

VOLUME II, NO. 163

HONOLULU, H. T., TUESDAY, DECEMBER 18, 1900.

PRICE FIVE CENTS

TO PLEAD FOR MERCY IN THE LAND DISPUTE

Commissioner Brown
Is Off For Wash-
ington.

SAYS HE WILL GIVE "INFORMATION"

PARAGRAPH FROM JOINT RESOLUTION OF ANNEXATION
ON QUESTION.

Opinion of Attorney General Griggs
Quoted Herewith in Full Sustains
The Republican's Position—Public
Property Transferred By Treaty.

The land controversy is getting so very warm for some people who have a kind of official, not to say personal, interest that they have gotten together and dispatched a representative to Washington, in no less a personage than Land Commissioner Jacob F. Brown, to personally ask the Attorney General to please play quits. Mr. Brown left last night on the Alameda and he has admitted that neither the President nor Attorney General nor Secretary of the Interior have sent for him, but he will be on the ground as quickly as possible to offer such "information" as the government officials there desire.

Mr. Brown, when interviewed by a Republican reporter just before the gang plank was taken in, said:

"No, I am not sent to Washington by the Executive Council. It was the opinion of several of the government officials, as well as myself, that my services would be useful in Washington in regard to the pending land deal. I go simply to give information to the Washington officials."

"What mode of procedure will you pursue as a lobbyist, Mr. Brown?" was asked.

"I am not going as a lobbyist," was the emphatic answer. "I am going simply to visit some of the prominent Washington officials, and give them information in regard to the late land deals. The only reason for my going is that it is so difficult to carry on correspondence at a distance."

Now that the question has been raised, The Republican will delight its contemporary, the morning organ of the Dole government with the following preamble to the joint resolution for the annexation of Hawaii adopted by Congress July 7, 1898:

"Whereas, the government of the Republic of Hawaii having in due form signified its consent, in the manner provided by its constitution to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also the cede and transfer to the United States the absolute fee and ownership of all public, government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the government of the Hawaiian Islands, etc., etc."

And here is the opinion of Attorney General Griggs which bears upon the subject at issue:

"Congress having failed to legislate on the subject of public lands for the Hawaiian Islands, the government of Hawaii is not reinvested with its former power of their disposition."

"The Hawaiian Republic, as a separate and sovereign power, ceased to exist when the resolution of annexation took effect, and it exists as an organized government only for purposes of municipal legislation and for such purposes as were expressed in the resolution, the sale and disposition of the public lands not being one of the latter class."

"The term 'municipal legislation' is limited to that class of laws that relate solely to internal affairs of the country and the relations of the people to each other."

"By the resolution of annexation the public property of Hawaii, including the lands, became vested in the United States, and only by their authority or direction can those lands be disposed of."

"All interest of the Republic of Hawaii in public lands at the time the resolution of annexation took effect were thereby transferred to the United States, and thenceforth the officials of Hawaii were without power to convey by grant or cession the legal or equitable title of the United States."

"The resolution of annexation took effect as of the date of its approval, to wit: July 7, 1898, with respect to public lands and not August 12, 1898, the date on which the ceremonies took place formally transferring possession."

"The Hawaiian government has no power to convey or confirm title to public lands where conditional sales or entries were made prior to the reso-

lution of annexation, and the conditions entitling such persons or entries to a grant have been subsequently performed."

It is not impossible that even before Governor Dole's inaugural address gets in its deadly work toward doing away with all of this, that E. P. Dole, attorney general and part of the executive real estate office of Dole, Dole & Co., will spring some remarkable principle of jurisprudence that will make that stroke unnecessary.

CLASH OF TONGUES.

Mr. McCandless Reads the Rest Act To Transit Company.

J. A. McCandless, superintendent of public works, clashed with the Rapid Transit Company in a wordy but bloodless engagement yesterday. The Rapid Transit people started out with the idea of tearing up a whole street laying rails according to reports.

Mr. McCandless talked emphatically for a while and finally succeeded in stopping the operations. A compromise was effected by which a block at a time may be torn up and the track laid instead as nearly a mile as attempted.

Adams Did Not Enter.

The training ship Adams did not enter the harbor last evening but anchored outside. She called here for mail from the Coast and will await the arrival of the Sierra and then leave for target practice with the great guns. She will come back on the 22nd inst.

Home Rule Charter Commission.

Owing to the answers from several members of the charter committee not being received the Independent executive committee was unable to take any decided action in regard to the matter last night. An adjournment was taken after transacting some unimportant business.

Bicycle Stolen and Recovered.

Dr. F. E. Clark, the dentist, had his wheel stolen from the entrance to the Progress block Sunday afternoon. While watching the passing wheels on Fort street yesterday, he noticed a man who proved to be a policeman leading a youngster with a bicycle to the police station. He recognized the machine as his own, and immediately claimed it. The lad, who was booked at the station for investigation, gave the name of Louis Smith. His case comes up this morning.

SUPREME COURT IN SESSION.

One Case Heard and Adjournment Taken Till Today.

The supreme court convened yesterday morning for the December term with Chief Justice Frear and Associate Justice Perry on the bench. Justice Galbraith is expected on the Sierra from the mainland.

The calendar was called and most of the cases were announced as ready for trial. The only case heard was that of Malait vs. Alapai, which was taken under advisement. George Lucas was behind the desk as clerk. There was no afternoon session.

Mr. Smith Has a Candidate.

Carl S. Smith, who is in the city, according to advices at hand, has a candidate for United States Deputy Marshal at Hilo whom he is urging upon Marshal Ray. This office Mr. Ray has declined to fill but the matter is being considered anew. Mr. Smith has not made the name of his candidate public as yet.

Doings of Maui Court.

The circuit court for the second circuit at Lahaina, Maui, has concluded its sessions. The grand jury found five true bills and dropped two cases. Aaula, against whom were two indictments for assault with a deadly weapon, pleaded guilty and was assessed \$75 in each case. Man Poon pleaded guilty to the charge of burglary and was given seven years at hard labor. Doyo, the Japanese, larcenist, who made a covetous visitation upon an attorney's wardrobe, was let off with a \$50 fine. Fugimoto, a Japanese, who assaulted an interpreter at Spreckelsville was assessed \$25. Many cases were continued till next term.

An Ancient Visiting Card.

From the Pall Mall Gazette.

The oldest visiting card of which there is any record is to be found in the state archives of Venice. Giacomo Contarini, professor at the University of Padua, sent the card in question as a curiosity to a Venetian friend, saying that the German students who came to Italy had the elegant and laudable custom of leaving such little cards, with their name and place of origin, at the houses of friends when they called and found them absent. The card referred to bears a coat of arms, with the motto "Espoir me confort," and beneath "Joannes Westhof Westphalus scribat. Patavii 4 Martii 1560."

Court Hawaii, No. 376, I. O. F., meets at 7:30 o'clock this evening to elect officers for the ensuing year.

CORONER PROBES INTO THE DOUBLE MYSTERY

Two Deaths are Linked
Together In Inquisition.

FRANK BENNETT IS FOUND DEAD

THOUGHT TO HAVE CAUSED
DEATH OF MISS SCHNEIDER
AND SHOT HIMSELF.

Does the Evidence Indicate That the
Woman Was an Innocent Victim
of a Man Bold in Battle but Without Real Valor?

The investigation by the coroner's jury into the cause of the death of Frank P. Bennett, the scout, who was found dead Sunday afternoon in his quarters at Camp McKinley, has made some headway.

The inquiry was commenced yesterday. Several witnesses were examined and some salient facts were established.

The demise of the scout and the death of Miss Clara Schneider were mysteriously related.

The scout borrowed a .38-calibre Colt's revolver from the quartermaster's store on Tuesday of last week. On Tuesday night he was out with Miss Schneider until a late hour. Wednesday morning, Miss Schneider was found in a dying condition from morphine taken into the stomach, death following that afternoon. The note which follows and was found in Miss Schneider's room was identified as being the handwriting of the dead scout:

"I thought you was to come up last night after the others was asleep and I looked for you until three o'clock in the morning and you don't know how I missed you—went to sleep thinking of you."

It bore no date and did not necessarily refer to Tuesday night. The memoranda indicating that the scout was in debt to Miss Schneider to the amount of \$400, was also identified as the handwriting of Bennett. In a note, left by Bennett for Commanding Officer Ennis, he stated: "A woman is the cause of it all."

The woman left no message. A woman, with the friends and relatives possessed by Miss Schneider, even if driven to suicide, as a rule would hardly take the step without leaving a note for someone.

The jury sitting on the case consists of F. O'Brien, Edw. Dekum, H. S. Bailey, J. Brown, F. H. Loucks and E. Edmunds.

The first witness called was Alfred E. Hansen, a private soldier at Camp McKinley. He was sitting at his desk Friday morning in the commissary quarters not more than twenty feet from the room occupied by Bennett. He heard a report at about 10 o'clock in the morning like a pistol shot. He sent a sergeant to see what was the matter. The sergeant reported that it must have been a slamming door. The witness now believes it was the report of the gun-shot that killed Bennett. The witness also stated that Bennett was a very quiet man and seldom talked of his affairs.

Oran Underwood, acting commissary sergeant for Camp McKinley was examined. The last time he saw Bennett was on Tuesday, December 11. He also was in the commissary office Friday forenoon and heard an unusual noise, like the report of a gun. It was about 10 o'clock in the morning. He also, at the time, thought the noise was caused by the slam of a door but thinks now it was the shot, fatal to Bennett. He had been told by the boys that Bennett was quite a chronic borrower of money. He had heard a Chinese storekeeper say that the deceased had been lately borrowed \$14.75 from him.

James D. Alexander, a teamster at Camp McKinley, said he had known Bennett for a year and a half. He last saw him alive on Thursday morning at 9 o'clock. Witness at that time gave him some newspapers, handing them through the window at Bennett's room. Bennett took the papers but said nothing. The dead man had told the witness at one time that he had some sugar stock. The deceased had been borrowing money from witness in small amounts since July. At present his total loans amount to about \$60. Bennett said to witness not long ago that he would have some income from his sugar stock by the first of the year when he would pay back the debt. Witness also said that Bennett was accustomed to being out late at nights but usually came home. Last Sunday, Alexander, became uneasy about Bennett. He went to his window, looked in and discovered him dead. Alexander identified the handwriting of Bennett in the note left to Commanding Officer Ennis, and the note and memo-

randum found in Miss Schneider's room.

Dr. Pratt, who accompanied the coroner's jury to the Camp last Sunday testified as to the condition in which he found the body. It was lying alongside the bed, partially on its left side. The right arm was extended under the bed and in the hand was gripped a .38-calibre Colt's revolver. The dead man was dressed in a neat suit of black. Decomposition had set in upon the face and hands. He discovered a bullet hole in the middle of the left side of the head. He considered this the place of the bullet's exit and thought the revolver barrel had been inserted into the mouth when fired. He believed the man might have lived a short time after the shot but that his body was not far from the position, last assumed before the trigger was pressed by the finger.

Geo. West, first sergeant, in charge of the stores at the camp was the man from whom Bennett secured the revolver. West said he had known Bennett since April, 1899. Last Tuesday, Bennett came to the witness and asked him for a revolver, saying that he wanted it to shoot rats in his room. At first he was refused, unless Bennett secured the consent of Quartermaster Ketcham. Bennett went away, returning shortly and said that Ketcham did not object.

"How many rounds of ammunition do you want?" asked West.

"About six," said Bennett.

"That's all?"

"I guess that will stop the rats for awhile," said West.

He was then handed the gun. Examining it, he inquired, "Is this the same calibre as the old ones?"

"No that is a .38," said West.

"I then tried," said the witness, "to persuade him to get a .22-rifle as it would be much better to use in his room. 'No,' he said 'this will do; this will stop them for awhile.' I had no idea that he expected to kill himself."

The witness knew nothing of the financial troubles of Bennett.

Sergeant Geo. E. Bullock was a witness who saw Bennett only a few hours before he committed suicide. It was Friday morning, Bennett went to mess at 7-15 which was unusually early for him. Bullock met Bennett at the mess room door and said "Good morning, Mr. Bennett, you are out rather early, are you not?" "Yes," said Bennett, "I didn't sleep much last night, my neuralgia bothered me."

Witness said Bennett was dressed as usual in his high topped boots and sombrero. At breakfast he ate but little and soon left the table. Witness stated that Bennett was a very popular man in the camp and did not have an enemy among the boys. At this, his last breakfast, he wore a very haggard look.

The inquest will be resumed today at 2 o'clock in conjunction with the inquest on the body of Miss Clara Schneider. The Bennett jury will listen to the testimony to the submitted in the Schneider case, which it is thought, will enable it to bring in a much more intelligent verdict.

Escaped from Reform School.

Willie Solomon, an inmate of the Reform school, made good his escape yesterday from that institution. He was working around the premises and when he saw a good opportunity "made a sneak" and succeeded in eluding his pursuers.

Thinks One Attorney is Enough.

W. Austin Whitney, attorney for the estate of James J. Stewart, deceased, has filed a motion for the fixing of his fees. He states that owing to the appointment of Administrator Frank E. Thompson, who is also an attorney, he need no longer act in that capacity.

RECORD OF FIVE DEATHS.

Japanese Babe Was Ill But Fifteen Minutes.

Five deaths were placed on record yesterday by the secretary of the board of health. Besides William J. Hunt and the F. Bennett there were the following:

Shiye Fukushima, aged one month and eleven days, Japanese, died December 14, Ewa side of Liliha street, near King, of convulsions, ill but fifteen minutes, attending physician, Dr. K. Haida.

Fong Mol, aged 23, Chinese, died December 15 at the Chinese hospital, of typhoid fever; Dr. A. G. Hodgins, attending.

Kamataro Hadagasu, aged twenty-four, Japanese, died December 15, at Insane Asylum road, of acute nephritis; Dr. K. Haida, attending.

James Bennett, aged 61, died December 15 at the Victoria Hospital, of intestinal nephritis; Dr. Bowman, attending.

Widow's Petition Denied.

The petition of Maria Barette, widow of Manuel Antonio Barette, for an allowance from the estate has been denied by Judge Humphreys. She wanted \$30 a month from a fund of \$2000 in the hands of the court.

PATRONS OF SEWER PAY FOR CONNECTIONS

Mr. McCandless Adopts
System of Yearly
Charges.

NO FUNDS FOR MAINTENANCE

LEGISLATURE FAILED TO PROVIDE FOR THE RUNNING EXPENSES.

No Authority of Law But Mr. McCandless Says He Acted From Necessity—Fixed His Rates as Annual Dues—Opposes Taxation.

The maintenance of the new sewer system is a matter that seems to have been overlooked or neglected by the legislature. It is claimed by those in authority that there are no funds that may be used for that purpose and there is no way of raising the money except from the patrons of the sewer.

For that reason charges have been fixed by Superintendent of Public Works J. A. McCandless for all connections and the ratings have been made as annual dues. This has aroused some objection on the part of patrons and will probably continue so to do until the legislature shall have met and placed the necessary funds at the disposal of the department and provided for an assessment on property or other means to carry on the expense that must be borne.

"I have no authority from the executive council or anybody else except myself as superintendent of the department of public works," said Mr. McCandless yesterday to a Republican reporter. "There is absolutely no money at hand for the purpose and the sewer has either to be maintained or shut down. It would have to be paid for from some source and I believe it is better for the users to stand the expense than to raise the money by taxation whereby the people of the other islands would be dragged in. It would not be fair to ask the people of Hilo for instance to help stand the expense of a sewer system used only in the heart of Honolulu. The money had to be raised. I am raising it in that way."

Some of the patrons think the present taxation covers the item. This Mr. McCandless denies. He says on the contrary that the funds from the customs department and other sources having been diverted to the federal government cash is very much in demand and rather conspicuous by its absence.

Following is a copy of Mr. McCandless' rate card:

Rates of Annual Charges For Use of Sewer.

Dwelling Houses—500 or less square feet ground floor area (20x25) \$2.00 per year; 500 to 800 square feet ground floor area (25x32) \$4.00 per year; 800 to 1,100 square feet ground floor area (30x36) \$5.00 per year; 1,100 to 1,400 square feet ground floor area (35x40) \$6.00 per year.

One dollar additional for each 300 square feet of ground floor area. Second floor 50 per cent of ground floor rate when occupied by same family. If occupied by two or more families the rate to be the same for each floor above as for ground floor.

Lodging Houses—For every room containing accommodations for not more than three adults, 50 cents. For every room containing accommodations for more than three adults, for each additional adult, 25 cents.

Office Buildings, Saloons and Hotels

No. Fixtures	Urinals	Water closets	Sinks	Wash-bowls	Baths
1	2	4	1	1.50	\$2.00
2	4	8	2.00	1.50	4.00
3	6	12	2.50	2.00	6.00
4	8	15	3.00	2.50	7.50
5	10	18	3.50	3.00	9.00

Restaurant—\$1 \$2 \$3.00 \$4.00 \$5.00 \$6.00
Laundries—Two persons employed \$5.00 per year; three, \$7.00; four, \$9.00; five, \$10.50; six, \$12.00. Over six persons employed \$1.50 for each person.

Stables—Each head of live stock, 50 cents.

Stores—1,250 or less square feet area (25x50) \$4.00 per year; 1,250 to 1,800 square feet area (30x60) \$5.00 per year; 1,800 to 2,400 square feet area (40x60) \$6.00 per year; 2,400 to 3,000 square feet area (50x60) \$7.00 per year; 3,000 to 4,000 square feet area (50x90) \$8.00 per year.

Over 4,000 square feet area \$1.00 additional for each 1,000 square feet.

Second floor 50 per cent additional to ground floor when occupied by same tenants.

Third floor 25 per cent additional when occupied by same tenants. When occupied by two or more ten-

ants the rate to be double the ground floor rate for each floor.

Stores with accommodation for lodgers, for each lodger, 25 cents.

The rates were adopted December 13 by the superintendent and he has them tabulated on printed cards.

Progress of Wireless Telegraph.

The wireless telegraph is now in working order as far as Maui. Manager Cross arrived in the Claudine Sunday and reported a. well as far as that island. He made arrangements to connect the Makana station with the Maui telephone system, and is now arranging for the connection of the Wailua station with town.

Wife of Japanese Physician.

Mrs. T. Katsumura, the wife of the Japanese veterinary of this city, arrived with her daughter on the last America Maru. This is the first time in ten years that husband and wife have met, the husband having studied medicine in America and came directly here to practice.

PROCEEDS OF THE CONCERT.

Nearly Eleven Hundred Dollars for Lepers' Christmas.

Over \$1000 was netted by the Merry Christmas concert for the lepers last Saturday night. The net proceeds are as follows: Tickets, \$784; programs, \$178; flowers, \$86; lemonade, \$34; making a total of \$1,082.

Those who deserve particular praise for making the concert such a success are numerous. Mrs. Dr. Hoffmann was the mainstay of the performance, but to many others, great praise is due. Among this number are Mrs. Montague-Turner and her young assistants, the Misses Campbell, Howard, Herbert, Atkinson and Tenney. Mrs. Hasson, Mrs. J. C. Hagens, Mrs. A. E. Murphy, Mrs. Porter Boyd, Mrs. Elston, Miss Walker and Miss Juliet King for selling the programs. Mrs. Kitcat, Misses Cameron, Walker, Luce and Jordan for the handling of refreshment.

Miss Ella Harrison who sang "For All Eternity" at the concert gave one of the most enjoyable numbers on the program. Her name was involuntarily omitted in the Sunday account published in this paper.

CHINAMAN DIED FROM NATURAL CAUSES ONLY

Wun Ching Found Dead by the Iwilei Roadside Last Sunday Was Not Murdered.

The coroner's inquest on the body of Wun Ching held yesterday afternoon, resulted in a verdict of death from natural causes.

Wun Ching was found dead by the police Sunday night in the road side by the government wash-house at Iwilei. He was found lying on a few gunny sacks, and a lighted lantern at his head, served as a danger signal. He had been placed there by the denizens of the wash-house, who were evidently afraid they would be charged with funeral expenses if a dead man should be found in the house. Whether Wun Ching was put into the street before he was dead or after his spirit had flown is not certain. The Chinese who testified at the inquest could not be induced to stick to any one story for more than five minutes at a stretch.

The friends, relatives and neighbors of the dead man lied when the police came in, and seemed willing to keep up the pace as long as the coroner or members of the jury would ask them questions. However, there was nothing in the actions of the Chinese to indicate that they were guilty of any crime save that of foolishness.

The body of Wun Ching was autopsied by police surgeon Emerson, Sunday night. He found the old Chinaman had been severely withered by the blasts of time and was suffering from a number of diseases, any one of which was sufficient to cause death. His right lung had been out of action for some time and his right kidney had joined the army of the unemployed. His entire alimentary canal was in varying stages of decay and eating had become a useless if not an impossible operation on his part. Dr. Pratt, the executive officer of the board of health, testified to similar facts as those contained in the evidence of Dr. Emerson.

The jury on the case consisted of Harry Klenne, David Peterson, Geo. Andrews, T. J. Reilly, W. M. F. Peterson and G. J. Haskins.

Opium Seized.

Officers Kaapa and Chun Poon made a seizure of twenty-four tins of opium yesterday, found in the hands of a Chinese employe at the Hoffman Saloon.

Expense of Lahaina Court.

Judiciary Clerk Henry Smith has made up his accounts of the cost of the session of the second circuit court at Lahaina just closed. He finds the amount to be \$941.

JAPANESE IN JAIL UNDER MOCK SENTENCE

Rev. Azbill Tells of a
Travesty on Justice
In Kona.

TO ATTEND POLITICAL MEETING

COURT RUSHED MATTERS BY FINDING ELEVEN MEN GUILTY AFTER TRIAL OF THREE.

Important Investigation For Protective League to Take in Hand—Story of How Business Is Done When Lawyers Are in a Hurry.

The Rev. W. K. Azbill made some startling statements yesterday. He said at the Protective League meeting that eleven Japanese are languishing in Territorial jails without legal sentence or genuine process of law. He stated in fact that after the conviction of three men in a slip shod trial eight more were found guilty and given long sentences.

"Word has come to me," Mr. Azbill said, "concerning a crowd of Japanese who were convicted of maltreating one of their countrymen about two months ago in the Kona district."

"According to my informant the arrests were made some hours after the crime was committed, and the officers detailed used absolutely no discrimination taking in every one they could lay hands on. Of the men arrested, three were not there at the time the crime was committed, and each could easily have proved an alibi. The first, Taniguchi, who is now serving out an eighteen month sentence in the Oahu jail, was asleep at his house when the deed was done. The second, Hoshida, now serving out a year's sentence in Hilo, was at a compound some distance from the scene of the crime. Veda, the third man, was at home fully half a mile away from the scene, but on hearing of the trouble went up to see what was the matter. He is now in Oahu jail serving out an eighteen month sentence."

"A Mr. Katsumura was asked to act as interpreter during the trial, his legal aid and so forth. A Mr. Wilder was the first attorney hired, but owing to other business, he was not able to go to Kohala to conduct the defense."

"Another lawyer, who was a member of the Republican committee of that district, was hired on the spur of the moment. A political meeting was on at the time and the lawyer desired to attend. Proceedings were rushed along as fast as possible. But three men received a trial, and those trials more resembled one of the old-time cascades of the Republic. At this point the presiding judge, whose name I was unable to find out, stopped the proceedings and sentenced all accused. The rest of the men were not even allowed to plead guilty, and were convicted without even the semblance of a trial."

"The chances of appeal were lost by the bungling of men who were ignorant of our laws, and how to extricate them is more than I can see. I believe the only thing to be done is to get out a writ of habeas corpus. The Japanese Consul should be notified of the case. The jailor might be forced to show the mittimus under which he is now holding the men in custody. At all events something should be done immediately."

The members of the league were considerably moved by Mr. Azbill's story which in fact created an immense sensation.

"I am extremely surprised," said the Rev. W. M. Kineaid earnestly, "that anything so unjust could have occurred. The United States constitution expressly provides that any man accused of crime shall be tried by a jury of twelve men, and if I am not mistaken, conviction shall only result on the consent of the whole twelve. Such an act was in open violation to the constitution, and should be looked into at once. No judge, who could do such a thing should be allowed to hold office."

After considerable discussion the matter was referred to the Legal Aid committee with power to act.