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

TERRITORY OF HAWAII,

vs.

BEN AHAKUELO, HENRY CHANG, JOSEPH
KAHAHAWAI, JR. HORACE SHIMITSU IDA,
and DAVID TAKAI,

Defendants.

The above entitled matter came duly on for further
hearing on Friday, November 27, 1931, at 8:40 a. m.,
all parties being present as before, and the following
further proceedings were had and testimony taken:

(Stipulated the defendants and the jury all
present.)

DAVID TAKAI,

a defendant, resumed the stand for further examination
and testified as follows:

DIRECT EXAMINATION (continued)

BY MR. HEEN:

Q Did the Doctor examine your private parts?

A Yes.

Q I will ask you whether or not you left your under-
clothes there?

A Yes, we left them at the hospital.

Q At the Emergency Hospital?

A Yes.

Q And did you have union underwear on or a short and

shirt?

A Yes, short and undershirt.

Q You left both there?

A Both

Q And were those the same shorts and undershirt that you had on Saturday night, September the 12th, 1931?

A Yes.

Q Now, Mr. Takai, did you go to the hospital at all, either on Sunday or a few days after that, to see Mrs. Massie?

A No.

Q They did not take you there at all, at the Queen's Hospital?

A No, they did not take me.

Q To be identified?

A No.

Q They did not. I don't know whether you testified to this or not: At the time you were taken to Mrs. Massie's home in Manoa together with Henry Chang, Joe Hahahawai and Ida did Mr. Finnegan go in first and leave you boys outside?

A Yes, when we got there to the house, to Manoa.

Q And how long did he stay in Mrs. Massie's house, before he came out and took you boys in?

A About five or ten minutes.

Q I don't recall whether I covered this point:

If I have will you tell me, Mr. Wight, Did you tell

the officers after you were taken to the police station how you went home from Waikiki Park?

THE COURT: You may answer that.

A You mean from Kauluwela Park?

Q No, from Waikiki Park, that Saturday night, or early Sunday morning, after the dance, after you were brought to the station,- after you were brought to the station, when you were examined and questioned by the police officers, or by Mr. Wight, did you tell them how you came home that night?

A Yes, I told them.

Q And what did you tell them about that?

A Well, I told them from Waikiki Park we came home to town, to John Ena road and Kalakaua, up to Beretania, and I told them about,- they asked me if I saw anybody come out and I told them about this Vierra boy and the Matsumoto car and they say I liar.

Q Who said you are a liar?

A Between Mr. Wight, McIntosh and Wood and somebody else.

Q You mean Sanford D. Wood, the United States Attorney?

A I think that is him; I don't know.

MR. HEEN: Will you stipulate he is referring to the United States District Attorney, Mr. Wight?

MR. WIGHT: Yes.

Q And did the officers at any time after you were

arrested and while they were investigating this case and asking you questions tell you about the beads that were found?

A McIntosh told me that.

Q What did he say about the beads?

A Well he said these beads was found in your car and I told him it cannot be because we did not have no woman there.

Q I think I covered that the other time. Now on this Saturdaynight you stated that you went out to this dance on Ida's car and that you and Ben Ahakuelo went into the dance?

A We went into the dance.

Q And I will ask you whether or not from the time you got there and went to the dance you saw Benny there up to the time,- that is from time to time up to the time you people left there?

A Seen him off and on, sometimes.

Q Off and on?

A Yes.

Q Now after the time you saw Bob Vierra and Tatsumi Matsumoto on that Saturday night, travelling along Beretania street, on your way back from the park, did you talk to Tatsumi Matsumoto or Bob Vierra at all before you made your statement?

A No.

Q Did you talk to them at all for a week or so after that?

A No.

Q Now do you know these two girls who came here to testify, Sybil Davis and Margaret Kanae?

A Well, I know them now though.

Q You know them now?

A Yes.

Q But at that time did you know them?

A No.

Q Did you see them for two or three weeks after you were arrested?

A Not for two or three weeks later than that?

Q Later than that. The first time when you saw them was very much later than that?

A Yes.

Q So between the time you were arrested,- No, between the time you last saw Tatsumi Matsumoto and Bob Vierra on that Saturday night along Beretania street you hadn't seen or talked to these two girls at all?

A No.

Q Up to say two or three weeks or even later than that?

A No.

Q And during all the time that you people, you boys, were being investigated and questioned, I will ask you whether or not you boys were allowed to get together or were kept separate?

A We were kept separate.

Q All the time?

A All the time.

MR. HEEN: There is one more question that I must ask

him provided I lay the foundation first, and that foundation I am afraid I will have to get through Mr. Wight, unless he agrees to stipulate as to those facts. I don't like to ask him in the presence of the jury.

THE COURT: Just ask him privately.

(Mr. Heen confers with Mr. Wight)

MR. HEEN: In order to obviate the necessity of calling Mr. Wight to the stand, if the Court please, I will call on him to stipulate.

MR. WIGHT: I will stipulate, your Honor, I went to Mr. Stafford, who was formerly this man's, that defendant's attorney, and I told him that in as much as Mrs. Massie had not identified this defendant, if he would turn State's evidence against him I would either nolle prosequere the case against this defendant, or move for a suspended sentence for this defendant.

MR. HEEN: That is, if he would turn state's evidence against the other defendants?

MR. WIGHT: Yes.

MR. HEEN: Will you so stipulate?

MR. WIGHT: Yes.

Q Did you have a talk with Mr. Stafford along the line stated by Mr. Wight just now?

A Yes.

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

THE COURT: There is nothing before the Court. He has answered "Yes".

MR. WIGHT: I move to strike the answer.

THE COURT: All right, the motion to strike will be granted for the purpose of the objection.

(Argument)

MR. HEEN: We submit that what he told them under these circumstances is evidence tending to show innocence on the part of this defendant.

THE COURT: What the witness told who?

MR. HEEN: What the witness told Mr. Stafford, in other words, it is a consistent denial of his guilt and the guilt of these defendants. It is just the opposite of an admission.

THE COURT: Do you propose as the next question to ask the witness what he told Mr. Stafford:

MR. HEEN: Yes.

THE COURT: That clearly would not be admissible.

I have no objection to letting that answer stand.

I will let that answer stand, that that was communicated to the witness.

Q Did you at any time agree to turn state's evidence?

A No.

MR. WIGHT: I object to this question and I move the answer be stricken and the jury warned to disregard the answer.

THE COURT: Did you have any other further questions

you intended to ask along this line?

MR. HEEN: I was going to ask "Why?"

MR. WIGHT: If you wish to stop here I will agree to leave that answer "yes" in; if you will stipulate you will stop that line of examination.

THE COURT: That is immaterial. I will let that answer stand. I think I should first explain to the jury what a stipulation is. I am not sure they know just what that word "stipulation" means.

I think once or twice, or perhaps three times, in the course of the trial thus far the attorneys have entered into what they call a "stipulation" and that means, in legal effect, that it becomes part of the evidence in the case the same as if evidence were adduced to that effect, and permitting these answers to stand, with reference to the subject matter involved, or for that matter, any other evidence that is admitted by the Court during the course of the trial, either by the prosecution or for the defendants, you must not misunderstand the effect of that from the standpoint of the Court. It does not mean, from the standpoint of the Court. that when the defendants' objections are overruled and the prosecution's evidence is admitted that that is an indication by the Court that that evidence should be believed, or when evidence on the defense is introduced that that evidence should be believed. You understand

first, last and always it is the jury that decides what the evidence in the case shows. That is to say, you are the triers of the facts. The duty of the Court is merely to determine what evidence may be received and what must be rejected as a matter of law. I don't know that I explained that feature of the case to you. It is for you to reach your conclusions, not for the Court to say what your conclusion should be. All right, proceed.

CROSS EXAMINATION

BY MR. WIGHT:

Q. Now you said that you were kept separate all the time while you were under arrest?

A Well, we were held for investigation.

Q But weren't you down in the jail yard together or wasn't there a mistake made down in the jail yard and you all got together in the jail yard?

A That was after we were charged.

Q Oh, no.

A Yes, it is after--

Q Didn't Mr. Gleason go down there and give orders you were not to be kept together and somebody made a mistake and you were together before you were charged, -wasn't that before?

A No, before we were charged we were locked up in the cell.

Q Now Monday morning, this Monday, the day after

the Saturday when this rape occurred, weren't you together in the jail yard down there when Mr. Silva came down and gave you boys a package of cigarettes?

A Well, that was in the morning, in the morning when the wagon came to take us down.

Q You were together in the jail yard?

A Well, we have to eat.

Q You were together, weren't you? Will you please answer the question?

A They did; we got to be together when we were going in the wagon.

Q You were together in the jail-yard were you not?

A Yes.

Q What did you mean a minute ago when you said you did not get together until after you were charged?

A There was officers with us.

Q You mean officers in through there, walking through and guarding while you eat?

A Yes.

Q No special officer was with you?

A Well, they tell us not to talk.

Q Each time you ate up there you were together?

A What did you say?

Each time you ate up there you were together?

A When we eat over there?

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Q Yes.

A No, we eat in our cell.

Q But this one time you were together?

A Well, I don't know.

Q Didn't you say a little while ago you were?

A Well, I don't know if that is the time he came down. I remember though that day I think he came down.

Q He gave you a package of cigarettes?

A He didn't give me no cigarettes?

Q He gave some of the boys cigarettes?

A I think so he gave, but I am not sure about that.

Q Then when you said you never got together or didn't get together, that was a mistake?

A Well, when we came in the car.

Q When you said you never got together in the jail with these boys that was a mistake wasn't it?

A Well, down there, yes.

Q Are you working?

A Not now.

Q When did you last work?

A Down at the cannery.

Q When did you work there?

A August.

Q How long did you work there?

A Oh, about the season, about two months.

Q Did you work any other time this year?

A No.

Q Did you work last year?

A Yes.

Q How long, two months?

A Yes, about that.

Q And the other ten months you did not work?

A Well, I can't get a job.

Q What about the year before last, when times were good, did you work?

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

Q You don't remember whether you worked a year before last, you can't remember whether you worked then?

A No.

Q Now about 6:30 on the night of September 12th, that is Saturday night, 1931, what were you doing?

A I was down near that undertaker parlor up by Kukui Street.

Q What were you doing there?

A I was standing there.

Q What else?

A Well later on a friend of mine came and we got some beer.

Q Where did you get the beer?

A In the Filipino house.

Q A booze joint ?

A I think so; I don't know.

Q Did you pay for it?

A Yes.

Wanted

Q How much beer did you have there?

A Well, I can't say how much.

Q You mean you drank so much you have forgotten, or you can't remember?

A I can't remember.

Q How much more drinks did you have that night, outside of that you have just told us about?

A Well, over to Correa's place.

Q How much did you have there?

A Well, just a pint of beer.

Q How many bootleg joints did you go to that night?

A That is the only place.

Q Who were you there with?

A Well, this other boy, Buster and I, were there first, and Benny came along and Ida came last.

Q Did Benny drink something?

A Well, he drink a few drinks.

Q A few drinks of what? What of?

A Beer.

Q What did Ida do?

A He took some.

Q Some beer too?

A Yes.

Q You were not invited to this lauau?

A No.

Q You were just hanging around that place for a free hand-out?

*Hanging around
at lauau*

AA No, we didn't go over there to get anything there.

Q What did you go for?

A I don't know. I happened to be on the car and I went over with them too.

Q Did you get out of the car?

A The first time.

Q What for?

A Well, we just went in the yard.

Q What did you go in the yard for?

A I don't know why I went in there.

Q You don't know why?

A No.

Q Now in your written statement,- you know this statement that this lady wrote up there,- Do you remember a stenographer that wrote down a statement that you made?

A Yes.

Q That was correct, what you said at that time, that night, or not?

A I don't know.

Q What?

A I don't know if it is correct or not, because that was a long time; I don't remember.

Q How do you remember what else happened that night if you don't remember that:

A Well, I don't know what she said over here. I know she said something about me.

Q Didn't you listen to her when she was talking?

A I can't remember too.

Q At the time you listened to it did you think it was correct then?

A Yes, that is what I think.

Q Why didn't you put in that written statement the fact that you saw Matsumoto's car?

AA I told you this and she was taking down the thing, but I don't know why she did not have the thing in there.

Q You heard her say she took down everything that was said before her,-everything that was said while you were there she put in that didn't you?

A What is that?

Q You heard her say she took down everything that was said while you were there and put in that statement, didn't you?

A I don't say everything; she said something about what I ~~was~~ said; I don't know if that is all I said.

Q Why didn't you put in the fact you saw Matsumoto's car in the written statement?

A I told you this matter and you told her not to take it down.

Q I told her not to take it down?

A I don't know, maybe somebody else.

Q You heard that remark?

A Yes.

Q What else did you hear somebody say not to take

down?

A I don't know, but you folks,- somebody, told the woman "Don't take this, ~~that~~ is all right."

Q She said she took everything down?

A Well, I don't know.

Q You don't know whether you heard that or not?

A Said what?

Q You don't know whether you heard that or not, "not to take it down", or not?

A Well, I heard that.

Q When did you first see these girls in Matsumoto's car as you drove down Alakaua Avenue?

A As we went out Waikiki Park?

Q What?

A As we went out Waikiki Park?

Q Well, I mean on the trip down in the car, where did you first see them?

A As we went out Waikiki Park,

Q All right. We will get you over to Beretania street.

A Yes.

Q You have driven as far as Beretania street. You saw the girls all the way down in that car?

A Well, I saw them.

Q You saw them, you are sure of that?

A Yes.

Q You could see them through these boys' backs?

A Yes, two parties.

*Said to
saw girls
- I saw
- I saw
- I saw*

Q You could see them through these boys' backs, Vierra's and the other boy?

A No, they stay down; they not the same height with the other.

Q Didn't the boys say they were sitting on the top that was down?

A I don't know where they were sitting; they were sitting in back, but I could see

Q You could see the two girls through the boys' backs?

A Not through their backs. You could see for they stayed down.

Q Didn't they state they were sitting on this top facing backwards?

A I don't know where they were sitting but they were sitting in the back.

Q They were sitting in the back?

A Facing their back towards the front.

Q How could you see these girls through these two men?

A I didn't have to see them through these two men. You could see them.

Q Did you listen to the testimony of Vierra and that other boy here, Silva, in which they said they were sitting on this top facing backwards; the top was down and they were sitting on it facing backwards?

A Yes.

Q That put them at a higher elevation than the

girls, didn't it?

A I don't know, but I seen them.

Q You saw them, you are sure you saw all of them there?

A The two boys and two girls and Matsumoto.

Q You could recognize them too? You could recognize them and you knew who the girls were?

A Not until later on. I don't know those two girls.

Q But I mean you could see enough of their heads and see their faces to see who they were, although you didn't know them?

A I didn't take notice, but I know two girls; I can tell the difference between a boy and a girl.

Q Now you say you heard Ben ask Vierra for a match.

Q Not Ben, Henry Chang asked Vierra for a match.

Q Didn't you say in your other testimony you heard Benny asking for a match?

A No.

Q You did not?

A No, I did not.

Q What did you hear Ben say:

A Ben said to Chang.

Q Yes.

A He said where he was going.

Q Now did you see Vierra give Chang a match?

A Yes.

Q You saw Vierra give Chang a match?

A Yes.

was it because Chang had lost his package of matches down on the old quarantine station?

Q We did not go out Ala Maana.

q Answer that "yes" or "no".

MRE. HEEN: That is an answer, if the Court please.

MR. WIGHT: I want it answered "yes" or "no".

a I want you to read that.

(Question read by the reporter)

a "o.

q Now when Mr. McIntosh said these beads were found in the car what did you say?

a I told them it can't be because we don't have no woman in the car that night, no woman was on our car.

q How did you know at that time these beads could not have been found in there, that maybe these beads belonged to 'da's sister?

a I don't know. McIntosh said the beads were found in the car and to my mind maybe he thought there was a woman on the car coming from Waikiki Park, and I said "Can't be, because no woman was on the car."

q You said "No, they couldn't be in the car," didn't you?

a I said "can't be".

Q You said "No, it can't be", that is what you said, isn't it? You said "No" and then you said "It can't be"?

A That time McIntosh told me?

q Yes?

a Well, maybe I said that to him; I don't know.

q How did you know these beads were not in the car?

a That is what I told him, see; maybe he thought there was a woman in the car.

q You also told him "No, it can't be"?

a Maybe, maybe I told him.

q How did you know they had not been there a week or so, been put in there by somebody else?

a Well, I don't know, but that thing, that is what I was saying.

q You said you heard somebody, while you were in there, while we were taking this statement, you heard somebody tell the stenographer not to take it down. Who was that?

a I don't know.

q You don't know?

a I don't know who it was.

q You know I was there, don't you?

a Yes.

q You know Mr. Silva was there?

a Well, when I saw Silva the shorthand writer was there too, the woman was there too.

q Mr. McIntosh was there/

a Yes, maybe he was; I am not sure he was there.

q And I did the questioning, did I not?

a Not only you; they asked me questions too,

q I asked most of the questions?

a Maybe you did. I can't say you asked more questions than the other fellow; I don't know

q Didn't I ask most of them, and ^{the} McIntosh ask a few?

a I don't remember about that, who asked me most, but I remember you asked me some questions.

MR. HEEN: Will you stipulate as to the time this took place?

MR. WIGHT: I will stipulate the stenographer got down there, as near as I can say, about ten or eleven o'clock Sunday night. It might have been as early as 9:30, but I think it would be around 10:30, possible. We questioned one boy after the other, with the stenographer there, and they were taken in there but I do not know how they came in turn, though.

THE COURT: All right, proceed.

q Have you ever been convicted of a crime?

a Well, I was fined five dollars for fighting.

q What about gambling?

a I was not fined in gambling.

REDIRECT EXAMINATION

BY MR. HEEN:

q Now at the time you said you were in jail they kept you in separate cells, is that it?

a Yes.

q Until you were charged?

a Until we were charged, and if I am not mistaken

it was after we were charged then Mr. Silva came down,- I don't remember about that; I don't know when he came down, but I remember seeing him.

q When he came down and gave one of the boys some cigarettes you boys were together then?

a Yes, and if I am not mistaken it was the guard Kahane, and he said he felt sorry for us; that is what the guard told us here.

q Never mind about that. Did you make your statement before you boys were allowed to get together?

a Yes, we did.

q You had already made your statement?

a Yes, already made.

q Now was that the only time you were asked questions and you answered questions, when the stenographer was there on that Sunday night,- was that the only time they asked you questions?

a No, that was not the only time; they asked me questions a couple of times; I don't know how many times. They asked me not only one time.

q They asked you not only one time, they asked you during that afternoon, after you were arrested--

MR.WIGHT: Objected to as leading.

q All right. When did they ask you the questions?

a I think it was Sunday night, I think, or Sunday or Monday, - I don't know, somewhere in there.

q Did they ask you any questions before the stenographer was called?

a I think they did.

q Did they ask you questions, these different officers ask you questions, after the stenographer was called?

a Yes. Later on they asked us question again, and I told them the same things, and they said "Oh, you folks lying, I think; you go up there until you make up your mind."

(Witness excused.)

JOHN JARDINE,

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

DIRECT EXAMINATION

BY MR. HEEN:

q What is your name?

a John Jardine.

q And are you a detective connected with the Honolulu police department?

a I am.

q How long have you been such?

a About six years.

q About six years. Now on the early morning of September the 13th 1931 were you on duty?

a I was.

q Where?

a At the police station, detective bureau.

q And was Mr. Mc Intosh there at that time?

a He was not there when I got this call.

q When did you get the call?

a About 1:47, a. m.

q How do you remember that date so exactly?

a Because Captain McIntosh called me up and explained to me that a woman at 2850 Kahawai street had been assaulted.

q That is 1-40 what?

a 1:47 or 1:48, a.m. on the morning of September the 13th.

q Who told you that?

a Captain McIntosh, he called me up.

q What do you mean by calling you up?

a He phoned me, up from downstairs,-the office was downstairs at the time.

q It was at the receiving office, is that it?

a I believe so

q And you were upstairs?

a Yes, sir.

q Did you make a note of that, 1:47?

a Well, I learned it from the log later, a few minutes later, the next morning.

q From what log?

a The radio log.

q And when you refer to the radio log do you mean this log here, this defendant's Exhibit 8, in this case? Do you mean that?

a Yes.

q Where is that memo as to that?

9/13 as in report(?)

a (Witness indicates on exhibit?

q That is "Call 1:50"?

q Well, by the time I got the call and walked over to the radio room.

q I notice this ~~has been~~ written over. Did you check up with the record in the receiving station?

a No, I did not.

q You did not?

a No.

q Do you know how it happens that this 1:50 is written in ink over what appears to have been type-written?

a I don't know about that.

q You don't know anything about that. So that when you got the information about this assault case from the Captain on watch at that time you went over to the radio office?

a Yes.

q And it was at that time that the call was sent out, is that it?

a Yes.

q Do you remember the call that came in about the Peeples' car, Mrs. Peeples' car?

a Well, I was upstairs when I heard a woman make a complaint downstairs.

q You heard from upstairs?

a Yes.

q Did you check up on that?

a At the time?

q Check up on that complaint made by that woman?

a Well, it was broadcast direct by Rickard.

q By Rickard?

a Yes, and at the same time I heard his voice outside, you see.

q Was that broadcast first, or was this assault matter broadcast first?

a The Peeples' case was broadcast first.

q And the number was broadcast, the number of the car, that was suspected at that time in connection with the Peeples' complaint, - was that broadcast, so far as you know?

a So far as I know, yes.

q Did you get the number of that car?

a Because about two minutes after that call was sent I went in and asked Rickard what it was all about.

q You got the number?

a He just told me that.

q What number did he tell you?

a 58-895.

q What time was it that Rickard told you about the number of the car involved in the complaint made by Mrs. Peeples'?

a Well, about two minutes after I heard him broadcasting that call I walked over to the room and I asked him how about it, and then later on I found that to be in the log, to be about 1:50a.m., -12:50 a. m.

Peeples report

q Did you go up to Mrs. Massie's home in Manoa?

a I did after I received the telephone call from officer Furtado.

q What time did you get a telephone call from officer Furtado?

a Oh, I believe about five minutes after the call was sent out in regard to the Massie case.

q And did you tell Furtado at that time the number of the car that was suspected in the Peeples' case?

a I did not. He called me up.

q He called you up?

a And he explained to me the circumstances of the case, saying that a woman had been assaulted on the Ala Moana road by four or five boys in an old Ford touring car?

q An old Ford touring car?

a That is what he told me over the telephone.

q Did he tell you at that time the number of the car that was suspected in the Peeples' case?

a He mentioned me no car number.

q And what time did you go up to Mrs. Massie's place?

a About a minute after receiving that call I went to the radio room and asked officer Seymour if he wanted to accompany me up there and he said "All right".

q Officer Seymour?

a Seymour, yes.

q And what time would that be when you arrived at Mrs. Massie's home?

a Well, I went downstairs and I turned to my left and I saw Captain Kashiwabara sitting on the chair outside, and I told him to make every effort to have his men pick up car 58-895; then as I proceeded towards the garage I again happened to glance to my right and I saw Inspector McIntosh and Finnegan running by on Alakea street---

q My question was, What time did you get up at Mrs. Massie's; I have not asked you about these other things.

a Oh, a little after two,

q A little after two o'clock

a Yes.

q Did you understand my last question?

a Yes, what time I got up Manoa, yes.

q Did you understand that?

a Yes.

q Then why did you talk about something else instead of answering the question?

MR. WIGHT: Objected to as trying to impeach his own witness.

MR. HEEN: I will withdraw that.

THE COURT: Proceed, Judge Heen.

q How long did you stay there, Mr. Jardine?

a Maybe three minutes.

q Then what happened?

a You mean what happened up there.

q No, after you stayed there three minutes?

a I stayed about three minutes.

q After that what happened?

a I took the woman to the Emergency Hospital.

q Now what time was it that you got to the hospital with this woman?

a About 2:30 a. m.

q 2:30. That was Mrs. Massie, was it?

a Yes.

q And in what car did she travel from her home to the Emergency Hospital?

a In one of the cars assigned to our Bureau, either 307 or 308, a C. & C. car.

q Who was driving that car?

a I was.

q And was Mr. Seymour still with you?

a Yes.

q Did you have any naval officers with you?

a We had Mr. Massie with us.

q Anybody else?

a That is all, the four of us, is all.

q And what became of radio patrol car in charge of William Furtado, detective?

a I don't know what became of them up there.

q Did they follow you down to the Emergency Hospital?

a I don't know whether they did or not.

q Now you said you spoke to Mr. Finnegan about this car Number 58-895?

a Captain Kashiwabara

q Also Mr. Finnegan?

a I didn't talk about no number, not to Finnegan.

q Then how long did you stay at the hospital?

a Until she got through being examined by the doctor.

q About what time did the doctor get through?

a About three o'clock.

q Now at that time, at the Emergency Hospital, were there any naval officers there?

a I saw some. I don't know if they were naval officers. They were dressed in vivialian clothes, and some women were ther.

q About how many men were there?

a I could not just say; I was not interested.

q Several?

a Several, yes.

q Several ladies, white ladies?

a I remember seeing about two.

q Were they acquaintances of Mrs. Massie?

a Sir:

q Were they acquaintances of Mrs. Massie?

a I don't know.

q And Mr. Massie was there?

a He was the e.

q What became of Lieutenant Franson?

a When I left, before I left the Manoa home, I ordered him to be taken to the police station, because

he was already in the patrol wagon there.

q Did you and Mr. and Mrs. Massie go to the police station yourselves on your car?

a Yes.

q And at the police station were there many civilians there, -naval officers?

a I really don't know how many were there. I think they came down in another car from the Emergency Hospital.

q Well, were there several of them?

a I wasn't paying attention to that.

q Were there any there?

a I believe I saw some there.

q Now at the time you left the Emergency Hospital, - I will ask you whethr or not you noticed Furtado there at the Emergency Hospital with the radio patrol car that he had charge of at that time?

a I know there was a radio car parked below, but I don't know which radio was that; there was so much people there, they were coming there with other calls, and were there outside; I really didn't pay attention; I was more interested in the other case.

q In what case:

a In the Massie case, the case I was out on.

q Oh, that case.

CROSS EXAMINATION

BY MR. WIGHT:

q Mr. Jardine, when you went up to get Mrs. Massie

to go to the hospital did she want to go to the hospital or not?

a She did not want at first.

q What made her go?

a Then Mr. Massie was there and I told him to persuade her to go to the hospital, it was of utmost importance.

q She at first refused to be taken there?

a She said she did not want to go.

q Did she say she did not want this matter brought out in public or wanted to keep it quiet?

a She did not say that to me.

q She just said she didn't want to go to the hospital?

a That is all.

(Witness excused.)

(Recess)

WILLIAM FURTADO

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

DIRECT EXAMINATION

BY MR. HEEN:

q What is your name?

a William Furtado.

q Are you a detective connected with the Honolulu Police Department?

a Motor-cycle officer.

q How long have you been in the police department?

a A little over three years.

q Now on Saturdaynight, September the 12th, or early Sunday morning, September the 13th, of this year, were you on duty?

a I was.

q On a motor-cycle?

a On an automobile

q Radio patrol car?

a Yes.

q Were you in charge of that radio patrol car?

a I was.

q And while on duty early Sunday morning I will ask you whether or not you got a call over the radio, with reference to car number 58-895?

a I did.

q What time was that?

a About 12:50 a. m.

q And where were you at that time?

a I don't remember.

q Did you make a note of it?

a I made a note of the number.

q On what did you make a note?

a On my note book.

q Where is the note book?

q I haven't got it.

q Where is it now?

a I don't know.

q When was the last ime you saw that note-book?

a About a week after I wrote it.

q How many times did you hear the number called that day, when it was first send over the air?

a I don't remember.

q Do you have a poor memory?

MR. WIGHT: I will object to him impeaching his own witness, your Honor; this is his own witness.

THE COURT You may answer that question. It is not impeachment. What have you to say to that?

a They usually repeat the number two or three times and I don't know whether it was three times or two times.

q Did you respond to that call?

a Which call?

q The radio call giving you that number?

a I went on a lookout for the car.

q My question was, did you respond to that call?

a I did not.

q Did you telephone in to the radio headquarters that you received that call?

a I telephoned in that I received the car number.

q You received the car number by call, didn't you?

a I did.

q You didn't understand my question, did you?

a I thought you referring to whether I went to the call.

q No, no.

q We received the car numbers from the radio and to

be on the lookout for the car.

q Then did you report back that you received that number?

a Yes, I did.

q Where were you when you reported back to the radio office at the police station that you had received that call?

a I don't remember.

q Did you make a note of that?

a I did not.

q And about what time did you report back that you had received that call?

a Immediately after I received it.

q What do you mean by immediately afterwards?

a About five minutes after I received it.

q And where were you at the time you reported?

a Where?

q Where were you at the time you reported to the radio office that you had received the car number?

a I don't remember.

q Now while you--Will you look at this log sheet, this log sheet says "about 1:30 W. Furtado and G. Harbottle, radio car Number 1, reported in from Beretania street and Fort street". Now would that assist you in recalling from where you made that report and the time when you made that report?

a Yes, I remember now, Beretania and Fort.

q Beretania and Fort street, and at 1:30?

a I don't remember the time.

q You don't remember the time. Now did you, while on this radio car, receive from the radio office a message with reference to the Ala Moana case, the assault there?

a I did.

q What time was that?

a About 1:50.

q How do you remember that?

a I looked at my watch.

q Did you make a note of that?

a I always look at my watch when I have a call.

q My question was "Did you make a note of that", not did you look at your watch?

a I did not.

q You did not. And you always look at your watch, you said. At the time you sent in this report that you had received this car number 58-895 did you look at your watch?

a I did not.

q So is that a mistake that you made just now, that you always look at your watch?

MR. WIGHT: Object to the question; he asked him in the first place if he looked at his watch when he received the report; he didn't say he looked at it when he reported back.

MR. HEEN: ¹ will withdraw that question.

q Now did you send any reply to the radio office that you had received the message about this assault

on Ala Moana road?

a I did.

q When did you do that?

a A little after receiving the call.

q About what time?

a About 1:50, about 1:50.

q Where were you at that time?

a Alapai and Punchbowl.

q Was there a telephone right there or a police box?

a A police box a block away.

q And then after you reported back that you had received that message what did you do?

a Proceeded to Manoa.

q To whose place?

a Mrs. Massie's.

q And you questioned Mr. Massie up there, did you?

a I did.

q And made a report on it, did you?

a I did.

q And made a report on it, did you?

a I did.

q Mr. Furtado is that the report that was made by you? (Handing witness a document)

a It is.

MR. HEEN: That was in reference to defendant's Exhibit "4")

q Is that the only report that you made of your work that was performed by you at Mrs. Massie's house?

a I made another report.

q Is that report any different from this?

a Slightly.

q In what respect?

a May I look at that again?

MR. HEEN: May I have the other one?

MR. WIGHT: No. It is a report of your own witness.
Certainly I won't give it to you.

WITNESS: In my other report I did not put in she said
an old Ford,- "an old model Ford or Dodge touring" and
in this report I did

q Any other difference that you recall?

a No.

q You don't remember?

a I don't remember.

q And if you were to look at the other report do
you think you could remember then?

a Maybe I would.

MR. HEEN: Will you hand that report over or not?

MR. WIGHT: No. It is your witness, Mr. Heen. I don't
see why I should help your witnesses out.

THE COURT: There is nothing before the Court. Proceed.

q About what time was it when you reached Mrs.
Massie's home?

a About 2 a.m.

q And who was with you at that time?

a George Harbottle.

q And did any other officer join you later?

a At the house.

q Who?

a Officers Nakea, Bettencourt, Jardine, officer

Simerson, - before we got to the house we met officer Simerson.

q Then officer Simerson went along with you?

a On his own car.

q On his own car, and Waka and Bettencourt came afterwards?

a Yes.

q About how long afterwards?

a About twenty minutes.

q Then when did Jardine get there?

a About the same time as Bettencourt and Waka.

q Did you have any conversation with Jardine about car number 58-895. there?

a Over the telephone.

q Over the telephone. Who called, - Did you call Jardine or did Jardine call up there?

a I called Jardine.

q And what was said about that number?

a I don't remember.

q Well, as near as you can remember it?

a I can't remember.

q You said Jardine mentioned, - on your telephone conversation with Jardine something was said about this number. Now tell this jury as near as you can remember it what was said?

a I did not tell Jardine about the number. I told Jardine that it was a serious case up here, to come up.

q You just said a little while ago that there was a conversation about the number with Jardine over the telephone?

a I did not.

MR. HEEN: Mr. Reporter, will you please go back and read that answer.

(Question and answer read by the reporter as follows: "Did you have any conversation with Jardine about car Number 58-895 there"?
Answer: "Over the telephone".)

a Now, what is your answer now, having testified that you did have a conversation with Jardine about car 58-895? Now what was that conversation, as near as you can remember it?

a I don't remember.

q How long have you been a detective?

a Im a motor-cycle officer.

q Doing detective work too?

a Detailed as a radio patrol

q All right. What time did you leave this Massie home?

a About 2:30

q And where did you go?

a To the Emergency Hospital.

q Who did you have on your car at that time?

a George Harbottle, Fred Vickery, that is all.

q Any naval officers?

a I don't think so.

q All right. Then how long did you stay at the Emergency Hospital?

a About ten minutes.

q When did Mrs. Massie leave there?

a After I left.

q After you left. Now did you go into the hospital?

a I did not.

q You remained outside on the radio car?

a I remained outside.

q With whom?

a With George Harbottle.

q With Harbottle. Were there any naval officers inside there?

a Some outside .

q Some outside. Near your car?

a Yes.

q All right. While you were there was there a message over the radio announcing this same car, number 58-895.

a There was.

q You could hear it clearly?

a Yes.

q And those people around there could hear it clearly?

a Yes.

q How many times was that number repeated over the radio and received in your radio patrol car at the Emergency Hospital?

a About two or three times.

q About how far from that speaker can you hear the announcement through that speaker?

a Oh, fifteen or twenty feet.

CROSS EXAMINATION

BY MR. WIGHT:

q This announcement you heard there at the Emergency Hospital, Mr. Furtado, that was about the Peoples' case, wasn't it, when you were at the Emergency Hospital?

a Yes.

q Nothing was said about the Massie case, referred to at that time in connection with that car?

a There was not.

q Do you know what the radio said?

a It said that that car had been picked up.

q That the car had been picked up?

a Yes.

q Or did it say to be on the lookout for that car?

q It said the car had been picked up by officer Cluney.

q That was about 2:50 then, wasn't it, or three o'clock?

a Yes, near three o'clock anyway.

q Was anything said at that time about how many boys were in the car or the nationality or anything, over the radio?

a Nothing.

q Nothing said about that, only that that car had

been picked up?

a Only that the car had been picked up.

q Was there anything said which would show that those persons were of Hawaiian birth or of Oriental ancestry?

a Repeat that?

q Was there anything said at that time which would show that the people picked up,- anything said over the radio at that time, up at the Emergency Hospital about that the occupants of car 58-895 had been of Hawaiian birth or of Oriental ancestry?

a No.

q Was there anything said as to the reason why the car was picked up?

a Nope.

q Then as far as you know the message came in the same manner that a message for a stolen automobile would have come in at that time, up at the emergency hospital?

a Yes.

q Just the same as if they were reporting a stolen automobile?

a Yes.

q The telephone in the Massie house, that was out in the hallway leading to the bedroom, was it not?

a Yes it is.

(Witness excused.)

HANS KASHIWABARA,

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

DIRECT EXAMINATION

BY MR. HEEN:

q What is your name, please?

a Hans Kashiwabara.

q And you are connected with the Honolulu Police Department?

a Yes.

q What is your office there?

a Captain or police.

q How long have you been captain of police?

a Two and one-half years now.

q And how long have you been connected with the police department?

a Seventeen years.

q On the night of September the 12th of this year were you on duty?

a I was.

q And what time did you go on duty?

a Reported on duty 10:30 p. m., - to 6:30 a. m.

q Did you receive a report about an assault case on Ala Moana Road Sunday morning, September the 17th of this year?

a I did.

q About what time was that ?

a One, - 1:48 a. m.

q Have you a note of that?

a Yes, I have.

q Where is that note?

a (Witness produces a memorandum book and refers to same) Sunday morning, September 13, 1:48 a. m. Through telephone. Woman assaulted by man."

q By a man?

a Yes.

q Where did you get this report from I mean over the telephone; who was on the other end.

a There was a man, a man on the other end.

q What name did he give you?

a He did not give me no name. He said " Will you please send a police officer to 2850 Kahawai street, Manoa, a woman was assaulted by a man.Q

q Then what did you do, Captain, after you got that complaint?

a I telephoned immediately to detective Jardine, who was in charge of the detective department at that time. He in turn had it broadcast--

q You don't know about that?

a I don't know about that.

q Before this complaint came into your office at one point forty-eight Sunday morning had you learnt of a complaint made by one Mrs. Peeples?

a Yes, I had learned--

q What time was that?

a I was out on the beat inspecting my men. I returned to the police station at one p.m. and Sergeant Kamauoha, - he is a lieutenant now, - he reported to me--

MR. WIGHT: Objected to, as to what he said.

q He made a report to you about that other matter?

a This other matter.

q At that time you learned of this number 58-895?

a Yes.

q Have you a note of that?

a I have. (Produces memorandum book)

MR. WIGHT: I will object to the introduction of that not, it is hearsay. I will object to the introduction of this' (Mr. wight confers with witness) I don't object to that going in, it is all right.

q What did he report to you?

a Sergeant Kamauoha reported to me that Peeples, this man, drove up to the police station; that his wife his wife was assaulted and struck by one of the boys in automobile 58-895 at the corner of King and Liliha street.

q Did kamauoha give you the time of the report that was made?

a At 12:45.

q At 12:45. Now after you notified Jardine about this assault case on Ala Moana road did you see Jardine before he went up to Mrs. Massie's house?

a Yes, I did. He came down from the upstairs and called my attention to make every effort to pick up automobile number 58-895

q Did he say anything to you in that connection?

a He said perhaps--

MR. WIGHT: That is objected to, your Honor, he is impeaching his own witness, Jardine.

MR. HEEN: No., we don't intend to impeach him.

MR. WIGHT: It is hearsay. He is asking about Jardine, what he said.

THE COURT: Objection sustained.

q Then after he spoke to you he went off?

a Yes.

CROSS EXAMINATION

BY MR. WIGHT:

q Captain, did this person who called you up about this assault, did he say a woman had been raped or assaulted?

a He said a woman was assaulted.

q Then in the Peeples' case they told you the same thing, is that true, that a woman was assaulted at King and Liliha streets?

a Told Kamauoha.

q In your opinion that was an identical type of assault? As far as the reports go you had no idea whether the woman up in Manoa was raped?

a No, I had no idea there was rape or not. This man over the telephone spoke to me very calmly. He

said "Will you please send an officer immediately, a woman was assaulted by a man."

q You didn't know it was a rape case at that time?

a I didn't know at that time.

q When did you learn?

a I learned afterwards.

q When did you hear of this rape--

a I learned afterwards.

q Then can you explain, if you thought it was a mere assault case, why all these officers rushed up pell-mell and all the special detectives and everything?

a When a man assaults a woman we naturally--

q Well, did you send--

MR. HEEN: Wait a minute. Let him finish his answers.

q What is that, Captain

a I immediately notified Jardine.

q Did you finish talking, now, Captain? Have you finished your answer?

a And I take no chances when an assault case comes in. I knew in my line of duty perhaps something more serious.

q Well, when the Sergeant told you about the Peeples' case did you notify Jardine about that other assault?

a Beg pardon?

q When Sergeant Kamaoha notified you about the Peeples' case did you notify Jardine about that too,

immediately?

a No, + was not in at that time.

q You were in three minutes later, weren't you?

a I came in one o'clock. I was out inspecting my men.

q Didn't you say you got the report at 12:45?

a 12:45? Oh, I got my report at one o'clock from my sergeant.

q Oh, you didn't come back until one o'clock?

a I didn't come back until one o'clock.

q Bud did you that evening, say up until you got this report at 1:48, think then that maybe the boys in this Peeples' case might be mixed up in this other case?

a Yes.

q Of your own knowledge?

a Yes.

q From your own head?

a From my own head?

q Out of your own head, yes. I am asking you if you thought of that from your own head, of your own knowledge?

a My own head.

q You thought of it from your own head; your own knowledge?

a Yes.

q Then you thought the Massie case was probably more serious than the Peeples' case had been?

a I knew this Manoa case was more serious.

q Because you thought the word "assault" in one case meant something different than the word assault in another case?

a Beg pardon?

a You thought that the word "assault" in one case meant something more serious than the same word as applied to another case?

a No,- thinking the Manoa case perhaps being a rape or assault case.

q Oh, you thought the Manoa case might be a rape case?

a At the same time I thought it may be an assault case. "A man had assaulted a woman," I figured out either assault or rape.

q Well then, if you thought that these boys mixed up in the Peoples' case might have been connected with the Manoa case, then you must have thought there was more than one man in the Manoa case, isn't that right?

MR. HEEN: Objected to, if the Court please.

a Yes.

MR. HEEN: I move to strike the answer. The witness has not stated that he thought that there was only one man in the case up Manoa; he just testified that that was the report that he got, and he has said nothing about his belief at all.

(Argument)

THE COURT: Let the answer stand.

(Witness excused.)

DAVID C KAMAUOHA,

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

DIRECT EXAMINATION

BY MR. HEEN:

q What is your name, please?

a David C. Kamauoha.

q What is your position with the Honolulu Police
Department?

a Lieutenant of police?

q Lieutenant of police?

a Yes, sir.

q How long have you been lieutenant of police?

a Just about a month.

q Just about a month. What were you before that?

a Sergeant of police.

q And were you a sergeant of police the month of
September of this year?

a I was.

q Were you on duty at the police station on the
night of September the 12th?

a I was.

q And early in the morning of September the 13th
of this year?

a Yes, sir.

q On that night, while you were on duty, did you
receive a complaint about some trouble that had
occurred on the corner of Liliha and King street?

a I did.

q Who made the complaint?

a There was a man and woman in an automobile

q What were their names?

a I didn't know their names at that time.

q Did you get the name later?

a I got the name afterwards, yes.

q What is the name?

a I was told they were the Peeples.

q Peeples?

a Yes.

q At that time did they give you the number of any car?

a They did.

q What number?

a 58-895.

q And what time was it that this man and this woman made the complaint at the police station?

a Just before one o'clock in the morning.

q Did you make a note of it?

a I did not make a note of it at all.

q You did not?

a Yes, sir.

q So you don't know just about what time it was?

a It was before one o'clock; I am sure of that.

q Did you make a report of that to your superior officer?

a Kashiwabara, I did.

q Captain Kashiwabara?

a I made a report to him when he came in.

a When he came in?

a Yes.

CROSS EXAMINATION

BY MR. WIGHT:

q What did you tell Captain Kashiwabara?

a I told the captain that I received a report from a man and a woman in an automobile that there was a bunch of boys in an automobile assaulted a woman, and it was a near accident, at the corner of Dillingham and King street.

q Did you tell him the time?

a Did I tell the Captain the time?

q Yes.

a I did not.

q You didn't tell him the time you received the report?

a I did not tell him the time because I did not look at the time.

q So that the Captain was not there when the report was made?

a No.

q And you didn't tell him any time?

a I don't tell him any time.

q You are y sure of that?

a I told him the call came in just before he came back.

q And he came back at one o'clock, didn't he?

a Just before one, or after one.

q You told him the call came in just before he came back, but you didn't tell him any definite time?

a No sir.

REDIRECT EXAMINATION

BY MR. HEEN:

q When you spoke to your Captain about this matter did you give the Captain the car number, mention the car number to him?

a I did.

(Witness excused.)

JOHN JARDINE

Was recalled as a witness for the defendants for further examination, and testified as follows:

DIRECT EXAMINATION

BY MR. HEEN:

q Mr. Jardine, when you left the police station on your way to Mrs. Massie's home, you said this morning that you spoke to Captain Kashiwabara?

a I did.

q What did you say to him?

a I told him to make every effort to pick up car 58-895 as they might be connected with this case.

q What case?

a The Massie case.

q The Massie case, Now do you recall whether or not you had a similar conversation with Mr. Furtado over the telephone?

a I did not.

q Did you have a conversation like that up there at Mrs. Massie's home of a similar kind?

a I did not.

q You did not. And did you have any talk like that with some of the officers on the way down from the Massie home to the hospital?

a I did not.

q You had charge of the investigation at that time Mr. Jardine?

a I did.

q In the absence of Mr. McIntosh?

a I did.

q And you suspected this car bearing number 58-895 might be connected with the Massie outrage?

a Yes.

q You didn't give any of those officers any instructions about that, Mr. Jardine?

a No, sir, because the Captain told me they already were notified, and I knew the radio had already broadcast it, so I knew they must know something about it.

q That they knew something about it in connection with the assault case on Ala Moana road?

a Not that they had suspicion of that, but they

had the number of the car and they knew what to do.

q You knew, Mr. Jardine, that that number was in connection with the Peeples' trouble, did you?

a Yes, car 58-895.

q And you suspected it in connection with the other case?

a After Furtado called me up and gave me the outline, then I suspected.

q Furtado called you up?

a Yes.

q And gave you an outline of what?

a Told me about the old Ford with four or five boys in it, and that is how I got suspicious.

q What else did he say?

a And he told me to go up there immediately as the case was a serious one.

q All right. How did Furtado talk to you about this number 58-895?

MR. WIGHT: Objected to, as there is absolutely nothing in the evidence that Furtado mentioned the number to Jardine, or that Jardine mentioned the number to Furtado.

q Now just what did Jardine say about that?

a You mean Furtado?

q Furtado to Jardine, yes, sir?

MR. WIGHT: Objected to, as there is ambiguity; about what, do you mean, about this matter-

MR. HEEN: About this matter of the Ford car?

MR WIGHT: I withdraw my objection.

a He rang me up and he told me that this woman had been assaulted on the Ala Moana road by four or five boys in an old Ford car, and forme to go up there immediately as the case was a serious one. I told him "all right" and I hung up.

q Did you tell him about the number of the car in the Peeples' case?

a I did not.

q Did he tell you about the number in the Peeples' case?

a He did not.

q And during all the time that you were up there you saw Nakea, Simerson, Harbottle, Furtado and you did not mention that car number to them at all?

a I mentioned no number at all.

CROSS EXAMINATION

BY MR. WIGHT:

q What year Ford is this 58-895, do you know?

a I do not know, sir.

MR. WIGHT: It is stipulated it is a 1929 model Ford, your Honor.

MR. HEEN: All right.

THE COURT: All right.

q Mr. Jardine, what were the words Captain Kashiwabara spoke to you when he reported the Manoa case to you, do you remember?

a He told me that a woman of 2850 Kahawai street

had been assaulted. He mentioned the word "Manoa"
too.

q Did he say by whom? Did he mention by whom?

a No, he did not mention by whom.

q That is, just that she had been assaulted?

a Yes.

(Witness excused.)

(Recess)

(Friday Nov. 27 10:45 a. m.)
(Jordan relieves Linn)

HORACE S. IDA

One of the defendants, 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 Horace S. Ida.
q How old are you?
a Twenty-four.
q Where were you born?
a Maui.
q Where do you live now?
a 1409 Cunha Lane, Number 4.
q With whom?
a My sisters.
q Are your parents still living?
a My mother.
q Your mother living there?
a Yes.
q Were you on the Mainland sometime?
a Yes.
q When did you go away?
a September 1927.
q When did you come back?
a Came back in 1929, February.
q Did you go back again?
a Yes.
q When?

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a Three weeks later.

q You came back on account of--

a My father's death.

q And a couple of weeks later you went back?

a Yes.

q When did you come back?

a August 21st, this year.

q When you came back that time on what boat did you travel?

a Los Angeles.

q Did you meet anybody on that boat coming back?

a Yes.

q Whom?

a Lots of people.

q Do you remember this boy Castner and the other, Christianson?

a Yes.

q Did you meet them on the boat coming back?

a Yes.

q Was there another boy with them?

a Yes.

q What is his name?

a His name is John.

q John what?

a Kleeve, I guess.

q On September 12th in the evening did you go up to Correa's place on School street where they were having a luau?

a Yes.

- q About what time did you go there?
- a A little after eight.
- q In the evening?
- a Yes, sir.
- q Who went along with you, if anybody?
- a Takai, Seki, Ben and myself.
- q When you say Ben, you mean Ben Ahakuela?
- a Yes.
- q And David Takai?
- a Yes.
- q And Seki?
- a Seki.
- q Is that the one they call "Buster"?
- a Yes.
- q Did you meet anybody there at the luau?
- a Yes.
- q About how long did you stay there?
- a Stayed there about 25 or 30 minutes.
- q Then where did you go?
- a Went out to Waikiki Park.
- q Who went along with you to Waikiki Park?
- a Ben Ahakueol, David Takai, Seki and myself.
- q And when you got there did you go into the grounds?
- a No.
- q Where did you stop?
- a At the John Ena entrance.
- q Who got off?
- a David Takai and Ben Ahakuelo .

q And from there where did you go?

a We proceeded on down John Ena road and went through Fort De Russy and down to Beach Walk, and I stopped at the two haole boys friends' place.

q You mean you stopped at the place on Beach Walk where these two boys, Castner and Christianson were living at that time?

a Yes.

q About how long did you stay there?

a About fifteen minutes.

q At the time you left your home that day, or evening, on Saturday September 12, 1931, what kind of clothes did you have on?

a I had a white shirt and gray pants with black stripes.

q What kind of shirt?

a White shirt.

q Is that all you had on the outside?

a My watch.

q No, in the way of clothes?

a No.

q Is that all you had on?

a Yes.

q Did you have a jacket on?

a No.

q A leather jacket on?

a No.

q Did you take a leather jacket out with you that

night?

a No, sir.

q You were arrested about three o'clock in the morning of Sunday following that Saturday night, were you not, about three o'clock?

a Yes.

q And at that time did you put on that leather jacket?

a Yes, sir.

q And that is the first time you put on that leather jacket that night?

a Yes, sir.

q Did you have that jacket at all with you that night in the car before you went home?

a No, sir.

q After you left your friend's place on Beach Walk where did you go?

a I went back to Correa's luau.

q Did you stop on your way before you went up there?

a Yes, I took the two boys that were living there and dropped them at the main entrance to the park.

q That is on Kalakaua Avenue?

a Yes.

q And when you speak of these two boys you mean Christianson and Castner?

a Yes.

q And you went on after they got off?

a Yes.

q Who travelled with you from there?

a Buster.

q You mean Seki?

a Yes.

q And you went back to the Correa luau?

a Yes.

q Did you stay there all the time?

a No.

q You left there?

a Yes, I left there for the Aala Theater on Aala Street. I had an appointment there.

q With whom?

a With a man named Takata.

q What time was that appointment for?

a After the theater I was supposed to go and pick him up and take him home.

q Did you go there?

a Yes.

q About what time was that, to the best of your judgment?

a I went there about half-past ten.

q Was the theater still running or closed?

a It was already closed.

q Did you meet this person down there whom you have just named?

a No, sir.

q Then what did you do?

a I proceeded back home.

q At that time were you travelling alone or did you have someone with you?

a Alone.

q What kind of car did you have at that time?

a The same car I had that evening.

q That is your sister's car, Number 58-895?

a Yes.

q By the way, when we looked at that car the other day was that car as we saw it the other day the same as it was that Saturday night, substantially the same?

a Yes, the only change I took that front tire off and put it on as a spare, to keep it from puncturing. It was all worn out, and so I saved that tire.

q But the rest is substantially the same?

a Yes.

q The same top?

a Yes.

q Was there anything the matter with the top that night of September 12th?

a No.

q Was it loose or flapping?

a No.

q This one tire you said that was almost punctured, did you put that on as a spare?

a Yes.

q It is still there?

a Yes.

q Was it there at the time we went out with the jury to examine it?

a Yes.

q But it was under a tire cover?

a Yes.

q You said after you went to the theater to keep an appointment you failed to find the person there with whom you had the appointment, and then you proceeded home. When you got there what did you see there?

a I met him outside the lane on the old car, and I asked him--

q You spoke to him?

a Yes.

q Was he going in or out the lane?

a He was going home.

q Was he alone or with somebody else?

a With the daughter.

q Was the daughter at your home while he was at the theater?

a I don't know.

q Did you drive into your home at that time?

a No.

q Where did you go from there?

a From there I went back to S. P. Correa's luau.

q Were some of the boys there at that time?

a Yes.

q Who?

a I met Joe Kahahawai and Chang there.

q You mean Henry Chang?

a Yes.

q Did you stay there for a little while?

a Yes, I stayed there for a little while.

q And about what time did you leave there?

a A little after eleven.

q Where did you go from there?

a Went down to the Park here again.

q What park?

a Waikiki Park.

q At the John Ena road?

a Yes.

q Who went along with you, if anybody?

a Henry Chang, Joe Kahahawai and myself.

q Only three?

a And another Chang.

q What car did you have at that time?

a Same car.

q Where did you go after you left the Correa home?

a I proceeded down School street down to Fort and I dropped Chang, the other Chang, - I dropped him home.

q And after you dropped him home you went on to Waikiki Park?

a Yes.

q You and Joe Kahahawai and Henry Chang?

a Yes.

q And according to your best judgment about what time was it when you arrived at Waikiki Park?

a About 11:30

q Did you stay outside or did you go into the grounds?

a I drove into the grounds.

q From John Ena road?

a Yes.

q And after you parked there you got off with the other boys?

a Yes.

q Did you observe anybody there at that time?

a I met Castner and Christianson there just when I came out of the car.

q And you had a talk with them at that time?

a Yes, I introduced Henry Chang and Joe Kahahawai?

a Yes, there was a post lamp there.

q Did those two boys stay there, Castner and Christiansen?

a After I introduced the boys they proceeded home.

q Then what did you do?

a I went towards the dancing pavilion.

q Did you go into the pavilion or remain outside?

a I remained outside.

q How about Henry Chang and Joe Kahahawai?

What did they do?

a After a short while, while we were outside, they

two went in and I stayed outside.

q Whom did you see there at that time, anybody?

a I saw a lot of people outside.

q Remember some of the people you saw there?

a I saw one Doctor by the name of Kometani.

q What is he, a physician or dentist?

a A dentist.

q Did he see you?

a Yes.

q Then did you go into the dance pavilion?

a After awhile when the two boys came out myself and Kahahawai went into the dance hall and Chang stayed outside.

q How long did you stay in the dance hall?

a After the dance was over.

q And according to your best judgment about what time did the dance get over?

a I don't know, about 12, I guess.

q And after the dance was over did you come out of the pavilion?

a Yes.

q And after you came out of the pavilion where did you go?

a I stayed outside for awhile.

q And then what?

a We stayed outside and were waiting for Takai to come, and when he came we went in the car.

q What car?

a My own car.

q The same car you had that night?

a Yes.

q That is your sister's car, is it?

a Yes.

q And who drove the car?

a I did.

q Did you see Harold Godfrey out there that night?

a Yes.

q You didn't talk to him, did you?

a No.

q Did you see Benny out in the dance pavilion that night?

a Yes.

q Did you see David Takai there in the dance pavilion that night?

a Yes.

q When you got in the car who sat in front with you?

a Ben Ahakuelo.

q Do you know how the others sat in the back of the car?

a No, sir.

q Who were the other three in the back of the car?

a Henry Chang, Joe Kahahawai and David Takai.

q When you came out which way did you proceed?

a Proceeded down John Ena road towards Kalakaua Avenue, straight on Kalakaua avenue towards town.

I turned left on King street up to Keeamoku and up to Beretania street and up to Fort, and to

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School, and I stopped at S. P. Correa's luau again.

q Was there any car ahead of you that you noticed as you came out of the park?

a Yes.

q Whose car was that?

a Tatsumi Matsumot.

q Did you see how many people were on his car?

a Yes.

q How many?

a Two girls besides himself and two boys in the back.

q What kind of car did he have?

a It was a Ford "T" model, roadster.

q Did you know the two boys sitting in the back?

a Yes, I knew one of them.

q Who?

a Bob Vierra

q Did you know the two girls in that car?

a No, sir.

q Did you see Tatsumi Matsumoto during the dance/

a No.

q Did you see Bob Vierra during the dance?

a No.

q About how close were you travelling behind Tatsumi's car as you came from Waikiki Park towards town?

a About 20 or 25 feet.

q On Beretania street at some point what happened?

Impressible

a I drove alongside of Matsumoto's car and Bob Vierra jumped on my running board and then he jumped back again.

q Did you pay any particular attention as to where that happened?

a No, sir.

q Where in your best judgment did that occur?

a Between the Williams Mortuary and Thomas Square.

q Did you hear what Bob Vierra said to Benny at that time when he came over?

a No, sir.

q Did your car get ahead of Matsumoto's car at any time?

a Yes.

q Whereabouts?

a It was when we passed, I guess, Thomas Square.

q Was that before or after Bob Vierra had come on your car?

a I think it was after, I guess.

q And did they get ahead of you again?

a Yes.

q Was there a car, - that is Matsumoto's car, ahead of yours at Fort Street?

a Yes, there was.

q Now, did you see Matsumoto again after that early Sunday morning before you were taken to the

police station?

a No.

q You were taken to the police station about three o'clock Sunday morning, were you not?

a Yes.

q Did you see him at all before you made any statements to the police officers and to Mr. Wight?

a No.

q You remember seeing him at the police station?

a No.

q You didn't see Matsumoto at the police station?

a No.

q Did you see Vierra at the police station?

a No.

q You found afterwards he made some statements at the police station?

a Yes.

q Did you see Vierra or Matsumoto at any time at all before they made their statements to the officers?

a No, sir.

q Did you see the two girls who were supposed to be on that car at any time at all after you last saw them at the corner of Fort Street and Beretania street, early Sunday morning before you made your statement?

a No, sir.

MR. HEEN: Now, Mr. Wight, I remember I asked you this morning, these statements were made when?

MR. WIGHT: I will state the only statement given to me by Sybil Davis was given on the 22nd of September in my office, and the statement of the other girl was given September 23rd in the same place.

q Assuming that these girls whose names you have since learned were Sybil Davis and Margaret Kanae made these statements to Mr. Wight on September 22nd and September 23rd did you have any talk with them at all as to riding on Beretania street?

a No, sir.

q Did you see them at all before that time, -I mean between Saturday or Sunday night, September 13th, and the time they went to the City and County Attorney's office to make the statements?

a I did not.

q Did you see this boy George Silva at all at any time to talk to him about what happened on the early morning of September 13th on Beretania street?

a No.

q You said that after you turned up Fort street from Beretania street, after leaving the dance you went up to Correa's place again?

a Yes.

q Did you park there?

a Yes.

q Inside of the yard or outside on the street?

a Outside on the street.

q At that time there were five of you boys there,

q At that time there were five of you boys there, Joe Kahahawai, Ben Ahakueol, Henry Chang and David Takai?

a Yes.

q Who got off that car at that place?

a Joe Kahahawai, Ben Ahakuelo and myself.

q Where did you go?

a Proceeded to the back of the house.

q Is there a garage near the back of the house?

a Yes.

q There is a driveway to the garage?

a Yes.

q Whom did you see there if anybody?

a I saw S. P. Correa, Jr. and Wilhelmina Correa.

q How was Wilhelmina Correa dressed at that time?

a She was dressed in her pajamas.

q Was there a car parked at that time on the driveway?

a Yes.

q Did anybody speak to Young Correa at that time?

a Yes.

q Who?

a Joe Kahahawai.

q What did he say?

a I don't know what he said, but he was talking to him.

q Did you say anything to him?

a No, sir.

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q Then about how long did you boys stay there?

a About five minutes.

q And from there where did you go?

a From there I went down School street, down to Liliha street, I stopped at Liliha and I proceeded towards King street to Iwilei road.

q No, before you went down to Iwilei road, when you got down to the foot of Liliha street, at King street, why did you stop there?

a There was a stop sign there.

q After you did that what did you do?

a Takai lives right opposite that place, and I was going to drop him off right there, and there was a car coming from Kalihi way at a fast rate of speed and I proceeded to go down King street, and I was ahead of this car coming down King street and he was going to hit me, so I stepped on my gas. It was on second gear. And when they passed me they cussed me.

q Then what happened?

a And they stopped their car, about 25 feet away from the corner of King and Liliha street, alongside of that service station.

q Takata Service Station?

a Yes.

q And then what happened?

a And they stopped and we drove alongside of their car?

q Were you near the curb at that time?

a Yes.

q And some altercation happened there?

a Yes, this woman came out cussing at us and Joe Kahahawai went out first and then I went out from the car and this woman came up to him and started to push him towards our car, and he tried to push the woman away, but the woman came for him and so he slap the woman down.

q And after that you boys left there?

a Yes.

q Did you tell the boys to get on the car?

a Yes.

q Who got on the car?

a Henry Chang, Joe Kahahawai and myself.

q Did Henry Chang get off the car too, or did he remain on the car?

a I think he got off.

a And then David Takai went home?

a Yes.

q After you went away from there where did you go?

a I went down King street to Iwilei road and Joe asked me where I was going and I said I was taking him home, and he said he didn't live down there, he lived on Kukui street, so I turned my car around in front of the American Can.

q Why did you go down Iwilei road?

a I thought he lived there.

q Why?

a Because he used to live down there before.

q And you went then where?

a Down Iwilei road towards town to King and College Walk.

q And you made a statement along these lines to the officers and to Mr. Wight?

a Yes.

q You heard Takai and Joe Kahahawai testify that you came back from Iwilei along Iwilei road, King street and along King street to Hall street and through Hall street to Kukui. Now you say you came along College Walk. How did you happen to say it was College Walk?

a I thought it was that way.

q But it may have been Aala street?

a Yes.

q When you got to Beretania street then which way did you turn?

a Turned left.

q Then went up Fort street?

a Hall street.

q And back again along Kukui street to where Joe lived?

a Yes.

q And you dropped him off there?

a Yes.

q Then where did you take Henry Chang?

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a I proceeded down Kukui street and + turned up College Walk again and I dropped him off at the corner of College Walk and Vineyard street.

q And from there where did you go?

a From there I crossed the bridge and went home.

q Your home is on the other side of the bridge on Vineyard?

a Yes.

q And is that on the ewa side of Nuuanu street?

a Yes.

q About what time was that when you got home?

a About a quarter to one.

q And when you got home did you meet anybody?

a I met my sister and Miss Tahara.

q And you turned in and went to sleep?

a Yes.

q Were you asleep when the officers came there to take you to the police station?

a Yes, I was sound asleep.

q When you got down to the police station-- At the time you went down to the police station how were you dressed?

a Dressed in black pants and a leather jacket.

q Did you have anything under your leather jacket?

a I think I had a shirt.

q Did you have any shorts?

a No, sir.

q When you got down to the police station did you

make any statement to Cluney, John Cluney, the detective, to the effect that you boys admitted assaulting this Mrs. Peeples but had nothing to do with this white woman,- that you didn't assault any white woman?

a I did not.

q Did you know anything at all about this assault case at that time?

a I did not.

q Who told you about this assault case on Ala Moana road?

a Later in the evening McIntosh.

q That evening or early that morning?

a Early that morning.

q Did you at any time tell Mr. McIntosh that you knew anything about that assault case on Ala Moana road?

a No.

q You denied it all the time?

a Yes.

q Who else questioned you about that?

a Mr. Wight, Mr. Silva, Marshal Cox, McDuffie.

q And did you at any time tell them you knew anything about that assault case or had anything to do with it?

a No sir.

q What did you tell them about it?

a I didn't tell them anything about it.

q When they spoke to you about it what did you say?

a I denied it.

q You said you didn't know anything about it?

a Yes.

q Did you tell them where you were that night?

a Yes.

q Did you tell them about following Matsumoto's car?

a Yes.

q And did you tell them whom you saw in Matsumoto's car?

a Yes.

q Tell them about Bob Vierra and Matsumoto?

a I didn't know his name at that time, Bob Vierra. I knew him by sight.

q Did you tell them about Castner and Christianson?

a Yes.

q Did you tell them there were two girls on Matsumoto's car?

a Yes.

q And another boy you didn't know?

a Yes.

q And you told them how you followed their car from the park along Kalakaua Avenue and up to Keaumoku street?

a Yes.

q You heard these witnesses say, including Matsu-
moto and Bob Vierra, that when they crossed King
street coming along Kalakaua Avenue they went right
along Kalakaua Extension into Beretania?

a Yes.

Q What have you to say about that?

a Well, I thought I went down King to Keaauoku
to Beretania.

q That is what you thought at that time when you
made the statement to the police? Did you make a
statement like that to the police?

a Yes.

q And you still think that, but you may be wrong?

MR. WIGHT: Objected to as already asked and answered;
he also said that today, he believes he went that
way.

(Question withdrawn)

q When you went back to the Coast in 1929, -No,
when did you first know about this extension of
Kalakaua Avenue from King street to Beretania street?

a A couple of weeks after when I came.

q Came back from the Coast?

a Yes.

q Did McIntosh, chief of detectives, show you any
green beads?

a Yes.

q When was that, do you remember the date or time?

a It was in the evening, maybe Monday or Sunday,

I don't know.

q What did he say to you about the beads?

a He showed me one bunch of beads; told me they were found in my car. I told him it must be my sister's if found in my car, and after awhile he showed me another bunch of beads and he told me "These beads correspond and they are the same" and if they were I told him it must be a frame-up on me, because my sister's car was in front of the police station all afternoon and all night.

q Did he say anything about that bunch of beads belonging to Mrs. Masee?

a Yes, he told me they found them down there.

q Down where?

a Down Ala Moana.

q And you told him it must be framed-up if they found them in the car?

a Yes.

MR. WIGHT: Objected to as already asked and answered, and asked to impress the jury.

THE COURT: Proceed.

q Later on did Stagbar take you out and talk to you about confessing to this proposition?

a Yes.

q Where did he take you?

a By the Star-Bulletin.

q On Merchant street?

a Beyond that.

q On an automobile?

a Yes.

q Daytime or night-time?

a Day-time.

q How many were there on that car?

a Just Stagbar and myself.

q What did he say to you?

a He told me to own up, "If you turn states' evidence it will be easy for you."

q What did you tell him?

a I told him "No, absolutely no", told him no, because I am not the one.

q Did you go down AlaMoana road at all on Saturday night?

a No.

q Or early Sunday morning?

a No.

q Or at any time at all on Saturday?

a No sir.

q Did you assault any white woman at all down Ala Moana road?

a No.

q Did you grab any woman or take part in having a woman seized on John Ena road and pulled into your car?

a I did not.

q Did you commit rape on any white woman on that Saturday night or Sunday morning before you were

arrested?

a No.

q Did you help any boys to commit rape on any white woman on Ala Moana road that night?

a No, sir.

q When they took you down to the police station early Sunday morning, about three o'clock, were you kept at the police station the rest of that morning?

a Yes.

q Until about what time?

a Until about seven o'clock.

q Where did you go from there?

a Took me to the county jail.

q Did they lock you up in a separate cell from the other boys?

a The other boys were not there yet.

q Before they took you to the City and County jail Sunday morning did they allow you to sleep at the police station?

a Yes, I slept on the bench and they came and waked me up and questioned me again.

q About how many times did they do that?

a Four or five times.

q They would let you lie on a bench and wake you up and question you again?

a Yes.

q Four or five times?

a Yes.

q Who were the officers who did that?

a Detective Benton, Rickard, Nakea and maybe Mr. Wight.

q Did you at any time admit to them that you had anything to do with this assault case on a white woman?

a No.

q What did you do Sunday morning?

a Detective Machado and Nakea came to get me.

q Went around looking for the other boys?

a Yes.

q When Mr. McIntosh spoke to you about this, what you did Saturday night, you told him about not knowing these Hawaiian boys?

a Yes.

q That you had loaned your car to some of these boys and didn't know their names?

a Yes.

q You also told them you had this leather jacket on that night?

a Yes.

q Why did you tell them these things, that you didn't know these boys and that you had a leather jacket on?

a I tried to shield the boys.

q With reference to what?

a Save them from trouble.

q Trouble of what?

*Direct
exam.*

a This Peoples' case.

q This trouble that happened on Liliha and King street that night?

a Yes.

q After these other boys were arrested and brought down to the police station were you kept separate from each other?

a Yes.

q Were you ordered not to talk to each other?

a Yes.

q Do you remember the time Ben Ahakuelo was brought in and made some signs to you?

a Yes.

q What sign did he make to you?

a Like this. (+llustrating)

q That is he dropped his head backwards?

a Yes.

q What did you understand that to be?

MR. WIGHT: Objected to as calling for a conclusion of the witness.

THE COURT Objection sustained.

MR. HEEN: No, we have to explain that, to explain the kind of sign he made himself.

(Argument)

(Question withdrawn)

q Then what did you do?

a I went in---

about sign making

q No, I mean when Ben made that sign to you, jerked his head up, what did you do?

a I didn't make anything.

q Did you make any sign or say anything?

a No, I didn't say anything.

q There were some officers there at that time?

a Yes.

q After you boys were arrested and taken to jail there were you kept in separate cells in the jail?

a I don't know about the other boys. I was kept separate myself.

q You didn't have a chance to talk to them down there?

a I didn't meet them down there.

q Did you see them down at the city and county jail between the time you were arrested and the time you were charged?

a Yes.

q And during that time you were ordered not to talk to them?

a yes.

q There were officers around all the time?

a There were guards over there.

q Were you taken to the hospital?

a Yes.

q And brought before Mrs. Massie there?

a Yes.

q While you were waiting up there did you make any

signs to Ben Ahakuelo or Joe or any of the boys?

a I didn't. Wait. They were up there before I was.

q You got up there last?

a Yes.

q Did you make any signs at all to them?

a No.

q Going back to Sunday morning did Mc Intosh ask you to let him take your car down to Ala Moana road?

a No.

q Did he speak to you at all about that?

a No.

q You had the key to your car at that time?

a I did.

q And he knew about it?

a I don't know if he knew about it.

q Your sister brought the car to the police station?

a Yes.

q Who gave you the key?

a Some officers.

q Did he come and ask you to let him have your key to the car?

a No.

q Then on Monday morning sometime did you go down to Ala Moana, to this old quarantine station?

a Yes.

q Who went along with you?

a Officer Benton and officer Lau

q Who drove the car?

a Benton.

q Whose car was that?

a My sister's car.

q The same car, number 58895?

a Yes.

q When you got down there what did Benton do with that car?

a He drove that car alongside the same tire mark.

q The tire mark in the mud somewhere?

a Yes.

q By the puddle?

a Yes.

q Before he drove his car, how many marks were there?

a Lots of marks.

q I mean similar to your car?

a One

q In the mud?

a Yes.

q You are sure there was only one?

a Yes.

q And Benton drove your car alongside of that tire mark about how far apart?

a About his far apart. (Indicating)

q About six or seven inches apart?

a Yes.

q And they looked alike?

a Yes.

q What did Benton and Lau do at that time?

a They went into a huddle about ten feet away from me and told me to go away.

q Did you hear what they were talking about?

a No.

q Were they talking together that way for sometime?

a Yes.

q And did they come back to you or call you to them?

a They came where I was.

q Then what did they say to you?

a They told me "That tire mark is the same as yours" and I didn't say nothing, and I said "I couldn't be, because I didn't come here that night and there are plenty of cars in Honolulu that have the same kind of marks" and he said "Maybe you are right." Officer Lau said that and "I will take your word for it" and he didn't take the picture.

q He had a camera with him at that time?

a Yes.

q Were you questioned by Mr. Wight about the tire mark?

a Yes.

q Do you remember that?

a Yes.

q And also by Mr. McIntosh?

a Yes.

q What did Mr. Wight say about that?

a He told me "You deny you went down there and had

the same marks as your car?" He tried to make me own up.

q What did you tell him?

a I told him "no".

q And Mr. McIntosh talked to you about that too?

a Yes.

q What did he say to you?

a About the same thing.

q What did you tell Mr. McIntosh?

a I told him, "No, I didn't go down there that night". I had never been down there in my live.

q When you went down there with Lau and Benton was that the very first time you ever went down to that place?

a Yes, sir.

q On Sunday afternoon you remember going up to Mrs. Massie's house in Manoa?

a Yes.

q You and three of the other boys, except Ahakuelo, went up there?

a Yes.

q Who took you up there?

a Stagbar took me up.

q Was Finnegan up there?

a Yes, they had another car with them.

q Who went into the house first?

a Mr. Finnegan.

q How long did you stay in there?

a About five or ten minutes.

q And after that he came out and got you boys to go in?

a Yes.

q And stood you boys in line?

a Yes.

q Joe Kahahawai first, Henry Chang next and Takai next and you?

a I don't know how we were.

q Did Mrs. Massie identify you at that time?

a No, sir.

q Did she identify any of the boys at that time in front of you?

a No, sir.

MR. WIGHT: Objected to. How does he know. It calls for a conclusion of the witness.

THE COURT: Objection sustained. The answer will be stricken.

q Did she say anything at that time as to whether she knew you boys?

MR. WIGHT: Objected to as leading.

(Question withdrawn)

q What did she say at that time?

a She didn't say anything.

q She asked the names?

a Yes, she asked the names.

MR. WIGHT: Objected to as leading.

THE COURT: Sustained as leading.

q What else did she say at that time?

a She just asked our names and where we were that night. That's all.

q Anything else that you can remember?

a No.

q Do you remember if she asked Henry Chang if he was Hawaiian--No, David Takai, rather?

a I don't know about that.

q At that time did you have your leather jacket on?

a Yes.

q And these black trousers?

a Yes.

q And did she look at you at that time up in her house?

a She was sitting on a couch and she had her glasses. I don't know where she had the glasses, but she picked the glasses up and came up and looked to me like that? (Illustrating)

q Early Sunday morning when you were taken to the police station about three o'clock on this September 13, 1931, did you see Mrs. Massie there at the police station?

a Yes, sir.

q In what room was that?

a She was in McIntosh's office.

q Did you get there before her or was it after?

a I was there before her.

q Were you in McIntosh's room before Mrs. Massie

arrived there?

a No.

q About how long were you waiting outside before you were called into Mr. "cIntosh's room?

a About ten or fifteen minutes.

q Did you see Mrs. Massie coming in?

a No, I didn't see her coming in.

q When you went in there did Mrs. Massie say anything?

a Yes.

q What did she say?

a She said "Where are the other boys". That is about all she said.

q Did you say anything?

a Yes.

q What did you say?

a I told them "I don't know nothing about it".

q At that time what kind of clothes did you have on?

a I had the same clother I had on when I went there early that morning.

q A leather jacket and pants?

a Yes.

q And did Mrs. Massie mention anything about the leather coat at that time in McIntosh's office?

a No.

q Did you say anything about your name being "Shorty"?

a No.

q Then when was it that you were taken to the hospital in front of Mrs. Massie?

a It was Monday or Tuesday; I don't know.

q About what time was that when you did go up there to the hospital?

a I guess it was in the afternoon.

q Before you went to the hospital were you taken up to the Emergency Hospital?

a Yes.

q By whom?

a By officer Finnegan.

q And at that time were you examined by someone there?

a Yes.

q By whom?

a Dr. Mossman.

q What did he examine?

a My private parts.

q How about your shorts that you had on Saturday night and Sunday morning of September 12th and September 13th?

a I didn't have that short on at that time.

q What became of that?

a It was down at the police station.

q Who got it, - where did you leave it when you were arrested?

a It was home.

q And somebody got it from your home?

a Yes.

q Who did?

a I did.

q Who went with you?

a Officer Machado.

q And that was the same one you had on Saturday night.

a Yes.

q Did you have the same undershirt on?

a Yes.

q Did you hand that over to the officers?

a Yes.

q And you don't know whether they were given over to Dr. Mossman or not, do you?

a Yes, my top.

q You gave your top over?

a Yes.

q Go back to the hospital,- who were the boys at the hospital?

a The five of us.

q Including Benny?

a Yes, sir.

q Then when you went into Mrs. Massie's room did you go altogether or separately?

a Separately.

q Was Mr. Machado there when you were there?

a Yes.

q What did they do to you when you went into her room?

a They made me sit at the foot of the bed; first with my back facing her and then they made me turn around back view and front view and side view and they made me go near her to feel my jacket.

q You still had that same leather jacket?

a Yes.

q Did she say anything at that time?

a Yes.

q What did she say?

a She said "That's the fellow".

q What did you say?

a "No". I said "I don't know it. Couldn't be me, because I never saw you before in my life. That's the third time I have seen you."

q The first time was where?

a At the station.

q And the second time?

a At her home.

q And that was the third time at the hospital?

a Yes.

q Was McIntosh there at that time?

a Yes.

q Did you sign any written statement prepared by the police officers?

a No.

q Did you make a statement in front of a stenographer?

a Yes.

q When was that?

a Sometime I guess it was Monday or Sunday; it was in the evening.

q No, no. When you made the statement, while the stenographer was there, how was that, by questions and answers?

a Yes.

q And also after that time?

a Yes.

q Did you talk at all, Mr. Ida, to Joe Kahahawai, or Henry Chang or Benny about how you came home that night before you made your statements to the officers?

a I did not.

MR. WIGHT: Objected to as leading.

THE COURT: It is leading, but it is all over now.

(Recess to 1:30 o'clock p. m.)

Friday, November 27, 1931, 1:30 p.m.

HORACE IDA

one of the defendants, resumed the stand and testified as follows:

CROSS EXAMINATION

By Griffith Wight, Esq.

Q Have you worked since you came from California?

A No.

Q Have you tried to get work since you returned?

A I was going back right away.

Q Have you tried to get work since you returned?

A No.

Q You told Mr. McIntosh and me that you had your coat down there?

A What's that.

Q The time we questioned you in the police station you told us you did have your coat with you in the car but didn't wear it?

A I told you I had the coat.

Q But you didn't wear it. Didn't you first say you didn't have the coat, then didn't you say you did have the coat in the car but didn't wear it?

A No.

Q You didn't tell me that?

A I told you I had the coat on.

Q Isn't this what you said: First you said you didn't have the coat and after further questioning you said: "I had the coat with me in the car but I didn't wear it"?

A No.

Q You didn't tell me that?

A No.

THE COURT: Suppose you break your question up into parts. You had three or four parts in that question.

Q First you said you didn't have your coat with you at all, didn't you?

A I told you I had the coat.

Q When we first questioned you?

MR. PITTMAN: May I suggest in order that this question may be fair that he specify what talk he refers to. Several times he talked to this witness, and may it be identified with what conversation he means, so the witness will not be misled. As it is now you don't know whether it is the first time he talked to him, the second time he talked to him or the third time he talked to him, or whether he was talking to him about the Peeples' case or the Massie case. It ought to be made so the witness will know what he is talking about.

Q I never talked to you about the Peeples' case as a separate case. What I started to talk to you about was the Massie case?

A I didn't know.

Q You didn't know what?

A I didn't know what case you were talking about.

Q Didn't I talk about an assault on the white woman.

Do you remember talking about the Massie case with me?

A Yes.

Peeples' case

Q And don't you remember that I asked you what you had worn that night, the night of the Massie case or night of September 12, 1931, - with a stenographer?

A Yes.

Q And at that time didn't you say, - I asked a number of questions and Mr. McIntosh asked questions too. This was my first question: "Now, Shorty, when you left the dance hall after 12 o'clock Saturday night, September 12th, did you have your leather coat on or not, when you drove over to Correa's house?" and you answered "No".

A I told you I had it on?

Q I asked you this: Didn't you say this. I said "Now, Shorty, when you left the dance hall after 12 o'clock Saturday night, September 12th, did you have your leather coat on or not, when you drove over to Correa's house?" and you answered "No". Do you remember that?

A Yes.

Q Is that the answer you gave?

A That answer there?

Q Yes.

A. Yes.

Q And then you were asked: "Did you have it on or with you Saturday night" and you said "No", and "Then you didn't have it on your car with you at all?" and you answered "No"?

A No.

*Admitted
he lied*

*Admitted
was lying
questioned
about Massie
case.*

*Admitted
statement
"L"
Later admitted
wearing coat*

Q Didn't you say that?

A No.

Q You said you didn't say that, didn't you?

MR. HEEN: I want counsel to state the time when that conversation took place, because this witness has already stated that at one time he did say he did have that coat on in order to shield those boys down there.

Q I am referring to the first time I spoke to you about that coat?

A No. That is not the first time you told me. You questioned me a lot of times.

Q Do you remember when a stenographer took this statement?

A Two times a stenographer took my statement.

Q I mean the second time, a short statement, asking about what clothes you wore that night. I will show you the statement. Do you remember you refused to sign the statement when Mr. Wood read it over to you and you said it was correct?

A I didn't say correct.

Q (Paper handed to witness) Do you remember making that statement?

A Yes.

Q This is correct as written down as you answered it?

A You didn't let me see that statement. It was another color paper.

Q Don't you remember I asked if you would sign this?

A There was a yellow paper.

Q There was no yellow paper, as you well know?

A Yes, there was a yellow paper.

Q Isn't this what was said that night?

A Yes.

Q And it is correctly down here?

A Yes.

MR. WIGHT: I offer this in evidence.

MR. HEEN: No objection.

(Document offered in evidence received and
marked: "Exhibit L for the Territory".)

(Deputy City and County Attorney reads
Exhibit "L" to the jury.)

Q This morning in response to Judge Heen's questions
you admitted you told us you did have it, is that
correct?

A Yes.

Q Now did you have it with you or didn't you?

A I didn't.

Q Now did you-- Why did you tell us you did?

A That was referring to the Peeples' case.

Q What did that have to do with the Peeples' case?

A Maybe she would have identified me.

Q Who?

A Mrs. Peeples.

Q You had hit Mrs. Peeples, had you?

A No.

Q It was only Joe who hit her?

A Yes.

Q You knew when I talked to you about this we were talking about the Massie case?

A No, sir.

Q The long statement was taken about the Massie case, that is true?

A Yes.

Q You knew we were talking about the Massie case?

A You told me that was before that.

Q This statement, that is signed?

A Yes, that is Mrs. Massie's case.

Q You said you did wear it after you made out this statement?

A No, sir.

Q Don't you remember telling me and McIntosh first you made this statement, and later you admitted you did have the coat in the car, but you didn't have it on?

A I did not.

Q What time did you get your sister's car?

A Seven o'clock in the evening.

Q Where did you go then?

A Out to Mochizuki Tea House.

Q Where did you go then?

A Came back.

Q Then where did you go?

A I drove in town a little while.

Q Where did you go in town?

A Around town, is all.

Q Did you stop in town anywhere?

A No, sir.

Q Did you pick up anybody in town?

A No, sir.

Q Not at all that evening?

A Not in town.

Q Didn't you pick up Takai on King street in front of the Sato gymnasium?

A Yes.

Q What do you mean, - isn't that in town?

A That's not in town.

Q It is not in the country?

A No, on the outskirts of town.

Q From there where did you go, after you picked Takai up?

A Up to Correa's place.

Q Didn't you go somewhere else first?

A No, sir.

Q Didn't you go with him to some booze joint?

A We were there already.

Q And where did you go after you picked him up?

A To Correa's place. You asked me where I picked that guy up.

Q Where did you pick him up?

A Kukui street.

Q What place on Kukui street?

Q Right opposite Sato's gym.

Q In some house or what?

A A tenement house.

Q In what room in the tenement house?

A I don't know.

Q Was it a booze joint?

A It may be. I don't know.

Q Didn't you say this. I asked you what this fellow's name was and you said "Buster" -- I will go back farther than that. "Whom did you pick up down in Kukui street in front of Sato's ~~guy~~ gym? Whom did you see there?

"This Japanese fellow also known as Mack". "What place did you say?" "He was drinking inside, this Japanese boy called Buster." "Where does he live?" "Some place on Liliha street." "Where there any men there?" and you said "No." "How long did you stay in this booze joint?" "Half an hour." "How long did you stay there" - . Is that correct?

A No, sir

Q Didn't I ask you, "Did you drink there?" and you said you had a couple of glasses of beer?

A Yes, that is correct.

Q Didn't you stop there to get these drinks?

A Yes.

Q What do you mean when you say you didn't stop there?

A I went inside.

Q You say the car is substantially the same as it

was that night. Isn't it true it has been washed since then?

A Yes.

Q Isn't it true it has been highly polished since then?

A I don't know that part, as far as that polish, I don't know.

Q You don't know who did it?

A No.

Q Somebody else did it?

A Yes.

Q Do you know who else did it?

A No.

Q Did your sister tell you who had polished the car?

A No.

Q You know it was polished, but you don't know who did it?

A I don't know if it was polished. I know it was washed.

Q That night there were three Goodrich Silvertown tires on that car and one Goodyear on the left rear?

A I don't know. That may be.

Q Are the same tires on that car as there were that night?

A Yes, except one.

Q You changed one?

A Yes.

Q I mean when it was out there in back at the time

*Admits
car was
polished
service caught
trying to
find police*

the jury looked at it, those were the same tires that were on it that night?

A No.

Q What difference?

A One tire.

Q What tire?

A I don't know, - in back or front, I put it on the spare.

Q Was that cover taken off that spare when the jury were out there?

A I wasn't there to look at the car.

Q Were you invited to that luau?

A No.

Q What did you go there for?

A I knew that Silvester boy there.

Q What?

A I know the Correa boy.

Q What was your purpose in going there?

A Just to see some friends.

Q When you drove out to Waikiki Park the last time that night you know you said you got there about 11:30?

A Yes.

Q Who was with you in your car then?

A Coming out.

Q When you drove from Correa's to Waikiki Park, arriving at Waikiki Park about 11:30, who was in the car with you?

A Henry Chang and Joe Kahahawai.

Q Did you say this morning they went on the dance floor?

A Yes.

Q Isn't this what you said in your statement? We asked you "Where did you go? Where did you park?" You said "Inside that entrance, - I mean where--" and I said "When you got inside what did you do?" and you said "We couldn't go inside and we stayed outside and we waited and when it was through we all went home". Did you say that in your statement?

A No, sir.

Q How long after the last dance before you went home?

A About five or ten minutes.

Q Didn't you say at the police station five minutes?

A About five minutes.

Q Didn't you say about five minutes? When Vierra jumped from their car to your car, you don't know where that was on Beretania street?

A I don't know for sure where it was.

Q You didn't look out and see what building was there when you went by?

A No.

Q One of those girls said yesterday they stopped below the service station at Thomas Square. She may be correct, may she not?

A She may be and she may not.

Q Did you hear Benny shout over to the Ford car?

A No.

Q You know it has been testified he shouted over and asked what was doing?

A Yes. I didn't hear him. I was driving.

Q You were sitting right next to him?

A Yes.

Q You know the people in the other car heard it?

A I don't know if they heard it.

Q You heard them testify they did?

A Yes.

Q But you didn't hear it?

A No.

Q Are you deaf?

A No.

Q You were the person nearest to Benny in your car were you not?

A Yes.

Q You said you didn't talk with Sybil Davis or Margaret Kanae between that Saturday night or Sunday morning, the 12th or 13th of September, this year, and the 22nd or 23rd of September, is that correct?

A Yes.

Q Do you know whether your friend Chang or Benny talked to her in that time?

A I don't know.

Q You don't know whether they talked to either of them?

A No, sir.

Q You never in your statement, - that is the statement that was typewritten, that long first one, - did you state whether or not you stopped at that stop sign at Liliha and King?

A Yes, I did.

Q Are you sure you did?

A Yes.

Q Do you know why that is not in here?

A I don't know if it is there.

Q Do you know why it is not here?

A I don't know. I didn't put it down.

Q I didn't do the stenographic work, did I?

A No.

Q Did you have in there about the tire marks, in that statement?

A No.

Q When did you tell me about the tire marks?

A I didn't tell you about the tire marks.

Q You didn't tell me about them at any time, did you?

A No, sir.

Q How were you dressed when you left your home about three a.m. Sunday morning, September 13th, when you were taken to the police station, what clothes?

A I had black trousers and my leather jacket and maybe I had a shirt. I don't know.

Q Don't you remember you had a shirt when we took your coat away from you?

A Maybe I did.

Q What underwear did you have on?

A I had my upper part of underwear.

Q Why didn't you put ~~on~~ the lower part on?

A I was in my pajamas.

Q Why didn't you put ~~a~~ the lower part on?

A They told me to hurry up.

Q Why did you have half on and not the other?

A I had had half on under my pajamas.

Q I thought you said you had pajamas?

A I had them on.

Q And then you put the undershirt on?

A I had it on already.

Q I thought you said you had your pajamas on?

A I had the underwear too.

Q Why didn't you dress when you went to the police station?

A They told me to hurry up.

Q Did it take you long to put on a pair of under-pants?

A I don't know.

Q You put your undershirt on, didn't you?

A I didn't put my undershirt on.

Q You say you told us about the Matsomoto car. Did you put that in your statement?

A I didn't put it in there. You put it in there.

Q It is not in your statement at all. Did you mention that fact?

A Yes, I did.

*ask by
not
just on
under-pants*

Q You volunteered it?

A Yes.

Q I didn't ask you if you followed any car. You volunteered that, didn't you? In other words, you very prominently mentioned the fact you were following another car, without being asked?

A I don't know whether you asked me or not, but I said about Matsomoto's car.

Q Can you explain why it is not in your statement?

A Maybe you didn't put it down.

Q On Sunday morning you got to the police station around three o'clock?

A Yes.

Q Didn't they question you after that?

A Yes, McIntosh questioned me.

Q For quite a long time?

A Yes.

Q Isn't that the reason you didn't sleep very long, because they kept questioning you?

A No.

Q Didn't they keep questioning you?

A Yes, and then they told me to go to the detective room.

Q And then didn't they question you again?

A They questioned me about the same thing. They asked me to try to own up.

Q Why did you tell a lie about not having used

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your Ford car that night?

A I told lies about the Peeples' case.

Q Why did you keep on telling that after you knew about the Massie case?

A I didn't tell you that.

Q Had you hit Mrs. Peeples?

A No, sir.

Q Did Takai hit Mrs. Peeples?

A No.

Q Did Chang hit Mrs. Peeples?

A No.

Q Why were you worrying about protecting them?

A They were all with me that night.

Q They didn't do anything they should not do?

A They were ~~at~~ there.

Q Did they hit her?

A No.

Q They had committed no crime, according to you, had they?

A No.

Q You said some officers were there in the assembly room when you were in there Saturday night, - Sunday night. Who were they?

A Detective Noda.

Q Who else?

A Nakea.

Q Who else?

A Rickard.

Q Who else?

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A There were lots more.

Q Was Machado in there too?

A No, sir.

Q Didn't he come in there two or three times?

A Not that time, he didn't come in Sunday morning.

Q When did he go in there?

A I didn't see him in there.

Q He came in there sometime?

A Yes.

Q Didn't you tell another police officer that Machado had advised you what to do in this case?

A No, sir.

Q You said you had separate cells in the jail. Were you not down in the jail-yard together eating your meals?

A No, sir.

Q You heard Takai testify you were?

A Yes.

Q Is Takai not telling the truth?

A I wasn't with them. I was charged down at the Federal.

Q Where were you kept, in the City Jail?

A Yes, county jail.

Q At Iwilei?

A Yes.

Q The same building Takai was in?

A Yes.

Q Same building these other boys were in?

*Tire marks
I do said
them I know about
but says I questioned
him - yet admits
I know about them
at the time*

A Yes.

Q Didn't you say this morning that I questioned you about these tire marks?

A What do you mean "tire marks"?

Q The only tire marks we have talked about during the last two weeks, - the tire marks at the old animal quarantine station?

A Yes.

Q When did I do that?

A All the time you questioned me.

Q Sunday?

A I don't know Sunday.

Q You said all the time. What do you mean all the time?

A As soon as you took charge of the case.

Q That was Sunday afternoon at four o'clock, wasn't it?

A I don't know what time.

Q When I first took charge of the case did I ask you about the tire marks then?

A You didn't know yourself.

Q But you said you told me all the time about the tire marks. What do you mean?

A You asked me all kinds of questions.

Q Did I ask you about the tire marks then?

A I don't know.

Q Did you tell me about them then?

A Maybe then, I don't know.

Q How could you have told me about them on Sunday when you didn't see them until Monday?

A You folks could have made that mark down there.

Q You said you told me this on Sunday. How could you have told me about those marks on Sunday when you didn't go down there until Monday?

A Maybe I could have told.

Q How could you have told me when it was before you went there?

A Maybe later.

Q When you were up at Mrs. Massie's house that Sunday afternoon you said she put her glasses on like this. Didn't she look at you without her glasses part of the time?

A After that, when she asked our names, after that she picked up her glasses.

Q First she looked at you without glasses, didn't she?

A Yes.

Q That time you say that Mrs. Massie, - you were taken to the hospital and were put in a chair with your back to the bed, and wasn't McIntosh there also?

A Yes.

Q This statement you made you refused to sign it?

A Yes.

Q Isn't it true as soon as that stenographer arrived

that time we took her in and we took your statement before her?

A No.

Q How do you know?

A You didn't take my statement before the stenographer came.

Q Isn't true as soon as the stenographer arrived she began taking your statement down in shorthand in books?

A Yes.

Q That was Sunday night?

A I don't know what time it was.

Q This is a 1929 model Ford, this car you drove that night?

A Yes.

Q Were all five of the boys in the car sober when you left Waikiki Park?

A Yes.

Q Were all of them awake?

A I don't know for that part.

Q The statement I have been referring to, statement made in the presence of the stenographer Sunday night, September 13th, were you not asked this question: "Were any asleep on your car" and you answered "No"?

A I don't remember.

Q Why did you go back to that luau from Waikiki Park?

A I don't know why; just dropped by there is all.

Q Down at Liliha street and Kingstreet didn't you say other people in the car started to cuss you?

A Yes.

Q Who?

A The woman.

Q And the statement made to the police, the statement I have referred to, didn't you say "Well, naturally when the machine went by he started to cuss, and he was driving the car". Didn't you say that?

A No, she cussed.

Q When the car stopped how many of the people in your car got out of the car?

A I think we all got out?

Q What for?

A Well, the other man was getting a crank.

Q Where was he getting it from?

A From the floor-board.

Q How could you see that when they were half a block away?

A They were not half a block away.

Q Did you go to his car?

A No.

Q Didn't you say at the police station he stopped his car about half a block away, & about fifty yards away?

A I didn't tell you fifty yards.

Q Didn't you say that?

went out to beat up Mr. Bayles
could see man getting crank for all got out

A No.

Q How far away did he stop?

A Maybe half a block, but I never told you the exact yards.

Q And half a block is more than 25 feet?

A It depends on how long the block is.

Q How long a block are you figuring when you say that half a block, - longer than this room away?

A That block is pretty long.

Q You said half a block. Did you mean half of that block?

A About 25 feet.

Q As far as from that wall to that wall?

A It was farther than that.

Q And from your car you could see him reach down and get a crank?

A I drove alongside of his car and stopped.

Q How close?

A Right alongside.

Q How close?

A About an arm's length.

Q On which side of him did you drive?

A On the right.

Q Of his right or your right?

A On his right.

Q And he was on the left side of his car?

A Yes.

Q And his was a Hudson car?

Q And from your car you could see him?

A We got out of the car, already.

Q What did you get out for?

A She got out for?

Q What did you get out for?

A I saw the man getting a crank.

Q I thought you said you saw him getting a crank before you saw him have the crank?

A Yes, I was out of the car.

Q What did you get out of the car for?

A Naturally all of us got out of the car.

Q What did you get out for?

A We tried to stop Joe.

Q Did you try to stop him?

A I told him, yes.

Q Didn't you say in your statement, "He started to cuss. Naturally we drove by and we stopped?" "David jumped off and we got in the car again and stopped alongside the car and the woman got out and started cussing. Naturally the fellows wanted to fight." Didn't you say that?

A No.

Q Didn't you say this: "We stopped alongside of the car and the woman got out and started cussing. Naturally the fellows wanted to fight."?

A I didn't say that. You put it down there. I didn't tell that in front of a stenographer.

Q You think I put it down there?

A You put it down there. I didn't say that in front of a stenographer.

Q Why did you get up and leave the place?

A What place?

Q That place where your two cars were side by side?

A I didn't want to raise a commotion.

Q Any other reason?

A There were people gathering over there.

Q What time did you get home that night?

A About a quarter to one.

Q How long did it take from the time you ended your troubles with Mrs. Peeples to take all these boys home?

A About five minutes.

Q Drive way down to Iwilei?

A Yes.

Q What was that route again you took from the point you left the place?

A Down King Street, & turn down Iwilei, turned around on Iwilei road, came back, went down King street to College Walk, down to Beretania street, to Hall street, and down Kukui.

Q Stopped at places to let these men off?

A Yes.

Q Where did you let Kahahawai, - Joe Kahahawai off?

A Kukui street.

Q Kukui and where?

A Between River and Liliha.

Q Didn't you tell Mr. McIntosh on Saturday, -- on Sunday morning, after you were questioned the first time, the first time you were questioned by Mr. McIntosh, didn't you say you took Joe down Iwilei road opposite the American Can Company and dropped him there?

A No.

Q I will read this to you: "Last night when I questioned you you told me you took Joe down to Iwilei road opposite the American Can Company. Didn't you tell me that?" and your answer was "Yes"?

A I didn't tell you that.

Q "Now you tell me you drove him to Hall and Kukui street. Why did you lie?" and you said "I thought it was about the other case"?

A Yes, I told you I thought it was about the Peeples' case.

Q Did you or didn't you tell him that Sunday?

A Yes, I told him.

Q Why did you tell me a minute ago you didn't?

A I thought it was the Peeples' case.

Q Didn't I ask you if you said that to him Sunday morning, the first time you talked to him, and you said "No" twice?

A I don't remember.

Q You never said that, or didn't you?

A Maybe I told it to McIntosh.

Q You said before you didn't?

A I am not sure.

Q You didn't say you were not sure; you said you didn't. How do you explain that?

A It was more than once he talked to you about it.

Q I asked you if you said that and you said you didn't. Why did you say you didn't?

A I thought you were referring to the Peeples' case.

Q I didn't ask you about that case. I asked if you didn't say that to McIntosh?

A Yes, I did.

Q Now you change your story. How would that protect anybody? Why did you tell him that?

A He couldn't find his house at all.

Q Is that the same time you told him you didn't know who had your car?

A I---

Q When you first talked to McIntosh didn't you tell him you didn't know who had your car that night?

A I didn't tell him who had my car.

Q Didn't you tell Mr. McIntosh when you were first questioned about your car, where it was Saturday night, didn't you tell Mr. McIntosh you loaned it to some boy who you didn't know his name?

A Yes.

Q Didn't you tell him, - didn't you also tell him you took Henry Chang to Liliha street? Didn't you tell him that Saturday night?

A I didn't tell him Saturday night.

*why lie
Chang
had done
nothing
to
Mrs.
Peoples
trying to
cover up
Massachusetts*

Q When you first talked to him Sunday morning didn't you tell him you took Henry Chang and dropped him off at Liliha street?

A Yes.

Q Why did you tell him that?

A The same thing.

Q Had Henry Chang done anything he should not?

A They were all with me.

Q Had Henry Chang done anything he should not?

A He did not.

Q Why did you have to protect him?

A To save him from trouble that might bring him to the police station.

Q What had he done that was wrong?

A To protect him.

Q What had he done that was wrong?

A Nothing.

Q Why did he need to be protected?

A To save him from trouble, is all.

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SYBIL DAVIS

A witness for the defendant, was recalled for further examination and testified as follows:

DIRECT EXAMINATION

By William H. Heen, Esq.

MR. HEEN: May I question this witness on a matter I didn't have in mind at the time she was here last?

THE COURT: All right.

Q Miss Davis, do you remember the time you were asked to go down to the City and County Attorney's office to make a statement about this case?

A I do, but I don't remember the date.

Q Do you remember hearing about this assault case, when it came up, - was it a few days after that?

A It was about a week after.

Q Who came for you?

A Stagbar.

Q And you went and made a statement to Mr. Wight in the City Hall?

A Yes.

Q Before you went to the City Hall and made your statement to Mr. Wight about this matter, and after you last saw Matsumoto and Vierra early Sunday morning after the dance at Waikiki Park, had you seen Matsomoto and Vierra at all to talk to.

A No, sir.

Q Or had you seen Margaret at all to talk to before you made your statement to Mr. Wight?

A No.

(Cross-examination waived.)

MR. HEEN: We wanted to call Margaret Kanae on the same matter, but she cannot be found. I will not hold up the trial of the case on that account. We rest, if the Court please.

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(Recess)

EDWARD N. SILVA

was duly called and sworn as a witness for the Territory on rebuttal, and testified as follows:

DIRECT EXAMINATION

By Griffith Wight, Esq.

Q What is your name?

A Edward N. Silva.

Q Your occupation?

A Deputy city and county attorney.

Q Were you up at the hospital in Mrs. Massie's room when detective Machado was there and when defendant Ben Kahahawai was there.

A I was.

Q Will you tell us what happened, how he was brought in and so on?

A Someone said "Bring the other in" or "the others in" and Benny Ahakuelo was brought in and placed at the foot of Mrs. Massie's bed and the first thing she said was "They call you Benny, don't they" and Benny said "Yes."

Q She had seen Benny before that, hadn't she?

A I don't know.

Q What day was that?

A That was Monday morning, if I recall correctly.

Q You have heard she had seen Benny before Monday morning at the hospital?

A Yes.

Q Did you hear anyone say "Bring in Benny" before

he was brought in?

A No.

Q Did you hear Mr. McIntosh whisper in Mrs. Massie's ear "This is Benny" or words to that effect?

A He didn't do that.

Q Did he whisper at all in Mrs. Massie's ear?

A (No answer)

MR. WIGHT: That's all.

CROSS EXAMINATION

By William H. Heen, Esq.

Q When Benny was brought in for Mrs. Massie to see were you looking at Mrs. Massie or looking at Mr. McIntosh?

A I was sitting in a rocker between Mrs. Massie's bed and the window, and I think Mr. McIntosh was at the foot of the bed. I was looking at both.

Q You are not sure about that? You think so?

A Think what?

Q Think Mr. McIntosh was at the foot of the bed?

A I am almost positive that is the way we were placed at that time.

Q When Benny came in where did Benny stand?

A At the foot of Mrs. Massie's bed.

Q Were you looking at Benny or Mrs. Massie at the time he was brought in?

A Looking at Mrs. Massie, I believe.

Q So while you were looking at Mrs. Massie you didn't notice whether or not Mr. McIntosh opened

his mouth and said something?

A If Mr. McIntosh wanted to whisper in Mrs. Massie's ear he would have to crawl over me to do it, and he didn't do that.

Q You don't know whether he bowed his head?

A I don't recall.

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ARTHUR H. STAGBAR,

was recalled as a witness for the Territory in rebuttal, and testified as follows:

DIRECT EXAMINATION

By Griffith Wight, Esq.

Q Did you in your own automobile take the time it took at different speeds to drive from a point, say 20, 30, or 40 feet mauka on John Ena road on the intersection of the road that leads to Fort DeRussey to the old quarantine station?

A I did.

Q By that I mean, (going to blackboard) this is Kalakaua, this is John Ena road, De Russey would be over here. This is the point I mean, - some point in here 20, 30 or 40 feet, some point in here from John Ena road to a point within the old quarantine station?

A I did.

Q What point within the old quarantine station do you refer to?

A That cement base.

Q Can you point it out on that sketch?

A (Going to blackboard) It is around here. (Indicating)

Q Was it on the side toward Waikiki or the other side?

A The side towards Waikiki.

Q What point there?

A To here, the intersection there.

Q How many times did you drive that distance at different speeds?

A Only two speeds, at 35 and 30 miles.

Q How many -- You used your watch?

A I did.

Q How long did it take you to go between those two points at 30 miles?

A Three and a half minutes.

Q How long at 35 miles did it take you to go between those two points?

A Three minutes.

Q Was there any traffic at the time?

A Very slight; very light traffic.

Q Did you also -- I am drawing the continuation of Ala Moana from this point to Ward street, crossing King here, and the continuation on to Beretania.

(Drawing on blackboard) Did you take time from this point to the makai-Ewa corner of Thomas Square on Beretania street?

A Yes.

Q At what speed did you do that?

A At thirty miles.

Q Thirty miles an hour?

A Yes.

Q Did you stop at stop-signs?

A Every stop sign.

Q How long did it take you to cover that distance?

A Three minutes.

Q From that point, the last point I am speaking of-- I am talking about the mauka-Ewa corner of Thomas Square on Beretania street--

A To the boulevard, that is the makai-Waikiki corner.

Q Of Thomas Square?

A Of Thomas Square, and that is the makai-Waikiki corner of Kapiolani and Beretania, which is the Ewa corner of Beretania street and Thomas Square.

Q That is from the quarantine station to the Ewa-mauka corner of Thomas Square on Beretania street?

A Yes.

Q Did you take the time from that last mentioned point down Beretania street too? Did you take the time it took to drive from that point, the mauka-ewa corner of Thomas Square along Beretania street to Fort, from Fort street to School, and to Liliha street and down Liliha street to King?

A Yes.

Q What time did it take?

Q At thirty miles an hour, five and a half minutes.

Q Did you stop at stop signs?

A All stop signs.

Q What time of day did you make that trip?

A Between ten and eleven at night, at one time.

The first time I went over was in the afternoon and again at night between ten and eleven.

Q You did it once in the afternoon and once at night?

A Yes, sir.

Q Did you ever exceed thirty miles an hour?

A Never more than thirty; many times less than thirty.

Q Did you see Ford car number 58-895 around the police station, around the 13th or 14th of September?

A I did.

Q At daytime or nighttime?

A Both in the night and day-time.

Q Was it highly polished at that time or dull?

A It was a dull color to me.

CROSS EXAMINATION

By William H. Heen, Esq.

Q Did you try out the speed between 20 and 25 miles an hour from John Ena road to the old quarantine station?

A No, I didn't.

Q Did you try the speed between 20 and 25 miles an hour from John Ena road up Kalakaua avenue through the extension of Kalakaua avenue, Beretania street,

and down to Fort street?

A Thirty miles an hour?

Q No, between 20 and 25 miles an hour?

A No, I didn't.

Q Did you try the speed from the old quarantine station up to the corner of Victoria Kapiolani and Beretania street going through Ward street and up Kapiolani street at between 20 and 25 miles per hour?

A No.

Q And when you turned the corner from Ala Moana road into the old animal quarantine station did you turn the corner at 30 miles an hour?

A Less than that.

Q How much less?

A I thought I must be going at 20 miles an hour.

Q Why did you not turn at 30 miles an hour?

A I didn't want to turn over. I have a big, heavy car.

CLAUDE BENTON

was recalled as a witness in rebuttal for the Territory, and testified as follows:

DIRECT EXAMINATION

By Griffith Wight, Esq.

Q Referring to the time on Monday that you and Lau went down to the old quarantine station with Ida did you say to Lau that the tire marks you found Saturday night had been obliterated by cars that had been in

and out of the place?

A All except the particular one on the extreme right.

Q Show us where you mean?

A (Witness goes to board) This particular one is on the extreme right in the mud-hole, and the underbrush along the edge of the road by which whenever it entered this old quarantine station went to the extreme right near the underbrush, making a wide corner.

Q How can you identify that as being the same mark you saw Saturday night?

A No other tire marks had traced over it or within one foot of it.

Q Did he ask you if it was possible that this particular mark had been made by Captain McIntosh?

A No.

Q When did you learn Captain McIntosh had gone down there?

A About eleven o'clock, Monday.

Q Whom did you learn that from?

A From Captain McIntosh.

Q Did Lau mention to you the fact that Captain McIntosh had been through there?

A He ~~did~~ not.

Q Did you hear Lau say this: "If this mark was made by Captain McIntosh there is no use of photographing it"?

A I did not.

*Benton
1st learned
Mac
had been
to receive*

A No, sir.

Q Did Lau make any remark to you at the police station before you left for that point down there Monday morning?

A He did.

Q What did he say?

A I was discussing about these particular tire marks, and asked him if he had photographed them and he said "No" and I told him "I am quite sure there is one that is not erased yet" and wanted to know if he would go down and see what he could do about it. He said "It is only a waste of time. I know Ida. I have questioned him. I know he is not guilty of this crime."

Q Did Lau make any remark in regard to the innocence of Ida at that point out there?

A I heard him say to Ida down there he would take his word in preference to mine.

Q Where was Lau and where were you when that was said?

A We were right by this mud puddle there, kneeling down.

Q That was sometime before you left to drive to town?

A Yes, sir.

Q Did you see that car down at the police station on Monday morning?

A Yes, sir.

Q At that time was the color dull or highly polished?

A It was dull-like.

CROSS EXAMINATION

By William H. Heen, Esq.

Q Do you remember, Mr. Benton, that after you examined these tire marks early Sunday morning, about half-past three, you went back to the office and made a report at half-past four?

A At four o'clock I made a report.

Q At four o'clock?

A Yes, sir.

Q You remember, do you not, that you made no mention in your report about the tire marks, do you recall that?

A I recall that.

Q You didn't tell us on your first examination, did you, about this tire mark being right near the grass?

A If I am not mistaken, I did.

Q Did you place any marks there to show which tire marks you had examined early Sunday morning?

A No, sir.

Q Didn't you testify on your direct examination, Mr. Benton, that it was on that Sunday morning at eight o'clock you went down there with Ida and Lau?

A The following morning I testified, between 8 and 9.

Q Do you remember testifying this way: "Q. Can you identify tire marks over the ground when well defined? A. Yes. Q. Were these well defined in this case in the mud? A. Very plainly. Q. Did you

later go back to the same scene? A. I stayed at the scene until break of day and then I reported my findings to Mr. McIntosh. Q. Then what did you do? A. I turned in my report and quit for the day. Q. Did you do something else the following morning? A. Yes. Q. That is what I mean? A. Yes, later in the morning. Q. What time in the morning? A. About eight o'clock." Do you remember that? A. If I said Sunday it is a mistake. I meant the following morning.

Q. Do you remember testifying this way: You were asked this question: "Q. When did you realize the great significance of those tracks? A. After I made my report. Q. You mean after you took the car out and compared the tracks? A. No, sir, I was ignorant of the fact that this supposed car was used in the Ala Moana case. Q. You mean you learned that after you made this report? A. Yes. Q. When did you take that car down for the comparison of the tracks. A. About eight o'clock. Q. And this report was over four to four and a half hours before that? A. Yes." Do you remember testifying that way?

A. I remember testifying that I had taken the car there the following morning.

Q. I am not asking that question. Do you remember testifying that way, that it was four or four and a half hours after you made your report at four o'clock in the morning that you took that car down there for

comparison?

A I don't remember saying four and a half hours later.

Q But you said that in answer to the question: "And this report was over four and a half hours before?" and you answered "Yes". Do you remember that?

A Not clearly.

Q You remember about the car tracks more clearly than your own testimony made only a few days ago?

A I remember that very clearly.

Q You testified, did you not, the other day, that after you made the comparison you went back to Mr. McIntosh and made a full report to him about your comparison?

A I did.

Q You told him you took the car down there, ran the car alongside the track that was down there, did you?

A Yes.

Q And told him that the tire marks were identical?

A Yes, sir.

Q Did Mr. McIntosh at that time tell you that he had taken the car there on Sunday morning?

A He did.

Q And did he tell you at that time that they might have been the marks he made that you based your comparison on?

A No, he asked me where I was basing my comparison

on, and I informed him to the extreme right.

Q When did he tell you that?

A About ten o'clock Monday.

Q Was that the first time you found out that the car had been run down there, is that right?

A Yes, sir.

Q Why didn't you tell us that the other day?

A I wasn't asked that question.

Q Did you make that report in writing about these tire marks to Mr. McIntosh after your comparison?

A No.

MR. WIGHT: Objected to as not proper rebuttal.

THE COURT: The question has been answered. He said "No".

Q Did you report to Mr. McIntosh that Lau refused to take the photograph of the tire mark?

A I didn't report he refused.

Q Did you report to Mr. McIntosh that Mr. Lau had failed to take the photograph of those tire marks?

A I did not.

Q Why didn't you?

A It is not my duty to report anything about my brother officers. That is to the heads' look out.

Q How would they know it without any report from you?

A That I can't say.

Q Did you report to the sheriff about it?

A I did not.

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EUGENIO BATUNGBACAL

was duly called and sworn as a witness for the Territory in rebuttal, and testified as follows:

DIRECT EXAMINATION

By Griffith Wight, Esq.

THE WITNESS: I would like an Interpreter.

THE COURT: Call Mr. O'Campo in.

(Reported that Mr. O'Campo, the official Filipino Interpreter, was engaged in the Fourth Division.)

THE COURT: Well, let's try it in English.

Q How do you spell your last name?

A B-a-t-u-n-g-b-a-c-a-l.

Q How old are you?

A Thirty-five.

Q Are you married?

A Yes.

Q How many children have you?

A I got seven; five living and two dead.

Q Do you live with your wife and children?

A Yes.

THE COURT: Take the gum out of your mouth, you can talk better.

(Witness removes gum from his mouth)

Q Where do you live?

A Notley street, 2511.

Q With your wife and children?

A Yes.

Q Where do you work?

A Fort Shafter.

Q What doing?

A Barbering

Q How long have you worked there?

A About six years.

Q Do you remember the night of September 12, 1931?
a Saturday night?

A Well, I remember, - I don't remember the date, but
I read in the paper about this case Monday morning.

Q What case do you mean?

A This assault case.

Q You mean the Ala Moana assault case?

A Yes.

Q Do you remember two days before that, that Saturday?

A Yes.

Q You don't remember what date it was?

A I don't remember the date.

Q Have you an automobile?

A Yes.

Q What kind?

A Studebaker.

Q What kind Studebaker what?

A Sedan.

Q On that night did you use your automobile?

A Yes.

Q Who were you with?

A Me, Jim Low and Chong and Roger.

Q That is Roger Liu?

A I don't know.

Q Where did you meet Jim Low?

A I met Rogar and Low by Young Street.

Q They were together there?

A Yes.

Q What were you doing, you were driving your car alone?

A Yes, I was driving my car alone.

Q Do you know about what time you saw them there?

A Well, I think around before 11.

Q And they got in your car?

A Yes.

Q Where did you drive to?

A I drive to by Waikiki, Frozen Orange.

Q You mean that round orange place?

A Yes.

Q Where is that, do you know?

A Across from the Barbecue Restaurant.

Q Across from the Barbecue Inn?

A Yes.

Q What did you do when you got there?

A We drink some orange juice there.

Q Did anybody come up when you were there?

A Mr. Chong.

Q How did he come up, on foot or how?

A Automobile.

Q What kind of automobile?

A Chrysler.

Q What type of body?

A Sedan.

Q What did he do?

A He just met us down there. Rogers and him are partners.

Q Rogers, Liu and this fellow Chang are partners?

(Question withdrawn)

Q What did Rogers do?

A Rogers?

Q What did Chang do?

A He came down and get some drink too.

Q After he had his drink what did he do?

A Low tell us--

Q Don't say what he said. Just say what he did. What did Chang do?

A Nothing but just drink.

Q After he drank the orange juice what did he do?

A He go with us.

Q Whom do you mean by "us"?

A Mean Roger and Jim Low and him, Chang.

Q What car did you go in?

A My car.

Q Where did you go to?

A I go to John Ena road.

Q Did you stop there?

A I stop by saimin stand.

Q Which side of the street is that on?

A By ewa side.

Q Side towards town?

A Yes, outside.

Q What happened after you stopped there?

A I never see.

Q Did all you people stay in the car or some get out?

A No, Jim Lau and Chang went inside the dance hall.

Q What dance hall?

A Waikiki Park.

Q Did they come back again?

A Yes, they came back again.

Q Do you know what time?

A Well, I think between 11:30 and 12 o'clock.

Q Could you get any closer than that?

A Beg pardon?

Q Did you hear any music playing?

A Yes, still playing.

Q When they got back was the music playing or not?

A I don't know.

Q After they got back what happened?

A After they came back he said "Let's go" and

I drive the car and as soon as I drive the car--

Q How were these people sitting in the car?

MR. HEEN: I would like to get the time on this a little closer. We will object to any testimony that should have been put on in chief. If this witness is going to testify in any manner tending to corroborate the testimony of Mrs. Massie, that it was around 11:35 or 11:45 when she was seized by these men, as she testified, then this testimony

should have been given on their case in chief and not at this time. On the other hand, if they are going to fix the time after 12 o'clock, in order to rebut any evidence we have put in, I will not object to that, but I would like counsel to assure the Court just what stand they are taking in this case.

THE COURT: Proceed. The objection is not timely. There is nothing before the Court. It is proper.

Q (Question read by the reporter as follows: "How were these people sitting in the car?")

A Well, Jim Lau is sitting in my behind-

Q Who was in the front seat?

A Jim Lau and me.

Q Who was driving?

A Me.

Q Who was in the back seat?

A Chang and Roger.

Q After you got in what did you do?

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

THE COURT: Objection overruled. It must be preliminary to something. I don't know what.

MR. HEEN: That is what I am asking, to get from counsel an assurance of what this testimony is; whether it is testimony substantiating or tending to corroborate the testimony of Mrs. Massie. If that is so, we object to it, because they should have put that

evidence on in chief.

THE COURT: Objection overruled.

MR. HEEN: Exception.

X
Q After the four of you got in the lot what did you do?

A I drive my car.

Q Were your lights on or off?

A On.

Q When did you turn them on?

A As soon as I started the engine.

Q They had been off while the other men were in the dance hall?

MR. HEEN: Objected to as leading.

THE COURT: Objection sustained.

Q Were your lights on or off while Jim Lau and Chong were in the Waikiki Park dance hall?

A Off; tail light on, but headlights off.

Q You say you lit your lights and started?

MR. HEEN: Objected to as already asked and answered.

THE COURT: Proceed.

Q After you turned your lights on what direction did you go?

A I go to Ala Moana road.

Q On your way did you see anything on the side of the road?

MR. HEEN: Objected to as incompetent, irrelevant and immaterial, and if this is in the nature of corroborating

testimony, it should have been given on the case in chief.

THE COURT: Objection overruled.

MR. HEEN: Exception.

Q What did you see?

A I see about four or five men with one girl; two mens holding the woman with hands and one is following. They look like force the women to bring it to the car.

Q What car?

A I don't know what kind of car, but I am sure it is touring.

MR. HEEN: We move to strike all this testimony, as this testimony should have been given in chief, and if they are trying to put this on in chief it is not rebuttal.

THE COURT: Objection overruled.

MR. HEEN: Exception.

Q You said four or five men?

A Four or five mens, I am not sure.

Q What was the color of those mens' faces?

A What do you mean?

Q What was the color of those mens' faces?

A I don't know.

Q Were there any haoles there?

A Well, I don't think so, no.

Q What were their nationalities, do you know?

A I think Japanese and Hawaiian; look like to me one Japanese and one Hawaiian. The rest I don't know.

Q Did you see any haoles there?

A No.

(Q After you saw this what did you do?

X A I drive my car to Fort De Russey and turned around because Chong's car is still at the Frozen Orange. I drive him down there to get his car.

Q Did you see this car or men on the way back?

A No.

CROSS EXAMINATION

By William H. Heen, Esq.

(Q You said your car was near the saimin stand?

A Yes.

Q Right opposite the saimin stand?

/ A Right a little close to the saimin stand, a little way down from close by saimin stand.

Q Mauka toward Kalakaua avenue, a little farther mauka?

A No, by the saimin stand; very close by the saimin stand.

Q You were sitting in front?

A In front.

Q Who was sitting with you?

A Jim Low.

Q Who went into the park to the dance?

A Jim Low and Chong.

X [Q When James Low and Chong went into the park who

was with you?

A Roger.

Q Where was Roger sitting?

A Behind.

Q And you were sitting at the wheel?

A Yes.

Q How long did you sit there?

A Well, I think around 15 minutes, something like that.

Q It might have been 20 or 25 minutes?

A I don't think so, because they are quick; they don't stay very long.

Q What time did you get to the orange stand?

A Well, I don't remember very well the time I get to the orange stand.

Q About what time?

A About what time? Oh, I think around 11 o'clock.

Q How do you know it was about 11 o'clock?

A Well, you know Jimmy Low and Chong and Rogers I meet by Young street I think before eleven.

Q What time before eleven?

A What time is it?

Q What time before eleven when you met them at Young street?

A Well, I think about 20 or 15 minutes.

Q How do you know it was 20 or 15 minutes before 11?

A I got a watch with me all the time, and the only thing I can tell sure the time, I got watch with me.

Q Did you look at the watch?

A Sometimes I look at it.

Q That night?

A What do you mean?

Q When you went to this place on Young Street did you look at the watch?

A Well, yes, I looked at my watch.

Q ~~Wha~~t time was it when you looked at it?

A ~~Tha~~t is what I said; about 20 or 15 minutes before 11.

Q How long did you stay at the orange stand?

A I think we stayed there about ten minutes, I think; I don't know. I don't remember. That's too long ago. I don't remember.

Q So long ago you don't remember?

A Yes.

Q So you don't know what time you got to this place in front of the saimin stand?

A Oh, about 11:30; something about like that.

Q Did you make a report to the officers about this matter?

A No, I did not report.

Q Did you tell Mr. Wight, this gentleman, and the police what you saw that night?

A Yes, I told them.

Q Did you sign any paper?

A I don't remember if I signed any paper.

Q Did they have a stenographer taking your testimony at that time when they asked you questions?

A I don't remember.

MR. WIGHT: I have no signed statement from him; I have looked for one, and, further, if I did have one I wouldn't let you have it.

THE COURT: Proceed.

(Recess)

Q At what place on Young street did you meet Jim Low?

A By gasolene station. I don't know what gasolene station is that.

Q Near what other street?

A I don't know what street is that on.

Q Do you know where Thomas Square is?

A No, I think a little farther away.

Q Farther away?

A Farther down, yes.

Q Do you know where the stadium is, where they have football?

A By Beretania orange frozen. I don't know what street is that; that gasolene station on Young Street.

Q You mean by Henry May's?

A I don't know that street.

Q Do you know where McKinley High school is, on King street?

A Yes.

Q Young street is mauka of King street, on the upper side of King street?

A The next street is Young street?

Q Yes.

A By that place.

Q Near the McKinley High School?

A Yes, near McKinley high school, the gasoline station over there.

Q Was Jim Low in the house at that time when you went there at Young Street?

A Yes.

Q And also Roger?

A Roger, yes.

Q They got on your car?

A Yes.

Q And from there you went out to the Frozen Orange place?

A Yes.

Q And afterwards you say Chang came up to the Frozen Orange place?

A Yes.

Q Where did Chang leave his car?

A By that place, by the Orange Frozen place.

Q And that is on Kalakaua Avenue opposite the Barbecue Inn?

A That Frozen Orange, yes, by Barbecue Inn.

Q Opposite Barbecue Inn?

A Yes, across the street.

Q Where did he leave his car there?

A Right over by that frozen orange.

Q On the street or inside?

A Inside.

Q And he got on your car, did he?

A Yes.

Q You came down John Ena Road and parked in front of this saimin place?

A Yes.

Q After you parked there you said Chang and Jim Low went into the dance?

A Dance.

Q And about 15 minutes after that they came back and got on your car?

A Yes.

Q And that would be about a quarter to 12, is that right?

A Between 11:30 and 12 o'clock.

Q You said you got there about 11:30?

A Yes, between 11:30 and 12 o'clock, I said.

Q When you got to the saimin place?

A Oh, that is what I said, between 11:30 o'clock and 12.

Q When you got to the saimin place?

A Yes.

Q You told us it was about 20 minutes to 11 when you met Jim Low?

A Yes.

Q And you told us a little while ago that you left this place about eleven o'clock?

A What place?

Q This place on Young street?

A Eleven o'clock? I never said 11 o'clock. I said

before eleven.

Q You left Young street before 11 o'clock?

A Yes, before 11.

Q And went out to this Frozen Orange place?

A Yes.

Q And when you got there about what time was that?

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

Q About what time?

A I don't know! It is too long ago, I can't remember.

Q Was it ten minutes past eleven?

A I don't know. I can't remember what time.

THE COURT: Mr. Heen is just asking you about, as near as you can tell.

A Just about?

THE COURT: Yes, just about.

A Well, I think we got there about eleven or over eleven.

Q According to your best judgment, about 11 or a little over 11?

A I can't remember, I told you. I can't tell the sure time.

Q How long did you stay at that Frozen Orange place, about how long?

A About how long?

Q Yes?

A About, I think, about between 20 and 30 minutes.

Q How many drinks did you have there?

A Well, we drank one, but you know they are talking; you know I can't force them to go, so I stay a little longer.

Q How many drinks did you have there?

A I get one.

Q How many drinks did Jim Low have there?

A I don't know.

Q More than one?

A I don't know.

Q How many drinks did Rogers have there?

A One, I think.

Q How many drinks did Chang have there?

A One, I think.

Q How long did it take to drink your drink?

A I don't know how long it take to drink my drink.

Q About how long?

A I think for myself about ten minutes.

Q How long did Rogers take to drink his drink?

A I don't know.

Q So it was about half-past 11 when you left that place to go to the saimin place, is that right, about?

A About, yes.

Q Is that right?

A Yes, about.

Q And Jim Low and Chong went into the dancing place and they stayed there about fifteen minutes?

A About fifteen minutes.

Q When they came back it was about fifteen minutes

to twelve?

A Something like that.

Q And the dance was still on?

A You know people is come out, but I think the dance is still on.

Q Did you still hear the music going on?

A I don't notice. I am outside of the road. I don't know whether the dance is still going or not.

Q When James Low and Chong came in they got into the car?

A Yes.

Q James Low sat in back?

A No, in front.

Q And Chong sat in the back?

A Yes.

Q And you drove off?

A Yes.

Q And then you saw a woman walking down?

A Yes.

Q In a green dress?

A I don't know what the green dress, or what color, but I see a woman, that's all. I don't know the color of her dress.

Q What kind of color do you think it was?

A I don't know; night time is hard to tell.

Q Wasn't there light enough there?

A There light there but you can never tell. I am not interested to see what kind of color her dress.

end ✓

I just see her, and I don't know what kind of dress, you know.

Q Was it a long dress?

A Long dress.

Q Way down to the ankle?

A Yes, way down.

Q And what kind of a hat did she have on?

A I don't think she wore no hat.

Q What kind of hari did she have on?

A I don't know.

Q Black?

A I don't know.

Q Did you see a man walking by her?

A I see plenty, four or five.

Q Did you see one man walking by her first?

A I never see one man. I saw four by her four or five.

Q You show us how she was walking when you first saw her?

A Well you know when I saw her two mens-- How can I show her. I am just alone.

Q Show us how she was walking when you first saw her?

A I don't remember what kind she was walking, but I remember four or five mens, - ones holding.

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

THE COURT: Has the witness ever said he saw her walk?

Q Did you see the girl walking?

A Yes, the girl is walking.

Q How far was she from you when you saw this woman walking?

A Well, about, I think, about fifty feet away, and I am still going, my car is still going.

Q How far did she walk before you saw the man?

A Before I see the man?

Q Yes.

A I saw the girl about fifty feet distant, - well, I saw the men and girl and mens, I saw them one time.

Q You say you saw this woman walking? You have just told us?

A Yes, walking with the men.

Q She was walking with the men?

A Yes.

Q Come here and show us how this---

MR. WIGHT: Walking with the men what?

A I saw the girl walking with the men the first time. I thought they go together; just go with a party. The girl is just up like drunk, you know. I don't think that the mens were, -- we don't pay any attention.

THE COURT: Judge Heen, you are examining the witness.

MR. HEEN: He has answered my question. I didn't ask him for all these things.

THE COURT: What is your question.

Q Come down and show us how this woman was walking.

You said she was walking like she was drunk?

A I can't show how she was walking at that time.

I just saw she was walking, I don't know.

Q You said she walked as if she was drunk?

A She looked as if she was drunk because two mens held this arm and she tried to get away from these men; that is what make me believe she is drunk.

Q And you said she looked as if they were all walking together at first?

A You asked me first if I saw the woman walking.

Yes, she is walking with the men. Mens hold her in both arms and some following and some stay behind. I don't know. That's all I saw.

Q And in front of them was a car standing?

A No.

Q There was no car at all?

A There was no car at all.

Q Did you see a car come along with these four men?

A Well, I don't remember. As soon as I drive my car and pass by I never see---

Q You saw no car at all?

A I never saw them no more.

Q You saw no car at all?

A Plenty cars behind us.

Q Passing by?

A Passing by.

Q You said when you started up you noticed this woman about fifty feet away from you?

A Yes.

Q Facing town, is that right?

A Yes, facing to the beach.

Q And you never saw any car come along and stop in front of you?

A No.

Q Is that right?

A What?

Q You never saw any car come in front of your car and stop?

A I didn't see any car.

Q Then you passed this woman and these four men?

A Yes.

Q You saw two men were holding this woman?

A Two mens holding.

Q One on one side and one on the other side?

A Two mens holding and one man behind and I don't know how many---

Q How were they holding? Suppose I am the woman?

A Yes, suppose you are a woman. I saw two men hold like this. (Illustrating)

Q How about the other man on this side?

A Some men are standing.

Q How about the man on this side holding the woman? How did the other man hold that woman?

A The same way.

Q And one man was standing?

A Standing, yes, sir.

Q How far from that woman?

A Very close.

Q That is three men. What was the other man doing?

There were four men?

A About four or five, I am not sure.

Q How far were you from this woman and those men when you saw the men holding the woman?

A Well, I told you my car was about fifty feet from the woman and mens, you know, and I still keep on going, and when I saw them I think it is about 20 or 15 feet, I think.

Q You didn't see any car there?

A No. Behind plenty. Behind, not in front.

Q I mean standing or parking in front of your car?

A No. Oh, one touring car that looked like they forced the woman to bring to that car parking over there.

Q Where was that car now? How far down?

A The car is I think about, I think, if I make no mistake, about 100 feet or more, I think.

Q From where you first saw the woman?

A The way I parked my car.

Q From where you parked your car in front of the saimin place?

A Yes, about 100.

Q And this touring car was parked 100 feet from you?

A Yes.

Q From your place?

A From my place.

Q Do you remember the color of that car?

A I don't remember the color of the car.

Q What do you think it was?

A I don't know.

Q How far was this woman and these men from that car when you first saw the woman and those men?

A Well, I think I saw the woman from the touring car, - oh, about three feet, I think three or four, three feet, I think.

Q Behind the car?

A Behind the car.

Q You said you were fifty feet away from the woman and the men when you first saw them?

A Yes, but I still -- my car is parked, you know, about 100 feet distant from that car.

Q From the other car?

A From the other car. And when I drive my car I drive my car I think about fifty feet, I think, and I saw the woman and I still looking till about 15 or 20 feet.

Q How long did they have to walk to get to that car?

MR. WIGHT: Objected to as ambiguous.

Q The woman and the men, how long did they have to walk before they got to the car that was standing there?

A About three feet, I think; something like that.

Q Did you see that woman pass your car when you were at the saimin stand?

A I don't notice.

Q You didn't notice that?

A I didn't notice that.

Q When you saw these men walking that way, you were surprised, were you not?

A What do you mean.

Q You were surprised? You know what "surprised"

~~XXXX~~ means--

MR. WIGHT: Objected to as ambiguous.

(No ruling)

Q With that woman?

A I don't pay no attention. The first time I think that woman go with those boys. I thought she is drunk and those boys just help put her in the car. That is what I thought the first time.

Q When you went by that car did you say something to some of the other men?

A I never say any word.

Q Did the other men, one of them, say anything?

A Mr. James say "Slow down."

Q After you passed there?

A Yes, just about I pass the car he say "Slow down".

Q Did anybody say anything before that, just before James Low said that?

A What is that?

Q Did anybody say "Well, here, this looks as if

some trouble over there", or something like that?

A No, we see them helping, and I still driving and Low tell me "Slow down, I want to see those happen" and when I slowed down I just go past with that car, you know.

Q Passed that car?

A Yes, passed that car.

Q How far ahead of that car did you go?

A By DeRussey, you know, very close to the gate; I don't remember now.

Q And then you turned around?

A I turned around by DeRussey road.

Q When you came back was the car still there?

A I don't notice.

Q You didn't pay attention?

A I don't pay attention.

Q This woman was a white woman that you saw?

A I don't know if she is white or not.

Q Don't you know she was white?

A I don't know because she is not facing to me. If she is facing to me I tell you whether she is nigger or white or Portugese.

Q Now har far did you have to travel before you turned on that road to Fort De Russey from the place where that car was standing?

A Well, I can't remember that to tell how far; I just remember just by Fort De Russey, by the gate over there.

Q Did you hear that car going off past you after you passed it?

A I don't notice.

Q When did you go down to the police station and talk to the police about this matter?

A Oh, I think about two weeks ago; something like that.

Q Or more?

A I think about two weeks ago; I don't remember sure.

Q The first time?

A The first time was about two weeks ago, I think.

Q Where did you go?

A Where did I go?

Q Yes, to the police station or city hall?

A City hall.

Q How many times did you go there?

A Two times, I think. I don't remember.

Q Were you there last week?

A I don't remember if I went there last week.

Q Were you there this week?

A This week, is Friday -- I went down about two days ago.

Q Who went with you?

A Stagbar.

Q Anybody else?

A Mr. What's- his-name, - Wight.

Q Wight?

A Yes.

Q Was Chang there the other night?

A What night.

Q About two or three days ago?

A Yes, Chang was down there.

Q And was Roger there?

A Roger is there.

Q Isn't it a fact that when you first told the officers about this matter you told them that this woman had a green dress on?

A No, sir.

Q You didn't?

A No.

Q And at that time, the first time, did you tell them one of these men who had this woman looked like a Japanese?

A Looked like a Japanese?

Q Did you tell them that the first time?

A Yes.

Q Did you tell them the other man looked like a Hawaiian?

A Yes.

Q Did you tell them what the other three men looked like?

A I didn't tell them.

Q Why didn't you tell them what the other three men looked like?

A I am not sure.

MR. HEEN: May we take an adjournment at this time.

I can say I am through now with this witness.

(Adjourned to 8:30 o'clock a.m.

Monday, November 30, 1931.)

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