

## TAX COURT FURNISHES SENSATION

### Robertson Makes a Charge of Perjury.

## RETURN OF AH IN IS QUESTIONED

### Expert Examination of H's Books Disclosed Larger Income Than He Had Returned.

**A** SENSATION was sprung at last night's session of the tax appeal court when Attorney Robertson, on behalf of the government, charged Y. Ah In, with fraud and perjury in making his return of income for the year just passed.

Ah In's case was heard Wednesday night, and the return made by him of an income of \$222 was received with a good deal of doubt, when the large amount of business transacted was taken into account. At the conclusion of his examination last night the court ordered that his books be left open for a thorough investigation by an expert, and this was completed yesterday. Last evening the expert reported that all he could find was an income of \$1,112 for the year, the greater part of the increase over the return made to the assessor being upon stock in the Hop Hing Company, which the appellant had totally ignored in the examination Wednesday night. The report of the expert showed also that Ah In had been paying out the greater part of his income in interest charges, at a very high rate.

Mr. Robertson, at the conclusion of the report, stated to the court that the examination of the books showed clearly that fraud had been attempted, and that the appellant was guilty of perjury in swearing to the return made to the tax assessor. He said that the court had no power to punish for the crime of perjury, by sending the man guilty of such a crime to prison, but he argued that it was within his power to punish him by adding the 200 per cent penalty, as provided by the law.

The section referred to is as follows: FAILURE TO RETURN—FALSE RETURN.

Section 8. When any person or corporation having a taxable income refuses or neglects to render any return or list required by law or decline to take oath or affirmation thereto, the assessor may make such assessments as he may consider just and the same shall be binding and conclusive upon all parties and shall not be subject to appeal. In any case of false or fraudulent return or valuation by any taxpayer the assessor shall add 200 per cent to the just valuation of the income of such taxpayer and the amount of the tax assessed on such increase shall become part of the tax on said income.

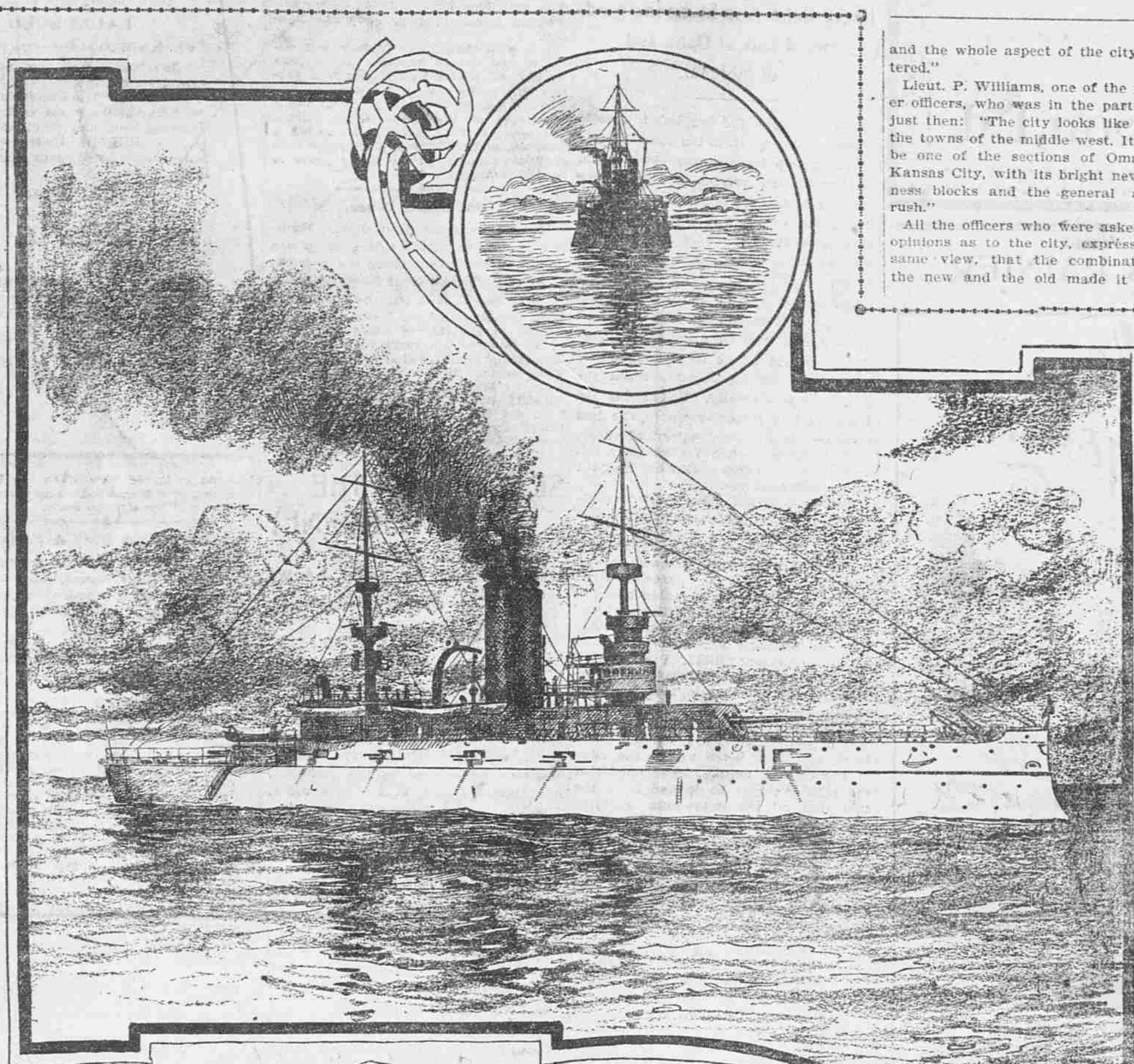
Judge Davidson, who represented Ah In, replied to the argument of Robertson, stating that the circumstances were such as to entitle his client to the benefit of any doubt. He stated that the return made by Ah In was true as far as was known to the appellant, and that the law did not require the taxpayer to make oath to the return, but he was given the right to affirm to the best of his belief and knowledge, and this he contended had been done by Ah In. He said further that nothing had been shown that would impeach his integrity or to hold him to be guilty of perjury. The evidence showed that Ah In had just come back from China, and was not acquainted with the books, said Mr. Davidson, and on that account he was entitled to leniency. "It has not been shown," he concluded, "that Mr. Ah In has been guilty of fraud, and he should not be punished for perjury on the state of facts here shown."

Mr. Robertson replied that the fact that Ah In had just come back from China was no excuse for the false return, as he should have let his manager, who was thoroughly acquainted with the entire business, make the report. He had no business to swear to a statement which he did not know was true in every detail.

Mr. Davidson replied that the law required the taxpayer himself to make the return, and Ah In had stated the facts to the best of his ability.

Mr. Robertson said that many of the returns had been sworn to by clerks

## THE BIG U. S. BATTLESHIP WISCONSIN WILL LEAVE THIS PORT ON SATURDAY



and the whole aspect of the city is altered."

Lieut. P. Williams, one of the younger officers, who was in the party, said just then: "The city looks like one of the towns of the middle west. It might be one of the sections of Omaha or Kansas City, with its bright new business blocks and the general air of rush."

All the officers who were asked their opinions as to the city, expressed the same view, that the combination of the new and the old made it a city

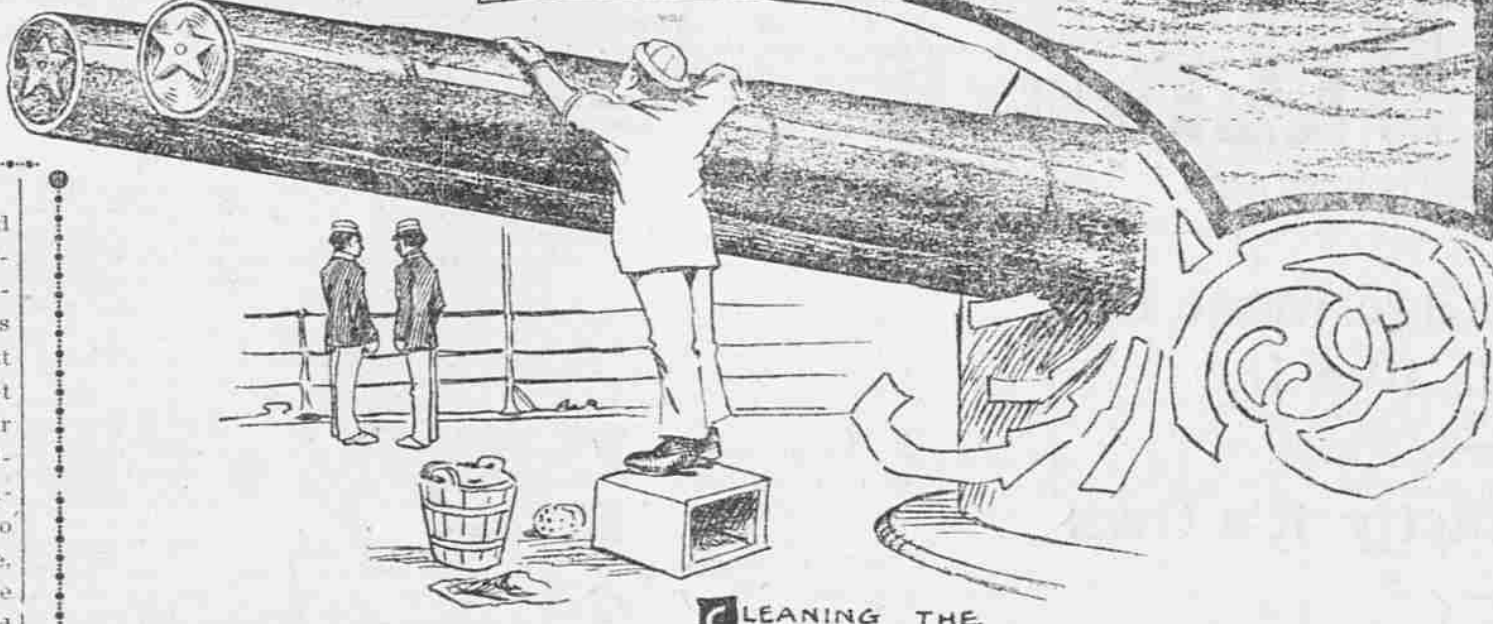
**W**HEN Governor Dole and party leave the battleship Wisconsin Saturday afternoon, orders will be given to hoist anchors and the vessel will at once get under way for the last stretch of her first long cruise, to the American coaling station at Tutuila, Samoa. Contrary to expectations there will be no visiting day on the ship, as the time, up to the hour set for the visit of the Governor, will be spent in coaling and cleaning ship.

Yesterday was a day of calling for Admiral Casey and his staff. In the morning at 9:30 o'clock the Admiral, accompanied by Captain George C. Reiter, Executive Officer C. H. Doyle, Flag Lieutenant Benjamin Tappan and Ensign Henry Norman Johnson, aide to the Admiral, called officially upon Governor Dole. The party was met at the landing by Capt. Hawes of the Governor's staff and escorted to the Executive building. As they landed an Admiral's salute was fired and the party was greeted by all the local naval officers. At the foot of the steps of the Capitol there was drawn up a guard of honor, consisting of twenty-one men of the sixtieth and sixty-seventh companies, U. S. Coast Artillery, from Camp McKinley in command of Sergeant Lemon.

and bookkeepers who were familiar with the business, and Ah In could have had his clerk do the same. Judge Davidson stated that the law gave the assessor no right to accept returns made by the clerks, and if he had done so, he clearly exceeded the authority given by law.

After a brief consultation between the members of the court, Mr. Bolte and Mr. Winston, the former announced that the court would take the matter of punishment for perjury under advisement, and render a decision at a later date.

It was whispered about the courtroom last evening among some of his acquaintances, that Ah In had been compelled to pay a tribute of \$10,000 in China in order to save his head and be allowed to leave the country.



CLEANING THE  
BIG GUNS

Gov. Dole was assisted in receiving the Admiral by Adjutant General J. H. Soper, Capt. Hawes, private secretary; Treasurer W. H. Wright, Attorney General E. P. Dole, Land Commissioner E. S. Boyd and Superintendent of Instruction Atkinson. The Admiral spent some time in conversation with the party and then went to the Hawaiian hotel, where he has rooms until the sailing of the ship. After luncheon Admiral Casey, with his staff, paid a return visit to Maj. Davis, in command at Camp McKinley, who called upon the commanding officer of the squadron on the ship yesterday. The rest of the day was spent about the city.

Meanwhile the preparations for the departure of the vessel were going on. The scows with coal were towed out to the Wisconsin by the Iroquois, Capt. Pond, and during the day four hundred tons of fuel were stowed in the bunkers. The scows were reloaded during the afternoon and these will be taken to the ship this morning so that the entire work of coaling will be completed soon after the noon hour. This will permit the men to rest and get ready for the final work of cleaning ship, which will consume all the morning of Saturday. The return visit of Governor Dole is scheduled for Saturday at 1 o'clock in the afternoon, upon which occasion he will be accompanied by his entire staff. This visit will be the last function and there will be no shore leave so that the ship will be ready to depart at once after the visit is ended. Admiral Casey said last evening, at

the hotel: "I have been very well impressed with what I have seen of the city, except that there seems an awful amount of dust. I saw street sprinklers, but they did not seem to have any effect upon the dust. The city is not so tropical as many I have seen, nor as I expected it. Still, the drives I have taken were very beautiful and the city and surroundings are attractive."

"When I return it is my present intention to bring the ship into the harbor, so that there will be an opportunity for the people to see the vessel, but the limited time at our disposal will preclude any visiting day at this time."

Among the officers of the Wisconsin, Surgeon W. R. DuBose is one who saw Honolulu many years ago, and has been much impressed with the changes which have been wrought in the years. He was an officer in the U. S. S. Wachusett, which was here in the winter of 1883, upon the occasion of the crowning of King Kalakaua, on February 13th. Speaking of the changes in the city, he said:

"There seems to have passed the old city, though my recollections of it are somewhat hazy. It was then a city without an extended business section, and the old style solid coral warehouses seem to have given place to the new architecture. The residences seem much the same as I remember them, in the older sections of the city, but the new and the old are strangely combined."

"There seems a new element in the people, too, for there is more rush and bustle, the people in that day taking life more easily and making their days seem longer. The streets look wider,

which resembled no other which they knew.

## COUNCIL CONSIDERS.

### Land Matters Before the Governor's Council Yesterday.

The Executive Council held a brief meeting yesterday morning. The application of the Honolulu Clay Company for a quit claim to its property in Nuuanu valley was referred to the Attorney General. Some question as to the title has arisen and the company is desirous of straightening out the matter.

Action upon the petition of Chin Wo & Co. for lease of land at Palawakal was deferred until the return of Supt. Boyd from Maui.

The petition of Mankichi Yamato for a liquor license at Waimea, Kauai, was refused.

### Thousands of Arithmetics Seized.

The representative of a book publishing house called on Assistant Secretary Taylor at the Treasury Department today to ask for relief from the seizure of several thousand arithmetics by the secret service. These arithmetics were printed for use in the schools of the Philippines and contained pictures of American coins. As any printed fac simile of an American obligation is in violation of the counterfeiting laws, the arithmetics were suppressed. The publishers contend that a wrong has been done, as the pictures were educational to the Philippines and necessary to the information of the children in the schools. The question will be taken up by Secretary Gage on his return to Washington.—Washington Star.

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## HOME RULE FIGHT TO BE HARD

### Independents Call a Convention for Hilo.

## MANY CANDIDATES FOR OFFICE

### Warm Words Mark the Executive Committee Meeting—Beer Saloon Suggested.

**D**ESPITE a warm war of words over the proposition, the executive committee of the Independent Home Rule Republican party last evening ordered that a call be sent by the secretary of the committee to the chairmen of the various district committees of Hilo, Puna and Hamakua, for a convention to be held at Hilo to nominate a successor to the late Representative Ewaliko. This convention will be held at a time to be fixed by the various committeemen.

There would have been little life in the session of the committee had Kanui and Bipikane been absent from the meeting, but with their presence there was enough to make it quite worth while for those who appreciated the humor of the affair. There were only two matters of importance up and the men named added to the gaiety of the proceedings not a little by their frank criticisms of men who were both present and absent members of the committee. Bipikane was outspoken in his scoring of the late legislature and made the hall ring with his words of denunciation. His text was that the nominee for the legislature should be the choice of all the people, and not of any set of delegates sent to convention. He said that the reason there were so few members of the committee in attendance was that they were disgusted by the work which was done and left undone by the last legislature. He said the members had not attended to their duties and had done nothing for the bettering of the condition of the people. He opposed any proposition for a convention of delegates for the nomination of the delegate from the first district, owing to the fact that the delegates did not always represent the will of the people. There was not a little chaffing at this as the members present recalled that Bipikane had been a candidate for the nomination for the lower house in his district, but the delegates had seen fit to name another man, a younger one.

The criticism of the legislature did not pass unnoticed, for both Senator Kalauokalani and Representative Prendergast took up the cudgels for the lawmakers and scored the objectors. They insisted that the regular members of the party did all that any man could ask of them but there were traitors in the camp, and these managed to nullify the labors of the diligent ones. At any rate the members of the committee would not listen to the objections of Bipikane and voted almost unanimously to have the convention. While there have been no candidates given the weight of the endorsement of the members of the local committee, there have appeared several men who want the place. Among these are the following: Henry West, of Hilo; J. Kamoku, of Puna; William Nalielehua, of Hamakua. Several of the leaders of the party here have written to Sam Pua, who was a candidate for the Senate here, but who is now a resident of Hamakua, asking him to make the race for the place. He has refused, as he is in business now. The universal idea at the meeting was that the Republican candidate would be A. B. Loebenstein.

There was more than a little discussion at the beginning of the meeting over the fact that there was nothing being done for the maintenance of the meeting place. Kanui began to urge the reviving of his resolution providing for an assessment of the various members of the committee, to raise the funds necessary. There was liberal criticism of the men who do not subscribe for the work of the committee, and at one time there was a point made that the men who had received something from the government should pay the most of the expense, and that the men now under the Territory should be called upon heavily. It was shown that there was no member of the committee in office except Robert Boyd, and