



ESTABLISHED JULY 2, 1858.

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HONOLULU, HAWAII TERRITORY, MONDAY, DECEMBER 1, 1902.

PRICE FIVE CENTS.

AUDITOR'S OFFICE IS NOW OPEN

Senate Acts on Committee's Plan.

WILL RUSH THE OTHER REPORTS

The Public Works Investigation May Be Finished Today.

With all the doubt and difficulty smoothed from about the Auditor's Office, it is said the first days of the week will be given by the Senate to completely clearing up the tangles at the executive building, so that there may be by the end of confirmation of the appointments and then adjournment.

The committee which has been investigating the Department of Public Works has almost finished its report and it is unofficially talked about, the consensus being that the report when made will be so written that it will be signed by every member of the committee. The committee has been most thorough in its investigations, and the leaders of the party, including Prince Kuhio, have kept in touch with the progress of the work, and in consequence it is expected that there will be no objection to its immediate passage.

There was some doubt expressed last evening that the report could be presented this morning, but there will certainly be little time lost in getting the matter before the Senate. The other important reports are in an advanced state of preparedness, and the first half of the week should witness action on each of them and consideration of appointments is expected to follow very quickly.

When the Senate met on Saturday there was a full attendance of the members now in the city. The business began at once with the submission of the report upon the members of the Tax Appeal Boards appointed by the Governor and submitted to the Senate for confirmation. Senator Achi presented the report, which provided for the confirmation in each case except that of R. H. Atkins of Kohala. It was said in the report that Kau should have one member of the board, while now Kohala had two. The report was adopted and the Governor was notified, the reasons for the refusal to confirm being given in the notification.

Senator Dickey reported in favor of the confirmation of the three Prison Inspectors named and the report was adopted, as was that of Senator Wilcox approving of the appointments of two members of the Board of Education. When this formal business had been done, on motion of Senator Dickey a committee consisting of Senators Dickey, Isenberg and Woods was named to consider the appointments on Boards of Election and Park Commissioners as there is no committee to which those names could be properly referred.

Senator Isenberg rose and read the following report of the committee appointed to investigate the Auditor's Office:

Honolulu, Nov. 29, 1902.
To the President and Members of the Senate.

Your committee to investigate the Auditor's Department, to whom was referred the message of the Governor in regard to the Auditor, Mr. H. C. Austin, beg leave to make the following report:

After careful consideration we find that Mr. H. C. Austin, in the latter part of August or the beginning of September of the present year, attempted to borrow money from Mr. C. F. Chillingworth, Deputy High Sheriff of the Territory. Mr. Chillingworth, on being questioned by the committee, stated that Mr. Austin asked him if he

FAMOUS COMPOSER COMING

Throw out the life-line across the dark wave,
There is a brother whom some one should save.

Rev. E. S. Ufford, author of "Throw Out the Life-Line," one of the most touching and celebrated hymns in the English language, is making a tour of the world, his mission being to sing his famous hymn wherever there are persons to hear it. He will probably arrive in Honolulu the second week in December and remain during the Christmas holidays. That the author looks forward to his visit in Honolulu is apparent from the statement of his plans, in which he says:

"In a few weeks I expect to be in Honolulu, where there is a Union Church, whose pastor has had the song translated into the Hawaiian dialect. I will sing the song to the natives in my own tongue and they will sing it for me in theirs."

The late Rev. Dr. Hyde translated the song into Hawaiian, and it is found in all the latest Hawaiian hymn books. When Rev. Dr. Ufford returns to his little parsonage at Holyoke, Mass., he will have visited Hawaii, Japan, China, India, Egypt, Palestine, Italy, France, Germany and England, everywhere singing his song, accompanying himself on an organ which he carries in his trunk. He started from Holyoke with \$10.11 in his pocket and by faith and unsolicited contributions has travelled successfully. In each place, before singing the hymn, he tells how it came to be written and explains the workings of the United States life-saving service, whence came his inspiration.

Mr. Ufford was born in Newark, N. J., in 1851. At the age of 21 he was converted to a Christian life, and at once began to hold open-air meetings on the sands at Bridgeport, Conn., for the benefit of sailors and fishermen. Many "poor jacks" he converted from his sin and dissipation to an upright and prosperous life. In 1879 he was ordained a pastor in the Baptist Church and has since preached in the towns around Boston. The hymn that has made him famous was written and first sung in the parsonage at Dedham, from where it has echoed around the world.

hadn't any money at all in the drawer. To which Mr. Chillingworth answered, "No; I haven't got anything in the drawer at all." When Mr. Chillingworth was questioned what the "drawer" meant, he stated that he took it for granted that Mr. Austin meant the government funds, because there could have been no other funds but the government funds in said drawer.

This evidence can be found on pages 32 to 35 of the report hereto attached. The third charge in the message from the Governor accuses Mr. H. C. Austin of having passed a check of upwards of \$1,700, drawn by Mr. Austin in favor of Henry C. Hapai, Registrar of Public Accounts of the Territory of Hawaii, said check being drawn on the First Bank of Hilo. We find that Mr. Austin had no funds at said bank when Mr. Hapai through his bank, the Bank of Hawaii, presented the check to the First Bank of Hilo for collection. Mr. Hapai did not endorse the check, as he was afraid that as soon as he did so he would be made responsible for the amount. He, therefore, deposited the check, and endorsed on the back of it, "For collection only," and the Bank of Hawaii then sent the check to Hilo for collection, and it was returned, having been dishonored in Hilo.

The fourth charge was that Mr. Austin procured from Mr. William Vanatta, a public accountant residing in Hilo, the sum of \$255. Mr. Austin gave his check upon a bank in the city of Honolulu to said William Vanatta for said amount, well knowing at the time that he had no funds in said bank to cover the payment of same. And when William Vanatta, as Public Accountant, made his regular returns to the Treasury Department they included said check for \$255. We find from the testimony of Mr. Hapai, Registrar of Public Accounts, that he received the said check and took it to Bishop & Co. for collection, and on the face of it was written, "No funds."

This testimony can be found in the report attached, from pages 37 to 41. There are also two letters, dated August 12th and August 15th, 1902, respectively, pertaining to this fourth charge, which are as follows:

"William Vanatta, Esq., Superintendent Hilo Water Works.
"Sir:—I herewith return draft of the banking house of Bishop & Co., issued payable to your order by H. C. Austin, for \$255, for the reason written on the face, 'No sufficient funds.' You will find enclosed receipt for \$2,252.85, the balance of your remittance of \$2,507.85.
Very respectfully,
"HENRY C. HAPAI."

"Hilo, Hawaii, Aug. 15, 1902.
"Mr. Henry C. Hapai, Registrar of Public Accounts.
"Dear Sir:—Your communication of the 12th inst. is at hand, wherein you inform me that the draft drawn on Bishop & Co. by H. C. Austin, in favor of myself, had not been paid for lack

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HOW AUSTIN MET CHARGES

Testimony Taken Before the Committee Which Urged Dismissal.

Official Answers Questions Based Upon the Charges Made in the Message of the Governor.

At the formal hearing of Auditor Austin before the Senate investigating committee, consisting of Senators Isenberg, McCandless and Kalaauokalani, the proceedings were opened by a discussion, participated in by Mr. Austin, as to whether counsel should be present. It was decided adversely and Mr. Cathcart, who sat with the committee, retired. Following are extracts from the testimony:

Palace Building, Monday, Nov. 24, 1902.
Attorney General's Room, 3 p. m.
Meeting of the senatorial committee, appointed by the Senate to investigate the affairs of the Auditor General's Department.

Present: Senators D. P. R. Isenberg (Chairman), L. L. McCandless, and D. Kalaauokalani.
Also: Deputy Attorney General Cathcart, H. C. Austin (Auditor General), J. E. Bush, Hawaiian interpreter; and P. Maurice McMahon, shorthand reporter.

The Chairman: Mr. Austin, the committee of the Senate have asked you to come here today to talk over the charges made against you by the Governor, and to give you a hearing in this matter.

Mr. Austin: Before you proceed, Mr. Isenberg, is it the intention of the committee to call witnesses and have them examined?

The Chairman: Examined by the Senate Committee.

Mr. Austin: Then I would request that I be represented by counsel in the matter. If there was a chance for cross examination of witnesses, I would prefer to be represented by counsel, if there is counsel on the other side.

Mr. Cathcart: I am a disinterested party, unless the committee should call upon me for anything. The committee will conduct their investigation, and I would prefer to retire if they will permit me, and leave the matter in their hands.

The Chairman: We are no court, Mr.

Austin; simply a Committee of the Senate to investigate this matter; and of course some things perhaps we will have to refer to counsel, but do not wish to make this a proceeding of court, as we do not have that intention; the intention of the Senate Committee is to have you before us and give you a fair trial, and find out what we can. Of course we have asked the Deputy Attorney General to be present in regard to certain matters, that perhaps he knows, but as far as counsel is concerned, counsel has nothing to do with the proceedings.

Mr. Austin: If it was in the nature of a court of trial, I expected that might be the mode of procedure, and that is the reason I asked to be represented by counsel. Of course I do not claim any legal knowledge to cross-examine witnesses correctly, and to place my case before you as well as counsel could. Still, if you are not going to have a regular trial, represented by an attorney on the other side, I leave myself in the hands of the Committee.

Mr. McCandless: My idea would be to get Mr. Austin's statement, also the statements from the other parties.

Mr. Cathcart: Maybe it would be better, gentlemen, that I retire. I do not want to appear as counsel against Mr. Austin, as it is not a trial, and there is no necessity for it. I have of course a perfect right to give the names of the witnesses to the Committee, and they can examine them just as well.

The Chairman: I think that would be very fair, Mr. Cathcart. If we need you we will ask for you.
(Mr. Cathcart retires from the room.)

THE FIRST CHARGE.

The Chairman: Now, the first charge against you is that in the latter part of August, 1902, you applied to C. F. Chillingworth, Deputy High Sheriff of said Territory, to loan you for your personal use the sum of \$250 of the public funds collected as fines and costs by the said Chillingworth in his official capacity aforesaid. We would like to

JUDGE LITTLE STOPPED WORK ON AN AMERICAN HOLIDAY

Knocked Off Hilo Laborers on Thanksgiving, Who Needed the Money, Because McKinley and Roosevelt Had Told Him to Americanize the Islands.

HILO, November 27.—Judge Little is working vigorously at his task of Americanizing the Islanders, and on Thanksgiving day he accomplished a good deal. A Portuguese contractor who has the contract for the grading of Waiuanue street is in desperate straits for the reason that the time for the completion of his work is long past due. Taking advantage of the Holiday, when there would be little or no traffic to disturb him, he got such of his men as were willing to make an extra wage to fire up the steam roller and the top dressing was settling under its generous impact, without regard to the President's proclamation, when the judge gave them their lesson in Americanism. In company with Captain Lake of the police force, the jurist of the Fourth Circuit made the rounds of the streets and knocked off all men who were at work.

It was of no consequence that the men were anxious to work and that the contractors were willing to pay them, the word of the Judge is law and the presence of the police means calaboose. So the fire was pulled out of the steam roller and the men went their several

ways to be thankful that even if they are goaded on to work on a holiday by the hope of extra wages, they are now living in a country where they may be set right.

The contractor, however, made complaint to Engineer Gere of the Public Works Department, who called on the judge with as much remonstrance as is permitted in the Fourth Circuit. He explained to His Honor that the men needed the money and wanted to work; that the contract was past due and the contractor is in a bad way.

"No," said the judge, "there are only two American Holidays. One is the Fourth of July and the other is Thanksgiving. President McKinley and President Roosevelt have both spoken to me personally about doing all I can to Americanize the Islands, and it is my duty. If the men want to catch up with the work or run the roller when there is no traffic, why don't they go to the sheriff and get a permit to work on Sunday. No, I can't let the men work on an American holiday."

Under the directions of the judge the police were sent out in various directions and all work stopped.

GEAR WANTS TO BE THE TREASURER

A. V. Gear wants to be Treasurer of the Territory of Hawaii. The formal application of the former leader of the Fourth precinct is in the hands of the executive and, with many others who have suggested their fitness for place, this candidate will receive due consideration.

The application went direct to Governor Dole, without any notification to the Republican central committee, or request to the body for endorsement. In fact, the men who managed the last campaign first heard of the ambition of the former leader when the Governor submitted to them for their consideration the entire list of applicants for the various offices in the executive branch.

There was a feeling at once that the action of the former politician was quite in contradiction to his former attitude when in power. Then he insisted strenuously that the committee should have the consideration of all the applications, and that the Governor should be heartily and freely condemned for not taking the men chosen for him by the governing body.

The fact that Mr. Gear has not taken any hand in the past campaign, coupled with his earnest and sacrificing support of the Governor at all times under all conditions, is taken as the reason for presenting his application direct, and attempting to thrust his fight for the place upon the Executive instead of upon the applicant.

There is some talk of the central committee appointing a sub-body to investigate thoroughly the applicant, with particular reference to the brand of nerve food used, or the method of preparing his meal. The committee has not yet taken a vote upon the matter of the endorsement of Gear for the Treasurership.

know what you have to say in the matter.
Mr. Austin: I do not know what Mr. Chillingworth has said. I do not remember the date, but in the latter part of August I did apply to him for a personal loan, I think in the neighborhood of two hundred and fifty dollars; and if he received any impression that I expected it from the fines and costs, it was not in accordance with my intention. I had no intention of asking him for a loan from the public funds of fines and costs; it was merely a personal loan. He said he didn't have it.

Q. Did you on the second day of September renew the same thing?
A. I do not know if it was on the 2d of September; I think it is twice I asked him for a personal loan.

Q. What was the conversation between you and Mr. Chillingworth?
A. I asked him if he had money to loan, and he said he did not have any at the time, as near as I recollect it, that all his moneys were in use, and he had no funds to loan. I asked him if he had turned in his fines and costs to Mr. Dow, the head clerk of the Department, and he said he had. That is all the conversation I remember in relation to that.

Mr. Kalaauokalani: Did you get two hundred and fifty dollars from Mr. Chillingworth?

A. I did not.
Mr. McCandless: Q. Why did you ask Mr. Chillingworth if he had turned in his fines and costs?
A. Well, I know there has been a procedure—that he simply reported to Dow. That was in the nature of a question in regard to the office work, if he had turned in his fines and costs to Mr. Dow. In some months previous it had been the custom not to turn in the amounts until much later in the month, say by the 8th or 10th, and when I was there checking last time I arranged with Mr. Chillingworth to change the form of his account book, so as to be able to turn in his funds promptly at the end of the month, and Mr. Dow could close his accounts. The reason he stated he could not do it before was that some fines and costs were not completed until they knew whether a party was going to note an appeal, and that took ten days; and they didn't want to turn in the full amount of the fines and costs until the appeal was noted. I had arranged with him to carry over this account into the next month, so as not to delay his closing of the accounts and turning the money over.

THE SECOND CHARGE.

The Chairman: Q. "That on or about the 6th day of July, 1902, you passed a check for upwards of seventeen hundred dollars, drawn by yourself in favor of Henry C. Hapai, Registrar of Public Accounts in the Territory of Hawaii. Said check being drawn on the First Bank of Hilo, you having no funds, and knowing that you had no funds in said bank to pay said check or any part thereof, and the same being drawn and issued by you to obtain money thereon for your own personal use in your individual capacity."
A. Well, I had an account with the Bank of Hilo before that check was drawn. It was not given to Hapai as a public accounting; it was a matter of private business between us. It was to be collected and paid over to the bank in Honolulu; and I received no money from him on that check. When

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SHOOTS HIS BENEFACTOR AND FLEES

Sailor Magnusson Tries to Kill Native.

FLED AFTER HE WAS DISARMED

Seaman Now in Jail Under Serious Charge and Victim in Hospital.

After spending a night in the house of Keaupuni, a Hawaiian living near the brickyard in Nuuanu valley, Jack Magnusson, a sailor from the bark Rihet, yesterday paid for the hospitality by sending a bullet into Keaupuni's right shoulder. Keaupuni is now in the Queen's Hospital undergoing treatment, and Magnusson occupies a cell at the police station charged with assault with a deadly weapon with intent to commit murder.

On Saturday evening Magnusson, accompanied by a shipmate, R. Holiger by name, went up the valley, and both were invited to partake of potluck with Keaupuni and his family. They became a friendly party and the sailors were allowed to remain overnight in the house. Yesterday forenoon Magnusson engaged in an altercation with Keaupuni, the affair attracting the neighbors. Magnusson suddenly reached into his hip pocket, drew a 32-caliber revolver of the Hopkins & Allen make, and fired at close range at the Hawaiian. The bullet entered Keaupuni's breast on the right side below the shoulder. Despite the wound and its dangerous locality, Keaupuni retained his nerve, the flow of blood being slight. He closed with Magnusson and, others hastening to assist him, the sailor was disarmed.

Finding himself without a gun the murderous sailor fled, with a couple of natives in pursuit. Owing to the telephone wires still being disconnected with the central office, no word could be given to the police to head him off, and two Hawaiians started down the valley on a long run to the police station, where they arrived panting and almost exhausted. The patrol wagon was sent up the valley where Keaupuni was taken in.

Holiger had been held by the natives when his shipmate fled, and he was conveyed a prisoner to the station. The wounded man told his story and was then taken to the hospital for treatment. Holiger denied knowing his companion's name, but when threatened with imprisonment until Magnusson was found, he decided to assist the police in the search. He and Captain Kanae met Magnusson on Nuuanu street, between Merchant and King streets, while he was hastening toward the waterfront to regain his ship. His shirt was spotted with blood, and he was compelled to remove it as evidence to be presented against him at the trial.

Keaupuni's wound is peculiar. Search for the bullet yesterday at the hospital with the X-ray failed to show where it had lodged. It seems to have gone into the fleshy part of the body. The native's condition is not serious, although the full extent of his injury will not be known until the probe has been used.

SCENES FROM HISTORY.

Hawaii Dramatic Club Presents Series of Tableaux and Dances.

An audience which fairly filled the Orpheum on Saturday evening witnessed the series of tableaux and dances and heard the songs which made up the program at the entertainment offered by the Hawaii Dramatic club and the Kawahau Quartette. The Dramatic Club furnished the characters for eight tableaux which represented in faithful detail as to costuming and local color scenes from the history of the country. The queen and her retainers and the dances given before the court were reproduced as they were in the old days. In addition there were a number of dances which are all but forgotten, such as the drum dance, the ili dance and the pulli dance. The Kawahau Quartette club was heard in a number of fine selections, and Mrs. Julia Waiakana and Miss A. Kanoho rendered solos and duos very acceptably. The evening's entertainment, on the whole, was full of merit and was highly enjoyed by those present.