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# THE HAWAIIAN STAR.

The Hawaiian Star is the paper that goes into the best homes of Honolulu.

VOL. X.

HONOLULU, H. I., MONDAY, JULY 28 1902

No. 3231

## GEN. SMITH RETIRED

### ROOSEVELT REBUKES SAMAR COMMANDER.

#### Author of the Famous Kill and Burn Order Is Summarily Retired From the Army.

WASHINGTON, July 16.—In an executive order issued today President Roosevelt directs that General Jacob H. Smith be summarily retired from the active list of the army, as a result of his having directed Major Waller of the Marine Corps to "kill and burn" in Samar.

General Smith, who earned the sobriquet of "Hell-roaring Jake," is en route to the United States on a Government transport and will not know until he lands in San Francisco that he had met the fate with which President Roosevelt threatened General Miles.

The President has power to retire any officer between the ages of 63 and 64 years, but the power is seldom exercised. The announcement of his decision in the Smith case caused a decided sensation and surprise today.

The court-martial of General Smith recommended that he be reprimanded by the reviewing authority, in this case the President.

In a political sense the retirement of General Smith is regarded here as an astute move for the administration.

## BEAT THE MARIPOSA

### ANDREW WELCH SAILED PAST THE STEAMER.

#### Captain Drew and His Crew Delighted Over the Wonderful Burst of Speed By Their Craft.

The bark Andrew Welch Captain Drew, arrived this morning from San Francisco after a splendid trip. She came down in 13 days. This is a fine record but Captain Welch is especially elated over the decisive manner in which the vessel out sailed the steamship Mariposa. Both vessels left San Francisco, July 15, the Welch for Honolulu and the steamship for Tahiti for the first time as an oil burner.

She brought three passengers, Miss Marshall Keiser, of Washington, D. C., J. H. Rambo and M. J. McLean. Miss Keiser comes to accept a position in the government service. Mr. McLean is a former resident of Honolulu while Mr. Rambo is from Los Angeles, where he has been connected with the Western Union Telegraph Company for a number of years. He is visiting Honolulu on leave of absence.

## SPEND THRIFT

### CASE REOPENED

#### ANOTHER SENSATIONAL MOVE IN THE REBECCA PANEE MATTER.

HOW SHE WAS INDUCED TO SIGN A DEED

Judge Gear, Attorney Davis and Dr. Wayson Met With Her When Her Attorney Fitch Was Ill.

Col. Tom Fitch this morning made another effort to reopen the Rebecca Panee spendthrift trust case, filing in the Supreme Court an affidavit, in which sensational statements are made as to the reasons why Becky Bishop signed the trust deed to Dr. Wayson, just after she was declared free from the trust by Judge Gear. It was on account of this deed, made immediately on regaining her freedom, that the Supreme Court largely based its decision reversing Gear in the matter. The Supreme Justices said that the deed itself, the first act of Becky after her release, showed that she was not competent to manage her own affairs, and a decision was handed down re-establishing the trust with J. A. Magoon as Guardian.

The affidavit filed this morning contains the sworn statement of Rebecca Panee that Judge Gear was present in the office of Attorney George A. Davis when the deed was signed, and that it was his presence and language that persuaded her that it was to her interest to sign the document. She was imposed upon by being induced to sign a deed essentially different from the one she thought she was signing, says Becky. The affidavit is in part as follows:

That after her discharge by the First Circuit Court from the spendthrift guardianship herein, she was desirous of conveying her property in trust so that the lots on Maunakea street, now producing clear of taxes, a rental of One Hundred dollars a month, and so leased as to produce a rental of One hundred and twenty-five dollars a month after 1905 could never be sold or mortgaged during the lifetime of deponent either by deponent herself or any trustee, and so that the net income thereof could be enjoyed during her lifetime, and after her death to go to such person or persons as she might designate by will.

Deponent was further desirous that enough of the notes and mortgages belonging to her should be collected or sold at not less than par, to purchase and furnish a home for deponent, and that the balance of her property, after paying her just debts, should be sold, collected and invested and re-invested by such trustee, who should pay deponent the income thereof during her lifetime and reserve the principal to be disposed of by will the same as the Maunakea street lots.

Deponent says that her attorney, Mr. Thomas Fitch, prepared a draft of a trust deed embodying the foregoing and providing a lump sum of One hundred dollars as compensation to such trustee, and five per cent commission on collections, and requiring such trustee to give bonds in the sum of Five thousand dollars.

Deponent says that she consented that Dr. James T. Wayson should act as such trustee, and that after examining said draft of said trust deed, Dr. James T. Wayson agreed to act as trustee and provide the bonds required, as evidenced by a letter from Dr. Wayson to deponent, the original of which is annexed hereto marked Exhibit "A."

Deponent says that a day or two afterwards and after deponent's discharge as a spendthrift and when Mr. Fitch had such draft of said trust deed for engrossment, he was taken ill and confined to his bed at the Moana Hotel for several days with rheumatic gout. Deponent says that while Mr. Fitch was ill and on the 25th day of February, 1902, she received a note from Dr. Wayson, the original of which is annexed hereto, marked Exhibit "B." Deponent says that in compliance with the request of said note she went to the office of Mr. George A. Davis and found there Dr. Wayson, Judge George D. Gear and Mr. George A. Davis. Deponent says that she has since been informed that the presence of Judge Gear at that time and place was accidental, but at the time she believed and was, from all the circumstances and from the statements of Dr. Wayson and from the language of Dr. Wayson's note (Exhibit "B.") justified in believing that Judge Gear was there to advise deponent as to her interests and duties in the premises. Deponent says that she was urged to sign and acknowledge at once a trust deed, a duplicate original of which is annexed hereto marked Exhibit "C." Deponent says that she objected at the time to signing it without first consulting her attorney Mr. Fitch, but she was informed that, and there by those present that Mr. Fitch was confined to his bed and unable to be present, that the trust deed presented to her for signature was the one as the one he had prepared, and that her interests required that she sign and acknowledge it at once.

Deponent says, believing their statements and having confidence and faith in Dr. Wayson, and believing from the presence and language of Judge Gear that it was to her interests to execute the deed, she did so.

Deponent further says that on the 27th of February, 1902, Mr. Fitch having that morning been able to come down to his office, she went there and informed him of what had been done and gave him the duplicate original (Exhibit "C"). That he then informed her that the deed she had executed was essentially different from the one that he had prepared; that it gave to

## THE TRAMWAYS CASE

### JUDGMENT FOR APPEAL TO WASHINGTON

#### Three Points Placed on Record on Which Pain Proposes to Continue the Fight.

On motion of the Hawaiian Tramways company, by Holmes and Stanley, judgment was this morning entered in the Supreme Court in the matter of the Rapid Transit Company vs. the Tramways Company, which was decided last March. No judgment was entered, after the rendering of the decision, and the defendants wanted a judgment in order to perfect their appeal to the Supreme court of the United States. The judgment entered as of last March, is as follows:

"1. That the Hawaiian Tramways Company Limited has not the right to lay a double track along King street in the city of Honolulu from the Waikiki road to a point near the government pumping station at Kalaiki in the district of Honolulu, island of Oahu, Territory of Hawaii.

"2. That the Hawaiian Tramways Company Limited has not the right to operate its tramway in the city of Honolulu by means of any system, such as the overhead trolley system or the underground cable system.

"3. That the Honolulu Rapid Transit and Land Company has the right to lay a track over and over said King street between Nuuanu stream and Thomas square, and along the said street for a greater distance than 1,700 feet."

## KINAU LEAVES SOON

### SCHEDULED TO SAIL NEXT WEDNESDAY.

#### Claudine Takes Hilo Run—Helene will Take Passengers on First Trip tomorrow for Maui.

On Wednesday afternoon at 10 o'clock the steamer Kinau will sail for San Francisco. She will take passengers and freight, W. G. Irwin and Company being the agents. Captain Freeman will command the vessel on her present trip. It is expected that she will occupy 3 days in making the trip to the coast, although she could do the run in much less time if it were decided necessary to shove her. The Kinau will remain four months in San Francisco undergoing repairs and renovations.

Tomorrow at noon, the steamer Claudine, Captain Parker, will go on the Hilo run of the Kinau and will continue in that service until after the return of the flagship from the coast. The Claudine's regular Maui run is to be taken by the steamer Maui, but as that vessel did not get into port until yesterday, she will not have time in which to discharge her cargo of sugar and then load for the regular sailing time at 5 p. m. tomorrow.

The Helene will temporarily take the Maui run, sailing tomorrow at the regular hour. The Helene will carry the Maui passengers and Kahului freight and will also take Hamakua freight. The Maui will probably be ready to sail on Wednesday afternoon. She will carry the balance of the Maui freight left by the Helene, and will bring back the Maui passengers at the end of the week, while the Helene continues on to Hamakua and resumes that run.

## LAND FOR EVERYONE

### WILCOX AND KALAUOKALANI ON KAUALI.

#### The Delegate Meets With Decreased Enthusiasm This Year—Forty Acres Promised To Every Native.

Delegate Wilcox and Senator Kalauokalani are reported from Kauala to be touring the island for Home Act, and meeting with somewhat less enthusiasm than Home Riders on that island showed two years ago. Yesterday the two leaders were to be at Waimea, which is the hotbed of Kauala Home Act.

In all of the delegate's speeches, it is said, and especially at Kauala and Kapaa, he has made reference to land laws he proposes to have enacted. Wilcox promises that if he is sent to Congress again he will see that every native gets 40 acres of land. There are about 30,000 natives, and the Delegate does not say in his speeches where the land is to be.

Wilcox and the Senator are expected to return some time this week. Those who have attended meetings say that it is evident from the temper of the audiences that they have lost ground on Kauala.

## NEGOTIATIONS OFF.

ROME, July 16.—Negotiations between the Vatican and the American mission headed by Governor Taft were abruptly terminated today. The Governor of the Philippines sent in a final note announcing that the work of the American mission had ceased and that all future proposals must be discussed at Manila and decided between the Governor and a papal representative.

## KING'S CORONATION

### DATE IS SET FOR AUGUST NINTH.

#### Official Announcement Made—King's Health Improves—Rehearsal of the Procession.

LONDON, July 18.—An official notification was issued this morning that by the King's command the coronation of King Edward and Queen Alexandra will take place August 9th. Two rehearsals of the procession from Buckingham Palace to Westminster Abbey took place this morning and the officials of the various state departments concerned in the Abbey ceremony are again busy with preparations for the coronation.

COWES, Isle of Wight, July 18.—A bulletin issued this morning by the King's physician says: "The King continues to make satisfactory progress. He is benefiting in every way from the change. His majesty sleeps well and is able to have his couch placed upon the open deck during the greater part of the day."

WASHINGTON, July 18.—Unless Whitelaw Reid changes his mind, there will be no special representative of the United States at King Edward's coronation next month, and Mr. Choate will attend in the usual form. Reid has notified the State Department that he intends to sail for the United States on the 26th instant, and of course the special embassy will be broken up.

## MACKAY ILL.

LONDON, July 16.—John W. Mackay of San Francisco was prostrated as a result of yesterday's great heat, and is now ill at his home on Carlton-house Terrace. Inquiries made there tonight elicited the information that the rumor that Mackay was in a dangerous condition is without foundation, but it was added that the doctors have ordered that he be kept perfectly quiet for several days.

## SAID TO BE BANKRUPT

### SAM LEDERER'S CREDITORS AFTER HIM.

#### Judge Estee Restrains Two Executions and Issues an Order to Show Cause—An Old Furniture House.

E. C. Winston of Honolulu and D. A. Hume and H. F. James of San Francisco filed a petition in the United States Court on Saturday to have S. W. Lederer declared a bankrupt, and the petitioners secured from Judge Estee orders restraining the Hawaiian Star Newspaper Association and Hoffschlaeger & Company, and the High Sheriff, from carrying out executions issued by the District Court, under which property of Lederer's had been seized and was to have been sold at auction today.

The petitioners alleged that Lederer owes Winston \$357, Hulse \$632.50, and James \$12.23. He is alleged to have committed acts of bankruptcy in permitting the Star Association and Hoffschlaeger & Company to secure judgments against him and allowing the High Sheriff to seize property under executions issued by reason of such judgments for \$113.90 and a judgment in favor of Hoffschlaeger for \$97.24.

In addition to the restraining orders Judge Estee issued an order to Lederer to appear on August 20 and show cause why he should not be adjudged a bankrupt. In the event of his being declared bankrupt, the judgments against him become void, and the creditors will share alike in the property of the estate.

Lederer has been doing a general furniture business and has an establishment on Bereania street. He was formerly at Nuuanu and King streets, and has been in the business here for many years.

## TRANSVAAL GOVERNOR

### PERTH (West Australia), July 16.—Sir Arthur Lawley, Governor of Western Australia, has accepted the Lieutenant-Governorship of the Transvaal Colony. He will start for South Africa August 5th.

Sir Arthur Lawley, who is in his forty-first year, was formerly a Captain in the Fifth Hussars, and married Annie Allen, daughter of Sir Edward Curran, in 1855. From 1892 to 1896 he was private secretary to the Duke of Westminster. In 1896 he was appointed secretary to Earl Grey, and in November of the same year he assumed the office of Deputy Administrator for Matabeleland. In their report for 1897 the directors of the British South Africa Company say "he has discharged the duties of that position with conspicuous tact and ability." In 1898 he was appointed to the position of Administrator of Matabeleland, with a residence at Bulawayo. Last year he was appointed Governor of Western Australia, and his promotion comes as a recognition of his able administration of public affairs.

### SEMI-WEEKLY STAR.

Honolulu people who are going abroad can have the Semi-Weekly Star mailed to any address for the small sum of twenty-five cents a month. The Semi-Weekly Star contains all the local news of importance, besides the daily stock quotations.

Star want ads pay at once.

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## PING PONG.

Sets of various styles and prices, also extra wooden rackets such as used by experts.

PEARSON & POTTER CO., LTD  
UNION AND HOTEL STREETS  
PHONE 317.

## MILLIONS BY FLOOD

### KEOKUK (Ia.), July 18.—Heavy rains in Central Iowa yesterday and today are sending a flood down upon prosperous Missouri farmers that will ruin them, and causing losses aggregating, at a conservative estimate, \$2,500,000.

#### It is said to be no hope for the country between the Mississippi river and its Missouri bluffs, between Keokuk and Hannibal, 300 square miles mostly planted in corn, with some thousands of acres of wheat in the shock.

### CIRCUIT COURT BUSINESS.

#### New Trial Denied by Circuit Judge Robinson.

Judge Robinson this morning rendered two decisions denying motions for new trials in the cases of Henry Smith vs. the Hamakua Mill company and Henry Smith vs. Mary A. S. Rose et al. The motions were by the defendants. The judge does not rule as to a contention that the Hamakua Mill trial was void because another Judge of the circuit court was holding regular court when it was held. He says that this is a jurisdictional question, and need not be considered on a motion for a new trial.

#### In the case of C. B. Wilson vs. Liliuokalani Dominis, in which the Supreme court a year ago reversed the circuit court and made an order allowing the heirs of an ancestor, but the amended bill was filed this morning it is an action to declare a trust and to compel a conveyance.

#### Judge Humphreys this morning overruled the demurrer in the case of E. C. Rowe vs. Stanley Stephenson.

#### W. E. Rowell was appointed administrator of the estate of the late Malvina J. Rowell, under \$10,000 bonds.

#### Emmett May, J. H. Loucks and John W. Cathcart were appointed appraisers.

#### J. U. Unama, as the "next friend" of the late Lotka Paupau, has asked for letters of administration of the estate. It is valued at \$1,400 and the heirs are a son and daughter, both minors.

## THE COAL STRIKE

### INDIANAPOLIS (Ind.), July 18.—At the conclusion of a secret session which lasted the entire afternoon, the recommendations of President Mitchell for the management of the anthracite strike were referred to a special committee, which is to report back to the convention when it meets tomorrow morning. This committee consists of President Mitchell, Vice-President Lewis and the president of each district which is taking part in the convention.

At the conclusion of the session Secretary Wilson said: "It will cost \$500,000 weekly to support all the men on strike in the various districts. An assessment of \$1 per week will bring in \$500,000 a week. This will leave us \$250,000 to raise each week from outside sources, and from the promises and offers that have been made we are confident we will be able to do this."

Tomorrow morning the convention will be informed by the Colorado delegation that the miners of that State have voted to give \$50,000 to the cause of the striking miners. It will be available at once.

### SULTAN OF ZANZIBAR DEAD.

ZANZIBAR, (East Africa), July 18.—Hamud Bin Makomed Said, Sultan of Zanzibar, who recently was stricken with paralysis suffered a relapse and died at 2 o'clock this morning. All is quiet here. The Sultan had ruled since 1896, in which year he was placed on the throne by Great Britain.

### MAUNA LOA LEAVES TOMORROW.

The steamer Mauna Loa, Captain Simerson, will leave tomorrow at noon for Lahaina, Maialae, Kona and Kau.

### FRUITS AND VEGETABLES.

Don't forget Camarinos of the California Fruit Market when you want fruit and vegetables. He always has on hand a fresh supply of both California and Island fruits. Telephone Main 378.

### SPECIAL SALE OF SILKS.

L. B. Kerr & Co., Ltd., will have on show on Monday a grand line of Japanese Washed Pique and Taffeta Silks. Newest shades, marked from 4 cents a yard.

(Continued on page five.)

## CERES AND FLORA REIGN SUPREME

### AGRICULTURAL FAIR PROVES A NOVEL AND COMPLETE SUCCESS.

#### EXHIBITS ARE VARIED AND RECORD BREAKING.

#### Old Drill Shed Turned Into a Sweet-Scented Bower—Judges Have a Hard Task.

The first Territorial Agricultural Fair has proved to be a notable one not only by the interest displayed by exhibitors and the general public, but through the variety and quality of the exhibits sent in from all over the island. One general regret has been voiced that there is no foreign steamer bearing tourists in port at the present moment so that visitors from the mainland could see the scope of the horticultural and agricultural products of the semi-tropical lands of the United States.

The exhibits came in briskly during the morning and by 11 o'clock the tables were well filled with samples of fruits from below and above the earth, flowers, ferns and grasses. Various foods and perfumes prepared from Hawaiian products formed side issues to the main display. A cage of lively canaries bred on the islands and some varieties of the Australian staghorn fern were also brought in. As one exhibitor remarked, "all the products of field and forest were there, except okolehao."

Among the special displays, that attracting the chief notice, is the basket callidiums sent in by S. M. Damon from Moanalua. Every variety of the graceful heart-shaped leaves seems to be included in the exhibit which occupies the center of the room, and every shade of crimson to palest pink blends with the delicate green of the leaves. The miniature forest prepared by Forester David Haughts was widely commented upon and commended. Mr. Haughts has shown a miniature plantation, surrounded by a neat fence, complete with wiring and a properly hung gate at either end of the plantation. In a bed of fresh green moss, sprigs of various trees are planted, the moss keeping the leaves green and erect and the whole being typical of the nursery plantations from which the forests of the islands are replenished. Several records have been broken in the size of some of the trophies. J. B. Atherton.

#### (Continued on page three.)

## POPE DISPLEASED.

LONDON, July 19.—The Rome correspondent of the Daily Chronicle says the Pope is intensely displeased at the way in which the commission of Cardinals has conducted the negotiations with Judge Taft in the matter of the friars in the Philippines.

"I learn from an authoritative source," says the correspondent, "that, besides annulling the procedure of the Commission of Cardinals, the Pope has summarily dissolved it, expressing his view that the American demands were reasonable, and signifying his readiness to treat with Judge Taft personally."

### MARQUIS SAIGO DEAD.

YOKOHAMA, July 18.—Marquis Saigo, a distinguished statesman, died today of cancer. He commanded the Formosa punitive expedition, held many important positions and was a brother of the hero of the Satsuma rebellion.

### TUG FOR HILO.

SAN FRANCISCO, July 18.—Yesterday afternoon the steamer Enterprise sailed for Hilo direct with 300 tons of freight. The small tugboat Charles Couseiman, recently purchased by the Matson Navigation Company for use at Hilo, will be towed to her destination by the Enterprise. The passengers sailing were: Mr. and Mrs. E. Peck, Miss M. E. le Van, Miss A. R. Hanlon, Miss H. A. Lang, H. Evans, Mrs. I. Kavayevitch, Miss E. Baker, George Munday.

### THE WEATHER.

Weather Bureau, Punaohu, 1 p. m.  
Wind moderate, northeast; weather cloudy. Morning minimum temperature, 74; midday maximum temperature, 83; barometer, 9 a. m., 29.98, steady, (corrected for gravity); rain fall, 24 hours ending 9 a. m., .02; dew point, 9 a. m., 68; humidity, 9 a. m., 68 per cent.

### CURTIS J. LYONS, Observer.

### BEST LINIMENT FOR STRAINS.

Mr. F. H. Wells, the merchant at Deer Park, Long Island, N. Y., U. S. A., says: "I always recommend Chamberlain's Pain Balm as the best liniment for strains. I used it last winter for a severe lameness in the side, resulting from a strain, and was greatly pleased with the quick relief and cure it effected." For sale by all dealers; Benson, Smith & Co., general agents.

### SWELL MILLINERY.

For choice up-to-date millinery L. B. Kerr & Co. are in the front rank. The Paris model hats are certainly creations of extreme beauty.

Life at best is uncertain. Protect your family against that uncertainty and buy a policy in The Oriental Life Insurance Company.

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PHONE 317.

## ROYAL Baking Powder

Made from pure cream of tartar.

Safeguards the food against alum.

Alum baking powders are the greatest menaces to health of the present day.

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## NEW COLONIAL SLIPPERS



Every lady will want a pair of these slippers. They are Queenly in shape and quality. Made of ideal Kid with slide buckle and ribbon bow. Set on the graceful Louis heel. \$5.00 BUYS A PAIR.

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