

WANTS

SITUATIONS WANTED.

WANTED—Young man desires situation as waiter, short order cook, or storekeeper in hotel, restaurant or steamer; fully experienced, and speaks English, French and Spanish. Address S. A. Y. Bulletin, 2095-1w.

HELP WANTED.

WANTED—A canvasser; references furnished. Apply to Jas. T. Taylor, 2094-2t.

HARNES AND SADDLERY.

MANFG. HARNES CO.—Corner Fort and King Sts.; Tel. Main 228, P. O. box 322.

Decision of United States Circuit Judges In Case of Editor Smith

Following is the full text of the unanimous finding of Judges Humphreys, Gear and Robinson in the case of Walter G. Smith, editor of the Pacific Commercial Advertiser, cited for contempt of court:

The affidavit filed in this case seems to set out pretty fully all the pertinent, material and relevant facts. The charge of contempt whether it be held to be a direct or indirect contempt, a constructive contempt or a contempt committed in the face of the court, is charged technically in apt and proper words.

On behalf of respondent it is contended that this court is without the power which ordinarily inheres in all courts of record to protect themselves and to prevent the obstruction, embarrassment and hindrance of the due and orderly administration of justice. This contention is made under the act of 1888, see chapter 42, Laws of 1888, which provides, section 1, that "the publication of the proceedings before any court or judge shall not be deemed to be contempt, nor shall such publication be punishable for contempt."

We are of the opinion that section 1 and section 2 of the Act of 1888 must be construed together under the familiar principle of law that statutes in pari materia must be construed as a whole. The constructive contempts which are declared not to be punishable as such in section 2 of the Act of 1888 manifestly refers to section 1 of the same act, which declares that the publication of the proceedings before any court shall not be punishable as contempt.

The right then to publish proceedings of a court—truthful and fair reports of the proceedings of the court, substantially accurate reports, is a right which is expressly given to the citizen by the laws of this Territory, and it is a right which this court cannot infringe upon even if it were so disposed. But this right is limited to a substantial, accurate publication of the proceedings, and where the publication does not consist or purport to consist of a publication of the proceedings, but consists of invention and of falsehood, calculated to bring the courts into odium, hatred, ridicule and contempt, thereby embarrassing the influence of the courts, obstructing and impeding, embarrassing and hindering the administration of justice, it is a contempt, and punishable as such under our laws.

Now, in the State against the Bee Publishing Company, Lawyers' Reports Annotated, volume 50, page 157, it appeared that the publication was made with reference to a pending case. The editor of the paper was cited to show cause in that proceeding why he should not be dealt with as and for a contempt of court. He appeared in court by counsel and defended the action against him upon the grounds that "no disrespect to the court or to any member of the court was intended; that the case of the State vs. Smyth was not pending; that the publications were made with good motives, and were not calculated to obstruct the due administration of justice."

Hilo, March 14.—W. C. Peacock and J. G. Rothwell were passengers by the Kinohi. Mr. Peacock is the head of the well known firm of W. C. Peacock & Co., of Honolulu and Hilo, and this is his first visit to Hilo for many years. With Mr. Rothwell, the manager of the business, Mr. Peacock visits Hilo to look over the interests of the firm and it is expected that some arrangements will be made during their stay for future enlargement of the Hilo hotel.

The defendant in this case has not taken the stand. He personally has not denied under his corporate oath in the vision of this court that he had no knowledge of the pendency of the case of the Territory of Hawaii against McCarthy. The copy of his paper which contains the contemptuous cartoon in question also contains, in another column, a notice of the fact that this case is pending, and that a jury had been sworn in the cause for the purpose of trying it.

The first and third defenses are nullities; they amount to a denial that the defendant intended to violate the law. Under the conceded facts the course pursued by him was indefensible. His conduct is not susceptible of an innocent or honorable construction. The statute declares that any willful attempt to obstruct the proceedings or hinder the due administration of justice in any suit, proceedings, or process pending before any court shall constitute a criminal contempt and be punished as such.

This statute is merely declaratory of the law as it has existed for hundreds of years. It is a legislative recognition of the authority of the courts to deal in a summary manner with persons who do any wanton, deliberate or intentional act calculated to embarrass them in the discharge of

BY AUTHORITY

IN THE SUPREME COURT OF THE TERRITORY OF HAWAII—October Term, 1921.—Amendment of Rule 4. Rule 4 of the Supreme Court is amended so as to read as follows:

4. Transcript of Evidence. A suitable book shall be kept in the office of the clerk of the Supreme Court in which any party, in person or by attorney, desiring for use on appeal, error or exceptions a transcript of the notes of evidence taken by a court stenographer in any case, may, after verdict or decision, enter his name, the name of the party he represents, the title of the case, the date of entry, and the name of the stenographer.

The clerk shall forthwith give notice of such entry to the stenographer who took the notes of evidence in the case. The stenographer shall make and furnish the transcript with all reasonable dispatch in the order of such notice unless otherwise directed by a Justice of the Supreme Court or a Judge of a Circuit Court, and shall note on the transcript the date upon which it is furnished or tendered; provided, however, that in cases in which the stenographer is entitled to payment for such transcript, he may within five days after receiving such notice request in writing the party or his attorney, who made the entry, to deposit cash, or furnish security, within ten days after such request, sufficient to cover the cost of such transcript, and unless such request is complied with within such time, such entry and notice will be of no effect and the stenographer need not make such transcript; and provided further that after the stenographer shall have made any such transcript for which he is entitled to payment he need not furnish the same until paid for.

In case a party, in person or by attorney, desires to make or procure a transcript or copy of the evidence without the aid of the court stenographer for use on appeal, error or exceptions, he shall obtain from a Circuit Judge leave to file within a specified time such transcript or copy. Unless such entry is made or such leave is obtained within ten days after the filing of the notice of appeal, or the writ of error or bill of exceptions, and unless such transcript or copy of evidence is filed within ten days after it is tendered by a court stenographer or within the specified time when procured without the aid of a court stenographer, such transcript or copy of evidence will not be considered by the Supreme Court upon such appeal, error or exceptions.

By the Court: HENRY SMITH, Clerk. Honolulu, T. H., March 12, 1922. 2093-1w

FOR SALE.

FOR SALE—New upright piano; no reasonable offer refused. Address X, this office. 2095-3w

SPECIAL NOTICES.

PIANO taught; graduate Lelepa Conservatory; \$5 month; special attention adult beginners. Address M. A. S. this office. 2093-1m

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WANTED—Everybody to know that the Coast Marine Insurance Co. office is at Honolulu Investment Co. 2070-1f

TO LET.

TO LET—Furnished front room, reduced to \$9 month. 53 Vineyard St. below Nuuanu. 2095-1f

FOR SALE.

FOR SALE—New upright piano; no reasonable offer refused. Address X, this office. 2095-3w

ROOM AND BOARD.

HELEN'S COURT, also residence J. Steiner, Adams lane, is open as a first class rooming house, airy and mosquito proof. Board if desired. Mrs. J. Duggan.

FOUND.

FOUND—Insurance against the breakage of plate glass at The Honolulu Investment Co. 2095-1f

LOST.

LOST—A chestnut filly, with large white star and stripes; brand 572. Reward on return to C. J. McCarthy, cor. Pihoko and Young Sts. 2093-1f

JEWELER.

THOS. LINDSAY—Mfg. Jeweler and watchmaker; 530 Fort St.; Love bldg.; latest in novelties.

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PRIMO BEER at the PANTHEON SALOON.

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Music furnished; Metropole Hotel, room 12, Alakea St.

E. K. KAALI—Teacher of string instruments; studio, Love bldg., Fort St.

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KATHARINE J. MACKEY, M.D., C.M.—520 Beretania Ave.; Tel. Blue 3551.

DR. JENNIE L. HILDEBRAND—248 Beretania Ave.; Tel. Blue 821.

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ANTONE PILARES & CO.—Plumbers and Tinsmiths. All kinds of sanitary work. Sewer connections a specialty. Charges to suit the times. Corner Miller and Punchbowl

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M. G. SILVA—Agent for real estate, also to grant marriage licenses; 58 Merchant St.; Tel. Main 115.

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PRIMO BEER is good if it is kept right. Try it at the PANTHEON SALOON.

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WATCHMAKERS.

J. W. A. REDHOUSE—Watch and chronometer maker; 79 Merchant St.

PERSONALS FROM HILO

Hilo, March 14.—W. C. Peacock and J. G. Rothwell were passengers by the Kinohi. Mr. Peacock is the head of the well known firm of W. C. Peacock & Co., of Honolulu and Hilo, and this is his first visit to Hilo for many years.

BUSINESS DIRECTORY

ATTORNEYS. P. DANSON KELLETT—Attorney, Notary Public; marriage licenses. Room 11, Magoon Bldg. F. M. BROOKS—Attorney; rooms 9-10, Spreckels bldg.; Tel. Main 344. CARLOS A. LONG—Attorney; 15 Kaahumanu St.; Tel. 481 Main. J. M. DAVIDSON—Attorney-at-Law; 129 Kaahumanu St. GARDNER K. WILDER—Attorney-at-Law; Kaahumanu St. BROKERS. E. J. WALKER—Coffee Broker; room 4, Spreckels bldg. BICYCLE REPAIRING. C. A. COWAN—1184 Union St., opp. Pacific Club; sundries, etc. BUILDERS. McDONALD & LANGSTON—Contractors and Builders; 1148 Union St. N. K. OTSUKA—Contractor and builder, carpenter and mason; excavating, filling and curbing; stone and brick; ballasting and cement walks; Room 4, Arlington Hotel; Tel. Main 374. CLOTHING. THE KASH CO., LTD.—Two stores 22-27 Hotel St. and cor. Fort & Hotel. CARRIAGES. PACIFIC VEHICLE & SUPPLY CO.—Fine carriages, wagons, harness and whips; Beretania near Fort St. CIGARS AND TOBACCO. ELKS BUILDING, 616 Miller Street. CONVEYANCING. CONVEYANCING—Charges reasonable. Room 10 McIntyre Block.

EXPRESS.

MERCHANTS' PARCEL DELIVERY—Bethel St., opp. Waverly Bldg.; Tel. 621 Blue; parcels called for and del'd.

C. A. SCHMIEDTE—Baggage express and drayage; Tel. White 921.

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W. BEAKBANE—Carv engraving and stamping; room 2, L. L. bldg.

FRATERNAL.

POLYNESIA ENCAMPMENT No. 1, I. O. O. F. meets first and third Friday of each month. Excelsior Hall.

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GROCERIES.

HAZELWOOD MARKET CO.—1281 Fort St., near Kukui—Groceries, Fruits and Tobaccos.

J. E. GOEAS—Beretania near Emma St.; Tel. 2312 Blue.

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