

INSANITY REBUTTAL

Dr. Peterson's examination having been completed yesterday morning, the defense in the Johnson murder trial rested. The trial had been suspended, owing to the illness of a juror, since Thursday last. Dr. Peterson had previously said that he regarded the defendant as "a high-class imbecile," but not insane.

Yesterday the doctor repeated some testing conversation he had held with Johnson. From the latter's answers to him he concluded that he knew the consequences of shooting, knew what a pistol was for, but would not shoot. Johnson didn't know the law of self-defense. Witness believed he knew the difference between right and wrong.

"For fourteen years he has been here," Dr. Peterson said, "and he has kept out of the courts and this to me is good proof that he understood the rights of other people and knew how far he could go."

Witness found defendant all right in figures up to three tens, but three twenties were too much for him. Johnson's language was defective and he acted in a silly manner. He laughed at nothing, vacantly like a child. To Dr. Peterson he showed pride in being able to spell "cat," and he could also spell "man." Asked if defendant understood the moral obligation to tell the truth, witness answered:

"I can simply say that he told me two different stories about the same thing."

Deputy Attorney General Prosser, who had full charge of the prosecution in the absence of Attorney General Peters through illness, asked Dr. Peterson if Johnson knew for what he was examining him. Witness replied that he had asked defendant the question and his answer was that he was charged with killing a child.

Mr. Prosser began putting on rebuttal evidence in the afternoon, calling B. T. White, Deputy Sheriff Chris. J. Holt and Antonio Lopez. Their testimony in general was to the effect that Johnson was a good worker except when he was on a spree. Lopez said Johnson used to talk to him and come to him for his wages. He conversed as well as any other man in his station of life.

There are several more rebuttal witnesses on the prosecution's list.

WADMAN

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that you should take an interest in these matters."

MILVERTON'S STATEMENT.

Deputy Attorney General Milverton then made a statement of the story of the crime from the records in the case. It is a story with which, in its essential details, readers of the Advertiser are familiar. There has at no time been any claim that the accused men did not commit the murder. They confessed it, in fact, and Mr. Milverton said yesterday that they had been informed that these confessions would be used against them, and have understood thoroughly that there was no promise of mercy. It appears, from those statements of the murderers themselves, that the murdered man had stolen their passports and some money from them, and that they took the matter in hand and proceeded to punish him themselves.

The leader and instigator in this case was the man who was subsequently convicted of murder in the second degree, having been shrewd enough to leave the others to kill the victim after he had got them started at the work. All this was embraced in Mr. Milverton's statement.

It seems that there were nine Koreans present when the victim was brought in captive from the canefields. He was tried up by the hands in a room in the Korean quarters of the plantation at which the murder was committed, and beaten with sticks. At that time he told his tormentors that he had sent the stolen money to a cook on another plantation.

THREE WENT AWAY.

This cook, on being asked, said that the other was a liar and thief, that he had never given him a cent, and that he, the cook, would kill him if he had him there. The murderers then took their victim in hand again, trying him up by his hands to a tree this time, and whipping him on his bare back.

Three of the nine Koreans who had so far been present went away at this point, and after the nap had been beaten some more a fourth went away, this one the man who had so far been the ring leader.

This man, however, sent down wine to the other five, or at least some kind of drink—a gallon of it, according to Mr. Milverton, although he was not positive on this point—and a bottle of soy, which the others proceeded to pour into the thief's wounds. Soy is a kind of hot Japanese sauce, of which salt is one of the principal components.

After the victim had had the soy poured into his wounds he was cut down, and laid on the ground. At this time two of the murderers are shown to have put a stick between his legs, which were bound tightly together, and forced the limbs far apart. It was said by Mr. Milverton, although this did not appear in the evidence, that one of the man's legs had been broken in this process. These same two men piled light brush upon the abdomen of the bound man, and this was set on fire.

ATROCIOUS BRUTALITY.

Mr. Milverton said there was a conflict in the testimony as to whether the victim had been burned by this fire. It did not seem clear as to whether the murdered man, whose hands were free at this time, had brushed the fire off, or whether the match had failed to kindle. At all events, these two, who had twisted the man's limbs and who had set the fire, were the two men for

whom Mr. Wadman later made his special plea for mercy.

In concluding his statement of the case, Mr. Milverton read from the instructions of the court a special clause inserted at his instance to the effect that men who had been wronged had no right to take the punishment of the offender into their own hands, and that when a man is guilty of a crime, the infliction of law that all the men who were present at the scene of a murder were equally guilty, if they made no protest, was fully established. The victim of the Korean, it appeared from the medical evidence, was finally killed by heavy blows on the head, struck by only three of the murderers.

When Mr. Milverton had concluded, Mr. Matsubara said that he was not present in his official capacity to make a plea for the men, and Mr. Wadman explained, preliminary to his written statement, that he had only come to ask for mercy for the condemned men, in behalf of the whole Korean community, who were in mourning over the disgrace that had come upon them because of the actions of those men. Mr. Wadman then proceeded to read his plea, which in its full text follows:

WADMAN'S PLEA.

To His Excellency Acting Governor Atkinson, Honolulu, H. T.

Sir: As one deeply interested in the welfare of the Korean immigrants, among whom I am endeavoring to carry on educational and missionary operations under the auspices of the Methodist Episcopal church, and having learned of the fearful and atrocious murder committed in Kukui, Hawaii, last December by a number of these people on one of their fellow-countrymen, five of whom were found guilty in the Hilo criminal court and sentenced to death, I beg herewith to approach your Excellency, whose unpleasant duty it is to sign the death-warrants which are soon to be executed, with a plea for mercy.

I was not present at the trial in Hilo nor have I had access to the legal documents in the case. I am not, therefore, confident of all the facts. My sources of information are the confessions themselves and one or two Korean eyewitnesses of the trial. It is only with the sincere hope that, if possible, "justice may be tempered with mercy" that I seek most respectfully to call your Excellency's attention to the few facts which I have gleaned.

The names of the men condemned to die are

- Shim Myung Ok,
- Kang Yong Bok,
- Kim Yong Yee,
- Chang Chi Yuel,
- Woo Myung Sook.

The motive of the awful crime of which these men are guilty is clearly made known in the confession which they made after the perpetration of the cruel deed. The victim was a notorious thief. He had stolen not only a large sum of money—\$70 in all—but their passports as well. These passports are certain papers the immigrants receive upon leaving their country and are regarded as documents of very precious value, without which they could not return to Korea and claim citizenship. Considerable use is made of these passports among the planters as pledges of security in buying and selling, borrowing and loaning money. It was, therefore, the loss of these papers which cut such a figure in their awful deeds of violence last December. Four or five times these men had caught the thief, it seems, and extorted his promise to refund the money and return the passports. Their anger against the fellow was greatly incensed by his oft-repeated lies and misrepresentations. At last they capture the wretch and begin their work of torture in true Korean style, hoping thereby that he will yield to such painful methods and surrender the stolen property, especially the passports. The final scene is enacted at the Japanese cemetery, where the victim claims to have buried the money and papers. After digging for an hour or more without avail, the murderers, having drunk to excess, proceed to put the man to death. It is evening and the hour is late, but early the next morning, as soon as they know the manager of the plantation is in his office, they go at once and make confession of the crime, pointing out the whereabouts of the dead man's body and, without any resistance, quietly surrendering themselves to the officers of the law. Each man's confession is carefully taken down word for word and agree in substance. When questioned as to their confession and surrender, they answered as follows:

PLEA OF MURDERERS.

"We knew we had, of course, done wrong, but the victim was a thief and liar. By torturing him we hoped for his repentance and confession. In this we were disappointed and so, greatly inflamed with anger we thought it best to kill him and save ourselves and the plantation from such a vile wretch." Upon questioning them as to their knowledge of our laws and customs, they are found to be densely ignorant. Indeed, these poor fellows represent a class of Orientals not so desperate and dangerous as is generally supposed, but wretchedly ignorant and depraved—more to be pitied in a way than to be actually blamed.

I find, also, that among these five men the two first named in the above list, namely Shim Myung Ok and Kang Yong Bok, were in a sense the ringleaders in the fearful tragedy and committed most of the outrages on the victim before they dealt him the fatal blows on the head. The others, namely, Kim Yong Yee, Chang Chi Yuel and Woo Myung Sook, were accomplices, to be sure, yet they were more or less influenced by the first named and are not guilty to the same degree, at least, at a matter of strict justice. Indeed, one of these men, namely, Chang Chi Yuel, at one time protested against the torturing process and endeavored to dissuade the others to desist, but without avail.

I would like, therefore, to plead that some clemency be shown this man and, indeed, the other two whose names are mentioned above.

All the men are at present exceedingly sorry for the bloody deed they committed and praying earnestly Almighty God to forgive them. I have

never seen what appear more real and genuine sorrow for sin and wrongdoing. Moreover, I am receiving from the Koreans scattered all over these islands most touching expressions of the sincere regret they feel by reason of this disgrace which they think falls upon them as a whole. Delegations from two or three plantations, consisting of a dozen or more men, have come to the city for the purpose of exhorting these poor criminals to truly repent of their sin before God and man. The whole sad affair has made already very deep impression upon these poor, helpless, hopeless people and will tend to be a warning to all offenders against our laws.

"UNCLE JOE'S" ATTITUDE TO SHIP SUBSIDY BILL

(Mail Special to the Advertiser.)

WASHINGTON, March 27.—Although Pacific Coast delegations, New England members of the House and delegations from other states are present, "Uncle Joe" Cannon very hard on the ship subsidy bill, they are not meeting with very much success. On a central Illinois, where "Uncle Joe" has to appeal for votes, the people care very little whether the sailing vessels on the Maine coast get a subvention from the government which would aid them in building up the carrying trade, or whether subsidies encourage shipping on the Pacific so that this government will hold supremacy there with her merchant fleet.

Representative Littlefield, of Maine, who has been championing the shipping bill in the committee on Merchant Marine and Fisheries, quite as earnestly, as Senator Frye has been championing such legislation for years at his end of the Capital, recently inaugurated a movement calculated to start the Speaker to thinking favorably about the bill. At Mr. Littlefield's instance the members of the six New England delegations gathered to consult. There were two meetings before a full decision was reached. The outcome was authorization for Mr. Littlefield and Mr. Greene, of Massachusetts, to visit the Speaker and impress upon him the importance of enacting the shipping bill at this session.

This will be followed by caucuses of the New York delegation, which includes Chairman Payne, of the Ways and Means Committee, as is now planned and it is hoped to get them to make similar representations to the Speaker. Pennsylvania, which has a very large Republican delegation, and New Jersey, will also be asked to follow a similar program. As these states are in the heart of the fighting ground for the next Congressional campaign, it is felt that a deep impression can be created upon the Speaker if these state delegations unite in favor of the bill. All of the states mentioned, quite as much as New England, have large shipping interests, which hitherto have been strongly allied with the Republican party. They have contributed liberally to Presidential and Congressional campaigns and the Republican managers have been in the habit of looking to them for material support.

Last fall when he made up his committee "Uncle Joe" packed the committee on Merchant Marine and Fisheries with opponents of a ship subsidy bill. He was well aware at the time that this would be the most important legislation to come before the committee and he did not want a majority in favor of it. Accordingly several Republican members were put on from middle western states where the only ship of popular interest is a prairie schooner. It is claimed that the committee now stands nine to nine— evenly divided—but that would suffice to prevent a bill being favorably reported and in fact places the program in the hands of the opposition.

At the same time it is realized that if "Uncle Joe" should relent, there would be no great difficulty in securing a majority for a favorable report. The practice of packing house committees is the cause of more than the usual complaint at this session of Congress. It has been followed for years

to the same method. I can assure you, Governor, that if the purpose of the enforcement of the law in this case is to give an object lesson to the rest of the Korean community, that object has been accomplished already. I have never seen a people more sorry than the Koreans are for what has occurred. I am among them all the time.

"Would you call the Koreans the most ignorant people we have on the islands?" asked the Governor.

"They are much more ignorant than the Japanese," Mr. Wadman answered. "These men were among the first Koreans landed here. I saw them at Kohala, some time ago, and they were then gambling and drinking. Mr. Yu warned these very men then that if they did not mend their ways they would get into trouble."

"They did not heed his warning, then?" asked the Governor.

"The Governor then asked Mr. Matsubara to give the Japanese definition of the crime of murder, and was told that it was about the same as the American, being taken from the Code Napoleon.

Mr. Wadman then went on to say that the whole Korean community had been impressed with the promptness with which these men had been brought to trial and convicted, the more by reason of the contrast it made with their own country, where official corruption was rife. Mr. Wadman also touched upon the fact that the men were under the influence of drink when the crime was committed.

AS TO DRUNKENNESS.

"I went very thoroughly into this feature of drunkenness at the trial," said Mr. Milverton, "and the witnesses were all positive that but one of the convicted men was at all under the influence of liquor. The bottle that was sent to them might have held a gallon, but it might have been only a quart—and there were seven men who drank from it."

The victim, it seems, was given a drink.

"It was true," Mr. Milverton said, "as Mr. Wadman claimed, that one of the murderers had at one time suggested letting the victim go, but later this man had apparently changed his mind, and had delivered some of the blows on the head that caused death. The other two for whom Mr. Wadman specially pleaded, (Chang Chi Yuel and Kim Yong Yee, had twisted the victim's legs and kindled the fire on his abdomen—whether it burned him or not."

Mr. Milverton read a letter from Carl Smith, attorney for the Koreans, who said that he could advance no reason why the sentence of the law should not be carried out—in fact, who thought

and Speaker Cannon is no new offender in that particular. The Federation of Labor, which has recently broken with Speaker Cannon and the President and decided to go into politics with a view this year for the purpose of preventing the re-election of members who do not favor legislation, has charged that the committee on labor has long been packed against the bills that organization favors.

In the same way it is charged that the Committee on Territories has been made up of men, known to reflect the Speaker's views about various territorial matters coming up there annually for consideration, including the statehood bill. However true all the current charges about packing committees may be, it is nevertheless the fact that the Speaker is able to control those committees and when he passes the word down that he does or does not want a certain bill favorably reported, his word goes.

RAILROAD RATE BILL.

The railroad rate bill contest is now in an interesting stage before the Senate. For a couple of weeks President Roosevelt has kept his hands off and left Senators free to frame a bill as they might think best. What the outcome will be is still somewhat problematical. There are now about fifteen Republican Senators—some say as many as twenty—ready to stand for the Hepburn bill unamended, which the President and Attorney General Moody originally approved. Chief among them is Senator Dooliver of Iowa, Burkett of Nebraska, Perkins of California and Clapp of Minnesota. These fifteen or twenty are ready to vote for the bill any day without any change, but the majority of the Republican Senators, although not enough to make a majority of the Senate, want a court review provision put in. The debate continues to rage among the constitutional lawyers about that court review and also about the power of Congress to forbid the granting of interlocking decrees suspending a commission-made rate.

This division among the Republicans gives the Democrats the balance of power and, as things look now, it will remain for the Democrats to determine very largely what those amendments shall be. Senator Bailey has an amendment for a court review and for forbidding the granting of interlocking decrees. Because of the divergent views on the Democratic side, it seems unlikely that there will be much unanimity on the vote on that side of the chamber. However, there are apparently plenty of Democrats to join with the forty Republicans, headed by Senators Crane, Spooner and Knox, to put a court review provision in the new law. There will also be something in the new law to facilitate trials and to protect shippers from loss while a rate is in the courts.

With those two amendments it seems now pretty certain that the rate bill will go to the President for signature. But how strongly it will be supported in the Senate is a difficult question to answer. One cannot easily tell now whether the Democrats or the Republicans are likely to get the most credit for the measure as it is finally shaped up. There is little doubt that the President will veto any bill on rate regulation which Congress sends to him.

ERNEST G. WALKER.

that it was necessary for the good of the community that it should be carried out.

Mr. Wadman then made a plea more forceful for mercy, saying that Koreans since they started down, would go down further and as unspookably lower than the Japanese. They seemed unable to stop themselves, as the Japanese could. And they were much given to quarreling among themselves after they had drunk only one or two glasses of the so-called California wine.

"Do you think that drunkenness should be a bar to punishment for crime?" asked the Acting Governor.

"No," answered Mr. Wadman, with some slight hesitation, "I do not—not in all cases."

This virtually closed the hearing, although there followed some general conversation on the case. The Governor, in parting with the gentlemen, said that he would take the matter under advisement.

SMITH AND ACHI

(Continued from Page 1.)

by any of them, or by any other person on their behalf;

Second—That there are no formal charges made against the defendant;

Third—That this board has no jurisdiction in the matter;

Fourth—That the complaint made by W. W. Thayer was not made to your honorable body, but was made to A. M. Brown, Esq., sheriff of the County of Oahu;

Fifth—That if the affidavits of Eunike, Kalaikapu, and Chin Kin, alias Ah Kina were true, there is no offence committed by the defendant;

Sixth—That if the affidavits made by A. M. Brown, Chester Doyle and Joe Leal are true, it is no malfeasance, or maladministration in law;

Seventh—That there are only twenty legal voters and residents residing at Koolauloa, who signed the said petition or complaint.

Wherefore, and for divers other good causes of demur appearing on said complaint, this defendant demurs thereto, and he prays a judgment of this honorable body whether he shall be compelled to make further, or any answer to the said complaint; and he humbly prays to be hence dismissed with his reasonable costs in his behalf sustained.

GEORGE K. KEKAUOHA,

By W. C. ACHI, his attorney.

Dated Honolulu, April 16, 1906.

After the board of impeachment had adjourned last night, on Adam's request, a session of the Board of Supervisors was held, to dispose of some accumulated business.

The minutes of the last meeting were read by the clerk.

The following appropriations were made:

- Police department, \$37.15.
- County clerk, \$10.
- Electric light department, \$15.
- Garbage department, \$618.15.
- Road department, \$1298.66.
- Road tax special deposit (Honolulu), \$3666.12.

BROWN'S VIRTUOUS INDIGNATION.

The following communication was read:

April 14, 1906.

E. R. Adams, Esq., Chairman, Police Committee, Board of Supervisors, County of Oahu.

Dear Sir: In this morning's Advertiser appeared an article entitled "Third Degree as Given at the Police Station."

This article is so absolutely false and misleading and, as I believe, published for the sole purpose of injuring me and the administration of the police department, in the eyes of the public, that I am most desirous of having the Board of Supervisors investigate the matter and report the facts as they find them. I beg to remain,

Very respectfully,

A. M. BROWN,

Sheriff, County of Oahu.

Adams thought that the special committee should be appointed to investigate the charges.

The chair remarked that the matter was an important one and appointed Moore and Archer, a committee to investigate, of which the chair will form one, ex officio.

Adjourned to call of the chair.

The American Sugar Co., Ltd., have declared a dividend which is due and payable on next Friday.

Don't neglect your cough. Stop it at once and drive away all thought of consumption. Begin as early as possible—the sooner the better—to take

Ayer's Cherry Pectoral

the most effective remedy for coughs and colds of every kind and in every stage.

One of the most annoying coughs is a throat cough, where you have that constant tickling in your throat. It comes on worse at night, keeps you awake, and makes you have that smothered feeling in the chest. Ayer's Cherry Pectoral quiets the cough, makes breathing easy, and heals the lungs. There is no other remedy so surely to be relied on.

There are many substitutes and imitations. Beware of them and of so-called "Genuine Cherry Pectoral." Be sure you get AYER'S Cherry Pectoral.

Put up in large and small bottles.

Prepared by J. C. Ayer & Co., Lowell, Mass., U.S.A.

HOLLISTER DRUG CO., AGENTS

THE BOOM IN RUBBER

Faith in the islands as a section of the world for the producing of rubber is growing and there is now a second corporation to operate the lands at Nahiku in the cultivation of rubber trees. The Hawaiian-American Rubber Co., capital \$80,000, filed its papers yesterday with the following persons as incorporators: Hugh Howell, Harry Baldwin, James L. Coke, William Williamson, L. Barkhausen, C. D. Luffkin and John Duggan. The shares are \$50 each, all paid up.

The company has 220 acres of land at Nahiku, Maui, and contemplates taking in some that has been dropped by the homesteaders in that vicinity. Much of the land adjoins that of the Nahiku Company, but it is all below the government road, at an elevation of less than 900 feet. The incorporators have taken over a number of individual holdings and now have 7000 trees growing. They range from seedlings to a height of twenty feet and 4000 are a year old. They have been storing seeds until now they have 40,000 already sprouted. It is believed that for rapid growth the trees on the lower elevation, where the lands of this new company are located, have advantages over the upper lands. Of the land under the control of the company 220 acres are cleared ready for the new trees and several thousand holes are dug. It is expected that by January next there will be 150,000 trees in the ground.

Thielen and Williamson, who have financed the proposition, have already ordered 240,000 seeds of the Hevea and Ceara trees, varieties that have been highly recommended by rubber experts for the soil in this Territory. Mr. Williamson of the firm spent two weeks in the district and investigated from all the viewpoints and when he left for Honolulu he was satisfied that the industry would be a success. He says he believes there is land in some of the gulches on Hawaii that will produce the finest grade of rubber with proper attention. Dr. A. B. Clarke, who returned from Hawaii a week or two ago, showed a sample of rubber weighing four ounces which he had secured from one of the old trees in the Hilo Hotel grounds. Mr. Williamson shows a piece of rubber weighing several ounces that was produced by a tree at Nahiku less than two years old. The prospectus of the Hawaiian-American Co. will be issued at once and Mr. Williamson says the stock will all be taken up within thirty days.

GAME RUNNING

(Continued from Page 1.)

the gold piece, it being covered by some of the gamblers. Again the Jap won, but this time he "pinched" and only \$1.50. His next shake was a natural and for a third time the man with the bones made a pass. He took up the 33, gave fifty cents to Kekapa as the customary rake-off and then prepared to attempt to make a fourth pass, putting down \$2.50 as the bet, which was quickly "faded" by Kekapa. Just then the much-engrossed crowd became aware of the reporter's presence among them by a whine exclaiming, "Look at the Jap!" They all took a look but their inspection could not have been of a very reassuring nature, for Kapa's collared the dice. Kekapa grabbed the stakes, together with some money which was lying on the ground in front of him, and the crowd walked away.

The Advertiser man went over to Beretania street and at the corner of Beretania and Maunakea streets, saw Officer K. Nohunohu, whose badge number was 16, engaged apparently in watching that no one ran away with the saloon across the way. Of him the scribe enquired the time of day. The officer said that it was 4:14 p. m.

The newspaperman returned to the scene of the late game and found that the crowd had reassembled and were preparing to gamble again.

Kekapa approached him and asked him if he was going to make trouble. On receiving a reply in the affirmative, he asked him not to mention his, Kekapa's, name in connection with the matter offering to do whatever the reporter wanted, in return for the favor. Finally he suggested that they adjourn to a neighboring saloon to talk matters over.

Kekapa is said to have been winner to the extent of \$40 yesterday, and \$60, the day previous. He is one of the oldest and boldest gamblers in Honolulu but has, so far, suffered little molestation at the hands of the police.

About four years ago, when Deputy Sheriff Henry Vida was running the California saloon on lower Nuuanu street, Kekapa for months conducted a keno and crap game in the little coffee shop which used to be situated at the corner of Nuuanu and King streets. This place he ran wide open as a gambling joint by day and night, enjoying an extensive patronage, and being apparently immune from police interference.

Of late his side-kickers Loma, Geo. Kaes, Kikila and Napa have all fallen into the clutches of the law but for some occult reason, Kekapa has always managed to keep clear.

Police Officer Nohunohu on being questioned later in the afternoon by the Advertiser man, as to if he was aware of existence of the Kaumakapili game, said that he knew there was a crap game run there but added that he could do nothing, as the moment the gamblers saw him coming, they would run away.

COLLECTOR INDICTED

HUFFALO, New York, April 16.—F. C. Murray, collector of the port at this place, has been indicted for stealing \$38,870 from Erie County and for receiving a like amount of stolen property.