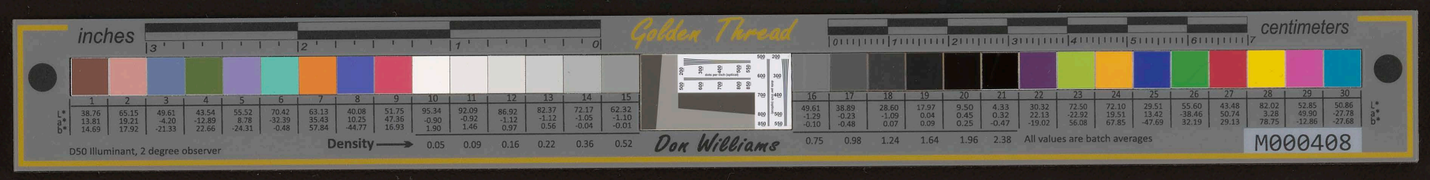


Petition of Election,
Henry Klemme

8

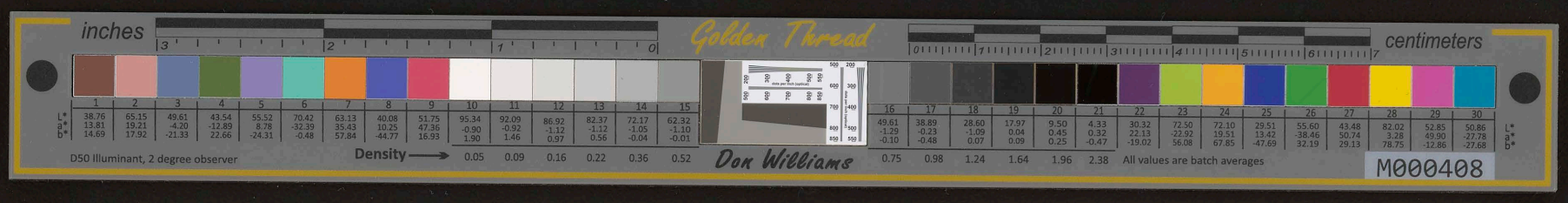
1894 Constitutional Convention
Box: CC1894-3, folder: Petitions -Henry Klemme , election ballots recount.

Synopsis of the Henry Klemme election controversy.

In the election for Constitutional Convention delegates representing the Island of Oahu, in a close vote , candidate A.K. Kunuiakea won by 2 votes over Henry Klemme.

Mr. Klemme contested the election results asking for a recount of ballots. The Election Inspectors certified the final results in favor of A.K. Kunuiakea. Mr. Klemme then filed a motion in First Circuit Court asking for a recount. The Court ruled that it did not have jurisdiction to order a recount. Mr. Klemme then petitioned directly to the Convention for a recount. A Convention Committee was tasked with investigating the voting results and declared A.K. Kunuiakea as legally elected.

Included are two petitions:
Henry Klemme's petition to the Convention and another petition by voters asking for an inspection of the ballots and recount.



	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
L*	38.76	65.15	49.61	43.54	55.52	70.42	63.13	40.08	51.75	95.34	92.09	86.92	82.37	72.17	62.32
a*	13.81	19.21	-4.20	-12.89	8.78	-32.39	35.43	10.25	47.36	-0.90	-0.92	-1.12	-1.12	-1.05	-1.10
b*	14.69	17.92	-21.33	22.66	-24.31	-0.48	57.84	-44.77	16.93	1.90	1.46	0.97	0.56	-0.04	-0.01
Density										0.05	0.09	0.16	0.22	0.36	0.52

	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
L*	49.61	38.89	28.60	17.97	9.50	4.33	30.32	72.50	72.10	29.51	55.60	43.48	82.02	52.85	50.86
a*	-1.29	-0.23	-1.09	0.04	0.45	0.32	22.13	-22.92	19.51	13.42	-38.46	50.74	3.28	49.90	-27.78
b*	-0.10	-0.48	0.07	0.09	0.25	-0.47	-19.02	56.08	67.85	-47.69	32.19	29.13	78.75	-12.86	-27.68
Density	0.75	0.98	1.24	1.64	1.96	2.38									

D50 Illuminant, 2 degree observer

All values are batch averages

Petition of Henry Klemme for a recount of the ballots cast at the election of May 2nd 1894 on the Island of Oahu.

Dated May 31st 1894.

Petition
Henry Klemme
Contesting Election
Presented June 1/94

M0000408

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Don Williams

M000408

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
L*	38.76	66.15	46.61	43.54	55.52	70.42	63.13	40.08	51.75	95.34	92.09	86.02	82.37	72.17	62.32
a*	18.07	12.79	43.94	12.29	6.31	10.29	55.74	17.75	16.35	-0.90	-0.52	-1.17	-0.56	-1.05	-1.10
b*	14.69	17.92	-1.33	22.66	-14.31	-0.48	44.77	16.35		1.90	1.42	0.97	0.58	-0.04	-0.01

	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
L*	49.61	38.89	28.60	17.07	9.40	4.33	10.32	22.92	32.13	42.05	52.40	63.46	73.26	83.86	93.86
a*	-1.29	-0.23	-1.09	0.04	0.45	0.32	32.13	19.02	56.08	67.85	47.69	32.19	29.13	12.86	27.68
b*	-0.10	-0.48	0.07	0.09	0.25	-0.47									

	0.05	0.09	0.16	0.22	0.36	0.52	0.75	0.98	1.24	1.64	1.96	2.38
Density	1.90	1.42	0.97	0.58	-0.04	-0.01	-0.10	-0.48	0.07	0.09	0.25	-0.47

All values are batch averages.

D50 Illuminant, 2 degree observer

PETITION:

TO THE HONORABLE, THE CONSTITUTIONAL CONVENTION

OF THE HAWAIIAN ISLANDS.

GENTLEMEN:-

Your Petitioner, HENRY KLEMME, of Honolulu, in the Island of Oahu, respectfully represents to your Honorable Convention that ~~he~~ he was a candidate for election to said Convention, as a Delegate from said Island of Oahu, at the election held of the second day of May, Instant. That he believes he should have been returned and certified as duly elected as such Delegate, upon the state of the polls at said election, and, for reasons of such belief, he respectfully refers your Honorable Convention to the annexed copy of a petition filed by your Petitioner in the Circuit Court for the First Circuit, wherein your Petitioner sought to have the votes cast at said election re-counted, and the returns thereof corrected to correspond with the conditions of the polls. And your Petitioner represents that upon said petition to said Court, the Court decided and ruled that it had not jurisdiction to hear and determine the matters therein set forth, and that said decision now stands and obtains as a final decision therein. And your Petitioner shows that, as he is advised and believes, he has no remedy at law, or otherwise, except by petition to ~~our~~ your Honorable Body, for the wrongs complained of by him in said petition, the allegations whereof he here reiterates and re-asserts.

WHEREFORE, your Petitioner prays this Honorable Convention that it will, without unnecessary delay, cause to be made an inspection and recount of the ballots cast in the different precincts of said Island, at said election, to the end that the illegalities and informalities complained of in said Petition may be

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centimeters

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
L*	38.76	65.15	49.61	43.54	55.52	70.42	63.13	40.08	51.75	95.34	92.09	86.92	82.37	72.17	62.32
a*	13.81	19.21	-4.20	-12.89	8.78	-32.39	35.43	10.25	47.36	-0.90	-0.92	-1.12	-1.12	-1.05	-1.10
b*	14.69	17.92	-21.33	22.66	-24.31	-0.48	57.84	-44.77	16.93	1.90	1.46	0.97	0.56	-0.04	-0.01

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Density ⟶ 0.05 0.09 0.16 0.22 0.36 0.52

Don Williams

	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
L*	49.61	38.89	28.60	17.97	9.50	4.33	30.32	72.50	72.10	29.51	55.60	43.48	82.02	52.85	50.86
a*	-1.29	-0.23	-1.09	0.04	0.45	0.32	22.13	-22.92	19.51	13.42	-38.46	50.74	3.28	49.90	-27.78
b*	-0.10	-0.48	0.07	0.09	0.25	-0.47	-19.02	56.08	67.85	-47.69	32.19	29.13	78.75	-12.86	-27.68

0.75 0.98 1.24 1.64 1.96 2.38 All values are batch averages

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Don Williams
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fully investigated, and that, should such inspection and recount show that any candidate has been returned who failed of receiving the requisite number of votes at said election, such person may not be permitted to sit as a Delegate in your Honorable Convention: and that, if such recount shall show that your Petitioner obtained a sufficient number of legal votes to entitle him to election, he shall be admitted to your Honorable Convention as a Delegate from said Island of Oahu. And your Petitioner further prays that he may be represented by attorney in such proceedings, before any Committee of ~~your~~ your Honorable Body, as shall be had ~~be had~~ in pursuance of this petition.

And your Petitioner will ever pray.

Dated this 30th day of May, 1894.

Clarence W. Ashford
Attorney for Petitioner.

Harry K. Emma
Petitioner.

Golden Thread

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	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
L*	38.76	65.15	49.61	43.54	55.52	70.42	63.13	40.08	51.75	95.34	92.09	86.92	82.37	72.17	62.32
a*	13.81	19.21	-4.20	-12.89	8.78	-32.39	35.43	10.25	47.36	-0.90	-0.92	-1.12	-1.12	-1.05	-1.10
b*	14.69	17.92	-21.33	22.66	-24.31	-0.48	57.84	-44.77	16.93	1.90	1.46	0.97	0.56	-0.04	-0.01

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Density → 0.05 0.09 0.16 0.22 0.36 0.52

Don Williams

	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
L*	49.61	38.89	28.60	17.97	9.50	4.33	30.32	72.50	72.10	29.51	55.60	43.48	82.02	52.85	50.86
a*	-1.29	-0.23	-1.09	0.04	0.45	0.32	22.13	-22.92	19.51	13.42	-38.46	50.74	3.28	49.90	-27.78
b*	-0.10	-0.48	0.07	0.09	0.25	-0.47	-19.02	56.08	67.85	-47.69	32.19	29.13	78.75	-12.86	-27.68

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HAWAIIAN ISLANDS:-IN THE CIRCUIT COURT FOR THE FIRST CIRCUIT.

IN CHAMBERS.

HENRY KLEMME, Petitioner,)
)
vs)
)
C.A.BROWN: JA MAGOON: W.H.Hoogs)
)
J.S.MARTIN: N.B.EMERSON: ALEXANDER)
)
LYLE: C.E.WILLIAMS: HENRY SMITH:)
)
LEVI LYMAN: W.L.WILCOX: WILLIAM)
)
HENRY: EDWARD HORE: C.H.JUDD: JAMES)
)
L.TORBERT, ~~xxx~~ J.F.SCOTT, ~~xxxxxxxxx~~)
)
and E.G.HITCHCOCK, Marshal of the)
)
Hawaiian Islands, - Defendants.)

PETITION FOR WRIT OF MANDAMUS.

To the Honoorable W.AUSTIN WHITING, First Judge of the
Circuit Court for the First Circuit.

The petition of the undersigned, HENRY KLEMME, of Honolulu, respectfully shows unto the Court here as follows:-

1:- That your petitioner is now, and ever since the 1st day of April last past has been duly possessed of the qualifications required by law in a delegate to the Constitutional Convention authorized by Act 69 of the Provisional Government, approved the 15th day of March, 1894.

2:- That he became and was a candidate for election as such delegate to said convention, for and from the Island of Oahu, and took all legal and requisite steps to have, and had his name printed upon the tickets or ballots issued by the Minister of the Interior under and in accordance with said Act, the name of your petitioner appearing thereon in this form, viz:"H.KLEMME".

Golden Thread
Don Williams
M000408

HAWAIIAN ISLANDS:-IN THE CIRCUIT COURT FOR THE FIRST CIRCUIT.

IN CHAMBERS.

HENRY KLEMME, Petitioner,

vs

C.A.BROWN: JA MADSON: W.F.Hardy

J.S.MARTIN: N.S.EMERSON: ALEXANDER

LYLE: C.L.WILLIAMS: HENRY SMITH:

LEVI LYMAN: W.L.WILCOX: WILLIAM

HENRY: EDWARD HORE: C.H.JUDD: JAMES

L.TORBERT, and J.F.SCOTT,

and R.G.HITCHCOCK, Marshal of the

Hawaiian Islands, - Defendants.

PETITION FOR WRIT OF MANDAMUS.

To the Honorable W.AUSTIN WHITING, First Judge of the Circuit Court for the First Circuit.

The petition of the undersigned, HENRY KLEMME, of Honolulu, respectfully shows unto the Court here as follows:-

1:- That your petitioner is now, and ever since the 1st day of April last past has been duly possessed of the qualifications required by law in a delegate to the Constitutional Convention authorized by Act 88 of the Provisional Government, approved the 15th day of March, 1894.

2:- That he became and was a candidate for election as such delegate to said convention, for and from the Island of Oahu, and took all legal and requisite steps to have, and had his name printed upon the tickets or ballots issued by the Minister of the Interior under and in accordance with said Act, the name of your petitioner appearing thereon in this form, viz:"H.KLEMME".

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3:- That on or about the 17th day of March, 1894, the Minister of the Interior issued his Proclamation, as in said Act provided, calling an election for delegates to said Convention thereunder, to be held on the 2nd day of May, 1894, and that the persons hereinafter named were appointed and acted as Chairmen of the respective Boards of Inspectors of such election, within and for the respective Districts and precincts of the Island of Oahu here following, that is to say:-

District.	Precinct.	Name of Chairman.
First,	First,	~~C.A.Brown.~~ Howard
"	Second,	J.A.Magoon.
Second,	First,	W.H.Hoogs
"	Second,	J.S.Martin.
Third,	First,	N.B.Emerson.
"	Second,	Alexander Lyle.
Fourth,	First,	C.E.Williams.
"	Second,	Henry Smith.
Fifth,	First,	Levi Lyman.
"	Second,	W.L.Wilcox.
Sixth,	--------	William Henry.
Seventh,	First,	Edward Hore.
"	Second,	C.H.Judd.
Eighth,	First,	James L.Torbert.
"	Second,	J.F.Scott.

4:- That A.K.Kunuiakea: T.J.King: C.L.Carter: A.G.M.Robertson: L.C.Ables: John Kidwell: J.M.Vivas: Antonio Fernandez: J.C.Cluney and John Mitchell were also candidates for election as such delegates to said convention, from said Island of Oahu, and had their names printed on the ballots used in the election hereinafter referred to.

5:- That an election for such delegates was duly held on said Island, on Wednesday, the second day of May, 1894, at which election said Chairmen of the different Boards of Inspectors of Election severally acted as such, and in said capacities, received and deposited the ballots cast in their respective precincts, and counted said ballots, and declared the result of said voting in their re-

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Density
Don Williams
All values are batch averages
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3:- That on or about the 17th day of March, 1894, the Minister of the Interior issued his Proclamation, as in said Act provided, calling an election for delegates to said Convention thereunder, to be held on the 2nd day of May, 1894, and that the persons hereinafter named were appointed and acted as Chairmen of the respective Boards of Inspectors of such election, within and for the respective Districts and precincts of the Island of Oahu here following, that is to say:-

District.	Precinct.	Name of Chairman.
First,	First,	C.A.Brown.
"	Second,	J.A.Magoon.
Second,	First,	W.H.Cook
"	Second,	J.S.Martin.
Third,	First,	N.B.Emerson.
"	Second,	Alexander Lyle.
Fourth,	First,	C.H.Williams.
"	Second,	Henry Smith.
Fifth,	First,	Levi Lyman.
"	Second,	W.L.Wilcox.
Sixth,	--------	William Henry.
Seventh,	First,	Edward Hore.
"	Second,	C.H.Judd.
Eighth,	First,	James L.Torbert.
"	Second,	J.F.Scott.

4:- That A.M.Kunuiakea: T.J.King: C.L.Carter: A.C.M.Robertson: L.C.Ables: John Midwell: J.M.Vivas: Antonio Fernandez: J.C.Cluney and John Mitchell were also candidates for election as such delegates to said convention, from said Island of Oahu, and had their names printed on the ballots used in the election hereinafter referred to.

5:- That an election for such delegates was duly held on said Island, on Wednesday, the second day of May, 1894, at which election said Chairmen of the different Boards of Inspectors of Election severally acted as such, and in said capacities, received and deposited the ballots cast in their respective precincts, and counted said ballots, and declared the result of said voting in their re-

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spective precincts at the close of the poll, made the returns thereof as by law provided, and sealed and delivered the ballots so cast, to the Minister of the Interior, in whose possession, as your petitioner is informed and believes, and so on information and belief alleges, they now are.

6:- That your petitioner is credibly informed and believes, and so on information and belief alleges that ballots, many of which were marked for your petitioner, and should have been counted for him, were illegally rejected and left uncounted by said divers of said chairmen, and that ballots were, by divers of said Chairmen counted for others of said candidates, and for particularly for said A.K.Kunuiakea, which should not have been so counted: and, in particular, your petitioner is credibly informed and believes, and so on information and belief alleges, that many ballots, (the precise number whereof is to your petitioner unknown,) were marked for your petitioner, and that such votes for your petitioner were rejected in certain of said precincts, and especially in the first and second precincts of said third district, for the reason, as alleged by the Chairmen of said precincts respectively, that said ballots were not marked in the space by law assigned for such mark to wit, to the right of the lateral line drawn on the right of all the names on said ballots, -whereas in fact, such rejected ballots were marked for your petitioner, to the right of his name thereon, as by law provided.

7:- And your petitioner avers, in particular, that in the second precinct of said second district, said defendant J.S.Martin acted as Chairman of such Board of Ispectors, and, of his own motion rejected and refused to count numerous ballots there cast, without conference with or consent of his co-Inspectors, and that your pe-

~~titioner has reason to believe, and does believe~~

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L* 38.76 65.15 49.61 43.54 55.52 70.42 63.13 40.08 51.75 95.34 92.09 86.92 82.37 72.17 62.32
a* 13.81 19.21 -4.20 -22.89 8.78 -32.39 35.43 10.25 47.36 -0.90 -0.92 -1.12 -1.12 -1.05 -1.10
b* 14.69 17.92 -21.33 22.66 -24.31 -0.48 57.84 -44.77 16.93 1.90 1.46 0.97 0.56 -0.04 -0.01
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Density 0.05 0.09 0.16 0.22 0.36 0.52
Don Williams
16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
L* 49.61 38.89 28.60 17.97 9.50 4.33 30.32 72.50 72.10 29.51 55.60 43.48 82.02 52.85 50.86
a* -1.29 -0.23 -1.09 0.04 0.45 0.32 22.13 -22.92 19.51 13.42 -38.46 50.74 3.28 -49.90 -27.78
b* -0.10 -0.48 0.07 0.09 0.25 -0.47 -19.02 56.08 67.85 -47.69 32.19 29.13 78.75 -12.86 -27.68
0.75 0.98 1.24 1.64 1.96 2.38
All values are batch averages
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specific precincts at the close of the poll, made the returns thereof as by law provided, and sealed and delivered the ballots so cast, to the Minister of the Interior, in whose possession, as your petitioner is informed and believes, and so on information and belief alleges, they now are.

6:- That your petitioner is credibly informed and believes, and so on information and belief alleges that ballots, many of which were marked for your petitioner, and should have been counted for him, were illegally rejected and left uncounted by said divers of said chairmen, and that ballots were, by divers of said Chairmen counted for others of said candidates, and for particularly for said A.K.Kumusiks, which should not have been so counted: and, in particular, your petitioner is credibly informed and believes, and so on information and belief alleges, that many ballots, (the precise number whereof is to your petitioner unknown,) were marked for your petitioner, and that such votes for your petitioner were rejected in certain of said precincts, and especially in the first and second precincts of said third district, for the reason, as alleged by the Chairmen of said precincts respectively, that said ballots were not marked in the space by law assigned for such mark to wit, to the right of the lateral line drawn on the right of all the names on said ballots, -whereas in fact, such rejected ballots were marked for your petitioner, to the right of his name thereon, as by law provided.

7:- And your petitioner avers, in particular, that in the second precinct of said second district, said defendant J.S.Martin acted as Chairman of such Board of Inspectors, and, of his own motion rejected and refused to count numerous ballots there cast, without conference with or consent of his co-Inspectors, and that your petitioner has reason to believe, and does believe so

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titioner has reason to believe, and does believe, and so on belief alleges, that certain of the ballots so, in said precinct, rejected, and left uncounted, as aforesaid, were legally marked, and should have been counted for your petitioner.

2/

8:- That the Inspectors of Election in the several precincts of said Island counted fractions of votes marked for the different candidates at such election, and credited and counted the aggregate of such fractions as gathered from the different ballots, to and for the respective candidates for whom they were marked, and that your petitioner is advised and believes, and so upon advice and belief asserts that such action was illegal.

3/

9:- That said Chairmen severally returned and reported to the Marshal of the Hawaiian Islands the result of said election in their respective precincts, which returns contained the errors and omissions hereinbefore alleged and complained of, and that said Marshal, E.G.Hitchcock, has caused said returns to be canvassed, as by law provided, and, having accepted and acted and acted upon the same, so made as aforesaid, and containing said errors and omissions has certified to the Minister of the Interior that said candidates have respectively received the number of votes here following, that is to say:- A.G.M.Robertson, 1566 25/34: C.L.Carter, 1108 3/5: J.M.Vivas, 1088 1/2: Antonio Fernandez, 108 3/5: L.C.Ables, 1213 3/5: A.K. Kunuiakea, 612 3/5: H.Klamme, your petitioner, 610 9/10: T.J.King, 576. John Kidwell, 366: J.C Cluney, 321 3/5: and John Mitchell, 135: and that said A.G.M.Robertson: C.L.Carter: J.M.Vivas: Antonio Fernadez: L.C.Ables and A.K.Kunuiakea, and none others of said candidates, are duly elected as such delegates as aforesaid.

10:- That but for the errors and omissions committed by said several Chairmen and Inspectors, and in case all votes legally

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tioner has reason to believe, and does believe, and so on belief alleges, that certain of the ballots so, in said precinct, rejected, and left uncounted, as aforesaid, were legally marked, and should have been counted for your petitioner.

8:- That the Inspectors of Election in the several precincts of said Island counted fractions of votes marked for the different candidates at such election, and credited and counted the aggregate of such fractions as gathered from the different ballots, to and for the respective candidates for whom they were marked, and that your petitioner is advised and believes, and so upon advice and belief asserts that such action was illegal.

9:- That said Chairmen severally returned and reported to the Marshal of the Hawaiian Islands the result of said election in their respective precincts, which returns contained the errors and omissions hereinbefore alleged and complained of, and that said Marshal, J.H.Hitchcock, has caused said returns to be canvassed, as by law provided, and, having accepted and acted and acted upon the same, so made as aforesaid, and containing said errors and omissions has certified to the Minister of the Interior that said candidates have respectively received the number of votes here following, that is to say:- A.G.M.Robertson, 1544¾: C.L.Carter, 1068¾: J.M.Vivas, 1088¼: Antonio Perdomo, 1057¾: L.C.Ables, 1213¾: A.K. Kumuleas, 617¾: H.Hanue, your petitioner, 610¾: T.J.King, 576: John Kidwell, 344: J.C Cluney, 321¾: and John Mitchell, 135: and that said A.G.M.Robertson: C.L.Carter: J.M.Vivas: Antonio Perdomo: L.C.Ables and A.K.Kumuleas, and none others of said candidates, are duly elected as such delegates as aforesaid.

10:- That but for the errors and omissions committed by said several Chairmen and Inspectors, and in case all votes legally

cast for this petitioner, had been duly credited to, and counted for him, this petitioner should, and would have been certified and returned as having been ~~elected~~ elected as such delegate: and your petitioner alleges that he believes, and so, on belief alleges, that he was so legally elected and that he is entitled to a certificate of such election.

11:- Wherefore your petitioner prays, that said defendants may be severally cited to appear and answer this petition, and to show cause why they should not do and performed the several acts herein prayed to be commanded of them: and that the voting lists, poll books, ballots, tally sheets, returns and other records and papers of, and used in and about the said election, and pertaining thereto, may be examined by the Court here, or by some officer or officers thereof under its direction: and that a recount of the ballots cast at said election may be had, and the result thereof, as to each of said precincts and districts declared: and that said defendant Chairmen, and all other persons whose duty it was, is or shall be to act in the premises, shall be compelled by the mandate of this honorable Court, to correct their several returns of said election so as to conform to the result of such recount: and that the said Marshal be compelled, by a sihilar mandate, to canvass such amended returns, and to certify the result thereof to the said Minister of the Interior.

12:- And that such other acts may be enforced, by and on the part of said several defendants, and all other persons whose duty it was, is or shall be to act in the premises, as the circumstances of the case shall require, and to right and justice shall pertain.

(Sig) C.W. Ashford
Counsel for Petitioner.

(Sig) Henry Klemme
Petitioner.

inches 3 2 1 0 Golden Thread 0 1 2 3 4 5 6 7 centimeters

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
L*	38.76	65.15	49.61	43.54	55.52	70.42	63.13	40.08	51.75	95.34	92.09	86.92	82.37	72.17	62.32
a*	13.81	19.21	-4.20	-12.89	8.78	-32.39	35.43	10.25	47.36	-0.90	-0.92	-1.12	-1.12	-1.05	-1.10
b*	14.69	17.92	-21.33	22.66	-24.31	-0.48	57.84	-44.77	16.93	1.90	1.46	0.97	0.56	-0.04	-0.01

D50 Illuminant, 2 degree observer

Density → 0.05 0.09 0.16 0.22 0.36 0.52

Don Williams

	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
L*	49.61	38.89	28.60	17.97	9.50	4.33	30.32	72.50	72.10	29.51	55.60	43.48	82.02	52.85	50.86
a*	-1.29	-0.23	-1.09	0.04	0.45	0.32	22.13	-22.92	19.51	13.42	-38.46	50.74	3.28	49.90	-27.78
b*	-0.10	-0.48	0.07	0.09	0.25	-0.47	-19.02	56.08	67.85	-47.69	32.19	29.13	78.75	-12.86	-27.68

0.75 0.98 1.24 1.64 1.96 2.38 All values are batch averages

M000408

case for this petitioner, had been duly credited to, and counted for him, this petitioner should, and would have been certified and returned as having been duly elected as such delegate: and your petitioner alleges that he believes, that he was so legally elected and so, on belief alleges, and that he is entitled to a certificate of such election.

11:- Wherefore your petitioner prays, that said defendants may be severally cited to appear and answer this petition, and to show cause why they should not do and performed the several acts herein prayed to be commanded of them: and that the voting lists, poll books, ballots, tally sheets, returns and other records and papers of, and used in and about the said election, and pertaining thereto, may be examined by the Court here, or by some officer or officers thereof under its direction: and that a recount of the ballots cast at said election may be had, and the result thereof, as to each of said precincts and districts declared: and that said defendant Chairmen, and all other persons whose duty it was, is or shall be to act in the premises, shall be compelled by the mandate of this honorable Court, to correct their several returns of said election so as to conform to the result of such recount: and that the said Marshal be compelled, by a similar mandate, to canvass such amended returns, and to certify the result thereof to the said Minister of the Interior.

12:- And that such other acts may be enforced, by and on the part of said several defendants, and all other persons whose duty it was, is or shall be to act in the premises, as the circumstances of the case shall require, and to right and justice shall pertain.

(Sgd) Beverley Jones
Counsel for Petitioner.

(Sgd) Henry Bellerose
Petitioner.

inches Golden Thread centimeters
D50 Illuminant, 2 degree observer Density → Don Williams All values are batch averages
M000408

Hawaiian Islands,)
)
City of Honolulu.) ss

Henry Klemme having been duly sworn, deposes and says that he is the petitioner named in the foregoing petition. That he has read the said petition and knows its contents, and that the matters and things therein alleged are true, of his own knowledge, except those things which are therein alleged upon information, advice or belief, and as those matters, he believes them to be true.

Sworn to before me this)
day of May, 1894.)
)
)
Clerk First Circuit Court.

First Circuit Court

In Chambers.

Henry Klemme
Petitioner
vs.
C. A. Brown et al.
Defendants

Petition for writ of Mandamus

Dated May 16. 1894

Copy

C. W. Ashford
Atty for Petitioner.

Petition

Voters of Oahu

in re Henry Klemme

Presented June 1/94

M000408

inches 3 2 1 0 Golden Thread centimeters 0 1 2 3 4 5 6 7

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0.75 0.98 1.24 1.64 1.96 2.38

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D50 Illuminant, 2 degree observer Density → Don Williams All values are batch averages
M000408

PETITION.

TO THE HONORABLE, THE CONSTITUTIONAL CONVENTION

FOR THE HAWAIIAN ISLANDS.

Gentlemen:-

The petition of the undersigned respectfully shows that they are residents of the Island of Oahu, and that they were duly qualified to vote, and did vote for Delegates to your Honorable Convention, at the election held on the second day of May, Instant.

That they are informed, and believe, and so, upon information & belief represent to your Honorable Convention, that, at the election aforesaid, HENRY KLEMME, one of the candidates for election as a Delegate from the Island of Oahu, received a sufficient number of votes to entitle him to an election, and that, had the votes legally cast for him been duly counted, and had no illegal votes been counted for other candidates, said HENRY KLEMME would have been elected, and so declared and certified.

And your Petitioners in particular represent that an apparent misunderstanding of the law existed among the several Inspectors of Election on said Island, and that there was a lack of uniformity in their action as to the counting of votes marked to the right of the name of any given candidate, but not marked in the space assigned for such mark by the general election law: and that in some precincts of said Island votes were rejected for the reason that such mark was not placed in the space so assigned, while in other precincts all votes were counted where the marks were placed to the right of the names of the candidates voted for, irrespective of ~~whether~~ whether they were so marked in said space or not; and that many ballots were rejected by Chairmen of Boards of Inspectors, and especially by the Chairman of the Board of Isspectors for the second precinct, of the second district, J.S.MARTIN, by

inches 3 2 1 0 Golden Thread 0 1 2 3 4 5 6 7 centimeters

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
L*	38.76	65.15	49.61	43.54	55.52	70.42	63.13	40.08	51.75	95.34	92.09	86.92	82.37	72.17	62.32
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b*	-0.10	-0.48	0.07	0.09	0.25	-0.47	-19.02	56.08	67.85	-47.69	32.19	29.13	78.75	-12.86	-27.68

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Don Williams

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M000408

name, without refrence to, or conference with, or the consent or approbation of his or their co-Inspectors, as by law required: and ~~tx~~ many fractions of votes were marked and counted by the Inspectors for different candidates at such election, which, as your Petitioners claim and respectfully submit, was not sanctioned by law: and that the actings and doings herein complained of were prejudicial to said HENRY KLEMME in the premises, and that but for such violations of the law, your Petitioners believe and so represent that said KLEMME would have been, and should have been declared and certified as elected as such Delegate as aforesaid.

And your Petitioner respectfully submit that it is the right of every elector, as well of every candidate for election as Delegate, that the true wish and desire of the electors, as expressed at the ballot box should be declared and acted upon, and that it is an infringement of the rights of the people that any person should be counted out of such election after receiving the requisite number of votes to elect him: and that it is a further wrong upon the people that any person whom they have rejected at the ballot box should be permitted, as their pretended Delegate, to sit and legislate in their name, in this Convention.

WHEREFORE, your Petitioners respectfully pray that your Honorable Convention may without unnecessary delay, cause to be made an inspection of the ballots cast at said election, and of the returns thereof by the several Boards of Inspectors of Election, to the end that the correctness of such returns may be thereby tested: and that, in case it shall appear that said KLEMME, or any other delegate who has received no certificate of election herein, should have been declared elected as such Delegate, and is entitled to a seat in your Honorable Convention, such person shall be seated therein, in pursuance of the wish of the electors as expressed at

inches 3 2 1 0 — Golden Thread — 0 1 2 3 4 5 6 7 centimeters

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
L*	38.76	65.15	49.61	43.54	55.52	70.42	63.13	40.08	51.75	95.34	92.09	86.92	82.37	72.17	62.32
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D50 Illuminant, 2 degree observer

Density ⟶ 0.05 0.09 0.16 0.22 0.36 0.52 0.75 0.98 1.24 1.64 1.96 2.38

Don Williams

All values are batch averages

M000408

inches Golden Thread centimeters
D50 Illuminant, 2 degree observer Density → Don Williams All values are batch averages M000408

the polls: and that no person shall be so admitted or seated, or permitted to continue a member of such Convention after it shall appear that he is not legally entitled to a seat therein.

And your Petitioners will ever pray.

Dated this 29th day of May, 1894.

F. Moldenhauer
Jos. Rosen
C. Buschjost
E. Knutsen
H. Ludloff
Robert Lima
Jos. Ambler
A. Bright
E. Blum
W. Brightwell.
F. Frank.
Chas. Wieland
H. Baker
Robert. Robinson
J. J. Fernandez
John T. Cunningham
A. Johnson
John Gonsal
Jose Gomes Camacho
M. da Grela
M. J. Coelho
J. A. Lowell

inches 3 2 1 0 Golden Thread 0 1 2 3 4 5 6 7 centimeters

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0.75 0.98 1.24 1.64 1.96 2.38 All values are batch averages

M000408

Chas Apuni
J Fernandez
C. Flaggs
Daniel Mu.
W or Smith
Kalepo
John J Albert
J. Kawaauhau
G Cordeiro.
S von Topaz
John Thomas
D. W. Logan
S. K. Kaaikaula
Sam. Kapoi
J. Kamau
Daniel Chamberlain.
Jas Kupihea
Wm Needham
D. K Puhi
G. Naipa
J Peaki
H. K. Nakuwohu
W Coghall
S. Kaluna

A. Wright
Geo. Howard
D. Kaunea
C. Wallace
J. Kaawa
J. Akina
A. Siebert.
O. Schroeder
F. Langhamer
P. K. Kini
R. Entlaff
C Sommerfeld.
W. B. Kawahalee
D. Paakaula
C. Kaaea
Dikke. K. Eli.
Henry Hart
S. Stone
Sol. Kakiapo
D. Kaapa
M. S. Silva Jr.
Thos. G. Quinn

inches

Golden Thread

centimeters

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
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T. P. McCarthy
L. Washburn.
J. Carline
A. Garcias.
[illegible] (A Craig)
Manuel Phillips
Pat Murphy
J. M. Dorsey
C. Ballmann
Thomas Burke
Thomas Shannon
J. L. Lunn
Jas Donovan
W. E. Stokes
W. E. McDonald
John Curly
H. Lanauty
E. L. Doyle
W. T. Dowell
Thomas Williams
L. Langley
R. W. Hately
W H Pond

J. L. Osmer.
W. Miles
J. E. Carroll
Manuel De S. Madeira
[illegible] Pahlan
A Bortfeld.
H. A. Kuhnkamp
S. A. Obey
Charles Lind

inches

Golden Thread

centimeters

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M000408

José da Silva
José Bento
Antonio Nunes
Manuel Abreu
Antonio G. da Silva jr
J. A. Lanita
J. J. Branco
Manuel Lancio
Manuel de Oliveira
Antonio Farias
João Mesquita
Vicente de Jesus
Manuel Silva
Mel Rodrigues
Jacinto Neto
Manuel Raposo
J. J. Cabral
Manuel Abreu 2-

inches 3 2 1 0 — Golden Thread — 0 1 2 3 4 5 6 7 centimeters

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inches 3 2 1 0 Golden Thread centimeters 0 1 2 3 4 5 6 7

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
L*	38.76	65.15	49.61	43.54	55.52	70.42	63.13	40.08	51.75	95.34	92.09	86.92	82.37	72.17	62.32
a*	13.81	19.21	-4.20	-12.89	8.78	-32.39	35.43	10.25	47.36	-0.90	-0.92	-1.12	-1.12	-1.05	-1.10
b*	14.69	17.92	-21.33	22.66	-24.31	-0.48	57.84	-44.77	16.93	1.90	1.46	0.97	0.56	-0.04	-0.01

D50 Illuminant, 2 degree observer

Density → 0.05 0.09 0.16 0.22 0.36 0.52

Don Williams

	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
L*	49.61	38.89	28.60	17.97	9.50	4.33	30.32	72.50	72.10	29.51	55.60	43.48	82.02	52.85	50.86
a*	-1.29	-0.23	-1.09	0.04	0.45	0.32	22.13	-22.92	19.51	13.42	-38.46	50.74	3.28	49.90	-27.78
b*	-0.10	-0.48	0.07	0.09	0.25	-0.47	-19.02	56.08	67.85	-47.69	32.19	29.13	78.75	-12.86	-27.68

0.75 0.98 1.24 1.64 1.96 2.38 All values are batch averages

M000408

1

A. Carriamma
N. E. Olou
J. Barcizla
Jas Cunningham
Pedro H. F. Holter
Tama Abey japanese
John Pasques Teixeira
L. C. Camacho
F. Freeus
George D. Coutaumang
George Cavenagh
John Kennedy
M Pretu
J Santos
S. Kurbey
Henry von Northern
F Gertz
B. Schneider
H. Pathke
L. Adlergr
A Schutt
P. O'Sullivan
J. L. Silva
Joe Santos
Augusto Dias

Joe Couto
M. H. Oliveira
Antonio gomes
Agostinho de Medeiros
J. F. Sousa
J. A. Mulin
Francisco Rodrigues
A. G. da Silva Sena
Jacinto Rodrigue da monte
Antonio R. Silva

inches 3 2 1 0 — Golden Thread — centimeters 0 1 2 3 4 5 6 7

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
L*	38.76	65.15	49.61	43.54	55.52	70.42	63.13	40.08	51.75	95.34	92.09	86.92	82.37	72.17	62.32
a*	13.81	19.21	-4.20	-12.89	8.78	-32.39	35.43	10.25	47.36	-0.90	-0.92	-1.12	-1.12	-1.05	-1.10
b*	14.69	17.92	-21.33	22.66	-24.31	-0.48	57.84	-44.77	16.93	1.90	1.46	0.97	0.56	-0.04	-0.01

D50 Illuminant, 2 degree observer

Density → 0.05 0.09 0.16 0.22 0.36 0.52

Don Williams

	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
L*	49.61	38.89	28.60	17.97	9.50	4.33	30.32	72.50	72.10	29.51	55.60	43.48	82.02	52.85	50.86
a*	-1.29	-0.23	-1.09	0.04	0.45	0.32	22.13	-22.92	19.51	13.42	-38.46	50.74	3.28	49.90	-27.78
b*	-0.10	-0.48	0.07	0.09	0.25	-0.47	-19.02	56.08	67.85	-47.69	32.19	29.13	78.75	-12.86	-27.68

0.75 0.98 1.24 1.64 1.96 2.38 All values are batch averages

M000408

inches
Golden Thread
centimeters
D50 Illuminant, 2 degree observer
Density
Don Williams
All values are batch averages
M000408

W. Detter
H Stunkel ~~Blackburn~~
F Blackburn
P. Smitz.
L Perkins
J. Westbrook
C Bontfield
T. Johnson

inches 3 2 1 0 Golden Thread 0 1 2 3 4 5 6 7 centimeters

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
L*	38.76	65.15	49.61	43.54	55.52	70.42	63.13	40.08	51.75	95.34	92.09	86.92	82.37	72.17	62.32
a*	13.81	19.21	-4.20	-12.89	8.78	-32.39	35.43	10.25	47.36	-0.90	-0.92	-1.12	-1.12	-1.05	-1.10
b*	14.69	17.92	-21.33	22.66	-24.31	-0.48	57.84	-44.77	16.93	1.90	1.46	0.97	0.56	-0.04	-0.01

	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
L*	49.61	38.89	28.60	17.97	9.50	4.33	30.32	72.50	72.10	29.51	55.60	43.48	82.02	52.85	50.86
a*	-1.29	-0.23	-1.09	0.04	0.45	0.32	22.13	-22.92	19.51	13.42	-38.46	50.74	3.28	49.90	-27.78
b*	-0.10	-0.48	0.07	0.09	0.25	-0.47	-19.02	56.08	67.85	-47.69	32.19	29.13	78.75	-12.86	-27.68

D50 Illuminant, 2 degree observer

Density → 0.05 0.09 0.16 0.22 0.36 0.52 0.75 0.98 1.24 1.64 1.96 2.38

Don Williams

All values are batch averages

M000408