being known as George R. Carter and Edith Alice.

**NEW TENNIS COURT.**  
The Pala plantation has just completed a sand and cinder tennis court at Pala near the mill for the use of its employees. It is a double court and one of the finest on the island. A tennis club will be formed at Pala next Tuesday.

The tennis tournament, gentlemen singles, of the Makawao Tennis Club, has been postponed owing to the fact it gets dark too quickly these autumn afternoons.

**PERSONAL.**  
Last Saturday three arrived on Maui Mr. and Mrs. J. P. Cooke, Mr. S. M. Damon and Dr. W. D. Baldwin. The gentlemen, after a brief visit at Mr. and Mrs. H. P. Baldwin's, immediately returned to Honolulu, Mrs. Cooke remaining with her mother.

Mrs. F. M. Swanzy, who has been the guest of Mr. J. B. Castle at her mountain residence on Haleakala's slope, returned to Honolulu by Wednesday's steamer.

Mrs. W. H. Bailey of Oakland is visiting her daughter, Mrs. B. V. Bazata of Pala.

The Missionary Society met at Mrs. D. C. Lindsay's, Pala, Tuesday afternoon.

The Hygeia company at Kahului has changed the manager of its Soda & Ice Works. The new man is from Koloa, Kauai.

**SHIPPING.**  
The steamer Nevada arrived in Kahului from Honolulu yesterday morning.

The barkentine Sea King at Kaanapali, Capt. Krebs, cleared yesterday for Newcastle.

Last Saturday the schooner Allen A. arrived in Kahului from Tacoma with lumber for Kahului R. R. Co.

Weather—Quite cool with frequent showers on East Maui.

Governor Carter has decided not to give out the names of applicants for the position of Superintendent of Public Instruction and no announcement will be made until the man for the place has been selected. It is admitted that many applications have been received. Superintendent Davis is silent and stated yesterday afternoon that he had nothing to say.

## OF THE MULTITUDES

who have used it, or are now using it, we have never heard of anyone who has been disappointed in it. No claims are made for it except those which are amply justified by experience. In commending it to the afflicted we simply point to its record. It has done great things, and it is certain to continue the excellent work. There is—we may honestly affirm—no medicine which can be used with greater and more reasonable faith and confidence. It nourishes and keeps up the strength during those periods when the appetite fails and food cannot be digested. To guard against imitations this "trade mark" is put on every bottle of



"Wampole's Preparation," and without it none is genuine. It is palatable as honey and contains the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. Taken before meals it creates an appetite, aids digestion, renews vital power, drives out disease germs, makes the blood rich, red and full of constructive elements, and gives back to the pleasures and labours of the world many who had abandoned hope. Doctor S. H. McCoy, of Canada, says: "I testify with pleasure to its unlimited usefulness as a tissue builder." Its curative powers can always be relied upon. It makes a new era in medicine, and is beneficial from the first dose. "You can trust it as the Ivy does the Oak." One bottle convinces. Avoid all unreliable imitations. Sold by chemists throughout the world.

# THE COWBOYS OF HAWAII IN MANY CONTESTS

(From Sunday's Advertiser)

The first Cowboy Carnival to be held in Honolulu must be written down a big success. That it caught on there is no doubt. All in all as good an afternoon's entertainment was provided as has been witnessed here for a long time, and the program was run off without a hitch.

Next year if a similar event be held it will be even a greater success, for the experience of yesterday will have been profited by and the thing will be attempted on a much larger scale.

It was Cowboys' Day yesterday, with a vengeance. Wherever you went you met cowboys of various nationalities and of all ages and the sole topic of conversation was cowboys and their feats. Early in the morning the cattlemen from the outlying districts began to pour into Honolulu and by noon hundreds of horsemen from the regions beyond Wailua and Moanalua had tied up in town.

The program was not scheduled to start before 2:45 p. m., but an hour earlier every seat in the grandstand was taken and at 2:30 o'clock the stand was crowded to capacity limits with a mass of humanity who gladly paid for standing room in order to gain a glimpse of the events shortly to be enacted in the infield of the racetrack.

It is doubtful if there were ever a bigger crowd at Kapiolani Park. Including the occupants of the grandstand, those who occupied vehicles and the hundreds who stood in the infield, there must have been at least three thousand people present.

It was a regular holiday crowd that came to be amused and went away amused. And it found plenty to laugh at and enough thrills to sustain interest until the final event was over.

For the convenience of spectators in the grandstand, the judges' box, opposite the big structure was taken away. From this little wooden edifice numerous races which have made local turf history, have been judged, and connected with it are numerous recollections dear to the hearts of local turf-lovers.

Now the stables have gone, the fence has been torn down and some day it is probable that an enterprising individual will remove the grandstand itself and sell it for kindling wood without a word being said in remembrance.

The cattle used in yesterday's events were penned in a corral in the racetrack enclosure and were let out one at a time as needed. The wild ponies were also kept in a special reservation until used.

The steers, with an exception or two, didn't act as wildly as had been expected and hoped. It is probable that they were bewildered by the sight of the immense crowd.

The ponies were the real thing, however, and were as full of life and mischief as the most reckless buster could have wished.

After the band, under the guidance of Kapellmeister Berger, had obliged with a tune, the first event on the program, a watermelon race, was announced by "Doc" Monsarrat, who was in his best form with his voice.

**WATERMELON RACE.**

Five competitors faced the start, mostly members of the polo club. The idea was to race to a line of watermelons, dismount, grab a melon and ride to the finish with it, the first home to be declared winner. The race created a world of amusement, for a ripe watermelon isn't the handiest thing to take riding with one on an English saddle. Major Potter won from Harold Dillingham and Eddie Dulsenberg. Clarence Cooke and George Angus also ran.

**BUCKING PONY CONTEST.**

Two essayed to ride a bit of a flea-bitten, mouse-colored pony which had more devil in him than his inches would seem to warrant. A Hawaiian boy was first up and he was soon down, the pony flooring him at the third buck. The gentleman didn't feel like trying again. Then another young native expressed a willingness to take a hand in the game. He donned a pair of monster spurs, but this was as far as he got for when the time came to mount, a sudden and violent attack of cold feet kept him on terra firma.

**ROPING AND TYING CONTEST.**

This event brought out some of the most expert cowboys of Hawaii, all eager to win the very attractive prizes

## HONOLULU PORTUGUESE BOY THE HERO IN MANILA STORM

The transport Logan, now in port, was caught in the terrific typhoon which recently swept Manila Bay, and the crew assisted in rescuing many Filipinos whose cascoes had been wrecked. The typhoon swept not only over the bay of Manila, but over the cities of Manila and Cavite as well, carrying wreckage and devastation before it. The cities were denuded of trees and telegraph wires. Semi-darkness reigned for several days, and many lives were lost through electric shocks. The loss on land and sea was almost incalculable.

On the bay the cascoes were at the mercy of the wind and waves, a large number being crushed and sunk like so many eggshells. A number of cascoes were dashed against the breakwater and an instant later the storm-riven waters were strewn with struggling forms of humanity making a desperate but futile struggle for life.

The Logan narrowly escaped being plied up, a mass of wreckage on the breakwater during the typhoon. She was inside the breakwater and was swept gradually over toward it. She went broadside on, but happily three or four coal lighters were jammed up against the stone wall, and the transport slammed up against them. The big troopship crunched the lighters, and these, in turn, ground their sides off against the wall. While in this position the crew and stewards went to work to rescue distressed Filipinos, and covered themselves with honor, for many of them were recklessly indifferent to their own fate amidst the turbulent waters.

The sailors of the Logan lowered ropes and buoys to succor the unfortunate natives, and many were saved by this means, but a large number were weakened beyond effort to grasp the buoys and help themselves, and a call was made for volunteers.

One of the first to respond was August Santos, a well-known young Portuguese of Honolulu, son of the late guitar maker, Jesus de Espirito Santos. Young Santos is in the steward's department. Without a moment's hesi-

tation he was seen descending the ship's side where he made fast many drowning persons to another rope. His action incited other sailors to emulate his example, and by these means many lives were saved.

That this action was performed at imminent risk of the lives of the sailors, may be imagined when it is realized that the waves were strewn with huge pieces of wreckage dashed hither and thither in the tumultuous waters, contact with which would be sufficient to crush a man to nothingness.

Young Santos had previously distinguished himself on this voyage. When off the coast of Hongkong, a small fishing boat, in evident distress, was sighted. A furious storm was raging at the time, and the Logan was unable to get close to the craft. Volunteers were called to man a boat and the first to advance his claims for the perilous honor was the young Portuguese, Santos, who stated that he had a fluent knowledge of the Chinese language. After a long effort the boat managed to get alongside the fishing boat, which the sailors boarded and proceeded to carry out their humane mission of rescue. They were confronted with a new difficulty. The fishermen would not budge. Force was attempted, but this resulted in nearly capsizing the boat. They refused to abandon their craft.

Santos explained to them that every moment on the waterlogged craft increased their danger to an almost certainty of death. As the storm was increasing the ship's boat finally pulled away from the Chinese craft and returned to the Logan. Whether racial prejudice, superstition, fanaticism in pinning their faith on a forlorn hope of saving their wretched little boat, or downright idocy, actuated the refusal of the Chinese fishermen to be aided, will never be known.

Santos is described by his shipmates as being painfully modest, bearing his laurels for courage and usefulness and coolness with retiring indifference. This is according to the statements made by some of his shipmates and James Lynch, formerly of the Manila-American.

Potter divided second prize, which took the form of 100 shares in Maunalei. **STRAIGHTAWAY ROPING CONTEST.**

This was a regular scramble, a steer being released and a whole mob of cowboys racing after him, all intent upon getting the first rope on his anatomy and downing the "critter." Ikuu Purdy lived up to his reputation as the most expert cowboy in Hawaii by winning from Archie Kaaua and Willie Spencer. The Parker ranch contingent fairly farmed this contest! An Emergency Roping Contest was to have followed, but this event was eliminated from the program on account of the lateness of the hour and the jaded condition of the steers.

**RIDING THE WILD STEER.**

Will Bellina took first try and rode the bullock like a veteran. After the first spasm the animal was quickly subjugated and gave Bellina a very pleasant ride round the field. Sam Kahana was next to perform and he connected with a pretty lively animal whose efforts to rid itself of the burden on its back made the crowd roar with laughter. During the steers' progression round the course, it caused the native to turn a somersault, which must have made him see stars as well as steers. Both did well, however, and the purse was accordingly divided.

**HANDKERCHIEF RACE.**

It was to gallop some distance and to bend down and secure a handkerchief lying on the ground. Lopez, Spencer, Pulu and McKnew all showed daring horsemanship but the latter got away with the rest of the bunch and won first prize handsly from "Oo-oo" Lopez.

**BRONCHO-BUSTING CONTEST.**

This proved to be an exciting affair for both of the ponies were bad and did not hesitate to show their meanness. Frank Vida and Sam Mauna faced the music, the former going to work on a wicked-looking gray from the Lellehua ranch which no one has ever succeeded in breaking and which was brought into town for a joke. First rattle out of the box the pony bucked like one possessed, going up high and coming down hard. Vida stuck to his guns, however, through thick and thin and was awarded first prize for a masterly exhibition of horsemanship. Mauna followed with a sorrel animal which bucked and kept bucking. Mauna kept his seat well and managed to control the beast in a series of mad rushes but eventually the pony fell and brought its rider down with him. Mauna lay on the ground and a doctor was summoned who pronounced the man's injury nothing worse than a dislocated shoulder which was speedily put into commission again.

This closed the program and the crowd went home, well satisfied with the afternoon's sport.

The Rapid Transit Company reported the heaviest day's business yesterday that they have had since their system came into operation.

Great credit must be given Managers Eben Low and Frazier for the excellent manner in which the affair was put through. The following officials were also responsible in measure for the success of the carnival: Judges—Walter F. Dillingham, Robert Shingle, Louis Warren.

Clerk of the Course—Robert W. Atkinson.

Official Starter—Alka Dowsett.

Announcer—"Doc" Monsarrat.

Prizes may be obtained at the office of Chas. R. Frazier, 122 King street, tomorrow.

The prizes which were donated by local business houses, were as follows:

**WATERMELON RACE—**

1st Prize.....

Decorations of Winner by the Ladies.

2nd Prize.....50 Shares Kamalo

**BUCKING PONY CONTEST—**

1st Prize.....\$10.00

2nd Prize.....Carved Leather Belt

**ROPING AND TYING CONTEST—**

1st Prize.....

Mexican hand-carved Saddle, value.....\$65.00

2nd Prize.....\$25.00 Cash

3rd Prize.....Sporting Boots

4th Prize.....Fancy Bridle

**EGG RACE—**

1st Prize.....Colt Revolver

2nd Prize.....100 Shares Maunalei

**STRAIGHT-AWAY ROPING CONTEST—**

1st Prize.....

Mexican Saddle, value \$30.00

2nd Prize.....Winchester Carbine

3rd Prize.....Stetson Cowboy Hat

**RIDING WILD STEER—**

1st Prize.....\$20.00

2nd Prize.....\$5.00

**HANDKERCHIEF - PICKING CONTEST—**

1st Prize.....\$5.00

2nd Prize.....\$2.50

**BRONCHO-BUSTING CONTEST—**

1st Prize.....\$20.00

Second Prize.....\$10.00

## HUMPHREYS SAYS TRIAL WAS FARCE

In its court report from Lahaina, October 18, the Maui News mentions that A. S. Humphreys was retained by friends of Ung Chen, the dead victim of an assault, "to speak at the time of sentence of Ko Yes. When the Court took up the matter of sentence of Ko Lee yesterday afternoon, and called upon counsel for remarks, Coke spoke on behalf of the defendant, and then spoke for the prosecution. When he got through, the Court asked Mr. Humphreys if he had anything to say. He answered: "I consider the whole proceedings a farce, and will have nothing more to do with it." These remarks were brought about by reason that Ung Chen, the victim, died within a few days after his assault, and the defendant should have been indicted for murder, but the prosecution did not do so, but charged him only with assault with intent to commit murder. The sentence of the Court was five years at hard labor, and \$100 fine."

# BEEF TRUST HIT NOW

The United States of America has begun its expected suit against the "Beef Trust of Hawaii." District Attorney Breckons filed the suit yesterday morning. All the big ranchmen and ranching corporations of the Territory are among the defendants, including President Ienberg of the Senate and Speaker Knudsen of the House of Representatives. Here is the list:

Metropolitan Meat Co., Limited; William C. Achi; American Sugar Co., Limited; Henry P. Baldwin; Henry P. Beckley; Cristel Bolte; John Broad; Arthur M. Brown; Jacob F. Brown; Alfred W. Carter; Elmer E. Conant; John Cullen; Samuel M. Damon; Walter F. Dillingham; Downsett Company, Limited; The Waterhouse Trust Company, executors of the Estate of W. H. Cornwell, deceased; Estate of John H. Limited; Charles Gay; Francis Gay; Francis Gay, A. Robinson; J. R. Gay, H. Robinson and Mrs. Alice Robinson, co-partners doing business under the firm name and style of Gay & Robinson; A. Gomes; Mrs. A. C. Greenwell; Haleakala Ranch Company; Hawaiian Agricultural Company; Robert R. Hind; Harvey R. Hitchcock; George Holt; Robert W. Holt; Robert Horner; Albert Horner; Humuua Sheep Station; W. G. Irwin & Company, Limited; D. P. R. Ienberg; James H. Raymond and Phoebe K. Raymond, his wife; Christian Conrad; John Doe Kay; Kanoeha Ranch Company, Limited; Eric A. Knudsen; Eben P. Low; John S. Low; John A. Magoon; John A. Maguire; Makee Sugar Co., Limited; McBryde Sugar Company, Limited; Lincoln L. McCandless; John Doe McDougall; Joseph P. Mendonca; Otto Meyer; A. J. Meyer; H. K. Meyer; H. P. Meyer; Julian Monsarrat; E. M. Nakuna; Oahu Railway & Land Company, Limited; John D. Paris; Annie T. K. Parker, a minor, by her guardian, Alfred W. Carter; Samuel Parker; Antone Perry; Paaken; Aubrey Robinson; M. P. Robinson; Richard C. Searle; Robert W. Shingle; William H. Shipman; Francis M. Swanzy; Lorin A. Thurston; Mary M. von Holt; Louis Von Tempky; Gilbert J. Walker; Waterhouse Trust Company, Limited; John Wright; Albert S. Wilcox; George Wilcox.

Some of the allegations are as follows: That the various defendants are engaged in the business of raising and marketing cattle and that the Metropolitan Meat Co. is engaged in the business of selling it at retail, in Honolulu, and that more than seventy-five per cent. of the stock of the Metropolitan Meat Company is owned and controlled by the other defendants, also that all of the meat company's officers are elected and controlled by the other defendants.

That about 3,667,405 pounds weight of beef cattle, of the value of \$347,178.25, in lawful money of the United States, are used and consumed annually by the inhabitants and people of said city of Honolulu, and of the Territory of Hawaii; and that about ninety per cent. of said large quantity of beef so used and consumed annually as aforesaid by said inhabitants and people, has been, is now, and will hereafter continue to be, dealt in, raised, produced, sold, shipped and delivered by said defendants.

That the above-named defendants comprise nearly all of the wholesale dealers in said Territory, who raise, produce, handle, deal in, sell, ship or deliver beef cattle and fresh beef in said Territory for sale to consumers and dealers therein, and that by reason thereof, the said defendants, if combined together, can, and do, absolutely control the prices charged for fresh beef raised and produced in said Territory.

That said defendants, in violation of "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies" and its amendments, and in order to restrain and destroy competition in the raising and selling of beef cattle and fresh beef, are now engaged in, and intend to continue to be engaged in, an unlawful combination, trust and conspiracy among and between themselves arbitrarily, from time to time, to raise, lower, fix and maintain prices, and to maintain arbitrary, high and oppressive prices at which they will sell, directly, or through their, and each of their, respective agents, beef cattle and fresh beef to dealers and consumers in said Territory; and that, in pursuance of the said unlawful combination, trust and conspiracy, the said defendants, and each of them, have been able, and now are able, and will continue to be able, arbitrarily, to raise, lower, fix and maintain the prices at which they, and each of them, will sell beef cattle and fresh beef, either directly or through their respective agents, to dealers and consumers in said Territory, and, in pursuance thereof, have arbitrarily raised, lowered, fixed and maintained, and will continue arbitrarily to raise, lower, fix and maintain the prices at which they, and each of them, will sell beef cattle and fresh beef, either directly or through their respective agents, to dealers and consumers in said Territory.

That it was part of said agreement that the price to be paid for cattle and beef to each defendant should not be changed without the consent of the other defendants, nor changed by the demand for fresh beef in the localities supplied by the Metropolitan Meat Co.

That in consequence of said agreement many persons have suffered, and will continue to suffer, great and irreparable financial loss and losses, by reason of the arbitrary, high and oppressive prices at which beef cattle and fresh beef have been raised, fixed and maintained by said defendants.

The court is asked to issue a perpetual injunction against the defendants restraining them from continuing to carry out the alleged unlawful conspiracy in restraint of trade and to maintain high and oppressive prices for beef.