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VOL. X. No. 2110. HONOLULU, TERRITORY OF HAWAII, TUESDAY, APRIL 1, 1902 PRICE 5 CENTS.

GERTZ TELLS ALL HER TROUBLE

s Judge Humphreys r Rehearing and Good Lawyer.

T H. LUCAS, MINOR ANSWER FOR HIMSELF

as a Mortgage for $2000 as ior to S. C. Allen's for $4000 Sought to Be Foreclosed.

Gertz has filed a holographic o have a rehearing of her uit against J. Alfred Magoon rsonal capacity and as trustee . Banning and B. R. Banning, Buckley and Maria J. Forbes, mend her bill to revoke fore- f mortgage.

ortgages in question were her late husband, Christian nd herself on December 11, n real estate and the contents hoe store. She alleges that on r 18, 1895, J. A. Magoon de- heir boot and shoe business ecember 28, following, "gave e notice of intention to fore- rtgage." She goes on to tell leged sale of lands and houses to her late husband and her- ectively in Queen street and ahao and to John Buckley and Forbes.

ten days a widow Mrs. Gertz three minor children were ut of their rightful home at ao by Mrs. Forbes, who de- a two-story stone building on nises "comprising 4000 local that were valuable on account hose in the under story being and those in the upper story a half feet in length.

ertz complains that Judge tained Mr. Magoon's demurrer for revocation of foreclosure the contents of the demurrer een made known to her. When nced from a rear seat in court the judge's oral decision, the dered her to sit down and she nder the impression that the would be given in writing. en His Honor had finished she n for the decision in, writ- he advised her to look in the rs for it. Her attorney was om town she believes, as she t find him at the time. She n she looked at the Bulletin d part of an insulting article d appeared in the morning's r, while the Star merely men- at the demurrer was sustained t giving the reason. Having found her attorney, it was advised by him that "there g to be amended, as Judge J. A. Magoon has done all ght." Her attorney also told s no use to appeal the case, ld be thrown out of court.

ling, the complainant says she oney under great humiliation er attorney's fee and $37.50 court and complains that her was incompetent. She prays e Humphreys will appoint an honest attorney to take up aring of her cause, the ex- be charged to the Territory, not in circumstances to pay lawyer's fee and court costs, ys further for such and other to the honorable court may be just and fair in the premi-

tition is sworn to before J. A. n, Clerk 1st Circuit Court, by rtz, executrix of the estate of tz, and bears the postscript, tindly send notice for a hear- elephone White 3161."

H. Lucas by his guardian ad J. Dunne, has answered the complaint of Samuel C. Allen against Thomas R. Lucas and others for foreclosure of mortgage. He alleges that the $4000 consideration of the promissory note and mortgage in question was the individual and personal indebtedness of Thomas R. Lucas, for which neither the separate estate of his wife nor that of this defendant was liable. Both note and mortgage were therefore illegal, contrary to public policy and void.

It is denied that Lydia C. Lucas and Thomas R. Lucas were owners in fee simple of the property under the mortgage on November 29, 1895, as it was deeded by William R. Castle and wife to Lydia C. Lucas on December 31, 1887, subject to a life interest granted to Thomas R. Lucas. The deed states "that no portion or interest in said premises shall be alienated until all of said surviving heirs of the body of said Lydia C. Lucas except one shall have deceased."

Moreover, this defendant claims that Thomas R. Lucas owes him $2000, for which the property in question was mortgaged to him on July 15, 1892, and never since released.

This defendant submits that the issues are those of law and not equity and prays the same benefit of his defens ein answer as if upon demurrer, and in conclusion prays that he may be decreed a prior, unsatisfied lienholder and mortgagee, also that he shall have such relief as the court may deem proper and have his reasonable costs and disbursements in the suit.

Judge Humphreys today signed a decree dismissing the bill of Ellen McCully Higgins against Queen's Hospital Trustees and others, also ordering plaintiff to pay costs of suit.

John Kidwell vs. Frank Godfrey is remanded to the First Circuit Court Judge in pursuance of the decision of the Supreme Court.

Chris J. Holt has filed three accounts. As temporary administrator of the estate of John Umi, deceased, he received $555.35 and paid $232.76 up till October 29, 1901. As permanent administrator he received $472.59 and expended $47.30 up till March 31, 1902. As guardian of two minors he received $173.25 and paid $34.50.

J. F. Kaehu, guardian of Lui Naehuelua, minor, expended $15 up to this date. His receipts were nothing. The ward owns three pieces of land at Waikiki which bring no income for her support.

Annie L. Akoi, stepdaughter, and Akai Akoi, son, of the late Akoi, pray that C. Lai Young be appointed administrator of their parent's estate, valued at $600.

Honolulu Stock Yards Co. has brought suit against Union Express Co. for balance of $6174.45 on account.

WAS IT NATIVE POISON

High Sheriff Brown received by the Mauna Loa this morning a letter from Sheriff Andrews of Hawaii in which are given the details of the case of the mysterious death of a native in Kau, some of the facts of which are given in another column.

The latter states that the stomach of the deceased Kaimana has been sent down to Honolulu. Sheriff Brown states that he has received the container and that he has turned the same over to the Government chemist.

The letter goes on to say that Dr. Thompson, the Government physician at Kau, believes the death of Kaimana to be very suspicious. It states further that the deceased had been sick for a month or so and had been getting worse all the while. It is suspected that kahuna methods had been practiced on him.

Kaimana was an opium fiend and while he was sick and unable to work was in the habit of having his opium supplied him by his Chinese friends, Ah Ki, a storekeeper at Honuapo, and a friend of Wong Kui, kept sending the opium through a native messenger, who during the latter part of the illness of Kaimana, used the stuff himself.

Dr. Thompson stated that he considered the case suspicious because of the attending circumstances. In the first place, the man was a witness in the Wong Kui murder case; in the second place he lived in the house of the father-in-law of the suspected man, and in the third place he did not show any symptoms of opium poisoning. The poison, if anything, was an astringent, and Dr. Thompson seemed inclined to the belief that it was taken from some native herb known to the kahunas.

High Sheriff Brown will wait until the Government chemist has made an examination and given the result thereof before he takes any action in the case.

Chester Doyle and Detective Kaapa will remain over another steamer in the Kau district to assist the police in the matter of the murder of Wong Kui.

BAND FOR MAUI.

Acting Governor Cooper said this morning that he had asked Bandmaster Berger to submit an estimate of expense for the projected visit of the band to Maui. If it prove within the limit the band will leave here on the 15th inst., and, beginning at Lahaina, give concerts at the chief points en route to Wailuku, where it will play for the opening of Pythian hall. The trip will be limited to five days.

Captain F. B. Cobham of Jamestown, N. Y., has invented a railway block signal system in which advantage is taken of the Hertzian waves to signal automatically from one train to another when they come within certain distances of one another on the same track.

The Bulletin, 75 cents per month.

DREIER'S NAME WILL BE ON BALLOTS SAYS ACTING GOVERNOR

Secretary Cooper has decided of himself to place the name of August Dreier upon the ballot for the special election in the Fourth Representative District.

Before asking him about this matter as intended, a Bulletin reporter made his first question relate to the rumored intention of Mr. Cooper, now Acting Governor as well as Secretary of the Territory, to go to Hilo by today's steamer.

"I cannot go now," was the reply, "on account of this election business."

Being asked if he had obtained an opinion from the Attorney General upon the question of Mr. Dreier's eligibility as a candidate, Mr. Cooper said he had not but had decided the question for himself.

"The Attofney General is not in town this morning," the Secretary remarked.

"I have decided to place Mr. Dreier's name upon the ballot," Mr. Cooper proceeded to say.

"This is upon the ground that I cannot find that my supervisory powers extend to the candidate. I have supervisory powers over the nomination itself, to see that those signing it are qualified voters of the district. I cannot find anything in the law, however, requiring me to scrutinize the qualifications of the candidate."

"Your decision, then, practically amounts to leaving it for a contested election case, should Mr. Dreier receive a majority of votes?"

"Yes; unless in the meantime the Republic Committee take mandamus proceedings to compel to omit Mr. Dreier's name from the ballot. Should the courts overrule my decision, of course the name will be left off.

"I have already informed the committees and am awaiting their answers. I met Mr. Kennedy of the Republican Committee and told him of my intention."

Chairman Gear of the Fourth District committee of the Republican party stated that the whole matter of the action of Acting Governor Cooper had been handed over to attorneys T. McCants Stewart and A. G. M. Robertson to do what they deemed best in the premises.

Mr. Stewart was seen and, in reply to a question, said that he and Mr. Robertson had not decided fully on a method of procedure in the premises. They would confer and decide what to do a little later on.

EPISCOPAL CHURCH IS NOW UNDER AMERICAN JURISDICTION

The great event in the history of the Episcopal Church in Hawaii, the formal transfer of the Bishopric of Honolulu from Bishop Willis to the Bishop representing the House of Bishops of the Protestant Episcopal Church of America, took place this morning at 10:30 o'clock in St. Andrew's Cathedral.

The morning prayer service was held as usual. At the end of this, Bishop Willis stood up and read to the assembled congregation a paper, in which he gave a review of the conditions of the church and of the transfer of the church from the charge of the Archbishop of Canterbury over to the Protestant Episcopal Church of America.

He also described the alterations of the articles of incorporation and the amended charter of the church, finally telling of how he had tendered his resignation to the Archbishop of Canterbury and the acceptance of the same. He then called upon Registrar Edmund Stiles to read the various papers and documents relative to these events.

Registrar Stiles thereupon stood up before the congregation and read a copy of a letter from the Bishop of Honolulu written to the Presiding Bishop of the House of Bishops of the Protestant Episcopal Church of America. In this letter Bishop Willis sent the official journal of the proceedings of the synod, which was held here in Honolulu in December in order to show to the Presiding Bishop the work which had been done by him towards the effecting of the transfer. Bishop Willis in his letter expressed the hope that the Presiding Bishop would send him sign of his approval.

The letter from the Presiding Bishop answering that of Bishop Willis was next read by Mr. Stiles before the congregation. In this letter the Presiding Bishop, the Bishop of Rhode Island, stated that he very much wished that he could be able to be present at the transfer. He was, however, almost ninety years of age and very feeble so, as a consequence, he would not be able to attend in person. He further stated that the House of Bishops would meet on April 19th in Cincinnati, when the matter of electing a Bishop to succeed Bishop Willis would be attended to.

The Presiding Bishop fully approved of the steps which Bishop Willis had taken with regard to affecting the transfer and hoped and trusted that peace and harmony would accompany the same.

Mr. Stiles next read aloud to the congregation a letter from the Archbishop of Canterbury accepting the resignation of Bishop Willis.

Bishop Willis before he handed over his papers to Bishop Nichols, made a short speech in which he went over the principal events which led up to the transfer. In November, 1899, the synod had pledged itself to take steps in order to bring into effect the unison of the church in Hawaii with the Protestant Episcopal Church of America, setting forth in its resolutions certain conditions which were to be observed in the matter.

In October, 1901, the House of Bishops at the convention held in San Francisco, decided that it devolved on that house to make the Episcopal Church in Hawaii a missionary district of the Protestant Episcopal Church of America.

In December of last year the synod expressed the desire of the church to be received into the Protestant Episcopal Church of America and promised allegiance to the same.

On January 15th of this year the charter was amended giving all the property of the church over to the jurisdiction of such officers as would be appointed under the American Church.

On February 24th the letter from the Presiding Bishop of the House of Bishops was received in which Bishop Clarke expressed his approval of the action taken by the synod. The resignation of Bishop Willis and the acceptance of the same from the Archbishop of Canterbury had followed.

As the Presiding Bishop of the House of Bishops was unable on account of his extreme age to attend in person the transfer, Bishop Nichols of California was here to represent him at the ceremony. He thereupon called upon Bishop Nichols to present his commission. Bishop Nichols did so and the commission was read to the congregation by Registrar Stiles.

Bishop Willis thereupon handed to Bishop Nichols the papers and documents of the church and the latter received them making a speech some what as follows:

He, Nichols, was empowered by the Presiding Bishop of the House of Bishops of the Protestant Episcopal Church of America to formally receive the transfer of the jurisdiction and property of the Church of Hawaii to the Protestant Episcopal Church of America as the missionary district of Honolulu. He would formally assume the authority as Bishop in charge of the mission district of Honolulu until such time when a Bishop could be appointed and ordained by the House of Bishops. He would immediately take steps to organize the church, the officers, etc.

He wished to place especial emphasis on several features of the transfer. The Presiding Bishop had particularly wanted to express the dignity of the event and had therefore sent him Bishop Nichols, to represent the House of Bishops of the Protestant Episcopal Church of America to receive the transfer and to give the welcome of the Church of America to the church here with its clergy and its laity.

He further spoke on what must be felt at the rending of the strong ties which must necessarily have been formed during the period of over thirty years which had just passed. He mentioned the fact that all those Bishops who had worked here in Honolulu had had very long episcopates, Bishop Willis being one of them.

He next dwelt upon the change of prayer book which had taken place as a part of the new order of things. He was aware of the fact that this change would have a sorrowful effect on many of the congregation who had become so used to the old prayer book that the change to the use of a new one, even if there was only slight changes in the doctrine itself.

He would, however, he hoped soon be able to give a series of lectures here in, which he would point out the changes which had been made in the revision of the prayer book and would also endeavor to explain the reasons for more changes.

He had in California had an opportunity to observe many of his parishioners who had been used to the old prayer book making the change in using the revised one. He had noticed that even if the change did at times seem hard, they became accustomed to the new one, grew to like it and very often ended in preferring it to the old one.

From this, Bishop Nichols went to the subject of the past history of the church in Hawaii. He recalled to the minds of those present the time when the country was beckoning to the nations for Christianity and mused upon how different things might have been

(Continued on page 4.)

MAKIKI STREET WORK

SUPERINTENDENT BOYD REPLIES TO GROWLERS

Asserts that His Formerly Published Plan Is Being Followed ---About the Pauoa Road.

There have been mutterings of discontent among residents of Makiki over the roadwork in that section. They complain about the macadamizing of the upper part of Makiki street, where but few houses are existing, before the populous and much more traveled and leading into Beretania street has been put in good condition.

James H. Boyd, Superintendent of Public Works, was asked how the matter in question jibed with his plan of street-making as given in the Bulletin some time ago. His reply was to the following effect:

"What do the people expect? I cannot go ahead with my plan faster than the means available permit. No; I am not departing from the plan outlined to you. With the heavy hauling that is done on the upper part of Makiki street, which extends to the reservoir, if it is not macadamized the wheels of vehicles will carry gritting mud down upon the streets already made and injure their surface.

"The condition of the parts of streets complained of has existed all over Makiki for ten or fifteen years. Now there is a howl because I cannot remedy everything at once. In former times there would be $100,000 for the streets. Now, I haven't got one hundred thousand cents.

"There yet remains to be completed of my plan for Makiki but the lower part of Makiki street, a portion of Lunalilo street, and Kewalo and Piikoi streets. When this work can be finished the whole section to Pensacola street will have been permanently improved.

"There was a letter in the Bulletin the other day finding fault because the Pauoa road was being neglected. Now, I have had a man out making surveys for the road from Alapai street to Pauoa stream, on which work will begin as soon as there is money in sight. Those who complain, however, should be aware that the Rapid Transit Company's franchise extends from Emma street to Pauoa stream. It would be throwing away money to macadamize that route only to have it torn to pieces by the electric railway constructors within a few months.

"I consider the road above the Queen's Hospital more important anyway, at the present, than roads farther out. It is now called O Luso street, I think, having formerly been known as the extension of Kinau street."

COMING FIELD DAY.

It has been definitely decided that the field day of the Boys' Brigade will be held Saturday afternoon next unless of course the weather is so bad that this will be impossible. The following teams will take part: Honolulu Athletic Club, Maile Ilima Athletic Club, Punahou Athletic Club, Kamehameha Athletic Club, Y. M. C. A. and Artillery.

The following will be captains of the various teams: Y. M. C. A., Fred Young; Maile-Ilima, Percy Benson; Punahou, W. W. Williamson; Honolulu Athletic Club, W. C. Crook; Kamehameha, U. Lemon, and Artillery, Lieutenant Behr.

There will be no delays in the running off of the events.

Chas. Dole has entered for the low hurdles and high jump.

The pole vault man who was expected to break all previous records here left for Manila in the transport Meade.

It is expected that quite a number of the island records will be broken.

Entries will close at the Y. M. C. A. at 7:30 o'clock this evening. It is calculated that there are about sixty entries at the present time. This is an exceedingly good showing.

Weekly edition of the Bulletin $1 a year.

WHERE COFFEE IS A SUCCESS

Banker Damon Delighted With Kona and Its Residents.

RECEIVER SCOTT'S BOND SIGNED BY BEST PEOPLE

Mr. Damon Regards the District of Kona as Most Favorable for Small Farmers—Coffee Has Risen.

"Why don't you newspapermen go to Kona for information?" was pleasantly asked of a Bulletin reporter by S. M. Damon before the former had time even to say good morning to the head of Bishop's bank at his office. Mr. Damon returned from his visit to the property of the Kona Sugar Company by the steamer Mauna Loa.

"There is no use in your coming to me," he went on to say. "You newspaper men ought really to visit Kona and write up the district, its industries and the fine lot of people there. You would certainly be received with great hospitality. The coffee alone is well worth seeing."

The reporter hinted that he had scarcely expected thus early to obtain Mr. Damon's financial conclusions upon his visit to the plantation, yet thought it permissible to ask him how he had enjoyed the trip.

"Very much indeed," was the reply, Mr. Damon continuing:

"Judge Edings appointed Mr. Scott as receiver, so that I have nothing to do with the matter. Yes, Mr. Scott found his bond. Ten of the best people in the district went sureties in $5000 each. The bond was signed by such leading old residents as John Maguire, John D. Paris, Mrs. Greenwell and Mr. Linder."

"Then they have faith in the enterprise?"

"Well, they know it is a great thing for Kona and they want to see it go ahead.

"I haven't much time for talking, but would say I was greatly impressed with the coffee growing industry in Kona. You know coffee had reached bedrock and they are getting a cent a pound more for it this year. Growers who had capital and held out have therefore something to reward their patience. Men like Bruner and Wallace and McWayne, who planted and cared for their coffee on a modern system, do not cry out.

"There was I think 17,000 bags of coffee exported from the district last year, and the crop will be larger this year. The trees are well laden with berries. Mr. Bruner does not sell his coffee for seven cents. He takes it to the Coast and markets it at a price that its fine quality commands.

"Hackfeld's mills and several others are a great benefit to the coffee industry, especially to the smaller planters. They bring their crop to the mills and have it cleaned and assorted for half a cent a pound, with perhaps another half cent for hand-picking it.

"If there is one place in the Islands where the small farmer has a good chance, it is Kona."

The Bulletin, 75 cents per month.

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Heretofore our storm rubber ads. have had the effect of causing the rain to cease on the same day of publication. You might consider them a public benefit.

If this ad. fails in the usual result, we can at least be of greater service to the public by selling the very

best rubbers at $1.

This will insure dry feet and greatly lessen the chances of a cold, thereby saving doctor's bills, etc.

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