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QUESTIONS FILED

If an Innocent Man is Punished, What Then?

AS TO PERIL OF REAL CRIMINAL

Statutes and the Principles of Law. Court Holdings—Finding the Horizon From Elevations.

MR. EDITOR:—Will you please answer through your columns the following question:

If a man is hung for murder, and later is found out to have been innocent by the confession of another, can the man that confesses be brought to trial and punished?

By answering the above, you will oblige an old subscriber as well as deciding an argument.
Respectfully,
HAMAKUA.

[The answer to this question, involves like most law propositions, some doubt. We believe that lawyers would generally agree in the opinion that the person confessing the crime could be legally punished. The law looks for the guilty party. The punishment of an innocent person does not punish the guilty.

Our statute reads: "Whoever is guilty of murder in the first degree shall suffer the punishment of death." If a man suffers who is not guilty, how does that suffering release the person who is guilty?

We hear that it has been held by some Courts that in a case like the one presented the person confessing the crime cannot be punished. But in forty-five different States, it is impossible to say what the Courts would hold. Until there are some uniform decisions in such a case, we should say that there was no general law on the subject. But reasoning from principles, we would say that the confessing person might be punished.—
THE EDITOR.

Honolulu, H. I., Feb. 8.
MR. EDITOR:—It is said that no matter at what elevation you may be you will always be on a level with the horizon. For instance, if you stand on Mount Tantalus and sight through a telescope set with spirit level you will look directly at the horizon instead of the sky above it. What is the reason?

This note was submitted to a Government official who has for a quarter of a century or more made a business of looking through telescopes set level. He said he was reminded of the famous question of why was it that a glass full of water would not run over if a fish were dropped in it. The answer was that the glass would run over. A sight from Tantalus or any elevation through a telescope set level, said the official at once, would disclose the sky. He then produced Bowditch and explained "dips," etc., as understood in connection with triangulations and marine calculations. Another story brought out by this veteran related to the occasion on which Benjamin Franklin hoaxed the French Academy of Sciences. On leaving the assembly hall one day he touched his hand against the leather covering of the umbrella rack and found that one side of it was quite heated from exposure to the sun. He gave the rack half a revolution and then called a number of his colleagues and suggested an investigation as to why the side of the rack that was away from the sun was heated. This was one of "Poor Richards" jokes and it made a tremendous hit.

A Straw.

A member of the Government was approached yesterday by a man from the States who has good credentials and who wanted to talk business along a line that indicates "something in the air." The visitor wanted to know if it would be possible in any way to arrange to charter the Government dredger for use at Pearl Harbor for operations to be conducted by the United States. The reply was that such a proposition would most likely receive due consideration if formally presented. The fact is that the Hawaiian Government has work ahead indefinitely for the dredger.

Typewriting Job.

A Fort street young man who does typewriting for all comers was approached a few days ago to make a tender on a job of surprising proportions. He was asked to make an estimate on the cost of copying 216,000-000 words. This is enough words for a few hundred Bibles. After figuring for some time the office man named \$180,000 as the price. He has not yet been awarded the contract.

Coffee and Fruit Land.

Under instructions from the Trustees of the B. P. Bishop Estate, Jas. F. Morgan will sell at auction, on Wednesday, March 23d, at his salesrooms, leases for 21 years of valuable fruit and coffee land in South Kona, Hawaii. Maps and form of lease to be seen at the B. P. Bishop Estate office, Merchant street, and with J. D. Paris, at Napoointo, Kona, Hawaii.

One Year.
A Becker, the bluejacket from the Baltimore who recently assaulted with

a deadly weapon, a Chinaman in Kapaemoo, was sentenced Saturday to one year's imprisonment at hard labor.

A New Agency.

A temporary office as the Honolulu branch of Alexander & Baldwin of San Francisco and Maui has been established over the hardware house of John Nott, on King street. The place is in charge of Jos. Cooke. It is said that in time he will be assisted by Chas. Baldwin and that the new branch will have the local agency of the Makaweli plantation.

Hilo Masons.

Andrew Brown, District Inspector, Jos. Little, Arch. Gillfillan and half a dozen other prominent Masons will leave by the next Kinau for Hilo to do some work for the order at that place. Mr. Brown will deliver to Kilauea Masonic Lodge at Hilo, its charter and will direct the installation of officers. The lodge there has been working under dispensation for a year, but will now be firmly attached to the Grand Lodge of California. Masonry has made progress with everything else in Hilo and the lodge there, with its neat Hawaiian name, is thriving and growing. Robt. More is the master.

Extensive Road Building.

W. E. Rowell, Superintendent of Public Works, has finished several sections of his report and is sending them to the printer through the Interior office. The chapter on roads will be of particular interest. For the eighteen months ending with 1897, there has been built on the Island of Hawaii, under the direction of Mr. Bruner, 92 miles of road, opening up an immense area of new land. On Maui there has been built 17 miles of new road. Kauai has been pretty well fixed for roads for some time. Oahu during the period has had only about four miles of new road added to the system.

For Water and Streets.

Several city neighborhood petitions are ready for the Legislature. They will be handed in early in the session and will not be fled away for all time after being read. Those of merit will be watched and urged. About all of them are for extension and enlargement of water mains and for street work. In several favored residence localities the streets are far from what they should be and in a number of boroughs water is sadly needed. The newly occupied district mauka of the park will enter a special plea for water.

French Warships.

When the Duguay Trouin arrived in this port it was stated almost officially that her stay would be indefinite. The inference was that a French warship would be in this port continuously pending disposition of the annexation treaty at Washington. In some quarters it was more than half expected that the Duguay Trouin would make a trip of a few miles or days and return to port. This is not regarded now as being likely, but it is asserted that another French ship will soon appear here and anchor for a long stay.

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JONES THE WINNER

Bests Terrill in Straight Heats at Cyclomere.

GEO. MARTIN LEADS BILMARTIN

The Newcomer Given a Surprise. New Third of a Mile Mark—Row On the Track—Sylvester's Work.

Cyclomere track was again brilliantly lighted last night and an audience of a thousand or more turned out to see the races. The band played a rousing march and then came the Terrill-Jones two-thirds mile match race. As the riders appeared on the scratch, there was applause from the grandstand.

In the first heat of the match race, Terrill started out in the lead with Jones following very closely. The first lap was very slow but as the tape was passed, Jones set a swifter pace. Then came Terrill for the lead which he kept all the way to the home stretch. Jones was following closely and, just as the band finished the first bar, shot ahead, keeping in the lead and finishing first by over a length. Time, 1:46 2-5.

Second heat. Jones was started off first, Terrill preferring to remain just a second or so behind. The pace was very slow, the riders eyeing each other closely. At the end of the first lap, made in 1:15, Jones was ahead. He kept this all the way and, try as Terrill would to pass him he could not. Jones winning almost as he liked. Time, 2:05.

Mile handicap, amateur. First heat. Entries: H. Giles, scratch; A. Giles, 20 yards; C. C. Eakin, 30 yards; J. Gilman and J. Cowes, 50 yards; R. N. Halstead, 80 yards; J. S. Ellis, 100 yards. At the end of the second lap, H. Giles took the lead. The riders were all well bunched. Ellis dropped out. The Giles brothers took the lead but Arthur's spurt was too good for his brother Henry. He won first place by half a wheel's length. H. Giles was second and Halstead third. Time, 2:30 1-5.

Second heat. Entries: F. B. Damon, scratch; T. V. King and W. H. Cornwell, Jr., 20 yards; H. Ludloff, 40 yards; T. Treadway, 50 yards; F. Williams, 70 yards; H. Patrick, 100 yards. At the start, King broke his pedal and stopped. The bell did not ring and the race was on. Damon was up with the bunch at the end of the first lap which was made in 40 seconds. Patrick kept ahead of the bunch until the end of the second lap. Opposite the judges' stand, Damon took the lead but could not hold it. Ludloff forged ahead and Cornwell followed. Ludloff won in a fine spurt, with Cornwell second and Damon third. Time, 2:22 2-5. Very fast.

Final heat of the mile handicap, amateur. Entries: H. Giles, A. Giles, H. Ludloff and F. B. Damon, T. V. King. The last named was allowed in the final against the protest of Damon and other riders. At the start the scratch were soon up with the handicap men. The race was a very pretty one. Ludloff made a long spurt and won with Damon a close second and Giles third. Time, 2:44.

Mile handicap, professional. Entries: Bilmartin, scratch; George Martin, 30 yards; John Sylva, 40 yards; D. E. Whitman, 50 yards; D. G. Sylvester, 70 yards; Nigel Jackson, 110 yards. Nigel Jackson appeared in a pink suit and won the plaudits of the crowd. Bilmartin appeared next and bowed as he passed the stand and was heartily cheered. Each rider was applauded in turn as he passed the stand to his position.

The starter's pistol failed to connect but the word "Go" was given and the start made in ragged style. Jackson led to the finish of the second lap when he was passed. The bunch came down the stretch like the wind. Martin won first place, in a magnificent burst of speed with Bilmartin second, with Sylvester third. The very fast time of 2:18 was made.

A bad scene occurred just at the end of this race. An affray arose between T. V. King and Henry Giles on something that was said on the amateur final. King struck Giles a blow in the neck. Giles rushed in for a fray when Officer Bowers stepped up and ended the row. Giles came to the grandstand and shouted: "Anyone who said to me what King said, ought to be killed." King had already gone to his quarters and Giles went to his after he had made the remark. Giles struck at King when the offending remark was made.
Hisses were heard through the

grandstand just after the occurrence and quite a number of people left the place. Police were on the track at once and the excitement was soon quelled. The bell sounded for the next event and the band played a lively air.

Just here came an additional feature of the evening's program, a one-third mile exhibition, flying start, Sylvester, paced by Bilmartin and Jones. Sylvester made the very good time of 39 seconds flat, beating John Manoa's record for the Opal trophy.

Mile open, for boys. One heat. Entries: C. Holoua, J. Kaaka, W. Jordan and B. J. Rice. A mile was too much for the "kids." After they finished the second lap, they began to "wobble." However, Rice had a bunch of something up his sleeve and came over the line with flying colors, fully five seconds ahead of Holoua, the second man. Time, 2:47 4-5.

Exhibition one-third mile, flying start for Island professional championship, George Martin, paced by Terrill and Whitman. Record time of 37 1-5, equalling Sharick and setting a new mark for Manoa.

The last event on the evening's program was an exhibition one-third mile, flying start for the Island amateur championship, Arthur Giles paced by H. Giles and W. Lyle. Time, 41 seconds.

Robt. G. Shingle was referee at Cyclomere last evening. The former holder of that position is no longer connected with the official corps of the track. Geo. H. Paris has also retired as a judge.

Allan Jones had a few wagers on himself. His admirers remarked that it was like finding the money.

George Martin vs. Bilmartin is a match possibility.

Fred. B. Damon and the two Giles boys declared last night that they would not again ride in a race with Tom King.

Jones rode an 88 gear last night. He has been using an 80.

Following is the program for Saturday evening:

Mile open, professional, two heats and final. Two men from each heat and the third in the fastest heat, qualify for final.

1 2-3 mile lap race, amateur. \$5 trophy for winner of the first, second, third and fourth lap and \$15 for the final lap.

2-3 mile handicap, professional, one heat.

2-3 mile open, amateurs, two heats and final.

Exhibition 1-3 mile, Island amateur.

Exhibition 1-3 mile, Island professional.

These two exhibition contests will end Saturday night. The person holding the lowest record will be awarded the trophies.

The professional trophy is a handsome horse shoe scarf pin set with a fire opal and studded with clear cut diamonds.

The amateur trophy is a koa cup, silver mounted with three silver plaques on the side, two for Hawaiian views and one for the winner's name.

Entries for these events will close Thursday noon.

The Cabinet.

Acting President Cooper and the other members of the Cabinet were in convention for a couple of hours yesterday forenoon. A full dozen of topics were discussed. The subjects included: Reports, public improvements, expenditures for the next period, revenue probabilities, school system improvements. Much attention is now being given to the reports insisting that more school houses must be provided without delay.

Funeral.

The funeral of Mrs. Alice Davis took place from Central Union church yesterday afternoon, the Rev. D. P. Birnie officiating. The body was interred in the Makiki cemetery, H. H. Williams was in charge.

Deceased was 37 years of age and came here with Seaborn Luce and his family as a governess. She married Captain Davis here.

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