



ESTABLISHED JULY 2, 1858.

POLITICS IN THESE ISLANDS

Real Nature of the Hawaiian Row.

EVENING POST'S CORRESPONDENCE

A Careful Review of the Incidents Which Led to the Recent Troubles.

THE interest which the best-class of Eastern newspapers have in the political affairs of Hawaii led the editor of the New York Evening Post to ask of its correspondent a truthful review of the conditions here.

HONOLULU, October 23.—The charges brought by the Bar Association of Hawaii against Judge Abram S. Humphreys and recently dismissed by Attorney General Knox, together with the attacks made by Humphreys in his reply brief on certain conditions and usages existing here, charged by him against the Dole administration, and the party and factional controversies that have been given prominence by these charges and reply, seem to have created in the United States the impression that there is a bitter controversy between Governor Dole and Judge Humphreys.

Governor Dole is a man of sterling honesty, an honesty that is universally recognized in Hawaii, and respects the confidence of all classes in the Territory, and aside from a comparatively small but very noisy element of the population, almost entirely confined to Honolulu, and mostly made up of men who have come here since the overthrow of the monarchy and the perilous times which succeeded it, when every white man, almost, from the millionaire to the clerk and artisan, not only was ready to bear arms, but actually did bear them, and who know little or nothing of conditions out of which customs and legislation has grown, he has the support of the white population, and of a larger proportion of the native and the responsible classes of Japanese and Chinese than any other man in the Territory.

Judge Humphreys is a man of keen intellect and polished manner; a lawyer of ability and attainments, of strong but somewhat capricious will; strong and forceful in wielding men; but destructive rather than constructive in his abilities when applied to public or political conditions. He has a high sense of judicial and professional duty, but tainted and warped by extreme egotism and vanity and pride of attainments and capacity. His honesty in financial matters has never been questioned.

He came to Honolulu five or six years ago, and soon achieved an enviable position at the bar and a lucrative practice. He married here, his wife bringing him a considerable fortune. He took no prominent part in public affairs, and up to the time of the organization of Hawaii as a Territory, had certainly not been identified conspicuously with the opposition to Governor Dole.

MARTYRS TO THEIR FAITH.



a large portion of the bar, and numerous by others in the community. He was appointed a Judge of the Circuit Court of the Territory. Previous to this appointment he had taken active part in the organization of the republican party, and organized a corporation to start a new daily newspaper, the Honolulu Republican. In this corporation he was a large, if not the largest, stockholder, and with the stock of his mother-in-law, whose proxy he had, he held and still holds a controlling interest in the paper. From its first issue, which came from the press the day the Territorial Act went into effect, his paper has been vehement in its attacks on things as they are, and on Governor Dole's administration. It became the organ of opposition and the mouthpiece of antagonism. Judge Humphreys avowedly directed its policy until his appointment as Judge, and is reputed to have written many of its bitter editorials since. But with his appointment he resigned official connection with it, and has made efforts, he says, to dispose of his holdings of stock. But as the paper has not yet established itself on a paying basis, such efforts have not likely to be successful, and they have not been.

From the beginning of his career on the bench he has been the central figure of a series of sensational incidents brought about by his orders, rulings, and demeanor in the trial of causes, which have made him perhaps the most talked about man in the Territory. He fined and committed lawyers and others right and left for contempt, his purpose in many instances being avowedly to reform usages which had grown up, but of which he disapproved, and in others simply to enforce decorum and the dignity of courts. Of the merits of these several acts it would, perhaps, be impossible for a layman to judge. There seems no doubt, though, that in many instances he was justified, and doubtless some of the reforms were desirable. But his manner in many instances humiliated and antagonized members and sections of the bar, and did not inspire general confidence either in his motives or in the wisdom of the changes and reforms he proposed. During the campaign preceding the election of November, 1900, his paper antagonized elements in the republican party, and by his own statement he did not vote for all the party candidates. When

the result of the election became known, his paper vehemently attacked the management of the campaign, and was accused of expressing, in effect, satisfaction that the party had been defeated. With the beginning of the session of the legislature his paper placed itself in antagonism to every effort and act of the republican members of the legislature, became the acknowledged organ, adviser and guide of the Home Rule party in the legislature, advised nearly every attack and effort made by the Home Rule members against Governor Dole and his administration, and lost no opportunity to antagonize and embarrass the administration. Nightly conferences of the Home Rule members were held at the office of his paper, and frequently the party movements of the Home Rule members in the legislature for the day were foreshadowed in the editorials in his paper in the morning. He was reported to have had frequent conferences with the Home Rule legislators, and is reputed to have written many of their committee reports. On the other hand, the Home Rulers gave his paper all the legislative printing it had the facilities to do, and it was current belief that the Home Rulers looked to him and to his paper for guidance and advice. In spite of this, however, such was the incapacity of the legislative majority, few if any of the measures his paper advocated were passed, the only notable exception being an act taking from the high sheriff the power to summon juries, and placing it in the hands of bailiffs appointed by the courts. It has been charged that in return for this he admitted nearly all the native members of the legislature to practice in the lower courts, drafting for this purpose a special form of application not used in other cases. Whether this was the reason, the fact remains that he did so admit these men to practice, though, as they were admitted to practice only in courts equivalent to police or justice of the peace courts, it is hard to see wherein he is to be severely criticized.

Following the statement of Governor Dole that he believed there had been bribery in the legislature, a statement made as one of his reasons for not calling an extra session for general legislative purposes, Judge Humphreys called a special grand jury to investigate. This was the first jury summoned under the new law, of which he was the author,

and as the grand jury which formed the basis of one of the charges of the bar association against him, in that it was alleged to be in effect a grand jury drawn to be hostile to Governor Dole, and for the purpose of bringing discredit on Governor Dole and his administration. It was alleged to be composed almost wholly of ex-royalists, men who had been opposed to annexation and to Governor Dole politically. While this is largely true, it can be said that the jury was composed of reputable citizens, some of whom of the highest standing in the community for probity and honor.

In connection with this grand jury came another series of controversies, as to the power of the grand jury to compel the attendance of public officials before it and to require them to testify. Judge Humphreys took the ground that the jury's subpoena could compel the attendance of any person, and that they must testify unless they took refuge under their constitutional right, not to be required to incriminate themselves. Some of the officials of the Territory resisted this, among them Secretary of the Territory Henry E. Cooper, and Attorney General E. P. Dole. This resistance led to several contempt proceedings, which gave rise to the assertion that if any of these officials were committed for contempt, Secretary Cooper, who had at this time become Acting Governor, would immediately pardon him, and thus bring about a clash between the executive and judicial departments. These contempt proceedings, however, ended without any such clash. Governor Dole himself, however, made no issue in the matter, but promptly answered the subpoena, returning from his vacation to do it, and freely answered all questions put to him.

It was out of this grand jury also that arose the proceedings that precipitated the action of the bar association against Judge Humphreys. Through a mistaken impression as to the testimony of Walter G. Smith, editor of the Pacific Commercial Advertiser, the morning competitor of the Honolulu Republican, and bitter in his attacks on Judge Humphreys, this grand jury indicted him for perjury. When he was arraigned before Judge Humphreys, his attorneys asked if it were the intention of Judge Humphreys to hear the case, as, if it were, they had a motion to make. Judge Humphreys's reply, while not saying that he would,

did not say that he would not, and, therefore, left it possible, if not probable, that he would. Thereupon, in the course of the proceedings, a motion for a change of venue to some other Judge was made, and in support of the motion an affidavit by Smith was presented to show that Smith could not have a fair and impartial trial before Humphreys because of the prejudice of the Judge against him, growing out of their personal relations. This affidavit went minutely into the details that had existed between the two men, and detailed alleged conversations, in which Judge Humphreys, in his efforts to secure Smith's services for his own paper, had laid bare his ambitions to be the first senator from Hawaii, when Smith should become a State, and pictured such a state of mind of vanity and egotism on the part of Humphreys, as, if it existed, would bring him into public contempt if it became known, and such bitterness on the part of Humphreys when Smith refused to accept his services, as, if it existed, would naturally preclude the probability of a fair and impartial trial.

Judge Humphreys stopped the reading of this affidavit as soon as its character was revealed, and later committed to jail for contempt the lawyers who presented it. These were the firm of Kinney, Ballou & McClanahan, and Gen. A. S. Hartwell, the firm being the most prominent firm of attorneys in the Territory, and General Hartwell, a veteran of the civil war, a man who had reaped many honors in Hawaii, and undoubtedly the leading lawyer of this Territory.

Of course this action on the part of Humphreys was soon made public, and created the intensest excitement. It arrayed nearly the whole community against Humphreys, for the moment at least. The prominence of the attorneys, and especially of General Hartwell, the fact that it was Saturday, and that they would have to remain in jail over Sunday at least, staggered the community. Acting Governor Cooper (Governor Dole being on the island of Hawaii at the time), without waiting even for an application to be made to him, issued pardons for the committed attorneys, acting under a very comprehensive power conferred by the Territorial Act.

The bar association was very soon affected together, and the decision to prefer charges against Judge Humphreys was made. There can be no doubt that this action represented the sentiment of the bar of Honolulu. Practically every attorney in active practice was there. No defense of Humphreys was attempted. The only opposition to the resolution condemning him was an effort to secure an amendment for an investigation as to the facts before asserting them as facts, and these efforts were made almost entirely by attorneys who were under personal or professional obligations to him, or had sustained close personal relations with him. And even these were in a hopeless minority. But while it has been sought to make it appear that all these controversies have grown out of the antagonism of Dole to Humphreys, in none of them have they been so. They have been controversies between Humphreys, supported by his following, and men who have been supporters of Dole, but raised by some act of Humphreys against them, and growing out of matters almost wholly aside from the fact that they were supporters of Dole. It is a fair inference that they have been largely animated by antagonism to Dole, or an ambition and desire of the fulfillment of which Dole and his supporters stand in the way, but Governor Dole has never taken up the gauntlet, at any time thus thrown down, nor allowed himself to be swayed from his path of service as governor.

Judge Humphreys has made himself the instigator of unrest, of antagonism to things that are, of change or reform unless brought about by suddenness and overturning action. He has made himself the central figure in the impatient



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