

ELEAKALA TESTIFIES AGAINST DOWNING

The Wounded Native Describes the Cutting Affray.

THE CROSS-EXAMINATION OF PAHU SAYS HE COMMITTED PERJURY TO AVOID ARREST FOR MAKING "SWIPES."

Evidence of Second Witness in Murder Trial Not Finished—Hearing to be Resumed Monday Afternoon.

The hearing of testimony in the murder trial of Charles Downing occupied the entire day yesterday in the circuit court. The direct evidence on behalf of the prosecution by George Pahū was concluded at 10:45 and his cross-examination lasted about an hour. The rest of the day was given to the story of Eleakala, who was one of the three men stabbed. His cross-examination had not been finished when court adjourned at 4 p. m.

Resuming his testimony, Pahū told again about seeing the accused in the taro patch after the cutting affray and he mentioned the approach of the ditch-digger, whom he heard talking in English to Downing. The defendant disappeared in the darkness by going over the bank and running away. Asked if he saw any weapon in the hands of the accused, the witness swore that he did not, but in the hands of his white comrade there was something like the handle of a whip, which was fastened to the wrist. Pahū said, was left in the hula room with the knife wound in his breast until the sheriff police officers and Dr. Emerson arrived after 5 a. m.

In response to questions from Deputy Attorney General Catheart, the witness said neither Pahū, Downing nor himself were drunk. Lathra, the woman, Aalona Kanoe and Eleakala, however, were intoxicated. The woman danced and jumped around and sat down upon the laps of the men in the hula room. Pahū said he saw Pahū afterward at the hospital on Wednesday, the cutting having occurred on Sunday morning, and the Saturday after he was dead.

Upon cross-examination Pahū said his main occupation was that of a taro planter and a horse. Being closely pressed by Mr. Strauss, the attorney, he admitted that he also made "swipes." He did not regard that as against the law unless he got caught. He had not been arrested nor imprisoned, so he felt that it was all right. He said Downing barely tasted of the two bottles of swipes that he bought, but rather insisted in the guests partaking of the liquid. A five-gallon demijohn of swipes was in the house at the time.

Mr. Strauss took up the typewriter testimony of Pahū at the preliminary hearing shortly after the murder and was able to cause the witness to admit a few discrepancies which with rare candor he confessed constituted perjury on his part. At the preliminary he had said that all were gone about midnight and now that it was some hours later. The witness said the former statement was not true.

"Why did you change?" asked Mr. Strauss. "I made the statement before under stress. I was afraid of arrest for having swipes in my house." "Then you committed perjury to avoid arrest for having swipes?" "Yes, I did so to protect myself." "Were you telling the truth then or now?" "I am telling the truth now."

It also developed that witness swore in the lower court that he saw the defendant in the taro patch surrounded by the men. This time the witness said he was facing the men. Another startling block was upon the relation of the witness as to friendship to Deputy Sheriff Chillingworth. Pahū swore before that he had at first refused to give the key to his place to Chillingworth but he changed his mind. This time he says he handed over the key after his wife threw it down from the porch. Before he said Chillingworth was angry. This time that he was not. Finally upon an objection being raised by Mr. Catheart, the defendant's attorney told the court that he had a right to impeach the witness in every way for he had made a plain confession of perjury a few moments before.

Pahū further said that he had been a policeman but he did not look for a weapon. He did not know whether or not the natives were armed. After daylight he made a search but found no weapon.

FRANCE ON THE VERGE OF SERIOUS DISTURBANCES

NEW YORK, Nov. 1.—The outlook for social and political disturbances in France is becoming graver every day, says a Paris dispatch to the Times. In the north 100,000 miners are on strike and the recent socialist talk from members of the government seems to have encouraged a violent and revolutionary spirit. Moreover, the Catholics are becoming very bitter at the declared intention of the government to close official centers to all who have been educated in religious institutions. The Catholic press is very bitter and the clergy are making common cause with the other enemies of the government. Only the fact that the government controls the church funds prevents the clergy expressing their opinion vigorously on the matter.

BERGSTROM'S FINE NOT TO BE REDUCED

Judge Humphreys Denies Piano Dealer's Request.

JUROR'S OFFENSE TOO COMMON. BUSINESS MEN WHO SHIRK JURY DUTY CAUSE DISTRUST OF SYSTEM.

If Russell Sage Had Been Before Honolulu Court He Would Have Served Thirty Days in Jail.

James W. Bergstrom, the piano dealer, who was fined \$100 for his failure to appear in court when summoned as a juror, made a futile attempt yesterday to have his fine reduced. He hired a lawyer, Judge Stanley, who appeared before Circuit Judge Humphreys and appealed to the court to temper justice with mercy, claiming that Bergstrom was a highly respected citizen and his delinquency was purely unintentional.

This gave Judge Humphreys the opportunity to make it plain that he does not intend on any account to permit of business men getting out of jury duty by the payment of a fine. He said as much in plain words in delivering his decision to Bergstrom's request. These were the words of the court: "There is a growing prejudice against the system of trial by jury. It is discussed not only by professional journals, but by lay papers as well. As evidence of the growing distrust of the jury system several states have passed laws making a vote of three-fourths of the jurors sufficient for a verdict, and in others a mere majority suffices.

"I firmly believe that any attempt to encroach upon the province of trial by jury diminishes its power and influence and is a blow at the liberties of the people. It is necessary to human liberty that the right of jury trial be preserved. The growing prejudice is not a result of the system, but of the manner in which it is administered. In most cities and towns of the States the influential and business men escape from jury duty. They sometimes excuse through the failure of the officer making the service or through the disposition of the courts to receive trivial excuses. I can recall the case of a millionaire of New York. I think it was Russell Sage, who paid no attention to a jury summons. On attachment he was fined \$500, which he paid, and he told the court that he preferred paying the amount to sitting on the jury. If I had been the judge I should have sentenced him to thirty days in jail after that statement.

"In the present case the juror was summoned at 8 p. m. to appear at 10 a. m. the following day, but he failed to appear until brought here in the custody of an officer. If he had been summoned a week before there might have been some excuse for him forgetting the exact hour. The first day of this term of court a juror failed to answer his summons and was fined \$25. He made as his excuse that he thought there would be no court until after election. Wednesday another was fined a like sum for a similar offense. These were widely published in the papers of the city and what was the result? The very next day Mr. Bergstrom fails to respond.

"Some business men would rather pay \$25 than to serve on the jury. Take this murder case for instance. It may require a week and the jury may have to be locked up for a night or two. Men can not buy an exemption as they can a substitute in war. The compensation of \$1.50 per day is inadequate, to be sure. It is not intended for compensation except for very poor men.

"It is not a personal matter with this court. I regret that a man who has the confidence and respect of the community should have made this action necessary, but I see no reason why the order should be changed. The motion is denied."

GREAT ODDS LAID ON SUGGEST OF M'KINLEY

Ten to One That He Carries New York by Fifty Thousand—Even Money on Kentucky.

CHICAGO, Nov. 2.—Heavy betting on the result of the election, with odds enormously favoring McKinley, was a feature of the Chicago Stock Exchange today. James J. Townsend, a La Salle street stock broker, says that a New York Stock Exchange man has notified him that he is ready to bet \$100,000 against \$10,000 that McKinley will carry New York State by at least 50,000 majority. Mr. Townsend adds: "I never before saw people so crazy to make election bets as they are in this campaign. Our office was full of them today. The odds are all the way from 2 to 1 to 6 to 1, and even higher, and on every proposition imaginable."

PLOTS THREATEN THE SPANISH GOVERNMENT

It is learned from Biarritz, says a Paris dispatch to the Times, that the Spanish Carlists are trying to approach the Catalonian revolutionists with a view to common action against the present Spanish government.

RETALIATION AGAINST WILCOX SUPPORTERS

HAWAIIANS FIND A FREE BALLOT HAS A STRING TO IT.

Princess Theresa Has Her Hands Full Caring for the Jobless Supporters of Her Husband.

Retaliation against Hawaiians who voted for Wilcox has imposed upon Princess Theresa, the wife of the successful candidate as delegate to congress, a self-imposed task that is assuming surprising proportions.

It is the task of caring for the people who have been thrown out of employment because they voted for her husband. When Theresa Wilcox heard of the misfortunes of those who were loyal to R. W. Wilcox at the election, she undertook to care for them and so far as possible find work for the homeless to live in. The number of men who have lost their jobs in Honolulu on account of political reasons is astonishing to anyone who has been brought up to believe that the ballot is free, secret and sacred. And the fact that political differences has led employers to discharge natives who have been trusted employees for twenty-five years raises a "traver question" that the one that asks. Is the Hawaiian fit to be conferred upon him the unrestricted right of suffrage? That question is, are the business interests that descend to such means of retaliation fit to claim the protection of the laws of the United States?

Among those who were working at the Oceanic wharf and who have lost their jobs because they voted for Wilcox are the following. Some of them have homes and some have not: Kapulana, head foreman; had worked twenty-six years. W. E. Alohika, resided at Kalihi; has no home. Hoopi, Kalihi; homeless. Robert Kamohili, School street. John Kaiana, Palama; homeless. Keki, School street; homeless. Kaeu, Panoa; homeless. Moses Heu, Panoa; homeless. P. K. Maehuelo, Panoa. J. G. Kahavala, Panoa. Peniokahi, Koiua; homeless. Keoloha, No. 3, Palama; homeless. Hookannaha, Kewalo; homeless; had worked twenty-two years. Kaelepulu, Kalia; had worked twenty-three years. Maialili, Honoakaha camp; homeless. Olio, School street; homeless; had worked eleven years. Pilo, Haaliiananu; homeless; had worked eleven years. Henry Kaniwai, Honoakaha camp; homeless; had worked seven years. Kinilau, Moloa; worked eight years; homeless. Eopa, Iwilei; homeless; had worked twenty-five years. Kani, Iwilei; had worked twenty-five years. Kaponoela, Kunawai; had worked twenty-three years. Poo, Fort street; homeless; had worked ten years. Alawahine, Niolopa; had worked twenty-five years. Nihiua, Kunawai; had worked thirteen years. Pila, Kalihi camp; homeless. Pio, Panoa; had worked eight years. Kaniakolu, Queen's hospital. Ohiaelua, Koula; homeless. Kahuli, Kakaako; homeless; had worked twenty-five years. Ikeola, Kalia; homeless; had worked nine years. Eluene, Kalihi camp; homeless; had worked twenty-five years. Kahaleponi, Punchbowl street; homeless; had worked twenty-five years. Sam Keoloha, Palama; homeless. Geo. Kalaikini, Kukulua; homeless. Keaula, Panoa; homeless. A number have been dropped from the road department for the same reason and reports are current of numerous cases where disappointed employers have been "putting the screws" to their men who voted the independent ticket.

It is not American and is a poor example to set before people whose fitness for unrestricted suffrage is only questioned by the man who gets left.

WILCOX DOESN'T PALE UNDER COVERT THREATS

He is Neither in Hiding Nor Under Guard.

MAN OF THE PEOPLE FEARS NOTHING THINKS HIS MAJORITY WILL GROW WITH THE INCOMING REPORTS.

Policy the New Congressman Will Pursue—Independents Will Control the Senate and House.

It was rumored at a late hour yesterday afternoon that Robt. W. Wilcox, delegate-elect to congress, had not been down all day; that he was, indeed, a prisoner in his Punchbowl home and that several hundred of his followers were guarding him there "to protect him from being shanghaied by the missionaries."

A visit to the Wilcox residence quickly dispelled these illusions. Wilcox was not a prisoner, he was not guarded, he wasn't the least bit afraid of the missionaries, but was happy and contented in the bosom of his family.

"No, we need no guards here," he said in response to a query. "I am not afraid of being shanghaied and I was down town today. I am feeling all right; the late returns are no surprise to me. I expected them. You know I was born on Maui and I expected good things from there. The Kinan will be in from Maui and Molokai tomorrow and I expect that the reports they will bring will increase my plurality. I expect to have a very comfortable majority.

"What will be my policy in Washington? To do all I can for Hawaii. I know many republican leaders like Foraker and others, and I shall enlist their sympathies. All my energies will be bent for Hawaii.

"I will devote my attention at the approaching session of congress to public improvements and a cable. Pearl Harbor should be opened at once, and I believe proper stress laid in congress will bring it about. Senator Cushman K. Davis' idea is to condemn the land bordering the harbor, and I quite agree with him. It seems the easiest and best way out of one of the difficulties already pointed out as being in the way of a coaling and naval station there. The United States government will expend \$500,000 on the harbor, wharves and stations, and that work will afford employment to a very large number of our people.

"I will work very hard for the enlargement of Honolulu harbor, which I believe to be a pressing necessity. I have already some plans in regard to this improvement. It will cost a great deal of money but I believe it can be secured.

"Another thing I will work day and night on is a cable. A cable bill passed his last senate, but was defeated in the house. The Hawaiian cable has many bold powerful friends in Washington. President McKinley told me that when he got a cable he himself would visit the islands. I am sure he favored it and will try to get the bill through.

"There are other things I will attend to, among them being some amendments to the Hawaiian bill. Just what those amendments may be I am not yet sure myself, but I believe they will be for the good of the people as a whole.

"Will you recommend a change in the franchise clause?" was jocosely asked. A pleased smile lit up the face of the delegate. "No, I am perfectly satisfied with that clause as it stands and I believe the American people are, too. It is the disposition over there to give full rights to the Hawaiians—to keep the franchise open as it is now. And, by the way, that reminds me. I think it very bad policy for these republicans and democrats who are discharging Hawaiian laborers because they voted for me. This thing will be known on the mainland and the people over there will not like it. It will embarrass matters and can only hurt the parties carrying out such policies."

POPULATION IS LARGER THAN WAS EXPECTED

Director Merriam Talks About the Work of the Census Bureau.

CHICAGO, Nov. 1.—Former Governor William R. Merriam of Minnesota, the director of the United States census, spent several hours in Chicago while en route from Washington to his home at St. Paul, where he is going to vote. In discussing the census he said:

"The large figures shown by the recent census of this country are a big and pleasant surprise to me. None of us at the bureau had expected a larger total than 75,000,000 but, much to our surprise and gratification, it has exceeded that number by more than 1,000,000.

"We reckoned that the decreased immigration for the last decade must work a decrease in the percentage of gain for the decade as compared with the decade preceding. Between 1880 and 1890 a vast immigration flowed into our country. This was much diminished, it was supposed, during the last ten years.

"Congress, when it meets in December, will have the results to hand upon which to base the new apportionment of seats in the lower house. The whole result will not be published until January, and indeed I see a good year's work before us.

"The number of farms in the United States proves to be about 5,700,000. When complete the census will show all about each farm.

"In 1890 there were some 355,000 manufacturing institutions in the United States. Now in round numbers there are about 600,000. The increase in numbers of plants will be shown to be very great in the west. The south also has added to its manufactures. Whether the increase in the west and south is additional to or at the expense of the manufacturers of the east I do not yet know."

Joe Travis, formerly city editor of the Star, lately of San Francisco, is in town. He is a passenger on the transport Sherman, en route for Manila. His friends here were pleased to see him.

CAN BE NO CONTEST.

Leaving out of the question the full returns from Hawaii, Maui, Kauai and Molokai those already in view Wilcox's election. The reports yet to come will increase his plurality, as he says. It is quite likely that he will lead Parker 250 votes.

CAPTAIN J. F. MERRY LEAVES IN SOLACE

Chosen by the Navy Department to Go to Guam.

MAKE PLANS FOR IMPROVEMENTS WITH TWO OTHER OFFICERS CAPTAIN MERRY WILL WORK.

What Will be Done—Needs of Navy in Guam—Captain Merry's Former Services and Fine Record.

Pursuant to an order from the navy department, Captain J. F. Merry leaves in the Solace for Guam this week. He will be the presiding officer of a board of three, composed of himself, Major John Biddel, U. S. A., and Lieutenant A. M. Becher, which will meet in San Luis de A'Pana, Island of Guam as soon after the arrival of the three officers as possible.

The board is formed for the purpose of deciding upon plans and making estimates for the improvement of the harbor of San Luis, to the end that the United States may have full data regarding the place and its adaptability for use as a naval and coaling station.

A site for a town will be laid out and locations for barracks and fortifications will be selected. It is thought that the work will consume about six months, and at the completion of the work Captain Merry will return here and resume his duties as commandant at the naval station here.

During his stay in Honolulu Captain Merry has made many warm friends who will be sorry to lose him. His work here has been carried on most thoroughly, and on account of his experience he has been selected for the work to be done at Guam.

Captain Merry is a native of Fairfield, Me., is in his 61st year, and has been a seafaring man from his youth. At the age of 19 he was chief officer of the merchant ship Edward P. Stringer, which foundered off the coast of Brazil, the officers and crew saving themselves in boats, that of which he had charge making Pernambuco, a distance of 450 miles, in four days. He was chief officer of the clipper ship Wandering Jew when, on October 18, 1862, he was appointed ensign in the volunteer branch of the navy. Being ordered to the steamer Morse, he served on the James and York rivers till August, 1864, taking part in several severe and important engagements. On one occasion he commanded a detachment of sailors on shore at White House Landing, covering General Sheridan's wagon train, General Abernombie subsequently thanking the captain, officers and crew of the Morse for saving the train and his whole brigade from capture.

In October, 1864, he was attached to the steamer Osceola, doing blockade duty, and participated in the attacks on Fort Fisher. During the second attack he commanded a detachment of sailors on shore, and was severely wounded in both thighs, being left for dead on the field. His gallantry on this occasion earned him promotion to the rank of master.

He was attached to the receiving ship Ohio, at Boston, in 1865. Three years later he was commissioned as ensign in the regular navy, and was promoted to be master the same year. In 1869 he was attached to the Idaho and was on board of that ship when she was disabled in a typhoon off the coast of Japan. He received his commission as lieutenant, March 21, 1870, and was promoted to the rank of lieutenant commander after taking command of the Tallapoosa.

He was in command of the training ship Enterprise early in the nineties and was made a commander six years ago. At the outbreak of the Spanish war he was in command of the gunboat Machias, and served aboard her in Cuban waters for several months, when he was taken ill and invalided home. He recovered his health and later returned to sea service, finishing his last tour of duty in January, 1899, having been in command of the great water supply ship Arctusa, which furnished water to the American vessels in Cuban waters.

After the Arctusa was placed out of commission at the close of the war Captain Merry was stationed at the Boston navy yard as inspector of material. He had been there but a few weeks when he was ordered to Honolulu as commandant of the naval station here.

SECRET DIED WITH HIM.

Ghastly Discovery in the Cellar of a Deceased Physician.

NEW YORK, Nov. 1.—While workers were clearing up a cellar formerly occupied by the late Dr. Thomas S. Holmes, who had a drug store in Brooklyn, they came across a box securely fastened, which was found to contain the petrified head and trunk of a girl about 12 years of age. The police made an investigation and became satisfied that the skeleton was the property of Dr. Holmes, who it is said, experimented with an embalming process which he had used during the civil war, and the secret of which he died without revealing.

It was Dr. Holmes' boast that he had discovered a process of embalming that would ossify bodies. He was at work on the process when he died. During the war Dr. Holmes embalmed the bodies of many soldiers. He also embalmed the body of President Lincoln.