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HONOLULU, HAWAII TERRITORY, WEDNESDAY, AUGUST 20, 1902.

PRICE FIVE CENTS.

HAVE FOUND A WAY OUT

Money in Sight for the Circuit Courts.

CLAIM BAILIFFS DREW WRONG FUND

Conference With Governor Brings Result—Will Submit Case to Supreme Court.

As a result of a conference between the three circuit judges and Governor Dole a way has finally been discovered by which probably money will be obtained to carry on the courts at least until legislature meets.

It is now claimed that the bailiff act as passed by the legislature intended that the bailiffs should be paid out of a special appropriation. Instead of that the salaries of bailiffs have all along been charged to the expense account and was one of the factors in the early depletion of that fund.

A demand was made upon Auditor Austin yesterday for funds from the general expense account the fact of the alleged wrongful charge of bailiff salaries against that account being set out by the judges. The Auditor stated his willingness to comply with the request upon a court order, and it was agreed that the matter should be submitted to the Supreme Court for adjudication.

The conference between Gov. Dole and Judges Robinson, Humphreys and Gear was held yesterday afternoon at three o'clock, the latter adjourning court for the purpose of attending. In the morning the judges sent a letter to the Governor, which however was not received until afternoon. It was filed in the clerk's office before ten o'clock yesterday morning—being in the following form:

"Honolulu, August 19, 1902. To the Governor.

"Sir:—We have the honor to inform you that the appropriation for the expenses of the Supreme and Circuit Courts is now exhausted and that payments necessary expenses incurred during the present August term of the Circuit Court of the First Circuit has been refused for that reason, and it will therefore be impossible to continue the business of the present term unless some funds are supplied for doing so.

"We beg to inform you that yesterday Chief Justice Frear estimated that between \$15,000 and \$17,000 would be required in order to meet the necessary expenses of the courts for the next six months. This, of course, will not admit of any extra session of the Circuit Courts.

"We have the honor to remain, "A. S. HUMPHREYS, 1st Judge. "GEO. D. GEAR, 2d Judge. "W. J. ROBINSON, 3d Judge."

Governor Dole immediately requested a conference to which the judges promptly responded. The method above stated for the relief of the courts was outlined at this meeting, the governor and the three circuit judges agreeing as to the legality of the plan. The demand subsequently was made upon Auditor Austin.

The bailiffs under the Humphreys law have been paid since last May out of the expense appropriation. Previous to that time bailiffs from the High Sheriff's department and the expense was consequently not borne by the courts. There are two bailiffs in the first circuit, appointed by the judges, each of whom draws eighty-five dollars per month. Judge Robinson's bailiff, George Sea performs the same duties for the Supreme Court and he is paid out of the salary fund. Judge Little, Judge Edings, Judge Kalua and Judge Hardy all have bailiffs though for the last three judges, they receive a salary of fifty dollars per month. The total of the salaries paid to bailiffs for thirteen months is approximately \$4,500.

This does not include an extra bailiff which Judge Humphreys appointed for one term to assist the two regular bailiffs in preserving the dignity of his court.

The act which the judges claim makes an appropriation for the pay of bailiffs other than from the general expense fund is known as "Act 10." There is no reference in the act to an appropriation, Section 5 providing "That the bailiffs appointed under the provisions of this Act shall be paid for their services at and after the following rates, and it shall be the duty of the Auditor of the Territory to draw a warrant for the same upon the Treasurer of the Territory of Hawaii upon an order so to do under the seal of the court, of any Judge of the Court, by whom any such bailiff may have been appointed, that is to say:

Table with 2 columns: Item, Amount. The bailiff of the Supreme Court... \$100. Additional bailiffs at the rate per day... \$5. The bailiffs of the First and Fourth Circuits per month... \$5. The Bailiffs of the Second, Third and Fifth Circuits per month... \$5. Additional bailiffs for the several circuit courts, per day, for each day of actual service... \$3.

The bailiffs of the Supreme Court is specially designated in the salary appropriation, though there is nothing relating to the bailiffs of circuit courts in any of the appropriation bills. The judges contend however that it was the intention of the legislature to make these salaries also payable out of the salary appropriation, and in the absence of a specific fund for the purposes the money should be taken from any other fund in the Treasury.

THE COURT PROCEEDINGS.

When court opened yesterday morning the jurors in the case of W. Kalehaha charged with assault had taken their seats. Judge Gear asked the attorneys if there was any reason why the jury should not be discharged and both consented. The defendant objected, however, and the court announced that it could not compel the jury to sit unless the fees were paid, and that the defendant having been once in jeopardy would be discharged. "I don't know where the funds are coming from," said Judge Gear. "According to the Chief Justice it will take \$15,000 to \$17,000 for the next six months, and we haven't got that many cents, much less dollars. The last legislature appropriated \$36,000 which was just enough for thirteen months. The Chief Justice made the estimate of the amount needed without consulting the circuit judges and both the clerk and chief justice now estimate that there should have been \$60,000. The long and short of it is, that the appropriation has been exhausted and there is no way to pay jurors or incidental expenses, so the courts will have to quit. This court can't run on credit, and we can't keep the jurors away from their work without paying them. The jury impaneled in this case may refuse to work, and neither the court nor the government can compel you to serve. If you desire you can serve, but this has been once placed in jeopardy and if not tried now must be discharged."

Col. Parker asked for a few minutes to allow the jurors to consult, and they returned very soon saying they would serve. A verdict of not guilty was returned in the case.

GRAND JURY WILLING TO SERVE.

The grand jury appeared in court later and expressed a willingness to finish its labors, even though there was no compensation. Judge Gear took great pains to explain that the jurors would have to wait for their pay until after March and need not serve. To this Foreman Kluegel replied "We have talked the matter over and the jurors are perfectly willing to complete their duties. It is our wish that we be allowed to serve for the remainder of the week, as we are so near done now." The grand jury was excused until today, however, because of the illness of Mr. Douthitt.

OTHER CRIMINAL MATTERS.

In the case of Pedro Rodriguez the Cuban who was convicted a few days ago his attorney filed a motion in arrest of judgment. This Judge Gear granted, going further and setting aside the verdict of the jury and granting a new trial on the ground that his instructions were enormous. By this action the prisoner could be given his liberty on habeas corpus, having been once placed in jeopardy.

Ah Sang, a Chinese boy, was sentenced to prison for three months for larceny and laughed when the Court imposed sentence. He is only about 15 years of age, and seemed to like the sentence of the court.

WANTS HIS CHILD.

The father of Edward Taylor Miller, a minor, was yesterday granted a writ of habeas corpus upon his allegation that the boy was being wrongfully restrained of his liberty by George Opanui. A return was made in the afternoon by Opanui in which he admits having the custody of the boy and that the petitioner and his wife are the legal custodians of him. He answers further that he and his wife have furnished clothing and food for the child for four years, and that neither the petitioner nor his wife have contributed to the boy's support. Further, it is alleged that the petitioner deserted his wife, KamaKa Daniels Miller, in June, 1898, and went to California, and the wife then placed the child in the care of the respondent. It is also set out that Miller is an unfit person to have the custody of the child, because of his immoral habits and because he has no permanent home.

INSURANCE COMPANY SUED.

The Honolulu Stock Yards, Limited, yesterday filed suit against the Union Assurance Society for the sum of \$5000, alleged to be due as insurance on the building of the Stock Yards Company, corner of King and South streets, which

CHINATOWN'S CAT RANKS WITH MRS. O'LEARY'S COW

Fire Inquest Jury Hears Ah Sui's Story of the Feline Which Started the Big Fire and Summons Its Owner.

The version of the cause of Monday morning's disastrous fire in Chinatown which appeared in yesterday's Advertiser, was corroborated yesterday afternoon before a fire inquest jury empaneled by High Sheriff Brown.

Ah Sui, the Hotel street butcher, whose place of business was destroyed, appeared before the jury and told the story of how a cat in a store fronting on River street had overturned a lamp and how the scattered oil took fire and soon enveloped the building in flames. Ah Sui's statement was said to be corroborated by the Chinaman who was sleeping in the room where the cat, like Mrs. O'Leary's cow in the great Chicago fire, overturned the lamp. Ah Sui stating that his countryman had thanked him over and over again for saving his life. As this Chinaman is a very material witness to the findings of the jury, an adjournment was taken until he can be found and brought before that body.

High Sheriff Brown yesterday swore in the following jury to investigate the cause or causes of the conflagration:

E. O. White of E. O. Hall & Son, Frank McIntyre of F. A. Schaefer & Co., E. R. Adams of Alexander & Baldwin, J. S. McCandless and Charles Gilman.

Among those who appeared before the jury were Chief Charles M. Thurston of the fire department, the driver of the chemical engine, Deputy Sheriff Chillingworth, Officer Hart of the police force, who turned in the alarm, and Ah Sui. Ah Sui stated he had opened his establishment and then had gone around on River street to obtain some vegetables. While passing a store he saw a lamp which had been overturned on a counter and flames were just beginning to fill a part of the room. Ah Sui made outcries and attempted to break in the door. The mosquito netting surrounding the bed of the Chinese inmate caught fire, and this, with Ah Sui's alarm, roused the man, and he at once fled from the burning room.

That the cat escaped seems to be verified both by High Sheriff Brown and Deputy Sheriff Chillingworth, who noticed on the morning of the fire a badly singed cat on River street. Deputy Sheriff Chillingworth had stated to the High Sheriff at the time that the animal ought to be put out of its misery, but by the time he had made up his mind to do so the feline had disappeared. According to Ah Sui it was a gray cat. It was a gray cat that the two officers saw in the street.

Chief Thurston was asked yesterday afternoon what has caused the fire whistle of late to get out of order and

blow wrong numbers, or a jumble of numbers, which cannot be deciphered. In answer he said:

"The reason is just this: The whistle blows automatically when a person opens a box and pulls down the inside hook. The number of that box sounds the gongs in the various fire stations and automatically releases the whistle. In changing from one engine to another at the electric light station, the whistle becomes filled with water from the steam, and the result is that the numbers are jumbled; but you will take note that the third time it gives out the right box number. This defect in the whistle, however, will be remedied by using a trap so that the water will have a chance to run out, thus keeping it clear. The other morning when I wanted to call every piece of apparatus to the fire I went to box 47. There is a special telegraph in the box, and by pressing the button six times, the signal in the fire stations for a general alarm, all the departments were ready to respond when they got the box number. After a ten-seconds wait I pulled down the lever and the gongs sounded 47, and so did the whistle, this time all right.

"I intend shortly to have some cards printed giving full instructions regarding signals. These will let the public know what the whistle is blowing for when instructions of various kinds are being sent by myself or assistants to the different stations. Six blasts means a general alarm and five blasts is a signal for all the police off duty to turn out."

MORE ABOUT MARCUS ISLAND

Out of darkness cometh light. It now appears that the mysterious island yclept Marcus, Marquis, or Marquesas, which the other day so suddenly swooped on the international horizon, swept across the orbit of the Manila Times and swam into the public's ken, is after all, plain M-a-r-q-u-e-s, without any French or Japanese trimmings. It also appears that for once the omniscient geography played us false, and strange to say, the cable played us true, and that Marcus, instead of snuggling under the wing of Honolulu, is squatted down even on our front stoop, being situated almost due north of Luzon. By these facts, much that before was dark is illumined, and we can now see how one Captain Rosehill has been granted title of possession by the United States government, and how the U. S. transport Sheridan may have called

SENATOR BURTON OF KANSAS WHO MAY ARRIVE HERE TODAY



there on her way to Nagasaki. But all this, and much more, is duly set forth in the following gracious and authentic narrative, by one who may, for us, with proper courtesy be called the Columbus of Marcus Island:

Manila, July 21st, 1902.

The Editor, Manila Times: Dear Sir:—I was rather amused while reading the leading editorial in your issue of today regarding "Marcus Island." Your deductions are far astray when you give the location as the Marquesas group.

I have visited the Marquesas group, and have also attempted a landing on Marcus Island, which is located about 300 miles west by south of Japan and is uninhabited. There is only one point on the island where a landing can be made, and even there it can seldom be accomplished.

The only value that attaches to it is the deposit of guano it contains, which is apparently limitless. Captain Rosehill, of the bark "Koko Head," discovered the island in 1879, and attempted to land and take possession, but failed after three days' trial, on account of the roughness of the weather. He later retired from the sea and secured the position of harbor-master of Honolulu, where he succeeded in interesting Mr. Peacock, a prominent liquor merchant, and others, in his tale of the value of the island, and they fitted him out with a small schooner in which he sailed to the island and planted the American flag, and then returned to the United States, and filed an application for a concession to the phosphate (guano) privileges, and finally secured the passage of a bill through Congress granting his prayer. This was some eight or nine months ago, and he was fitting out to go to the island with the intention of erecting machinery for loading the guano into ships when I left Honolulu some three months ago.

The guano is worth \$40.00 gold per ton in Honolulu for use on the sugar plantations, and the quantity the island contains would make multi-millionaires of Captain Rosehill and his backers. It is probably this knowledge which has caused Japan to attempt to take possession of the island, which was unclaimed and unknown until Captain Rosehill planted the American flag on it. Respectfully, W. M. GITT.

From the foregoing it looks as if the question resolves itself into a subject for international discussion and lots of red tape and sealing wax. Uncle Sam will doubtless call on the Mikado to explain what he did with that little piece of bunting studded with stars and crossed with stripes, planted by Captain Rosehill. Because the island has guano droppings on it is no sign that it will be dropped.—Manila Times.

NEW ZEALAND'S MAIL CONTRACT

Statement That Colony's Parliament is Opposed to the Spreckels' Line.

WELLINGTON, New Zealand, Aug. 6.—The San Francisco mail service was the subject of an important discussion in the House of Representatives today. Sir Joseph Ward, Premier of the colony, stated the government's position in the matter.

He said that the service to San Francisco through the Oceanic line should be continued, and that the colony should also join in the service to Canada via Suva. He thought that Auckland should remain as the terminal port for both lines. He would like to see the colony have a Federal service and would be prepared to submit definite proposals regarding the mail service at the next session of Parliament. The present mail contract with the Oceanic Company was for only 18 months from the last meeting of Parliament, and at the expiration of that time temporary arrangements would be made until Parliament had time to thrash out the whole matter.

Mr. Hornsby, M. P., stated that he believed the majority of Parliament was against the continuance of the mail contract with the Spreckels line.

PORTUGUESE TO TRY POLITICS

A Mass Meeting Will Be Held Thursday With Many Orators.

Portuguese interested in politics will meet Thursday evening for the purpose of listening to oratory which will have for its object the explanation of the situation and the expounding of the doctrine upon which the Political Club of the colony is formed. The plans as at present outlined promise a large meeting and the outlook is for a gathering which will show the interest felt in the subject by the citizens.

The meeting is called for 8 o'clock and will be held in San Antonio Hall, in Vineyard street, where the club holds its regular gatherings. The speaking will be done in both the Portuguese and English languages and there will be some of the best orators in the entire colony put forward to speak for the young men of the race.

The Rev. J. F. Durao, the Portuguese orator, will be one of the principal speakers, using his native tongue. J. M. Vivas and M. A. Silva likewise will speak in Portuguese. Frank Andrade will make the principal address in English, he to be followed by M. C. Pacheco. The prospects are for a large meeting of the voters of the colony.

WILL POLL THE VOTERS

The Fourth District Republicans Active.

COMMITTEE IS TO MAKE CANVASS

Aided by Precinct Club Officers All Eligible Electors Will Be Listed.

If systematic work will accomplish results the Republicans of the Fourth District will deserve success, for the executive committee of the District committee has decided that active operations shall begin at once. The meeting of the committee last evening at headquarters was attended by every member but one, and that man is out of the city.

The only real work done by the committee was a decision that the polling of the voters of the district must be made at once. The first point to be met in the estimation of the committee is the registration period, and the list of voters which it is desired to secure at this time will be used in the checking of registry lists, when the books are opened for the making of a new record of eligible voters. The registration will be watched very closely this year and the committee's first step will be the securing of this poll by a canvass of the voting population.

For the purpose of making the work as complete as possible upon motion it was decided to ask the executive committees of the various precinct clubs to work with the District committee in this preliminary. It is the intention to secure immediate action by the clubs so that there may be no time lost in finding out just how the voters of the eastern end of the island stand. Missionary work among the electors who are not Republicans will follow the listing of all, but this will be the subject of future conferences, as it is the intention of the committee to devote its energies to one subject at a time.

The canvass will be made complete and the lists once in hand will be preserved for the personal work of the clubs later in the campaign. There was a deal of enthusiasm developed at the meeting and the members expressed the opinion that the work of the campaign would be pushed along rapidly as soon as the candidates were named. FIFTH DISTRICT REPUBLICANS.

After many caucuses the first regular meeting of Republicans for the consideration of matters which may be brought before the Territorial convention, in the way of recommendations as to platform, will be that of the Fifth District committee, which is to be held Monday evening next at headquarters.

It is probable that there will be several other matters than platform planks come before the meeting. For some days, and after frequent conferences, it has been the suggestion of some of the members of the committee that there be called such a meeting for the purpose of ascertaining the feeling of the members as to the proper course to follow in the matter of the senatorships.

There are now four men mentioned for the nominations. It is hoped that there will be two nominations given to the fifth, but if there is to be only one the members of the committee think they should come together and decide upon some course in common. It is the plan to decide as to the candidate and then stick by him through the meeting of the nominating convention. With Achl. Lane, McCandless and Huddy in the field the committeemen realize that they must be a unit if they expect to be able to get any share of the nominations.

It is understood that the friends of Lane and Huddy are making the move for a settlement of the question in this way, and that they have secured proxies, from out of town members that give them hopes of being able to absolutely snow under Achl.

Of the several fights in the district that of Lane has met with the greatest change recently. It may be said to have received a black eye, owing principally to the fact that it has become the gossip of the members of the Fourth District committee that Lane is guided entirely by the advice of McCants Stewart, and having become rid of that element in the party, there is no liking for any chance that it may get back.

This expression was given recently during a caucus, and it is understood that it will require all the tact of Norman Gedge of the Fourth Precinct, to hold his fellow delegates in line for the ticket which is now most in favor