

SUPERVISORS HAVE PROTRACTED SESSION

(Continued from Page Four)

case; that prosecution was legal regardless of the signers of the original charges, and that the board had no formal notice of any withdrawal of names, citing a New York case in support of his position.

Mr. Smith insisted upon his objection to the authority of the board raised the further objection that the charges contained in resolution were drafted by the deputy county attorney and were not the charges of the voters of Hamakua, where Deputy Sheriff Rickard held office.

Mr. Alalu stated that they were about to try the case upon the original complaint; that general charges of malfeasance in, or maladministration of office, were sufficient.

President of the board Moir stated that the original complaint was still on file with original signatures; that more specific charges and all that had been asked by the defendant, had been furnished; that the board wanted defendant to plead and make answer to the charges.

Mr. Smith denied the necessity of making answer under the act and said pleading was not contemplated by law. His client denied all charges. There was a doubt in reference to the character of the charges. Was he to answer the original charges of those contained in the resolution introduced? It now appeared he was to be tried on the original charges which had been held insufficient before. To the original charges, he plead not guilty.

Mr. Alulu held that the trial was to proceed on both the original charges and the charges contained in the resolution.

Mr. Smith said his client must know definitely the charges and who was the prosecutor and asked that the position be defined first; he had appeared for trial supposedly on the complaint of 25 voters and now it appeared he was to meet a new complaint drawn up by the deputy clerk, in a resolution containing additional charges. He took the position that the board could sit only as judges of the case and could not originate charges nor assume the position of prosecutors. He said there had been one such court in Charles I. and he was headed.

Mr. Desha took vigorous exceptions to the latter remark as equally obnoxious with the reference to witchcraft of the previous session. He stated his attitude was one of fairness to the defendant.

President Moir said the Board was there to act, that those signing the complaint must prosecute, and Rickard had the opportunity to defend, that the board did not consist of lawyers, but that the intention was to be just and fair. After the evidence was all in, the board would decide the case.

Mr. Smith objected to proceeding on various grounds and Mr. Fernandez, for the benefit of all parties, to secure the presence of witnesses, etc., proposed adjournment till Saturday. Mr. Woods, and others, who wished postponement until next session, yielding.

Board of Impeachment adjourned till Saturday and Board of Supervisors till Friday morning.

FRIDAY PROCEEDINGS.

Called to order at 10 o'clock. Roll called, 6 present, 1 absent; after prayer by Chaplain Kalaiwan, minutes were read and approved.

A communication from County Auditor Maguire was read asking that a committee be appointed to consider reform in the method of keeping accounts. As it appeared that the system was cumbersome and unsatisfactory a committee consisting of Shipman, Moir and Desha, was appointed to consult with the county and territorial auditors in reference to the matter.

A request for screen doors, by the sheriff, was referred to police committee.

Mr. Shipman raised the question as to finances, and, as he wished to

ask for certain expenditures, Kainahau requested information and treasurer was instructed to wire the auditor of the territory for information as to time of arrival of the appropriation for this county.

The treasurer's report was read and filed. It showed in detail all receipts and disbursements for the month of December. Balances on hand were: General fund, \$8083 02; road fund, \$10,463.18; total balance, \$18,546.20.

The report of the police committee was read. A recommendation to pay a claim of \$50 for the construction of a telephone line to the house of Deputy Sheriff Baker, of South Kona, called out the battery of Desha in opposition, on the grounds that the claim had been presented before through other committees and thrown out and because it would be bad precedent. It was admitted by others that the procedure of the deputy was irregular but the phone was a public convenience and the item was allowed. Report was adopted, Desha voting "No."

The resolution introduced by Desha and tabled on the day previous relative to the salaries of police officers, etc., was called up. Mr. Desha explained that the purpose of the resolution was to give the police commission the power to regulate the appointment and pay of police officers; that he had received a petition from taxpayers asking for a reduction of the number of officers in South Hilo on grounds of economy. Mr. Shipman thought the resolution unnecessary and thought the Board had the power already to control by refusing to allow improper claims. Mr. Kalaiwan, also, favored allowing the present system to stand. Mr. Desha called attention to some abuses in this department as now conducted. Resolution adopted, four, for; two, against.

The committee on internal improvements recommended that the salary of C. B. Lyman remain \$55 a month, and salary of D. Ewaliko raised to \$40. It disapproved of the allowance of an extra police officer for Oiaa, but allowed the raise of M. Coleman's salary to \$50 a month, and of E. Kaapuni's to \$35 a month. It tabled a request of B. H. Brown asking a raise in salary, and recommended asking that the salary of the deputy treasurer be increased to \$50. The report was adopted with the amendment that C. B. Lyman's salary be \$60 a month.

A communication introduced by Mr. Fernandez fixing the salaries of all police officers, guards and lunas of prisoners of the County of Hawaii was adopted. Adjourned till afternoon.

On coming to order, the resolutions of the morning relative to the salaries of police officers, etc., was called up for reconsideration and amended, changing the date from January 1 to January 15, 1906. On motion of Fernandez the Board resolved itself into a committee of the whole to take up several matters. Mr. Fernandez was appointed chairman. The petition of 63 voters of North Hilo against the appointment of H. P. K. Malulani as captain of police for said district was read and placed on file on motion of Mr. Shipman, the case being covered by the resolution adopted affecting the salaries, etc., of police officers. A communication from the sheriff containing a bill of demands for payment of back services of police officers was read. The point was raised that these police officers had not performed the services for which pay was asked. On motion of Mr. Desha, Deputy Sheriff Richard was called to inform the Board why he had certified the demands. He gave as his explanation of the reason the recent decision of the supreme court in reference to the power of the Board to appoint police officers. He said he had a communication from the sheriff, also, that the claimants threatened suit. Mr. Moir moved, seconded by Mr. Desha, that pay be allowed for services actually performed, which was carried. Ayes: Messrs. Desha, Makuakane, Moir and Fernandez. Noes: Mr. Kalaiwan and Mr. Shipman; absent, Mr.

Woods. A communication from the sheriff was then read asking for mileage ticket. Mr. Desha moved that such mileage ticket be purchased. At the suggestion of Mr. Shipman the Deputy County Attorney was called to give his opinion as to liability of county for expenses of witnesses. Attorney Alulu appeared and gave it as his opinion that the county could not be held liable for expenses of officers in transporting witnesses. Mr. Moir moved that the transportation asked for be not granted which was carried, Messrs. Desha and Fernandez voting against. The committee then rose and reported, which report was adopted, Messrs. Kalaiwan and Shipman voting against.

The Board then passed a motion directing the auditor and treasurer to notify the Board immediately after their refusal to pay any claim duly passed and certified, giving their reasons therefor.

Adjourned until Saturday at 9:00 a. m.

IMPEACHMENT PROCEEDINGS, SATURDAY.

The Board convened Saturday morning pursuant to adjournment, as a board of impeachment of Wm. J. Rickard, deputy sheriff of the district of Hamakua. R. A. Lyman, Sr., acted as interpreter and the official stenographer was on hand. Witnesses were excluded and examination of witness for the prosecution began.

Judge Hall was called, was questioned by Attorney Alulu and stated that he remembered the case of the Territory vs. Haeni before him. He testified that Rickard was 15 or 20 minutes late in arriving at court, and then appeared and asked for a continuance of the case, which was granted; that Rickard had been drinking, but was not drunk nor incapacitated from performing his duties; that there was a case in December when he could not be found to make an arrest; did not know the reason. Cross questioned by Attorney Smith he said that two attorneys had been appointed as counsel to assist in the Haeni case, and that they were both present; that there was nothing unusual in the case; that defendant was often a few minutes late.

Captain of police, M. J. de Coito was called. Stated that he had held his position under Deputy Sheriff Rickard since August. He was asked to tell all he knew about the case, which he proceeded to do under all of its heads, inside and outside, and in his anxiety to tell, Interpreter Lyman was kept busy and the Captain's impetuosity had to be restrained by numerous interruptions by Attorney Smith and callings-down by President Moir. He told all sorts of bad things about defendant; that he had held warrants sometimes in important cases, unserved, while he spent his time in saloons; that he appeared in court in the Haeni case so drunk that he could hardly walk and had to lean on judge's desk to read and afterwards went to a saloon, that he knew this because he himself went to the saloon with him, as far as the door. In the Nobriga case he had positive knowledge of Rickard's refusal to issue warrant for arrest on proper request.

In regard to the charges of refusal to arrest parties engaged in the illegal sale of liquor, he stated that he went to Paauilo, where he had heard illegal selling of liquor was going on, and there found the deputy sheriff with two women playing cards; he had reason to suppose, gambling; that he was supplied there with beer himself, which he did to demonstrate to the deputy sheriff that liquor was sold there. President Moir asked him what was his duty, if he could not make arrests? His answer was that he did not care to do so without instructions from the deputy sheriff. Attorney Smith in cross-questioning asked him if he did not know it was his duty as a citizen to try to bring to punishment offenders against the law; as an officer, to arrest such offenders, and even his superior officer, if such officer were breaking law; to all of which he assented. He had reported these cases of illicit selling of liquor to the deputy sheriff; the deputy had

told him to wait and see who won out on the case before the supreme court. In answer to questions by Mr. Smith, witness said that defendant was usually under the influence of liquor; did not do much else but drink; whereupon Mr. Smith asked him how he explained the fact that 64 of the best citizens of Hamakua, in a petition asked for the retention of defendant in office, mentioning a number by name. Various reasons were suggested by the witness as explaining why these individuals signed the petition; some of the signers, he said, were plantation managers, or in their employ, or were influenced by race prejudice. He admitted that he had himself circulated the charges against witness.

The afternoon was taken up with the examination of two witnesses, W. Heeb and F. M. Furtado, of Hamakua. The former, engaged in the saloon business, knew of the illegal selling of liquor; had bought it himself and had informed the defendant of such illegal selling. He was not able to tell when or where or the names of the guilty parties. His apparent failure to remember much of anything, due, perhaps, to a failure to fully understand the questions asked, aroused the vigorous protest of Attorney Smith that the court was being held in contempt by his wilful refusal to answer.

Mr. Furtado, an attorney, was then called. He testified as to the charge of drunkenness, that he had found the defendant intoxicated and had tied him to a bed to make an exhibition of him. In the instance of the Haeni case, testified that the defendant was greatly under the influence of liquor. Witness knew nothing of the Nobriga incident. He had knowledge of the illicit selling of liquor, but refused to give detailed information, standing on his professional privilege as an attorney. In reply to an interrogation by Fernandez, witness said defendant's conduct of the office was worse beyond comparison than that of his predecessor. Cross-questioned by Attorney Smith on this point, witness refused flatly to be questioned by Smith, at which point the scene reached a climax and it looked as if witness was going to be ruled guilty of contempt of court. The Board finally decided after some discussion that witness must answer certain of the questions. Little new information was extracted from the witness.

Deputy County Attorney Alulu stated that two witnesses summoned had not yet arrived and the board of impeachment adjourned till Monday at 9 a. m.

The Board of Supervisors was called to order. A communication from G. W. A. Hapai, District Magistrate, S. Hilo, was read, asking, on account of the reduction in the police force, that the Board appropriate money to pay for a district court officer to work with police force when court is not in session. It also made suggestions in reference to paying the railroad fares of witnesses.

A petition signed by thirty citizen tax payers of Hilo asking for an appropriation of sufficient funds to build and repair the road between Kukuaii and Puna-Nawai, in bad condition was referred to the supervisors of South Hilo. The special committee, appointed to consider the matter of changing the system of keeping the auditor's books, reported that the proposed changes appeared advisable and recommended that they be made after conferring with the territorial auditor.

The police committee reported favorably to application of sheriff for screen doors. Adjourned till Monday morning.

MONDAY PROCEEDINGS.

The Board of Impeachment convened pursuant to adjournment at 9 a. m. Monday and proceeded with the business in hand. Kainulama, of Hamakua, whose child had been injured by an air gun in the hands of a Japanese, testified for the prosecution, that the defendant had refused to issue a warrant for arrest in the case. At the conclusion of his testimony, Attorney Smith interposed a motion to

dismiss the case on the grounds of insufficiency of evidence to convict, which was carried, Messrs. Shipman and Moir dissenting. Adjourned.

Board of Supervisors convened and finished up the business of the session. A resolution introduced by Mr. Shipman was adopted ordering \$5,000 transferred from the general fund to the credit of the road funds of the various districts, in accordance with the table of percentages now in force.

An Honest Company.

It is a great deal of satisfaction to be able to point out the fact that no suggestion of mismanagement of funds made by the press has the slightest foundation in the case of one at least of the big insurance companies. The following article is taken from the Newark (N. J.) Advertiser:

"The testimony voluntarily given to the insurance investigating committee in New York by Senator Dryden lately, as president of the Prudential Life Insurance Company, made a favorable contrast to that which was extorted from the presidents of the New York insurance companies on the same stand. The only point brought out in connection with the company's affairs not a matter of common knowledge was that of the company's campaign contributions, which were limited to three Presidential contests, and were comparatively small in amount.

"The financial issue before the country and the involvement of the interests of hundreds of thousands of policy holders offer a reason, not political partisan, for these contributions. There have been none made to State campaign funds, and the testimony is that none of the funds of the company has ever been devoted to lobby uses in the forty States in which the company does business. The company has never been interested in any syndicate, and no officers of the company had received commissions on insurance. The salaries of the highest officers average about one-half the amounts received by the officials of the New York insurance companies, while the aggregate of official salaries paid hardly bear comparison.

"The testimony given recently by the company's actuary was practically a transcript from the company's books. It showed aggregate figures that enlightened and perhaps astonished many people as to the extent of the business and the range of operations of this colossal Newark institution, which grew from the smallest beginnings to its present mammoth proportions in a few years chiefly through the genius of its creator and present president."

Improving Facilities.

The following item from a Louisiana paper will be of interest from the fact that the Trouard loaders are about to be given a trial here. The Waiakea Mill Co. has secured one for this purpose and if satisfactory will employ others:

"The sugar campaign at Mrs. D. A. Milliken's Waterford plantation, in St. Charles parish, is progressing most favorably. The mill will now receive 350 tons daily from the plantation, all being loaded on carts with two Trouard loaders, which are reported to be doing this fine work with a consistency proving true all claims made for the loader."

Miss Wilhelmine Joehnke, of Oregon, has been engaged by the board of directors of the public schools of New York City to deliver a series of illustrated lectures on the Hawaiian Islands in various schools of the great city. Miss Joehnke lived two years in the islands, and on her return went to Chicago, where she graduated with honors from the University of Chicago last June. Since her graduation she has been traveling as correspondent for New York papers in the South and Southwest, and while on her travels delivered lectures.

Subscribe for the TRIBUNE Island subscription \$2.50 a year.

Good appetite, good digestion, refreshing sleep—these are essential to good health; and the following testimonial shows how they were obtained by using

Ayer's Sarsaparilla

"Six years ago I had an attack of indigestion and liver complaint that lasted for weeks. I was unable to do any hard



work, had no appetite, food distressed me, and I suffered much from headache. My skin was sallow, and sleep did not refresh me. I tried several remedies without obtaining any relief. Finally, one of my customers recommended Ayer's Sarsaparilla. It helped me from the first—in fact, after taking six bottles I was completely cured, and could eat anything and sleep like a child."

There are many imitation Sarsaparillas. Be sure you get "AYER'S."

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A. AYER'S PILLS, the best family laxative.

For Sale by HILO DRUG COMPANY!

Hilo Railroad Co. Short Route to Volcano TIME TABLE

In effect July 1, 1905. Passenger Trains, Except Sunday.

7	9	STATIONS	8	10
A.M.	P.M.		A.M.	P.M.
7:00	2:30	Hilo	9:40	5:45
7:05	2:35	Waiakea	9:35	5:40
7:12	2:53	Olaa Mill	9:30	5:35
7:30	3:15	Keaau	9:15	5:15
7:46	3:30	Ferndale	9:00	4:55
8:00	3:55	Mount. View	8:50	4:45
8:20	4:15	Glenwood	8:30	4:25
A.M.	P.M.	SUNDAY:	A.M.	P.M.
8:00	2:30	Hilo	10:48	5:15
8:06	2:36	Waiakea	10:44	5:11
8:25	2:55	Olaa Mill	10:28	4:56
8:32	3:02	Keaau	10:22	4:50
8:49	3:19	Ferndale	10:06	4:35
9:05	3:35	Mount. View	9:55	4:25
9:25	3:55	Glenwood	9:35	4:05

FOR PUNA: The trains of this Company between Hilo and Puna will be run as follows:

WEDNESDAY: Leave Hilo Station, by way of Railroad Wharf, for Olaa and Puna, upon the arrival of the Steamship Kilauea, running through to Puna and stopping at Pahoa both going and returning.

13	FRIDAY:	14
A.M.		A.M.
6:00	Hilo	9:55
6:06	R. R. Wharf	9:50
6:26	Waiakea	9:30
6:38	Olaa Mill	9:10
6:58	Pahoa Junction	8:42
7:00	Pahoa	8:30
7:20	Puna	7:35

5	SUNDAY:	6
A.M.		P.M.
9:00	Hilo	4:40
9:06	Waiakea	4:35
9:25	Olaa Mill	4:15
9:30	Pahoa Junction	3:47
10:20	Pahoa	3:35
10:55	Puna	3:00

Excursion tickets between all points are sold on Saturdays and Sundays, good returning, until the following Monday noon. Commutation tickets, good for twenty-five rides between any two points, and thousand mile tickets are sold at very low rates.

D. E. METZGER, Superintendent.

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