

Nov 24

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

(3)

TERRITORY OF HAWAII

vs.

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

Cr. No. 7913

Defendants.

The above entitled matter came duly on for
further hearing on Tuesday, November 24, 1931, at
8:30 o'clock a.m., all parties to the action being
present in Court, and the following further proceedings
were had and testimony taken:

(Stipulated defendants and jury all present.)

S. P. CORREA, JR.

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. S. P. C orrea, Jr.

Q. How old are you?

Q. Twenty-one.

Q. Where do you live?

A. 350 North School street.

Q. Between what streets would that be?

A. Between Liliha and Nuuanu.

Q. On the mauka side of School street or Makai side?

Handwritten notes:
+ from
...
...

2.

A. On School street on this side.

Q. That is the mauka side?

A. Yes.

Q. Is it nearer toward Liliha street or nearer toward Nuuanau street?

A. Liliha street.

Q. How long have you lived there?

A. Twenty-one years.

Q. And is that in the Kalihi district?

A. In the Nuuanu district.

Q. On or about September 12, 1931, did you have a sister who got married on that day?

AA. Yes.

Q. What is the name of your sister?

AA. Berenice.

Q. Did they have a luau in celebration of that marriage on that day?

A. Yes.

Q. When did the luau take place?

A. About half-past six.

Q. In the evening?

AA. Yes.

Q. Do you know the defendant Ida?

A. Yes.

MR. WIGHT: Object to that method of identification.

Q. Do you know Ben Ahakuelo?

A. Yes,

Q. Is he here?

AA. Yes.

3.

Q. Where?

A. The first one. (Indicating)

Q. Do you know Joe Kahahawai?

A. Yes.

A . Where is he?

A. Right behind you.

Q. This boy?

A. Yes. (Indicating Joe Kahahawai.)

Q. And do you know David Takai?

A. I know Mack

Q. You know ~~him~~ by the name of Mack?

A. Yes.

Q. And is he here?

A . Yes.

Q. Wjere?

A . Behind you.

Q. This boy? (Indicating David Takai)

A. Yes.

Q Do you know Ida?

A. Shorty.

Q Is this the boy? (indicating Ida)

A. Yes.

Q. Did you see any of these boys at the luau on that night?

A. Yes.

Q Do you remember about what time you saw them?

A I saw two of them in the early part.

Q Who?

A. Mack and Shorty.

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Q That is Ida and Takai?

A Yes.

Q Early part of the evening?

A Yes.

Q Did you see the others later on?

A Between 12 and 1 I seen Ben, Shorty and Kalani.

Q When you say "Kalani" you mean Joe Kahahawai?

A Yes.

Q About what time between 12 and 1 was it when you saw Ben, Shorty and Joe, to the best of your recollection?

A Well, I went to Miller street and I stayed there about five minutes and I came back.

Q About what time did you go to Miller street?

A Twelve o'clock.

Q How do you know it was 12 o'clock?

A When I passed down the street I saw a watch at the Borthwick Undertaking Parlors.

Q Where is that clock?

A On the outside, in front.

Q Outside of the building?

A Yes.

Q In going to Miller street you came from your house in what direction?

A Going to Ewa, -going to Waikiki.

Q On what street?

A Down Nuuanu on to Vineyard.

Q Where is Borthwick undertaking parlor?

A On Nuuanu street and School.

Q On what corner, what corner of Nuuanu and School street?

A This side.

Q Waikiki side?

A On this side of the road.

Q Would that be Waikiki side or Ewa side of Nuuanu?

A Waikiki.

Q And was it on the mauki or makai side of School street?

A Down below

Q Makai?

A Yes.

Q And you happened to see the clock at that time?

A Yes.

Q And it was about 12 o'clock. And you went down Nuuanu street and did you turn on another street?

A Vineyard.

Q And how far did you go along Vineyard street?

A Miller street.

Q About how long did you stay there?

A Between five and ten minutes.

Q At whose place?

A At a girl's house.

Q How did you happen to go there?

A She was at the party. I took her home.

Q After staying there five or ten minutes where did you go?

A Came home.

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Q How did you come home?

A Out Miller to the road that comes straight and then you hit School street. What road you call that?

Q How were you going at that time, were you riding or walking?

A Riding.

Q Riding what?

A Machine.

Q Automobile?

A Yes.

Q Who was driving the automobile?

A Me.

Q Was that the same automobile you used going down Miller street?

A Yes, going up

Q Whose automobile was that?

A Father's.

Q Who is he?

A S. P. Correa.

Q Is he a supervisor of Honolulu?

A Yes.

Q On your way down from your home to this girl's house on Miller street did you stop at any place any length of time?

A Stop sign.

Q Only at the stop sign?

A Yes, and stop at the house.

7.

Q And on your way home did you stop any place?

A Stop signs.

Q Any other place?

A At the driveway.

Q Whose driveway?

A My driveway.

Q That is when you got home?

A Yes.

Q Have you a garage at your place?

Aa Yes.

Q Did you drive the car into the garage?

A No.

Q When you stopped your car in the driveway whom did you see?
did you see?

A As I was going in the driveway I seen Ben, Joe
and Phorty.

Q Talk to them?

A Yes.

Q To whom?

A To Joe and Ben.

Q What did Joe say to you?

A He asked if I had some more beer.

Q What did you say?

A No more.

Q Do you remember what was said between you and Ben?

A He too asked the same thing.

Q Then what did they do, did you notice?

A I went inside.

Q And they were still there?

A Yes, when I left they were there. I went inside.

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Q I will ask you whether or not you saw your sister "ilhelmina around there at that time?

A She was coming outside.

Q How was she dressed?

A If I don't make mistake, in pajamas.

Q At the time you saw Ida at your place when you came back from Miller street do you remember whether or not he had a coat on?

A I don't remember.

Q How long have you known Joe?

A We used to go to School together.

Q Where?

A St. Louis.

Q About how many years ago?

A About eight years.

Q And during all the time you went to school with Joe at St. Louis I will ask you whether or not you have ever heard of his being called "Bull"?

A No.

Q Did you ever hear Ben called "Bull"?

A No.

Q Did you ever hear Shorty called "Bull"?

A No.

Q And did you ever hear David Takai called "Bull"?

A No.

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Q Do you know Henry Chang?

A Yes.

Q How long have you known him?

A I used to go to school together.

Q Did you ever hear anybody call Henry Chang "Bull"?

A No.

Q Did you see Henry Chang at the luau that night?

A No.

CROSS EXAMINATION

By Griffith Wight, Esq.

Q You don't know, Mr. Correa, what time you got home that night from Miller street?

A No.

Q It might have been one and it might have been twelve?

A How can it be twelve when I went out at twelve.

Q I am referring to a statement made to him. Didn't you tell me it was between 12 and 1 and you didn't know the time?

A Yes.

Q You have no idea what time you got home?

A No.

Q Did you see Chang at your house that night?

A No.

Q Not at all?

A No.

Q During that whole evening you didn't see Chang?

A No.

Q I mean the whole evening of September 12, 1931.

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you didn't see Chang at all?

A No.

Q Did you not sign a statement in which you said, and in which I questioned, Q And did you see Shorty and Chang there?" and you said "Yes"?

A You put all their names in together.

Q Didn't you sign a statement in which I said "Did you see Shorty and Chang there?" and you said "Yes"?

A I don't remember.

Q Is that your signature? (Handing paper to the witness)

A Yes.

Q Did you see Shorty and Chang there?

A I don't know.

Q Is this wrong?

A I don't know.

Q Did you see Chang there?

A I got Shorty.

Q Why did you say this?

A You got me from work and I was tired.

Q You glanced it over, didn't you?

A Just a little, and I didn't know.

Q For five minutes or ten minutes?

A No.

Q What time did you leave your house to go to Borthwicks'?

A I can't tell what time I seen that time there.

Q Didn't I ask you "What time did you leave your house?" and you said "About 12"?

A When I got to Borthwicks I saw the time.

Q On this paper which you signed I asked you a question "What time did you leave the place", meaning your place, and didn't you say "About 12"?

A It may be. I can't remember what I said there.

Q Was your memory better on September 15th, two days after this rape, or is it better now, two months later?

A I can't tell you.

Q What did you go to Borthwick's for?

A I went to Miller street. On the way going I came down Nuuanu.

Q What did you do at Miller street?

A Took a girl home and stopped there and ate.

Q What did you eat?

A Bread and asparagus.

Q You opened a can of asparagus and ate it?

A No, it was opened.

Q What else did you eat?

A Bread and asparagus.

Q Who was that girl?

A I don't know her name.

Q What is the number on Miller Street?

A I don't know.

Q Where is the place on Miller street?

A Above that intersection.

Q What intersection?

A Punchbowl and Miller, Vineyard.

Q Does Miller street run beyond that point?

A Miller street runs this way, runs up to Punchbowl.

Q Miller street does?

A Yes.

Q What were you doing with this girl that night?

A Taking her home.

Q Do you know where the home is?

A I can locate it.

Q You don't know the girl's name?

A No.

Q You stopped in the house and ate?

A Yes. She invited me in.

Q You don't know her name?

A No.

Q What did you call her?

A Mongoose.

Q What was her last name?

A I don't know her last name.

Q On what side of the street was the house?

A On the Ewa side.

Q What did it look like inside?

A A kitchen and dining room and ben-room.

Q Were there some other girls there?

A No.

Q Were there quite a few bedrooms in that place

A Only one I seen.

Q No other person in the house?

A No.

Q She wasn't living with her parents?

A I don't know with whom she was living.

Q How old a girl was she?

A I can't tell you.

Q Do you know what the color of the house was?

A I can't see the color of the house in the night.

Q When you got back you saw Ben and Joe and Shorty?

A Yes.

Q Where did you see Joe and Shorty out in the front yard:

A They were coming in. I seen them first outside.

Q Where did you see Shorty?

A Behind Ben and Joe.

Q Where?

A School street.

Q Where on School street?

A Driveway, leading to my yard.

Q Then Shorty wasn't in the car?

A I don't know where is the car.

Q Shorty was not in the car when you saw him?

A When I seen him he was with Ben.

Q Did any of these boys go inside your house then?

A I don't know.

Q You went inside?

A When I came back?

Q No, when you saw them out in the driveway you

walked inside after you spoke to them?

A Yes.

Q And you were in the house?

A Yes.

Q Did you see them come in after that?

A I didn't see them.

Q You were in the house?

A They were behind.

MR. WIGHT: I would like to introduce this in evidence.

(Referring to a document)

MR. HEEN: No objection.

(Document offered in evidence received and

marked "Prosecution's Exhibit J.")

Counsel for the Territory reads Exhibit J

to the jury.)

REDIRECT EXAMINATION

By William H. Heen, Esq.

MR. HEEN: Perhaps this should have been asked on direct.

Q About how long ago did it take you to go from School street to this girl's house on Miller street, according to your best judgment?

A About ten minutes

Q To go one way?

A Yes.

Q And how long to get back?

A Less than that.

Q Less than ten?

A When I came back I came quite fast.

Q When you came back you came home alone?

A Yes.

CORREA

WILHELMINA CORREA

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

DIRECT EXAMINATION

By William H. Heen, Esq.

Said she saw gangster last time at 1:30

Q What is your name?

A Wilhelmina Correa.

Q How old are you?

A Fifteen.

Q Where do you live?

A School street.

Read statement "K"

Q What number?

A 350 North School street

Q Are you the daughter of S. P. Correa, supervisor?

A Yes.

Q Do you have a sister by the name of Bernice?

A Yes.

Q And when did she get married?

A September 12th.

Q Did they have a luau to celebrate the marriage?

A Yes.

Q Where?

A At home.

Q Your home?

A Yes.

Q On School street?

A Yes.

Q When did the luau take place, about what time?

A I don't remember.

Q At that time- Was it daytime or night-time?

A Night, I guess.

Q Did you have anything to do with that luau?

A What do you mean, Mr. Heen?

Q Did you have anything to do with that luau?

A Yes.

Q What?

A Work.

Q Do you know Ben Ahakuelo?

A Yes.

Q Did you see him at the luau that night?

A Yes.

Q About what time?

A I don't remember.

Q Do you remember seeing him there once or more than once?

A More than once.

Q Do you know Joe Kalani or Joe Kahahawai?

A Yes.

Q Did you see him at the luau?

A Yes.

Q Do you remember the time when you saw him?

A Yes.

Q Did you see him more than once.

A Yes.

Q Do you know Shorty? Do you know a boy by the name of Shorty?

A Yes.

Q Is he here in the court room?

A (Witness indicates one of the defendants)

Q This boy? (Indicating one of the defendants)

A Yes.

Q (Indicating the defendant Ida) Did you see him there at the luau that night?

A Yes.

Q What kind of clothes did you have on during the first part of the evening?

A I don't remember. I didn't look at the clothes.

Q What kind of clothes did you have on?

A Silk

Q And do you remember what time you went to bed that night?

A I don't remember.

Q Was it late?

A Yes.

Q Did you change your clothes?

A Yes.

Q To what?

A Pajamas.

Q I will ask you whether or not you walked around with your pajamas before going to bed?

A Yes.

Q Where did you walk around at?

A In the garage to put the blankets in the bed.

Q Where did you get the blankets from?

A Up in the house.

Q How far is the garage from the house?

A Not very far. It is near.

Q Nearby?

A Yes.

Q When you took the blankets to the garage did you see any of these boys?

A Yes.

Q Whom did you see at that time?

A Shorty Kalami and Ben Ahakuelo.

Q Where were they at that time you saw them?

A Standing by our car.

Q Where was your car at that time?

A Right by the garage; outside of the garage by the driveway.

Q By the driveway or on the driveway?

A On the driveway.

Q Did you see them go away from there?

A No, they were standing by the car.

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

A Pajamas.

A Did you see your brother at that time when you saw these boys:

MR. WIGHT: Objected to as leading.

(Question withdrawn)

Q Did you see anybody else around there at that time?

A Will you repeat it again?

Q At the time you saw Joe, Shorty and Benny standing by the car which was on the driveway at that time did you see anybody else around there?

A No.

Q Where was your brother, do you know?

A Behind.

Q Do you know where he came from?

A I don't remember.

Q Do you remember whether or not your brother had gone out?

A I don't remember.

CROSS EXAMINATION

By Griffith Wight, Esq.

Q Were these boys invited to the luau or did they just come and hang around--

A Will you please talk slowly.

Q Were these boys invited to the luau?

A I don't know.

Q Isn't it a fact they just hung around outside for hand-outs of beer?

A I don't know I didn't see them do that.

Q You didn't see them inside of your house?

A No.

Q Didn't the guests, the other guests, go inside the house to eat?

A Yes.

Q Were there a lot of hangers-on outside in the yard during the party?

A What do you mean, guests or boys?

Q Boys or men who were not asked?

A I don't remember.

Q You saw these boys hanging around outside, didn't you?

A By the car.

Q Did you talk to anybody about this case after you saw me?

A To Mr. Heen and two other men with Mr. Heen.

Q Did you talk to any of the boys?

A No.

Q These boys were there early in the evening and then they left, - that is true, is it not?

A I don't remember.

Q When I say early I mean 10:30 or so they were there?

A Yes.

Q And then they left and the next time you saw them was at the car?

A Yes.

Q So you only saw them twice, the early time and the time at the car?

A I don't remember.

Q The last time you saw them was at the car?

A Yes.

Q What time was that?

A I don't remember.

Q On the 15th day of September, 1931, do you remember signing a statement?

A Yes.

Q Didn't you say in that statement that was 1:30?

(Handing paper to witness) Is that your signature?

A Yes.

Q Will you read that?

A Where do you mean?

Q Just read the whole thing. You are at school, are you not, now?

A Yes.

Q In fact I saw you at school with your teacher, didn't I?

A Yes.

Q Read it to yourself. Everything you wrote on there was true, was it not?

A This part I didn't remember very good.

Q When you wrote it you thought it was the truth?

A When I wrote it I thought it was the truth, at 1:30 p. m.

Q Before that I asked you what time and you said about 1:30?

A Yes.

Q And then I wrote it on the paper?

A I don't remember.

Q This was the truth when you wrote it, wasn't it? You didn't try to lie on it?

A No, but I can't remember it?

Q But you did sign this?

A That paper with the name on it?

Q Yes.

A Yes. I did.

MR. WIGHT: I offer this in evidence.

MR. HEEN: No objection.

Document offered in evidence received and marked
"Territory's ExhibitK")

(Counsel reads Exhibit "K" to the jury.)

Q I think you said that before I wrote that down
I asked you about what time it was and you said as
near as you could figure it was 1:30 and I wrote it
on the paper after that, is that right?

A Yes.

REDIRECT EXAMINATION

By William H. Heen, Esq.

Q Where did Mr. Wight examine you?

A What do you mean "examine"?

Q Ask you these questions?

A In school.

Q Is that the way he asked you the questions, give
you the time?

A Yes.

Q Did he ask you to figure out just how you
remember 1:30?

MR. WIGHT: Objected to as leading.

THE COURT: Objection overruled.

Q You don't understand my question?

A No.

Q Did Mr. Wight,--

A Who is Mr. Wight?

Q This is Mr. Wight, this good-looking gentleman.

Did he ask you to figure out the time when you saw these boys?

A No, sir, I don't remember, Mr. Teen. There are so many things I can't remember.

Q You told us on direct examination you didn't remember the time at all?

A Yes.

Q And in this paper you say 1:30. "It was 1:30" "Which is as near as 1:30s near as you can figure?" and you said "Yes" and now this morning you said you didn't remember it. Which is the truth?

MR. WIGET: Objected to, he is impeaching his own witness.

THE COURT: Objection overruled.

A The time you came to get me at my school I didn't remember; I wasn't feeling so good.

Q You told us here this morning when I was asking you questions first that you didn't remember the time you saw these three boys near the car. Do you remember saying that this morning, you didn't remember the time?

A I didn't remember the time.

Q Is that correct?

A Say it again.

Q This morning when I asked you questions first this morning you said you saw these boys at the time you had pajama on and it was late?

A Yes.

Q And I asked you if you knew the time and you said

you didn't remember the time, Do you recall saying that this morning?

A Yes.

Q And then when Mr. Wight asked you questions and showed you this paper you signed, "and that time as near as you can figure was about 1:30" and you said "yes" on this paper. Now, which is correct,-- is this statement on this paper that you saw these boys about 1:30 correct, or is your statement that you made to me this morning that you don't remember the time correct?

A I don't remember the time.

Q That is correct?

A Yes.

RECROSS EXAMINATION

By Griffith Wight, Esq.

Q You said you were feeling bad that morning?

A Yes, I got sick a few days after on account of this.

Q When I spoke to you at that time you were not sick?

A No.

Q We didn't scold you at all?

A No.

Q We were quite nice to you?

A Yes.

Q And it was after that you came down and signed this paper?

A Yes.

Q At the school you told me when I asked you what

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time it was that it was 1:30 didn't you?

A Yes.

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DAVID LIU

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 Doctor David Liu.

Q You are a practicing physician?

A Yes.

Q Are you connected with the Emergency Hospital?

A Yes.

Q Employed by the City and County of Honolulu?

A Yes.

Q Were you at the emergency hospital early in the
morning of Sunday, September 13, 1931?

A Yes.

Q And at that time did you see a lady by the name
of Mrs. Massie?

A Yes.

Q About what time was it that you saw the lady?

A According to our stamp card time it was 2:35 a.m.

Q Of that day, September 13th?

A Yes. (Witness produces card) September 13th, 2:35
a. m.

Q Have you the name of that lady on the card?

A Yes.

Q What is the name?

A Mrs. T. H. Massie.

Q At that time did you talk to her?

A Yes, sir.

Q What did you say to her?

A I just asked her what has happened.

Q And what did she say?

A Well, she told me while she was walking on the road a car came up and two men jumped off the car and took her in the car and finally took her to a lonely spot or brush and esca took a turn in assaulting her, a number of four or five or six or seven men, that is what she told me.

Q What else did she say?

A She told me she didn't know who they were. She told me they were rather dark.

Q Did she say anything else?

A She told me it was about two hours ago that thing had happened; that she went home and douched herself and cleaned all up.

Q Do you recall anything else she said?

A That is all, I think.

Q Did she say anything about any car number?

A Not to me. I never heard.

Q Did she describe the car to you,

A No?

Q Did she describe the appearance of any of the men who assaulted her?

A No.

Q Outside of saying they were dark?

A She didn't say they were dark. The place was dark and she couldn't recognize them.

Q You remember that the place was dark and she couldn't recognize them? You remember that?

A Yes.

Q Did you understand clearly what she was saying at that time?

A I think so.

Q Did you notice her breath at that time?

A Yes.

Q What did you notice?

A Alcoholic breath.

Q About how long was she there?

A About half an hour or so.

Q At the time she was talking to you what was her condition as to whether she was calm or excited?

A She was sobbing, crying.

Q Was she hysterical?

A No more than that; she didn't seem to show any emotion outside of crying.

Q She wasn't hysterical?

A Of course crying would be one of the symptoms of hysterical.

Q Who were present at that time?

A In the room I had the nurse. I didn't know her name. She wasn't employed by the City and County.

Q Did you attend a lady by the name of Mrs. Peeples that night?

A Yes.

Q Have you a card showing what you did?

A Yes, sir.

Q Have you that with you?

A Yes.

Q What time did she appear at the Emergency hospital?

A 12:48 a. m., September 13th

Q At the time you were talking to Mrs. Massie, during the time you were having this conversation with her and while she was talking with you, did she appear as if she understood your questions?

A It seems to me she did.

(Cross-examination waived.)

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AGNES FAWCETT

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 Agnes Fawcett.

Q Where do you live?

A 956 Ocean View, Kaimuki.

Q What is your profession?

A Graduate nurse.

Q Early Sunday morning, September 13th, this year,

were you at the Queen's Hospital?

A Yes.

Q And I will ask you whether or not early that morning you were called over to the Emergency Hospital?

A I was

Q At that time did you see a lady there by the name of Mrs.. T. E. Massie?

A Yes.

Q Who was the doctor in attendance at the hospital that night?

A Dr. Liu.

Q Did you have any conversation with Mrs. Massie that early morning?

A Yes, a little.

Q What did you say to her?

A I asked her how many men assaulted her.

Q And what did she say?

A Six.

Q What else did you say?

A I will have to think a little, because I didn't expect to be called into this. I know I went back into the room after the examination was over and I said to her, " what nationality were they?" and she said " Hawaiians" and I said "Are you sure they were not Filipinos or some other nationality?" and she said " Oh, no. I know the difference" and I went back and told her they arrested one man, not knowing

who the man was, and she said "Why did they pick on him. It is not him." I had heard they had arrested a man and I tried to tell her to try to keep quiet and steady herself.

Q What else did she say there at that time as to whether or not she was able to recognize the men?

A No, she told me she couldn't recognize them.

Q Are you positive of that, Miss Fawcett?

A Yes.

Q Is it "Mrs." or Miss Fawcett?

A Miss.

Q Just what did she say in that regard, that she couldn't recognize these men?

A Well, it was dark and she couldn't recognize them, that is all I remember.

Q Did she say anything about the number of the car?

A No, not to me.

Q Did she say anything about the kind of car?

A No I don't remember about the car.

Q At the time you were talking to her I will ask you whether or not, - I will ask you just what her condition was as to whether or not she was calm, cool and collected or not?

A No, she was very much upset and crying.

Q She understood the questions so far as you could judge that you asked her?

A Oh, yes.

Q This is the first time you have seen me?

A Yes, to my knowledge.

Q You have never seen any of the lawyers on this side of the case, have you?

A I don't recognize any of them.

Q When was the first time I talked to you?

A I don't even know your name now.

CROSS EXAMINATION

By Briffith wight, Esq.

Q Mrs. Massie said she hadn't recognized these men?

A Yes.

Q She didn't say whether if brought before her again she couldn't recognize them?

A I don't remember that.

Q All you remember was the reverse?

A That's all.

(Samuel C. Lau follows)

(Terr. v. Ahakuelo et al, Nov. 24, 1881, a.m.) p. 144,
b 1051

(1)

SAMUEL C. LAU

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 Samuel C. Lau.

Q Are you connected with the Honolulu Police Department?

A I am.

Q In what capacity?

A Identification officer.

Q How long have you been that?

A Since the first of the year.

Q Appointed by Sheriff Gleason?

A Yes.

Q Were you on duty on the 14th of September 1881?

A I was.

Q I will ask you whether you went down to the old
animal quarantine station on Ala Moana Road sometime
that day?

A I did.

Q About what time was that to the best of your
recollection?

A Sometime in the morning, about ten o'clock.

Q And with whom did you go?

A With officer Claude Benton and Horace Ida.

Q Horace Ida, one of these defendants?

(2)

A Yes.

Q How did you go down there?

A We went in Mr. Ida's car.

Q How did you happen to go down there?

A Office Benton came in and told me he had found some tire marks leading to the scene of the crime and he wanted me to photograph those tire marks.

Q Did you take your photographing apparatus down there with you?

A Yes, I took a camera and some white powder.

Q What was the powder for?

A I intended to powder the marks so the marks would appear more clearly in the photograph.

Q Then what happened when you got down there?

A When we got down there we parked the car at the first curve, jumped off, and officer Benton looked around and we were able to find one tire mark right at the curve, and then I pulled officer Benton aside and asked him if that was the tire mark he found Saturday night. He said the tire marks he found Saturday night had been obliterated by cars that had been in and out of the place, and I asked him about these marks, and he said they were similar to the marks of the car that drove to the scene.

There was some doubt in officer Benton's mind.

MR. WIGHT: I move to strike out that answer.

THE COURT: It will be stricken. The jury will disregard that.

Q What did officer Benton say?

(3)

A I asked officer Benton if he had seen that tire mark there Saturday night. He wasn't sure and I told him Captain McIntosh had driven the car there the day previous and I asked Benton if it is possible that particular mark had been made by Captain McIntosh at that time. He said it was possible.

Q He said it was possible?

A I think, to the best of my recollection, he said that. After he told me that I decided not to photograph that particular tire mark because it would not be of any value.

Q What did you say to Benton?

A I told him "If this tire mark was made by Captain McIntosh there is no use of photographing it" and he agreed with me.

Q This tire mark he pointed out to you that Monday morning, on what side of the roadway was that?

A It was on the right-hand side of the road going in, about one foot from the edge of the road.

Q Did you see any tire marks on the other side?

A No.

Q None at all?

A There were several marks, but they were not clear; this mark was at a soft spot on the road.

Q At that time did you have any talk with Horace Ica?

A I did.

(4)

Q What was said at that time?

A Officer Benton and I went into a huddle and after we decided not to photograph the particular tire mark we thought we would tell Ida that tire mark was found early Sunday morning in an attempt to get him to confess. Ida didn't deny that mark was made by his car, but he did deny being there.

Q Do you remember what else "da" said at that time?

A Well, it was a general denial on his part; I don't recall everything that was said.

Q Do you recall Ida saying at that time "There are a lot of other cars with the same kind of marks"?

A He said that.

CROSS EXAMINATION

By Griffith Wight, Esq.

Q What is your job at the police department?

A Identification officer.

Q How long have you had that job?

A Since the first of the year.

Q Does that include being a finger-print expert?

A Not necessarily, although I have completed my course in finger-printing.

Q What course did you take?

A The Institute of Applied Science course.

Q Did that include finger-printing?

A Yes.

Q When did you take that course?

A A year and a half ago.

(5)

Q Have you testified before as a finger-print expert?

A Yes.

A In this Court?

A No, in the Courts Martial.

Q You couldn't find any finger-prints on that car?

A No, there were many smudges, but I couldn't find any finger-prints clear enough for a positive identification.

Q Couldn't find a finger-print on that car?

A Not any clear enough for identification.

Q You were told to take photographs of those tracks?

A No, I was not.

Q Wasn't it your duty to take photographs in a case of this nature?

A We never had a case like this before.

Q You didn't know what to do?

A I went down there with every intention to take photographs.

A Because Officer Benton and I agreed it would be of no value to take them.

Q Isn't it a fact that Benton said "The track on the far side is not the one, but the others are all right?"

A No.

Q Didn't you say at that time, "what is the use of taking pictures. I believe Ida?"

(6)

A I didn't say that. After the defendant Ida had denied being there I said, "Well, I will take your word for it."

Q You will take the defendant's word rather than the whole prosecution's case?

A No, that is not the case.

Q That is what you said, didn't you?

A I said "I will take your word for it" when he denied. We were trying to get him to confess; trying to make him believe that was his track.

Q Would you take a defendant's word in such a serious crime as this, is that your idea of being a proper police officer or detective?

A Not necessarily; I don't say that.

Q As it not your duty to help all you can in every way?

A I did in every way.

Q You did by taking the defendant's word for a mark that was there.

A He denied being there.

Q And you believed it?

A No, I just told him that.

Q Didn't you on Monday when you and Benton and Ida, - on Monday, September 14, 1931, when you and Benton and Ida went to the old animal quarantine station on Ala Moana road, didn't you say: "What is the use of taking pictures. I believe Ida?"

A I didn't say that.

(7)

Q All you said was " I will take your word for it?"

A After the thing was over.

Q That was at that place?

A After we started to leave.

Q You said it was there you said it?

A Just as we got into the car.

Q Not after you left or was it when you were leaving, -
which is right?

A While we were leaving.

Q What do you mean by that?

A On our way out.

Q You said as you got into the car:

A Just as the car was about to start I said, " well,
I will take your word for it."

Q Didn't you agree that the marks you saw were
identical with the marks of Ida's car?

A They were similar.

Q Which?

A It is hard to say they are identical, but similar
enough so I can say they are identical.

Q Do you remember my asking why you didn't take
photographs of that track and you said you couldn't
take photographs in that dirt?

A I didn't say that to you.

Q Do you remember talking to police officer Stagbar
and telling him you couldn't take pictures of the
tracks?

A I didn't say that to Mr. Stagbar either.

Why?
q Didn't you go to see Benton last Friday night?

a I did.

q Did he ask you to go to see him?

a No.

q At that time what did you say to him?

a I told Benton that Judge Heen had called me up and wanted a report from me as to what took place when I went with him at 8 o'clock on Sunday morning. I told Benton "I didn't go to work with you at 8 o'clock Sunday morning". That's the reason I called.

q Anything else?

a I discussed as to what happened.

q What else did you say?

a I said "Isn't it a fact the reason I didn't photograph those marks was because there was a doubt in your mind and my mind as to whether those marks were made Saturday night or whether they were made Sunday morning when Captain McIntosh drove the car there?" He said he didn't recall.

q Isn't the reason you went and talked to Benton was to try to get him to stand in line?

a I did not.

q Didn't you when you first saw Benton tell him there were no tire marks there at all, and later didn't you say you did see them?

a No, I asked Benton if it was not a fact that we didn't photograph that tire mark was because there was a doubt in your mind and my mind as to whether

(9)

those marks were made on Saturday night or whether they were made Sunday morning when Captain McIntosh drove the car.

Q Isn't it a fact that ever since the first day of arrest you said these men were not guilty and you bucked this case?

A I didn't buck it. I didn't have anything to do with it outside of searching the car for fingerprints and going down to Ala Moana.

Q And you were unable to find a finger-print on that entire car?

A I didn't find anything clear enough for positive identification.

Q When did you first talk to the lawyers for the defense in this case?

A When Judge Heen called me up last week sometime.

Q Have you ever talked with Machado about this case?

A I did not.

Q Not at all?

A General discussion as to how the case was getting along.

Q Ever talk with Bettencourt about the case?

A I don't recall.

Q Did you or didn't you?

A I was out here yesterday and I guess he said he was to be called as witness.

Q Have you talked with Harbottle about this case?

A No.

(10)

Q Ever talk to Nakea about the case?

A I didn't.

Q Not once?

A Not once.

Q When was the last time you saw Judge Heen?

A Outside over here.

Q In this building?

A I don't recall.

Q Have you ever been to his office?

A I have been there many times.

Q Since this case originated?

A Once.

Q How long ago?

A A few days ago.

Q The day after you talked to Benton?

A No, I think it was last Saturday morning.

Q And you talked to Benton Friday night?

A I don't know whether it was Thursday or Friday night. I am not sure.

(Dictated from shorthand notes

to and transcribed from

the "DICTAPHONE"

*Why visit
defense lawyer,
a politician
want to
investigate
no authority
from Sheriff
Sneak*

ARTHUR CASTNER

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

DIRECT EXAMINATION

By William H. Green, Esq.

Q What is your name?

A Arthur Castner.

Q Are you a student at the University of Hawaii?

A Yes.

Q When did you come to Honolulu?

A August 21st.

Q Of this year?

A Yes.

Q And that is the first time you came to Honolulu?

A Yes.

Q From where?

A Long Beach, California.

Q Do you know Horace Ida?

A Yes, sir.

Q Did you meet him on the boat coming down from the Mainland?

A Yes, sir.

Q And that is how you met him, coming on the boat together?

A Yes.

Q Who came down with you?

A Two friends of mine, one from Long Beach and one from Oregon.

Q Are they all attending the University of Hawaii?

A Yes.

Q Do you remember reading about this assault case on a white lady in the month of September?

A Yes.

Q I will ask you whether or not on the Saturday night of September 12th, 1951 you attended the dance at Waikiki Park?

A Yes, sir.

Q What time did you go over there?

A I can't say for sure. It was between 9:15 and 9:30.

Q How did you go over there?

A Rode in Ida's car.

Q From where?

A From our place.

Q Where is your place?

A 269-C Beach Walk.

Q Who went with you in Ida's car?

A One of my room mates.

Q What is his name?

A Ernest Christianson.

Q Anybody with Ida at that time?

Q Anybody with Ida at that time?

A There was a fellow he called Buster.

Q Did Ida and this boy Buster come to your home at Beach Walk?

A Yes.

Q How long did they stay there before you proceeded

over to the dance?

A About 15 minutes.

Q And about how long did you stay at the dance?

A Until about 11:15 or 11:30.

Q And at the end of that time you left there?

A Yes, sir.

Q And as you left who went with you?

A My room-mate.

Q Ernest Christianson?

A Yes.

Q On your way out from the pavilion did you meet anybody?

A Mr. Ida.

Q Was Ida on the car or off the car at the time you met him?

A He was out of his car.

Q Did you meet anybody else with Ida at that time?

A He introduced us to three fellows.

Q Introduced you to whom, do you remember?

A I don't remember any of their names.

Q How long did you boys talk there, or did you move along?

A We went right away.

Q Were you called down to the police station either the next day of Monday?

A Im not sure. I think it was the next day; I do not remember.

Q The next day was Sunday?

A No, it must have been Monday.

Q

Q Where did they get you to have you come to the police station?

A They came to our place.

Q Did you make a statement to the police officers as to your seeing Ida the night of Saturday at the dance?

A Yes.

Q Did you sign any written statement?

A Not that I remember of. I don't think I did.

Q Did they have a stenographer present at the time they questioned you?

A I didn't see any.

Q Was this gentleman there, Mr. Wight?

A Yes.

Q Did you at the police station see the boys who were introduced to you Saturday night?

A I recognized two of them. I couldn't recognize the other one for quite a while.

Q Will you look over here and see if you can point out the two who were introduced to you by Ida?

A The two sitting on his right.

Q This gentleman with his arm in a sling?

A Yes.

Q Indicating Henry Chang, and this boy here, indicating Joe Kahahawai?

A Yes.

Q Just about how long did you remain at that point where you were introduced to these boys?

MR WIGHT: Objected to as already asked and answered.

THE COURT: Objection overruled.

A Just long enough to be introduced and exchange--
say hello and good-bye, practically.

CROSS EXAMINATION

By Griffity Wight, Esq.

Q That might have been as early as 11:15 you were
introduced to them?

A I couldn't say for sure.

Q I say it might have been as early as 11:15 you
were introduced to them?

A Yes.

Q It was not possibly earlier than 11:30?

A Possibly.

Q It might have been earlier than 11:15?

A It might have been.

REDIRECT EXAMINATION

By William H. Heen, Esq.

Q Did you observe whether or not Ida had a coat on?

A I couldn't say for sure. It seemed to me he
just had a shirt and pants on.

Q That is your best recollection?

A That is my best recollection.

RECROSS EXAMINATION

By Griffith Wight, Esq.

Q You are not sure what he wore.

A I wouldn't say for sure.

ERNEST CHRISTIANSON

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 Ernest Christianson.

Q How old are you?

A Eighteen.

Q You are a student at the University of Hawaii?

A Yes.

Q You came from the mainland?

A Yes.

Q When?

A I arrived here August 21st.

Q Did you have any companions coming down on the boat?

A My two room-mates.

Q What are their names?

A Castner and Kleev.

Q Did you meet a local boy returning to Hawaii at that time?

A Yes.

Q What is his name?

A Ida.

Q Is he here in the court room?

A First row, second from the end.

Q Second from Waikiki end?

A From that end, yes.

Q Indicating Horace Ida. Did you see Ida on the night of September 12, 1931?

A Yes.

Q Where?

A At my home.

Q About what time did he come to your home?

A About 9:30.

Q Was he alone at that time when he came there?

A He had another fellow with him.

Q How long did he stay at your home, about?

A Ten or fifteen minutes.

Q And at the end of that time what happened?

A They left.

Q Did you go along?

A We rode down to Waikiki Park with them.

Q Rode on what?

A Ida's Ford.

Q Who was driving?

A Ida.

Q Do you remember whether or not Ida had a coat or jacket on at that time?

A I can't say

MR. WIGHT: I suggest Mr. Heen be advised not to ask leading questions.

THE COURT: Proceed. The question is answered.

Q Where did you go?

A I went to Waikiki Park.

Q To the dance?

A I was outside; I didn't go in.

Q Do you remember about what time you left the dance, to the best of your recollection?

A Right around 11:30.

Q When you left the dance did you meet anybody?

A I met Ida

Q You met Ida where?

A He was just getting out of his car.

Q Were there any boys with him at the time?

A There were two others.

Q What happened when you met Ida?

A Just said "Hello" and we went right on; talked a little while.

Q Did you meet the boys?

A I met the other two.

Q How did you happen to meet them?

A Ida introduced them to us.

Q Did you go to the police station after that, shortly after that?

A I think it was about Tuesday evening.

Q You were questioned by the police, were you?

A Yes.

Q Do you recall-- Do you think you could recognize either one or both of the two boys you met that night who were introduced to you by Ida?

A You mean now?

Q Yes?

A Yes.

Q Look in the court room and point out which one you recognize?

A The two to the right of Ida.

Q Indicating this boy, Joe Kahahawai?

A Yes.

Q And this one, indicating Henry Chang?

A Yes.

Q About how long were you there at the point where you met Ida and were introduced to these two boys?

A About three to five minutes.

Q And after that you went home?

A Yes.

(Cross examination waived.)

- - - -

AHYEW WONG,

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 Ahyew Wong.

Q Where do you live?

A 1225 Pua Lane.

Q Do you know Horace Ida?

A Yes.

Q Do you know David Takai?

A Yes.

Q Do you know Benny Ahakuelo?

A Yes.

Q I will ask you whether or not you were present at a luau at the home of S. P. Correa on School street on the night of September 12, 1931?

A Yes.

Q Were you a guest at that luau?

A Yes.

Q At that time did you see any of these boys I have just named?

A Yes.

Q About what time did you see them?

A Saw them about eight o'clock.

Q Did you see them later than that?

A Yes.

Q About what time?

A Saw them about 11 o'clock.

Q Where?

A Same place, at the luau.

Q Were they inside of the house or outside of the house?

A^A Outside of the house.

Q Where outside?

A In the yard.

Q Were they in the garage at any time?

A Yes, they were in the garage at a later part.

Q And were you in the garage?

A Yes, I was in the garage too.

Q Is there any light in the garage?

A Yes.

Q I will ask you whether or not you recall if Ida had a coat on?

A No, he had no coat on.

Q How long have you known Ida?

A When I was a small little boy.

Q During all the time you have known him have you ever heard anybody call him "Bull"?

A No.

Q How long have you known Takai?

A About the same time.

Q And during all the time you have known him have you heard anybody call him "Bull"?

A No.

Q How long have you known Beeny Ahakuelo?

A About four or five years.

Q During that time have you ever heard anybody call him "Bull"?

A No.

Q Do you know Joe Kalani?

A Yes.

Q Did you see him there that night?

A Yes, I saw him there that night.

Q How long have you known Joe Kalani Or Kahahawai?

A About the same time as Ben.

A And during all the time you have known Joe have you ever heard anybody call him "Bull"?

AA No

Q Do you know Henry Chang?

A Yes.

Q How long have you known Henry Chang?

A We were raised together.

Q. Where?

A Vineyard street.

Q And during all the time you have known Henry Chang have you ever heard anybody call him "Bull"?

A No.

Q Did you see Henry Chang up there at the luau that night?

A Yes.

Q About what time did you leave the luau?

A About 11:20.

Q About what time of the evening was it that you saw Ben Ahakuelo there?

A About 8 o'clock.

MR. WIGHT: Objected to as already asked and answered.

THE COURT: Objection sustained.

Q Are you clear in your mind about seeing Benny there at 11 o'clock that night?

MR. WIGHT: Objected to as already asked and answered.

THE COURT: Objection overruled.

A About eleven o'clock I didn't see Benny but I saw Ida and Joe.

Q How about Takai, about what time did you see him?

A During the early part when I saw Ida.

Q Where was Henry Chang when you saw him?

