

# The Robert Robson Hind Estate: Two Countries and a Territory

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Robert Robson Hind arrived in Vancouver, British Columbia from Heworth, a village in County Durham, England, in 1861.<sup>1</sup> The next year, he crossed the Pacific to reach Kaupakuea, ten miles from Hilo on the Big Island of Hawaii.<sup>2</sup> The first property he purchased in the islands was on Maui in 1865, and from that point forward more than 350 instances of Robert Robson Hind buying and selling property were recorded.<sup>3</sup> When he retired in the mid-1890s, his businesses in Hawaii were left to the management of his sons, while his property and business in British Columbia were left to his brother, Thomas.<sup>4</sup> Robert retired to San Francisco but traveled often to Hawaii.<sup>5</sup> He resided in San Francisco with his wife, Mary, at 2398 Howard Street; this would be the main abode of his widow after his death in 1901.<sup>6</sup>

On 27 November 1901, while at Kealakekua, South Kona on the Big Island, Robert Robson Hind died.<sup>7</sup> At the time of his death he had nearly a half-million dollars (nearly \$15 million in today's currency) in assets and property in California, British Columbia, and the Territory of Hawaii. Although he died in the Territory of Hawaii in 1901, the probate for his estate was filed on the mainland: in California.

## The Will

Robert Robson Hind's will was written in 1895 in San Francisco, where he would set up his permanent residence at the house at 2398 Howard Street. Robert's will was a detailed four pages and is abstracted below:

I, ROBERT ROBSON HIND of the City and County of San Francisco, State of Califor-

nia: to my wife, MARY HIND, the residence 2398 Howard Street in San Francisco, all the furniture and property therein, all the furniture, books, and household goods in the residence in Kohala, Hawaii, \$3,000 immediately after probate, and for herself and two daughters the monthly sum of \$550 during her natural life; to my son, JOHN HIND, \$20,000; \$18,000 in trust to invest in the maintenance and education of my granddaughter, KATIE RENTON, upon her majority or marriage; the rest to my sons, JOHN HIND, ROBERT HIND, GEORGE URWIN HIND, JAMES MATTHEW HIND, and my daughters ELEANOR MARGARET HIND and MARY ELIZABETH HIND. I wish that my estate not be divided during the lifetime of my wife. I recommend that my son, JOHN HIND, continue to manage the Sugar Plantation on the Island of Hawaii and all property and interests on [the] Hawaiian Islands; my son, GEORGE U HIND, manage the California and British Columbia properties and interests outside of the Hawaiian Island[s]. I appoint my sons JOHN HIND, ROBERT HIND, GEORGE U HIND, JAMES MATTHEW HIND and my wife MARY HIND the executors and executrix.

[Signed] ROBERT R. HIND

Witnesses: CHAS. ASHTON, FRANK H. GARDINER, FRANK ASHTON.<sup>8</sup>

The will was written, witnessed, and notarized on the same day, with the notation that the nominated executrix (widow) and executors (sons) were residents of San Francisco and

Hawaii.<sup>9</sup> Robert died at the end of November, and the probate was filed quickly in December.<sup>10</sup> Robert had assets in California, British Columbia, and the Territory of Hawaii, and the will was probated in San Francisco. Distributions were followed up in the First Circuit Court in Hawaii, which was in Honolulu on the island of Oahu.<sup>11</sup> Proper protocols were followed: For instance, when the estate was settled in Victoria in the Province of British Columbia, documents for executors in California and Hawaii were notarized; of special interest is the document signed by the notary public in the Territory of Hawaii, written in the Hawaiian language (see Table 1) and then witnessed by the official translator of the First Circuit Court.<sup>12</sup>

translated by Henry Smith, Clerk of the Supreme Court of the Territory of Hawaii, and the British Consulate, W. R. Hoare, "His Britannic Majesty's Consul."<sup>16</sup> Lastly, on 6 May 1902, George U. Hind made an oath about R. R. Hind's interests in British Columbia; only then was the estate finally inventoried.<sup>17</sup>

In the First Circuit Court at Honolulu, it was estimated that Robert R. Hind's estate was worth \$412,267.94.<sup>18</sup> Real estate was valued at \$51,100.00; personal property at Kohala on the Big Island at \$191,531.00; cash, the plantation store contents, and notes at \$37,228.41; stock (ranging from clubs to plantations) at \$50,790.00; a life insurance policy at \$50,143.70; with the remaining in loans, mortgages, and outstanding accounts at

#### Hawaiian and English Versions of Notary Statement

Hawaiian	English
<i>Teritori o Hawaii } s.s.</i> <i>Mokupuni o Hawaii }</i> <i>I keia la 10 o Apelila A. D. 1902</i> <i>ua hele kino au ai imua ou o Jno Hind</i> <i>James M. Hind a me Robert Hind au a ike</i> <i>au o lakou no na mea i hoakakaia</i> <i>ma ka palapala mamu a ae a na</i> <i>lakau no i hawa a wa ae au mae la</i> <i>kau iau, ua hana lakau i keia</i> <i>me e o lakau manao pouoi a me ke</i> <i>kuakua no na kimu i hoike ia</i> <i>maloko</i>	<i>Territory of Hawaii      }ss</i> <i>Island of Hawaii    }</i> <i>On this 10th day of April A. D. 1902</i> <i>personally appeared before me Jno. Hind,</i> <i>James M. Hind, and Robert Hind, known to</i> <i>me to be the persons described in and who</i> <i>executed the foregoing instrument,</i> <i>and they acknowledged to me that they</i> <i>executed the same freely and voluntarily for</i> <i>the uses and purposes therein set forth.</i>
<i>S. W. Kekuewa</i> <i>Notary Public.<sup>13</sup></i>	<i>S. W. Kekuewa</i> <i>Notary Public.<sup>14</sup></i>

TABLE 1

John Hind, James Hind, and Robert Hind of Hawaii, along with George U. Hind and Mary Hind of the city of San Francisco, attested on 10 April 1902 to the last will and the estate and property of Robert R. Hind in Hawaii, California, and British Columbia.<sup>15</sup> S. W. Kekuewa's statement had to then be

\$31,954.81.<sup>19</sup> At Kohala District on the Big Island, 2,143 acres were valued at \$42,000; at Kona on the same island, 1,609 acres were valued at \$3,000; the Liliha Street property in Honolulu was valued at \$4,000; and the plantation in Kohala (Hawi) was estimated at \$101,767. The landing on the estate at

Honoipu, alone worth \$8,000, was needed for the more than 700 tons of sugar waiting to be distributed from the plantation.<sup>20</sup>

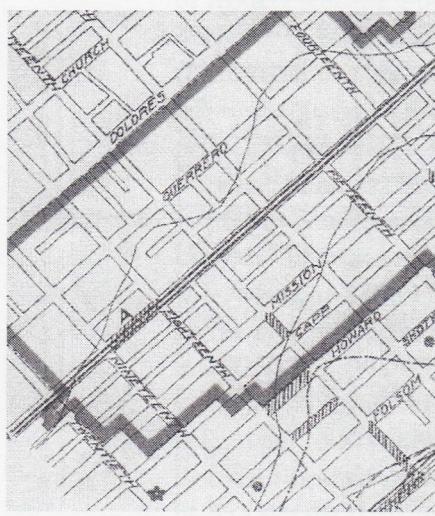
In September 1903, Mary renounced her dower in order to receive \$550 a month in lieu of the dower she had been receiving.<sup>21</sup> The estate was finally divided and settled. In 1905, the heirs sold their portions of the Hawaii land to the Hind Plantation Company and the Hawi Mill Company in exchange for 100 shares of each of the company's stock.<sup>22</sup>

When the San Francisco fire and earthquake occurred, Mary Hind was still residing at the house on Howard Street with her son George and his family.<sup>23</sup> Although it was

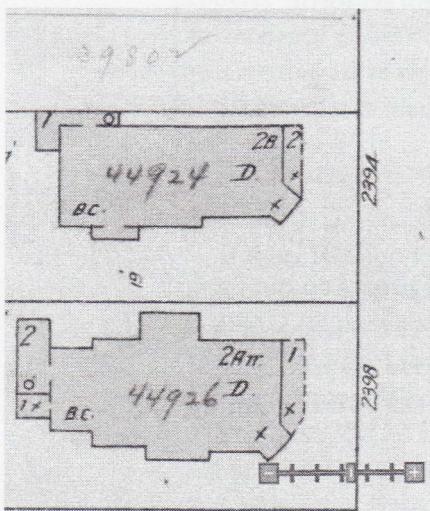
two blocks outside the burned district and two blocks from multiple breaks in the street, the house likely sustained some earthquake damage.<sup>24</sup>

### The Law

Born in England, Robert R. Hind could have passed a larger share of his estate to his oldest son (after his wife, of course), and the grand sum left to John was singled out. Also singled out was Katie Renton, Robert's granddaughter by his deceased daughter Katherine Jane "Katie" (Hind) Renton (who had died in childbirth 16 March 1890), with a large sum for her education.<sup>25</sup> A price was not put on what was then left to the other sons, but there



Hind house on 1907 earthquake damage map<sup>25</sup>



Hind house at 2398 Howard Street<sup>26</sup>

were stipulations for his unmarried daughters. These were common allowances for this period.

The Territory of Hawaii originally followed the *kapu* system, but after missionaries arrived in the 1840s, Hawaiians adapted to the British legal customs.<sup>28</sup> The resulting system was similar to that of Victoria, British Columbia, which was also under British rule.<sup>29</sup> California, which obtained statehood as an undivided free state in 1850, had adopted the United States' legal definitions and descriptions.<sup>30</sup>

Researching property in British Columbia, California, and the Territory of Hawaii required researching applicable laws for all three locations. Books that were contemporaneous to the writing of the will and the execution of the probate were essential to understanding the mindsets of functionaries performing their duties. For instance, *The Law of Wills* discusses what is expected of the widow (executrix) and the heirs (executors), while codes and statutes for both Hawaii and California give examples of cases during the same period which can further illuminate things. Since notaries were required in all three locations, their standards and conduct were also compared for nuances.

### Law Resources for Locations in Estate

#### British Columbia

- J. H. Jellett, *Pacific Coast Collection Laws: A Summary of the Laws of California, Nevada, Oregon, Washington, Idaho, Montana, Utah, Wyoming, Arizona, British Columbia, Colorado, New Mexico and Texas Including Insolvency Laws also the Jurisdiction of the U.S. Courts with the Names of Reliable Attorneys in the Principal Cities and Towns throughout the Pacific Coast, and a Notary Public for San Francisco* (San Francisco, California: Wm. C. Brown, 1890); digital version at Google Books.
- *The Consolidated Statutes of British Columbia, Consisting of the Acts, Ordinances & Proclamations of the Formerly Separate Colonies of Vancouver Island and British Columbia, of the*

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- United Colony of British Columbia, and of the Providence since the Union with Canada* (Victoria, British Columbia: Richard Wolfenden, 1877); digital version at Google Books.
- Joan Brockman, "A Cold-Blooded Effort to Bolster Up the Legal Profession: The Battle Between Lawyers and Notaries in British Columbia, 1871–1930," *Social History* 32 (1999), pages 209–235.

## California

- F. P. Deering, *The Codes and Statutes of California, as Amended in Force at the Close of the Twenty-sixth Session of the Legislature, 1885* (San Francisco, California: Bancroft-Whitney Co., 1885); digital version at Google Books.
- D. P. Belknap, *The Probate Law and Practice of California Containing All the Provisions of the Codes, of 1871–2, and Other Statutes Relating Thereto, with Judicial Decisions of This and Other States* (San Francisco, California: A. L. Bancroft and Company, 1873); digital version at Google Books.
- Peter V. Ross and Jeremiah V. Coffey, *Reports of Decisions in Probate by James V. Coffey, Judge of the Superior Court in and for the City and County of San Francisco, State of California*, volume 2 (San Francisco, California: Bancroft-Whitney Company, 1909); digital version at Google Books.

## Hawaii

- *The Civil Code of the Hawaiian Islands Passed in the Year of our Lord 1859: To Which Is Added an Appendix, Containing Laws Not Expressly Repealed by the Civil Code; the Session Laws of 1858–9; and Treaties with Foreign Nations* (Honolulu [, Territory of Hawaii]: The Government, 1859); digital version at Google Books.
- Lorrin A. Thurston, *The Fundamental Law of Hawaii* (Honolulu, Territory of Hawaii: The Hawaiian Gazette Co., 1904); digital version at Google Books.

## General

- *Black's Law Dictionary* (various editions).
- Isaac F. Redfield, *The Law of Wills. Embracing the Probate of Wills and the Settlement of Estates; the Duties of Executors, Administrators, and Other Testamentary Trustees*, volume 3 (Boston, Massachusetts: Little, Brown, and Company, 1877); digital version at Google Books.

- Judy G. Russell, *The Legal Genealogist* blog, <http://www.legalgenealogist.com/>.
- Kay Haviland Freilich and William Freilich, *Genealogy and the Law: A Guide to Legal Sources for the Family Historian* (Arlington, Virginia: National Genealogical Society, 2014).

All three locations traced their laws back to British law and rule. The widow and oldest son did end up with a majority of the estate (both real and personal) when Robert died. Luckily, all three locations had similar steps and guidelines, but these comparisons would be just as applicable (or more so) had there been conflicting laws that might have impacted the final distribution of the Robert R. Hind estate.

## Conclusion

In order to assemble a complete picture and assessment of the property of Robert Robson Hind, all three locations of his real property had to be researched for additional documentation and for differences in their laws. Although all three places in this case shared a core legal foundation, this will not be the same in all similar circumstances, so research methods and study of applicable laws are essential. Searching all the residences of the deceased for estates increases the value of grasping where they came from and what physical legacies they may have left behind.

Darcie Hind Posz, CG, lives in Washington, D.C. and may be reached at darcieposz@hotmail.com. Interests include the resolution of complex multigenerational lineage issues and less commonly researched lineages such as Hawaiian/Polynesian, Great Basin American Indian, Japanese, and Chinese.

## Endnotes

1. John Hind, *John Hind of Hawi (1858–1933) His Memoirs* (Philippines: Manaoag, Pangasinan, 1951), pages viii–ix.
2. *Ibid.*, page ix. This incorrectly states that Robert arrived at Kaupakauia (or Kaupapauia) within Hilo, but it is actually Kaupakuea where the Afong properties were. See Henry M. Whitney, *The*

- Hawaiian Guide Book* (Honolulu, Hawaiian Islands: Henry M. Whitney, 1875), page 73; digital version at Google Books.
3. Ancestry.com, *Hawaii, Wills and Probate Records, 1822–1962* (Provo, Utah: Ancestry.com Operations, Inc., 2015); original data: Hawaii county, district, and probate courts. The grantor and grantee indices from 1845–1905 for the Big Island, Honolulu, Kaua'i, Kahoolawe, Lanai, Maui, Molokai, Niihau, and Oahu were searched for this statistic.
  4. Hind, *John Hind of Hawi*, page 27. Thomas died in 1908.
  5. The *Robert R. Hind*, a four-masted schooner, was built in 1898–1899 and was launched in May 1899. “More Vessels Building for Sugar Trade,” *The San Francisco Call*, 20 May 1899, page 5, column 3.
  6. H. S. Crocker Company (compiler), *Crocker-Langley San Francisco Directory for Year Commencing April 1896* (San Francisco, California: H. S. Crocker Company, 1896), page 787.
  7. “Hind,” *San Francisco Chronicle*, 11 December 1901, page 12, column 4. “Death of Robert Hind, Pioneer of Kohala,” *Honolulu Republican*, 3 December 1901, page 6, column 1. The probate(s) also provided the date of death and will be discussed later.
  8. Ancestry.com, *California, Wills and Probate Records, 1850–1953* (Provo, Utah: Ancestry.com Operations, Inc., 2015), Will 15077, Will Book 229:283 [filed under 25826], will of Robert Robson Hind, proved 30 December 1901 [recorded 17 March 1913].
  9. *Ibid.*, Will Book 229:283, Geo. U. Hind, account of Robert R. Hind estate, 30 December 1901.
  10. *Ibid.*, Will Book 229:283, Geo. U. Hind, account of Robert R. Hind estate, 30 December 1901.
  11. British Columbia, Victoria Supreme Court, probate no. 2446, Robert R. Hind, 16 May 1902; British Columbia Archives, Victoria.
  12. C. L. Hopkins, Hawaiian Interpreter of the Supreme First Circuit Court of the Territory of Hawaii, 10 April 1902, in British Columbia, Victoria Supreme Court, probate no. 2446.
  13. S. W. Kekuewa, Notary Public, 10 April 1902, in British Columbia, Victoria Supreme Court, probate no. 2446.
  14. *Ibid.*
  15. Henry Smith, Clerk [of the] Supreme Court of the Territory of Hawaii, 19 April 1902, in British Columbia, Victoria Supreme Court, probate no. 2446.
  16. W. R. Hoare, His Britannic Majesty's Consul [of] Honolulu, 19 April 1902, in British Columbia, Victoria Supreme Court, probate no. 2446.
  17. Geo. U. Hind, In the Goods of Robert R. Hind, deceased, 16 May 1902, in British Columbia, Victoria Supreme Court, probate no. 2446.
  18. “Hind Has Big Estate,” *Pacific Commercial Advertiser* [Honolulu], 28 May 1902, page 12, column 1.
  19. *Ibid.* Of note is that the actual estate does not match the calculations displayed in this article. In the initial amount more than \$500 is missing and the personal property recalculation is off by nearly \$80,000. A search of probate packets 1–700 at the First Circuit Court and wills 1–100 at the First Circuit Court in Honolulu in the databases at Ancestry.com, *Hawaii, Wills and Probate Records, 1822–1962*, did not provide a will, inventory, or other documents to show a separate filing at the First Circuit Court at Honolulu between 1901–1915.
  20. *Ibid.* Actual land was not found in British Columbia under Robert R. Hind’s name. It may have been transferred to his brother, Thomas, who died in 1908. Thomas’ real estate was composed of 98 acres in the Sooke District, which was worth \$1,400. FamilySearch.org, Search Records > Canada > British Columbia Estate Files, 1859–1949 > Victoria > Supreme Court > Estate files 1859–1924 no 3211–3365 > images 2525–2539; #3334, Thomas Hind, property and estate, 20 November 1908, in Victoria, Supreme Court of British Columbia. Also, indices for volumes 6–9 of British Columbia, Crown Land Grants, 1869–1930 at FamilySearch.org did not reveal entries for Robert R. Hind property or real estate.
  21. “The Work Is Divided,” *Pacific Commercial Advertiser* [Honolulu], 14 September 1903, page 8, columns 2–3.
  22. “Hinds Conveys [sic] Their Property,” *The Hawaiian Star* [Honolulu], 5 April 1905, page 6, column 5.
  23. *Crocker-Langley San Francisco Directory for Year Commencing May 1905* (San Francisco, California: H. S. Crocker Company, 1905), page 915. *Crocker-Langley San Francisco Directory for Year Commencing October 1907* (San Francisco, California: H. S. Crocker Company, 1907), page 879.
  24. “Map of San Francisco Showing Burned District; Accompanying Report of Richard L. Humphrey,” *Wikimedia Commons* ([https://commons.wikimedia.org/wiki/File:1907\\_Geological\\_Survey\\_Map\\_of\\_San\\_Francisco\\_after\\_1906\\_Earthquake\\_-\\_Geographer\\_-\\_SanFrancisco-humphrey-1907.jpg](https://commons.wikimedia.org/wiki/File:1907_Geological_Survey_Map_of_San_Francisco_after_1906_Earthquake_-_Geographer_-_SanFrancisco-humphrey-1907.jpg)).
  25. *Ibid.*
  26. Sanborn-Perris Map Co., *Insurance Maps of San Francisco 1900*, 6 volumes (New York, New York: Sanborn-Perris Map Co., 1900), volume 5, sheet 508; digital images available at <http://www.DavidRumsey.com/>.

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## PRESIDENT'S MESSAGE

Dear Readers,

Welcome to the Spring 2018 issue of *The California Nugget*, Volume X, Issue 1. That means that this is the first issue of the 2018 membership year, but the second which you will have received in 2018.

Annual membership in the California Genealogical Society (CGS) comes with two issues of *The California Nugget*. Unfortunately, we fell behind in our publication schedule. Rather than skip an issue to catch up, we will publish three issues in calendar year 2018: the final issue of 2017 (which you have received), and both issues for 2018. The second issue of this volume will be in honor of our 120th anniversary.

Membership in CGS has more benefits than just receiving *The California Nugget*. Members have free access to our substantial library in Oakland; classes almost every week; discounts on special events with nationally known experts; quarterly membership meetings; special interest groups; partnerships with other organizations; and in many ways the most important benefit, a community of people who share a passion for family history research, including some of our region's most renowned experts on a wide variety of research interests. We truly are a group that helps "connect people to their diverse family heritage."

This diversity is reflected in this issue. Stewart Blandón Traiman writes about his research on his adopted son's

biological family. Darcie Hind Posz shares things to think about when probate has to deal with multiple jurisdictions. We include the first part of an article by former president Ellen Fernandez-Sacco on discovering her family's likely connection to slavery in Puerto Rico. We conclude Lavinia Schwarz's article on her research that led her to discover an ancestor who was a free woman of color in New Orleans. Finally, we reprint Richard Rands' article about why you need to have your family tree on your own computer.

This year we are nearing the end of a strategic planning process that I initiated last year with the support of my predecessor, Linda Harms Okazaki. The committee, under the leadership of cochairs Chris Pattillo and Stewart Blandón Traiman, interviewed volunteers, studied prior surveys, and looked at best practices to draft an extensive formal strategic plan. They will be presenting an extensive strategic plan to the board for review in September, including concrete proposals to implement and follow up on the various recommendations.

I look forward to sharing with all of you the results of this process, which will help take us past our 120th anniversary to the next 120 years.

Victoria S. "Vicky" Kolakowski  
President

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