

THE PACIFIC Commercial Advertiser

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JOHN K. SUMNER WINS.

As the first paper to sound a warning note in the Sumner case, the Advertiser takes profound satisfaction in its outcome. An honest Judge passed down an honorable judgment and John K. Sumner left the court room yesterday with a decree giving him his money.

Hawaii has come upon better times. Its bench is being purified; its litigants no longer lie helpless in a ring of legal carnivora while judges chuckle and slaver in their ermine, eager to see the sacrifice if not to share its spoil.

The John K. Sumner case marks a new era, or truer yet, the return of an old era where judges were honest and lawyers who were otherwise were made to feel the judicial lash.

THE PLAGUE IN MEXICO.

The plague will not be wanting in good to Mexico if it compels the people there to clean up. Much of the picturesque of Mexican coast towns is that of rags and dirt. The average peon, part Spanish and part Indian, regards a city as a camp and treats it accordingly.

Keeping clean is one of the standard marks of a higher civilization. The progressive nation is the one that builds houses with bathtubs in them, and streets with sewers. The conquering race is the one that buys the most soap.

When the plague gets into a population like that of Mazatlan or Guaymas or La Paz, it is likely to make a long stay. Cleanliness would seem to be an easy remedy, but it may be doubted that even the resources of President Diaz will be more than enough to force an external pretence of sanitation.

THE SALE OF FARM PRODUCTS.

A gentleman living at Napoopoo, Hawaii, writes the Advertiser as follows: In Tuesday's paper (January 2) you say: "On all the Islands there is a scarcity of taro."

And yet at all the principal markets taro is scarce and high. In some of the minor ones there is a glut. The trouble seems to be in the lack of a thoroughly organized business system at Honolulu by which all growers may be kept apprised, by a reputable buying agency, of the state of the demand for their products.

What Hawaii needs for the encouragement of the small farmer, is a non-speculative produce exchange. Incidental to this, lower freight rates, wouldn't hurt.

The address of Consul Vizzavona at the burial of Bishop Gulstan was an example of what is best in funeral eloquence. Mr. Vizzavona is not known as an orator, but many a man of reputation for public speech would be glad to have his art of expressing a great deal in short phrases. His words were full of genuine feeling, yet they neither began in cant nor ended in hysteria; and the epigrammatic touch, in reference to the Catholic fathers, "Poor they came, poor they lived, poor they die," was incomparable.

HOW TO AID HAWAII THROUGH YOUR FRIENDS IN CONGRESS

The following letter from a business man, which the courtesy of the writer permits the Advertiser to publish, was sent to an influential Congressman. Hawaiians having friends in Congress should also do something along these lines. Even where there is no acquaintance at Washington, letters of protest can be got to Congressmen through friends in the states. The more that go the better:

My Dear Sir: Honolulu is in a ferment, and justly, from the cable report that the sub-committee of the Senate Committee on Pacific Islands and Porto Rico has recommended National control of Hawaiian public lands, with a discontinuance of the lease system; and the making of a National lazaretto of our leper settlement at Molokai.

Since the taking over of our custom house by Uncle Sam, from which he has derived a revenue of \$1,200,000 per year, there is left for the support of the Territorial government, over and above the revenue derived from direct taxation and including income taxes, only the revenue from leases. Personal property tax is 1 per cent on full value of property, or equal to about 3 per cent as assessments are made in most of the states, and the income tax is 2 per cent additional, making us now pay all that we can possibly stand.

If we are deprived of the revenue from the leasing of Government lands it is not only going to bankrupt the Territorial government, but the entire community as well.

Under the present system of selling to bona fide settlers and consequent tax payers, the system would eventually work itself out to the satisfaction and salvation of the community.

As to the leper question, the way it is now being handled here we are gradually getting rid of the disease, strict

JUDGE DE BOLT SAYS J. K. SUMNER HAS BEEN PLUNDERED.

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the agent of John K. Sumner. I therefore hold that the deed in evidence has been revoked and the trust thereby created is terminated and that all the property which appears to have been conveyed, by reason of the termination of the trust and the settlements, reverts in John K. Sumner, and that the \$48,025 now deposited in court is the money and property of John K. Sumner and that the same be delivered and paid over to him forthwith.

Judge Humphreys gave notice of appeal. Davis said that an appeal didn't lie and he wanted to be heard on the proposition first. He contended that the Estates had no interest in the property and therefore could not appeal.

Mr. Stewart, who appeared for the trustee, said he wanted to suggest the allowance of a fee to the trustee, and to himself as attorney. "It seems to be not improper for me to state," said Judge De Bolt in reply, "that the old man has a right at action to recover the \$10,000 paid to Maria S. Davis, and the \$10,000 to Victoria Buffandeau, and \$10,000 to Wm. S. Ellis, and \$10,000 paid to John S. Ellis, from the simple fact that it was paid without consideration and under a misapprehension and the same thing relates to Mr. Cathcart. Now as to the attorney's fees, the evidence shows that \$2500 was paid to Mr. Highton, and \$2500 was paid to Mr. Magoon, \$2500 to Mr. Davis and \$2500 to the firm of Humphreys, Thompson and Watson. Now without stating expressly the thought I have in my mind, I want to say that it seems to me the old man has been robbed.

"These parties have no claim for the \$40,000 they received. The attorneys fees all around were simply outrageous. The idea of a fee of \$10,000 for a little probate case. Think of it gentlemen, a little probate guardianship case, and imagine the attorneys getting \$10,000. It may be remarked also that it seemed, immaterial who the attorneys were, John K. Sumner paid the bills all the same, whether they were for or against him. The fees were at least one hundred per cent too much, if not greater. The Catholic church received \$10,000, whether as a gift or not I don't know, but it seems to me that it is able to pay your attorney's fee out of that sum. I don't think John K. Sumner should be called upon to pay out any more money, when out of \$110,000 he has only \$48,000 left, and has had to fight for that. It is about time a halt was called."

Judge De Bolt stated further that he believed attorneys should be properly compensated; that the law was a high and noble profession and that there were magnificent acts of justice which an attorney could perform. He said that an attorney should not always have the almighty dollar in view, and even though he might wish to accumulate money, this could be done by charging reasonable and just fees. The court further stated that he understood that Mr. Kellet did nothing but allow the use of his name as trustee, not doing any work, and that he would not allow anything for such services, though he believed the clerks should be paid when they acted as masters, etc.

Stewart replied that after the Bishop was discharged he had been appointed by the court to carry on the case, and was entitled to compensation, however small an amount was allowed. Judge De Bolt stated that he did not believe he had any authority to order the payment of one cent out of the fund belonging to Sumner, and as the church was the interested party it should pay the fee.

George Davis then arose and said he thought the remarks of the court were in the main right, but as regards counsel, he would say out of court: "You're the limit." He said he had defended criminals for nothing, and befriended widows and orphans, and that if it had not been for him Sumner would have got only \$100,000 instead of \$110,000, so that the Oahu Railway really paid his fee, and that of the other counsel, and not Sumner. He told also of his original work in bringing the injunction, and said he had worked night and day on the case. "I don't think the bar is entitled to all the censure it has received, and I don't want to be under the stinging rebuke and fire of your Honor's disapprobation."

Humphreys stated that before the taking of evidence, the position of his

segregation having removed it from our midst, and very few new cases being found. The number at the settlement, therefore, is steadily decreasing.

To constantly recruit the settlement by shipping in the lepers from the United States means, not only that the disease would never be stamped out here, but means such a bar sinister upon the reputation of Hawaii as she will never recover from, and immigration from the United States will be so effectually stopped that in a very few years the Islands will have reverted to a condition similar to that before the coming of the white man, excepting only the acquirement of the white man's vices. I anticipate strong objection from the friends and relatives of lepers in the United States to their removal here, as the transfer from a temperate to a semi-tropical climate could not but work a great hardship to them, and again, their friends would be hardly willing to have them torn from their care to be placed amidst unknown but imaginable horrors thousands of miles away.

This question of National control of the leper settlement, which was advocated here by Robert Wilcox and the Home Rule party and which was opposed by the Republican party, being one of the planks of their platform, undoubtedly contributed more than any other single cause to the defeat of the Home Rulers and Democrats and the success of the Republicans. Should Congress approve of this portion of the committee's report it would be accepted as proof positive by the Hawaiians here that Wilcox was of greater influence in Washington than the entire Republican element here, and being enacted by the Republican Administration would mean the death of the Republican party here for an entire generation. The question is one on which the native Hawaiian undoubtedly feels more deeply than any other. Yours very truly,

firm had been assailed in regard to John K. Sumner, but upon the court's statement that he was not trying the attorneys nor would he pass upon their conduct, the motion was withdrawn. "None of the attorneys has had an opportunity to be heard," said the attorney, "nor been given a chance to disprove the castigation of the court. This violates the rule of justice, we are condemned without a hearing. If the guardianship suit had been pressed to a conclusion John K. Sumner would have received \$250,000 and I will say that I would do the same thing over again, in the same circumstances, despite the remarks of the court."

Judge De Bolt replied that his remarks were based upon what appeared during the evidence and the attorneys might possibly have performed services outside of court, which were not apparent and by which they earned \$2500.

"The remarks of the court concerning robbery by counsel will go out the length and breadth of the land and will reach friend and foe alike," said Humphreys. "If the statements are correct it is sufficient for the court to call it to the attention of the Attorney General that he may bring disbarment proceedings against all the counsel in the case."

The court only replied that a fee of \$10,000 for the work done in the case appeared outrageous and it did not appear where additional services had been performed.

This ended the controversy. Judge De Bolt stating that as regards the fee of plaintiff's attorney, while he believed he should be paid, he saw no way by which the court could order it done. As to an appeal this would have to await the filing and signing of the decree, and Judge De Bolt said that he would then hear argument upon that question at the proper time.

THE WORD OF HONOUR.

The men who do as they say; the things that prove to be what they were said to be,—how cheering it is to come upon them. We all hate to be deceived; especially when the deception is intentional. But all men are not liars, even if David did say so in his haste. If they were society would be impossible. Everybody knows that business is based on credit, on faith. Millions are bought and sold daily on nothing more solid than the pledged promises of men,—not written, merely verbal. The Stock Exchanges are often called nests of gamblers, yet nowhere is a promise held in greater honour. Therefore when we say that the tried and effective modern remedy called

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