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Prosecuting Witness Is Accused of Sharp Practice.

Nakuina's Slander Suit Against Registrar Thrum on Trial.

By a unanimous opinion of the Supreme Court, written by Chief Justice Frear, the case of Domingos Ferreira is remitted to Judge Gear with directions to discharge the prisoner.

Ferreira was serving eighteen months in Oahu prison for criminal assault on a female under fourteen years of age. His lawyers brought him by writ of habeas corpus before Judge Gear, who released him on the ground that the prison-keeper was not furnished with a copy of the judgment and sentence and that no mittimus was directed to the prison-keeper. The Attorney General took no appeal but, relying on the statute, had the matters found defective by Judge Gear mended. A certified copy of the judgment and sentence was furnished the prison-keeper and the prisoner was rearrested. He sued out a second writ of habeas corpus, on the hearing of which Judge Gear remanded him to custody on the ground that since his first discharge the High Sheriff had furnished the prison-keeper a certified copy of the judgment and sentence.

The Supreme Court holds that the first discharge was erroneous, yet binding since no appeal from it was taken. In the course of the decision the law here is shown not to require that the prison-keeper shall be furnished with the record of judgment and sentence and have a mittimus directed to him, the high sheriff being responsible for the safe keeping of all prisoners. In the closing paragraph of the opinion next to the final order the court says:

"The Attorney General should have appealed from the first decision instead of relying on the statute. We regret that we are obliged to discharge the prisoner on the present state of facts because of an error on the part of the Circuit Judge at the first hearing and the failure of the Attorney General to appeal."

G. A. Davis and F. M. Brooks for the petitioner; Attorney General L. Andrews, contra.

GRAND JURY BLAMED.

Manuel Martin and Manuel Gomez were put on trial before Judge Gear yesterday for malicious injury. L. M. Straus assisted the prosecution, S. F. Chillingworth appearing for defendants. The jury consisted of E. Norrie, J. L. Aholo, F. J. Robello, E. K. Rathburn, W. M. Bush, Geo. Woolsey, D. F. Thrum, J. P. Makainai, J. H. Davis, J. H. Wise, W. A. Wall and Theodore Wolf. The jury returned a verdict of not guilty.

In charging the jury Judge Gear punningly commented on what he called the "sharp" practice of the complaining witness, Robert W. Sharpe. He bought a horse of defendant Martin for \$60 on which he paid \$25 on account. When asked about security, he told Martin that if he did not pay, Martin could take the horse back. At some time he gave Martin a document written on a blank form of receipt in the following terms:

"June 30, 1903." ("Received from" scratched out.) "Pay to Manuel Martin Thirty-five Dollars completing full amount for gray horse."
\$35.00 R. W. SHARPE."

Sharpe, in reply to a question on the stand, said he would not have accepted such a writing as a note of hand if offered to himself.
When Sharpe failed to pay the balance, Martin and Gomez took the horse away. For this Sharpe had them before the grand jury, who indicted them for malicious mischief. Judge Gear expressed amazement at this proceeding of the grand jury, as it was plain that the complaining witness had attempted to bluff an unsophisticated Portuguese in a business transaction.

BEFORE FIRST JUDGE.

The jury trying Pang Chong vs. W. Kelle, defendant, and Pioneer Building & Loan Association, garnishee, before Judge De Bolt, rendered a verdict for the defendant.

Frederick Nolte vs. J. A. Magoon, claim of \$500 damages for trespass on property at Manoa in making a right of way over it, was put on trial before Judge De Bolt with the following jury empaneled:
George Cypher, E. H. F. Wolter, E. McCriston, Chas. E. Frazier, W. H. Thornton, E. E. Mossman, Benito Guerrero, Chas. Butzke, I. Livingston, John Kuana, E. R. Adams, and H. Meek.

F. Andrade appeared for plaintiff, J. A. Magoon and J. Lightfoot for defendant. The trial will be resumed at 9:30 this morning.

NAKUINA'S SLANDER SUIT.

Moses K. Nakuina vs. Thomas G. Thrum, trespass on the case for slander, came up for trial before Judge Robinson yesterday morning. Plaintiff claimed \$10,000 damages on account of statements made by defendant in an interview relative to the dismissal of plaintiff from the position of deputy

registrar of conveyances. The quotations from the interview given in the complaint are as follows, each one being accompanied with elaborate explanations to show that it is legally slanderous:

"That Nakuina has been troubled with the 'big head.'"
"That perhaps he aspired to the position of the registrar."
"That for the last three or four months Nakuina has been conducting himself in the office in anything but an agreeable manner. He has been taking his own time about things and has absolutely failed to remember his position and the duties thereof."
"I fear very much that the whole affair is a conspiracy and that race prejudice must be at the bottom of the business."

"That the insubordination of Nakuina was the result of a conspiracy."
"That Nakuina stirred up revolt among the copyists in the office, who are all native Hawaiians, and it was the desire of all of them to be rid of me."

"That Nakuina has entertained a deep hatred for me and has lost no opportunity to create dissatisfaction among the employees."

Lorrin Andrews appeared for the plaintiff, and Abram Lewis, Jr., for the defendant, who is registrar of conveyances. The following jurors were found satisfactory, one of them being drawn from the bystanders:
Alexander Kahoalii, A. H. K. Keohokalole, William F. Love, Charles T. Day, Albert A. Wilson, Solomon A. Hiram, Charles Lewis, John H. Jones, C. N. Arnold, E. K. Nāuauo, Henry De Fries and W. J. Coon.

Mr. Lewis presented a motion for judgment in favor of the defendant on the pleadings, and the jury was excused while the motion was being argued. Argument continued into the afternoon, when the motion was denied and the jurors resumed their places. The trial is still on.

ATTORNEYS BE PREPARED.

The following is a list of the cases answered ready for trial before Judge Robinson, and each case will be taken up in order when reached: Union Express Co., Ltd., vs. Inter Island Telegraph Co., Ltd., defendants, and S. M. Damon, et al., garnishees; Hawaii Railway Co., Ltd., vs. Inter Island Telegraph Co., Ltd.; Kapiolani Estate Ltd., vs. J. G. Faria; Keawe (k) vs. Makamaka (k) and Nuha (k); Manoel Pedro Ferreira vs. Honolulu R. T. & L. Co. (set for Monday, November 30, 10 a. m.); Allen & Robinson vs. Hoffman & Riley; E. H. Holt vs. J. D. Holt, Jr.; Washington Mercantile Co. vs. Lam Toy; Levers & Cooke vs. J. W. Redhouse; Ng Gang-et al. vs. Mok Chock.

E. C. MACFARLANE'S ESTATE.

A lengthy petition has been filed by the executors and executrix of the estate of E. C. Macfarlane, deceased, viz: George W. Macfarlane, Henry R. Macfarlane, Fred W. Macfarlane and Florence B. Macfarlane. It relates the proceedings in probate relative to the estate thus far had, and then states that a claim against the estate for \$3,268.89 by Fred W. Wundenberg for himself and as assignee of W. A. Kinney, secured with 500 shares of McBryde Sugar Co. The property of the estate is represented to have produced, owing to general depression, insufficient income to pay the allowances provided in the will and the costs of administration, and individual advances have been made by one or two of the executors properly to keep up the administration.

Details of the various interests and securities composing the estate are gone into, showing their depreciation owing to what is styled the temporary depression. Finally, the petitioners give particulars of the decedent's one-third interest in the Puuloa sheep and stock ranch in Waimea, Hawaii, with the conclusion they have reached that this is the most available property to be sold for means to pay, Wundenberg's claim. Fred W. Macfarlane and J. O. Carter, trustees for Florence B. Macfarlane and Clarence W. Macfarlane under the will, as well as Geo. W. Macfarlane and Henry R. Macfarlane, surviving members of the copartnership owning the ranch, agree to the proposition.

They accordingly pray that First Judge De Bolt issue an order authorizing the sale of the entire property of the copartnership of the Puuloa Sheep and Stock Ranch Co., at public auction after proper advertisement, with the restriction that no bid of less than \$20,000 be received or entertained. It is stated in the declaration that for the three years ending Dec. 31, 1902, the copartnership showed a gross income of \$34,407.92 and net profits to the amount of \$18,063.60.

Henry E. Hightson is attorney for petitioners.

COURT NOTES.

Lucy H. McWayne petitions that she be appointed guardian of her four minor children—Robinson Allen, Chas. Andrew, Clarence Scott Foster and Kulamanu Beatrice McWayne—for the purpose of taking care of a legacy of \$1500 devised to them under the will of S. C. Allen, deceased.

In the case of Thomas Milner Harrison vs. J. A. Magoon et al., the Hagey business, defendants have filed a bill of costs amounting to \$522.30.

Kailua's suit of fraud against the James Campbell estate trustees is docketed for hearing on demurrer at Circuit Court chambers on Monday next.

PORTUGUESE BOYS ARE SUSPECTED

The residence of Mrs. Chas. Lucas, No. 5, McLeod Lane, is reported to have been burglarized at 11 o'clock yesterday morning. The burglar or burglars forced an entrance through a kitchen window, and then ransacked the house taking a clock, some jewelry, and wearing apparel. Money was probably searched for as the pillows on a bed had been removed. Neighbors saw two Portuguese boys in the yard shortly before 11 o'clock.

"But what is the use?" said the private secretary, "of advertising for your lost pocketbook, when it contained only a dollar or two in money and a few papers of no importance?" "It gives me the opportunity," replied the distinguished statesman, lowering his voice to a confidential tone, "of conveying the idea to the public that I don't carry any railroad passes."—Chicago Tribune.

TO LIGHTEN THE GLOOM

Seventy New Arc Lamps Added to Honolulu Highways.

Under an appropriation of the recent session of the Legislature, the lighting of the streets of Honolulu has been largely augmented. No less than seventy arc lights of latest pattern have been installed under the direction of W. L. Frazee, superintendent of government electric lights.

King street has its line of lamps extended out to Kamehameha schools, while the Waikiki road is now illuminated clear out to Kapiolani park. Through the park, by a stipulation of the commissioners, the Rapid Transit Co. has installed a system of arc lights.

Hitherto dark highways and lanes in the outskirts of town are also made independent of the moon, doubtlessly to the advantage of the peace and security, as well as the comfort of the inhabitants of neighborhoods affected. As the government electric light works had already a full load, with the presently available head of water, power for the additional installation of street lights is hired from the Hawaiian Electric Co.

ASSOCIATION WILL HOLD A SALE

On Friday and Saturday, November 27 and 28, a sale of fancy work will be conducted in the gymnasium of the Y. W. C. A. under the auspices of the Association. Any members of the Association who wish to may put any article into the sale. The sale is not for the benefit of the Association, and no commission will be exacted for the sale of any articles. The only ones to benefit by it are those who contribute the articles.

A number of fancy articles, including pyrographic work and china painting and needlework as well as Hawaiian and Japanese articles have been offered to go into the sale. Any members desiring to offer articles for sale should notify the Association general secretary.

A joint social of the Y. W. C. A. and Y. M. C. A. will be held on Tuesday evening at the Y. M. C. A. hall. A committee of charming young women of the Y. W. C. A. will serve fruit drinks and refreshments. The social is both for ladies and gentlemen and strangers are cordially invited to attend.

Setting himself right: "What do you consider the greatest object of interest in England?" asked the interviewer. "Well," answered the great lecturer from abroad, "I arrived here yesterday, and —" "Of course," exclaimed the interviewer, apologetically, "I mean the greatest object of interest next to yourself."—Tid-Bits.

HEALTH NEEDFUL

to happiness. Well might the greatest and wisest Man that ever lived teach us to pray, "Give us this day our daily bread." The hands, with which we do so many cunning and skillful things, the eyes that reveal to us all the sun shines on, the hearts which beat within our breasts, were once merely the yet uneaten food upon our plates. What a strange, what a wonderful transformation! The body builds itself! No other machine can do so. Yet when the wear and tear becomes greater than the process of repair we grow weak and waste away. If we could keep the loss and the gain balanced, or nearly so, we should live long and be able to work and enjoy ourselves all the time. The opposite condition we call sickness or disease. To keep the wheel turning, to prevent permanent loss of flesh and power, is the aim of that ever-successful remedy known as

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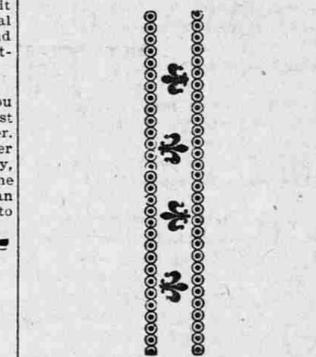
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Marshes, Water Color, by Hugo Fisher.
Pen and Ink, by Frank A. Naukaville.
Ponclana Regia, Oil, by Hitchcock.
Sketches, Water Color, by T. Millows.
Etching, by Thomas Landseer.
Mezzo Tint, Signed Proof, Execution of Montrose.
Mezzo Tint, Scotch Cattle.
Mezzo Tint, Wounded Hound.
Cypress Point, Monterey, Water Color.
Yosemite Valley, Oil.
Live Oaks, California, C. Graham.

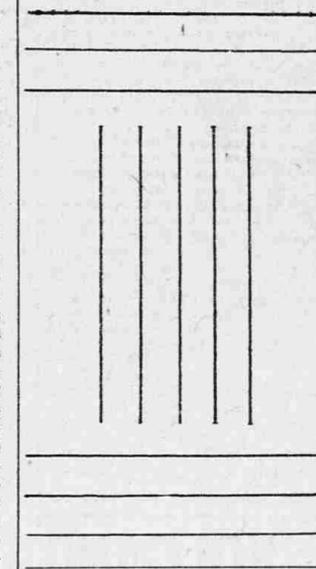
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