



PROFESSOR ARTHUR CUSHMAN MCGIFFERT. Professor McGiffert, whose recent book is regarded as unorthodox and heretical by many Presbyterians, is a colleague of Dr. Briggs and professor of church history in Union Theological Seminary. He is 49 years old. A trial for heresy may result.

GETS NEW TRIAL

Ruling for a Man in Prison Since August, 1897.

Opinion on the Matter of Evidence. Cross Examination Privileges. Decision By Justice Whiting.

Associate Justice Whiting is the author of a unanimous decision of the Supreme Court that records here new opinion on the matter of evidence. This is the syllabus:

"Subject to the Constitutional privilege of a witness to refuse to answer questions, the answers to which may tend to criminate him, he may be cross-examined with reference to his past life, if such matters tend to weaken his credibility, though they might tend to criminate, disgrace or degrade the witness.

"The extent to which disparaging questions, not relevant to the issue, may be put on cross-examination, is discretionary with the trial court, and its rulings are not subject to review, unless it appears that the discretion was abused."

The case is that of Henry Luning, a boy now serving sentence in Oahu prison and a new trial is ordered, thus overruling the Circuit Court. The chief witness for the State had been a party to the crime committed by Luning. On cross-examination this witness was asked where he had secured money which he stated had been in his possession and was enjoined to "tell the truth." His reply was that he had stolen the cash. He was then questioned along a line that might be said to presume him to be an habitual thief. There was objection and the Presiding Judge would not permit the question. In the course of the cross-examination there was one other instance of the same sort. The Supreme Court holds that the Trial Judge should have, under the circumstances as they appear in the record, allowed these inquiries. It is cited that a witness should come into Court prepared to defend an assault of an ordinary character against his credibility. It is further argued or shown that "past life" is an important consideration in establishment of the worth of testimony given by any witness. Luning's attorneys were J. A. Magoon and R. D. Silliman. Deputy Attorney-General Dole appeared for the Government. Luning has been in prison since Aug. 7, 1897. He was sentenced by Judge Carter to serve three years at hard labor and has been in one of the road gangs ever since. Luning is a mere boy in years, but is of good size and is strong and healthy. He has a mother and brother in town.

"Hop" in the Swim.

A Klondike correspondent of the San Francisco Chronicle gives quite a mention to Ed. Hopkins, formerly proprietor of the Arlington Billiard Parlors here and before that a police captain. "Hop" has a saloon at Rampart City. The Chronicle man speaks of "Hop" as making cocktails for all comers and using a native liquor, condensed milk and concentrated eggs. It is astonishing that a Chronicle man should fall into the error of saying that milk and eggs are used in cocktails on the Klondike or elsewhere. They don't make them that way even in Sydney. The correspondent indicates that "Hop" is doing well, a probability which will be at once accredited here. "Hop" may be depended upon to introduce many innovations in Rampart City, but there are too many Americans up there for him to be serving makeshift egg noggs as the Washington appetizer.

Back From Kauai.

Representative Kao is back from the Garden Isle, having been there some ten days attending to business and conferring with his constituents on various points of interest to them. He reports the very finest kind of weather on Kauai, and says that the people in the districts where damage was done by the recent storm, have risen to the occasion and have repaired as much of the damage as it was possible for them to do. Representative Kao was back in his seat in the House yesterday morning as was evidenced by his usual "ku-e."

Police Court.

In the Police Court yesterday Alfred Roche was discharged on the charge of assault and battery.

R. Duchalsky was found guilty of assault and battery on G. Harrison and fined \$10 and costs.

Kainuwai was fined \$25 and costs for assault and battery on Kahikilani (w).

Ah Sing was reprimanded on the charge of common nuisance.

Tennis Prizes.

G. P. Wilder has offered two silver cups as prizes for the winners in the men's doubles in the tennis tournament to take place in June. They are now on show in the window of the Pacific Hardware Co.

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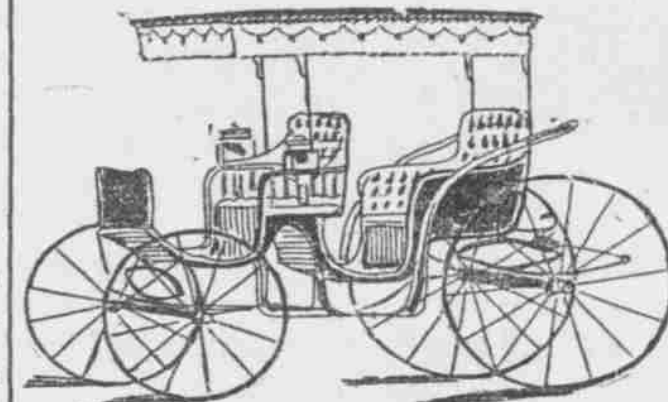
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Fort Street:

[Associate Press Dispatch—S. F. Chronicle.] A LARGE INCREASE OF BUSINESS.

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