

# The Independent

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## THE INDEPENDENT

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DANIEL LOGAN, Editor.  
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## COURT RECORD.

### Attorney Achi Liable to Lose His Yellow Jacket.

### Several Suits Against the Trousseau Estate.

Frances E. Hobron, trustee, has rendered the annual account of the estate of the late Thomas H. Hobron. Receipts were \$33,238.89, expenditures \$28,403.36, leaving a balance of \$4835.53. The estate is worth \$260,840.29.

In the case Jas. R. Holt, vs. George Lyeurgus, and Fernandes and Brito, garnishees, Carfer & Kinney attorneys for plaintiffs, have filed a release of the writ of garnishment.

Summonses have been issued for the August term in the following cases against Bruce Cartwright and H. E. McIntyre, executors of the will of G. Trousseau, deceased: Jean Morrisseau, Jules Joseph Morrisseau and others, J. A. Magoon, administrator of the estate of Stephanie Caillot, and J. A. Magoon, administrator of the estate of Madame Morrisseau nee Trousseau.

In the jury-waived case of Lucy Kila vs. S. K. Kila, ejectment, the plaintiff by her attorney, W. C. Achi, petitions for a writ of execution and a writ of possession.

E. B. Thomas was alleged to be in contempt of court for neglecting to pay costs and attorney's fees in a divorce suit against him. Yesterday, before Judge Cooper, the hearing was continued till Friday, June 14.

Cecil Brown petitions for letters of administration to himself on the estate of the late Thomas Keefe. It consists of real estate on Beretania street, valued at \$2500 and personal estate valued at \$120.

In the matter of W. C. Achi, an attorney at law, cited for misconduct, A. G. M. Robertson, Deputy Attorney-General, and respondent in person stipulated for a hearing by the Justices of the Supreme Court on April 22. The hearing did not take place until last Monday, April 29. Mr. Robertson read the information. Mr. Kinney who appeared for the defendant, stated that defendant would put in no written answer and was willing to admit the charge as proven without any evidence being taken. Mr. Kinney then addressed the Court in extenuation. The motion was continued to Wednesday (to-day), Mr. Achi in the meantime to give explanation of other alleged misconduct.

The information on oath of W. O. Smith, Attorney General in the matter is as follows:

"First,—That the said W. C. Achi has been since the 7th day of February, 1887, and still is a practitioner licensed to practice in all the courts of the Republic.

"Second,—That on or about the 19th day of March, 1891, at Honolulu, Oahu, said W. C. Achi obtained from one D. Kealohapuaole a promissory note for three hundred dollars (\$300) with interest at 12 percent per annum, secured by a mortgage of even date therewith, said W. C. Achi at the same time agreeing to destroy another promissory note for three hundred dollars (\$300) with interest at 12 percent per annum, which the said D. Kealohapuaole had previously on said day given to the said W. C. Achi,

without consideration, but for the purpose of obtaining the lease of said sum of money for the said D. Kealohapuaole. That the said W. C. Achi fraudulently neglected to destroy said note.

Third,—That thereafter, to wit, on or about the 24th day of April, 1891, said W. C. Achi assigned the note last above-mentioned to Messrs. Allen & Robinson, for value, at the same time delivering to said Allen & Robinson the title deeds to the property covered by the aforesaid mortgage from said D. Kealohapuaole to the said W. C. Achi, which said title deeds had been theretofore deposited with said W. C. Achi by the said D. Kealohapuaole. That the said D. Kealohapuaole continued to pay the interest upon three hundred dollars to the said W. C. Achi at the rate agreed upon. That upon the maturity of said note, to wit, on or about the 19th day of March, 1893, the said D. Kealohapuaole, believing it to be the note for which he had paid the consideration of three hundred dollars (\$300) aforesaid, paid the principal due thereon and said note was thereupon cancelled by the said Allen & Robinson.

"Fourth,—That on or about the 6th day of May, 1891, the said W. C. Achi assigned the second note aforesaid, together with the mortgage aforesaid, to Henry Smith, trustee, for value. That after the maturity of said note, to wit, on or about the 25th day of April, 1893, the principal and interest due thereon not having been paid, the said Henry Smith, trustee, published a notice of his intention to foreclose said mortgage. That thereupon the said D. Kealohapuaole, in order to avoid the sale of property, paid the interest then due upon said note and mortgage.

"Fifth,—That up to about the time of the payment and cancellation of the note held by the said Allen & Robinson, the said D. Kealohapuaole was not aware that two notes of the same date and tenor were outstanding against him, but supposed that the said W. C. Achi had carried out his promise to destroy the note which he first executed as aforesaid.

"Sixth,—That the said Allen & Robinson and the said Henry Smith, trustee, were bona-fide purchasers of said notes respectively.

"Seventh,—That the said W. C. Achi by the said transactions has committed a fraud upon the said D. Kealohapuaole.  
Therefore your Honors are respectfully requested to cite the said W. C. Achi to appear and answer the above set forth charge, and if upon a hearing herein the same shall be sustained, or if for any other cause it shall appear to your Honors that the said W. C. Achi has been guilty of deceit and of conduct unbecoming an attorney, that he may be dismissed from the roll of practitioners.

Judge Cooper on Monday partly heard and continued the bill for specific performance of Thos. Clark vs. Hattie P. Parker and others. Hatch for plaintiff; Kinney for defendants. S. Parker for himself and wife. The complainant (Clark) alleges that Mrs. Parker sold land to the Wailuku Plantation Company instead of to himself as agreed. The defense is that the time limit for carrying out the promise to complainant had expired.

S. Lui Kekumano petitions for letters of administration to himself on the estate of his late father, S. Kekumano, valued at about \$1000.

Kumukoa vs. James R. Holt Jr., is a replevin suit decided by the District Magistrate of Waianae in favor of defendant and the plaintiff appeals to the Circuit Court, the subject of the litigation being the possession of some scantling and timber belonging to a house which defendant claims as his and which plaintiff tore down and took the same off from defendant's land. Kaulia for plaintiff-appellant, Carter and Kinney for defendant.

### NOTICE TO ATTORNEYS.

The attention of attorneys is called to the necessity of having all civil cases ready for trial when called.

The calendar will be called at 10 a. m. Monday, May 6th, but no cases will be heard that day.

The order of cases upon the calendar is as follows:

Hawaiian Criminal cases.  
Hawaiian Civil cases.  
Mixed Jury cases.  
Foreign Criminal cases.  
Foreign Civil cases.  
Jury Waived cases.  
Divorce cases.

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