

HAS ANSWER STRICKEN FROM COURT FILES

Dr. Miner's Allegations Were of Scandalous Nature.

WOULD RECONCILE THE COUPLE

CIRCUIT JUDGE HUMPHREYS MAKES APPEAL TO CHRISTIAN PERSONS.

Notable Divorce Suit on Trial Saturday Developed a Variety of Situations—Dr. Day Testifies.

The Miner divorce case occupied the bench Saturday for the entire day in the circuit court and is as yet only begun. Even the proceedings of this one day were of a very dramatic nature, containing situations that were both surprising and of unusual importance in a legal way.

After argument covering a wide range the amended answer of Dr. Miner was pronounced by Judge Humphreys as being scandalous and at one swoop he ordered it stricken from the files and expunged from the records, and he said that certain allegations urged upon the point of contempt. It was a victory in the preliminary skirmish for the plaintiff.

The trial began with a motion of Hatch & Silliman for the plaintiff that the amended and supplementary answer of Dr. Miner be stricken from the files upon the ground that it contained matter incompetent, irrelevant and immaterial; that the matter contained therein was of a scandalous nature and contrary to precedent in this court.

H. D. Silliman took up the amended and supplementary answer section by section, reading them to the court. He argued against each one in turn, the burden of his argument being in a general way that they were incompetent and immaterial and tending to be argumentative.

When Mr. Silliman reached the section alleging that Mrs. Miner is lazy and slovenly, fired with indignation, he declared that, supposing every word was true, it would not justify a man in striking his wife, blackening her eyes or knocking her down. It was a disgraceful, pernicious and scandalous allegation and no man containing a grain of chivalry would ever give it utterance.

When at the close of the reading an allegation was read of the woman having been immoral previous to the marriage, the attorney reached the climax of his arraignment. He analyzed the paragraph and made it appear that Dr. Miner charges his wife with having been an immoral woman when he married her, but there is not a syllable to show that the doctor did not know it if such were the fact when the marriage took place in 1886.

This allegation went on to say that some years ago Mrs. Miner had written a letter to her husband admitting she had not been pure and "now only Gladys kept her straight." The attorney said that all of these charges were loose and no relief is sought, merely that the divorce be granted.

Cecil Brown delivered an argument on behalf of the defendant. He took the ground that the facts were necessary to be shown in order to prove to the full satisfaction of the court that the plaintiff is not a proper woman to have the care and custody of the child.

Mr. Brown took up the paragraph relating to the hatred of Mrs. Miner for Honolulu people. Mr. Silliman had characterized that as intended to prejudice the people against her.

"What is the purpose of that allegation?" asked the court.

"It is a circumstance to show that the defendant has been subject to continuous provocation. It alone might be sufficient to arouse some men to commit an assault." Mr. Brown went on to say that Dr. Miner had screened his wife from publicity and had done all in his power to preserve their beautiful home on Beretania street to a life of sunshine and flowers. Her actions had burdened the doctor's heart and he had tried to conciliate her to the last. As a final resort at the last moment he filed his answer and then he did not want to do it. Mrs. Miner had told him to do his worst, that she would not accept his support and that she would ventilate their differences in court.

J. A. Magoon of Magoon & Thompson also for the defense, spoke for nearly an hour, urging the retention of the answer. His talk was not finished when the noon hour arrived and the court beckoned him to go on. He took the ground partially covered by the other speakers and gave characteristic answers to Mr. Silliman's presentation of the matter at issue.

In the afternoon at 1:30 court convened in special session. Mr. Thompson made his argument, which consisted in the main of the citation of authorities. F. M. Hatch made the closing address, distinctly charging that the purpose of the answer was to prejudice the mind of the court, and urged that the answer be stricken from the files.

Judge Humphreys said, in the course of his ruling:

"I am satisfied that the answer contains matter that is scandalous and impertinent, and I will not permit it to remain in the files. Portions of it border upon contempt."

The section alleging that she was an immoral person previous to the marriage and that only "Gladys had kept her straight" left the court in doubt as to the nature of the immorality. It might be theft, it might be impurity. The bare assertion was a contradiction in itself, for it admitted that she was "straight."

The court offered to lend a helping hand to bring about a reconciliation, and

appealed to the Christian persons of this community to intercede. The court believed that the mere leaving of this document in the open archives of the court would have a tendency to prevent such a result. The document was ordered sealed in an envelope by Clerk P. D. Kelett, Jr., and marked in red ink "Expunged and stricken from the files." The ruling was made without prejudice.

The next act of controversy was a legal fight over the plaintiff's bill of particulars. In contains fifteen allegations of extreme cruelty, beating, threatening to kill, and the use of opprobrious and vile language, giving the dates. The complaint only contained ten allegations. The court allowed the plaintiff, upon a written motion, to file the bill of particulars as an amended complaint. To this the defense strenuously opposed, but when it came to naught Mr. Brown offered another amended answer. That aroused the suspicion of double dealing and the court asked Mr. Brown sharply if that answer had been held in reserve in anticipation of the expunging from the record of the other one. Mr. Brown claimed that it had not and said that the answer was the original one prepared by him, but not used.

Dr. Day testified that on September 20, 1898, he had been summoned to the home of Mrs. Frank Damon to treat Mrs. Miner. She had an intensely discolored bruise on her left arm, five or six inches long and two inches wide. Two more bruises were on her body. August 20th last he was called to the Hawaiian Hotel and found her with a very similar bruise on the same arm at the same spot.

By Authority.

REGULATION REGARDING THE INTERMENT OF THE DEAD IN THE DISTRICT OF HONOLULU. Whereas, That there having been no place prepared for burial of the dead as required by law at the expiration of the period set, October 1, 1900, and in extension of time having been granted for such special burial permit until cemeteries as prescribed by law should be available, and that such feasible arrangements are an accomplished fact, therefore,

Resolved, That no permit for interments shall be granted within the city limits except to those already possessing burial plots.

This regulation shall go into effect from and after the first day of January, A. D. 1901. C. B. WOOD, President Board of Health. Honolulu, Nov. 7, 1900.

By Authority.

Notice is hereby given that the following rule and regulation has been added and made a part of the Regulations for Hack and Passenger Vehicles: 21st. Every licensed driver of an automobile shall have a silver metal cap badge, with his number plainly shown on it, as per sample at the police station house; said badge to be worn so as to be distinctly seen on the front of the cap of each driver. (To insure uniformity these badges will be furnished at the station house at cost price.) J. A. McCANDLESS, Superintendent of Public Works. Public Works Office, Honolulu, November 16, 1900.

NEW GOODS JUST ARRIVED

White Enamelled Iron Beds from \$7. Wool Mattresses, the very thing for comfort and health this wet weather, double, \$4; single, \$2.50. Wire Springs from \$3. Wool Pillows, Feather Pillows, Hair Pillows, Straw Pillows, Excelsior Pillows. Meat Safes, Ice Chests, Refrigerators, Bookcases, Chiffoniers, Extension Tables, Baby Carriages, Baby Chairs, Hatchets, Wrenches and every description of Hammers, Levels, Planes, Rules, Files, Wrenches, and every description of HARDWARE, at Prices that Defy Competition. Circulating Library, books lent to read, 5c per volume.

L. S. Mathews & Son

80 (late 26) Beretania St. Between Nuananu and Fort Streets

F. S. O. CO. Contractors & Builders

General Business Agency. All kinds of laborers' supplies. CURB STONES On hand ready to supply. Postoffice Box 878. T. HAYASHI, Manager. King Street, near Liliha (Ewa side).

Wm. Savidge & Co. Real Estate Agents

FOR SALE. \$1,500—House and lot on Liliha St., 56x118; 6 rooms. \$5,000—House and lot on College St., 75x125; house contains 7 rooms. \$5,000—House and lot on Alexander St., 196x196. \$3,300—House and lot on Vineyard St., 75x90. \$3,600—House and lot on Young St., 60x140. \$6,500—House and lot on Young St., 18 rooms, 90x140. \$2,900—House and lot on Kalihii, 77 1/2 x 150. \$2,750—House and lot on Alapai St., good view. \$2,600—House and lot on Kinan St., 50x100. \$1,000—Large lot at Kalihii, 77 1/2 x 150. \$3,900—House and lot at Kalihii, 155 x 150. \$5,500—Business property on Fort St., 47x98. \$5,000—Lodging house in center of city. \$7,500—Investment at Kewalo; monthly income \$110. \$4,200—Leasehold on Beretania St.; 2 large stores; 20 years to run. \$7,500—Large lot with buildings on Punchbowl St.; brings in \$90 per month. \$5,000—House and large lot on Queen street. \$1,400—Lot on Queen St., 50x100. \$8,500—Large lot with 6 cottages; monthly income \$125. \$1,250—Large lot at Kalihii, 105x103. \$6,500—Elegant residence, 225 ft. front, on Makiki St. \$5,500—Residence on Punchbowl near Lunalilo Home, 120x150; a bargain. \$4,000—Leasehold on Beretania St.; 33 years to run; net income \$90 per month. \$900—Leasehold with building on Fort St.; 8 years to run. Lots near Peterson's Lane, Palama; all sizes and prices. Lots on Austin Lane, Palama; all sizes and prices. Lots at Kunaia off Liliha and Judd Sts.; all bargains. Lots at Kewalo from \$575 up, according to location. \$4,000—Large warehouse at Kewalo; recently built. \$4,000—Leasehold of city front lot on Queen St., near Fish Market wharf; 24 years to run. A cottage on Peterson's lane, Palama. Possession given on the 1st of October.

TO LET. Three summer residences near city, at Tantalus, Pearl City and Niu.

WM. SAVIDGE & CO. Real Estate Agent, 206 Merchant St.

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Offers Sale Lots in the Following Tracts. MANOA HEIGHTS.

A few large choice lots with unequalled view; terms easy; prices from \$1,750 to \$2,000 per lot.

NUUANU TRACT. Various lots 50x100 feet at \$250 to \$400 each, according to location; terms \$25 per lot down, balance in monthly installments of \$10 per lot each month.

NUUANU TRACT ADDITION. JUST OPENED AND DIVIDED INTO LARGE LOTS of different sizes, which I will sell on easy monthly installments with a small cash payment down. These lots are almost level and have a rich soil, producing anything anybody may want to plant. They are only a couple of hundred feet from Nuananu avenue and of easy access. A bus runs to the premises. This is a rare chance to get a good home cheap.

NUUANU VALLEY. Five lots on lane just above the Queen Emma premises.

WAIKOA. Near Kamehameha school. Three inside lots on a 25 feet wide street on easy monthly installments; cheap.

KALUAPALENA, KALIHII. A large lot with a fine view on a good street; price \$1,200; terms easy.

A magnificent large corner lot with fine view in the choicest part of Kalihii; half cash, balance at your own terms. This is a real bargain.

KEWALO. Four adjoining lots; aggregate area 100x200 feet; suitable location for warehouse; cheap for cash.

KAPALAMA. A large lot on King street.

FOR LEASE. One and one-third of an acre of land between Liliha street and Inaue Avenue road, close to King street, affording room for a large number of cottages.

A business site on Mimitaha street, between Here' and Punahoa street.

CLASSIFIED ADVERTISEMENTS.

Classified advertisements in this column will be charged at 15 cents a line per insertion. 25 cents a line per week. 35 cents per 10 line weeks, and 50 cents per line per month.

WANTED. WANTED—Furnished room, with or without board, for couple. Address "G." Republican office.

WANTED—Two furnished rooms, with or without board, for three persons. Address "G." Republican office.

WANTED—To rent furnished house, close in; must have three bed rooms; good opportunity for parties going away to secure a tenant. Call or address E. S. Gill, Republican office.

FOR RENT. FOR RENT—Two new brick stores, plate glass front on Hotel street. Apply to J. Oswald Lutted, New England bakery.

FOR SALE. FOR SALE—One handsome Crown piano in perfect order with harp and mandolin accompaniment. Has been used only five times. Can be had at a reasonable price by applying at the Orpheum Cafe.

LOST. LOST—A safe key and a postoffice key. Reward for return to The Republican.

LOST—A bay horse with a white spot on left fore shoulder has been lost. Horse is the property of Robert Parker, Jr., and if returned to the police station a reward will be paid.

LOST—By accidental gate opening, a large bay-colored Californian mare; weight about 900 lbs.; faint star on forehead; fat condition; a little pun on or irritation on face, but bearing right hind foot a little white flake; please notify police station and reward will be paid.

STOLEN—From in front of Chas. Lind's restaurant, Nuananu street, a black pacer horse in saddle; white spot on forehead and branded "T-E" (connected) on right hind leg. Liberal reward if said animal is returned to police station.

FOR SALE! THE PRICES ARE RIGHT.

ONE PACING TEAM. ONE PACING SINGLE DRIVER. TEN HEAD HACK HORSES. ONE FAMILY CARRIAGE TEAM.

The above are all guaranteed sound, nifty, young animals. Also several 3-minute and better Hackers. Apply to WILLIAM CUNNINGHAM.

FOR SALE. Two lots 50x100. One lot 100x100 on which is a house containing six rooms. For particulars apply to DAVID K. UNAUNA, Wilder S. S. Warehouse, Esplanade.

BEAVER LUNCH ROOMS. H. J. Nolte has just received a new lot of celebrated

FIVE CENT CIGARS. New York Capadura's, Washington Allston, Union de Cuba, Grand, Republic, Figaro, Jackson Square Renown's, Etc.

Also: Key West Cigars, La Deliciosa and El Mas Noble.

H. J. NOLTE, FORT STREET.

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Office at banking building on Merchant street. Savings Deposits will be received and interest allowed by this Bank at 4 per cent. per annum.

Printed copies of the Rules and Regulations may be obtained on application.

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E. W. Quinn, 115 Union street, is prepared to furnish estimates on first class modern plumbing. Patronage solicited. P. O. Box 162.

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Members of Honolulu Exchange Stock and Bond Brokers

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Advances Made on Approved Security

PACIFIC TRANSFER CO. 227 King St., Next to Bailey's Cyclery.

EXPRESS WAGONS, DRAYS, LUMBER WAGONS AND DUMP CARTS

ALWAYS ON HAND. TRUNKS, FURNITURE AND SAFES CAREFULLY HANDLED. TELEPHONE MAIN 85

The Hawaiian Hardware Co., Ltd.

Importers and Dealers in Hardware, Crockery, and Glassware

2, 3 and 4 Light Chandeliers and Electric Lamps, Metal and Glass Lamps, Lamp Fixtures

Paints, Oils and Varnishes, Lard oil, Cylinder oil, Dynamo oils, etc. Powder, Shot and Caps, Agricultural Implements, etc.

House Furnishing Goods, Etc. Silver Plated Ware of all descriptions Table Cutlery, etc.

Plantation Supplies of Every Description.

Hart's Patent "Duplex" Die Stock for Pipe and Bolt Cutting; Rubber Hose, plain or wire bound, etc.

Agents for The Aermotor, Made of steel and will last longer and give better satisfaction than any other manufactured.

Orders from the other Islands solicited and promptly filled

Wm. G. Irwin & Co. -LIMITED-

Offer for Sale: REFINED SUGARS. Cube and Granulated.

PARAFFINE PAINT CO.'S Paints, Compounds and Building Papers.

PAINT OILS, Lucol—Raw and Boiled. Liused—Raw and Boiled.

INDURINE, Water-proof cold-water Paint, inside and outside; in white and colors.

FERTILIZERS Alex. Cross & Sons' high-grade Scotch fertilizers, adapted for sugar cane and coffee. N. Ohlandt & Co.'s chemical Fertilizers and finely ground Bonemeal.

The Hawaiian News Co., Ltd. Sole Agents -- Hawaiian Islands.

STEAM PIPE COVERING, Reed's patent elastic sectional pipe Covering.

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Agents For ESTERN SUGAR CO., San Francisco, Cal.

BALDWIN LOCOMOTIVE WORKS, Philadelphia, Pa., U.S.A.

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OHLANDT & CO., San Francisco, Cal.

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The White House 420 Fort Street. New Shirt Waists Up to Date STANLEY WAISTS With Pointed Sleeves Crown Tailor made Waists with the Latest Collar. These Waists are New and very Stylish. AMERICAN DRY GOODS ASS'N, Ltd.

OUR NEW STORE Cor. Fort and Hotel Sts. Importing Tobacconists: American, English, Turkish and Egyptian Cigarettes CONSTANTLY ON HAND! The Honolulu Tobacco Co., Ltd.

INVINCIBLE TYPEWRITER SUPPLIES are the best obtainable, and are sold at most moderate prices. Whatever variety of supplies you wish, you will find it here, embodying the sterling qualities of reliability, convenience and economy. UNITED TYPEWRITER AND SUPPLIES CO. 327 Montgomery Street, San Francisco, Cal.

The Hawaiian News Co., Ltd. Sole Agents -- Hawaiian Islands.

To it I owe my Health Rainer Bottled Beer... is a Tonic and has more nourishing qualities than any Tonic or beverage in the market. Read The Honolulu Republican.