

# MAGOON ON THE STAND

(From Saturday's Advertiser.)  
After a dreary morning spent on the details of bookkeeping, the Parker ranch case took on new life when Attorney Magoon took the stand to testify as to his connection with the present suit.

Being questioned by Lightfoot, Magoon testified that his first connection with Sam Parker's affairs was when Parker had made Fred Wundenberg his attorney in fact. Wundenberg told Magoon that Carter had refused to let him participate in the control of the ranch and had threatened partition proceedings if he persisted. Complaints were frequently made of the mismanagement of the ranch and Magoon got the belief that Parker was suffering considerable loss. The question came up of taking some decisive step, but Parker said that Carter would force a partition and that he was not ready.

Finally complaints became so numerous that some step became necessary. Magoon then looked up the record and the will of John P. Parker and came to the conclusion that Sam Parker was the surviving partner and entitled to the exclusive management of the ranch. Sam Parker thought he had signed an agreement that Carter should have the management, but Magoon told him that in spite of this it would be money in his pocket to turn Carter out and pay any damages that Carter might recover on the agreement. Then they wrote to Carter, and getting no satisfaction Eben Low was appointed manager of the ranch.

About three or four days before Eben Low went to Hawaii to take possession, J. S. Low wanted Magoon to take some action against Carter in regard to the sale of Paauhau, his contention being that Carter had refused to sell at a price which was highly advantageous to the minor.

It was in this interview that Magoon made his famous remarks about the Sumner case and the likelihood of going to jail. He told Low that he had just come out of a case involving fierce personalities and that this case would be just like it. It would be necessary for a man going into this case to defy or disobey the orders of the court if he thought that it was right, and they would be very lucky if they did not get into jail. Low said something ought to be done on behalf of the child. Magoon refused to take the case, but Low talked for half an hour on the subject of how the minor child was still suffering and would suffer. This worked on Magoon's sympathies to such an extent that he said that he would take the case if there was a thousand dollar retainer in gold coin put on his desk, but as Low said he did not have the money Magoon remained obdurate.

The next day Low came again and urged him to take the suit. Later Sam Parker came and called Magoon into Wundenberg's private office where they spoke of the case and Magoon referred to the thousand dollars which was the only stumbling block between the minor and her rights. Parker said: "That will be all right. I want you to take the case, and if you do not some other lawyer will." Magoon's relations with Sam Parker and Wundenberg were such that he did not want to refuse. Magoon decided that a suit for the removal of the guardian was the proper thing under the circumstances and the suit was brought at once.

The witness knew nothing whatever about the Waikoloa deal. With regard to the sale of the Puuloa sheep station Eben Low had cabled him to make a bid, but Carter had informed him that the purchaser would buy a law suit and

Magoon dropped out. When Low came back Magoon's advice was given against the proposition of trying to set aside the sale. As to the sale of Paauhau, the witness had taken statements of persons familiar with the land and believed that the minor was getting \$40 to \$70 per acre more than its value, whereas at the end of the lease she would be at the mercy of the plantation.

Lightfoot showed the witness the motion of Mrs. Knight charging conspiracy and read several paragraphs which Magoon testified were malicious and false.

Kinney's first question on cross-examination was as to who had furnished Magoon information before the petition was filed. Magoon named J. S. Low, Fred Wundenberg, J. T. McCrosson and Eben P. Low. Upon being asked to specify what each had furnished, Magoon said that Eben Low and Fred Wundenberg had mentioned the matter of commissions, he having asked Wundenberg to go over the probate accounts in Sam Parker's interest. Jack Low had told him about the commissions and the refusal to sell Paauhau. McCrosson had furnished information in regard to the refusal to sell Paauhau and to grant a right of way for the ditch.

"What was the talk about the right of the mother to be heard in this matter?" gently queried Kinney.

"I do not remember any talk about the mother, but I put her name in the petition so that she would be notified."

Upon being pressed Magoon said that he had had the impression that the mother of the girl was under the control of the guardian and would be hostile to the action, but he could not state who had talked with him on the subject or where he got the impression. "Had any one tried to enlighten her as to the misdoings of this guardian?" asked Kinney.

"I do not remember hearing any conversation on that point."

"Did it occur to you that she should be informed of the guardian's misdeeds and be given a chance to act or refuse to act?"

"No, it did not occur to me, than, and does not now."

"Can you give me a case where a mother should be notified before an outside relative took action in the matter?"

Here, however, Lightfoot interposed an objection and though Kinney claimed that the question was pertinent as showing whether Magoon was acting in good faith, the court sustained the objection.

## THE RUBBER INDUSTRY STEADILY EXPANDING

At a meeting last week the Nahiku Rubber Co. ratified the purchase of a piece of land surrounded by its present holdings. This gives it a compact acreage, owned in fee simple, of a thousand acres.

By the Mongolia last week the company received a consignment of about 50,000 rubber tree stumps and 100,000 seeds.

It is reported that the H. C. & S. Co. and W. G. Irwin will make extensive plantings of rubber trees on their respective Maui lands.

DO NOT NEGLECT A BAD COLD. Never allow a cold to take its course. Too often at this season of the year its course is toward pneumonia. Chamberlain's Cough Remedy will promptly cure your cold and counteract any tendency in this direction. You cannot afford to take such a risk for the small amount this medicine will cost you. For sale by All Dealers and Druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

"Why don't you get up and give that seat to your father, Bobby? Don't it pain you to see him reaching for a strap?" "Not on a street car."—Chicago News.

# GRAFTING CHARGE MADE BY JAPANESE PAPER

Under the heading, "Grafters Again," the Hawaii Shippo of today's issue contains the following editorial article:

"Evidences of some more grafting with Japanese as victims has been brought to the attention of the Shippo. It appears that a good deal of it has the Territory itself as beneficiary, but there are several cases in which it would seem that some public employes are doing some grafting on their own accounts.

"The building laws and regulations of the Board of Health provide that persons who desire to put up buildings in Honolulu shall secure building permits, bearing the signature of various Public Works and Board of Health officials. Armed with this authority, officials have been collecting money for building permits from Japanese who do nothing more than put up shelves, or move a counter, in their stores. The permits cost \$5 each. Building permits which have been issued to allow a poor Japanese to paint his store, or to change a few partitions appear to be properly signed, so the Territory has probably received the benefit. The law, of course, does not contemplate requiring a permit for any such small jobs. The whole working of the blanks on which the permits are made out shows that new buildings are meant. There are references to approval of the location, the size of the lot, the nearness to any other building, etc. This, of course, shows quite clearly that those who made out the permits had no idea of using them to charge a fee for mere moving of a partition or a shelf. During the past week the Shippo has been moving a small partition in its building. While the work was going on some official called, in the absence of anyone with authority, and peremptorily stopped the carpenters, demanding the fee of \$5. He came later when the proprietor was present. The \$5 has not been paid and the partition is in place. The average small Japanese storekeeper can not read the blank permits, does not know that they are for new buildings, and pays rather than have his work stopped.

"In several cases more serious accusations are made. Small storekeepers who are making alterations in their stores declare that in some cases they have made compromises, with persons calling for the permit fee. A payment of a dollar or two dollars on the spot, has served to send the inspector, or whatever officer or fake officer he was, away satisfied, with the coin in his pocket. The authorities should investigate this imposition and grafting."

# POSTMASTER PRATT LANDS MAILES QUICK IN A LAUNCH

(From Saturday's Advertiser.)

Postmaster J. G. Pratt yesterday added a new feature to the prompt delivery of incoming mails from the Coast, by personally going out in the Customs and Immigration launch Waterwitch, getting a dozen bags of letters from the S. S. Coptic, and hurrying them ashore three-quarters of an hour before the vessel was ready to deliver the remainder of the mail at the dock.

Postmaster Pratt has had this improvement in the postal service in mind for some time. The matter has also been under consideration by the Merchants' Association, a committee having been appointed to take up the proposition with the authorities. The postmaster has found on several occasions that if the mail from the Coast was taken to the postoffice earlier than by following the usual custom of waiting for the vessel at the dock, valuable time to business men would be saved, especially when a Coast-bound steamer is arriving at the same time.

Yesterday morning the Mongolia was sighted coming from the Orient, bound for San Francisco. The Coptic, from the Coast, and bound for the Orient, was sighted a little later. Here was the opportunity to test his scheme. Postmaster Pratt found Collector of Customs Stackable ready to cooperate with him, and he was given the privilege of making use of the Customs launch Waterwitch, should he require it. The launch went first to meet the Mongolia, spending considerable time there. In the meantime the Coptic was waiting for the health and immigration customs officers. As soon as the Waterwitch ranged alongside the Coptic, it was seen that the freight clerk had been prompt in getting the mail out on deck, ready to be sent to the dock on arrival. Postmaster Pratt had a conversation with the freight clerk, who consulted the captain. He returned to the rail and shook his head to indicate that nothing could be done until the surgeon had regularly passed the boat. At that time the vessel would start into the harbor, so that there would be little use in transferring any of the mails.

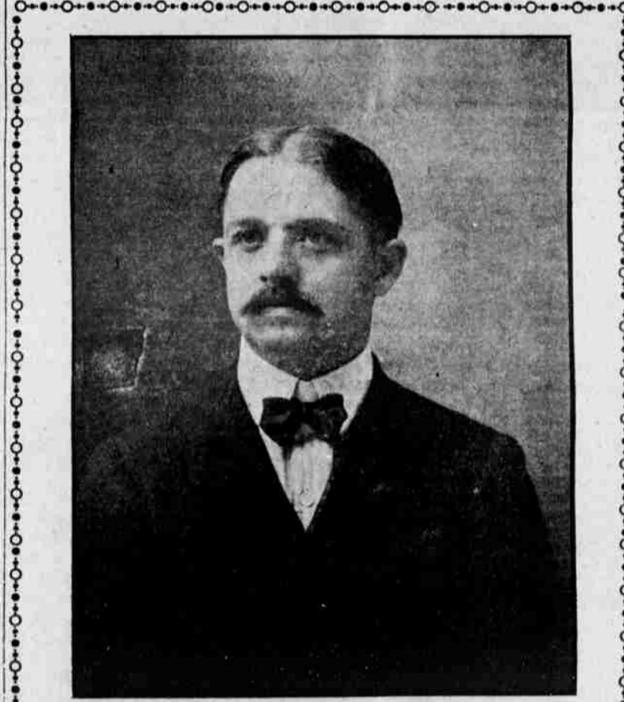
The postmaster, however, stuck to the matter, and about the time the surgeon was through with his inspection, Captain Finch invited Mr. Pratt aboard for a consultation. In a few minutes the postmaster, and his clerk, Mellen, were busy at the big pile of mail sacks, sorting out those containing only letters. In five minutes the dozen selected sacks were brought down the ladder by the postmaster himself and deposited on the launch's forward deck. The Coptic at that time was heading in for the channel, but the swift Waterwitch was faster. She swung into the Fort street wharf, where the mail was unloaded, and there piled into a mail wagon which the postmaster had thoughtfully provided before he left town. By the time the Coptic was rounding the lighthouse the mail was on the sorting tables at the postoffice.

"I want to get started on that mail before that from the Mongolia arrives," said the postmaster as he followed the last sack from the launch to the wagon. "Then we can keep right at the Coptic mail until we finish it."

"I believe that a system of bringing the mail ashore in a launch or tug before the steamers start into the harbor, will be of immense benefit to business men, for it will give them a chance to answer some of their mail in plenty of time for a Coast-bound steamer. I will take up the matter with the proper authorities, and see if an arrangement can be entered into whereby the health officials will permit us to take off mail while they are making their inspections.

The postmaster thanked Captain Young of the Waterwitch for the prompt way in which he rendered assistance.

## W. H. BABBITT ACCEPTS THE SUPERINTENDENCY



W. H. BABBITT, THE NEW SUPERINTENDENT OF PUBLIC INSTRUCTION. —Williams Photo.

Winifred H. Babbitt, after another conference with Governor Carter, yesterday accepted the appointment as Superintendent of Public Instruction for the Territory of Hawaii. He will take charge of the department on the first of November, succeeding James C. Davis, resigned.

The new head of the public school department is in his 35th year, having been born at Waitsfield, Vermont, August 4, 1871. In 1886-1891 he attended Phillips Academy, Andover, Mass., and in 1891-1895 Williams College, the last year there taking the degree of A. B. Mr. Babbitt taught mathematics and gymnastics in Sigler's Preparatory School for Boys at Newburgh, N. Y., in 1895-96, and came to Hawaii the latter year to become professor of Latin and Civics in Oahu College, holding the chair for three years. He is now a trustee of Oahu College. Mr. Babbitt married a daughter of Mr. and Mrs. J. O. Carter. Since giving up teaching he has been employed by the business house of Van Hamm-Young Co., Ltd.

Of pleasant disposition, Mr. Babbitt is very popular. As he has a goodly fund of energy, his experience both as an educator and a business man added ought to assure an efficient administration of the department of education at his hands.

## A STRONG ARRAIGNMENT OF THE GRAFT SYSTEM

Honolulu, T. H., Oct. 27, 1905. Editor Advertiser: Your editorial of this morning in which you say of the anti-gambling crusade "it is up to the Civic Federation and all who sym-

pathize with it, to take a hand in a practical fashion." I have read with interest, and in the main with approval. The points which do not seem to me quite well taken are two: The Civic Federation is in no sense a political body, except in the larger sense of having an interest in civic welfare; and again, the enforcement of the law is placed by the spirit of our institutions and the common consent of our people, in the hands of the constituted officers, and every agency in the community should be first directed to an enforcement through the constituted officers, it is only when this fails that there is warrant for the employment of private detectives or the interference of private individuals in the enforcement of the law to the exclusion of the public authorities.

I only speak for myself, and not for other members of the Federation in saying that I have full confidence in the Governor of the Territory, in the High Sheriff, in the Board of Supervisors, and in the representatives of the various legal departments.

I might add that while I am satisfied that Sheriff Brown will find it practically impossible to enforce the law against the criminal element in view of the facts that he was removed by Governor Carter when High Sheriff because of his announced conviction that it was impossible to enforce these laws, that in his election he had the united support of the criminal classes, and that a campaign fund of several thousand dollars was raised by the criminal classes and the allied interests to be used specifically for his election, and the further fact that when High Sheriff before and as Sheriff now he has always taken the position that notorious grafting in the police force was no ground for removal, but that he required to be convinced of the fact (and this convincing practically turned out to be an impossibility) before he would interfere with the private graft of members of the force, yet I feel bound to regard Sheriff Brown as free from the charge of being himself a "graft-er," since in all the numerous scandals, which convince any reasonable mind of the prevalence of graft in the department, no one has ever brought any clear or satisfactory evidence against the head.

It would not seem then, that our condition is so desperate that private detectives employed by private societies ought yet to be resorted to.

The position of the Civic Federation is well defined, it has numerous lines of action. The work of one of its committees in the interest of parks under the leadership of President Griffin has been productive of very marked results with the prospect of much greater. The work of another committee, particularly by Dr. Wood, is of equal value and has entailed much labor. The Committee on Law and Order, which deals directly with the anti-gambling crusade took the matter up long before the Advertiser began an agitation, caused a thorough investigation to be made, and laid the facts before the authorities. Since then, the Advertiser commenced its crusade, and has occupied the field. For one, I think it has done a splendid service in awakening public interest to the gravity of local conditions, for after all the great problem is not the suppression of gambling or the purification of the police system, but it is the awakening of the public conscience to the responsibilities of civic duty, and the revelation of a belief on the part of the criminal classes and their allies, that the administration of the law is for them and not for the public; and a corresponding belief on the part of the members of the police force that the influences which control its administration are the vicious ones of the community. The paralyzing influence which this exerts on the enforcement of the law is self-evident.

DAVID L. WITHINGTON.

## TAFT SAID ALICE'S GIFTS WERE JUNK

WASHINGTON, Oct. 18.—That the costly gifts showered by oriental potentates upon Miss Alice Roosevelt are nothing but imitations and that the collection is trash is the startling assertion made today by Secretary Taft.

"The gifts Miss Roosevelt received abroad are counterfeits, rubbish and junk," said Secretary Taft this morning. "Up to the time I left this party her entire collection of presents could be bought in this country for \$150. The most valuable gift she received were the pearls given by the Sultan of Sulu and all four of these were not worth more than \$50."

The secretary's remark has caused a sensation at the capital; that the daughter of the President of the United States should be showered with paste gems and plated metalware by the citizens of Manila and by the native chiefs seems almost incredible of belief.

It is pointed out that Miss Roosevelt's most valuable gifts were received after Secretary Taft left the party. Costly jade ornaments, rare silverware, work, gems and gold and silver ware were showered upon Miss Alice by the Empress of China, and it is hardly possible that the Dowager Empress, cunning and tricky as she is known to be, would attempt such a trick.

The valuable presents were also given to the President's daughter by the Emperor of Korea and members of the royal family. While the Sultan of Sulu might be capable of presenting glass beads to the fair guest it is highly improbable that the Korean emperor would follow the same course.

It is hinted that Secretary Taft is endeavoring to pave the way for a minimum imposition of duty on the costly collection of presents which are said to total a valuation of \$100,000 and on which there is a custom duty of 60 per cent. ad valorem.

## HAMILTON TO BE HIS OWN LAWYER

Charles Hamilton's trial for possession of counterfeit gold coin is set for today before Judge Dole in the United States District Court. He is one of the soldiers of the former Camp McKinley garrison who were apprehended for connection with a big counterfeiting scheme.

# R. C. CHURCH REMODELING

HILO, October 27.—Father Wendell of St. Joseph's Catholic Church has determined upon the enlargement and remodeling of that house of worship. The membership has increased to nearly double the number when the church was first erected in 1860.

The entire building is to be lowered to the level of the stone wall surrounding the church grounds, and the chamber extended ten feet on either side. The two towers will be removed to either side of the present building in line with the doorway of the auditorium, permitting of a double front entrance and vestibule and a more imposing facade. In place of the present rounded church towers, two modern pointed spires with dormer windows will be erected on either side of the church entrance. Iron roofing will be substituted for the present slate roof.

The work of reconstruction will be under the immediate supervision of Father Wendell, who is in charge of the Catholic Mission in Hilo. He has had much experience in designing and has an eye for the beautiful in architecture as well as its practicability. When assigned to duty at the leper settlement on Molokai in 1900, he drew the plans and personally supervised the construction of the St. Francis Church at Kalaupapa. This is regarded as one of the most ornate and chaste specimens of church architecture in the islands, being designed in the shape of a cross. Father Wendell will be ably assisted by brothers Silvanus and Sylvester from the Honolulu mission, who are practical carpenters and builders.

The present church building has long been one of the landmarks to sailing vessels and navigators at sea, and today is one of the fixed range sites marking the entrance of Hilo harbor. The ground was consecrated and the corner stone, laid June 18, 1860, in a simple ceremony to which the assembled congregation and a few invited guests were present. Judge G. W. A. Hapai is the only name of a person now living who attended the exercises. The church was built by three brothers, Zenon, Juste and Aquilee, under the supervision of Father Charles Pongot, lovingly known as Father Charley. The building was completed and solemnly dedicated on July 9, 1861, when the sacrament of baptism was administered to forty catechumens. From 250 to 300 persons were confirmed by Rt. Rev. Monsignor Maigret, Bishop of Hawaii. Father Celestine of Kau assisted and Fathers Edmond and Leonor of Maui with their pupils came to witness the ceremony. The dedicatory exercises were followed by a dinner in which Messrs. Spencer, Coney, Hitchcock and other prominent citizens took part. In the evening there was a luau and fireworks, the occasion being one of celebration and rejoicing.

## HONORS TO HUMBURG.

A farewell banquet was given at Hotel Demosthenes in honor of August Humburg. Covers were laid for twenty-seven, the long table was tastefully decorated with ferns and flowers, palms and plants throughout the hall adding to the charm of the scene. William McKay presided as toastmaster, and was never at a loss in providing merriment for the assembled guests, drawing from each of those present the best and wittiest in him. At the close of the feast, C. C. Kennedy, by request, led in the singing of Auld Lang Syne. Music was furnished by a quintette club, which interspersed Hawaiian melodies throughout the evening's entertainment. Those present were: August Humburg, William McKay, C. C. Kennedy, John A. Moir, E. N. Holmes, L. Turner, J. Watt, A. Garvie, Judge G. F. Parsons, C. Castendyk, R. T. Guard, R. A. Lucas, John Fitzgerald, Dr. A. Irwin, Dr. C. L. Stow, C. E. Wright, C. A. Stoble, A. James, A. Lindsay, H. Vicars, W. H. Richardson, Dr. H. B. Elliott, W. H. C. Campbell, Peter Lee, W. George Kaihenui, J. E. Metcalfe and Admiral George C. Beckley.

Mr. Humburg was serenaded by the county band on Friday morning at the Kinau wharf, when he departed for Honolulu to take up the duties of his new office in H. Hackfeld & Co., Ltd. He takes the position vacated by J. F. Humburg, who has been selected as eastern buyer of the house. C. Castendyk, assistant manager of the local store, will be promoted to the head of the establishment, and have for assistants A. W. Richardson and Frank Hime, lately of Kailua.

Mr. and Mrs. C. Castendyk at their beautiful remodeled home, "Illahoe," at Riverside Park, entertained a score of friends in honor of A. Humburg, whose departure on Friday for Honolulu has been the occasion of many social affairs during the past ten days.

## TRADING STAMPS CASE.

The first case in Hilo which has arisen under the law of 1905 against trading stamps was that of Taikuda Rikimatsu, a Japanese merchant doing business on Front street. He advertised extensively in the Japanese papers announcing a grand prize competition, in which every purchaser of goods amounting to \$1, \$5 and \$10 would be given a prize in proportion to the amount of the purchase. Mr. Rikimatsu was arrested on a warrant of Deputy Sheriff Fetter on Saturday and when the case was called, apparently having consulted a lawyer, the Japanese merchant forfeited his bail of \$20. It is stated that this system of lottery has been a common practice among the Japanese shop-keepers and it is even whispered that a local white merchant has made himself liable by offering prizes to customers on purchases of a given amount or over. No other arrests have been made, but Sheriff Fetter is making a searching inquiry into all such illegal practices.

Referring to this case, the Hawaii Herald quotes a Federal decision from which it is inferred that the law in question is unconstitutional, or ultra (Continued on page 4.)