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IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT
TERRITORY OF HAWAII

TERRITORY OF HAWAII)
)
VS.)
)
BEN AHAKUELO, HENRY CHANG,)
JOSEPH KAHAWAI, JR., HORACE)
SHIMITSU IDA and DAVID TAKAI,)
)
Defendants.)

The above entitled matter came duly on for further hearing on Wednesday, November 25, 1931, at 8:30 o'clock a.m., all parties to the action being present in court, and the following ^{further} proceedings were had and testimony taken:

(Stipulated jury all present.)

J. F. VOORHEES

was duly called and sworn as a witness for the defendants, and testified as follows:

DIRECT EXAMINATION

By William H. Heen, Esq.

Q What is your name?

A J. F. Voorhees.

Q Are you employed by the United States Government?

A Yes sir.

Q In what capacity?

A I am in charge of the local Weather Bureau Office.

Q How long have you been in charge of this office?

A Since June 1926

Q Did you at our request bring with you the record

of your office showing weather conditions on the night of September 12, 1931?

A Yes sir (Referring to book)

Q You are in charge of this office, are you not?

A Yes

Q And that record is in your custody?

A Yes sir.

Q Will you please state from your records what the conditions were on that night as to moon-light, star-light, clouds, and as to whether it was dry or wet?

A There was no moon. There was a new moon on the night of the 11th, so on the night of the 12th there would be a very thin new moon setting shortly after sunset and no moon after that. The sky was clear; that is less than three-tenths covered with clouds, and, as conditions are here, those three-tenths were probably a bank of clouds up over the mountains. Of course, being clear, there would be some stars. I don't know just how bright it was, and there was no rain, that is here downtown where we keep our records, and probably not, - I don't know about that.

Q Under such conditions as you have there recorded what would you say as to whether this was a dark night or not?

A That of course - May I say we are not allowed in giving our records to give anything in the matter of personal opinion. I am here to tell you the

conditions as I have them recorded, Of course with no clouds it would not be extremely dark, but there was no moon.

CROSS EXAMINATION

By Griffith Wight, Esq.

Q Then it was as clear a night as there could be without a moon?

A Yes, clear night.

Q It would be as light as it could possibly be without a moon, that type of night?

A I should say so.

MRS. GEORGE GOEAS

was duly called and sworn as a witness for the defendants, and testified as follows:

DIRECT EXAMINATION

By William H. Heen, Esq.

Q What is your name?

A Mrs. George Goeas.

Q Where do you reside?

A 663 Captain Cook Avenue.

Q I will ask you whether or not you were out to the dance at Waikiki Park on the night of September 12th?

A I was

Q Who was with you at that time?

A My husband.

Q Do you recall just about what time you went out there?

A Out to the dance?

Q Yes.

A I have no idea, but we must have been there about 8:30, I guess.

Q How did you go out there?

A In our car.

Q Your husband drove the car?

A Yes.

Q Where did your husband park the car when you got out there?

A On John Ena Road, right opposite the gate entrance.

Q Was it right opposite or above or below?

A Just a little towards Kalakaua Avenue.

Q How long did you stay at that dance?

A Until the last dance.

Q Did you dance that last dance?

A Yes.

Q After the last dance what did you do?

A We walked out to our car and drove over to the saimen wagon.

Q At the time you walked out to your car did you observe whether or not there were any cars leaving the place that night?

A Yes.

Q Many or few?

A Just about the average crowd that does go out there, but we lingered on the way out watching the people go out.

Q At the time you approached your car did you

observe anybody walking on the sidewalk?

A Yes, a lady and a man.

Q About how near were you to the car at the time you saw this lady and man walking?

A Well, I was walking around the front of the car to get in on the other side, on the sidewalk side, when I saw them. I couldn't say how close they were, but they were close enough to be recognized.

Q Your car was facing in what direction?

A Facing the beach.

Q And when you saw this woman and man walking in what direction were they walking?

A They were walking down towards the beach.

Q About how far were they from you when you first observed them? Give us your best judgment on that?

A About five yards, three to five yards away.

Q What were their positions as they came towards you?

A The man was walking about a yard in back of her, keeping at the same pace.

Q Was the man directly in the back of her?

A A little to her right, I think.

Q I will ask you whether or not they passed you before you got into the car?

A They came alongside of our car and they were just about the length of the front part of the car when we drove off.

Q Did you notice how she was walking at the time

you first observed her up until the time you drove off?

A To me she looked like she was kind of mumbling like, and she had her head hanging on to the right side.

Q What kind of a dress did she have on?

A It was a dress with sleeves to the elbow, tight around the waist, full around the skirt, and ankle length.

Q Did she have any hat on?

A No

Q When your husband drove off in the car you went to the saimen place?

A Yes.

Q Did you drive into that place?

A There is a road right there, a side road. We drove right in that road and shot off to the right and parked in an angle.

Q After the car was parked at an angle, as you have just stated, I will ask you whether or not you again observed this man and this woman?

A Yes.

Q Were there any lights there at that time?

A Yes, the store lights and the saimen wagon had lights too.

Q When you observed this man and woman from the car while it was parked at the saimen place, what was the gait of the man and woman as they walked

along?

A Very slowly; just about the same pace.

Q What was the distance between the two?

A About a yard.

Q Who was in front and who was behind?

A The woman was in front and the man in the back.

Q How was she holding her head at that time?

A It was still stooped to the right.

Q How about her shoulders?

A It was stooped.

Q Did your husband make any remark to you at this time about this man or woman? Answer that "Yes" or "No"?

A Yes.

Q Then did the man and woman continue to walk down towards makai?

A As much as I could see of them they continued at the same pace, one in back of the other.

Q Did they pass the car?

A They passed in back of our car.

Q Did you turn around and observe them again on the other side?

A No.

Q Did you observe how her hair was fixed?

A To me it was about three quarters length, but it was tied in the back. I didn't know by what it was tied with.

Q About what color was her hair, if you observed that?

A A light brown.

Q You stated that the woman passed your car before you drove off from where you were parking?

A Yes.

Q About how far in front of you did she pass before you drove off?

A She must have been a little past the front fender on the sidewalk side.

Q Did you notice the back part of her dress at that time?

A I think it had a bow in the back at the waist.

Q What was the color of that dress?

A When we first saw it I couldn't tell more or less what it was, until she got into the light and then I knew it was green.

Q Were you questioned by police officers about this matter?

A Yes.

Q Where?

A At our home.

Q When?

A I think it was a few days after the accident.

Q Who came to your home in that connection?

A About five men. I didn't remember all of them - what I mean, their names, but Stagbar and I think

this man with the blue tie.

Q Mr. Wight, this gentleman here? (Indicating)

A Yes, and I didn't know the names of the others. McIntosh was there too.

Q Any naval or military officers?

A I don't remember whether they were any military officers.

Q At that time did they show you a dress similar to this?

A After they had asked us questions they showed us the dress.

Q When you say "us" what do you mean by that?

A My husband and I.

Q Your husband was there at that time?

A Yes.

Q Did you examine the dress at that time?

A We looked at it when the man placed it in front of him.

Q Placed what part in front of him?

A He set the whole dress up in front of him.

Q Including the top, like this?

A Yes.

Q Did you recognize that dress as being the dress this woman had on that night?

A Yes.

Q This man that you saw at that time, what nationality was he?

A A white man.

Q Do you remember what kind of clothes he had on, as to color?

A He had on dark trousers and a slip-over sweater that buttons down the front.

Q What color was that sweater?

A To me it looked like a dark brown.

Q Do you think you can illustrate the way this woman was walking, Mrs. Goetas, by walking yourself?

A To me she was stumbling --

Q Suppose you show us about how she was walking, starting from this side and walking down. How was she holding her head?

A Witness leaves stand and walks to central rail of the court room. She had her head down this way (illustrating) and she was walking as though she was swaying a little bit, and she continued at that pace as far as we could see her.

Q About what time was that, according to your best judgment, when you first observed this woman walking down that way?

A The witness must have gotten through close to 12 o'clock, and by the time we walked out to the car it must have been close to ten, past 12 when we first saw her.

Q Did you sign any written statement at all?

A No.

Q Prepared by the police officers?

A No.

Q What were the heights of the man and woman relatively, which was the taller?

A The man was a few inches taller than the woman.

Q Was this woman of the same build as you or bigger or smaller?

A I think she was smaller.

Q What was the nationality of that man?

A A White man.

Q Did you notice whether or not this woman had a pocketbook in her hand or under her arm?

A No, I didn't recognize any pocket-book.

CROSS EXAMINATION

By Griffith Wight, Esq.

Q Have you talked this over with Judge Heen?

A He came to our place on Sunday.

Q Anybody came with him?

A No.

Q Judge came alone?

A Yes.

Q Have you talked this over with your husband?

A I have been reading everything that came in the paper. We discussed it.

Q Did your husband talk about it when you came home last night?

A No, I read ab out what he testified to.

Q That is the only way you knew he was here?

A He said he was here, but he didn't say anything else because he was busy.

Q You say the dance ended at 10 to 12 and he said he walked slowly and said that would get him to the car at about 12 or a minute after 12. Is your husband incorrect when he made that statement?

MR. HEEN: Objected to as an improper way to examine the witness. It is not proper. I advance that proposition as being the law, that one witness cannot determine whether or not another witness has misstated the facts.

THE COURT: The purpose of it is to determine the definiteness with which a witness wishes to testify. Objection overruled.

MR. HEEN: Exception.

A I couldn't say whether he said it wrong, but to me it figured like it took me about ten minutes to get out there.

Q Do you know how far that is from the dance hall to your car?

A I couldn't say for sure.

Q Isn't it about 100 yards?

A I am poor when it comes to judgment like that.

Our car was on the main road, and the dance hall is in the park.

Q Assuming it was ten yards, then that means it would take you one minute to walk to that car?

A We lingered and watched the cars going out.

Q Assuming it is 100 yards about and it took you ten minutes, and say it took you one minute to walk

ten yards, Watch me (Counsel illustrates) Seven seconds.

MR. PITTMAN: Mr. Wight, you didn't linger.

Q It would take you eight and a half times that to walk ten yards, as it did me?

A Well, I don't know. We just took our time walking it, and I judge it eight to ten minutes.

Q It took you one minute to walk about this far far, from here to you?

MR. HEEN: Objected to. No evidence she walked straight ten yards that way. On the contrary the evidence shows she was lingering. There is no evidence this was straight across. No evidence she walked straight.

THE COURT: Proceed.

Q Did you walk in circles like this?

A No, we didn't.

Q You walked towards the gate didn't you?

A Yes.

Q Do you think it took you as much as one whole minute to walk ten yards out there?

A I don't know. We stopped and talked.

Q How many times did you stop?

A I don't know.

Q Quite a few times?

A Yes.

Q Your husband said yesterday you didn't stop at

all. Which is right?

MR. HEEN: Objected to as improper.

THE COURT: Proceed/ Objection overruled.

MR. HEEN: Exception.

Q Your husband said you didn't stop once yesterday.

A Well, we walked along. Both of us were talking and discussing the dance with people we saw there, and I couldn't say for sure how long it did take us to walk out.

Q You said you stopped a number of times and your husband said you didn't stop once. I am trying to refresh your memory?

A Every time we go to a dance we usually walk slowly and stop and talk to each other.

Q I am talking about September 12th, this year?

A I can't say for sure.

Q You may be mistaken when you say you did stop?

A Yes.

Q And maybe your husband is telling the truth when he said you were out there in about five minutes?

MR. HEEN: Objected to --

THE COURT: Objection overruled.

Q Maybe your husband is correct?

MR. HEEN: Objected to as improper, incompetent, irrelevant and immaterial; not proper cross examination.

It is for the jury to determine that.

THE COURT: Objection overruled.

MR. HEEN: Exception. Objected to as not based on evidence. The evidence is five or six minutes.

Objected to as not based on the testimony.

Q (Question read by the reporter) Then maybe your husband was correct when he said it took five minutes to walk from the dance hall to your car?

MR. HEEN: Same objection, and, if the question is proper at all, it is not based upon the evidence, the evidence being according to the husband's testimony that it was five or six minutes.

THE COURT: Amend it to five or six minutes, and then answer it.

MR. HEEN: Same objection.

THE COURT: Objection overruled.

MR. HEEN: Exception.

A Maybe he was right by stating that.

Q You didn't state the color of this man's trousers.

A They were dark. They looked like brown to me.

Q It was not a white suit?

A No.

Q It was not a white navy officer's suit?

A No.

Q And it was a brown sweater?

A Yes.

REDIRECT EXAMINATION

By William H. Heen, Esq.

Q What you have testified to this morning is not any different from what you told the officers?

A No.

RECORSS EXAMINATION

By Griffith Wight, Esq.

Q When I talked to you up there and asked you the color of the owman's hair, didn't you say at that time you didn't know the color, you were paying more attention to the dress?

A To me it looked like brown.

Q Do you remember that I asked you what color the girl's hair was?

A I don't remember.

Q Don't you remember that you said to me, "I really didn't pay attention to her hair" but you were paying attention to her dress?

A I looked more at her dress, but this thing has been lingering in my mind, and now I think it was brown.

Q Now you know better?

A Yes.

(S. Hashigabara was sworn as official Japanese interpreter)

ALICE ARAMAKI

was duly called and sworn as a witness for the defendant, and testified as follows, partly in Engligh and partly through the official Japanese interpreter:

DIRECT EXAMINATION

By William H. Heen, Esq.

Handwritten notes:
S. Hashigabara
was sworn
no fact missing

MR. WIGHT: I would rather have her talk without an interpreter.

THE COURT: Do you speak English?

A Not very good.

THE COURT: Were you born in the Islands?

A Yes.

THE COURT: You don't speak English very well?

A No.

THE COURT: How far did you go in the English school?

A Sixth grade.

THE COURT: Will you answer Judge Heen's questions in English if you can and if you cannot this gentleman will be there to assist you.

Q What is your name?

A Alice Aramaki.

Q Where do you live?

A John Ena Road.

Q What number?

A 459.

Q What do you do?

A Barber shop/

Q Work in a barber shop?

A Right next to my store.

Q You have a store there too?

A Yes.

Q It is your own store or your parents' store?

A My sister's store.

Q Do you know where this saimen place is out there

on the corner of John Ena Road and the small lane?

A Yes.

Q What is the name of that lane?

A Horbron Lane.

Q That saimen place is on the mauka corner of Hobron Lane?

A Yes.

Q And on the town side?

A Yes.

Q Is there a store in front of that saimen place? When I say saimen place, it is a small cart?

A Yes.

Q Is that store next to the saimen place, your sister's store?

A Yes.

Q Whose store is that?

A Kimoto's.

Q Next to that whose store is that?

A That is my sister's store.

Q That is mauka of Kimoto's store?

A That is my sister's store.

Q And mauka of your sister's store is what?

A That is the barber shop

Q Are those stores all close together?

A Yes.

Q And before that what is that?

A An auto stand belonging to Kimoto.

Q And before that what is there?

A A small cottage with yard in front.

Q And from the auto stand to Kimoto's store these buildings are all together?

A Yes.

Q You remember hearing about this assault case on Ala Moana road a day or so after it was supposed to have happened, do you remember that?

A Yes.

Q Do you remember Saturday night of September 12th of this year?

A Yes.

Q Was there a dance on at Waikiki Park at that time?

A Yes.

Q Waikiki Park is opposite your place?

A Yes.

Q Was the barber shop open that night?

A When she passed?

Q No, was it open that night?

A Yes.

Q What time did it close?

A Twelve.

Q The barber shop?

A Yes.

Q How about your sister's store, what time did that store close that night?

A 12:30.

Q Your sister's store, is that an open store in front or have you got windows there?

A Open.

Q Were there any lights in that store that night?

A Yes.

Q And lights outside on the veranda?

A No.

Q Only in the store?

A In the store.

Q Was there a light in Kimoto's store?

A Yes.

Q Is Kimoto's store open in front?

A It has windows on two sides.

Q After the barber shop closed where did you go?

A I went in the store.

Q Do you remember the time that the dance was pau?

A Yes.

Q How do you remember that?

A The music was not going on.

Q There was no more music?

A No.

Q Saw automobiles coming out from the park?

A Yes.

Q Where were you at your sister's store shortly after the music was over and the cars were coming out?

A I was in the store.

Q What part of the store?

A In front.

Q Did you see anybody passing by while you were in front?

A I saw a lot of different people.

Q Did you notice any person particularly?

A Yes, I see one woman.

Q What kind of dress did this woman have on?

A She had a green dress.

Q How long a dress was this green dress?

A Pretty long; down to here (Indicating)

Q Down to where, about?

A (Indicating)

Q A little above the ankle?

A Yes.

Q About how long would that be when you saw this woman with this green dress on after the barber shop closed at 12 o'clock?

A It was about ten or fifteen.

Q Ten or fifteen minutes?

A Yes, after.

Q Just about where were you standing in front of your sister's store when you saw this woman with the green dress?

A Maybe about twenty feet or so.

Q Where, at your sister's store ---

MR. HEEN: I move to strike the last answer as not responsive.

THE COURT: Proceed.

Q Where were you, in front of your sister's store, when you saw this woman, just what part of the store?

A The store facing this way. I was standing by the ice box when she passed. She was next to Kimoto's

store.

Q Suppose you step down here.

A (Witness approaches blackboard)

Q Supposing this is the line between your sister's store on the mauka side, and Kimoto's store on that side, where would that ice box be?

A (Indicating)

Q Makai corner of your sister's store?

A Yes.

Q And how near the front?

A Very close.

Q Very close to the inside line of the sidewalk?

MR. WIGHT: Objected to as leading.

Q How wide is that ice box?

A (Witness illustrates)

MR. HEEN: About three and a half feet?

MR. WIGHT: Yes, about.

Q How near to the edge of that store was that ice box?

A About five inches.

Q How near to the wall dividing your sister's store from Kimoto's store?

A That ice box is against the wall.

Q That is against the wall between your sister's store and Kimoto's store?

A There is a small lane.

Q That is against the wall on the makai side of your

sister's store?

A Yes.

Q Where were you in reference to that ice box?

A (No audible answer)

Q You were leaning on the ice box on what side of the ice box?

A On the front.

Q On the front side of the ice box. And when you first saw this woman about how far was she from you. Point out some distance?

A From me to that man (Indicating)

Q To where this man is sitting down?

A (Indicating)

THE COURT: Where are you pointing to?

Q The man with the pencil in his mouth?

A Yes.

(Stipulated the distance was 20 to 25 feet)

Q What nationality was this woman?

A She was a white woman.

Q What color hair did this woman have?

A She was blonde hair.

Q Was anybody walking near her at that time?

A Yes.

Q Who?

A A man was walking.

Q Where was this man and how near to this woman was this man?

A Maybe about five or six feet away from her.

Q Was this man behind or in front of her?

A Behind.

Q And what nationality was this man?

A He was a white man.

Q Was this man of the same height as the woman or was he taller or shorter?

A He was shorter.

Q The man was shorter?

A Yes.

Q What kind of clothes did this man have?

A He wears white shirt.

Q And what kind of trousers?

A Maybe navy blue or black. I can't tell.

Q How was this woman with this green dress walking?

A She was hanging her head down.

Q How was she walking?

A She was walking slowly.

Q Did you notice how far they walked?

A She was crossing the street.

Q What street do you mean?

A Hobron Lane.

Q Did you see them when they got on the other side?

A No.

Q Will you show us just how this woman was walking at that time? Will you come down here and show to the jury just about how that woman was walking?

A (Witness illustrates)

Q This man who was walking behind this woman with the green dress, about how fast or slow was he walking?

A He was walking pretty fast.

Q And when you saw them crossing the street, cross Hobron street, had he passed the woman or was he still behind the woman, if you remember?

A I don't remember.

Q Miss Aramaki, a day or so after this Saturday night did you make a statement to the police about what you saw that night?

A Yes.

Q Did you sign any written statement?

A Yes.

Q Who questioned you about this matter?

A (Witness indicates)

Q This gentleman? (Indicating Mr. Wight)

A Yes.

Q Did you come to the office or did they come out to your place?

A I went down to the office.

Q Did they show you the dress down at the office?

A Yes.

Q Did you recognize that as being similar to the dress you saw on that woman?

A The dress I seen was a little darker.

Q You think the dress was a little darker?

A Yes.

Q Do you recognize this as the dress that was shown

to you at the office by this gentleman, Mr. Wight?

A Yes.

Q Did you notice whether or not this woman who was wearing a green dress had a pocket book under her arm or in her hand?

A No.

CROSS EXAMINATION

By Griffith Wight, Esq.

Q Who else walked by that night? Describe some other person that walked by, and tell me what kind of dress she had and who she was with?

A I don't know.

Q You mean that is the only person you can describe who walked by that night?

A Yes.

Q There were a lot of other people walked by?

A Yes.

Q Before she walked by and after?

A Before.

Q But you can't describe any of those?

A No.

Q Why? Her hair was down in a bob like this, all over her shoulders?

A Yes.

Q All the way down, all over?

A Yes.

Q You are sure of that?

A Yes.

Q This man who walked behind her, he didn't have

a brown sweater on and brown trousers on?

A No.

Q How far is your place from the saimen stand, -
point in the court room here?

A From this wall to that wall.

Q About that far from the saimen stand?

A Yes.

Q You didn't see any man with brown suit and brown
sweater walking behind her?

A I didn't notice him.

Q The only man you saw was a man with white shirt
and black trousers?

A Yes.

Q Did you see a man ahead of her with a brown suit
on?

A No.

Q Did she speak to this man or he speak to her?

A No.

Q You say the man was walking faster than the woman
all the time?

A Yes.

Q You are not sure about the exact time, are you?

A I am not sure about the time.

Q She wasn't staggering, was she? She was just
walking slowly like this?

A Yes.

Q She wasn't staggering like this or like this?

(Illustrating)

A No.

Q You would say she was walking as a woman walks who walks slowly with her head down?

A Yes.

Q When any woman walks slowly that?

A Yes.

Q She didn't seem drunk, did she? (Question withdrawn)
Did you smell any liquor?

A No.

Q Did she stagger in any way?

A She was walking this way (Illustrating)

Q Just with her head down?

A Yes.

Q At that time a lot of automobiles were coming out of the park and people leaving the dance?

A Not very much.

Q Were some coming out?

A Yes.

Q Have you seen this woman since that time?

A Yes, I see over here.

Q You saw her in the hallway?

A Yes.

Q Are you sure that is the woman?

A I can't tell sure.

Q You mean Mr. Heen pointed out and said that was the woman?

A No.

Q Who did that?

A Mr. Murakami.

Q Mr. Murakami pointed out and said that was the woman?

A Yes.

Q And you said you didn't know?

A I said I can't tell.

Q That was the lady out in the hallway, wasn't it?

A Yes.

Q Did Mr. Murakami try to make you say it was the woman?

A No, he just asked me.

Q And you said you didn't know?

A I said she was bigger.

Q You mean the woman you saw outside was bigger or the other woman?

A No, outside.

Q The time she walked by didn't you tell me when we talked at the police station, you said it was five or ten minutes after the dance stopped that she walked by?

A Yes, - no, I said ten to fifteen.

Q Down at the police station didn't you say it was five or ten minutes after the dance stopped?

A I said ten to fifteen minutes after the dance stopped.

Q You didn't say to me when I asked you a question like this, "You say she passed five or ten minutes after the dance?" and you said "Yes"?

A I don't know.

Q You are not sure? You didn't see the lady's face out there, did you?

A No.

Q You are not sure whether this is the dress or not?

A It was darker.

Q The dress out there was darker or this is darker?

A Out there was darker.

Q How old do you think that woman was that passed?

A I couldn't tell.

Q Didn't you tell me about thirty - about that?

A Well, I can't tell.

Q Didn't you tell me in the police station you thought she was about thirty?

A Yes, I did, but I can't tell sure.

Q Didn't you tell me at the police station that you thought she was about thirty?

A Yes, I did.

REDIRECT EXAMINATION

By William H. Heen, Esq.

Q When you saw this woman in the green dress walking down near your store, could you tell whether or not at that time she appeared to be drunk?

A I can't tell that.

(Recess)

HARYGO IDA

was duly called and sworn as a witness for the defendants, and testified as follows (Through the official Japanese interpreter in part, and partly in English)

DIRECT EXAMINATION

By William B. Pittman, Esq.

MR. PITTMAN: I would like to say that this witness speaks fairly good English unless complicated questions are asked her, and I am perfectly willing to proceed with her as long as we can. I would like to have the interpreter stand up in case she does not understand.

Q Where do you live?

A 1409 A Cunha Lane, Number 4.

Q With whom do you live?

A With my parents?

Q Who are they?

A My sister and brother and mother.

Q How many sisters?

A Three sisters.

Q And one brother?

A Yes

Q Is your brother Ida one of the defendants in this case?

A Yes, he is my brother.

Q On September 12, 1931, were you living with your mother, sisters and brother Ida?

A Yes.

*to come
12 45-*

Q At this same location?

A Yes.

Q On September 12, 1931, Saturday, do you remember that date?

A Yes.

Q Was Ida home on that date?

A Yes, he was home.

Q Did Ida leave the home that evening?

A About half past seven.

Q Were you there?

A Yes.

Q Did you see him leave?

A Yes.

Q Do you know how he left, in what manner, whether he left in a buggy or on foot or automobile?

A In my car.

Q After he left did you leave the home or did you remain there?

A I was at home.

Q After he had left did you stay home all that evening or did you go out?

A About half past eight I went out.

Q Where did you go?

A I went to Waipahu.

Q How did you go?

A By automobile.

Q Who went with you?

A Mr. Hara went with me.

Q Who else, who drove the car?

A Boys from Waipahu.

Q Where did you go when you went to Waipahu, what home?

A I attended a wedding party.

Q In Waipahu?

A Yes.

Q Do you know how long you remained at the wedding party before you returned to Honolulu?

A Until about 12 o'clock midnight.

Q At 12 o'clock midnight when you left the party what did you do?

A (Interpreted)

MR. WIGHT: I should like these answers in English.

Q You say you left Waipahu about 12 o'clock?

A Yes.

Q How did you leave, in what manner, in a buggy or carriage or automobile?

A In automobile.

Q Who was in the automobile when you left?

A Tahara and me and three boys.

Q When you left Waipahu about 12 o'clock where did you go?

A Home.

Q What time do you think that you arrived at your home?

A About 12:45.

Q What makes you think you left Waipahu about 12 o'clock?

A Because I know the rate of speed.

Q What do you think you left Waipahu at 12 o'clock?

A Because it is about 12 o'clock we left.

Q How do you know it was 12 o'clock. Did you look at the clock?

A No, but at half past eleven I looked at the clock and we ate over there and we left about 12 o'clock.

Q To the best of your judgment you left at 12 o'clock?

A Yes.

Q You did look at the clock at 11:30?

A Yes.

Q And you arrived at home about 12:45?

A Yes.

Q And how fast was the car being driven between Waipahu and your home?

A Between 30 to 35 miles.

Q Who was driving the car?

A The Waipahu boy.

Q When you got home did you see Ida, your brother?

A Yes, I saw him come in the lane.

Q Coming in how?

A In my automobile.

Q Did you both come in at the same time?

A No, I came in first.

Q Had you had time to get out of your car before you came in or were you still in the car?

A No, I had gotten out of the car.

MR. WIGHT: Objected to as leading.

THE COURT: Proceed. The witness has answered.

Q Where were you after you got out of your car, and you saw Ida coming in? Where were you?

A I was in front of my garage.

Q What did Ida do when he came in this car?

A When we got off that car that car was going out and my brother was coming in, so he drove pass and then he came in my garage.

Q The car that brought you from Waipahu went back?

A Yes.

Q Who went in the house?

A He was walking in front of me and I wear on slipper and he wear shoes and he went in the house first.

Q How soon after you went in the house did Ida go in the house?

A Right away.

Q Where the lights turned on in the house, or off?

A Off.

Q Were they turned on after you got in?

A No, it was dark when I got in.

Q After you got in the house were the lights turned on?

A No.

Q Did you notice/^{how} Ida was dressed when he came in that night about 12:45?

A Yes.

Q How?

A He was wearing a white shirt and black pants.

Q Did he have a coat on?

A No.

Q Did he have a coat of any kind or character on?

A No.

Q Did he have a coat of any kind or character on or in his hand when he came in?

A No, he had nothing in his hand.

Q You were there when Ida left about 7:30?

A Yes.

Q How was he dressed at the time he left the house?

A He had a white shirt and black pants.

Q The same as when he came back that night?

A Yes.

Q Did he have any coat on?

A No.

Q Did he have any coat in his hand?

A No, nothing.

Q Did he have any jacket on?

A No.

Q Did he have any jacket in his hand?

A No.

Q Did he have any top garment of any kind what so ever when he left the house?

A He didn't have nothing on.

Q And nothing when he returned?

A Yes.

Q How long after you and Ida had gone in the house

which you say was about 12:45, was it before the policeman came?

A The policeman came about three o'clock in the morning.

Q Did you get up then?

A Yes, I was first to get up.

Q Did you see Ida go out with the policeman?

A Yes.

Q Do you know whether or not at the time Ida went out with the policeman he had any coat on?

A He put the jacket on.

Q What did you do after Ida went out with the policeman?

A After he left, about ten or fifteen minutes later, I went on my car and went to the police station.

Q Was that the car that Ida had that night?

A Yes.

Q That is the one Ida drove at 7:30?

A Yes.

Q And you drove it to the police station?

A Yes.

Q Were you ordered to drive it to the police station or did you drive voluntarily?

A No, I was worried and I went down.

Q When you went down there where did you park Ida's car?

A In front of the police station.

Q About what time do you think Ida went to the

police station?

A About three o'clock in the morning.

Q When you took the car down to the police station, drove down to the police station in your own car, were you ordered by the police to leave your car there?

A Yes.

Q Do you know whether or not at the time the police came for Ida whether Ida was asleep or awake?

A He was sleeping.

Q How do you know that?

A Because I woke him up.

CROSS EXAMINATION

By Griffith Wight, Esq.

Q What is the number of your car?

A 58-895.

Q You got the car afterwards?

A Yes, about three or four days later.

Q You say you looked at the clock at 11:30 in this house at Waipahu?

A Yes.

Q Where was the clock?

A In front of me.

Q Where?

A At the party.

Q At whose house?

A At the wedding party.

Q Whose home?

A I don't know the name.

Q Don't you know the house?

A Yes.

Q What kind of clock?

A Parlor. It was a hanging clock.

Q Hanging how?

A Hanging on the wall.

Q How big a clock?

A About this big (Indicating)

Q You don't know whose home it was?

A I don't know because we were hired at that party.

Q So you couldn't point the place out?

A I know the place.

Q Where is it in Waipahu?

A Across after you pass the tunnel.

Q Who was getting married?

A The boy over there.

Q After 11:30 you ate?

A Yes.

Q What did you have to eat?

A I can't understand what you say.

Q What did you have to eat?

A We had plenty to eat.

Q A great big feast, wedding feast?

A Yes.

Q Took you quite awhile to eat it, didn't it?

A We talked and ate.

Q It took quite a little while?

A Yes, about.

Q And after you finished eating you talked a little while longer and played a little more?

A No.

Q How long after you finished eating before you left?

A About ten or fifteen minutes.

Q Did you look at the clock after you got home?

A No.

Q Did you eat at the same time the guests ate?

A No. I ate with Mr. Hara.

Q You ate after the wedding guests were pau?

A Yes.

Q What time did the wedding guests start to eat, 11:30?

A I can't say because we got there about half past eight, about nine o'clock.

Q They started to eat about nine?

A We got there about nine.

Q About what time did the wedding guests start to eat?

A I don't know; we were not there at the time.

Q Food was not given to the guests while you were there?

A They were eating already.

Q Food wasn't given to the guests while you were there?

A They were.

Q What time was that?

A About nine o'clock.

Q Did you know that your brother, Horace Ida, had a near accident near Liliha and King street at about 12:40?

MR. PITTMAN: Objected to as incompetent, irrelevant and immaterial, and not proper cross-examination, never having been touched on direct examination, and a waste of time and has nothing whatever to do with the direct examination.

THE COURT: Objection overruled.

MR. PITTMAN: Exception on the grounds stated in the objection.

A Not on that night.

Q You knew it later?

A Yes, afterwards when I saw it in the papers.

Q Did you know that after 12:40 when this near accident happened your brother drove three occupants of his car home before driving home himself?

MR. PITTMAN: Objected to as incompetent, irrelevant and immaterial.

THE COURT: Objection overruled.

MR. PITTMAN: Exception.

A I don't know who were the occupants of the car.

MR. WIGHT: Repeat the question.

MR. HEEN: The question calls for hearsay knowledge.

I object to the form of the question.

THE COURT: The question is proper. She can answer it.

(Question read by the reporter)

A I didn't know.

Q Did you learn that afterwards?

A Yes.

Q How do you reconcile that with your statement that you saw him there about 12:45?

MR. HEEN: Objected to as not proper cross examination no question about reconciliation of any kind.

THE COURT: Objection overruled.

MR. HEEN: She hasn't said anything inconsistent at all. She simply stated it was about 12:45 when she got home. Suppose she heard that Ida had this accident about 12:40, she hasn't said the accident occurred at 12:40. Where is the inconsistency she has to explain?

MR. PITTMAN: There is no evidence in this case that Ida ever had any one of those boys up to his home at any time.

THE COURT: That is not involved in the question.

The question is ---

MR. HEEN: She has not testified that the near accident occurred at 12:40. She has nothing to reconcile.

MR. WIGHT: She said she heard it.

MR. HEEN: My objection is she said nothing she has to reconcile.

THE COURT: It is not a question of the inconsistency of the witness' own testimony. The question is whether in view of what she has heard she has anything further

to say as to the matter of time. Objection overruled.

MR. HEEN: Exception.

A I said about 12:45.

Q Earlier in the evening when your brother left with your car at about 7:30 did you follow him out to the car to see if he had that leather coat in the car?

A I did not.

Q You don't know whether he had it with him that night?

A No, he didn't have it.

Q How do you know?

A Because when he went out I saw him.

Q How do you know he didn't have it in the car?

A Because when he went out with that detective he had it.

Q How do you know when he went out at 7:30 he didn't have it in the car?

A When he went out he just wore the white shirt and black pants.

Q Did you know that he told Mr. McIntosh and me that he did have that coat in the car that night?

MR. PITTMAN: Objected to, as the witness is not concerned with what Ida may have told McIntosh. It is immaterial, irrelevant and not proper cross examination and never touched on direct examination in any manner or form whatever and can throw no light on this matter, as showing any inconsistencies on her

part or affecting her testimony, and is only for the purpose of wrangling and maliciously prejudicing this jury.

THE COURT: Objection overruled. The jury will disregard remarks of counsel.

MR. PITTMAN: Exception.

A No.

Q Did you go to sleep when you went back home before your brother or after your brother?

A I don't know.

Q Do you know whether he went out later that night and got the coat out of that car ?

A I was up for some time.

Q Please answer the question.

A I don't know.

KO TAHARA

was duly called and sworn as a witness for the defendants, and testified as follows: (Through the official Japanese interpreter)

DIRECT EXAMINATION

By William B. Pittman, Esq.

Q What is your name?

A Ko Tahara.

Q Miss or Mrs.?

A Miss.

Q Miss Tahara, where do you live?

A Cunha Lane on Vineyard Street.

Q Are you acquainted with the Ida family?

A Yes.

Q How long have you known them?

A Over ten years.

Q Do you know Mr. Ida, one of the defendants in this case? The young man sitting there?

A I do..

Q How long have you known him?

A Since he was a boy.

Q On September 12, 1931, where were you living with reference to the home of the Idas?

A Right opposite Ida's house.

Q Do you recollect September 12th, Saturday night?

A Yes, I do.

Q 1931.

A Yes.

Q Did you see Miss Ida that night?

A Whom do you mean by Miss Ida.

Q The lady who just testified, Haruyo?

A Yes.

Q Did you go any place with her that night?

A I did.

Q Where did you go?

A Waipahu.

Q From where did you go to Waipahu, from what town?

A That Cunha Lane and went right straight ahead in front of the Yamashira Hotel.

Q To Waipahu?

A Yes.

Q Who was in the car when you went to Waipahu?

A Three men came together. They were in the car.

Q And just you and Haruyo?

A Yes.

Q What time did you leave your home in Honolulu?

About what time, just about?

A After eight o'clock.

Q About what time did you arrive in Waipahu?

A I think it was after half past nine.

Q Where were you going in Waipahu, what place?

A They had a wedding party over there and we were asked to attend.

Q What time would you say you arrived at the wedding party?

A After nine o'clock.

Q How long did you stay at the wedding party before you started to return to Honolulu, about how long?

A We stayed there until about 12 o'clock.

Q And were there until you returned to Honolulu?

A We talked for a short while and made preparations for return.

Q About 12 o'clock?

A I think it was after 12.

Q How long after 12 do you think?

A I can't tell for sure, but I think about five minutes after.

Q What makes you think you left there about five

minutes after 12 for Honolulu?

A When we attend those parties, as a rule, the guests leave about 12 o'clock, and I think it was about five minutes after they left that we made preparations to come back.

Q When you got on the car to come back did the car stop on its way to Honolulu or did it keep on going until it landed at your home?

A The car came straight to our home.

Q Do you know anything about speeds of car, how fast you were going or anything?

A I don't know, because I don't drive a car.

Q When you got home did you see Ida after you got home?

A We got there about the same time.

Q Was Ida walking, driving or in what kind of conveyance was he in?

MR. WIGHT: Objected to as leading.

(Question withdrawn)

Q What was Ida doing when you first saw him, when you came back from Waipahu?

A He was on the car.

Q Where was his car and where were you when you first saw him on his car?

A Our car had gone into the lane first and he had to wait outside.

Q Why did he have to wait outside?

A Because of his garage and our car had to get out.

Q Did your car get out?

A Yes.

Q Did you get out of the car before it backed out of the yard so Ida's car could come in?

A It was this way. The Waipahu car got in, discharged us, and went out of the lane, and afterwards Ida's car came into the lane.

Q Could you see Ida clearly? Could you know sure it was Ida?

A Yes.

Q And then what did you do after you got out of the car?

A I went into my house.

Q You didn't speak to Ida and Ida didn't speak to you?

A No, I didn't say anything.

CROSS EXAMINATION

By Griffith Wight, Esq.

Q You are a very good friend of the Idas aren't you?

A Yes.

Q Who drove the car from your place to Waipahu?

A I don't know his name.

Q You don't know who drove you to Waipahu?

A He is a Waipahu boy. I don't know his name.

Q Did the same boy drive you back again?

A Yes.

Q And you drove at about the same speed over as

you drove back?

A No, there was more speed on the way to Waipahu, because we had to get to the party.

Q You drove slower on the way back?

A Yes.

Q What time did you leave to go to Waipahu?

A After eight o'clock.

Q About how much after?

A It was sometime after the whistle.

Q About how long?

A About fifteen minutes.

Q That would be about 8:15?

A Yes.

Q And you got to this party about 9:30?

A That is what I think.

Q It took you about an hour and a quarter to drive to Waipahu? - 8:15 to 9:30?

A I can't say anything definite. I think it was sometime after nine.

Q You said 9:30 on direct examination?

A I thought it was around 9:30.

Q Then it took you from about 8:15 to 9:30 to drive there?

A Yes.

Q And you left there to come home at five minutes after 12, didn't you?

A I think about five minutes after.

Q And you drove home slower going home than going out?

A Yes.

Q And it took you more than an hour and a quarter to drive home?

A Yes.

Q And that got you home about 1:20?

A No, I don't think that long.

Q I am checking up on your time. Isn't that correct according to your figures?

A I don't remember anything definite.

MR. HEEN: May we take a recess now so the jury can look at the car.

THE COURT: Where is the car situated?

MR. HEEN: Just outside.

THE COURT: Will you kindly have the car placed conspicuously on the main drive on the back side so we can make an inspection without everybody being there. When that is ready, please notify us.

Gentlemen of the Jury, you will kindly go as a group out to this car; there will be no conversation, and, unless you wish to ask a question, - ask it of the Court, and other persons, Mr. Bailiff, you will keep away, and when this inspection is completed we will have a recess. In the meantime it is not a recess.

(Court, jury, counsel, clerk and reporter go out to the rear of the court house and look at the car, license number 58-895)

(Recess)

Open 2/1/31

*11/25/31, 12: +
Linn relieves Jordan*

Linn relieves Jordan.

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MR. WIGHT: I believe the defense attorneys will stipulate as to the engine number of the car.

MR. PITTMAN: If material. I don't know whether it is material or not. I am going to object to it on the ground of its materiality, but not as to the accuracy of it. I won't contest the accuracy but I will contest the materiality.

MR. WIGHT: Is it all right if I will show it is material, which we will show it is.

THE COURT: You have reached that agreement as to the fact of the number, and if it becomes material it then can be offered.

The record will show that the Court and jury examined automobile bearing the number 58-895, the so-called Ida automobile.

JOHN N. McINTOSH

was called as a witness for the defendants, having been heretofore sworn, and testified as follows:

DIRECT EXAMINATION

BY MR. HEEN:

Q What is your name?

A John McIntosh.

Q You have already been sworn in as a witness in this case, have you not?

A I have.

Q Mr. McIntosh, who among these defendants informed you about Tatsumi Matsumoto and Robert Vierra?

MR. WIGHT: I will object to that as immaterial.

THE COURT: You may answer that.

A Nobody informed me about that. I don't know who they did inform about the case.

Q Who sent for those men?

A I believe it was Mr. Wight.

Q Mr. Wight. Will you please look over your notes and see if you have in your notes there any statement given to you by some of these defendants about Matsumoto, Vierra and the others?

MR. HEEN: Mr. Wight, let me have that exhibit, please, signed by Matsumoto and Vierra.

Q Did you send for Tatsumi Matsumoto?

A I remember Mr. Wight sent Stagbar, - I believe it was Stagbar, he sent for him. Mr. Wight during this investigation was with me all the time.

Q Did Mr. Wight order you to send for Tatsumi Matsumoto?

A He may have done it, or he may have given the instructions himself to Stagbar.

Q So you personally do not know how they got their information that they might be able to say something about this case?

(Mr. Wight at this point hands over some documents to the witness, and the witness looks over the papers)

A I have read it. What do you want me to answer?

Q Did you find anything there that might refresh

already asked and answered.

THE COURT: You may answer the question.

A I cannot say they came there voluntarily; I don't know. As I said, whether Mr. Wight instructed me to send them or I sent for them, I don't know; I don't remember whether he sent Stagbar or not; that I don't know.

Q Now, Mr. McIntosh, after Mr. Benton went and reported to you about the examination that he made early Sunday morning, about 3:30 a.m., as to tire marks at the old quarantine station, did you check up what he did in that regard?

A When Benton was sent by me about three o'clock to find the place I was told by Mrs. Massie, he came back. He told me he had found tire marks there which lead him to the spot.

Q Did you check up his investigation?

A Judge Heen, I will tell you --

Q I am asking you, did you check up the investigation, yes or no?

MR. WIGHT: Objected to, as to what he means; it is ambiguous. I don't know what he means by "check" myself.

A I checked --

THE COURT: Just answer the question.

A I checked up, yes.

Q Did you go down to these premises?

A I went down there after Benton reported to me

at daylight, that he saw tire marks there that were identical with the tires of the car --

Q I am not asking you what he reported.

A I will tell you that if you will listen.

Q Did you go down to the premises?

A After I left Massie's home I went down to the premises with Ida's car.

Q Did you drive the Ida car into these premises?

A I did not. Sato drove the car in there.

Q Into the premises?

A Into the premises.

Q What time was that, Mr. McIntosh?

A I went there after I left the Massie home; that would be, I think, after noon, after 12.

Q Did Mr. Benton go with you at that time?

A He did not.

CROSS EXAMINATION

By Griffith Wight, Esq.

Q What did you say Benton reported to you?

MR. HEEN: If the Court please, we object to that, as being incompetent, irrelevant and immaterial and not proper cross examination. I asked for the fact of the report, not what the report was about.

(Argument)

(Portion of direct examination read by reporter)

MR. WIGHT: I will withdraw the question.

THE COURT: All right.

(Witness excused)

GRIFFITH WIGHT

was duly called and sworn as a witness for the defendants, and testified as follows:

DIRECT EXAMINATION

By William H. Heen, Esq.

Q Your name, please?

A Griffith Wight.

Q You are deputy city and county attorney of the City and County of Honolulu?

A I am.

Q And did you investigate these defendants?

A Yes.

Q In connection with Mr. McIntosh?

A Most of the time with him.

Q I will ask you whether or not you instructed Mr. Stagbar or Mr. McIntosh to go out for Tatsumi Matsumoto and Bob Vierra?

A As well as I can remember I told the detective to go out to the University to get Matsumoto, - I believe it was Stagbar, because Stagbar was with me all the time.

Q And at that time --

A You see we sent for him twice.

Q At that time what was the purpose for sending out for Matsumoto and Vierra?

A To see what he knew about the case.

Q And where did you get the information from as to whether or not they knew something about the case?

A I believe it was one of the defendants.

Q Which one?

A I could not say.

Q Was it one defendant or more than one of the defendants?

A In fact I think it is one of the defendants, Judge, but I don't know which one, because I questioned too many; that was the only place I could get it.

Q You don't recall whether it was Ben Ahakuelo?

A I really don't.

Q Do you remember whether or not Takai told you about Matsumoto and Vierra?

A No, I don't know which one.

Q And you don't know whether there was only one, or more?

A I don't know whether there was one or more. You see we questioned them all one after another, and at that time I did not know them very well, it was before we had the stenographer, - and so I am quite sure one of them told me but which one I don't know.

Q And did you ask the questions and answers that were reduced to writing and signed by these defendants?

A I asked most of them.

Q And did you ask them whether Matsumoto or Vierra knew about where they were, on Saturday night?

A I don't believe I did at that time when I took

the written statement. I say that because I have refreshed my memory and read the statement over.

Q Did you see Mr. Matsumoto, Tatsumi Matsumoto, at any time before one of these defendants told you about him?

A I don't think so.

Q You are not sure about that, Mr. Wight?

A I will say this, that I don't see where the information can come from other than from the defendants, because I didn't get it from Matsumoto or Vierra so it must have come from the defendants or we could not have seen Matsumoto afterwards; that is just my inference and natural deduction.

Q And how about Mr. Vierra, did you talk to him at all before you got your information from one of these defendants. How did you get to know something about this matter?

A I saw him at the same time we saw Matsumoto at the police station, at the same time.

Q Did you see Sybil Davis in connection with this matter?

A Yes.

Q Where did you get that information that Mrs. Davis might know something about this matter?

A From either Matsumoto or Vierra, they told me the two girls were in the car.

Q And that is also true in reference to Margaret

Kanae, the other girl?

A I don't think they knew her name. I think I got her full name from Sybil Davis, but I am not sure of that. I think they did not know her full name.

Q And is that also true with reference to George Silva, Mr. Wight?

A No, down at the police station at that time we mentioned, when Matsumoto and Vierra were there, they stated that this boy was here from Maui but that he did not know anything about the case, did not know ~~any~~ the boys or anything about it, so we didn't examine him. They stated he was going back to Maui. Maybe he said so, - I think he said so at that time at the police station, that he did not know anything about the case.

Q Did he say that, or that he didn't know the car?

A I think he said he didn't know anything about the case, because if he had of we would have examined him.

Q Did either Matsumoto or Vierra tell you that this boy had just come from Maui?

A Some one of the two did. No, I think they told me, Judge, that he was from Maui and he was going right back immediately. I think that is what they told me.

Q Did you inquire of George Silva whether or not he was with Mr. Matsumoto and Mr. Vierra on Mr. Matsumoto's car that night, Saturday night?

A One of them said so, - I don't know who, I don't know whether he did or one of the other boys, I am not sure. I do know that the other boys said he did not know anything about the case, and I believe he said so too. I believe we did not question him because he knew nothing, according to his statement.

(Witness excused)

MARGARET KANAE

was duly called and sworn as a witness for the defendants, and testified as follows:

DIRECT EXAMINATION

By William H. Heen, Esq.,

Q What is your name?

A Margaret Kanae.

Q How old are you?

A Sixteen.

Q Are you the daughter of Frank Kanae?

A Yes.

Q Where do you live, Miss Kanae?

A Nanakuli/

Q Do you know Sybil Davis?

A Yes.

Q Do you know Tuts?

A Um huh.

Q Referring to Tatsuho Matsumoto?

A Yes.

Q Do you know Robert Vierra?

A Yes.

Q Now on Saturday night September the 12th of this year, were you at the dance at Waikiki Park?

A Yes.

Q And I will ask you whether or not you stayed until the dance was over? Answer. What is the answer?

A Yes.

Q And when the dance was over what did you do, did you remain there or go home or leave there?

A I left there but I came afterwards and gave Sybil's coat.

Q You had Sybil's coat?

A Yes.

Q And there was Sybil, - you mean Sybil Davis?

A Yes.

Q Where was Sybil when you gave the coat back to her?

A She was on the car.

Q On whose car?

A The Japanese boy.

Q Tuts?

A Yes, sir.

Q And where was that car at that time?

A It is in the park/

Q And where was Sybil Davis then?

A Sit on the car.

Q Now when you went to the car where Sybil Davis was at that time did you notice anybody there?

A Yes.

Q Did you know some of these boys there?

A Yes.

Q Who?

A Ben.

Q Benny Ahakuelo?

A Yes.

Q Did you see him when you were going to the car? Where Sybil Davis was sitting at that time?

A No.

Q Did you see him a little later?

A Yes.

Q Where were you at the time you saw Benny?

A I was on Sybil's car.

Q You had got on the car and when you got on the car you say you saw Benny?

A Um huh.

Q Where was Benny then?

A He was standing by the car.

Q Another car?

A No, on his car.

Q And how far was that from you?

A Not very far.

Q How did you happen to get on this car, Tatsumi's car?

- A Sybil told me to go with her.
- Q And then did the car leave that place?
- A Um huh.
- Q And who were on the car with you?
- A Sybil Davis and Tuts, Robert and another Portuguese boy.
- Q Do you know his name?
- A No.
- Q And what kind of a car was this?
- A It is a Ford.
- Q Ford what?
- A I don't know, just the front seat; out in the back it had nothing.
- Q No seat in the back?
- A No.
- Q Where did you sit?
- A I was in the front.
- Q Who else sat in front?
- A Sybil.
- Q And the driver?
- A Tuts.
- Q Where in front did you sit?
- A Right hand side.
- Q And who sat in the middle?
- A Sybil.
- Q Where did Bob Vierra sit?
- A In the back.
- Q And where did this other Portuguese boy sit?
- A In the back.

Q And how were they facing?

A They were not facing towards us.

Q Not facing towards you?

A They had their back towards us.

Q Now when you left the park what road did you go out?

A Kalakaua.

Q Did you go straight to Kalakaua or on another road first?

A Went to Kākalaua first.

Q Right there from the park?

A Yes.

Q Is there a gate to Kalakaua Avenue?

A A road.

Q Do you know John Ena Road?

A Yes.

Q Did you go on John Ena road first before coming to Kalakaua?

A Em hum.

Q Now when you were going out did you notice Ben's car?

A No.

Q Did you notice his car later on?

A Yes.

Q Where?

A At Beretania Street.

Q About where on Beretania Street?

A By the garage.

Q By a garage. Are you familiar with the roads here in Honolulu? Do you know the roads?

A Not all of them.

Q Do you stay down in the country most of the time or here?

A Here.

Q Now when you came up Kalakaua Avenue where did you go?

A Beretania.

Q Right straight up to Beretania without turning down King Street?

A No, straight up.

Q Right straight up Beretania Street, and then turned towards town, is that it?

A Yes.

Q At the time you saw Benny down at the park after you got into Matsumoto's car did you remark to Sybil and Matsumoto about Benny?

A Yes.

Q And later on, on Beretania Street, when you saw Benny again, did you make a remark to Sybil and Matsumoto about Benny?

A Yes.

Q Then you know what happened while you were going along Beretania Street?

A No.

Q Do you know what Bobby Vierra did while you people were coming down Beretania Street?

A Yes.

Q What did he do?

A He jumped on Henry's car and he was saying something, I don't know what they were saying about, - talking about.

Q Do you think you could tell us about where there on Beretania Street that happened?

A No.

Q You don't know?

A No.

Q And then did he stay on Benny's car all the time?

A No.

Q What did he do?

A Came back to our car.

Q Where was Benny sitting on this car that he was riding on?

A The front seat.

Q On the right or left?

A Right.

Q Then how far did you go?

A Went as far as Liliha Street.

Q And did you notice the car that Benny was riding on after Vierra came back to your car?

A No.

Q Did you notice whether or not it came along - side of your car, got in front or stayed behind?

A Got in front.

Q Got in front?

A Yes.

Q Did it stay in front?

A They stood one place and we passed them, and they came afterwards.

Q Afterwards?

A And then afterwards we did not see them no more.

Q You did not see them any more?

A Um huh.

Q At the time you made a remark to Sybil about Benny, before Vierra got on their car and back again to your car, did you recognize Benny Ahakuelo?

A Yes.

Q No mistake about that?

A No.

Q Now did you make a report to the police about what you knew happened that night?

A Yes.

Q Where?

A The City Hall.

Q Somebody asked you questions and you answered them?

A Yes.

Q Who asked you the questions? Was it this gentleman over there (Indicating Mr. Wight)?

A Yes.

Q Now after you saw Benny on that Saturday night along Beretania Street did you see him again before

you were asked questions, and you answered questions given by this gentleman, Mr. Wight?

A No.

Q You didn't see him?

A No.

Q Did you talk to him at all after that?

A No.

Q Do you know Henry Chang?

A No.

Q Do you know Joe Kalani?

A No.

Q Do you know Ida?

A No.

Q Do you know Takai?

A No.

Q Did you talk to any of those boys at all?

A No.

Q After you saw Benny on that Saturday night?

A No.

Q And before you talked to Mr. Wight?

A No.

Q About what time do you think it was when you left Waikiki Park?

A It was about half past twelve.

Q About what time did the dance get through?

A About twelve o'clock.

Q Were there many cars left at the time you left?

A No.

*Showered she
left there
12:30
Stayed there
1/2 hour
after dance
at least*

Q About how many cars were there?

A Two.

Q Just two?

A Yes.

Q Which car?

A Henry's car and our car.

CROSS EXAMINATION

BY MR. WIGHT:

Q Do you remember talking to me up in the office, do you remember that?

A Yes.

Q Did you see Benny inside at the dance?

A Yes.

Q And what condition was he in?

A He was in a drunken condition.

Q What time was that?

A I don't know.

Q Now didn't I ask you at the office "when was the next time you saw Benny?" and you said it was down on Beretania Street?

A Yes.

Q That is what you said then?

A Yes.

Q After you had seen him inside of the dance hall?

A Yes.

Q That is correct?

A Yes.

Q You are sure of that?

A Yes.

Deflt certain friend of Benny

Didn't see Benny for time - drunk while dancing at Thomas Square

over

Q But it was before the end of the dance, before it was over, that you saw him inside of the dance, drunk, at the dance hall, wasn't it?

A Yes.

Q You didn't see Benny Ahakuelo following you down did you?

A No.

Q The first time you saw him was at the service station this side of Thomas Square, wasn't it, - the town side of Thomas Square?

A Yes.

Q That is where they got even with you, at that point?

A Yes.

Q This side of Thomas Square, the town side?

A Yes.

Q Now did you see anybody in the back of that car?

A No.

Q There was nobody in the back, was there, in the back of Benny's car?

A I didn't take notice

Q Didn't you tell me at the office that there was nobody in the back of Benny's car?

A Yes.

Q That is what you told me at the office, wasn't it?

A Yes.

Q That was true?

A I don't know.

Why?

Q But you told me there was nobody in the back of Benny's car when they went by you out on Beretania Street, didn't you?

A Yes.

Q That is what you told me at my office when you came up there?

A Yes.

Q Then when Vierra jumped over on the car, onto Benny's car, he talked to Benny in the front seat?

A Yes.

Q He talked to Benny there in the front seat?

A Yes.

Q You are sure of that?

A Yes.

Q He didn't talk to anybody in the back seat?

A No.

Q Did you see anybody light a cigarette or take a match when he jumped over there?

A No.

Q Who did you talk to today about this case, anyone?

A Yes.

Q Who?

A That man over there, the two of them (Pointing)

Q What two?

A (Witness points towards defense counsel)

Q Indicating Mr. Kai and Mr. Heen?

A Yes.

*Witness
story there*

Q Now you just said awhile ago, and you are sure of this, that you did not see Benny from the time you saw him drunk in that dance hall and until you saw him there on Beretania Street?

A Yes.

Q You are sure of that?

A Yes.

Q You are quite sure that is the truth?

A Yes.

Q Absolutely positive?

A Yes.

REDIRECT EXAMINATION

BY MR. HEEN:

Q And that is what you told Mr. Wight when he examined you?

A Yes.

Q Now this morning you told us that when you got on Tatsumi's car you turned around and saw Benny nearby, standing near his car?

A Yes.

Q Is that true?

A Yes.

Q No question about that?

A Yes.

MR. WIGHT: I object to that as impeaching his own witness, and as having been asked and answered.

THE COURT: It is not impeaching at all. She answered "yes".

Q And at that time when you saw Benny standing by the car, nearby his car, nearby where you were, you made a remark to Miss Sybil Davis about it?

A Yes.

Q Is that true?

A Yes.

Q And when did I talk to you about this matter?

A Just awhile ago.

Q Just a little while ago out here?

A Yes.

Q Did I tell you to say that about seeing Benny?

A No.

Q Did I tell you to say that you saw Benny nearby that car?

A No.

MR. WIGHT: Your Honor, I object to this type of examination.

THE COURT: She said "No".

MR. WIGHT: I will object to anything further along this line.

Q Now if you told Mr. Wight that the only time you saw Benny was out Beretania, then later on on Beretania Street -

A Beretania.

Q (Continuing) Is that a mistake - if you saw Benny standing near the car outside of the pavilion later on after the dance?

A Yes.

Q That is a mistake.

MR. HEEN: Mr. Wight, may I look at that statement?

MR. WIGHT: No.

Q At that time when Mr. Wight was examining, was asking you questions, did he ask you whether or not you saw Benny outside near his car?

A No.

RECROSS EXAMINATION

BY MR. WIGHT:

Q Did Mr. Heen ask you this question, if you saw Benny outside?

A Yes.

Q Did he ask you if you made a remark to Sybil Davis?

A Yes.

Q Is that what brought it back to your memory then? You hadn't remembered that before until he spoke to you, is that correct?

A I remembered that before.

Q You didn't tell that to me, did you?

A I told you.

Q You told me?

A Yes.

Q Told me what?

A Told you that I made remark.

Q You said inside the dance hall when he was drunk that is when you told me he made a remark to you?

A No.

Q Didn't you tell me, as you said awhile ago, you

didn't see Benny from the time of the dance until you saw him on Beretania; you told me that didn't you? A Yes.

(Recess)

1

JOSEPH KAHAWAI, JR.,

one of the defendants herein, being first duly sworn,
testified in his own behalf as follows:

DIRECT EXAMINATION

BY MR. HEEN:

Q What is your name?

A Joe Kahawai, Jr.

Q You are also known as Joe Kalani?

A Yes.

Q How old are you?

A I am 22.

Q Twenty-two?

A Yes, sir.

Q And where do you live, Joe?

A I live at 290 Kamakela Lane.

Q And where is that?

A It is up Kukui Street.

Q Between what streets?

A Between Liliha and River Street.

Q On the makai side or the mauka side of Kukui?

A It is up, on the up side.

Q Mauka?

A Yes.

Q What school did you use to go to?

A I used to attend the St. Louis College.

Q Any other schools?

A No.

Q And during all the time that you attended St.

Louis Collage were you ever called "Bull" ?

A No.

Q And after you attended school, up to the present time, were you ever called "Bull" by anybody?

A No, sir.

Q Was that your nickname at any time at all?

A No.

Q Do you know Horace Ida?

A Yes.

Q Do you know Henry Chang?

A Yes, sir.

Q Do you know David Takai?

A Yes.

Q Do you know Benny Ahakuelo?

A Yes.

Q Now on the evening of September 12, this year, Saturday evening, were you up at a luau on School Street at the home of S. P. Correa?

A Yes.

Q What time did you go up there?

A Well, I went up there about - about half past nine.

Q And about how long did you stay there?

A Well, I stayed there until about half past ten.

Q Until about half past ten?

A Yes, sir.

Q Did you have anything to drink there?

A Yes, I did have.

Q What?

A I did have four quart of beer up there.

Q Four quarts?

A Yes.

Q All by yourself?

A I drank two and I give one to - some of the other boys, Henry Chang.

Q Where did you have your beer at the luau, within or outside?

A Well, it was in tje beginning, the early part, that I had, outside.

Q Outside?

A Yes.

Q Did you eat at the luau yourself?

A No, I did not eat.

Q Were you invited there?

A No.

Q Did you know S. P. Correa, Junior?

A Yes, I know him.

Q Did you see him there that night?

A Yes, I saw him.

Q Did you see his sister Wilhelmina?

A Yes.

Q Were you in the garage that night?

A Yes, I was.

Q Did you see any of these boys there that night?

A I saw only Ida.

Q About when did you see him there?

A Up there?

Q At the luau?

A Well, it was about - about a quarter to ten, or a quarter past.

Q Did you have a watch at that time?

A No, I did not have.

Q You just think it was about that time?

A Yes.

Q Did you see Henry Chang there?

A Yes, I told him to come up with me.

Q Oh, he went up there with you?

A Yes.

Q Then did you go to any place, from - Did you go to any place from this Correa place?

A Yes, from there we went up to the park.

Q You and who?

A There were four of us first. That was in the beginning, of the early part. I had the other fellow with me.

Q Who?

A By the name of Chang.

Q Another Chang?

A Yes, another Chang, and then he was drunk, he passed out, so we took him home - me, Ida and Henry Chang here, and the other Chang. Well, we took him home, We took him home up Fort Street.

Q What is the other name of this other Chang boy?

A Well, I don't know his name, but we call him "Chang".

Q So when you started from the Correa home you were with Ida, Henry Chang and the other Chang boy?

A Yes, sir.

Q And how did you go from there?

A Well, we went on his car.

Q Whose car?

A On Ida's car.

Q Is that the same Ford car that we saw out here a little while ago?

A Yes, the same car.

Q And where did you drop this other Chang?

A Well, we dropped him off on Fort Street - it is between School and - School and Vineyard Street.

Q And then from there you went out to Waikiki Park?

A Yes.

Q Did you drive into the grounds?

A Yes, sir, we went into the grounds.

Q And after you got off what happened, just after you got off?

A Well, after we got out we stood around the car and then Henry Chang he tried to borrow a stub so we could go in the dance hall.

Q Before you went in the dance hall did anything occur there, before you went in?

A I don't know; I never saw.

Q Did you meet two white boys?

A Well, maybe, but I can't remember.

Q You can't remember that?

A Yes.

Q Did you see these two white boys on the stand the other day?

A Yes, I saw.

Q You do not remember meeting them?

A I know he introduced us to two boys, Horace Ida, but I don't know if that is the ones, see.

Q And when Ida introduced two white boys to you was that before or after Henry Chang asked for stubs?

MR. WIGHT: I will have to object as leading, your Honor.

A It was before.

MR. WIGHT: I move to strike the answer.

THE COURT: Let it stand.

Q And what did Henry Chang do after he asked for the stubs?

A Well, after he had a stub he gave it to me, one, and then me and Henry went inside.

Q Did you do any dancing yourself that night?

A I did not.

Q Did you remain inside all the time after you went in?

A I did but I don't remember of that.

Q You don't remember whether you came out or not?

A Yes.

Q And how long did you stay there?

A Well, we stayed there until the end of the dance.

Q And then at the end of the dance what did you do?

A Then we came out.

Q Then where did you go when you came out?

A Well, we came back to our car.

Q Oh, while you were in the dance did you see Benny Ahakuelo in the dance?

A Yes, I did.

Q And did you talk to him? Do you remember whether you talked to him or not?

A Yes, I talked to him.

Q Did you see David Takai when you went into the dance?

A I saw him. Was almost after the dance it was I saw him.

Q Almost after?

A Yes.

Q What do you mean by "almost after"?

A I guess it was after the dance I saw him.

Q Then when you went to the car what car did you go to?

A On Ida's car.

Q And who else got on that car besides you?

A Oh, the five of us.

Q Who?

A Ida, Mack - Takai, and Ben Ahakuelo, and Henry Chang.

Q When you say "Mack" you mean Takai, - David Takai?

A Yes.

Q And where did you sit in that car?

A Well, I sat at the back, on the left hand side.

Q And where was David Takai?

A Takai, - well, I didn't take -- I didn't look where they all sat.

Q Who drove the car?

A I remember Horace drove the car.

Q Horace Ida?

A Yes, sir.

Q And who sat in front with him?

A It was Benny Ahakuelo.

Q So as to the other two boys, you don't remember just where they sat in the back?

A No.

Q Did you have any more drinks down at the park?

A No.

Q Do you have any idea at all about what time you left the park?

A Well, about 12 o'clock.

Q About 12 o'clock?

A Yes.

Q And then when you came out how did you go out?

A Well, we came out with the car.

Q On what road?

A We came out through the entrance of the grounds and we enter John Ena Road.

Q John Ena Road?

A Yes.

Q And then which way did you turn?

*From
Left
Waikiki
Last Time*

A Then we turned into Kalakaua Avenue.

Q Kalakaua Avenue?

A Yes.

Q Then along Kalakaua Avenue?

A Well, from there I was kind of groggy see.

Q Groggy from what?

A The drinks I had.

Q And then do you remember whether you went - on what street you went, at that time?

A Yes, I thought we went to King Street. That is all I know, went all the way down King Street and up to Fort Street.

Q Did you make a statement to that effect to the police?

A A I did.

Q That is, that you went along King Street. You thought you went along King Street?

A Yes.

Q Then you turned up Fort Street?

A Yes.

Q Where did you go?

A Went up to S. P. Correa's place again.

Q You remember that?

A Yes.

Q And when you got up there where did Ida park his car, inside or outside?

A Outside.

Q And then did you go inside?

A Yes, I did.

Q In the house?

A Outside on the ground.

Q Outside on the ground?

A Yes.

Q Who went in with you?

A Me. and Benny and Horace,, that is all I remember.

Q And did you see anybody there?

A Yes, I saw; I saw Wilhelmina Correa.

Q And anybody else?

A And her brother.

Q S. P. Correa, Junior, the boy who came here and testified yesterday, you saw him?

A Yes.

Q You saw him also?

A Yes.

Q How was Wilhelmina dressed at that time?

A At that time she had pajamas on.

Q Pajamas?

A Yes.

Q Did you speak to young Correa at that time ?

A Yes.

Q What did you say to him?

A Well, I tell him if he had some more beer, and he said no.

Q Where was he at that time when you were talking to him?

A He was at the back of the house in connection

with the kitchen.

Q Was there a driveway there, for an automobile?

A Yes.

Q Then from there where did you go?

A From there well, we proceeded on to take Takai home.

Q Where was Benny - where did Benny go to?

A Benny, I don't know. I guess he went home. He told us he was going home.

Q Where does he live from there, or did he live at that time?

A Oh, during that time he lives up at Frong Lane.

Q And Frong Lane is - where is that - where is Frong Lane?

A Right on School Street.

Q Behind - Between what Streets?

A Between Liliha and Nuuanu.

Q Between Liliha and Nuuanu?

A Yes.

Q This Correa home, where the luau was, where is that?

A Well, it is near by to Frong Lane.

Q That is also between Liliha and Nuuanu Streets?

A Yes, sir.

Q Then when you took Takai home who went along?

A Me, Takei and Henry Chang and Horace Ida.

Q On what car?

A We went on his car again.

Q On the same car?

A Yes, sir.

Q Which way did you go?

A Well, you see we went up - went on School Street and then we turned down to Liliha and all the way down until we got to King Street, and there they had a stop sign and so we stopped.

Q Then what happened?

A Then as we were about to turn into King Street there was a car who came from up Kalihi way and they came - well, I don't know how fast they went, but they almost hit our car at the rear of that car - started to swing out and Horace he started to advance our car to near the curb, and was there awhile, and I thought Takai had dropped off, see, and then we proceeded on to pass the other car, that stopped about ten or fifteen yards up from our car, about in the middle of the main street, but in the beginning she cursed at us.

Q Who?

A I don't know who, who it was; maybe it was a lady or a man, I don't know. So we proceeded our car next to theirs and then I jumped off, and as soon as I jumped off I came up to that car, and I told them "What the hell is the matter with you?" that is what I told them, and so the lady - well, she came out and she tried to choke my neck, so I tried to shove her off, and then I started to talk

to the man in the car, and then I saw he had a crank - well, I would not be a fool to stick my head in the car and then let him hit me on the head, so I draw back --

Q You drove back?

A Yes.

Q Oh, you say you "Draw back"?

A Yes.

Q Go on.

Q And the lady well, she came back again and she grabbed my neck. Well, since she choked my neck, - well, I didn't pay attention to it, - well, I didn't mind it see, but after that she started to choke my throat. Well, from there I slapped her and as soon as I slapped her well I saw that she fell down near to the running board of the car. Well, I remember Henry Chang came and told me to go. Yes, he came and told me to go home, so I went, I went to the front, with Horace again, and then Chang - well, I don't know about Takai, - I don't know where he went.

Q Do you know where Takai was living at that time?

A Yes.

Q Where?

A At Liliha and King Street.

Q On what side of King Street?

A At the back or makai side.

Q Or makai side?

A Yes.

Q At the back of the front stores?

A Yes.

Q And is his house more to the town side of Miliha Street or on the Ewa side?

A It is on the Ewa side - no, it is on the town side.

Q The town side, Then you got back on the car?

A Yes.

Q Then where did you go?

A And then before that - well, she stood up again and she came in the front of our car and she said "Go ahead, kill me". She came in front of our car. Well, I don't know what Horace - but all - I know he backed up the car and then we have to - we have to drive along on the left hand side of their car, and then we proceeded down to King Street, down to this Iwilei road, and then I think as we were going down on that road then I started to tell him --

Q To tell who?

A To tell Horace where he was going, so he said that he was going to take me home. Well, I don't know, I think that is what he thought that before I used to live down there - so I told him I didn't live up here, I lived up at Kukui Street, so he turned around at the American Can Company and then then we went up.

Q Came back to King Street?

A Yes.

Q Then when you got to King Street?

A Then we cut in to Aala Street, Aala Street and then into - then in Beretania and into Hall Street and on to Ku'ui Street.

When you got into Hall Street did you have to turn Ewa, Ewa or Waikiki way, to get to --

A Ewa.

Q From Hall Street?

A We took the right way, right hand side.

Q Towards the Waikiki way?

A Yes.

Q And you dropped off there?

A Yes.

Q Then what did you do?

A Then I went home

Q Went home.

MR. WHEEN: May I stop at this point. I am going on with a new line.

(Whereupon a recess was taken

until 1:30 o'clock p.m. November 23, 1931.)

Wednesday, November 25, 1931.

1:30 o'clock p.m.

(Stipulated the defendants and jury all present)

JOSEPH ICHIMARAI, JR.

resumed the stand, and continued his testimony as follows:

DIRECT EXAMINATION (Continued)

BY MR. WHEAT:

Q Joe, you heard Tatsumi Katsumoto, Bob Vienna, Sybil Davis and Margaret Kanae testify here - I will withdraw that question. You heard Bob Vienna testify, did you not, Joe?

A Yes.

Q That they came out - that is, he and Tatsumi Katsumoto came out of the Waikiki Park and went up John Eha Road, and Palakana Avenue right up to Beretania Street and down Beretania Street to Fort Street after the dance was over, and that the car in which Benny was riding followed behind all along that route, along the same streets. You heard that?

A Yes sir.

Q Now you said that the car in which you rode came up to Palakana Avenue and turned down King Street to Fort Street?

A Yes.

Q Which is correct? Which statement is correct, the statement of Bob Vienna or your statement?

MR. WIGHT: I will have to object to that as being asked and answered. He answered that and said he

went down King Street.

(Argument)

THE COURT: You may answer that question.

A Well, I guess that the other boys, when they told they went along Meretadia Street, I guess they were right.

Q When you said you were groggy, what did you mean by that?

A Well, I meant that I was dizzy and then I kind of, you know, felt like fall off and go to sleep.

Q And how about the time when you went down Liliha Street, after you left the Correa home, to take David Takai, to his home, were you still sleepy or groggy?

A Well, during that time I was all right.

Q All right?

A Yes.

Q And after that little trouble down there with this woman at the end of Liliha Street, when there was almost a collision, after that were you still sleepy or dizzy?

A No.

Q What kind of trousers did you have on Saturday night?

A On Saturday night?

Q The 12th of September?

A On Saturday night I had on dungaree.

Q Dungaree trousers?

A Yes.

Q Blue?

A Yes, blue.

Q And what kind of a shirt did you have on?

A A polo shirt.

Q Have you that polo shirt there?

A Yes, sir. (Witness produces a garment)

MR. HUBBEN: We offer this in evidence, if the Court please.

MR. WRIGHT: No Objection.

Q Did you have a cap on that night?

A Yes.

Q Is that the cap?

A Ye.

Q Were you wearing this cap in going to Waikiki Park?

A Yes, sir.

Q And after you left Waikiki Park did you wear that cap?

A Yes, sir. (Offered in evidence)

THE COURT: These two garments will be marked as one exhibit

(Articles marked Def. Exhibit 6")

Q What clothes did you put on Sunday morning following that Saturday night?

A From Sunday morning I had the same, the same pants, except the shirt, and had a towel sweater shirt, blue, and the same cap - I wore that same cap.

Q The towel sweat shirt had no sleeves?

A Yes.

Q And was blue in color? A Yes, it was blue.

Q Darker blue than this shirt or the same color?

A Darker blue than that.

Q And what underwear did you have?

A I had the same underwear.

Q The same underwear?

A Yes, sir.

Q And then after you got up where did you go Sunday morning?

A I went up to Kauluwela Park.

Q Was that with the same clothes that you put on that Sunday morning?

A Yes, sir.

Q The same underwear?

A Yes, sir.

Q And what time were you arrested, Joe? About what time?

A Well, I was not arrested, but they called me to come.

Q Who called you?

A "Big Machado"

Q Officer Machado who was here and testified?

A Yes.

Q The detective?

A Yes.

Q You call him "Big" Machado?

A Yes.

Q About what time was that, do you remember?

A I don't know.

Q Was it before noon or after noon?

A Well, it was in the morning.

Q In the morning?

Q And was there some game going on there at that time at the park?

A Yes.

Q Were you with anyoje there at the park at that time?

A Yes.

Q Who?

A Henry Chang.

Q And when he called you did you go right over to where he was?

A Yes.

Q I mean when Machado called you?

A Yes.

Q And what did he say to you?

A Well he told me that if I had a little argument last night. I said "Yes"

Q Well, what else he said?

A He told me he wanted to take me down to the station, so I went with him; that's all.

Q How about Henry Chang?

A Then he wanted Henry Chang too.

Q Were you there?

A Yes.

Q Did he say anything to Henry Chang?

A Well, he talked to me and to him the same question.

Q The same questions?

A Yes, sir.

Q And when you went to the police station who went along with you?

A Me and Henry Chang and Takai.

Q Was Takai there at that time?

A Yes, but he was way down on the other side of the field.

Q What were they having, a football game?

A Yes.

Q And who did Machado get first, you two boys or Takai first?

A He got me first.

Q He called you first?

A Yes.

Q And then afterwards whom?

A Henry - Henry Chang.

Q Henry Chang?

A Yes.

Q And then David Takai?

A Yes.

Q Did you hear what Machado said to David Takai?

A I don't remember.

Q You don't remember?

A No, sir.

Q Then you all came down to the police station?

A Yes, sir.

Q Did Machado talk to you while you were coming down to the police station?

A He just told that they had another case included

with ours.

Q What did he say about that?

A Well, he said that there was somebody who assaulted a white woman, and then we told him about that case we don't know anything about it.

Q Did he ask you if you knew anything about it?

A Yes.

Q Did you still have the same clothes on that you had on that Saturday night when you came down to the police station - I mean besides of that shirt - you had the same underwear on?

A Yes, underwear I had them.

Q Still had the same underwear?

A Yes.

Q Do you remember when you were taken up to the Emergency Hospital, Joe, to be examined by Dr. Mossman?

A Yes.

Q You remember that?

A Yes.

Q Now at that time did you still have the same underwear?

A Yes.

Q That you had on Saturday night?

A Yes, sir.

Q Did you still have the same trousers on that you had on Saturday night?

A Yes, sir.

Q And when you got to the police station were you questioned by anyone there?

A Yes.

Q That Sunday?

A Yes.

Q Do you remember who asked you questions?

A This fellow here (Pointing)

Q Who?

A Mr. Wight.

Q Mr. Wight. Well, was that in the morning or the afternoon or evening?

A I guess it was in the evening.

Q In the evening?

A Yes, sir.

Q And did he ask you about if you knew anything about this Ala Moana Assault case?

A Yes.

Q Did you admit that you were down there?

A No.

Q What did you say when they asked you about that case, the Ala Moana?

A Well, I said "I don't know anything about that case".

Q Were you taken to the United States Marshal's office?

A Yes, sir.

Q Did they ask you questions down there too?

A Yes, sir.

Q And you said the same thing to those people down there?

A Yes, sir.

Q Now on that Saturday night after the dance, or after you went to Waikiki Park from the Correa home up to the time you went home, after 12 o'clock --

A Yes, sir.

Q Continuing) Did you assault any white woman at all?

A I didn't.

Q You did not?

A Did not, yes sir.

Q Did you grab any white woman while you were riding on Ida's car and pull that woman into the car?

A I did not.

Q Did you beat up any woman, assault any woman, punch her or hit her that night?

A No, except one.

Q Any white woman?

A No, it was a Hawaiian woman; I slapped her in the face.

Q Did any officer, police officer, ask you to turn state's evidence? Do you know what I mean by turning state's evidence?

A Yes, sir. I don't remember.

Q You don't remember that. Did you go up to Manoa on Sunday afternoon?

A Yes, sir.

Q You were taken up there?

A Yes, sir.

Q And did some of the other boys go too?

A Yes, sir.

Q Who were they?

A Chang, Horace Ida and myself, and I don't know about Takai, - I guess Takai went too.

Q At that time you had this blue towel sweater - is that what you call it?

A Yes.

Q And the same dungaree pants?

A Yes, sir.

Q Did you have your cap that time?

A Yes, sir.

Q And do you remember going into Mrs. Massie's house?

A Yes, sir.

Q Did you have your cap on when you went into Mrs. Massie's house?

A No, I had it off.

Q And at that time did she talk to you?

A I don't quite remember about that.

Q You don't quite remember. Did she look at you at that time?

A Yes.

Q The room was darkened?

A Yes.

Q And did she have to use glasses to look at you?

A Yes, sir.

Q Did she say anything at all?

MR. WIGHT: I object to the question as being asked and answered - I withdraw that.

Q Did she identify you at that time?

A No.

Q Did she feel your clothes at that time?

A No.

Q Did anybody ask her if she wanted to feel of your clothes at that time, if you remember?

A No.

Q You don't remember?

A No.

Q Were the other boys who went up with you at that time in the same room with you at the time you were?

A Yes, they were.

Q Then were you taken up again to Mrs. Massie's?

A Yes, the second time I went up to the hospital.

Q The second time to the hospital?

A Yes, sir.

Q Were any of the other boys there at that time?

A Yes, sir.

Q Who?

A Chang, Horace, Ahakuelo and myself.

Q And were you taken into the room all at the same time or one by one?

A One at a time.

Q Did you go in?

A Yes, sir.

Q And at that time what did she say to you?

A Then she told me "Is your name "Joe" and I said "Yes".

Q Then what did she say to you?

A She said "Do they call you Bull?" and I said "No".

Q All right. What else did she say?

A That is all I remember.

Q Did she say you were one of the men who assaulted her?

A Yes, I guess they told that to Mr. Wight.

Q No, at that time did she say that to you?

A No, she did not.

Q Did she say something like that to somebody there at that time?

A Yes, in that room she told somebody.

Q Did you say anything when you heard that?

A No.

Q Did you say "Yes" or say "No"?

A Yes, I said "No."

MR. WIGHT: Objected to as asked and answered. He said "No" and he is bound by his answer, and we move that any subsequent answer be stricken.

THE COURT: Proceed. It is already asked and answered now and the jury have heard what was said.

Q Did you at that time when you were taken up there before Mrs. Massie at the hospital admit that you were guilty of assaulting her?

A I did not.

As to Identification by Mrs. Massie should deny it

Q Did they take you up again later on to Mrs. Massie's?

A No.

Q Do you remember whether she used glasses at that time at the hospital?

A I don't remember.

Q You don't remember. Did you go down at any time on Saturday night on John Ena road beyond Waikiki Park and along Ala Moana Road, at any time?

A No.

Q Did you go out Kalihi that night at any time?

A No.

Q Did you have a scab on your hand, on one of your hands?

A Yes.

Q At the time you were arrested?

A Yes, sir.

Q On which hand?

A Here on the left hand (Witness indicating his right hand)

Q On the right hand. Where?

A Between the last finger and the fourth finger.

Q Did anybody discover a little crack in that scab?

A Yes.

Q Who?

A Mr. Wight.

Q Did he say anything about it to you at that time?

A Yes, he told me how did I got it, and I told him.

*Admits
crack on
finger*

Q What did you tell him?

A I told him I went down to the guard and hit a punching bag down there, that is how I had them.

Q The National Guard, you mean?

A Yes.

Q Are you a member of the National Guard?

A Yes.

Q They have a punching bag there?

A Yes, sir.

Q Have you been convicted of any offense?

A Yes.

Q What?

A Assault and battery.

Q Once or more than once?

A Once.

CROSS EXAMINATION

BY MR. WIGHT:

Q Didn't you, on the 20th day of September, 1930, commit robbery in the first degree --

MR. HEEN: If the Court please, I -

MR. WIGHT: Wait a minute until I have finished my answer.

Q (Continued) -- against one Hayako Fukinako?

MR. HEEN: I object to that, if the Court please, as not proper cross examination; under the statute he can only ask him about a conviction and counsel knows that. I submit, if the Court please, that that

question was asked solely for the purpose of creating prejudice in the mind of the jury.

(Argument)

THE COURT: I think it touches only, Judge Heen, whether you could introduce evidence - You could not introduce evidence of any other offense except where there has been a conviction, but I don't understand that the cross examination is thus limited. We will take a recess until you are called, gentlemen.

(Recess)

THE COURT: The objection is overruled.

MR. HEEN: May we have an exception, if the Court please.

THE COURT: Yes. What was your answer?

MR. HEEN: Let him understand the question. I have not heard any answer/

(Last question read by the reporter)

Q Do you understand the question?

A I don't know what you mean.

MR. HEEN: I would like to have that explained to the witness, what robbery in the first degree is, what it means.

(Question is reread to the witness by reporter)

A I did not rob.

Q Do you work?

A Yes, sir.

Q Now?

A No, not now.

Q When did you last work?

Heen words

A My last work was in August.

Q And how long had you worked then?

A Well, I used to work there more than about three years or more.

Q During all the time?

A No, not all the time.

Q How much did you work this year?

A Well, about three months.

Q Three months this year?

A Yes.

Q How much did you work last year, 1930?

A Well, about the same thing.

Q How much did you work the year before that, 1929?

A I don't know.

Q Did you work at all during 1929?

A Yes, sure I worked.

Q About three months?

A I don't know.

Q How much did you work in 1928?

A I don't remember.

Q How old are you?

A Well, I am 22 now.

Q When did you leave St. Louis School?

A I left school in 1928.

Q Why did you leave?

A Well, I left school because I had an accident.

Q Weren't you fired?

A I wasn't fired.

Q Didn't they tell you you could not come back any more?

A Yes, they told me.

Q What accident do you mean?

A Well, I met in a motorcycle accident.

Q Why did they tell you you could not come back there any more?

A Well, all the time I had to attend to the doctor; I could not go to school in the morning.

Q Weren't you fired from St. Louis?

A No, I wasn't fired.

Q Didn't the Fathers tell you you could not come back there?

A Yes, sir.

Q Now do you remember when I questioned you down to the police station?

A Yes, sir.

Q Do you remember my asking you this, and was this your answer: My question was this: "Does somebody call you 'Bull' on account of your being a fighter?" and you answered "I don't know why they call me 'Bull'". Do you remember saying that?

A Yes, I did.

Q You said that?

A Yes.

Q All right. Now where were you that evening?

MR. HEEN: May I look at this, Mr. Wight?

MR. WIGHT: I didn't ask for any of your statements.

*Admits
some people
call him
Bull*

THE COURT: Proceed, Mr. Wight.

Q Where did you go earlier that evening, the evening of Saturday, September 12th?

A I went over to Green Block.

Q From there where else?

A There I had a couple of shots of beer.

Q Then where else?

A From there we proceeded up to H.P. Correa's place.

Q Do you know somebody named "Waipahu?"

A Yes, that was on the early beginning.

Q That is what I am asking you about. Did you go with him anywhere?

A No, I did not go with him anywhere, but I talked to him.

Q That was down in Tin Can Alley?

A Yes.

Q Did you have a couple of shots down there?

A No, sir.

Q Didn't you say this at the police station - I will give you the question and answer - "Did you have anything to drink at Tin Can Alley?" and your answer was this: "No, I told him he was to go bring his own. He had a couple of drinks up there." (?) "Couple of shots of what?" "Oke". You mean you had a couple of drinks there or that he did?

A I meant that he did.

Q You didn't have anything to drink there?

A No.

Q You had something at the Green Block?

A Yes.

Q Who?

A Me and Chang and the other fellow.

Q How many quarts of beer did you drink that night altogether?

A About four.

Q Four in all?

A Yes, sir.

Q Didn't you get some beer later, after these four; didn't you get two more bottles of beer and split it with Chang?

A This we got.

Q Two more, I mean?

A Yes, sir, up at S. P. Correa's place; I had two more.

Q What did you - What time did you get to Waikiki Park?

A About half past ten.

Q You didn't dance there at all?

A I did not.

Q Now who was in the front seat of the car when you left the park that night?

A What is the answer?

Q Who was in the front seat of Ida's car when you left the Waikiki Park that night, that Saturday night?

A It was Ben Ahakuelo.

Q Are you sure of that?

A Yes sir.

Q Did I ask you at the police station this question: "Who was in the front seat?" and you said "I don't know?"

A I don't remember.

Q And then I asked, didn't I, - Didn't I ask you a question "Who was sitting in the back with you" and you said "Mack" and "If I don't make a mistake Henry Chang was in front". Do you remember saying that?

A I don't remember.

Q You don't deny saying that?

A I don't deny it.

Q You don't deny it. Now after you went up to Correa's place after you left Waikiki Park - do you know what I am talking about?

A Yes.

Q The last time you say you went there, and I asked you who went in the house with you, and you said "I went in with Ben", do you remember saying that?

A Yes.

Q Now did Ida get out of the car or not there, do you know?

A Yes, he came out of the car.

Q Do you remember me asking you "And who else" and then you said "That is all. He was in back of me. I don't know" and I said "Did Ida go in with you?"

and you said "No". Do you remember saying that?

A I don't remember.

Q You don't remember that?

A No.

Q Do you remember how long you stayed there at Correa's place the last time?

A Yes.

Q It was two or three minutes, wasn't it?

A Yes.

Q That is what you said at the police station?

A Yes.

Q That is correct - that is true, what you said at the police station? Is that true?

A I don't know.

Q You said it was two or three minutes?

A Yes, but that is what I said.

Q That is what you say now, two or three minutes?

A Yes.

Q That is about the length of time you stayed at Correa's house that last time?

A Yes.

Q And then you drove on?

A Yes, sir.

Q Now where is that garage when you look at the house, - I mean you put the house here (indicating on blackboard); where is the garage with relation to the house?

A It is on the left hand side.

Time at Correa's

Q Is it on the side or is it on the back?

A On the side.

Q It is not at the back. Did you go to the back of the house or did you go to the garage?

A Only to the garage.

Q You didn't say that down to the police station did you?

A I don't remember.

Q Didn't I ask you this? Don't you remember me asking you, "And you and Benny went in the house?" and you answered "Not in the house but at the back of the kitchen". Do you remember saying that?

A Yes.

Q You said that at the police station - that is correct?

A Yes sir.

Q Now when you went down Liliha Street did you stop at the stop sign for Liliha Street, that runs into King Street?

A Sure we did.

Q Did you tell that at the police station?

A I don't remember.

Q Didn't you say this at the police station when I asked you "Did you drop Mack off?" and you said "Yes"; this car stopped and our car stopped about ten yards from the rear, then we drove our car close to them. I went out of the car and a lady came over, a Hawaiian girl, and she grabbed ahold

of my throat and I said 'What is the matter?' and she grabbed me over here (indicating) and scratched me, and I shoved her off and she fell down on the running board of their car and they took me home." - I withdraw that question - I have the wrong place. Didn't you say this, when I asked you: "Did Ida and Ben go with you? No. Then after they got through singing in the house Ben left us " -

A Wait. Go slow. I don't understand you.

Q When you got down to Liliha street didn't you say you said wait "I want to talk to the girl", meaning the Hawaiian girl, "And then he went in the car and after seeing the girl we went down School Street and turned Liliha and we went down Liliha and turned King Street, and that is where we supposed to leave Mack off, but the car came and almost hit us, and then they stopped and we stopped." Did you say anything about stopping at the stop sign. Here you say you stopped when the car almost hit you?

A Yes.

Q And you do not say anything about stopping at the stop sign?

A You didn't ask me no question about the stop sign.

Q You said you stopped when the car came along, but you didn't say anything about the stop sign,

and the only reason you didn't say anything about stopping at the stop sign is because we didn't ask you, is that what you mean?

A Yes.

Q In your direct examination, and by that I mean when Mr. Heen was talking to you, you said that this Hawaiian lady, Mrs. Peeples, cursed at you. Now did you mention that down at the police station when you talked to me?

A I don't remember.

Q Didn't you say at the police station that you got out of the car and went over to their car before the lady got out of that car?

A Yes, sir.

Q Did you get out of your car before she did?

A Yes.

Q And you went over to her car?

A Yes, sir.

Q You say you don't know whether you told us at the police station whether she cursed at you or not, or do you know whether you said that at the police station?

A I don't remember.

Q Why did you go over to her car?

A Well, because she cursed at us.

Q Who cursed at you?

A Well, we don't know who; between those two on the car.

*Peeples
incident*

Q Well, can't you tell the difference between a man's voice and a woman's voice?

A I can't tell.

Q You can't tell.

A No.

Q So you went over to beat them up because they cursed at you?

A I didn't beat her up.

Q I say you went over to beat them up because she cursed at you?

A I just want to see what is the matter with them, is all.

Q Now you say that this woman got over and got in front of your car before you left there?

A Yes sir.

Q Didn't you say this at the police station, "This car stopped and our car stopped about ten yards from the rear. Then we drove our car close to them. I went out of the car and a lady came over, a Hawaiian girl, and she grabbed ahold of my throat and I said 'What is the matter?' and she grabbed me here (indicating) and scratched me and I shoved her off and she fell down on the running board of the car and they took me home." Didn't you say that?

A Yes.

Q You didn't say anything about her getting in

front of your car there, did you?

A I don't remember.

Q Now when you hit her, how did you hit her?

A I slapped her.

Q And she said you did it with a clenched fist?

A I did not.

Q Did you slap her lightly or hard?

A Well, maybe it was hard, hard for her; I don't know.

Q You knocked her down, didn't you?

A Yes.

Q Were you afraid she was going to choke you to death?

A No. How would you like it if a lady choked you?

A Were you afraid she was going to choke you to death?

A No.

Q Couldn't you have pushed her away gently and stopped her? You are strong enough, aren't you?

A Sure.

Q Now when you say that you think the other boys are right when they say you went down Beretania Street, you don't know what way you went that night, do you?

A Well, as I say, that we turned into King Street is all I know of that, that we went into King Street.

Q Didn't you say down to the police station that you drove down King Street?

A Yes.

Q I asked you which way you drove and you said you drove down King Street?

A Yes.

Q You said you drove down King to Fort and up Fort didn't you?

A Yes.

Q Why do you change your story now?

A How is that?

Q Why do you change your story about that now?

A Well, I didn't change my story.

Q You still say you went down King Street the n?

A That is what I thought.

Q Do you still think so?

A Sure.

Q You still think you went down King Street?

A Yes.

Q How is it you were so groggy on King Street and a few minutes later you recollect so absolutely clear, with a clear head, over on Liliha Street, which would be seven or eight minutes later?

A After we got back I was all right, between the ride and the air we got on the car.

Q Did n't you get plenty of air over at Waikiki Park and all the way down here, say to the City

Hall, didn't you get plenty of fresh air then, during that whole ride?

A Yes, on the way coming back.

Q Don't you remember saying when you talked to me, do you remember, about driving by the old police station?

A Yes, I told you that.

Q You remember that, don't you?

A Yes.

Q You remember driving by there?

A Yes.

Q You are sure of that?

A Yes.

Q That is on King Street, isn't it?

A Yes.

Q Do you remember that we asked you down there how you were dressed that night?

A Yes.

Q Do you remember saying the same pants, - look, Joe; - the same pants, do you remember saying "the same pants, blue denim pants; blue silk shirt that had short sleeves". Do you remember saying that?

A You mean at the night of the dance?

Q Yes, do you remember me asking you at the police station what you were at the night of the dance?

A Yes.

Q And you said "Same pants, blue denim pants, blue

*Route
of
car*

silk shirt and had short sleeves, - do you remember saying that?

A Yes.

Q You didn't say anything about a cap there, did you?

A But you didn't ask me.

Q I asked you what you wore, didn't I?

A I don't remember.

Q Don't you remember I asked you how were you dressed, and you said "blue denim pants, blue silk shirt that had short sleeves". Do you remember that?

A Yes.

Q You didn't mention a cap did you?

MR. HEEN: If the Court please, that question is misleading. The question was how he was dressed; does that necessarily mean what kind of a hat he was wearing at that time?

THE COURT: Answer the question, please.

(Argument)

THE COURT: The question will be read again, and the witness will answer it.

(Question read by the reporter.)

A I did not.

Q How was Ida dressed that night?

A Well he had a white silk shirt and a kind of black and white striped pants.

Q Did he have a leather coat on when you left the

dance hall?

A He did not.

Q Do you remember when you were questioned on Saturday - I will withdraw that. Do you remember when you were questioned on Sunday the 12th of September and again on Monday the 13th of September by me, with Mrs. Hannah Matthews she stenographer of the police station taking down shorthand notes, that you were asked, "After 12 o'clock when you left the dance hall how was Shorty dressed" and you said he had a leather coat on, or wore that until he dropped off at Correas. Do you remember saying that?

A That is what you put in there.

Q Not what I put in here. I want to amend the date in the question, your Honor. Do you remember that being said as stated, only it was on Sunday the 13th and Monday the 14th, with those people present?

A Yes.

Q Do you remember saying he had a leather coat on?

A Yes.

Q Do you remember saying he took it off at Correas or saying this: "He wore that until he dropped off at Correas's?"

A I don't remember.

Q You just remember saying that he had a leather

leather coat.

doat on, you remember that? How long have you known officer Machado?

A I don't know.

Q A long time?

A Not long time; I don't know how long.

Q Five years?

A I don't know.

Q Why won't you answer that question?

A Well, I don't know how long I met him; I know him. You see I don't know.

Q Are you friendly with him?

A No.

Q Do you know how much Chang drank that night, the defendant Chang?

A All I knew I give him a bottle.

Q A bottle of what?

A Of beer.

Q Didn't he bring out - That is all you know, he drank one bottle of beer?

A Yes.

Q Did he say anything to you at that time when you gave him the bottle, didn't he say he wanted some more?

A Yes, I told him.

Q Now after you dropped Takai off that was at the corner of Liliha and King or right near that corner?

A Yes.

- Q Then what road did you go to?
- A Then we proceeded down on King Street.
- Q Went where?
- A We proceeded on to King Street, down.
- Q Down where?
- A Towards Waikiki, returning to Iwilei road.
- Q Yes.
- Q Then I told him "where he was going?"
- Q Yes.
- Q And he say he were taking me home.
- Q All right.
- A And then I told him, "Well, I don't live down here". I told him that I lived up Kukui Street. Then he turned around at American Can and we return the same way as we came down.
- Q What is that?
- A As we came down to Iwilei Road, we took the same place as we drove up again.
- Q You went back to King Street?
- A Yes.
- Q Then where did you go?
- A Then we went into Aala Street, and then up to Beretania into Hall Street, and from Hall Street into Kukui Street, then Kukui Street, and he dropped me off at where I live.
- Q In other words, he mistook where you lived and drove down Iwilei and then came around back?
- A Yes.

Q All right, Were you driving slow or fast?

A Fast.

Q Very fast?

A Well, fast.

Q Good and fast, do you mean by that? How fast?

A Well, pretty fast.

Q Have you ever driven an automobile?

A Yes.

REDIRECT EXAMINATION

BY MR. HEEN:

Q Joe, have you ever robbed anybody at all?

A I did not.

Q Now you say you are a fighter?

A Yes.

Q You mean you box, is that it?

A Yes.

Q Now has anybody called you a "Bull" because you are a fighter? Have you heard anybody call you "Bull"?

A No.

Q No?

A No.

Q Now you said that down at the police station, when Mr. Wight was asking you questions, you said that Ida had a leather jacket on that Saturday night, and that he had it after you left the park and until you got to Correas' house. At the time you saw Ida at the police station I will ask you whether or not he had a leather

jacket on at that time?

A Yes sir.

Q And did he have it at the time, if you know, while you were being asked these questions?

A I don't know.

Q Now you said that Ida did not have any jacket on while you were testifying here this afternoon, that he had a white silk shirt and dark trousers with white stipes. Now which is the truth, did he have a jacket on that night after you left the park or that he didn't have?

A He didn't have.

Q He didn't have?

A Yes, sir.

Q How did you happen to say to Mr. Wight that he did have?

A Well, he put it in the statement, and then after I signed the statement I scratched it out.

Q Of, you scratched it out.

MR. HEEN: Let me look at the statement to see if it is scratched out.

MR. WIGHT: It is scratched out.

(Mr. Heen looks at paper in Mr. Wight's possession)

MR. HEEN: I am talking about what happened long before this.

(Argument)

MR. WIGHT: That is exactly what he said and he admitted saying it too. I intend to call the stenographer in to

testify to it.

MR. HEEN: If the Court please, I offer this in evidence.

MR. WIGHT: No objection.

Q (Handing witness a paper) Is that your signature?

A Yes.

Q And you put those corrections there. First the answer was "He had a leather coat on?"

A Yes, sir.

Q "He wore that until he dropped off at Correa's?"

That is scratched out. You scratched that out and said he had no leather coat on, but wore a white silk shirt and a kind of white pants until he dropped off at Correa's?

A Yes.

MR. HEEN: We will offer this in evidence, if the Court please.

THE COURT: It will be received and marked as an exhibit here.

(Document offered in evidence received and marked: "Defendants' Exhibit 7.")

RE-CROSS EXAMINATION

BY MR. WIGHT:

Q Do you remember, Joe, when I asked you whether he had a leather coat on that night and you said, -- Do you remember me asking you, "After 12 o'clock when you left the dance hall how was Shorty dressed?" and you said he had a leather coat on and he wore that until he dropped off at Correa's. That is what

*Joe's
Court*

you said in before the stenographer, isn't it?

A Yes.

Q Then it was two or three hours later that you came in and changed this thing, wasn't it, and signed this thing and changed it, is that the truth?

A I don't remember.

Q It was a long time afterwards, wasn't it?

A I don't know; I don't remember.

Q You remember you came back after and signed it?

A Yes.

Q It was after you had been in the room that the other boys were, the big assembly room?

A Yes.

Q Didn't Ida at that time - Didn't you at that time make signs to Ida and Ida make signs to you?

A I did not.

Q Then why did you change that?

A I did not.

Q You admit being in that other room?

A Yes.

Q You admit saying that before the stenographer first, didn't you?

A Yes.

REDIRECT EXAMINATION

BY MR. HEEN:

Q When you were in the big room did they keep you separate?

A Yes, they did.

Q Did you talk to Ida at all about his shirt or jacket?

A No.

(Witness excused)

HENRY SATO

was duly called and sworn as a witness for the defendants, and testified as follows:

DIRECT EXAMINATION

B Y MR. HEEN:

Q Are you connected with the Honolulu Police Department?

A I am.

Q And what is your position there?

A Motorcycle officer designated as clerk at present.

Q Now on Sunday, September 13, 1931, I will ask you whether or not you drove a Ford touring car, 58-895 down to Aha Moana Road?

A I did drive a Ford touring, but I can't say the exact date and the number of the car.

Q And who went with you at that time?

A Chief McIntosh.

Q And who told you to drive that car?

A Mc¹ntosh.

Q Was there a key to that car at that time?

A There was no key at that time.

Q How did you start that car?

A Mc¹ntosh told me to get a repair man of the ^Universal Motors to come down and do something with the engine; I don't know what it was.

Q Where was that car standing at that time?

A In front of the old police station, Alakea Street.

Q And do you remember the color of the car?

A Light brown or gray - I am not sure, I cannot say the color.

Q How many of you went down there to Ala Moana road?

A Just Inspector McIntosh and myself.

Q And when you got down there did you go into the old animal quarantine station?

A I don't know where the quarantine station is

Q You don't know the old animal quarantine station?

A No.

Q Did you go into some place down there?

A I did

Q And did you look around there?

A I just drove the car around.

Q Drove the car around?

A Yes sir.

Q Now you take a look at this diagram on the black-board This was drawn by Officer Benton, and the top of this part here is the makai side.

MR. WIGHT: He should draw his own diagram, as you have required my witnesses to do.

THE COURT: I don't know what the question is yet.

MR. WIGHT: This is his own witness. He should draw his own diagram. I object to it.

THE COURT: Proceed. Go ahead, Judge Keen.

Q This is supposed to represent Ala Moana Road, and

this is the Ewa side, which is marked "Ewa" and the opposite side of course is the Waikiki side. Now this represents a roadway that goes into a place on the mauka side of Ala Moana road and goes right around this way (indicating) with another road cutting through about the center. Do you recognize that as being about the place you went to on that Sunday or that morning that we are talking about?

A Yes, sir.

Q Do you remember leaving any tire marks there ?

A Leaving tire marks?

Q Yes, from the car that you drove in there?

A I do.

Q You do. Do you remember about where this car left the tire mark when you drove into that place?

A I went clear around and drove on around that place.

Q After you drove around did you get off?

A Got off.

Q Do you remember looking for the tire marks made by this car?

A The car I drove?

Q Yes.

A I did.

Q And about where did it show plainly?

A There was a little pool of water there - that is on the Waikiki side, as you go around - that is the place where it showed most plainly.

Q And on which side, the Waikiki side or the Ewa side of that puddle were the marks, the tire marks?

A I am not sure.

CROSS EXAMINATION

BY MR. WIGHT:

Q When you drove through did your tire go through that pool to the edge?

A I went through about two times.

Q I mean the pool of which you speak, did the right tire of your car go through the pool?

A I am not sure.

Q You don't know. Was this here - Say this is the pool here, say this is the pool. Do you know where in the road the pool was?

A Approximately.

Q Where?

A Around in here somewheres, around here, and right around here (Indicating)

Q Was it the right tire that went through the pool like this, or how?

A I can't say; I don't remember.

Q Your car did go through the pool?

A Yes.

Q Did you see any marks of the tire near the marks you made that looked something like them, - that looked similar?

A That looked similar?

Q Yes.

A I didn't compare the two marks.

Q You were not looking for marks?

A No, I was just ordered to drive the car around.

Q Neither you or he looked to see if there were any tire marks?

A Not stopped and look.

Q Did you see any other cars there?

A Tire marks?

Q Yes.

A There were, two or three.

Q Anything that looked like yours?

A I could not say.

Q Were there some tire marks further over inside than yours, do you remember?

A I don't remember.

Q You don't remember whether there were any other marks there. But there were other distinct marks near your tire marks?

A In that water puddle.

REDIRECT EXAMINATION

BY MR. HEEN:

Q You say you drove around twice, around that same place twice?

A Twice? Of, twice - I am not sure; it was at least twice.

Q And along over that same puddle?

A Yes, um huh.

Q Yes or no?

A Yes.

(Witness excused)

WILLIAM SEYMOUR

was duly called and sworn as a witness for the defendants, and testified as follows:

DIRECT EXAMINATION

BY MR. HEEN:

Q State your name?

A William Seymour.

Q Are you attached to the Honolulu Police Department?

A Yes.

Q And what position do you hold there?

A I am in charge of radio.

Q And in connection with that what do you do?

A Detail the patrol cars and general police duty.

Q Were you on duty on the night of September the 12th and early Sunday morning following?

A I was.

Q And were you the one sending out the calls that night?

A If I recall right the call was sent out by Mr. Rickard, who was announcing at the time.

Q He was one of the police officers?

A Police officer, ~~Rickard~~ Rickard, yes.

Q This gentleman here? (Indicating man in court room)

A Yes sir.

(The person identified is asked to leave the court room and does so)

Q Did you send any of the calls out yourself?

A I do send calls out but I don't recollect whether

I sent this particular call out, or whether he sent it out. I may have sent it out or he may have sent it out.

Q Have you any records in your office as to when these calls were sent out?

A There is a report or record there, yes.

Q Did you have a record there at that time?

A I did.

Q How do you keep that record?

A Keep it on file.

Q And what do you enter into that record?

A The calls made by the radio patrol cars, the time the call was made, the time the car was called and the answering of the call.

Q The calls that you send out by radio is recorded as to the time?

A Yes, as to the time.

Q And later on when the response comes to your office from the patrol calls you recall the time you receive these calls?

A The time he answered the call and where he was when he answered the call.

Q You record the time that the answer was received?

A At the time the call was received.

Q And from whom received?

A From the party on the patrol.

Q And you record the answering of the call?

A Answering the call.

Q And the location from where the answer was made?

A Yes.

Q Is there anything reported at that time as to where the patrol car was when the call was received by the patrol car?

A I can't recollect. I have never looked it up.

Q I mean, do you keep that record that way?

A Usually do, yes. Mr. Rickard made that record out.

Q A record showing where the patrol car was at the time they received the call from your office?

A That is what they are supposed to report back.

Q And is that reported back at the time the answer is sent in or at a later time?

A It is according to the seriousness of the call, or the request made to report back immediately or report back after answering the call.

Q Now by looking at the record would you be able to say whether it was you or whether it was Rickard who sent the calls out?

A No, I would not, because he made out the log sheet, he typed the log sheet out - I did not type it out.

Q ,And from what did he type this log sheet? Did he have any memorandum from which to type the log sheet?

A I think he would have that part of it in the log. You see he keeps that in the typewriter at all times during the watch.

Q Was Rickard on duty all that night?

A Yes, he was.

Q And when the calls come in in response to the calls issued by the radio from your office how do those calls come in?

A By telephone or police box.

Q You did not bring that record up with you did you, the log?

A I did not. I was called out of bed.

Q I would like to get that.

A I think Mr. Rickard has that copy.

Q Who has?

A I think Mr. Rickard has that copy.

MR. HEEN: Is Mr. Rickard there. Tell him to go down and get it.

THE WITNESS: I think he has it with him.

Q Oh, he has it with him?

A I think he has.

Q That is all.

(Cross examination waived)

(Witness excused)

(Jordan follows)

(Jordan relieves Linn, Nov. 25, 1931, 3 p.m.)

46

CECIL RICKARD

was duly called and sworn as a witness for the defendants, and testified as follows:

DIRECT EXAMINATION

By William H. Heen, Esq.

Q What is your name?

A Cecil Rickard.

Q Are you connected with the Honolulu Police Department?

A I am.

Q What position do you hold in that department?

A Official radio announcer.

Q Are you chief in that division?

A I am not the chief. Mr. Seymour is the chief. I am just the chief official announcer.

Q On the night of September 12th and early morning of Sunday, September 13th, were you on duty?

A I was.

Q Carrying out your work in connection with your position?

A I was.

Q I understand you have with you the records or log showing the calls sent out that night by radio, and also showing responses made to these calls?

A I have.

Q Will you produce that, please.

A (Witness produces paper from his pocket and hands it to counsel)

Q Who kept this record?

A I did.

Q And made at the time when these calls were issued out of the office and when the answers came in?

A Yes, sir.

Q How did you happen to have this record in your pocket here?

A I kept it in my pocket because I didn't want to have it stolen off the files.

Q Were you under subpoena here by the prosecution?

A I was not.

Q On this night of September 12th or early morning of September 13th have you in that record a report on which a call was sent out with reference to car Number 58-895?

A I have.

Q Where is that on that report?

A (Witness indicates) The car Number 58-895 was reported to me first as a Chevrolet touring, and after checking it up I found it to be a Ford phaeton.

Q You mean a touring car?

A Yes.

Q In the first column on the left in connection with that particular item you have "Call 12:50" What does that mean or represent?

A It represents the time it was sent out from the radio to the cars.

Q And right in the next column under the heading of "time" we have the figures, 12:55. What does that

represent?

A That the cars received it at that time, reported back to me by telephone or police box.

Q And in the following column under the heading of "Officer" you have in connection with the same report the names C. Benton and P. Bond. What does that represent?

A It means they were the operators of the car that it was sent to, not necessarily to them, but to all radio cars. We had only two radio cars at the time. I just put their names down as a reference.

Q Does this record show that when the response was sent into the office as to the receipt of this call at 12:55 as to who sent that response in?

A I do all broadcasting and I received this call personally from Mrs. Peeples, the person who was assaulted.

Q Who made the complaint?

A Mrs. Peeples. I received it personally from her downstairs in the old station on Alakea Street.

Q How long before 12:50 when you received the complaint from Mrs. Peeples direct?

A I imagine it was direct between 12:46 and 12:48.

Q We have here in evidence a time card showing that Mrs. Peeples arrived at the Emergency Hospital at 12:48. Assuming that to be true, about how many minutes before that do you think it was when you received this complaint from Mrs. Peeples?

Time of Peeples report

Q According to my watch I received that between 12:46 and 12:48, and broadcasting it as soon as I ran upstairs. As to the clock at the Emergency Hospital, I don't know about that.

Q Can you tell from this record who sent the response into your office as having received the call from the radio at 12:55?

A That call was received by Percy Bond, who generally calls in when Benton is operating the car. His driver or helper in the car always calls in.

Q You say there were two radio patrol cars at that time?

A Yes.

Q Who operated the other radio patrol car?

A Furtado and Harbottle - patrol Car Number 1.

Q Who was the chief of that outfit?

A Furtado.

Q Did you receive a response from that car as to the receipt of this call that was issued at 12:50?

A I think it is down there, the time I received the call from him. 1:30 he called in from Beretania and Fort Street.

Q In the last column on this sheet on the same line in which the time of the call was issued you have recorded this "Received call O. K. Radio Car Number 2." What does that represent?

A It represents patrol car Number 2 received my broadcast O.K.

Q Under that line we have the figures "1:05" in the column marked "time" at the heading. What does that represent?

A That represents that time Johnny Cluney and Tom Black reported into me by phone.

Q They were operating what car at that time?

A Just a patrol car Number 3; not a radio.

Q Can you tell by this record where that patrol car was at the time it reported in to you as having received your call?

A This car did not receive a call by radio. It received a call by telephone at Waikiki.

Q Who telephoned out there?

A Nobody telephoned. They report back to me every half hour or whatever it might be, and at that time I told them to come to the station.

Q Then we have here in the following line in connection with this same matter, "1:25, C. Benton and P. Bond, radio car Number 2" What does that represent?

A It represents that patrol car Number 2 reported in from King and Kalakaua at that time.

Q And that report was sent in by Benton and Bond?

A Yes.

Q That was their second response?

A That is reporting in.

Q When they report in do they refer back to this same thing?

A Not necessarily.

Q At 1:30 you got a call from W. Furtado and G. Harbottle operating car Number 1, reporting from Beretania and Fort Streets?

A Yes.

Q And that report was in connection with this call you issued at 12:50 in connection with this complaint of Mrs. Peeples?

A Yes.

Q Was there any further call sent out that night stating the number of this same car, this Ford phaeton?

A It was.

Q When.

Q That was sent out at 3 o'clock.

Q At 3 o'clock. This is under the column of "time"?

A That is when I sent that out, when they came back.

Q When Tom Black and Johnny Cluney came back?

A Yes.

Q Operating patrol car number 3, is that it?

A Yes.

Q Patrol car Number 3 reported in at the station?

A That was a report Johnny Cluney was supposed to make out, but he didn't make out at all. He added on to the report made out by the traffic officer who took Mrs. Peeples to the Emergency Hospital.

Q Who was that traffic officer?

A If I am not mistaken the officer was officer Wofford, I think it is.

Q I notice in this log mark "2:30". That is 2:30 a.m.

and following that "T. Black and J. Cluney, patrol car Number 3, reported in from Waikiki going to pick up car 58,895 from Cunha Lane" What does that mean?

A It means that I told them to go up to this house, when I got information from the traffic division as to who owned the car and where the car could be found, and I told them to go to this place on Cunha Lane to pick up the car.

Q I notice while all the writing is in typewriting the insertion is in pencil, as to Cunha Lane?

A I inserted that myself and put it in pencil when I saw mistake as a memorandum.

Q Then at 2:50 a.m. this same day you have here, "C Benton and Bond reported in at station 1460"?

A That is they came in and made a report on a burglary case at Jack Lane.

Q How do you know it was that burglary case?

A Because it was the case they were supposed to make a report on, on that case. They were supposed to make that report, whether that particular one, I don't know.

Q About how many times did you send out this car Number 58-895 that night?

A When I sent out the car number first we sent out three calls, the first call and again I sent it out again, three times, about six times altogether. One call is three times, repeating the number three times; the second call was repeating the number three times.

Q How did you call that number the first time, using the words that you used at that time?

A "Car Number 58,895" and I called it out as a Chevrolet touring, the first time I called it.

Q Did you say "Look for that car"?

A I told them to look for that car. I told them this "Radio patrol cars one and two please pick up car number 58-895 as a young woman has been assaulted on the corner of King and Milha Streets about five minutes ago" and I repeated the whole thing over to them again three times.

MR. HEEN: We offer this report in evidence.

MR. WIGHT: No objection.

(Document offered in evidence received
and marked: "Defendants' Exhibit 8W")

CROSS EXAMINATION

By Griffith Wight, Esq.

Q We didn't tell you to keep that in your pocket?

A You did not.

Q Were you afraid myself or McIntosh or somebody interested in the prosecution would steal it?

A Afraid somebody else would go there and take it away, as some other reports have been taken away.

Q You didn't suspect the prosecution would do it?

A I didn't suspect ~~that~~ anyone would do it. I am not taking any chances.

(David Takai's testimony follows)

Wed. No. 25, 1931, p.m. 3:30 to 4.

1

DAVID TAKAI,

a defendant, was duly called and sworn as a witness on behalf of the defendants, and testified as follows:

DIRECT EXAMINATION

By William H. Heen, Esq.

Q What is your name?

A David Takai.

Q How old are you?

A Twenty two now.

Q And where do you live?

A King and 'iliha.

Q With whom?

A With my father and mother and sisters.

Q Have you ever been called "Bull"?

A No.

Q On the night of September 12th of this year were you up to S. P. Correa's home on School Street?

A Yes, sir.

Q About what time did you go there?

A A little after eight.

Q There was a luau there at that time?

A Yes

Q Were you invited to go there?

A No.

Q Did you eat at the luau?

A Well, another boy gave us some pig and a lot of things.

Q On the outside?

A Yes.

Q Did you have any beer there that evening?

A Yes, sir.

Q Did you see any of these defendants there?

A I saw Ben Ahakuelo and Ida. We went up together and another boy, Seki.

Q What time did you leave the place?

A Correata's place?

Q Correa's place, yes.

A 8:30 or 8:40

Q Where did you go?

A Waikiki Park.

Q How did you go out there?

A On Ida's car.

Q Who went along with you?

A Ida, Ben Ahakuelo, Seki and I.

Q And you, when you got out to Waikiki Park, did you get off there?

A Yes, got off there.

Q Who did?

A Ben and I.

Q What did Ida and Seki do?

A I don't know where they went.

Q What did you do there after you and Benny got off?

A Went in the dance hall.

Q How long did you stay there?

A Until the dance got through.

Q Did you leave Waikiki Park at all at any time between the time you got there with Benny, Ida and Seki to the time the dance was over?

A The time I went over there?

A Between the time you arrived there and the time the dance was over did you leave that park at all?

A No.

Q Do you know Harold Godfrey, probation officer?

A Yes.

Q About what time, if you remember, was it when the dance was pau?

A Somewhere around 12, close to 12, anyway.

Q Before the close of the dance did you see Moe Kalani?

A I saw Joe, Chang and Ida.

Q You mean Henry Chang?

A Yes, Henry Chang.

Q Before the close of the dance?

A Before the dance was through.

Q And after the dance was over where did you go from the pavilion?

A Went home.

Q How did you go home?

A On Ida's car.

Q After you came out of the pavilion you went over to Ida's car?

A Yes.

*Went home
left for home*

Q Who rode on Ida's car at the time you left Waikiki Park?

A Ben, Henry Chang, Joseph Mahahawai, me and Ida.

Q Who drove the car?

A Ida.

Q What kind of car was that?

A Ford car.

Q Is that the same Ford car that was outside today?

A Yes, sir.

Q Where did Ben sit?

A In the front seat with Ida.

Q Where did you sit?

A In the back.

Q What part of the back?

A In the middle.

Q Who sat on your right?

A Henry Chang.

Q Who sat on your left?

A Joseph.

Q And when you came out of Waikiki Park what road did you drive into?

A John Ene.

Q And what direction did you take?

A Towards Kalakaua Avenue.

Q When you got to Kalakaua avenue how did you go?

A Went towards town over to that extension, Kalakaua Extension to Beretania Street, and we turned down Beretania street towards town and to Fort Street

and to School Street and got up there and later on he took me home.

Q You went along John Ena, Kalakaua Avenue, along the extension of Kalakaua to Beretania and Fort Street?

A And School Street.

Q To what place?

A S. P. Correa's place.

Q Is that the same place you were in the first part of the evening at a luau?

A Yes.

Q Did you make a statement to the police about these things you are testifying to?

A I told them.

Q Did you notice any car ahead of your car?

A Yes.

Q When did you first notice that car?

A At the time we left Waikiki Park.

Q Whose car was that?

A Matsumoto.

Q Tatsumi Matsumoto?

A Yes.

Q What kind of car was that?

A Ford car.

Q What kind of Ford car?

A Roadster.

Q Did you notice whether the top was up or down on that car?

A I don't see no top; it didn't have no top.

Q Did you see anybody seated on that car?

A Yes.

Q Who?

A Two girls and two boys besides Tatsumi Matsumoto.

Q Who was driving that car?

A Matsumoto.

Q Where were the two boys seated?

A In the back.

Q How were they seated there?

A They had their back faced towards the driver.

Q And they were looking backwards?

A Yes, they were looking backwards.

Q Do you know who these two boys were sitting on the back of the car?

A I know one boy.

Q Who was that?

A Robert Vierra.

Q Did you know those two girls?

A No.

Q When you were questioned by the police what did you say about following that car?

A I told them just what I am saying now.

Q Do you remember whom you told that to?

A If I don't mistake I told this fellow Wight and McIntosh and this fellow Silva.

Q Did you talk to Matsumoto that night while you were driving along Beretania Street?

A No.

Q Was that car still in front of you at the time

you turned to Fort Street from Beretania?

A At the time we turned off Fort Street they were in front of us, but up Alapai over there we caught up with them and we waited for them a little while and slowed down and went ahead again.

Q Before you caught up with them at Alapai did you notice what Robert Vierra did?

A Yes.

Q What did he do?

A He jumped on our car.

Q On what part of your car did he jump on?

A On the right side of our car.

Q Where?

A On the running board.

Q Did you tell Mr. Wight or the police that?

A Yes.

Q About what place on Beretania Street was it that you saw Robert Vierra jump from the car he was on to the running board of your car?

A I don't know exactly what place, but I think it was between, somewhere between Purity Inn and the whole McKinley High School.

Q And that Purity Inn is at the corner of Keeau-moku Street and Beretania Street?

A Yes, sir.

Q Do you remember you told the police or Mr. Wight that it was out about that place?

A Yes.

Q When Robert Vierra jumped on the running board of the car you were riding in what did he do?

A I heard Ben Ahakuelo tell him where he was going, and he said he was going to Judd Street and Henry Chang asked him for a match and he gave Henry Chang a match.

Q And after that what did Robert Vierra do?

A He got on the other car.

Q When he got back from your car to the car Matsumoto was driving about where was that to the best of your recollection, do you have any idea at all?

A I don't remember exactly where. As I said before, somewhere between the ice cream parlor and the old high school. I don't know exactly where, though.

Q When you got up to Mr. Correa's home on School Street what did you do there?

A I stayed on the car, Chang and I.

Q Where did the car park?

A On the side of the road.

Q And what did Benny do.

A Benny, Joe and Ida went in the yard.

Q About how long did they stay there?

A A few minutes.

Q And then they came back?

A Came back.

Q And after that where did you people go?

A I told them to take me home at King and Wiliha.

Q And then you drove off?

A Yes.

Q Ida was driving?

A Yes.

Q Down School Street?

A Down School Street and then down Liliha.

Q When you got to Liliha Street what happened there?

A Well, Ida stopped by the stop sign and he was going along and the other car was coming from Kalihi side and we almost had an accident, so he opened up to avoid the accident. He was supposed to drop me off near that Kanachi Hotel. He couldn't stop because if he stopped he bang, you see. So he stopped down in town and stop by Tanaka shirting, near the service station.

Q That is a short way from your place?

A Yes.

Q And then they had this little trouble over there?

A Yes.

Q Did you remain there during that trouble?

A Yes.

Q And then after the trouble ^{Ida} and they went off?

A Yes.

Q And you went home?

A Yes.

Q Go to sleep?

A Yes.

Q What kind of clothes did you have on that Saturday night?

A I had a white silk shirt on, a very dark gray or something like that, serge pants.

Q Did you have any hat?

A I had a cap the early part of the evening and I gave it to the other boy, Seki, at the time I went to Waikiki Park again.

Q When you got up -- Did you have underwear on that Saturday night?

A Yes.

Q When you got up the next morning what clothes did you put on?

A Same clothes, except my hat. I had a different hat on.

Q You had the same silk shirt on?

A Yes.

Q Same trousers?

A Same trousers.

Q And how about the underwear?

A Same.

Q Where did you go that morning?

A I went over Kauluwela play ground and went to Palama Settlement to see that football game they were having there.

Q Did you see any of the boys there?

A I don't remember seeing any of them. I met the boy Seki.

Q Where?

A At Palama Settlement.

Q Did you go to Palama Settlement first or to

Kauluwela field first?

A Kauluwela field first.

Q Were you brought to the police station that Sunday morning?

A Sunday afternoon.

Q About what time Sunday afternoon?

A Sunday about one o'clock.

Q By whom?

A Machado.

Q Officer Machado?

A Yes.

Q Where did he locate you?

A He was out with these two boys, Chang and Joe, way over to the pavilion on Kauluwela playground and Seki and I were just about to come in the ground and at the time we went in the ground about a minute officer Machado called me and I went up to him.

Q What did he say to you?

A He didn't say anything He just said "Come on, let's go down."

Q On the way down did he say anything to you?

A I don't know if he said anything.

Q When you got to the police station did anybody speak to you there, any police officer or detective?

A No, we stayed there for awhile and they took us from Manoa over that haole girl's house.

Q Were you boys kept separate from each other at that time?

A Yes.

Q Were you questioned at the police station before you went to Mrs. Massie's house as to whether you had assaulted Mrs. Massie?

A I don't remember.

Q When you got to Mrs. Massie's house you were ordered to go into the house?

A When we reached over there Mr. Finnegan went in first and he told the other officers to stay outside with the boys and we waited there outside and later on he came out and told us to go inside the house.

Q About how long was Mr. Finnegan in there before he came and asked you boys to go in?

A About three or five minutes; somethings like that.

Q And you boys all went in together?

A Yes

Q You and who?

A Me, Chang, Joe and Ida.

Q And was Mr Finnegan in there?

A Yes.

Q Somebody else there, - Was Mrs. Massie there?

A Yes Mrs. Massie was there.

Q And somebody else ~~was~~ was there ?

A And another woman was with Mrs. Massie and some naval officers and Honolulu detectives.

Q At that time did Mrs. Massie speak to you?

A Yes.

Q What did she say?

A She asked me "Are you Hawaiian?" I told her

Q No, I am Japanese.

Q Did she ask your name?

A Yes, she did.

Q Did she ask you anything else?

A I don't remember.

Q And did she identify you at that time?

A No.

Q Did she identify any of the other boys at that time?

A Not when I was there; she didn't say nothing.

Q Did she use glasses when she was looking at you boys?

A Yes. At first she was sitting on a couch. We were before her, stood, and she looked at us and asked us questions - what was our names and this and that, and later on she stood up and had glasses and she looked.

Q Did anybody ask her to feel your clothes?

A Finnegan told Mrs. Massie before we were about to leave if she wanted to feel our clothes and she said no, and we went outside and waited and he came out and took us down again.

Q Did anybody ask you if you assaulted Mrs. Massie?

A Yes, Mr. Wight and some other officers.

Q Were you questioned by the Federal officers too?

A Over at the police station the fellow Wood;

MR. HEEN: That is the United States District Attorney -

Will you admit it, Mr. Wight?

MR. WIGHT: Yes.

Q Did you admit to anybody at all, any officers of any kind, that you assaulted this Mrs. Massie?

A No.

Q Did you assault Mrs. Massie at any time?

A No.

Q Did you see Mrs. Massie at all on Saturday night or Sunday morning?

A Sunday afternoon was the only time I saw her and when she came here.

Q That was the first time you saw Mrs. Massie?

A First time.

Q Were you down on Ala Moana Road any time Saturday night, September 12th, or any time early in the morning of September 13th?

A No.

Q You are sure of that?

A Sure.

Q Did any officer or any prosecuting officer ask you to testify against the other boys, to confess and testify against the other boys?

A No officer told me that, but Mr. Stafford told me that at the time I was in jail.

MR. WIGHT: I move to strike the last part of the answer.

THE COURT: Motion granted, and that part of the answer will be disregarded.

Q Did Mr. McIntosh show you any beads?

A Yes.

Q What did he say to you when he showed you these beads?

A He said "These beads were found in your car."

Q In what car?

A In Ida's car.

Q And what did you say?

A I said "No, it can't be."

Q Did he tell you those were the ^{beads.} boys that belonged to Mrs. Massie or belonged to a white woman?

MR. WIGHT: Objected to as leading.

(Question withdrawn)

Q What did he tell you in connection with those beads when he talked about the beads?

I don't remember whether he said those beads were for the woman or what, but he said "Those beads were found in our car, and I told him "it can't be".

Q After you saw Matsumoto and Robert Vierra the last time you saw them on that Saturday night or early Sunday morning, at the time you turned up Fort Street, had you seen them again before you told the officers that you were following that car on Saturday night?

A I didn't see them.

Q Never talked to them at all?

A Never.

Q Did you have a chance to talk with these other

defendants at any time before you made your statement to the officers?

A No.

Q Were you taken to the Emergency Hospital by Mr. Finnegan?

A Yes.

Q Do you remember on what day that was?

A It was on Monday or Tuesday. I don't know for sure which day.

Q And were you examined by Dr. Mossman?

A Yes.

THE COURT: I think, Judge Heen, we had better adjourn until Friday morning. I think everybody is pretty tired. It will be sometime, I guess, before the case is finished. We will recess until Friday morning at 8:30.

(Adjourned to Friday, November 27, 1931, at 8:30 o'clock a.m.)
