

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, DAVID TAKAI, )  
Defendants. )

The above entitled matter came duly on for further hearing on Monday, November 30, 1931, at 8:30 o'clock a.m., all parties being present as before, whereupon the following further proceedings were had and testimony taken:

(Stipulated the jury and defendants all present.)

MR. WIGHT: I have two witnesses whom I personally told to be back at 8:30 this morning and they have not arrived yet.

(Discussion)

MR. HEEN: At this time may I inquire of the prosecution if these are their last two witnesses, because I would like to know, for the reason we have just placed in the hands of the police a subpoena for Lieutenant Massie, Lieutenant Branson, Mrs. Lieutenant Brown and Mr. Brown. We felt we had to do this on account of the developments of the case through this so-called rebuttal advanced by the prosecution

(Discussion)

(Recess to 8:50 a.m.)

MR. WIGHT: Your Honor, with witness understands English but I will have to speak very slowly. I don't know if we need anybody to help or not.

ROGER LIU

was duly called and sworn as a witness for the Territory in rebuttal, and testified as follows:

DIRECT EXAMINATION

BY MR. WIGHT:

Q What is your name?

A Roger Liu.

Q Where do you live?

A 1247 River Street.

Q Where do you work?

A I am co-partner of Chun Chong Company.

Q What business are you in?

A Wholesale store.

Q What kind of wholesale goods?

A Fruit and Vegetables.

Q How long have you been in that business?

A Well, about three or four years.

Q Who is your partner?

A Beg pardon?

Q Who is your partner?

A My partner Charlie Chang.

Q On the night of September 12th 1931, Saturday night, where were you?

A Then I were riding with some boys around and having some cold drinks up orange frozen stand on Kalakaua.

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Q Before that where were you, before you went on the ride?

A I was on Young Street.

Q Who with?

A With Mr. James Low.

Q When you were there what happened?

A After awhile Eugeni came up to us.

Q You men Eugenio Batungbacal?

A Yes. I know just--

Q Just Eugenio?

A Yes.

Q What time did he come up?

A That was about eleven, I guess.

Q Up where?

A Young street.

Q Then where did you go? What did he come up in?

A With an automobile.

Q What kind of an automobile?

A Studebaker Sedan.

Q And after he came up what did you and Jimmy Low do?

A Beg pardon?

Q After Eugenio came up to where you were on Young street what did you and Jim Low do?

A Well, we just talking; nothing important.

Q Did you stay there or go somewhere?

A Well, after Eugenio come up I and Mr. James Low and Mr. Eugenio took a ride down Kalakaua with him.

Q And where on Kalakaua did you stop?

A By the orange frozen stand.

Q Where is that?

A Somewhere around near opposite the Barbecue Inn, I guess.

Q And what did you three do there?

A We having some cold drinks.

Q What happened while you were there at the orange stand?

A After awhile I saw Mr. Charlie Chang, one of my partners, drive up, so I wait for him, and James Low invited him to have some cold drinks with us.

Q What was he driving in, Chang?

A Automobile.

Q What kind?

A Chrysler.

Q A Chrysler what?

A Sedan.

Q All right, Did he have a drink with you?

A Yes, he had.

Q Then what happened, after you finished your drinks?

A Then after we had a drink Mr. James Low suggest to go in the dance hall, suggest go in to see the dance hall, and asked me and Charles Chang to come in with us, Charlie parked his own car on the ground of the orange frozen stand and we drove down together.

Q What road did you drive down?

A We drove down John Ena road and parked out in front of that Japanese store, right in there by the Japanese noodle stand.

Q Right by the noodle stand?

A Yes.

Q By "noodle" you mean saimin?

A Saimin, yes, sir.

Q Then what happened after you parked there?

A Then Mr. Charlie Chang and Mr. James Low got off the car and went in the dance hall, and I and Eugenio stay in the car and wait for them.

Q While you were there were the lights of your automobile on or off, while you were parked?

A I cannot remember whether they were.

Q You cannot remember. Do you know about what time it was?

A It is around eleven, around 11:40.

Q That is, when Charlie Chang and Mr. Low went over?

A Yes, sir.

Q How long did they stay there at the dance?

A About ten minutes or longer.

Q About ten minutes or longer, you are not sure?

A I am not sure.

Q Did they come back?

A Yes, they came back.

Q Was the dance over or not when they came back?

A I believe the dance is over.

Q What makes you believe that?

A Because I asked Mr. James Low and he said the dance is over, and I saw some people kept coming out.

Q Now after they came out did they get in the automobile?

A Yes, they got in the same automobile, with us.

Q Where was Eugenio sitting?

A In the front seat, he was the driver.

Q Where was Mr. Low sitting?

A Right next to Mr. Eugenio.

Q And you and Mr. Chang in the rear?

A Yes.

Q After they got in the car what did you do?

A So we drove down John Ena road toward Ala Moana road and Mr. Chang asked Mr. James Low he was feeling tired and sleepy, so Mr. James Low daid to drive up and make a turn of our car.

Q On your way down did you see anything on the side of the road?

A Yes, I saw a woman together with a bunch of boys.

Q You said you saw a woman with a bunch of boys?

A Yes.

Q All right. What was the nationality of those boys?

A I am not sure, but it looked like Oriental boys to me.

Q All Orientals or not?

A I am not sure of that.

Q Well, did you see any haoles there?

A I believe there was no haoles in that bunch.

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Q You did not see any?

A I don't see any.

Q What was the woman, what was she?

A I believe she was white.

Q Do you know or do you believe it?

A I believe it.

Q What was the color of her hair?

A Blonde.

Q What kind of a dress did she have on?

A Well, I am not sure; in the dark it looked like blue to me.

Q Was it a long dress or a short dress?

A I believe it is long.

Q I will show you this dress, with the cop. (Counsel illustrates and exhibits dress, Exhibit "C" to witness)

Was it anything like that?

A Something like that.

Q Now you say you saw some woman and the boys. What were the Boys and the woman, - what were they doing?

A I saw two boys was holding her arm; I believe at that time I believe they were trying to push her in the car.

Q What made you believe that?

A I saw the lady was moving around, struggling.

Q The lady was moving around and struggling?

A Struggle, yes.

Q How many boys did you see there?

A I saw three in the car and I believe a couple

outside of the car; I saw something moving inside of the car.

Q What kind of a car was this kind of a car you saw there?

A I am not sure of that, either a Chevrolet or a Ford.

Q What kind of a body?

A Touring.

Q How near to this car were these men and this woman?

A Right on the side of the car.

Q Now, about where was that place on John Ena road that you saw them, do you know?

A It was somewhere around the booth, by the booth.

Q How far?

A Somewhere around by the booth.

Q Well, was it in front of the booth or further on or further this way or what?

A Well, I would say it is further down from the dance hall.

Q Now across the street there are some stores, was it further down from the stores too?

A Yes, sir.

Q About how far further down, do you know?

A I think about 100 feet or over 100; I am not sure of that

Q You think 100 feet or over 100; you are not sure.

Now after you got beyond there, beyond where this woman

and these men were, what did you do; where did you go?

A Beyond the car, you mean.

Q Beyond that small touring car you saw there?

A Well, we just kept slow going down toward Ala Moana road.

Q Yes, and when you got down to that fork in the road, - do you know what I mean?

A Yes.

Q The one going to Fort De Russey and one to Ala Moana. What did you do there?

A We make a turn of our car.

Q Where did you make a turn?

A Mr. Charles Chang wanted to go back and get his own car, where his car is parked.

Q Do you know where you make the turn?

A Somewhere around Fort De Russey.

Q Then you come back on the same road?

A Yes, we came back on the same road.

Q Did you see that car and that woman and those men there when you came back?

A I didn't notice.

#### CROSS EXAMINATION

BY MR. HEEN:

Q What is your name?

A Roger Liu.

Q What is your Chinese name?

A Roger O.K. Liu is my Chinese name.

Q Your full Chinese name?

A The Chinese name, Liu On Kwock.

Q How old are you?

A In the calling I am 24.

Q What is that word?

A Calling, c-a-l-l-i-n-g.

Q You are Chinese?

A I am Chinese.

Q In Chinese how old are you?

A It is the same.

Q Twenty-four years?

A Yes.

Q And according to American style how old are you?

A That I don't know exactly.

Q Where were you born?

A In this city.

Q When?

A Oh, I forgot about it.

Q When is your birthday?

A I could not remember either.

Q You can't remember that?

A I can't remember that.

Q What school did you go to?

A Iolani.

Q To Iolani. When?

A Eight years before now.

Q That is when you were sixteen years old, about?

A Yes, about.

Q Is that the first time you ever went to school

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here?

A Yes, sir.

Q And you lived in Honolulu all that time until you were sixteen years old?

A Yes, sir.

Q What is the name of your father?

A Well, Liu See.

Q What is the name of your mother?

A Lau See.

Q Have you ever been back to China since you were born?

A Yes, I been.

Q When did you go to China?

A Since I am small.

Q How old were you then?

A I have forgotten about it.

Q When did you come back from China?

A In 19-- I forgot about that too; I am not exactly.

Q About how old were you when you came back from China?

A About sixteen years old.

Q Sixteen years old. Did you tell the police what you saw out there on that night?

A Yes, I did.

Q Who did you tell what you saw?

A I tell Mr. Stagbar and Mr. Wight.

Q When?

A About three or four weeks ago.

Q And did you sign some written statement?

A I do.

Q And how many times did you go up to the office of Mr. Wight?

A About two, I guess.

Q The first time about three or four weeks ago?

A Yes.

Q And when was the second time?

A The second time was in, - the second time on Wednesday, - let's see, sometime last week I went up Mr. Hewitt's office.

Q In the night-time?

A Night-time, yes.

Q Do you remember when you were subpoenaed here last week by us?

A Yes.

Q About Tuesday?

A Yes.

Q Was it the night before?

A The night before.

Q That was up at Mr. Hewitt's office?

A Yes, sir.

Q And did you go up to Mr. Wight's office more than once?

A About two times, I guess.

Q When was the second time you went up to Mr. Wight's office?

A I could not remember when.

Q Did you go up there Friday night?

A No.

Q Last week?

A No.

Q Saturday night?

A No. I could not remember when.

Q Did you go up there at the end of last week some-time?

A Not last week.

Q Did you go up there yesterday?

A I did not.

Q Last night?

A I did not.

Q You did not. Now in that written statement did you say that you saw a woman with a green dress?

A Said it looked like blue to me.

Q Is that what you said in that written statement, looked like blue?

A Yes, sir.

Q And did you say in that written statement that these boys looked like Orientals?

A Yes, sir.

Q Are you sure of that?

A Looked like Oriental boys to me.

Q Is that what you said on that written statement made in Mr. Wight's office?

A Yes, that is what I told Mr. Wight.

Q Did they show you that statement?

A Yes, they do.

Q Did you read that in that statement, "they looked like Orientals"?

A I did.

Q Now isn't it a fact that at the time you saw these boys you didn't know what nationality they were?

A I believed they were Orientals.

Q You are not sure about that?

A I am not; I believe so.

Q You may be mistaken, though, is that correct?

A Well, I believe they were Orientals, but--

Q I know you believe that, but you may be mistaken? You may be mistaken?

A I believe that they were Orientals.

Q Now how fast was Eugenio's car going at the time you saw this woman and these boys?

A He was going slowly.

Q About how many miles an hour?

A Well, that I could not state exactly.

Q I am not asking you exactly; I am asking you about how many miles an hour?

A We just keeping going slowly.

Q My question is, about how many miles an hour?

A Oh, ten or over, I guess.

Q Between ten and fifteen miles an hour?

A Yes, sir.

Q And how far was your car from this woman when you first saw her?

A About how far? It was about, - not very far.

Q About how far?

A I could not tell you exactly.

Q I am not asking you exactly. I am asking you about how far?

A It is about from here to there. (Indicating in court room)

MR. HEEN: Indicating a distance of 37 feet. Will you so stipulate, Mr. Wight?

MR. WIGHT: Yes.

Q And was this woman on the street at that time or on the sidewalk?

A On the sidewalk.

Q And this car that you saw there was standing there at that time when you first saw it?

A Yes, they were standing there.

Q You did not see that car come past you and stand?

A I did not.

Q And there were several cars passing by at that time both ways, going and coming?

A I could not remember now.

Q You don't remember that?

A I don't remember.

Q And when you first saw this woman her back was towards you?

A Yes, her back was towards us.

Q And there was one man holding her on one side?

A Each side.

Q And where was the third man?

A Standing on the sidewalk, the other boy.

Q Which boy?

A That boy were holding her.

Q There were two boys holding her, one on each side?

A Left, - right.

Q On her right hand side?

A Yes.

Q In other words there were two boys on her right-hand side and one boy on the left-hand side, is that it?

A Yes.

Q And all their backs were towards you?

A All of them; they were facing towards Ala Moana road.

Q And you said you think you were 37 feet away from them when you first saw them?

A I think so.

Q Now how far were you to them when you saw them try to put this woman in the car?

A Why it is almost, - almost our car getting close to his car.

Q About alongside of that car?

A Alongside of the car.

Q And then you saw them try to put the woman in the car?

A Yes, sir.

Q. And you said she was struggling?

A She was struggling.

Q All right. You show me now how he was holding the woman, the man on the left-hand side?

A (Witness leaves stand and illustrates position)

Q Like this? (Illustrating)

A Yes.

Q You are sure he had his left-hand on the left<sup>3</sup>/<sub>4</sub>hand of this woman?

A Yes.

Q You saw that, did you?

A Yes.

Q And you saw that his right hand was on the left arm of this woman, above the elbow?

A Yes, I just saw two men holding her.

Q Now you show me how the man on her right was holding her?

A That I could not tell you exactly.

Q Show us about how they were holding her?

A About the two hold just the same.

Q What was the third man doing, on the other side?

A The same on that side.

Q How was he standing, - suppose this is Ala Moana down below?

A Yes, Ala Moana down below.

Q How was he standing?

A He was standing like this. (Illustrating)

Q Like that?

A. Yes.

Q And about how far away were those people from the car when you saw them, 37 feet away?

MR. EIGHT: Objected to; he didn't say what car.

Q That car that was parked there, the touring

car, about how far were these people standing, - this woman and these three boys, - standing from that car when you were 37 feet away?

A Well, they were just coming close to the car.

Q Coming close to the car?

A Not exactly close.

Q You said they were getting close to the car?

A By the sidewalk.

Q How were they getting close to the car, - were they walking to that car then?

A I didn't notice that. They were standing--

Q On what side of that car did they get in, on the right-hand side of that car or left-hand side of the car?

A I didn't saw them get in the car.

Q You didn't see them get in the car. When you passed by you saw, - you said you thought you saw two men in the car?

A Yes.

Q Were they in front or behind?

A In the back.

Q Two men in the back of the car?

A Yes.

Q And there was nobody in the front of that car, that touring car that was parked there?

A I didn't notice; I am not sure.

Q But you are sure that there were two men in the back?

A I saw some shadow; something moving in the back.

Q Inside of the car?

A Inside of the car.

Q You said there were two men. You thought there were two men?

A I believe there was a couple boys.

Q You said you didn't see them put this woman in the car, you said that?

A I did.

Q About how near were they to the door of that car?

A Well, just about a foot.

Q About a foot away?

A Yes.

Q You don't know whether it was on the right-hand side or the left-hand side?

A The sidewalk side.

Q The sidewalk side. All right. Now if there had been somebody in front, sitting in front of that car, you would have seen them, wouldn't you?

A I didn't notice.

Q You didn't notice that?

A I am not sure

Q. Then how far beyond that did Eugenio's car go?

A Beyond which car?

Q Beyond the car which was parked there?

A When we drove down?

Q Yes, after you passed there, how far did you go?

A Well, that is not very far.

MR. HEEN: We offer this map in evidence; this is a tax map showing the location of the Ala Wai, Kalakaua Avenue, John Ena road, Hobron Lane, and the road as it leads to Fort De Russey and Ala Moana Road, and it is on a scale of 50 feet to an inch.

MR. WIGHT: No objection, your Honor.

MR. HEEN: This scale on this map is 100 feet to an inch, not 50.

THE COURT: All right, it may be received.

(Document offered in evidence received  
and marked "Defendants' Exhibit 9.)

MR. HEEN: Mr. Wight, will you stipulate that this point here which I will mark "A" is the site of Ala Wai Inn?

MR. WIGHT: Yes.

MR. HEEN: And this road leading along here, which is marked Kalakaua Avenue is Kalakaua Avenue, and this is John Ena road going down makai, and Hobron Lane and that this lane here marked Hobron Lane as shown on the map is a lane leading away from John Ena road?

MR. WIGHT: Yes.

MR. HEEN: And John Ena road, and then this leading to Fort DeRussey and in this direction, opposite land court application Number 314, and then leading in the other direction to Ala Moana road?

MR. WIGHT: Ewa direction, yes.

MR. HEEN: Will you stipulate that at this point here

marked: "B" that is the saimin stand?

MR. WIGHT: Yes.

MR. HEEN: And the park opposite that would be Waikiki Park?

MR. WIGHT: The section here marked "Aloha Amusement Park" that is this place here (indicating), is the park that has been testified to in this case.

MR. HEEN: As the Waikiki Park?

MR. WIGHT: Yes.

Q Now, Mr. Liu, will you step down here, please.

(Witness goes to blackboard) Now I show you this Exhibit Number 9, which purports to be a plan of John Ena road, Kalakaua Avenue, - and this is Kalakaua Avenue where it is marked Kalakaua Avenue and this is John Ena road, marked "Ena road".

This side of the map is the town side and the makai side of the map is the Waikiki side. As you go from town in the direction of Waikiki you come to John Ena road, then as you go down John Ena road that way we have marked here "B", that is the saimin stand. Now do you recognize this map as being correct?

A Well, I am sorry, I can't understand much of the map.

Q You can't understand much. You know, do you not, that there is a curve in John Ena road like this (indicating) when you go down towards Fort DeRussey; you know that there is a curve like that?

A Yes.

Q Then you know there is a curve like this where you turn to go down Ala Moana road?

A Yes.

Q Now when you saw this woman and the bunch of boys the first time, was that on this first curve of John Ena road?

A Somewhere around there.

Q Before you get to the curve or after you get to the curve?

A You mean our car?

Q No, the car where you saw the woman and the boys?

A Somewhere around here, I think. (Indicating)

Q Indicating by the curve then?

A Yes.

Q That is the first curve on John Ena road toward the sea.

MR. WIGHT: Label it "C".

Q Where you first saw the woman and the boys. Well, put it the other way. That car that was parked there which you saw, this touring car?

A Yes, sir.

Q Where was that parked, that car parked, again; point out on that map just about where it was parked.

A They were parked somewhere around here.

Q About where?

A Somewhere around this curve here; somewhere around this curve. (Indicating)

Q It was parked there?

Q Yes.

(Counsel marks point indicated with the letter "C" in red pencil on Exhibit "B".)

Q Now this is supposed to be 100 feet to an inch. That is, an inch is one hundred feet, so it was over 200 feet then from the corner of Hobron Lane where the car was parked?

MR. WIGHT: That is objected to; the map will speak for itself.

Q Well, about how far from the corner of Hobron Lane makai of Hobron Lane was it that this car was parked?

MR. WIGHT: WE object to that as we do not know he knows where Hobron Lane is.

Q From the saimin place then, how far was that car parked from the saimin place?

A I told you it was about 100 feet over.

Q Do you think more than 200 feet?

A Not that exactly.

Q You think about 150 feet?

A About that.

Q About 150 feet. That is your best judgment?

A Yes, sir

Q Now you said that there were two boys holding this woman?

A Yes, sir.

Q And there was a third boy on the right hand side of this woman?

A Standing by the other one.

Q How far was he standing from the other?

A Oh, just getting close.

Q Just right close together?

A Right close together.

Q That third boy who was standing there close to the boy who was holding this woman by the right arm, what kind of clothes did he have on?

A I did not notice that; I am not sure.

Q You are not sure?

A Not sure.

Q What kind of a hat did he have on?

A I could not remember.

Q Did he have a hat on?

A I am not sure.

Q Well, the boy who was holding this woman, on the right hand side, what kind of clothes did he have on?

A I remember one boy was with white shirt, but I don't know which one; I could not remember.

Q So you don't know what kind of clothes this one boy had on, the one holding the woman on the right-hand side?

A I didn't notice him.

Q You didn't notice. Did he have a hat on?

A I am not sure of that.

Q Now this boy that was on the left-hand side of the woman, what kind of clothes did he have on?

A I could not remember.

Q Did he have a hat on?

A Not sure.

Q Not sure. Now did you see the woman when she was taken to the car?

A I am not sure.

Q You are not sure. You don't know how she walked?

A I did not notice.

Q You did not notice her walk at all?

A I just saw her standing by, there.

Q You just saw her standing by there?

A Together with that bunch of boys.

Q And you did not see her walk at all?

A I did not; I did not notice.

Q Now when you saw this woman by the door of the car on the right hand side, that is on the sidewalk side?

A Yes.

Q Which way was she facing then?

A Four of them; they were facing towards Ala Moana road.

Q Still facing Ala Moana road, is that right? You said "yes".

A Well, beg your pardon; I didn't understand you.

Q When you saw them on the sidewalk side of that car that was parked there how was the woman facing?

A She was facing towards Ala Moana road.

Q And the three men were still facing Ala Moana road?

A They were all facing Ala Moana road.

Q Did you see that same woman pass the car you were in at the saimin stand?

A You mean that time when we waiting for --

Q Just before you started on your car?

A I did not notice.

Q You didn't notice. And how long did you wait at the saimin stand?

A About ten minutes or longer.

Q About ten minutes?

A Or longer.

Q Did you have some saimin there yourself?

A I did not.

Q What kind of stand was that?

A You mean that saimin stand?

Q Yes?

A Well, I could not tell that exactly.

Q You could not tell?

A No.

Q How big a place was that saimin stand?

A Just as big as that table.

Q As big as this table?

A Yes.

Q Was it a store?

A No.

Q What was it?

A It was on the sidewalk.

Q On the sidewalk, - a wagon?

A Yes.

Q A wagon?

A A wagon, yes.

Q And here was plenty of light there?

A I could not remember well now.

Q You can't remember well. Was there an automobile inside there at that time?

A Inside where.

Q In the saimin stand, just before you started?

A I could not remember.

Q About what time was this when you saw the woman with the boys?

A It is between 12.

Q Between 12 and what?

A Since when see? About, - I don't know exactly.

Q About what time?

A About 12 or later, I don't know exactly.

Q Supposing the dance stopped at 12 o'clock, - supposing it stopped at 12 o'clock, about how long after that was it that you saw this woman and these boys?

A Well, since when Mr. Chang and James Low came out, we drove out Ala Moana road, it was not very long.

Q My question was this: Supposing the dance stopped at 12 o'clock, about how long after that was it when you saw this woman and these boys, about how many minutes after that?

A After the dance?

Q After the dance? Supposing it stopped at 12 o'clock?

A Just a few minutes.

Q Well, about how many minutes would that be? What is your idea of a few minutes?

A About one or two minutes.

Q About one or two minutes afterwards?

A Yes, sir.

Q Now, isn't it a fact that when you made that statement, your statement to Mr. Wight and the others, that you, - I have asked you that. I will withdraw it.

After you passed that car that was parked there about one hundred or 150 feet below that saimin stand did James Low say "Slow down" to Eugenio?

A I could not remember.

Q You can't remember?

A I can't remember.

Q Did you tell James Low at that time "A man is grabbing that woman" or something to that effect?

A I did not.

Q Did you make that remark at that time "That man is grabbing that woman"?

A I can't understand you, Mr. Heen.

Q When you passed that car and saw these boys and this woman you said they were trying to get this woman into the car. Did you say at that time, just as you passed "That man is grabbing that woman"?

A Yes, sir, they were holding her.

Q Did you say that at that time "That man is grabbing that woman"?

A I beg pardon.

Q At the time your car passed the other car?

A Yes.

Q You saw the boys grabbing the woman and trying to put her into that car that was parked there?

A Yes.

Q Did you say at that time "That man is grabbing that woman" or something to that effect?

A Yes, we did; they were holding her.

Q Did you say that at that time?

A Say that to him?

Q In the car, while you were in the car?

A No, we did not.

Q Did Charlie Chang say that that man is grabbing that woman?

A I don't remember.

Q You don't remember. Did you say to James Low at that time "Why those boys are grabbing that woman"?

A I did not.

Q Did you say to Charlie Chang at that time "Those boys are grabbing that woman"?

A I did not.

Q Did you say to Eugenio "Those boys are grabbing that woman"?

A I did not.

Q Did you say at that time that that woman was struggling?

A Yes, sir, she was struggling.

Q Did you say that to the other boys in the car?

A No, I did not.

Q When you saw that these men were trying to get this woman into the car and she was struggling --

A Yes, sir.

Q Did you become excited?

A Well, no, I did not.

Q You thought it was not strange?

A I thought they were just a bunch of friends.

Q You thought they were a bunch of friends, and you thought she was drunk, didn't you?

A That she was moving her arms and struggling.

Q And you thought she was drunk too, didn't you?

A I am not sure of that.

MR. WIGHT: I object to what he thought.

(No ruling)

Q I did not notice.

Q And is that the reason why you did not try to help this woman, because you thought they were friends?

MR. WIGHT: Objected to as immaterial, any reason, your Honor, absolutely immaterial, - to go into this man's opinion.

(Argument)

THE COURT: You may answer the question.

(Question read by the reporter, as follows: "And is that the reason why you did not try to help this woman, because you thought they were friends?")

A I did not pay ~~any~~ <sup>any</sup> attention much to that.

Q You said you have been in this wholesale fruit and vegetable business for about four years?

A Three or four.

Q Three or four years. And Charlie Chang is your only partner?

A No, plenty of them.

Q And you do a lot of business with the Navy?

A Yes, we do.

Q And also with the Army?

A Not Army.

Q With the Navy?

A With the Navy.

REDIRECT EXAMINATION

BY MR. WIGHT:

Q Have any naval people come to you and talked to you about what you should say in this case?

A Not one.

Q Weren't you up in Chun Hoon's store the other night with Judge Heen?

A Yes, sir.

Q He called you up there?

A Yes.

RECROSS EXAMINATION

BY MR. HEEN:

Q When I called you up there I asked you to tell

me what happened down there and you refused?

A Yes, sir, I did.

Q You refused because Mr. Wight told you, you said "Mr. Wight told me not to tell; he told me not to tell anybody"?

A Yes, he and Mr. Stagbar told me.

Q At that time I told you I wanted nothing but the truth?

A Yes, sir.

REDIRECT EXAMINATION

BY MR. WIGHT:

Q Didn't I tell you and Mr. Hewitt tell you we wanted nothing but the truth?

A Yes, sir.

(Witness excused.)

(Recess)

CHARLES CHANG,

was duly called and sworn as a witness for the Territory in rebuttal, and testified as follows:

DIRECT EXAMINATION

BY MR. WIGHT:

Q Your name is Charles Chang?

A Yes.

Q What business are you in?

A In wholesale fruit and vegetable.

Q Are you married?

A Yes, sir.

Q How many children have you?

A Six.

Q Do you live with your wife?

A Yes, sir.

Q How long have you been married?

A About ten years.

Q And who is your partner in that business?

A Well, we have several.

Q Is Roger Liu one of your partners?

A Yes.

Q Now on Saturday night September the 12th of this year, somewhere after 11 o'clock, where were you?

A I believe I was driving towards Waikiki. While passing the orange stand I saw my partner, Mr. Liu, waving to me, so I halt and turn in. After having a drink with them of pineapple juice--

THE COURT: A little bit louder.

A I went in there and stopped and accepted a pineapple juice from them, and drink, and after awhile, you know, after we agreed to Mr. Low's suggestion we go to Waikiki Park to see the dance. So I parked my car there at the ground on the orange stand and went with them in Mr. Eugenio's car.

A Eugenio's car, the Filipino boy?

A Yes.

Q Where did you drive to?

A We drove down to John Ena road and parked it on the Ewa side in front of the Japanese store, near the saimin wagon, I believe, and Mr. Low suggested

going into the dance hall and the other two remained in the car, and I accompanied him in there.

Q You went into the dance hall?

A Yes.

Q How long did you stay there in relation to the end of the dance?

A About a quarter of an hour, - about fifteen minutes.

Q When did you leave?

A The dance?

Q When did you leave the dance floor?

A After the dance was over.

Q As soon as the dance was over you left?

A No, a few minutes later.

Q How many minutes did you mean, by after?

A About five minutes.

Q And after that where did you go?

A We went out and got in the car. I was very tired and asked Mr. Eugenio to take me back to the orange stand so I could get my own car.

Q When your car was parked which way was it headed?

A Towards Ala Moana, his car.

Q When you got in which way did Eugenio go then?

A Towards Ala Moana, to turn the car back.

Q On the way down there did you notice anything on the sidewalk, at the side, or anything around there?

A Well, I saw several persons gathering around a woman.

Q Do you know what the nationality of these men

was?

A No, their backs facing me.

Q You can't tell?

A No, I cannot.

Q Now, could you tell whether their hair was dark or anything about that?

A Well, appeared to me to be dark.

Q What was the woman like; what did the woman look like, do you remember?

A I didn't see her face.

Q Were they doing anything to this woman?

A Well two, - a couple of them, was holding her arms and intended to, - it seems they were intending to lead--

MR. HEEN: WE object to any "intentions".

Q A couple were holding her arms?

A Yes.

Q And what was she doing?

A She was standing still.

Q Did she move at all, do you know?

A I didn't notice that.

Q Were there any automobiles near where they were?

A Yes, I believe there was one.

Q How near to where they were standing?

A About three feet.

Q About three feet. Do you know what kind of a car that was?

A I didn't notice, but it seemed to be a small car.

Q Was it a roadster or sedan or touring car or what?

A It looks to me to be a touring.

Q Did you see the color of that woman's hair?

A I didn't notice.

Q Do you know what nationality the woman was?

A I didn't notice that too.

Q Do you know the color of the dress she had on?

A I believe it was blue.

Q Would you know if it was a long or a short dress, do you know?

A I believe it was long.

Q I will show you first the top of this dress, indicating Government's Exhibit "C". Did it look anything like that?

A No, I could not tell that.

Q You can't tell?

A It was dark at the time

Q How?

A It was dark there.

Q Now you could not tell the nationality of this woman. What did she look like to you?

MR. HEEN: We object to that, if the Court please; the question has been answered. He said he did not know; he could not tell.

MR. WIGHT: I changed the wording, - "What did she look like to you".

THE COURT: You may answer that.

A. Like Occidental.

Q Occidental. Can you tell what the complexion of the men were, light or dark?

A Quite dark.

Q Did you see any haoles there?

A I don't believe I noticed any/

Q Did you notice how many men there were there, about?

A About four to six, I believe.

Q And after you got by there do you know what the car that Eugenio was driving did? After you got by the place where these people were standing?

A He did not stop.

Q Do you know where they - where they went to, the car you were in?

A Well, when about 150 feet or some 200 feet, then turned back.

Q Do you know where the curve is there, the fork, where one road goes to Ala Moana and one goes to Fort DeRussey?

A Yes.

Q Do you know that?

A Yes.

Q Which way did you turn back on?

A I believe we turned back to John Ena road.

Q Where was it when you turned around, do you know?

A I don't know. I was very tired, and was lying low on the automobile, with my head back.

Q When you came back John Ena road did you see this or these men or this woman again?

A I did not notice.

CROSS EXAMINATION

BY MR. HEEN:

Q How old are you?

A Thirty-four.

Q Where were you born?

A Hilo, Hawaii.

Q What is your full Chinese name?

A Chang Fun.

Q What is your father's name?

A Chang Ho.

Q And your mother's name?

A Wong Shee.

Q And have you been back to China?

A No, sir, never.

Q Never returned to China at all?

A No.

Q What school did you go to first?

A St. Louis College.

Q Is that the first school you ever went to?

A No.

Q What school did you go to first?

A Kaiolani.

Q How old were you then?

A Nine years old.

Q From there you went to St. Louis College?

A Yes, sir.

Q This business that you are in, this Chang Chong--

A Chun Chong.

Q You do a lot of business with the Navy?

A We have a contract with them.

Q Now when you went to the dance with James Low at Waikiki Park on that night of September the 12th of this year the car was first parked outside, the car Eugenio was driving, in front of a Japanese store?

A Yes.

Q There are two stores there, - How many stores are there?

A Oh, I didn't count them.

Q Japanese stores?

A I didn't count them; two or three.

Q About how far was the car parked from the saimin stand?

A You mean on what way?

Q Well, the car was parked mauka of the saimin stand, wasn't it?

A On the Ewa side of the road.

Q On the Ewa side of the Ena road, and you said opposite a Japanese store?

A Not opposite, just alongside of the store.

Q About how far would that be from the saimin stand?

A About six feet, I believe.

Q About six feet away. And this car which you saw

further down, where the women and these boys were, about how far was that car parked from the saimin stand?

A 125 to 150 feet.

Q And these boys, and this woman whom you saw there at that time, were they on the street or on the sidewalk?

A On the sidewalk.

Q And when you first saw them they were all facing down the beach?

A Yes, sir.

Q Is that right?

A Yes.

Q You said they were a little behind the car, about three feet?

A Somewhere around there.

Q About three feet behind the car? The car was facing down towards the beach too, was it?

A Yes.

Q And what was the color of that car?

A I didn't notice.

Q What, - wasn't it a black car?

A It looked like dull paint; it looked dark to me, yes.

Q It looked dark to you. And looked like an old Ford?

A I don't know what kind of car, what make.

Q I am not asking you exactly, but it did look

like an old Ford or not?

A Oh, really I have no intention of distinguish-  
ing the car at that time.

Q Did you have an intention of looking at the girl  
at that time?

A No.

Q Now you said there were two boys holding this  
woman?

A Yes.

Q One on each side, is that right?

A Yes, they gathering around her.

Q How many boys altogether around there?

A I didn't count.

Q About how many?

A About four to six, I believe.

Q There was one holding one arm, another one  
the other arm?

A Yes.

Q And where were the other boys?

A Gathering around.

Q Some in front?

A Like a circle to me.

Q It looked like a circle to you?

A Yes, around the woman.

Q About how many in front of the girl?

A They circled around, gathering around.

Q Some behind her?

A All around her.

Q And how far were you from this group, - this girl, this woman, - and these boys, when you first saw them?

A Our car, - when we start our car?

A When you first started your car?

A I believe it was say from 75 to 100 feet away.

Q After your car started?

A After our car started.

Q Then you first saw this woman?

A Yes.

Q And these boys?

A Yes.

Q Around her?

A Yes.

Q In a circle?

A Yes.

Q And was it at that time you noticed that they were about three feet from the car that was parked?

A That is hard to say. I didn't watch very interestingly at that time.

Q At what point was it when you noticed they were about three feet behind that car?

A Oh, when I first saw them.

Q And then as your car approached did you see them go towards the car?

A No, sir.

Q They were still standing there?

A Yes.

Q And when your car passed that car did you see them go to that car?

A I didn't look back.

Q You didn't look back, so you don't know what they did with that woman?

A No.

Q Now did you see what they were doing to that woman as they were holding her by the arm?

A Oh, I say I believe they were leading her, - intended leading her to somewhere.

Q You believed that?

A Yes.

Q You didn't see them lead her to any place?

A Seemed same as they dragging her.

Q Directing her?

A Dragging her.

Q Dragging her. Well, did you see them moving her to say that they were dragging her?

A I believe she did not move at that time.

Q Did she look as if she was drunk at that time?

A Well, I could not see her face.

Q Now where were these boys and this woman as you passed alongside of them, - were they still in the same position?

A Yes.

Q And did you get excited at that time when you thought they were dragging her?

A No.

Q You did not. Did they look as if they were all

in the same party?

A Well, I can't say that.

Q Did they look as if they were friends?

A I can't say that.

Q Now as you passed by there did you say to anybody in the car "Look at these boys dragging that woman"?

A No.

Q You didn't hear that?

A No, I had no knowledge at all.

Q You didn't get excited then?

A No.

Q You didn't hear any screaming?

A No.

Q You didn't see anybody punch that woman in the mouth?

A No.

Q You didn't see any boy hold that woman by the mouth?

A I didn't notice that.

Q And did you say as you passed that car "That man is grabbing that woman"?

A Two of them is holding her arms.

Q No, when the car was passing by them, did you make that statement in the car, say that to the other boys, - "That man is grabbing that woman"?

A I haven't said anything.

Q You didn't say that?

A No.

Q Did you say "those men are grabbing that woman"?

A I haven't said anything at all.

Q Did you make a statement to that effect to Mr. Wight here?

A No.

Q You did not?

A No.

Q Did you go to Mr. Wight's office and sign a written statement as to what you saw that night?

A I did.

Q Was that about three or four weeks ago?

A Yes.

Q And last week, about tuesday night, you went to Mr. Hewitt's office?

A Yes.

Q They asked you a lot of questions there?

A Not very much, about the same questions.

Q Was there any difference between what you told them last week, Tuesday night, and the time you made your written statement to Mr. Wight?

A I don't believe any.

Q You don't believe any?

A No.

Q Isn't it a fact when you made your statement to Mr. Wight you told him you didn't know who these people were?

A What do you mean?

Q You didn't recognize those boys at all?

A Yes.

Q You said you didn't recognize that woman?

A No, - I believe I did say I didn't recognize.

Q And did you tell him that you saw a green dress or blue dress?

A Blue.

Q Now isn't it a fact that you in your first statement to Mr. Wight said that one of you, either you or Roger Liu, said "That man is grabbing that woman"?

A No.

Q Didn't make that statement?

A No.

Q. Did anybody at all in that car you were riding in at that time say "That man is grabbing that woman"?

A If any, I didn't hear.

Q If any you didn't hear. Now when you passed that car did you see anybody in that car?

A I didn't notice any.

Q You didn't notice any?

A I didn't notice the car as it passed, just looked to the car and just glanced at the car when it passed by.

Q You thought at that time there was nothing out of the way?

A What do you mean by "out of the way"?

Q There was nothing wrong at that time, when you saw this?

A Yes.

Q You thought there was nothing wrong at that time. Now when you passed this parked car, the car that was parked there, did anybody say "Slow up"?

A I did not hear.

Q You did not hear that?

A No.

Q So then the last time you saw this woman and these boys around her was when you were passing by and they were still about three feet behind that automobile?

A Yes, sir.

Q Now this boy that was holding the woman by the left-hand, what kind of clothes did he have on?

A I didn't notice, but I believe he was coatless.

Q And the boy that was holding her by the right-hand, what kind of clothes did he have on?

A I didn't notice that too.

Q You didn't notice that. And the boys that was behind her, the boy that was standing behind her, what kind of clothes did they have on?

A I didn't notice the clothes.

Q And how about the boys in front of her, what did they have on, - what kind of clothes?

A I didn't notice too.

Q Did any of them have any hat on?

A I didn't notice too.

Q Did any of them have a cap on?

A I didn't notice that.

Q So when you saw these boys holding this woman and you thought at that time they were dragging her, you didn't say anything to Jimmy Low or to the other boys in the car?

A No, I did not.

REDIRECT EXAMINATION

BY MR. WIGHT:

Q You have never talked to any navy officer since that affair happened, about this case, have you?

A No, nobody else.

(Witness excused.)

MR. WIGHT: That is the case for the prosecution, if the Court please.

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JAMES LOW

was duly called and sworn as a witness for the defendants in sur-rebuttal, and testified as follows:

DIRECT EXAMINATION

BY MR. HEEN:

Q What is your name?

A James Low.

Q And were you formerly supervisor of the County of Hawaii?

A Yes, sir.

Q On the night of September the 12th of this year were you out at Waikiki Park to a dance?

A I was down there but I didn't go to the dance.

Q Do you remember reading in the paper about this assault case on a white woman at Ala Moana?

A Yes.

Q It was about that time?

A Yes, sir.

Q About that time. Who were with you? Who went with you to the Waikiki Park?

A Eugenio, Chang and Liu.

Q What is the first name of Chant<sup>g</sup>?

A Charlie Chang.

Q And Liu?

A Roger Liu.

Q And now I will ask you Mr. Low, did you know any of these boys at all, these five boys who are sitting here? (Indicating the defendants)

A No, sir.

Q Not acquainted with them?

A No, sir.

Q Whose car did you have going to Waikiki Park?

A Eugenio's.

Q Eugenio's car?

A Yes.

Q You went to the orange stand first. Did you drive from there down to the park?

A Yes.

Q Where did Eugenio park his automobile?

A Directly in front of the gate.

Q What gate?

A That go in the dance hall.

Q And who went into the Waikiki Park with you?

A Chang.

Q Charles Chang?

A Charlie Chang.

Q And where did you stay in the park, around on the ground or did you go into the pavilion, or what?

A The last row of car next to the pavilion.

Q You didn't go into the dance at all?

A No.

Q You remained outside. How long did you remain outside?

A Ten minutes.

Q About ten minutes?

A About ten minutes.

Q And when you left the grounds was the dance over or was it still on?

A The dance was over.

Q How do you know it was over at that time?

A The people were coming out, and I believe it was over because the musicians were coming out.

Q And then after that you left the grounds and went to the car?

A Yes, sir.

Q Now this car that you came in, with Eugenio and the other two men, where was it parked when you came up? Was it still in the same place or had it moved?

A I don't recall, but it is immediately outside of the gate.

Q Immediately outside of the gate. Then did you and Eugenio get into that car?

A Yes, sir.

Q Eugenio was driving that night?

A Yes.

Q That was a Studebaker sedan, was it?

A Yes, sir.

Q Eugenio was driving, and who sat next to him?

A I did.

Q On the right-hand side?

A Yes, sir.

Q And where did Charlie Chang and Roger Liu sit?

A Chang sat immediately behind me on the rear seat, and Liu to his left.

Q On his left. And then Eugenio drove the car?

A Yes, sir.

Q In what direction did you go?

A We headed down John Ena towards the sea.

Q Towards the sea. And as you were going along John Ena road towards the sea did you notice anything?

A After we drove a little ways, to a point about thirty feet, I saw a lady walking ahead.

Q That is the lady was about thirty feet from you?

A When I first saw her.

Q When you first saw the woman. And was that still on the mauka side of Hobron Lane or Makai side of Hobron lane? Do you know where Hobron Lane is?

A No.

Q Will you step down here, Mr. Low, and I will show you this map, which is defendant's Exhibit Number "9". The top part of the map is towards the sea, marked "Pacific Ocean". This here which is marked "Kalakaua Avenue" represents Kalakaua avenue, and this is Ala Wai going into the sea. The lower part of this map on the board here is the mauka side of Kalakaua Avenue, and this road here, marked Ena Road, is the road that leads makai to Kalakaua Avenue towards the sea, going towards the sea. Do you recognize that?

A Yes.

Q And this place here marked Aloha Amusement Park on Ena Road, is now the Waikiki Park?

A Yes.

Q Do you recognize that?

A Yes.

Q This road here is Hobron Lane and this corner here, which is marked "B" is supposed to be the saimin

stand. Now about how far from that saimin stand, - I will withdraw that. Did you see a car parked head of where the woman was walking at that time?

A Yes, sir.

Q Now about how far from the saimin stand was it where you saw that automobile parked, according to your best judgment?

A About one hundred feet.

Q About one hundred feet away. Now you notice this curve in John Ena road just below Hobron Lane, the first curve there?

A Yes.

Q Then you notice this other curve, as you turn over into Ala Moana road?

A Yes.

Q Now will, - We will say that this first turn, which is marked "C" there, we will call that the first turn. Now was that car parked mauka of that first turn?

MR. WIGHT: I will object to the question as leading.

Q Mauka or Makai?

MR. WIGHT: Objected to.

Q Just about where, with reference to that curve, this first curve, on Ena road, below Hobron road, was it that you saw this parked car?

THE COURT: I suggest you tell the witness the scale of this map.

MR. HEEN: The scale of this map is 100 feet to an

inch; that is 100 feet to an inch.

A Could you point me where the gate to the dance hall is?

Q The gate is somewhere here (indicating), in this vicinity here, right by the part that is marked "road", and next to the saimin stand are the stores, the Japanese stores, barber shop and auto stand on the mauka side of Hobron Lane?

A About one hundred feet from that point of the stand.

Q Below?

A What is the scale?

Q One hundred feet to the inch?

A Oh, it is longer than that.

Q Point out approximately on the map, bearing in mind that the scale is 100 feet to an inch, just about where you remember seeing that parked car?

A All I could recollect is the building; about 75 feet from the last building.

Q From the last building on the road at the corner, you mean?

A Yes.

Q That store on the makai side of Hobron lane?

A Yes.

Q Well, what would be your judgment then as to the distance from the saimin stand, bearing in mind the width of that store there at that makai corner of Hobron lane and the 75 feet additional beyond that?

A I should judge about 150 feet, more or less.

Q One hundred and fifty feet more or less. All right. And you said that when you got within thirty feet, about thirty feet, of this woman you saw her?

A Yes, sir.

Q And at that time did you see anybody else?

A There was a man following immediately behind her.

Q And did you see any other men there at that time?

A No, sir.

Q You did not. And about how far behind was this man from that woman, as near as you can judge?

A About two or three feet.

Q And about how far was this woman from the car that was parked there at that time?

A About three feet.

Q And how was this woman walking at that time?

A She,- well, she was drunk, I presume it was; she was walking like a drunken person.

Q How was her head?

A Head down.

Q And what kind of a dress did she have on?

A Blue. I think it was blue.

Q It looked like blue to you that night?

A Yes.

Q Was it a short dress or a long dress?

A I could not say.

Q You could not say?

A No, I could not say at that time. Of course I read newspaper articles.

Q Did you observe or notice what nationality this woman was at that time?

A No, sir.

Q Did not?

A No, sir.

Q Did you notice the nationality of the man at that time?

A No, sir.

Q Did not. You did not know whether that man was a white man or a dark person?

A No, sir, because we were going the same direction and was looking from behind.

Q What kind of car was this that you saw there?

A Dark, dark colored.

Q Dark colored car. Was it, - what type of car?

A Touring car.

Q And were there any other cars passing by at that time, going in the same direction your car was going?

A Yes, sir.

Q Many or few?

A A lot of cars.

Q And was there any car coming in the opposite direction?

A Yes, sir.

Q How do you remember that?

A Lots of cars came, because one of the occupants of the other car called me.

Q As they passed in the other direction, you mean?

A Yes, and at that time they attracted my attention I looked towards their way, as the car passed by.

Q And where was that with relation to the car that was parked there, about three feet ahead of the woman whom you saw. Had you already passed that parked car or were you still behind the parked car when somebody hailed you?

A About to pass that.

Q And as you passed that parked car did you head anybody behind you say anything, in your car?

A Yes.

Q What did you hear?

A I heard one of them, one of them made a remark that the man grabbed her.

Q And more to that effect?

A Yes.

Q Well, when you heard that what did you say, if anything?

A We had gone past about 34 or 40 feet. I say to slow down.

Q Said that to whom?

A To the driver.

Q Eugenio?

A Yes, sir.

Q Then what happened?

A Then we went to turn around; the first turn he could not make it because there were a lot of cars

come behind, and we crawled along a little ways to the first turn that goes in one of those lanes that goes in there, I think Niūmalu, or the other lane, went in one of those lanes and backed up and came back again, and we did not see anything.

Q You did not see that car any more?

A No, sir.

Q As you passed that car did you notice whether or not the car that was parked there in front of this woman, did you notice whether or not there were any men in that car or anybody in that car?

A I didn't see any men.

Q About what time was that when you saw this woman walking down with the man following her?

A I took it when the dance was over about 12 o'clock, and coming out it is about ten minutes, - about 12:10, ten minutes after 12.

Q Ten minutes after twelve?

A Yes.

Q That is according to your best judgment?

A Yes.

Q Mr. Low, did you make any statement as to what you saw there that night to Mr. Wight?

A Yes, sir.

Q Signed a written statement, did you?

A Yes, sir.

Q And how many times did you see Mr. Wight in order to give him what you knew about this matter?

MR. WIGHT: I object to this as immaterial, your Honor.

THE COURT: Objection sustained.

MR. HEEN: No further questions.

CROSS EXAMINATION

BY MR. WIGHT:

Q Mr. Low, have you ever been convicted of a crime?

A No, sir.

Q Were you not, on March 10th, - did you not on March 10th 1931 plead guilty to being present at a gambling game and pay a \$25 fine?

A Yes, sir.

Q That is correct. Then you have been convicted, haven't you, of a crime. What is your work here, Mr. Low?

A I am in the real estate, here.

Q Where is your office?

A Well, I have my office home.

Q Where is your home?

A My niece's place, 1513 Young.

Q How long have you lived there?

A Oh, about a month.

Q Didn't you move there last week from some other court?

A Yes.

Q How do you figure you lived there about a month?

A Oh, if that is important I have been down there all the time.

Q Your office and desk is there?

A No.

Q You have no desk there?

A No.

Q How much land have you sold in the last six months, or buildings?

A How much?

Q Yes?

A Quite a little.

Q What pieces have you sold?

A I sold a piece of property which I bought from, - a party from Kohala, and Mr. - this gentleman on Fort street, - what is his name?, that does all the abstracts of title, - he drew up the papers for me.

Q You mean a piece of your own property you sold?

A Yes, sir.

Q How much did you sell it for?

A I told it for twelve fifty.

Q Who bought it?

MR. PITTMAN: I am going to object to this line of testimony on the grounds it is incompetent, irrelevant and immaterial, and would not tend to prove or disprove any of the issues in the case, and is merely going into the private affairs of this witness, which is none of our business.

(Argument)

THE COURT: Proceed.

MR. PITTMAN: I wish to object to it.

THE COURT: Proceed. This is overruled.

MR. PITTMAN: Exception.

Q Who is the purchaser of this first piece, first?

A Harriett Wery.

Q What other lots or land have you sold in, say, the last three months?

A I have gone to Maui and do work for Mr. Louis Arnold.

Q That is Mr. Lou Arnold who has now gone away?

A Yes, sir.

Q He went about four or five months ago?

A About what.

Q He--

A Not four or five months ago, it could not be; that would be about two months ago.

Q Do you know a girl named Katherine King, aged eighteen?

A Yes, sir.

Q Did you violate the Mann Act with her, that is take her down there during this last year -- Did you not during this last year take her down here and let her out to men and collect money for it, in other words, violating the Mann Act?

A No, sir.

Q And did you not take one Hilda Silva and commit statutory rape with her at a tea house out at Waikiki?

A No, sir.

Q Statutory rape? A girl under 16?

A No, sir. You showed me that letter and you told me to answer---

A I am asking you, did you or didn't you?

A You intimidated me with that letter.

Q I asked you, did you or did you not do these things, "yes" or "no"?

A I did not.

MR. HEEN: He has answered, if the Court please, he said "No, sir".

MR. WIGHT: I object to any more from you; you object to my cross examination?

MR. HEEN: I object to any more--

MR. WIGHT: I object to him talking to the jury.

THE COURT: Proceed. The jury will disregard it, I am sure.

Q You said that you did not go to the dance floor there at the park?

A No, sir.

Q Now you said that the car was parked, the car of Eugenio's was parked across from the entrance of the park; you mean across from the entrance, opposite the saimin wagon there?

A The question was asked where was it parked, and I said immediately in front of the gate.

Q I am asking you, is that on the Ewa side of the street?

A The saimin is on the Ewa side of the street.

Q Was it parked opposite the saimin stand on the Ewa side of the street, or near the saimin stand?

A Well, I believe it was behind the saimin stand somewhere.

Q Now, did you think anything bad was happening to this woman when you saw this person with her, this man?

A No, sir.

Q Didn't you say, in answer to a question by Mr. Stagbar, that: "While driving along there when you noticed this woman did you call his attention to slow down the speed of the car?" and you said "Yes, I did."

A Yes, sir.

Q That is, when you noticed the woman you said that?

A When I noticed the woman? I said when we passed the woman.

Q Wasn't this the question: "While driving along there when you noticed this woman did you call his attention to slow down the speed of the car?" and you said "Yes, I did". Is that correct?

A Was that my statement.

Q I am asking you if you didn't say that in this statement, the signed statement, - "While driving along there when you noticed this woman did you call his attention to slow down the speed of the car?" Answer: "Yes, I did".

A After we passed.

Q But you stated this though--

A After we passed.

Q That is not the question. The question is this: Did you not when questioned by Mr. Stagbar make a Statement and is not this the statement? Wasn't this question asked: "While driving along there when you noticed this woman did you call his attention to slow down the speed of the car"?

A I did not.

Q And the answer was "Yes, I did"?

A I did not.

Q You signed a statement saying that?

A I called Mr. Stagbar's attention two or three times-

Q You didn't correct it?

A If they correct it they could add more.

Q What words did you use to Eugenio when you told him to go back?

A To slow down?

Q Yes.

A And turn around.

Q You said "I want to go back again to see"?

A "Let's go back,let's see", yes.

Q This is when you noticed the woman first, or as you drove abreast of her, when you first noticed her with this man?

A After we passed.

Q What caused you to be so interested?

A Somebody hollered in the back that a man had grabbed her.

Q Wasn't that you that said that to Eugenio, yourself?

A What?

Q Wasn't it you that said that to Eugenio, that the man had grabbed that woman?

A No, sir.

Q And told Eugenio to slow down so you could see. Didn't you tell that?

A I did not.

Q Do you know a man named Anthony Krassis?

A Yes.

Q About four days after September 12, 1931, you spoke to Krassis about this case, did you not, talked about it to him, or with him?

A I did not.

Q You never talked to Krassis about this case since the rape occurred on September 12, 1931?

A We may have talked about it.

Q Didn't you say that you happened to be near the car that night, and state further to this man Krassis "The police have got the right car, that is the car all right"? Didn't you say that to Krassis?

A No, sir.

Q Four days after September 13, 1931, down at the Green Mill, in this city?

A No, sir.

Q Didn't you, - Do you remember going in and talking to Mr. Gilliland, in the office?

A Yes, sir.

Q At that time didn't you tell Mr. Gilliland that you expected to run for the Legislature in the 5th District and these boys were in the 5th District, therefore you didn't want to testify against them?

A No, sir. I did tell him that I intend to run for the House of Representatives, but when a person is guilty that does not stop me from telling him, but if I did see Ahakuelo down there or these defendants I would---

Q Have you finished?

A If I had seen any of these defendants I would come right out and tell him that I saw them.

Q I am not saying that you could identify any of the defendants. I said, - didn't you say to Mr. Gilliland you hoped to run for the Legislature in the 5th District, the House of Representatives, and in view of the fact these boys were from the 5th District you did not want to take the stand and testify against them?

A No.

Q And did you not tell Mr. Gilliland at that time at his office that you did see four or five boys with this woman at that place?

A That I said what?

Q Didn't you tell Mr. Gilliland the time you talked to him, the time before you made this statement

to Mr. Stagbar, that you did see a woman there and there were four or five boys around her?

A I did not at any time.

Q You are sure of that?

A My statement first, last and always the same.

Q Didn't you tell me, when I talked to you once, orally, that you saw a number of boys around the woman but you could not identify the boys or the woman?

A I didn't tell you that, Mr. Wight, no, sir. I did tell you when the dance was over a lot of people going by--

Q I am not asking you about that.

REDIRECT EXAMINATION

BY MR. HEEN;

Q About how fast was that car travelling as you went down and got past that woman?

A About twelve or fifteen miles an hour.

(Witness excused.)

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(Recess)

(Jordan Relieved Linn)

(Jordan) Nov. 30, 1931.

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MRS. MARY ANN BROWN

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

DIRECT EXAMINATION

By William H. Heen, Esq.

Q What is your name?

A Mrs. Mary Ann Brown.

Q Are you married?

A Yes, I am married.

Q What is the name of your husband?

A Lieutenant Thomas M. Brown.

Q Do you know Mrs. Thalia H. Massie?

A Yes, I do.

Q Her husband is Lieutenant Massie in the Navy?

A Yes.

Q And your husband is also in the Navy?

A Yes.

Q Do you know Lieutenant Branson?

A Yes.

Q And do you know Mrs. Branson?

A Yes.

Q I will ask you whether or not you were at the Ala Wai Inn at a dance on the night of September 12, 1931?

A Yes.

" How many were there of you in your party?

A Six of us.

Q And they were Lieutenant and Mrs. Massie,

Lieutenant and Mrs. Brown, yourself, and Lieutenant and Mrs. Branson?

A Yes.

Q About what time did you get to Ala Wai Inn?

A Around 10:20.

Q How do you recollect that?

A Because while we were at Mrs. Massie's home I looked at my watch at ten.

Q It was ten o'clock?

A Yes.

Q And was that the time you left Mrs. Massie's home?

A As I remember, yes.

Q And you figure it took about ten minutes to get to Ala Wai Inn?

A I think it took us about twenty minutes to go from Mrs. Massie's home to Ala Wai Inn, because a few things detained us before we left.

Q So, according to your best judgment, it was about ten-twenty when you got to Ala Wai Inn?

A Yes.

Q And the dance was on the ground floor, was it not?

A Yes.

Q Did you people have a room upstairs?

A We joined a party upstairs.

Q Was Mrs. Massie there throughout that dance?

A She was there until about half an hour before I left, I saw her, and I left at midnight.

Q You didn't stay until the dance was over, did you?

A No.

Q How do you remember it was midnight when you left?

A Because they were playing the last dance.

Q How is that?

A They were playing "Home Sweet Home". It was the last dance when we left, and I say it was midnight because they told us the dance was over at midnight.

Q Don't you know the dance was over at ten minutes past one?

A That is what I heard; that they induced them to play longer.

Q Could you be mistaken about the time you left there, if you stayed there until the last dance?

A No, because it was midnight when we left; I am sure of that.

Q So far as you yourself are concerned? Did Lieutenant Brown leave at that time?

A He left just a few seconds before we did.

Q He left with somebody else?

MR. WIGHT: Objected to as not surrebuttal.

MR. HEEN: Their rebuttal should have been their case in chief, that's the trouble.

THE COURT: Proceed. We will find out.

Q Did Lieutenant Brown leave with somebody else?

A Right ahead of us. I stayed behind to ask Mr. Massie to light my cigarette. Mrs. Branson and I left and I stayed behind and asked Lieutenant Massie

to get a match and light my cigarette, and it took a few seconds to get a match at the desk, because the man at the desk had gone. They were arranging to close the dance, and then Mrs. Branson and I got in the car. Outside the gate he came up in a few seconds.

Q Whose car was it?

A Mrs. Branson's.

Q Who drove that car?

A Mrs. Branson.

Q Mr. Branson wasn't there?

A No.

Q You don't know where he had gone to?

A I had just finished dancing with him. He was at the dance.

Q When was it you missed Mrs. Massie?

A About 11:30.

Q That is your best recollection of the time, is it?

A That is when I last saw her, I should say.

Q You didn't see her again between 11:30 and the time you left?

A No.

Q Whereabouts in the Ala Wai were you when you last saw her, downstairs or up, - in the upstairs where that other party was?

A It was upstairs.

Q After you missed Mrs. Massie did you notice whether Mr. Massie was still there?

A No.

Q You did not?

A No.

Q But you did see Mr. Massie at the time you left the dance about midnight?

A Yes.

Q Between the time Mrs. Massie left at about 11:30--  
MR. WIGHT: She didn't say that.

Q Well, between the time you last saw Mrs. Massie at 11:30 and midnight did you go downstairs again to dance?

A I left her at 11:30 to go downstairs to dance.

Q You left her upstairs?

A At 11:30.

Q You didn't see her leave the Inn, did you?

A I didn't see her again after that

Q From 11:30 on until you left there about midnight did you go upstairs again?

A I went upstairs to say good-bye to her and she was gone.

Q And she was not there. Where was Lieutenant Massie at the time you left this party upstairs at about 11:30?

A I don't recall where he was.

Q After you came downstairs at about 11:30, up to about midnight, did you see Lieutenant Massie downstairs?

A I don't recall whether I did or not until I left.

Q Was Lieutenant Bronson upstairs in that same party you have just referred to at the time you left that party at about 11:30?

A I don't remember.

Q After you got downstairs at about 11:30 from the party upstairs did you see Lieutenant Bronson downstairs between about 11:30 and midnight?

A Yes, I danced with him.

Q When was the last time you saw Lieutenant Branson downstairs?

A I saw him downstairs between 11:30 and before I left.

Q Did you see him at the time you left?

A I had just left him when I went to get my light from Lieutenant Massie.

(Cross-examination waived.)

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THOMAS M. BROWN

was duly called and sworn as a witness for the defendants in sur-rebuttal, and testified as follows:

DIRECT EXAMINATION

By William H. Heen, Esq.

Q What is your name?

A Thomas M. Brown.

Q And you are Lieutenant in the United States Navy?

A I am Lieutenant, Junior grade, yes.

Q On the night of September 12th, this year, were you at a dance at the Ala Wai Inn?

A I was.

Q How many were there in your party?

A I was in the Massie party; there were six of us.

Q Who were they?

A Lieutenant and Mrs. Branson, Lieutenant and Mrs. Massie and my wife and myself.

Q What time did you get down to the Ala Wai Inn?

A I imagine it was about ten o'clock, but I could not swear to it.

Q What time did you leave the dance there?

A I am not sure of the time, but I think it was about midnight. My wife told me the next day what time.

Q At the time you left the dance was Mrs. Massie there?

A I couldn't say as to that.

Q Did you miss Mrs. Massie at the dance?

A No, I didn't. The party broke up after we were there. We were scattered at several tables.

Q When was the last time you saw Mrs. Massie at the Ala Wai Inn?

A She was in a booth upstairs; that was, I imagine, about half an hour after we were there.

Q After you arrived?

A After we arrived.

Q That was the last time you saw her?

A That's the last time I remember.

Q About how long was that before you left?

A I cannot say as to that.

Q Was it a long time or short time?

A I imagine it was about an hour.

Q When you left that party upstairs did you go back to the dance floor downstairs?

A Went back to the table downstairs.

Q Did you remain there until the end of the dance, that is on the lower floor?

A Yes.

Q And during all of that time did you see Mrs. Massie?

A I don't recall seeing her.

Q Was Mr. Massie still there?

A I don't remember seeing him.

Q Do you remember seeing Lieutenant Branson there during that time, after you returned from upstairs to the table downstairs up to the time you left?

A I don't remember seeing him.

CROSS EXAMINATION

By Griffith Wight, Esq.

Q You and Mr. Branson and Mr. Massie were all dressed in whites, were you not?

A I know Mr. Branson was dressed in white. I can't swear what Mr. Massie had on.

Q You were dressed in white?

A Yes

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## EUGENIO BATUNGBACAL

a witness for the Territory, was recalled for further cross-examination and testified as follows:

## CROSS EXAMINATION (Continued)

By William H. Heen, Esq.

Q You told us the other day you saw two men holding this woman?

A Yes.

Q This man who was holding the left-hald of that woman, how was he dressed?

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

Q And the man who was holding this woman by the right hand, how was he dressed?

A I don't remember.

Q You said there was one man standing behind?

A I don't remember the dress.

Q You said there were about four or five men there?

A Yes.

Q How were the one or two men dressed?

A I don't remember.

Q These men whom you saw at that time with this woman, were they out on the street or on the sidewalk?

A Well, I don't remember, on the street or on the sidewalk; behind the car, you know.

Q I don't know whether I asked you about this the other day or not. As you passed that car that was parked there--

A Yes.

Q Did you see any man in the car?

A I don't know if any men in the car or not.

Q You don't know?

A I don't know.

Q About how fast were you driving your car that night?

A Oh, about fifteen mile, I think.

Q Did you have your glasses on that night?

A Yes.

Q What are those glasses for, long distance?

A No, you know my eyes just weak, you know. I can see long distance or close.

Q With those glasses?

A Yes.

Q And can you see well with those glasses at night-time?

A Yes.

Q These men you saw there that night around this woman, did they have any hat on?

A I don't remember.

Q Or cap?

A I don't remember.

Q You said you thought that one of those men was a Japanese?

A Look like.

Q You may be mistaken then?

A Look like, - that is not sure; that is what I said, look like.

Q Which one look like Japanese?

A Which one?

Q Yes, which one?

A I don't know. He just look like Japanese to me.

I don't know who is that man.

Q Which one of those three men look like a Japanese?

You say one man was on one side, one man on the other side and one behind?

A I don't remember which that night.

Q You remember saying the other day you thought one man looked like a Japanese?

A Yes.

Q Was that the man on the left-hand side of the woman?

A That is what I say. I don't remember, it is too long ago.

REDIRECT EXAMINATION

By Griffith Wight, Esq.

Q You shave and cut people's hair with those glasses, in the barber work?

A Yes.

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SAMUEL C. LAU,

was recalled as a witness for the defendants in surrebuttal, and testified as follows:

DIRECT EXAMINATION

By William H. Heen, Esq.

Q At the time you went down to the old animal

quarantine station, down the Ala Moana road, with Ida, one of the defendants in this case, and with Claude Benton, detective in the Honolulu police department, did he at that time tell you that all the tire marks he saw there early Sunday morning had been obliterated, except one?

A No, he used the word "erased". He said many cars had been in and out of the place and they had been erased.

Q That was what you said the other day?

A That was my expression of what he said.

Q He didn't point out one exception?

A No, I saw that tire mark out there and I asked him about that one. That is when he and I went in a huddle.

Q Was there any grass growing over that tire mark?

A No.

Q Was it near the edge of the grass?

A It was about one foot in from the edge of the road.

Q And when you say one foot from the edge of the road, how do you determine the edge?

A Outside of the edge of the road is where the grass grows.

Q That is from the grass?

A From the grass.

Q One foot away?

A One foot away.

Q And that tire mark which he showed you at that time was that the only one you saw before Ida's car was run alongside of it?

A There were many marks there.

Q No, I mean this particular design that corresponded to the mark on Ida's car?

A That was the only one.

Q Before you went to the old animal quarantine station on this Monday with Mr. Benton and with Ida, one of these defendants, did you have any conversation with Mr. Benton at the police station wherein he asked you if you had photographed the tire marks and you said no? Did you have any such conversation before you went down on that day?

A Well, it is possible he spoke about tire marks and I told him nothing had been said about tire marks prior to that time.

Q And at that time before you went down to this place with Mr. Benton and with Ida did you say to Mr. Benton "It is only a waste of time". I know Ida. I have questioned him. I know he is not guilty of this crime". Did you say anything like that to Mr. Benton?

A I didn't say anything of the kind to Mr. Benton. In fact, I didn't know who Ida was until we left for the old quarantine station.

Q That is the first time you had seen him?

A The first time I had spoke to him.

Q While at the scene of this alleged crime, the old animal quarantine station, did you make a statement of this kind to Mr. Benton, - No, did you make a statement of this kind to Ida in the presence of Mr. Benton, "I would take your work <sup>ed</sup> in preference to Benton's"?

A I didn't.

Q Or words to that effect?

A I did not.

Q Who was the one who ordered you to go down there to take a photograph of these tire marks?

MR. WIGHT: Objected to as immaterial and not proper surrebuttal.

THE COURT: You may answer it.

A When Mr. Benton told me about these tire marks I asked him if he had driven the car down there to make a comparison and I suggested that he and I and the defendant go down there and make that comparison, that I would take my camera along and photograph it for future reference.

Q And he said all right?

A He said "yes".

CROSS EXAMINATION

By Griffith Wight, Esq.

Q Has Judge Heen ever represented you in any legal matter?

A He did.

Q Do you still owe him a fee?

A I don't.

Q How long ago was that?

A It was about three years ago.

Q Didn't you tell Benton that you were sore at our office because we had shown you up in that Wahiawa murder case?

A I did not.

Q You know the case I am referring to?

A I do.

REDIRECT EXAMINATION

By William H. Heen, Esq.

Q Has the fact that I represented you in some legal matter about two or three years ago influenced you at all in testifying in this case?

A It did not.

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GRIFFITH WIGHT,

recalled as a witness for the defendants, in sur-rebuttal, testified as follows:

DIRECT EXAMINATION

By William H. Heen, Esq.

Q Have you the statement of Eugenio made to you about three or four weeks ago with reference to what he saw on John Ena road in the early morning of September 13, 1931, or late night of September 12, 1931?

A He said he made a signed copy. I cannot find the signed copy, if he made. I have the original unsigned, and some copies.

Q Have you that here?

A I have.

Q Will you produce that to show whether or not he referred to these people as Orientals or as Japanese or Hawaiians?

A I will have to refresh my memory. (Referring to papers) You must realize this was taken by a stenographer, of course. I said, - I remember now, I asked him "Did you notice the nationality, Hawaiians or Chinese?" and his answer was "Mixed up, Japanese and Hawaiian."

Q What was the question?

A I will go to the previous question. "Do you know if the driver was Japanese or not? I don't remember because as we passed I saw a Japanese in the gang. Q Did you notice the nationality, Hawaiian or Japanese?" Answer: Mixed up, Japanese and Hawaiians."

Q Did he say anything about the clothes being green, the clothes the girl had on?

A No, he mentioned it was a long style dress. He didn't say the color.

Q What did he say?

A I will say I will answer that, but I don't think I should go into the statement any more. He said

this: "Was she dressed like this (Indicating a sport dress)?" A. No, she had a new style dress, a long dress. What color I don't know."

Q At that time, is it not a fact, Mr. Wight, that he said there was somebody in the car sitting behind according to that statement?

A He wasn't asked.

Q When was that statement made, Mr. Wight?

A November 9th.

Q Is that statement the same as the testimony Mr. Eugenio gave here?

A Practically the same. I don't remember any variance at all.

Q Have you any objections to me looking at it?

A I said I would not let you look at any more statements. You will have to take my word for it.

Q Look at the statement signed by Mr. Liu. When was that one signed?

A The date at the top is November 9th.

Q Is there anything in that statement in which Mr. Liu said he thought these people were Orientals?

A "What were the nationalities of these boys?

A. Looked like Oriental boys".

Q Is there anything about the dress this woman had being green?

A There is this: "Now I show you a dress (indicating). Was the dress anything like this? A. Yes.

Q. You think it looks like this the woman had

on? A. Yes, it looks something like that".

Q Anything about the dress being blue?

A We didn't ask him the color.

Q Is there any statement there that someone made a remark to the effect that the man was grabbing this woman?

A Not in Liu's statement. There is in the Filipino's. He testified that on the stand.

Q No, the remark made at the time the car was passing by there?

A Liu on the stand did not testify that; it was Eugenio.

Q My question is this: Is there a statement in there to the effect that someone in the car made a remark that the man was grabbing the woman?

A In which statement?

Q In that statement of Mr. Liu?

A He wasn't asked for any remarks and he didn't state so.

Q Did Eugenio make a statement to that effect?

A Yes.

Q That he overheard someone say at that time, while in the car, that a man was grabbing the woman?

A Yes, as I remember he heard Low say that.

Q What did he say about that?

A You can hardly repeat it if he didn't say it. It is very irregular, Mr. Heen.

Q You asked Mr. Eugenio if he heard any remark.

made in the car about someone grabbing the woman?

A He said he did.

Q What is the question and answer as to that?

A "Did Chang say anything or did you hear Roger say anything when they saw this?" "Oh, no, he didn't. Low he said it looks like they push the woman into the car."

Q He said Low said that?

A Yes.

Q ~~Ym~~ Have you any objection to my looking at that statement?

A Yes.

Q Will you turn to the statement made by Mr. Chang. Does that statement show that there were four, five or six men surrounding this woman at the time he saw this woman?

A He says five to seven.

Q Surrounding?

A I didn't ask him that. "How many boys would you say there were? A. About five to seven."

Q Did he say whether or not he saw some men in the car?

A He wasn't asked that.

Q I think it was Liu?

A "The two boys in the car were in the back seat".

Q May I look at the Chang statement?

A No.

(Cross examination waived.)

MR. HEEN: We rest.

ANTHONY KRASSIS,

Was duly called and sworn as a witness for the Territory, in sur-rebuttal, testified as follows:

DIRECT EXAMINATION

By Griffith Wight, Esq.

Q What is your name?

A Anthony Krassis.

Q Do you know James Low?

A Yes.

Q Do you remember there was a rape case out on Ala Moana on about September 12th 1931?

A Yes.

Q Sometime after that did you talk to Mr. Low four or five days after, about that case?

A Yes.

Q Was there anything said about the automobile in that case? and the men?

A Yes.

Q What did he say?

A He said he admitted to me willingly that he saw the incident and I told him "Why don't you tell the authorities about that? They may be hauling the wrong parties?" "No," he says, "they haul the right parties" and he mentioned the name of the make of the car, and if I am not mistaken the number.

Q He said they had the right men?

A The right men.

Q Did you report that to anybody?

A Yes.

Q Who?

A Detective Jardine.

CROSS EXAMINATION

By William H. Heen, Esq.

Q Did he take that down in writing?

A He said he was going to report it to higher authorities.

Q Did you sign anything in writing about that?

A I believe I did.

Q Where?

A A statement after that.

Q Where did you sign it?

A I think at Mr. Wight's office.

Q Where did this talk happen?

A This talk happened, - I cannot tell definitely, but I think it happend there on the boat or in Maui. I met Mr. Low going to Maui on the boat.

Q Where do you work?

A I am not working right now.

Q Where were you working at that time?

A I was under the doctor's care. I was not working.

Q Hoe long have you not been working?

A Not very long; about five or six weeks.

Q You said about four or five days after the papers came out about this assault case you had this talk with James Low. Were you working at that time?

A No, sir, I was not working.

Q How long had--

A I was not working at that time, to be correct;  
I was not working at that time, no.

Q You were not working?

A No.

Q You say you ~~mgx~~ might have been in port or  
might have been on Maui you had this talk with Mr.  
Low?

A I didn't pay much attention, to the case, until--

Q Just where did you have this talk, on Maui  
or where?

A I cannot tell you definitely.

Q What is your best recollection as to that?

A I cannot say any more.

Q Were you on a boat with Mr. Low?

A Yes, I met Mr. Low going to Maui on the boat.

Q What did he say to you?

A We had been discussing the matter, and he willingly admitted he saw the incident, he was driving right behind the car, and immediately I told him you ought to report that to the authorities, they may have the wrong parties. He said "No, they have the right parties." He mentioned the make of the car, and if I am not mistaken he mentioned the number.

Q He saw the car in front, travelling in front of his car, is that it?

A He saw, - the right way is this: He saw two boys grabbing a woman, and another man behind her shoving her in the car. He said he was right behind.

Q How far?

A I cannot tell you.

Q Did he say the car was travelling right in front of their car and stopped?

A No.

Q He told you he saw two men grab this woman and one man behind push the woman in the car?

A Correct.

Q Did he say he saw another man or men there?

A I don't remember. All he said was that was the right party; that is the only thing I can say.

Q You think he told you the number of the car at that time?

A I think, if I am not mistaken.

Q This is a very serious case, you must remember. You don't know whether he gave you that number or not?

A He mentioned something about a number, but I am not positive.

Q What did he say about that?

A He mentioned the make of the car, a touring car.

Q What make did he say?

A I don't remember.

Q What did he say about the number?

A He said something about the number. He mentioned, - he said so and so number, they have the right numbers; that is the correct way he told me. He said "They got the right numbers, the car, so-and-so number". That is the best of my recollection.

Q When did you go and tell McIntosh about that?

A I told detective Jardine.

Q When did you tell him that?

A A little over a month, around a month.

Q Wasn't it a few days afterwards?

A No, sir, it was not; it was quite a few days after, I think.

Q About a month ago, you say?

A About a month ago.

Q Why didn't you tell Mr. McIntosh before that or Mr. Jardine before that time?

A I didn't think it was necessary.

Q You didn't think it was necessary?

A No, sir.

Q At that time did you not think that a man who had seen the number of that car wasn't ~~x~~ important?

A I thought the authorities had all the clues they wanted.

Q Do you know Mr. McIntosh?

A Yes.

Q Are you a gambler?

A You can't call a man a gambler if he plays a game of cards, do you?

Q Do you gamble?

A I participate in a sociable game.

Q Do you gamble for ~~x~~ money?

A No.

Q Isn't it a fact you are interest@d in gambling here, around by the Green Mill?

A No such thing as I know in the Green Mill.

Q Not in the Green Mill, but near there somewhere?

A No, sir.

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MR. WIGHT: We rest.

MR. HEEN: Did you lay the foundation with Mr. Low that he mentioned the number of the car?

MR. WIGHT: No. I will stipulate.

MR. HEEN: That he will deny knowing anything about the car number or deny knowing or that he knew who were the right parties. I think he denied that?

THE COURT: I think Mr. Low made a pretty complete denial of the substance of that.

MR. WIGHT: We stipulate he will deny that. I will stipulate that he will testify he said nothing about the number of that automobile.

MR. PITTMAN: We won't stipulate. We want him on the stand.

MR. HEEN: May we put that on just before we go to the jury tomorrow?

THE COURT: Any objection to that?