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WORK ON

NEW CODE

The code commission, appointed under an act of the last legislature, is holding nightly meetings now, to go through the laws of the monarchy, Republic and Territory and codify them.

It is the general opinion of attorneys that the laws of Hawaii are gravely lacking in proper compilation and indexing.

The code commissioners are going over every law that was ever passed here. Every section is being traced back and under it in the forthcoming book will be found notes giving the results of the tracing, as well as the other references often so valuable to attorneys in consulting law books.

When you make your will name Henry Waterhouse Trust Co., Ltd., as your executor. Then place the paper in one of its safe deposit boxes—and die in peace. Your estate will be administered competently and economically.

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LEVINGSTON'S Young Building

MUST GO TO FIGHT

JAPANESE IN HAWAII WHO ARE MEMBERS OF THE NAVAL OR MILITARY RESERVE SHOULD ANSWER THEIR COUNTRY'S CALL, SAYS CONSUL-GENERAL MIKI SAITO—SHOULD DEPART PEACEFULLY.

The following is a translation of a proclamation issued today by the advice of His Imperial Japanese Majesty's Consul-General in Honolulu, Miki Saito, and distributed in Japanese throughout the entire islands.

"It is with the deepest regret that we have to announce that the prolonged negotiation for a peaceful settlement of international differences between Japan and Russia has failed, and that Japan is compelled to resort to the arbitration of war for the solution thereof. It is but proper that the subjects of His Imperial Japanese Majesty, residing within the Territory of Hawaii, and under the protection of the United States of America, should regulate their conduct with due regard to the well-known obligations of a belligerent's subjects, residing within the territory of a neutral friendly Power; and it should be their special care, at this exciting moment, to conduct themselves calmly, quietly, and in moderation in the peaceful intercourse with their employers and with all others."

"Should the Home Government call the reserves and landwehr into actual service, both of Army and Navy, it shall be the high privilege for those residing in Hawaii, and who belong to either class, to immediately respond to the patriotic call of their country and return to Japan. It should be their special care to make preparation to be ready to return in as calm and quiet a manner as in time of peace. By the advice of H. I. J. M.'s Consul General, Honolulu, T. H. The Central Japanese League Honolulu, February 11, 1904."

FRISCO CABLE MAY BE BROKEN

*There is danger that cable communication between Honolulu and the mainland may be cut off for a short time. The sea cable is fortunately not in danger but a section of the land line is apparently in danger of being swept away.

The pipe in which the land section of the cable runs from the landing station at Sans Souci to the main office in the Young Building, passes along the Waikiki road. This pipe goes under the bridge at Kapoli Park. The bridge is now in danger of collapsing. One portion of the bridge has been carried away and the prospects this morning were that the entire structure would give away.

The recent freshets are the cause of the bridge being undermined. Little can be done for the present until the water subsides as it is dangerous to life to send any one under the bridge.

Should the entire structure be carried away the cable line would in all probability be swept away with it.

With the land section broken the cable messages would have to be sent directly from the station at Sans Souci. The apparatus for sending messages from Sans Souci is not in place at that station and a delay of at least six hours would ensue before such installation could be made.

GEORGE A. DAVIS CASE ON TRIAL

UNITED STATES JUDGE DOLE TAKES UP THE DISBARMENT HEARING—ALL THE OLD WITNESSES PRESENT AND THE TESTIMONY BEGINS ON THE SAME GENERAL LINES AS IN THE FORMER CASE.

The George A. Davis disbarment case was begun this morning before United States Judge Dole, with a large number of those who attended the former hearings in the Territorial Supreme Court present. The hearing was greatly similar to the former Summer disbarment hearings, though the proceedings were not so noisy as in Davis' last case. John K. Sumner was present all the morning and appeared to be an interested listener to the testimony.

The testimony of Wally Davis was taken without many objections on the record. In most cases where the respondent made an objection he withdrew it after discussion. Once Judge Dole induced him to do so by stating that he regarded the objection as improper, and once District Attorney Breckons brought about the same result by a reference to quoting the United States Attorney General after calling for a "thorough" investigation. Judge Dole noted the testimony very diligently and was even with the stenographer in quoting statements of the witness when they were called in question. There were a few sharp passages between the attorneys.

Wally Davis appeared to have a good recollection of many of the details of the various Summer suits and transactions. He went again over all the ground covered in the former hearing, telling how Davis asked him to bring his mother, Sumner's aged sister, to his office, and how the various suits were carried on subsequently. Davis objected to conversation between Wally Davis and John K. Sumner about Sumner's intentions towards his sister. The witness related Sumner's statement to him and Sumner's sister that he was tired of the litigation and didn't want to keep on fighting. He would give her \$10,000 and the same to each of the Esters, also to the church, if they could stop all litigation, and he would agree to pay all the attorneys.

Davis objected to all this and began a vigorous speech. "It is not proper," he began, "I am here on trial for malpractice and infidelity to my client."

"At your own request," interjected Breckons.

"Also at the request of the department of Justice," said Davis.

Judge Dole ruled that the evidence might be stricken out and Davis produced the letter from Washington to Breckons, proceeding to argue further on how the investigation was brought about. He read the letter, ending with instructions to Breckons to make the investigation a "thorough" one. "It is very evident that it is not going to be a thorough one," said Breckons at this point.

Davis then withdrew his objection and motion to strike out and the evidence went into the record with some more along the same lines.

Wally Davis continued his story without interruption until he got to the account of Davis' securing a note from Sumner for \$2,500, as a fee for getting the \$48,000 from Bishop's bank. It appeared from the testimony that he did not get the money and did not return the note. "You may state whether or not he ever said anything about why he did not return the note," said Breckons.

The respondent objected on the ground that such evidence was not admissible. He produced his power of attorney from Sumner and argued from it that his acts were not to be attacked as was being done. Judge Dole remarked that the evidence asked for was what Davis himself had said. The question was read again, and Davis pressed his objection, asking for a ruling from the court.

"Mr. Davis, this is an investigation into your conduct and I do not think it is proper for you to make such an objection," said Judge Dole.

"In that case I withdraw the objection," said Davis, and the testimony went on uninterruptedly after that.

Breckons finished with Wally Davis shortly after 11 o'clock and cross-examination was begun.

STORM BECOMING VERY DISASTROUS

SIXTY THOUSAND DOLLARS' DAMAGES BELIEVED TO HAVE BEEN DONE IN HONOLULU—MAKIKI STREAM DESCRIBED AS A RIVER THIRTY FEET WIDE AND FIFTEEN FEET DEEP.

Passengers on an early car from Waikiki this morning saw a chicken coop floating easily seawards on Makiki stream. There were chickens in it, but they didn't seem to be worrying over their ride on the muddy river, not being aware of the coming chances for the overturning of their ark when it reached the bridge. On either bank of the stream were several Chinese, running wildly and fro and shouting as if they thought they could call the chickens back.

The chicken coop was only one of numerous things which the storm of yesterday afternoon and last night washed down the stream. A large number of residents near the stream above King street were up all night, working to keep floods from their homes. "The stream was thirty feet wide and fifteen feet deep," said one of them.

Pikoi street as usual was the storm center of trouble. With the heavy downpour of yesterday afternoon the entire street became a raging torrent. It was a river from curb to curb as far up as Wilder avenue where it receives the flood waters from the eastern slopes of Punchbowl. Between Beretania and King streets, it was a river that covered the sidewalks and flowed over into the yards on both sides. It quickly covered the King street line of the rapid transit with mud, gravel, stones and even buildings, so that no force of men could keep clear.

PREACHERS ANDTHE CHICAGO HOLOCAUST.

CHICAGO, Jan. 9.—"The fire is a lesson from God to warn us against a government of monkeys, in whose paws we have foolishly, childishly, intrusted our lives and the lives of those we love."

With this scathing arraignment of the city administration the Rev. Franklin Johnson of the University of Chicago opened his address before the Baptist ministers in the Masonic temple yesterday.

"The spectacle of those men we have placed in office," he said later, "ridiculously springing up and making a great hubbub, crying aloud for us to punish the guilty while they alone are responsible, hiding behind their chosen scapegoat, seeking to escape the censure and punishment they deserve, is a lesson to us. God helps those who help themselves, and he has shown us that so long as we trust blindly in incompetent men to guard our safety, we can hope for but little divine aid. Pray for the afflicted, but pray mostly that in the future we put men in place of monkeys in our positions of trust."

Many resolutions of sympathy were passed at gatherings of ministers yesterday, but only one clergyman of the many hundreds in the city chose to denominate the holocaust "God's judgment."

"The Iroquois fire was nothing less than a warning to those who flock to the class of theater patronized and sustained by Chicago's best citizens," asserted the Rev. F. J. Brobst, an evangelist. "This 'Mr. Blue Beard' production and the Iroquois theater in which it was witnessed by thousands of professed religious persons were awful in the eyes of the Lord. The theater was a house of moral and spiritual death."

A silence like that of death followed these remarks. Dr. L. S. Darsie, pastor of the Jackson Boulevard Christian church, at the annual meeting of the Christian church missionaries, stigmatized utterances similar to those of Brobst's as "un-Christian and blasphemous."

THE HOFFMAN CASE.

A well known principal of one of our large grammar schools was giving a class a short talk on current events Monday morning and the children seemed to be taking a good bit of interest in the affair. At last she asked how many were interested in the course of events in the far East. A number of small boys sat up straight at once and two of them fairly jumped up and down with excitement while one said: "Say, teacher, dat's de Hoffman case, ain't it?"

HIS AMBITION.

A teacher at Buckport, Me., is feeling a bit discouraged just at present. The other day she was trying to get a bit of knowledge into the class in arithmetic, and one boy in particular would do nothing that he was asked to. Finally the teacher, in desperation, turned on him and asked him what he intended to be if by any chance he was permitted to grow up. The youth replied that he thought he would be a teacher, and have his scholars do his figuring for him.

The line was cut in two. Cars could not pass. A dray was impressed into the service as a ferry to carry passengers across the water, the cars already on the Waikiki side keeping up that end of the service, while the cars on the town side kept up the service on this side. After a while a Metropolitan delivery wagon was impressed into the service in aid of the dray. Later a covered bus was put in commission and was used this morning. So great was the volume of water pouring down Pikoi street that it flooded King street both ways, as far as Koenumoku in one direction. Every effort was made to carry it away. A breach was made in the stone wall on the lower side of King street, and a torrent was carried off through the pasture at that place. An opening was made through the sidewalk and a big stream was carried down through the Chinese vegetable garden on this side of Pikoi. On the other side of Pikoi the water from King street flowed over the sidewalk and toward the sea through several of the houses on the lower side.

The hotel street line of the rapid transit was also stopped for a while at Pikoi street, but the interruption was of short duration.

All over the city the streets show the effects of the heavy rain. About 6 o'clock yesterday afternoon a falling tree broke the wires supplying the Plains section of the Hawaiian Electric Company's system, and a little later another falling tree near the Chinese consulate at Thomas Square put the Makiki system out of commission. The Waikiki system was cut off for about three quarters of an hour while the danger from live wires was obviated. There was another break of a small section up Nuuanu valley.

(Continued on page 2.)

KEPOIKAI SUSTAINED.

The Supreme Court this afternoon rendered a unanimous decision in the case of C. M. Cooke vs. Treasurer A. N. Kepoikai. The case was an appeal from a decision of the treasurer assessing stamp taxes on a deed on \$62,500, being the full amount of consideration named in the deed. The treasurer's action is sustained.

EDUCATION INJURES NEGROES

Gov. James K. Vardaman, in his inaugural address delivered before a joint session of the Mississippi Legislature, declared that the growing tendency of the negro to commit criminal assault on white women is nothing more nor less than the manifestations of the racial desire for social equality. In strong terms he declared that education is the curse of the negro race, and urged an amendment to the state constitution that will place the distribution of the common school fund solely within the power of the Legislature. Continuing his discussion of the negro question, Gov. Vardaman said: "As a race he is deteriorating morally every day. Time has demonstrated that he is more criminal as a free man than as a slave, that he is increasing in criminality with frightful rapidity, being one-third more criminal in 1890 than he was in 1880. The startling facts revealed by the census show that those who can read and write are more criminal than the illiterates, which is true of no other element of our population. I am advised that the minimum illiteracy among the negroes is found in New England, where it is 21.7 per cent. The maximum was found in the black belt—Louisiana, Mississippi and South Carolina—where it is 65.7 per cent. And yet the negro in New England is 4 1/2 times more criminal, hundred for hundred, than he is in the black belt. In the South, Mississippi particularly, I know he is growing worse every year. You can scarcely pick up a newspaper whose pages are not blackened with the account of an unmentionable crime committed by a negro brute, and this crime, I want to impress upon you, is but the manifestation of the negro aspiration for social equality, encouraged largely by the character of free education in vogue, which the state is levying tribute upon the white people to maintain. "The better class of negroes is not responsible for this terrible condition, nor for the criminal tendency of their race. Nor do I wish to be understood as censuring them for it. I am not censuring anybody, nor am I inspired by ill-will for the negro, but I am simply calling attention to a most unfortunate unendurable condition of affairs. What shall be done about it? My own idea is that the character of the education for the negro ought to be changed. If, after years of earnest efforts and expenditure of fabulous sums of money to educate his head, we have only succeeded in making a criminal out of him and imperiling his usefulness and efficiency as a laborer, wisdom would suggest that we make another experiment, and see if we cannot improve him by educating his hand and his heart. There must be a moral substratum upon which to build, or you cannot make a desirable citizen." The governor also declares that the people of the nation should rise up and demand the repeal of the 15th amendment.

NEW ADVERTISEMENT

YOKOMIZO & KASHIWARA Contractors as follows: Stonework of all kinds; cement work of various descriptions; and all kinds of solid materials for fillings; hauling at reasonable rates. Office: Emma Hall, corner Nuuanu and Beretania streets; Tel. Blue 1211.

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