

JAMES P. CURRAN MUST SERVE FOUR MONTHS IN JAIL

Supreme Court Overrules Defendant's Exceptions in Conviction By Jury Trial

CLOSE OF LONG-FOUGHT ASSAULT AND BATTERY CASE

Associate Justice Quarles Files Lengthy Opinion Dissenting From Majority

James P. Curran, said to be afflicted with the structural iron workers' organization of the mainland, will have to serve four months' imprisonment in the city jail for assault and battery he committed on a Part Cherokee Indian named Terry in a saloon in Honolulu quite a while ago.

Curran's exceptions to his conviction by a jury in Judge Ashford's court were overruled yesterday by the supreme court in a majority opinion written by Chief Justice Robertson and concurred in by Associate Justice Watson. Associate Justice Quarles filed a sixteen-page dissenting opinion. The majority opinion covered nine pages.

The main exception was over the admission of the testimony of a witness taken from the proceedings in the first trial of the case, which has resulted in a failure of the jury to agree. When the second trial came up, that at which Curran was convicted, this particular witness was in the mainland.

Under the circumstances we think the prosecution was not obliged to obtain the man by subpoena or under the statute relating to the detention of witnesses in criminal cases. If the case could not be postponed until the return of the witness justice required that the testimony given by the witness at the former trial should be admitted.

The evidence in the case was conflicting, but the jury, of course, were the judges of the credibility of the witnesses and the weight of their testimony. There was ample evidence to sustain the verdict.

The exceptions are overruled. The story of the case is well told in the preamble of the majority opinion of the supreme court, as follows:

Curran Had No Counsel. This case comes to this court upon the defendant's bill of exceptions. The defendant has no counsel.

The defendant was charged with having committed the offense of assault and battery, and, the jury having disagreed, the case was called up again for trial on the twenty-second day of November, 1915. At the outset counsel for the defendant interposed an objection to certain jurors who had been summoned for a special venire.

The defendant was charged with having committed the offense of assault and battery, and, the jury having disagreed, the case was called up again for trial on the twenty-second day of November, 1915. At the outset counsel for the defendant interposed an objection to certain jurors who had been summoned for a special venire.

After some discussion the suggestion was accepted by counsel. The prosecuting attorney then stated that as the trial was to be postponed he would ask that it stand over until the fifteenth of December for the reason that an important witness for the prosecution (meaning Derda) who was expected to return to Honolulu on November 13 would not return until December 14.

The trial having been commenced, the prosecution put in testimony showing that the witness Derda is an enlisted man in the United States army stationed at Honolulu; that on account of the illness of his wife he was granted a furlough for the period of eighty-three days and left for San Francisco on the transport Logan on September 4, 1915; that the furlough would expire on December 4, and that he was expected to reach Honolulu on the transport which would arrive on the thirteenth or fourteenth of December, and that he was not in the Territory at the time of the trial.

It further appeared that the prosecuting officers knew that the witness was intending to leave the Territory on furlough and took no steps to subpoena him or have him detained as a witness. The court reporter was then called and testified to having recorded the testimony of Derda as given on the previous trial of the case, and that he had correctly transcribed his shorthand notes. The transcript of the testimony of the witness was then offered in evidence and admitted over the objection of the defendant.

The grounds of objection were stated by counsel to be that the evidence

BIG ISLAND NEEDS MORE BIG HOTELS

Hawaii Publicity Pleased With Work Done During Year Just Ended

The Hawaii Publicity Commission, which was created a year ago by the merchants of the Big Island to exploit the attractions of the island of Hawaii and to encourage a greater tourist patronage, submitted its lengthy report its first annual report last week. The report tendered to the Hilo Board of Trade, not only is optimistic in its view toward the future, but recounts much actual work done and practical results accomplished the last twelve months.

One of the publicity commission's first duties was to select a publicity agent and establish headquarters in Honolulu. L. W. de Vis Norton was chosen for this work; the promotion committee invited him to share its office room in the Young Hotel building and the commission reports satisfaction with the results of his efforts.

Publicity Wide Spread. It estimates that at least \$20,000 has been spent in the Big Island in the year, including transportation to and from Honolulu by sightseers. Wide publicity has been procured, it states not only in the islands and the mainland of America, but in Canada, Australia, New Zealand and even as far as England.

An interesting and particularly worthy item for which the commission claims credit is the gradual disappearance of the spirit of knocking on the part of Honoluluans, in the latter's references to the Crescent City and the county of Hawaii generally. On this subject the report states: "In thus reviewing broadly the work just closed, we cannot refrain from commenting upon the tactical advantage we have secured by having our own agent in Honolulu. We feel we may say with justification that one of the results has been the almost complete elimination of the old spirit of 'knocking' from which the community has suffered.

"We have only to turn to the many unimpaired paragraphs given us by the Honolulu press to show that the 'capital city' recognizes the value of the work being done by Hilo through the publicity commission.

Charges Are Denied. "It is a significant fact that all the unpleasantness which has occurred during the twelve months under review has come from Hilo itself, and not from Honolulu, and the charges of unfair dealing and of favoritism which have been leveled at, and disproved by us, have all been of local origin, and without justification.

The report makes a comment of a shortage confronting that island in common with the others of the group in the matter of hotel accommodations for very large crowds. It says: "We are particularly impressed with the class of tourists we have received through our agent during the past year and we are even more impressed with the urgency of providing far more elaborate hotel accommodations. This is too large a question to take up in a short report, but it is a very live issue. If Hilo and the island in general are to benefit further from the tourist traffic, more modern facilities should be provided."

CADETS TO GET RAPID PROMOTION THIS YEAR

The one hundred and twenty-four cadets who were graduates from West Point this year are about to be favored with faster promotion than any other class that has ever been graduated from the Military Academy. Twenty-four of the class have been commissioned in the Corps of Engineers, the largest number of graduates who have ever been assigned to that branch of the army from any one class. Five of the class show high rank of numbers 11, 15, 16, 18 and 22 entitled them to the choice of the engineers declined to go to that corps and chose the Field Artillery instead. This gave the choice to the five men who ranked from 25 to 29 inclusive. Twenty-two cadets were commissioned in the cavalry, ten in the Field Artillery, forty-seven in the Infantry and twenty in the Coast Artillery. Many of these young officers will be promoted to the grade of First Lieutenant at once and, by instructions just issued by the Secretary of War, without being required to take the usual promotion examination for advancement.

When the evidence was offered the court suggested that the case might be postponed, saying: "The court is well aware that the defense has had its own choice in this matter, from the time the matter was called for trial yesterday, they could proceed or take a continuance, and they have that same choice right now." The defendant did not accept the suggestion that a continuance be taken, but elected to insist on his right to a speedy trial and to stand upon the exception taken to the admission of the evidence.

PHILIPPINE VESSELS ARE NOT RECOGNIZED AS OF UNITED STATES

San Francisco Assesses Extra Charges Against Two, Whereat Manila Marvels Much

Refusal of recognition of the Philippine steamers Governor Forbes and Panny by the port authorities of San Francisco, and the assessment of extra tonnage charges against foreign vessels of undetermined nationality has caused surprise in Manila. Advice from Manila said that the ships not only were compelled to pay the ordinary port dues charged foreign steamers but also were assessed an extra fifty cents a net ton for flying the American flag and not being registered as American vessels. The missing steamer Rio Paig had a like experience in Seattle. The charges were paid under protest. President Signs Bill. Relief is in sight, however. A cablegram received at Manila said that President Wilson had signed the sundry civil bill passed by congress a short time ago, and that one of the provisions was the ratification of the action taken by the Philippine legislature late last year and in February of this year in passing the emergency internal revenue act and the tonnage tax act.

The provision referred to is quoted in the cable message as follows: "That the internal revenue taxes imposed by the Philippine legislature under the law enacted by that body on December 21, 1915, as amended by law enacted by that body on February 4, 1916, and the tonnage tax on vessels engaged in foreign trade enacted by that body on February 4, 1916, are hereby legalized and ratified and the collection of all such taxes heretofore or hereafter is hereby legalized, ratified and confirmed as fully to all intents and purposes as if the same had, by prior act of congress, been specifically authorized and directed."

In addition to this the cable states that "vessels owned by citizens of the Philippine islands and documented as such by the government of said islands shall hereafter be exempt, in ports of the United States, from the payment of tonnage taxes and light dues and the secretary of the treasury to be authorized, upon certification by the commissioner of navigation, to refund, out of any money in the treasury not otherwise appropriated, tonnage taxes and light dues imposed upon vessels owned and documented as aforesaid entering ports of the United States since August 1, 1914, provided that nothing contained herein shall be construed as exempting said vessels from any taxes or dues imposed by the government of the Philippine islands."

HERE THEY ARE—CHOOSE BETWEEN THEM. The argument as to the World's Greatest Ball Player for the length of a career gets down immediately to two names. One is John Peter Wagner. The other is Tyrus Raymond Cobb.

Wagner represents the National League in this debate; Cobb the American League. And you can find all the statistics you want to back up the claims advanced by partisans of both stars. Wagnerian Claims. Here are some of the claims entered by those who support Wagner:

- 1. Is the greatest shortstop baseball has ever known in defensive play.
2. Has batted 300 or better for 17 out of 19 years, with a good start on his twentieth campaign to make it 18 years.
3. Has led his league at bat eight years.
4. Has a 20-year batting average over .340.
5. At 42 is still a great shortstop, with a batting average above .320.
6. Has made more hits and scored more runs than any player in the game. Cobb Statistics.

Here are counter claims made by those who support Cobb in the big debate:

- 1. Has broken all records by leading his league nine years in succession at bat.
2. Holds the record of the game for runs and hits made in one season.
3. Holds the league record for stolen bases.
4. Has broken up more games, on the average, than any player who ever lived.
5. Has a complete batting average of .370, greater than Wagner's mark of .340.
6. Has greater yearly average of hits, runs and stolen bases than any player in the records of the game.

You can take these two claims and after thoroughly sifting them up can let the big debate begin.—Grantland Rice.

LARGE SUM IS SAVED THROUGH FAST WORK DONE ON GRACE SHIP

Santa Rita Departs Two Or Two and One-Half Days Early

Two or two and one-half days before she had been expected to depart, the Grace steam schooner Santa Rita sailed at ten-forty o'clock Saturday night for Seattle with 57,000 cases of canned pineapples.

This vessel arrived Thursday from Chile with 2057 long tons of nitrates for the P. G. & F. It was expected that she would sail about this evening or tomorrow morning. At six o'clock Thursday evening work of discharging the nitrates began. It was out by six o'clock Saturday morning. In the meantime, as holds were emptied, canned pineapples were being loaded. By eight o'clock Saturday night all the pineapples were in the vessel and she was ready for sea, so far as the stevedores were concerned.

Elapsed Time Fifty Hours. Elapsed time was only fifty hours. Working time was forty-two hours. From the time the vessel entered until she departed she was in port only fifty-three hours. Translated into dollars, it is probable that the owners or charterers of both gained \$1000 or \$1500 through this quick discharging and loading.

Recently the Sydney Herald complained because of the delays vessels were meeting there. Stevedores, the Herald said, put 57,404 bags of wheat aboard a vessel in four days, working six and one-half hours a day, and they claimed credit for loading her at the rate of 183 tons an hour. Had they worked continuously in shifts, instead of six and one-half hours a day, they would have had the vessel ready for sea three days earlier, saving \$400 a day, or approximately \$6000.

Whole City Is Gainer. In the long run the whole city of Sydney loses through delay to vessels and the whole city of Honolulu gains through facilitating them.

It is noteworthy, in this connection, that, despite late arrivals of Matson vessels here from San Francisco, due to the strike, not one has been delayed at Honolulu. The only late sailing from San Francisco was that of the Lurline voyage before last, and that was caused by a broken propeller blade, and not by any slowness in working her.

PORTUGUESE MAY MERGE SOCIETIES

J. F. Durao Hints At Plan While On Big Island Recently

News of the greatest interest to all members of the San Antonio and Lusitana societies was given out in Hilo last week, when Joseph F. Durao, an agent for the San Antonio Society stated that there was a possibility of the two societies combining to start a trust and banking business throughout the Territory.

Mr. Durao said that there was a movement on foot at this time to draw closer the relations between these two strong Portuguese societies, which are fraternal and beneficial in their purpose. At present each of these societies are paying out large sums to widows and dependents of former members; also that the large sums paid into the societies have to be deposited in the bank, where they draw only a small interest, while when funds are needed for members a large interest has to be paid.

If the negotiations now under way are brought to a successful issue, it is stated, the combined societies will be able to transact their own banking business and their members would receive the benefit of the added income, which such a financial combination would probably mean.

GOVERNOR IN SUBMARINE

Governor General Harrison last month took a dive sixty feet below the surface of Cavite bay in submarine B-1. At the time he was guest of the Asiatic torpedo boat flotilla. The submarine dropped to the depth indicated and circled around the Moundneck, the mobile tender for the submarine division.

SPORTS NEARLY HALF MILLION SPENT IN ATHLETICS OF FOUR BIG COLLEGES

Competitive Sport Is Expensive, But It Pays—Universities Show 13 Per Cent Profit

It still costs a lot of money to support college athletics, notwithstanding the demands of learned university presidents for the exercise of right economy. Four big universities—Harvard, Yale, Princeton and Pennsylvania—spent approximately \$450,000 during their last fiscal year to put their athletic teams on field, river and floor. And this does not count what university authorities expended for their gymnastic work. It represents simply the cost of competitive athletics.

It is impossible to more than approximate the number of students on whom these great sums are expended. But at the four institutions mentioned above there are probably 1000 students in each on the teams maintained by the various athletic associations. This means that for every athlete a university turns out the association spends about \$100 in the form of coaching uniforms, training tables, railroad fares, etc.

To the outsider this sounds like a pretty big sum, but it is nothing compared to what it costs to develop the few star athletes who represent their universities in championship contests. There is no way to determine this cost, but when it is remembered that every athletic squad is reduced three-fourths before the season is half over, it can be seen that \$100 per man doesn't begin to represent what it costs to develop teams that win championships.

The importance of the cost of college athletics is surpassed only by the earning power of college sports. During the year here considered Harvard, Yale, Princeton and Pennsylvania received a total of \$504,464.81, nearly all of it in gate receipts. At the four institutions the receipts exceeded the expenditures by about \$60,000, so that the percentage of profit was about thirteen cents on the dollar. Most business men would consider this a pretty good investment. As a matter of fact, the percentage of profit was greater than this, because the items of expenses in some cases represent permanent improvements.

Naturally, football was the great money-maker. In fact, this is the sport which has maintained all the minor sports, paid the deficits in track athletics and rowing, occasionally in baseball, and helped to build magnificent stadiums. Harvard found football more profitable than any of her rivals, although the sport cost the Crimson the most. Harvard's football surplus was \$4,780.89 against \$67,396.30 for Yale and \$53,716.64 for Princeton. The following table shows how the four leading universities compared in this one sport:

Table with columns: University, Receipts, Expenses. Harvard: \$120,449.59, \$5,668.70. Yale: \$9,347.47, \$1,951.17. Princeton: \$7,925.90, \$2,308.42. Pennsylvania: \$61,120.14, \$14,910.14.

Harvard's superiority over Yale in the matter of football receipts was due to the Crimson's possession of a wonderful team, and the further fact that Boston is a typical football city. It has a tremendous advantage over New Haven. Princeton suffers most from location in a small town, but the games with Harvard and Yale filled the Tigers' treasury. The small size of Pennsylvania's receipts may be attributed to poor teams, and the fact that neither Michigan nor Dartmouth draw as well as Harvard and the Indians, whose players have taken a good team at Pennsylvania would probably add a third to the Quakers' gridiron receipts.

For years baseball has been a paying sport at Harvard, Yale and Princeton. University Receipts Expenses. Harvard: \$6,567.37, \$28,156.88. Yale: \$5,369.01, \$24,927.92. Princeton: \$1,979.88, \$4,229.85. Pennsylvania: \$1,794.19, \$9,794.19.

Minor Sports Lose Money. With the exception of basketball at Pennsylvania all the minor sports are money losers and thrive through the surplus earned by football and baseball. Pennsylvania has been able to make money out of basketball for a number of years, and last year raised basketball to the dignity of a major sport. Such sports as swimming, wrestling, water polo, fencing, hockey, etc., live on appropriations.

shear's letter, the new organization is for the purpose of keeping up interest in golf among enthusiasts not members of the Oahu Country Club and also for the purpose of staging tournaments between the two organizations.

MOANALUA GOLF LINKS STILL OPEN TO PUBLIC

Formation of Honolulu Golf Club Will Not Change Conditions

The formation of the Honolulu Golf Club does not mean that the Moanalua golf links will be closed to the public not included in the membership roll of the club. In allowing the organizers of the new Honolulu Golf Club the use of the links this was one of the stipulations made by the owners. The other was that there be no changes made in buildings or existing conditions.

The following letter from Mrs. F. M. Damon addressed to R. C. Blackbeard, who undertook the work of organizing the club, is self-explanatory. "Your letter in regard to forming a golf club to play at Moanalua came some days ago and I am sorry for the necessary delay in answering it. We appreciate very much the interest shown in the Moanalua links and your kind expression in regard to the upkeep."

"I quite see your reasons for wishing to form a club to keep up the interest and for competition, and I think there would be no objection to your Club playing on the links if certain conditions were observed, such as: 1. That this would in no way shut out those people outside of the Club who might wish to use the links. 2. That no changes be made in buildings or other existing conditions. 3. I prefer also not to have the name Moanalua Golf Club used as it might be misleading to the general public interested in the game, and who are always welcome on the links. Perhaps you could revive the old Honolulu Golf Club and continue under that name." As is indicated by the reply to Black-

Yesterday's results: American League. Chicago 1, Washington 2. St. Louis 0, Boston 1. Detroit 2, New York 4. Cleveland 5, Philadelphia 2. SERAPHS STILL LEAD. Pacific Coast League. Los Angeles 3, Vernon 4; Los Angeles 6, Vernon 0. San Francisco 0, Salt Lake 0; San Francisco 8, Salt Lake 5. Portland 3, Oakland 1.

OLD LADY'S SKULL BEARS HARD BUMPS

An informal at home in Moiliili, which was initiated Saturday night, terminated about five o'clock yesterday morning, at which time three all-night hacks took away the guests while the city ambulance removed the hostess. The lady complained of a fractured skull, but insisted on sitting up in the hurry-wagon and telling about the entertainment she had given.

Investigation by Police Sergeant Ayer showed that her skull was intact. While sixty-five years of age, she bore up bravely under a bruise over the eye and a prodigious bang on the jaw. These marks of festivity she had received from her friends.

A little later in the day Dr. Ayer had to attend to a young lady, nineteen years of age, who had been wounded at the same social function. She, it seems, had had a knife in her hand, and one of her male relatives, fearing that she might cut herself, had pulled it away from her, with the result that he cut the palm of her hand severely.

Facial contusions and headaches were the favors distributed at the soiree.

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