

AUTOIST MAY BE SUED FOR DAMAGES

Carl Schafer's Non-Conviction in Police Court Does Not Suit Injured Ones.

(From Wednesday Advertiser)

Following the failure of Judge Monarrat of the district court to convict Carl Schafer of heedless driving following his arrest for smashing into James K. Parish and Miss Irma Wodehouse at McCully and Beretania streets three weeks ago, preparations are now being made to file damage suits against him and through the case out again in the civil court.

The case was tried by Judge Monarrat a week ago today, and although some of the defendant's own witnesses contradicted his personal testimony he was found not guilty and discharged. A partial transcript of the testimony given in the case, from the district court evidence book, with only the immaterial portions omitted, shows the grounds for the contemplated suit:

James R. Parish, son of L. A. C. Parish, and driver of the motorcycle on which Miss Wodehouse was a passenger, testified as follows:

"I was riding and driving a motorcycle at the corner of McCully and Beretania streets. I was coming up McCully street to turn into Beretania avenue. Irma Wodehouse was riding with me. My motorcycle is a tandem. I was coming up McCully on my right and was turning towards town on Beretania avenue. About fifty feet away I saw the defendant's machine. He was coming on his right. When I saw it, I speeded up a little, the only thing I could do, to get out of the way of his machine. I was going about eight or ten miles an hour.

"Schafer's machine was coming a little less than thirty miles an hour. The left hand fender of defendant's machine struck my motorcycle and the collision threw me from my machine. My motorcycle fell over me and dropped in front of me. When I turned around I heard the girl say 'O, my leg!' The front part of the machine just passed the corner when I saw the machine coming. I was struck before I could have gone eight feet. I talked the defendant to stop. The girl was placed in his machine and taken to Doctor Sinclair, who dressed her wound and sent her to the hospital. Defendant did not touch his horn. I didn't hear it. He admitted that he did not touch his horn."

Upon his cross-examination he stated that the street was very dry. Also that he did not touch his own horn as he was going so slow he could do nothing more than tend to his machine.

The next witnesses were police officers, one of them young Parish's father, who testified to Schafer's statements upon his arrival at the station. Parish said: "I heard the defendant tell Sergeant Nawahi that he was going forty miles an hour and that he did not touch his horn before coming to this corner." Sergeant Nawahi took the stand and testified to the same effect.

No evidence was put on concerning the condition of the injured girl, who sustained a compound fracture of the leg and whose condition was so serious that it was watched closely for several days for fear that amputation would be necessary.

In his own statement on the stand Schafer said:

"When I turned into Beretania I noticed the street was muddy; I thought that it had been raining, but when I saw a sprinkling wagon in front I knew the street was being sprinkled. I was going then about fifteen miles an hour as I noticed from my speedometer. I slowed down a bit until we passed Alexander street and then I started to speed up a little more. We were going about eighteen or twenty miles an hour.

"Just as we came to this corner the motorcycle came into view cutting the corner, I should say, about three or four feet. I put on my brakes, but it did not stop the car. I rode about twenty or twenty-five feet. I did not say to the officer that we were going forty miles an hour. What I said was that if we were going forty miles an hour the riders would have been killed."

On his cross-examination he added that there was a three or four foot hedge at that corner, but that he did not blow his horn. "The reason that I did not touch my horn was because the street was muddy. All I could do was to keep my hands on the steering gear."

In rebuttal, William Keawe testified: "It might have been muddy or somewhat wet on the makai side of the street, but where I picked the motorcycle up it was dry and dusty."

Concerning sprinkling carts, the driver of the wagon, subpoenaed by Schafer himself, testified: "I don't remember that way at all, where the accident happened. It wasn't raining that day at all."

Miss Lucy Dimond, Schafer's companion in the automobile, said: "We were going to Kaimuki. I did not look at the speedometer. We were going about twenty miles an hour. We saw the motorcycle coming and cut the corner and the accident happened. Mr. Schafer proceeded twenty or twenty-five feet and turned around. Parish howled at us to turn back."

The collision happened so suddenly that I did not notice what Schafer did."

REALTY TRANSACTIONS.

Entered of Record January 15, 1913. Y Miyas and wf to Edward G Dui... T Hiraiwa to Hop Chong Chee Kee... E U Pohlmann et al to L A Dekey... Tattie Kamannu to D Kosma... Chang Hon and wf to Arthur Ayet... Mando Pukooka and wf to Sadajiro Fujimoto... W K Nannau and wf to Jay Cheo Kung Yick Co et al to Wm R Castle Tr... John J Combs to F E Thompson... City Mill Co Ltd to Y Ah Lee et al... Entered of Record January 16, 1913. D Niau and wf to Emma P Makee... Miyasato Kama to Hawaii Preserving Co Ltd... K Isa to von Hamm-Young Co Ltd... Jas F Morgan Co Ltd to Ching Zane Shee (w)... Chung Zane Shee and hb to Patrick Fitzgibbons... Paukohala and wf to James Armstrong... Oahu Lodge No 1 K of P of Hon by Trs to B N Norton... Oahu Lodge No 1 K of P of Hon by Trs to Benjamin H Norton... F Furuyama to K T Horiuchi... Est of Robert V Holt by Tr to L S Holt... John L Kalani by Atty to Caroline J Robinson... Henry Waterhouse Trust Co Ltd et al to E F Schmidt and hb to E F Schmidt... Ernest F Schmidt to Cecil Brown Tr... Waterhouse Investment Co Ltd to T Harada... Sumida Gotochi to Thomas Pineapple Co Ltd... Entered of Record January 17, 1913. James T Leach to Nelson K Sniffin and wf... Geo Cockett and wf to David Taylor Jr... Honolulu Lava Brick Co Ltd to Henry Waterhouse Trust Co Ltd Tr... William R Castle and wf to Harvey R Hitchcock Jr et al... Robert Kalekiki and wf to R W Holt... Chock Lee Shee (widow) to Grace D Sedgwick... Dowsett Co Ltd to H A Heen... Dowsett Co Ltd by Trs of bondholders to H A Heen... Ontai Bros to Dragon Soda Works Co... Entered of Record January 18, 1913. J H Kamauna to James Sakai... Kabele Haina and hb to First Bank of Hilo Ltd... P Morita to E S Lim et al... Pelelilili Luppenni and wf to Kabue Pelelilili... Z Kokahae to Julia Len Wai... John Reinhardt to First Bank of Hilo Ltd... Hannah W Kelekolio and hb to W H Beers et al... Nagaran Fernandez to Mokihana Fernandez... Tam Look to von Hamm-Young Co Ltd... 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John R Galt and wf to Mrs Lucretia M Dayton... William R Castle and wf to Bishop & Co... George F Straub to Notice... Chas S Martin and wf to A P Lederer... A P Lederer and wf to H L Kerr... Kaimuki Grocery Co... Jemima H Gibb and hb to Beatrice K Hoggard... Beatrice K Hoggard and hb to Guardian Trust Co Ltd... Margaret F Castle by Tr to E White Sutton... E White Sutton and wf to Guardian Trust Co Ltd... Henry F Damon to Oliver G Lansing... G L Samson and wf to Oliver G Lansing... Oliver G Lansing to James L Leach... Mary ret Simonton and hb to J Hair... Jennie Hair to Trs of W C Lunasille Est... Entered of Record January 21, 1913. K Sato to Chas E King... David K Ewaliko to William H Beers... Hannah W Kelekolio and hb to W H Beers Tr... H Hata to Susan Kabushiki Kaimuki Ltd... Matsukawa to W H Smith Tr... Nathan C Willifung and wf to W M Burnett... Frederick H Hayselden to Alice M K Hayselden... Kainoale Abulli and hb to John Miguel... 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FINE PROGRAM OF MILITARY SPORTS

Details For Washington's Birthday Meet Include Some Rare Events.

SCHOFFIELD BARRACKS, January 28.—The program of events for the military athletic meet of the department of Hawaii, to be held at Kapiolani Park, on February 22, has been prepared. It includes the following:

EXHIBITION DRILL. BAYONET DRILL — 10 minutes—Company C, First Infantry. CAVALRY DRILL — 30 minutes—two troops of the Fourth Cavalry. BUTTS MANUAL (Rifle Drill to music) First and Second sets—one battalion of the Second Infantry. BATTERY DRILL — 20 minutes—One Battery of the First Field Artillery.

COMPETITIVE EVENTS. EQUIPMENT RACE — Entries: Three from each infantry regiment; two from Coast Artillery, District of Oahu; one from Company I, Third Battalion of Engineers. 100-YARD DASH — (A. A. U. Rules) — Entries: Three from each complete regiment; three from Coast Artillery, District of Oahu; one from Company I, Third Battalion of Engineers; two from First Field Artillery.

MAHINE GUN PLatoon CONTEST — Entries: One gun from each regiment. RACE FOR RETIRING SHARP-SHOOTERS — Entries: Three from each full regiment; three from Coast Artillery, District of Oahu; one from Company I, Third Battalion of Engineers. ONE MILE RELAY RACE — (A. A. U. Rules) — Entries: Teams of four men from each regiment, and one team from the Coast Artillery, District of Oahu.

MOUNTED FENCING — Entries: Four from Fourth Cavalry. WALL SCALING CONTEST — Entries: One squad from each regiment; one squad from Fort Kamehameha; one squad from Fort Ruger; one squad from Company I, Engineers. DRIVER'S CONTEST — (Field Artillery) — Entries: Two teams to be designated by the Regimental Commander, First Field Artillery.

Prizes. Cash prizes will be awarded the organizations participating in the exhibition drills. In the competitive events, the winners of the first, second, fourth and sixth events will receive gold, silver and bronze medals. The winners of the third, fifth, seventh and eighth events will be awarded cups.

Major Joseph Frasier, First Infantry, who was president of the board of officers which met on Saturday and prepared the above program, has been designated as officer in charge of the meet, and will make all necessary arrangements, acting under instructions from department headquarters.

ARMY AND NAVY NEWS.

The sales branch of the subsistence store of the quartermaster department of the army here will be moved today from its present location on Halekua street to the quartermaster warehouse on Hotel street. Beginning with February 1 the office will be located at the warehouse. The phone number is 3933. Between the three days of closing and reopening customers are warned to lay in a sufficient supply of subsistence stores to keep them going.

Quartermaster Sergeant Chauncey Wade, quartermaster corps, has been ordered from the mainland to Schofield Barracks. Privates Edward Lehy and E. R. Manning of the engineer corps at Fort De Russy, are transferred to the quartermaster corps with station at the same post.

Sergeant Edward Hudson, Corporal George Jones and Privates Britton Housman, Andrew Perkins and L. E. Wilson, 159th Company, Coast Artillery; and Private Jos. J. Zanias, 105th Company, at Fort Ruger, are transferred as privates to the quartermaster corps, for duty at Ruger.

Sergeant G. Breitfeld, Corporal Merrill, Lance Corporal G. A. Anderson and Privates John Bartoszeki, J. J. Corcoran, P. Rau, C. M. Larsen, H. Martin and Dennis Ryan, of the Second Infantry, are detailed to the quartermaster corps, with station at Fort Shafter.

The official findings in the case of First Lieutenant John Hume, Fifth Cavalry, who was court-martialed for disobeying an order of the commanding officer, have been received at department headquarters from the reviewing authority at San Francisco. Lieutenant Hume was ordered to be present on October 29, 1912, when his troop was to be inspected by the surgeon. He failed to be present. He was found guilty, sentenced to four months' confinement to the limits of the post and a forfeiture of \$25 a month for that period.

Second Lieutenant Warder H. Roberts, First Infantry, has been found physically incapacitated for active service as a result of causes not incident to service, and has been dropped from the Army rolls. His name will not hereafter appear in the army register. Lieutenant Roberts was appointed a cadet at the Military Academy June 15, 1905, from Illinois, and was commissioned a second lieutenant in the Twenty-fifth Infantry June 11, 1909, and transferred to the First Infantry October 18, 1909.

C. H. Donliffe, manager of the Bingham and New Haven Mining Company of Bingham, Utah, and wife, who have been visiting in the Hawaiian Islands for several weeks, return to Salt Lake by the Mongolia today. Other Utah tourists who are returning in the Wilhelmiana and Mongolia are Mr. and Mrs. Dorn, Mr. and Mrs. Nibley, the Merrs, Peery and their families and W. F. Colton. They have all had a jolly time in Honolulu.



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LOSS OF LIFE WHEN BARN BURNS IN KONA

HILO, January 26.—Five hundred lives were lost when Judge Matthewman's barn at Huehelo, North Kona, was destroyed by fire on Sunday night, there being that many grown fowls roasted, in addition to a few incubators full of eggs on their way to fowlhood. The blaze broke out at about eleven o'clock, and all efforts to stop it were unavailing. The building was burned to the ground. It is believed that the fire started from the lamp of one of the incubators.

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