

## GOVERNMENT FOR THE TERRITORY OF HAWAII.

FEBRUARY 12, 1900.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. KNOX, from the Committee on Territories, submitted the following

### REPORT.

[To accompany H. R. 2972.]

The Committee on the Territories, to whom was referred the bill (H. R. 2972) to provide a government for the Territory of Hawaii, report the bill with sundry amendments (those parts added by the committee being printed in italics and those stricken out indicated by lines drawn through the type) and, as amended, recommend that the bill pass, and with this recommendation submit the following report:

The following is the joint resolution to provide for annexing the Hawaiian Islands to the United States, approved July 7, 1898:

[PUBLIC RESOLUTION—No. 51.]

JOINT RESOLUTION to provide for annexing the Hawaiian Islands to the United States.

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

The public debt of the Republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed four million dollars. So long, however, as the existing Government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided said Government shall continue to pay the interest on said debt.

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper.

SEC. 2. That the commissioners hereinbefore provided for shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. That the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be immediately available, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

Approved, July 7, 1898.

The commissioners provided in the resolution met at Honolulu August 18, 1898, and on December 6, 1898, the President of the United States transmitted their report to Congress. This report recommended the passage of "A bill to provide a government for the Territory of Hawaii," "A bill relating to Hawaiian silver coinage and silver certificates," and "A bill relating to postal savings banks in Hawaii." The report also contained a copy of the civil and penal laws of Hawaii as modified in conformity with the recommendations of the commission.

The bill to provide a government for the Territory of Hawaii was substantially the same as H. R. 2972. It was introduced in the House of Representatives at the last session of the Fifty-fifth Congress by the Hon. R. R. Hitt, referred to the Committee on the Territories, and favorably reported with amendments by that committee, but failed to receive the consideration of the House.

Since July 7, 1898, therefore, the government of the Hawaiian Islands has been, as provided in the third paragraph of the joint resolution, vested in such person or persons and exercised in such manner as the President of the United States has directed. The manner in which the temporary government so provided has been administered appears in the following letter from the Department of State to Hon. Harold M. Sewall, dated July 8, 1898, and the Executive order of the President, dated May 13, 1899:

DEPARTMENT OF STATE, *Washington, July 8, 1898.*

SIR: I inclose herewith a copy of a joint resolution of Congress, approved by the President on July 7, 1898, entitled "Joint resolution to provide for annexing the Hawaiian Islands to the United States."



By the preamble to this resolution it is recited that the Government of the Republic of Hawaii has in due form signified its consent, in the manner provided by its constitution, "to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, government, or crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining."

These recitals, it will be observed, are made in the language of the treaty of annexation, concluded at Washington on the 16th day of June, 1897. They, as well as the other terms of that treaty, were advisedly incorporated in the joint resolution, because they embody the terms of cession which have not only been agreed upon by the two Governments, but which have also been ratified by the Government of the Republic of Hawaii. The joint resolution therefore accepts, ratifies, and confirms on the part of the United States the cession formally agreed to and approved by the Republic of Hawaii.

As by the adoption of the joint resolution the cession of the Hawaiian Islands and their dependencies to the United States is thus concluded, it is assumed that no further action will be necessary on the part of the Hawaiian Government beyond the formalities of transfer. Should that Government, however, desire to take any further action formally confirmatory of what has been done, no objection will be interposed on the part of the United States.

When all preliminaries shall have been settled you are instructed to accept, in the name of the United States, the formal transfer of the sovereignty and property of the Hawaiian Government, and to raise the American flag with such suitable ceremonies as may be agreed on for the occasion. It may be advisable for the Hawaiian Government to deliver to you an inventory of the public property transferred to the United States.

There are several provisions of the joint resolution to which it is deemed proper specially to refer.

Until Congress shall provide for the government of Hawaii "all the civil, judicial, and military powers exercised by the officers of the existing government" are to be vested in such person or persons, and to be exercised in such manner as the President of the United States shall direct. In the exercise of the power thus conferred upon him by the joint resolution, the President hereby directs that the civil, judicial, and military powers in question shall be exercised by the officers of the Republic of Hawaii as it existed just prior to the transfer of sovereignty, subject to his power to remove such officers and to fill the vacancies. All such officers will be required at once to take an oath of allegiance to the United States, and all the military forces will be required to take a similar oath; and all bonded officers will be required to renew their bonds to the Government of the United States.

The powers of the minister of foreign affairs will, upon the transfer of the sovereignty and property of Hawaii to the United States, necessarily cease so far as they relate to the conduct of diplomatic intercourse between Hawaii and foreign powers.

The municipal legislation of Hawaii, except such as was enacted for the fulfillment of the treaties between that country and foreign nations, and except such as is inconsistent with the joint resolution, or contrary to the Constitution of the United States or to any existing treaty of the United States, is to remain in force till the Congress of the United States shall otherwise determine. The existing customs relations of Hawaii with the United States and with other countries are to remain unchanged till Congress shall have extended the customs laws and regulations of the United States to the islands.

Under these various provisions the Government of the islands will proceed without interruption.

Upon the completion of the formalities of the transfer, your functions as envoy extraordinary and minister plenipotentiary to Hawaii will necessarily cease. The President, however, directs that you shall, for the time being, remain in Hawaii as a special agent to conduct correspondence between the Government of the United States and the Government of Hawaii. Your correspondence will be conducted with the Department of State; and for the time during which your special agency may last you will receive, out of the fund provided for carrying the joint resolution into effect, compensation at the same rate as heretofore.

As the joint resolution provides for the continuance for the present of the existing customs relations of Hawaii with the United States and other countries, the consul-general of the United States will, till further notice, continue to discharge his duties as heretofore.

These instructions will be borne to you by Rear-Admiral Joseph N. Miller, U. S. N., who will proceed to Honolulu in the U. S. S. *Philadelphia*, and who, together with the commander of the United States military forces present, will act with you in the ceremonies attending the formal transfer of the islands to the United States.

Respectfully, yours,

WILLIAM R. DAY.

HAROLD M. SEWALL, Esq.,  
*Honolulu, Hawaiian Islands.*

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BY THE PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER.

In the exercise of the power conferred upon him by the joint resolution of Congress approved by the President on July 7, 1898, entitled "Joint resolution to provide for annexing the Hawaiian Islands to the United States," the President of the United States hereby directs that the general election provided for by the constitution of the Republic of Hawaii to be held on the last Wednesday in September next shall not be held. All elective officers whose terms of office shall expire before appropriate legislation shall have been enacted by the Congress of the United States shall be continued in their offices at the pleasure of the President of the United States.

In witness whereof I have caused the seal of the United States to be hereunto affixed.

WASHINGTON, May 13, 1899.

[SEAL.]

WILLIAM MCKINLEY.

By the President:

JOHN HAY, *Secretary of State.*

### THE NECESSITY OF EARLY CONGRESSIONAL ACTION.

The language of the joint resolution shows that the government provided was intended as an expedient to cover the time that must elapse between the passage of the resolution and the establishment of a permanent form of government, and the nature of the temporary government is such that it ought not to continue longer than is required by absolute necessity, for it takes from the Hawaiian people all power of local legislation and all means of expressing the popular will. The practical results of this government during the time it has been in operation has emphasized the necessity of its abrogation. It has proved cumbersome, expensive, uncertain, and inadequate.

There is imperative need of early enactment of an organic act for Hawaii.

The joint resolution of July 7, 1898, providing for the annexation of the Hawaiian Islands, declares that the Hawaiian municipal laws not contrary to the United States Constitution or inconsistent with the terms of that resolution remain in force until Congress enact laws. It was undoubtedly expected then that a Territorial act would soon be passed, and a bill was introduced in each House of the Fifty-fifth Congress, which was reported favorably by this committee, as well as by the Senate committee, to which it was referred. But other matters of great national importance so occupied the time and attention of Congress that the bill was not discussed.

Meanwhile it has become apparent that there is much doubt of the extent of the power granted to the local government of Hawaii by the provisions of the joint resolution, and that in many important respects there is something like an interregnum in Hawaii.

Many doubtful questions of admiralty and maritime jurisdiction

have arisen, as well as of criminal procedure, rendering it uncertain whether there is now any tribunal for the decision of important questions affecting property, and any existing method by which criminals may be indicted or legal juries empaneled for their trial.

In anticipation of Congressional action, the election to fill vacancies in the Hawaiian senate was not held last year and there is, therefore, no legislative power for appropriating money for public purposes.

There is also grave doubt concerning the power of the Hawaiian government to grant franchises for industrial and commercial enterprises, or for railways which have been projected, and the Attorney-General of the United States has decided that the Hawaiian government has no power to grant or lease any of the public lands for homesteads or for any purpose, notwithstanding the fact that the treaty of annexation declared that the proceeds and revenues of such lands should be devoted to the benefit of the inhabitants of Hawaii, and that the revenue is required for educational outlays. In many respects the business affairs of the Territory are brought to a standstill. Many Americans have bought government land since annexation on which they have built residences and planted crops, but their land titles are now in dispute and can not be settled until the passage of this bill.

Meanwhile no Americans can settle in Hawaii on homesteads or land to be bought from the Government, and a very desirable class of citizens is thereby shut out of this new Territory. The local government is unable even to make public roads over any part of the public domain of Hawaii, or carry out plans based on legislation prior to annexation for widening and straightening the streets of Honolulu.

The presence in that city of the bubonic plague is calling for drastic measures by the Hawaiian authorities, involving the expenditure of hundreds of thousands of dollars. In order to provide for these expenditures and to compensate the owners of buildings which have been burned in the effort to suppress the pestilence, it is proper and just that a Territorial legislature be provided by Congress with no unnecessary delay.

Since the adoption of the resolution of annexation large numbers of Japanese contract laborers have been brought into the islands. The exact number is uncertain, but at least 17,000, and probably more than 25,000; and delay in extending the laws of the United States to the islands will be taken advantage of to increase their number.

#### FORM OF GOVERNMENT PROPOSED.

The bill (H. R. 2972) proposes a Territorial government for the Hawaiian Islands, similar to that of the later Territories of the United States—a governor, a secretary, both appointed by the President; a treasurer, attorney-general, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor and deputy auditor, surveyor, and high sheriff, appointed by the governor.

A legislature is provided, consisting of a senate and house of representatives, elected by the people. The Territory is to be represented by a Delegate in Congress. The Territory is made a judicial district of the United States, with a district court having, in addition, the jurisdiction of circuit courts, with a district judge, district attorney, and a marshal of the United States, appointed by the President, by and with

the consent of the Senate of the United States. The judicial power of the Territory is vested in a supreme court and in inferior courts to be established by the legislature. The Constitution and laws of the United States locally applicable are extended over the new Territory, and the laws of Hawaii not inconsistent with the Constitution or laws of the United States are continued in force. The Territory is made a customs and revenue district, and becomes subject to the tariff laws of the United States.

It needs no argument to convince that if it be possible to give to the Hawaiian Islands a government like that of the United States Territories—a government which has met the approval of Congress and the American people since the Constitution was adopted, and has proved itself adapted to the needs of a free and progressive people—it is desirable to do so. The propriety of creating a Territorial government for Hawaii depends upon the fitness of the people of the islands for such a government. The important question is, Are the people of Hawaii, in their present condition and as a whole, fitted for the representative government of a United States Territory? This question should be decided upon considerations applicable to Hawaii alone. The question whether the inhabitants of other islands ceded to the United States are or are not fitted for such a government has no place in the discussion. The test of fitness is well stated by the Hawaiian commissioners in their report, page 3:

The American idea of universal suffrage presupposes that the body of citizens who are to exercise it in a free and independent manner have, by inheritance or education, such knowledge and appreciation of the responsibilities of free suffrage and of a full participation in the sovereignty of the country as to be able to maintain a republican government.

Tried by this test, the Hawaiian people meet the requirements for the government proposed.

#### POPULATION.

In the first place, the natives of the Hawaiian Islands are not a tropical people, and if they were the only inhabitants would not present those difficult problems of government which have always accompanied tropical colonization whenever attempted by the great nations. The following extract from the report of the Hawaiian commissioners is descriptive of the location and climate of the islands:

#### THE HAWAIIAN ISLANDS.

The Hawaiian Islands are located in the Pacific Ocean about 2,100 miles southwest from San Francisco, and are between 18° and 22° north latitude and 154° and 161° west longitude. The latitude or distance from the equator is about the same as that of Cuba. The climate would probably be the same as that of Cuba were it not modified and equalized by the northeast trade winds, which prevail for about nine months of the year, coming over thousands of miles of ocean uncontaminated by impurities. The Japanese gulf stream is a broad current of cool water, flowing like a river across the Pacific Ocean, which lowers the temperature within its vicinity materially. There are other somewhat permanent currents and winds which affect temperature, and these great natural agencies tend constantly to neutralize the tropical heat, which would otherwise seriously affect the temperature of the islands. The annual average of temperature at Honolulu is 72° or 73° F., while the lowest is 55° and the highest 88°. During the warmest month of the year, September, the temperature, except for about two hours at midday, stands at about 78°. There is never any frost or snow, except upon the high mountain peaks, where at the altitude of nearly 14,000 feet there are at times considerable snowfalls.

In 1896 the population of the islands was:

	Males.	Females.	Total.
Hawaiians.....	16,399	14,620	31,019
Part Hawaiians.....	4,249	4,236	8,485
Americans.....	1,975	1,111	3,086
British.....	1,406	844	2,250
Germans.....	866	566	1,432
French.....	56	45	101
Norwegians.....	216	162	378
Portuguese.....	8,202	6,989	15,191
Japanese.....	19,212	5,195	24,407
Chinese.....	19,167	2,449	21,616
South Sea Islanders.....	321	134	455
Other nationalities.....	448	152	600
Total.....	72,513	36,503	109,020

The following table, from the commissioners' report, shows the distribution of population by area:

	Population, 1896.
Hawaii, area 4,210 square miles.....	33,285
Maui, 760 square miles.....	17,726
Oahu, 600 square miles.....	40,205
Kauai, 590 square miles (rich farming and grazing lands).....	15,228
Molokai, 270 square miles (agricultural and grazing).....	2,307
Lanai, 150 square miles (devoted to sheep raising).....	105
Niihau, 97 square miles (leased to sheep raisers).....	164
Kahoolawe, 63 square miles.	
Molokini, small size.	
Lehua, small size.	
Niihoa, 500 acres (about), precipitous rock, 400 feet high (244 miles northwest from Honolulu).	
Laysan, 2,000 acres (about), guano island, low and sandy, 30 feet high (800 miles northwest from Honolulu).	
Gardeners Island, two inaccessible rocks, 200 feet high, about 1,000 feet long (607 miles northwest of Honolulu).	
Liscansky Island, 500 acres (about), low and sandy, 25 to 50 feet high (920 miles northwest from Honolulu).	
Ocean Island, 500 acres (about), low and sandy (1,800 miles northwest from Honolulu).	
Necker Island, 400 acres (about), a precipitous rock, 300 feet high (400 miles northwest from Honolulu).	
Palmyra Island, a cluster of low islets, about 10 miles in circumference, with lagoon in center; has a few cocoanut trees (1,100 miles southwest of Honolulu).	
Kaula, small, rocky island, a few miles southwest of Niihau.	
French Frigate Shoal, scattered shoals or reefs.	

There is doubtless some increase in the population since 1896 from American and European immigration and very considerable increase from the importation of Japanese laborers since the passage of the annexation resolution, which may be taken at 20,000, so that the population of the Hawaiian Islands at present may be placed at more than 130,000. Of this population the greater portion are Asiatics—Chinese and Japanese. With the passage of this bill the Chinese will be excluded and the importation of Japanese contract laborers prohibited. Neither the Chinese nor Japanese have political power and were not eligible to citizenship under the Republic of Hawaii, nor could they obtain homestead rights. The Chinese have come to Hawaii intending to return to their native land when possessed of what to them is a competence. The Japanese largely have the same purpose.

It is also probable that the public lands, a large portion of which is now under lease, will be so disposed of in the future as to furnish less inviting fields for cheap labor and more frequent lodgment for indi-



vidual homes. The Portuguese will furnish a part of the citizenship of Hawaii. They are orderly, peaceable, intelligent, and industrious. About half of their number were born in the islands and have been educated in the schools and taught in the English language. The native Hawaiians will furnish also a part of the citizenship. They are an industrious, peaceable, and generous people, who have shown steady advancement under the influence of education and Christianity since the advent of the first missionaries from New England in 1820. The free school, free church, free press, and manhood suffrage have marked their progress. The government of the islands has shown the same progressive development. For sixty years it has been administered under a written constitution. The first constitution was proclaimed in 1840. A declaration of rights had been signed and promulgated by the King in 1839. It contained the following passages:

Protection is hereby assured to the persons of all people, together with their lands, their building lots, and all their property, while they conform to the laws of the Kingdom, and nothing whatever shall be taken from any individual except by express provision of the laws.

All men of every religion shall be protected in worshiping Jehovah and serving Him according to their own understanding.

These declarations might have been written in the cabin of the *Mayflower*.

This constitution provided for a legislative body consisting of 15 hereditary nobles and 7 representatives, the latter elected by the people. A new constitution was adopted in 1852 and was a great advance upon that of 1840. The number of representatives was increased and elected by universal suffrage. In 1864 the right of suffrage was made to depend upon a small property qualification and ability to read and write. The reactionary tendency of the later sovereigns toward the abridgment of popular rights led to the overthrow of the monarchy and to the establishment of the Republic of Hawaii. In this change the native Hawaiians bore their full part. They discharge the duties and appreciate the privileges of citizenship under the Republic.

A majority of the first house of representatives under the Republic were native Hawaiians and the speaker of the house a native Hawaiian. All the younger Hawaiians speak, read, and write the English language. The older Hawaiians are educated in the Hawaiian language and a number of newspapers are published in the Hawaiian language. But perhaps the chief consideration as to the fitness of the Hawaiian people for a Territorial government is that the dominant class in the islands, both in politics and business, is American. The government and policy of Hawaii will be shaped in accordance with American ideals. Associated with the Americans in Hawaii are and will be the English and the Germans, and it seems certain that the chief Hawaiian immigration in the future will be from America and western Europe.

#### CITIZENSHIP.

The persons who were citizens of the Republic of Hawaii on August 12, 1898, are defined in article 17 of the constitution of Hawaii.

ART. 17. All persons born or naturalized in the Hawaiian Islands and subject to the jurisdiction of the Republic are citizens thereof.

This includes all who were subjects under the monarchy and all who became citizens of the Republic.

About 700 Chinese have been naturalized and several hundred foreigners of other nations.

The 700 naturalized Chinese includes all who have been naturalized during the past fifty years. Many of them have since returned to China and many have died; the number remaining is a matter of conjecture, but would comprise only a portion of the whole number.

No foreigners have been naturalized since July, 1894, as under the constitution of the Republic, adopted July 4, 1894, only those could become naturalized who were "citizens or subjects of a country having express treaty stipulations with the Republic of Hawaii concerning naturalization." (Constitution, article 18.) And none of the Hawaiian treaties contained such a provision. Accordingly, the citizenship of the new territory will be made up of native Hawaiians, and Americans, and Europeans in Hawaii, together with about 700 naturalized Chinese. The following tables show the number and nationality of the registered voters at the last election under the monarchy and the first and last elections under the Republic:

*Registered voters for general election, February, 1892, the last under the monarchy.*

Hawaiians .....	9,931
Americans .....	670
British .....	572
Germans .....	399
Portuguese .....	2,232
Norwegians .....	86
Swedes .....	26
Others .....	301
Total .....	14,217

*Registered voters for constitutional convention, May, 1894.*

Natives and half castes .....	745
Hawaiian, born foreign .....	184
Americans .....	577
British .....	338
Germans .....	226
Portuguese .....	1,572
Others .....	210
Total .....	3,852

*Registered voters for general election September, 1897:*

Hawaiians .....	1,126
Americans .....	409
British .....	247
Germans .....	189
Portuguese .....	612
Norwegians .....	26
Others .....	84
Total .....	2,693

THE BILL AND AMENDMENTS.

Having stated the general purpose of the bill to provide a Territorial government for Hawaii similar to the governments of the later organized Territories of the United States, the attention of the House is directed to some of the particular provisions of the bill.

The amendment in section 1, striking out the regulations and deci-

sions of the Supreme Court, were stricken out for the reason that it did not appear definitely what the regulations referred to were, and it would be in the power of the first legislature to promulgate new regulations.

The provisions of the amendments to section 4, declare who are to be citizens of the Territory of Hawaii.

Section 5 extends the Constitution and laws of the United States over the Territory of Hawaii if locally applicable. Probably the same result would obtain without this provision under section 1891, chapter 1, Title XXIII, of the Revised Statutes, but to prevent possible question, the section is inserted in the bill.

Section 1850, of chapter 1, Title XXIII, Revised Statutes, which is declared by this section not to apply to the Territory of Hawaii, contains the provision that the laws passed by the legislative assembly of any Territory, with certain exceptions, shall be submitted to Congress, and if disapproved, shall be null and of no effect. This provision states no time in which such disapproval may be made, and a law may thus be disapproved long after it shall have gone into effect, and long after important rights of property may have been affected by it, and in virtually repealing the section, so far as Hawaii is concerned, no power is taken from Congress to repeal or change the law passed by any Territorial legislature. The absolute jurisdiction of Congress over Territorial legislation can not be divested.

Section 1890, chapter 1, Title XXIII, Revised Statutes, provides that "no corporations or associations for religious or charitable purposes shall acquire or hold real estate in any Territory during the existence of the Territorial government, of a greater value than fifty thousand dollars," and the section further provides for the escheat of such property to the United States. There are certain charitable institutions existing in Hawaii, notably among which are the Kamehameha trusts and the Lunalilo estate established for the promotion of charitable institutions and the care of the indigent and infirm, whose property exceeds the amount named in the statute, and there are other institutions also, such as the Young Men's Christian Association of Honolulu, all of which own property in excess of \$50,000, and effort is being made to establish in the islands institutions for the care of incurables and for like purposes, and it has been deemed best not to have the provisions of this section applied to Hawaii.

#### HAWAIIAN LAWS EXTENDED AND REPEALED.

Section 6 extends the laws of Hawaii which are not inconsistent with the Constitution and the laws of the United States to the new Territory, and section 7 repeals certain of the laws of Hawaii and certain provisions of the constitution of the Republic of Hawaii. The acts so repealed are set forth by name in this section, both the civil, penal, and session laws. The titles of the laws repealed, as set forth, would, in almost every instance, suggest the reason for their repeal as being either inapplicable to a United States Territory or in conflict with United States laws; but the laws so repealed are set forth in full in the appendix hereto attached and marked "A," and the laws of Hawaii remaining after these laws have been repealed are set forth in the Report of the Hawaiian Commission, Senate Document No. 16, Fifty-fifth Congress, third session.

In section 10 provision is made for the preservation of the obligation of contracts and of suits and transactions which may be pending, and for the punishment of offenses against the laws of the Republic of Hawaii, which are not inconsistent with the provision of the acts.

In section 12 the legislature provided for the Territory of Hawaii is the same as that for the other organized Territories of the United States with the exception that the word "council" is here changed to senate, inasmuch as that had been heretofore the name of the upper branch of the legislature of the Hawaiian Republic.

#### GENERAL ELECTIONS.

The amendment to section 14 was deemed necessary for the reason that there is now no legislature existing in Hawaii, the election that would have taken place in September, 1899, having been prohibited by the President, and the first regular legislature will not convene until February, 1901. There may be necessity for convening a special session of the legislature before such regular session to meet the public needs of the Territory. This has already been emphasized by the prevalence of an epidemic of bubonic plague in Hawaii, entailing large expenditures and creating the necessity for legislative action.

In section 15 the amendment striking out the provisions of the original bill and inserting the last clause was occasioned by strong opposition which developed to what seemed to be an innovation in the practice of legislative bodies in America. It was felt that the change would in no way affect the character of the legislature or the laws that should be enacted.

The amendment in section 18, striking out largely the prohibition of certain persons to register, was made because the reason for such provision practically no longer exists. Soon after the establishment of the Republic of Hawaii there seemed to be a large number who opposed the change from the monarchy to the republic and who expressed enmity to the new form of government, but it appears that such opposition has largely died out, and that the simple provision to take an oath to support the Constitution of the United States is sufficient.

The striking out of the other disqualifications of a person to register was made because the permanent disfranchisement of a citizen for the offenses named, many of which might be trifling, seemed too severe, and it was not conceived to be possible that registration officers should register idiots or insane persons. The further consideration was also of weight, that the legislature could make any provision deemed necessary for further restriction of the right to register and vote.

The provisions of sections 20, 21, 22, 23, 24, and 25 are so nearly in consonance with the rules governing Territories of the United States that no comment is necessary.

The compensation of members of the legislature named in section 26 of the bill follows the practice which has prevailed in Hawaii, and it was not deemed best to make any change in such practice.

#### THE SENATE.

In section 30 the number of members of the senate therein provided was fixed in accordance with the number which constituted the senate of the Republic of Hawaii.

The apportionment of senators among the several districts of the islands follows the apportionment which has heretofore prevailed in the Territory of Hawaii, and there seems to be no cause for changing it.

#### HOUSE OF REPRESENTATIVES.

Section 35 provides for double the number of representatives of the Republic of Hawaii. A larger representation was deemed to be advisable in order to make it a more popular body.

In the matter of representation the districts remain the same as under the Republic of Hawaii, the number of representatives being doubled.

The amendment to section 51 was incorporated to prevent a pocket veto.

The provision for biennial sessions is in accord with the practice which has prevailed under the Republic of Hawaii and for many years under the monarchy, and has been found to work satisfactorily.

The amendment inserted in section 55 provides for the reapportionment of the members of the house of representatives and the senate from time to time, based on population. The population of the islands is now undergoing a change, and in future may change much more; therefore it is deemed wise to insert such a provision.

There is a further amendment in this section striking out the authority to create debt to meet a casual deficit in the revenues. The reason for this is that the provision to meet a casual deficit has often been used as a cloak to cover unwise or unauthorized appropriations.

The provision in this section limiting the total indebtedness of the Territory to 7 per cent of the assessed value of the property might seem too high a percentage; but in the first years of the new Territory, deprived of sources of previous large revenue, and with great demand for expensive public improvements, it was felt that this was not too great.

The amendment made in section 60 was made for the reason that it appeared that the individual in Hawaii paid a personal tax which included certain taxes other than the poll, and was often in excess of \$5.

#### QUALIFICATIONS OF VOTERS FOR SENATORS.

The amendment striking out all property qualifications for electors of senators was made on account of great opposition made to this provision, both in the committee and by other Representatives. It appeared that such a qualification had heretofore existed in Hawaii, and this fact had been salutary; and it is hoped that this amendment will not unfavorably affect either the character of so important a body as the senate of Hawaii or ever be the means of vicious legislation.

The changes made in section 64 of the rules and regulations now existing in Hawaii for administering oaths and holding elections are changed to meet the new conditions arising under the Territorial government. Unnecessary and inapplicable provisions have been stricken out; and these rules and regulations as they will exist after the passage of this bill and as they existed under the Republic of Hawaii appear in the appendix marked "B," hereto attached.

The provision that the governor of the Territory of Hawaii shall be a citizen of the Territory was inserted for the reason that it was deemed advisable that the governor of a Territory so remote, and where con-



ditions were so different from those prevailing in the mainland, should have a greater familiarity with the needs of the Territory he was to govern than mere indefinite residence would assure.

In section 69 the same provisions applicable to the appointment of a governor brought about the provision that the secretary of the Territory should also be a resident of the Territory of Hawaii.

#### COMMISSIONER OF PUBLIC LANDS.

The provisions of section 73 of the bill, relating to the public lands of Hawaii, continuing the Hawaiian land laws in force and ratifying and confirming the transactions made since annexation, have received the careful attention of the committee.

Section 73 provides for the continuing in force of the existing land laws of Hawaii until Congress shall otherwise provide. It was suggested that the present laws were objectionable in some respects, and it was urged that the United States homestead laws should forthwith be extended to Hawaii. On the other hand, it was urged that the United States laws were not suited in all respects to the conditions existing in Hawaii. The following is a brief résumé of the land system of Hawaii and the laws governing it:

Previous to the great divisions of lands between 1846 and 1855, which was the voluntary act of the King, and upon which all present land titles are based, a feudal system existed, under which the titles to all the lands were vested in the King as sovereign.

The high chiefs and inferior chiefs possessed subordinate rights, and exercised control over certain tracts and subdivisions of land.

The boundaries of the lands were well defined, but the subdivisions were peculiar. One land might be a few hundred feet wide and several miles long; another, starting at the shore, might run as a narrow strip for miles and then expand to cover a great area; another have its main portion on one side of an island and a disconnected portion on the other side, or run from the sea to the mountain or over the mountain to the sea on the other side.

The more common type of main division was a strip of land extending from the sea to the mountain.

#### THE DIVISION OR MAHELE, 1846-1855.

This division of the lands is not arbitrary geographically, but largely the effect of the peculiar volcanic and irregular formation of the land into rich valleys, arid areas, and mountainous regions. These divisions have been generally continued to the present time, because they are natural.

The lands under this division, known as the "Great Mahele" made by the King, were divided approximately as follows:

	Acrea.
The Crown lands reserved for the King's use.....	984,000
Lands granted to the chiefs.....	1,619,000
Lands granted to the Government as distinct from the Crown.....	1,495,000
Lands granted to the people in fee simple, called "Kuleanas" or homesteads (in imitation of the American homestead law).....	28,000
Total acreage.....	4,126,000

Every native was permitted to take in fee simple wherever he lived, and regardless of the ownership of the surrounding lands. These home-

steads were small in area, but covered choice irrigated lands, and were in each case as much as a native could cultivate.

After the grand division of 1848 the government sold much of its lands at private sale at low rates, running from 12 cents to \$1 per acre, and purchasers naturally took the best lands. The natives were the principle purchasers and about 500,000 acres were disposed of in this way.

In 1876 a law was passed requiring that all sales of lands and leases exceeding \$300 in value should be made at public auction.

In 1893 the provisional government required all sales of lands and leases whatsoever to be made at public auction.

In 1884, under the monarchy, the first homestead law, aside from the grants under the great division of 1848, was passed and was amended at different times thereafter. The homestead was generally limited to 20 acres, this amount being usually more than a native could cultivate. Under these homestead laws, previous to 1895, 2,670.05 acres, valued at \$17,482.25, were taken up, and 610.40 acres, valued at \$2,587.10, and subject to special conditions, were also taken up.

But these small areas were insufficient for active men, especially Anglo-Saxons, with larger means than the natives, and the system of disposition of the public lands which had been largely increased in area after the revolution of 1893 by the addition of the crown lands, was enlarged by the land act of 1895, which kept in view:

(1) The actual settlement and improvement of the lands by cultivation.

(2) The imposition of conditions which would prevent the lands from passing into the hands of speculators.

Corporations and a few persons in the islands could readily purchase and hold any public lands offered for sale or obtain them indirectly through individual preemption. Owing to the limited area of cultivable lands, the legislature modified the land system so as to provide for large and actual settlements. Ample provision was made for different classes of settlers:

(1) By "homestead leases," continuing for nine hundred and ninety-nine years. These are intended primarily for improvident natives who are easily induced to sell lands held in fee simple.

(2) "Right of purchase leases." These leases run for twenty-one years, but they contain a right to purchase after two years' actual residence and bona fide cultivation.

(3) "Cash freeholds." These lands are sold at public auction, but require two years' residence and the cultivation of 25 per cent of the land before title is given.

(4) "For special agreement sales." This provision applies to lands peculiarly situated, such as grazing and forest lands, with a limit of area to 600 acres.

(5) "Cash sales." These are made at auction and refer to small areas for buildings, reservoirs, pumping stations, etc.

(6) "Olaa district sales." This provision refers to a single district through which a costly road has been built by the government, and in 1895 promised to be a valuable section for coffee cultivation. Lessees were permitted to convert their leaseholds into fee simple holdings up to 200 acres after 15 per cent of the land had been improved, and \$200 expended upon it in addition.

Under the act of 1895 there have been disposed of under the above-

named different titles 98 parcels, containing 46,594.22 acres, valued at \$279,566.89. The value of the "homestead leases" are arbitrary, as formal appraisement is not required.

An experience of about four years in the disposition of lands under this law shows that for eleven years previous to 1895 cash sales of 37,675.34 acres, valued at \$195,588.95, were made, while only 12,042.65 acres of homesteads, valued at \$73,405.18, were taken up. Subsequent to the land act of 1895, during a period of only four years, the cash sales diminished to \$39,923.73 for only 2,996.89 acres, while 43,597.33 acres were taken up under the new homestead laws, and these are valued at \$239,643.16.

As the Hawaiian Islands have been inhabited for some hundreds of years, and are not like the lands of the western part of the American continent in the early part of this century, which were occupied by roving bands of Indians, without individual titles to the lands, a system of land tenure exists which is the natural outgrowth of the condition of the people.

Any radical change in this system might and probably would throw the limited amount of good public lands into the hands of a few men or speculators and the immigration of Anglo-Saxon settlers, who are now needed in order to maintain American institutions, would be prevented.

As the leases of the public lands granted under the monarchy expire, a large area of lands will be opened to the operation of the land act of 1895, and it is claimed by those who represent the Hawaiian government and the commercial interests of the islands that the most strenuous efforts should be made to prevent its falling into the hands of speculators, who would dispose of it at the highest prices. The purchasers under such conditions would probably be Asiatics to a large extent and Anglo-Saxon immigration be discouraged.

For these reasons any radical changes in the land system may be perilous to American interests, and it should not be made without a thorough and careful examination of the question as to what may be the future population of the islands.

#### RATIFICATION OF RECENT LAND SALES.

The act of annexation provided that "the existing laws of the United States relative to public lands shall not apply," and also that "the municipal legislation of the Hawaiian Islands not inconsistent with this act \* \* \* shall remain in force until the Congress of the United States shall otherwise provide."

As municipal legislation embraced the land laws, the government of Hawaii believed that it was authorized to execute these laws.

Application was made to the United States Government relative to the matter and a reply was received which was understood to mean that the Hawaiian government should continue to dispose of the public lands in accordance with the Hawaiian municipal law.

Grants were accordingly made of 254 parcels, which included 15,334.26 acres, valued at \$78,126.86. Of this area about 8,000 acres were granted for land patents made in pursuance of agreements entered into before the act of annexation in the Olaa tract, and 4,500 acres were granted under the "right of purchase lease" system.

The applicants for these lands were residents, and in nearly every

case, it is claimed, desired to improve the lands and acquire homes or to use them for business purposes.

The proclamation of the President dated September 11, 1899, which was not received in Hawaii until September 28, 1899, declared this disposition of land to be illegal. The disposition, however, of these public lands after the act of annexation involved only a small area, and both Government and purchasers acted in good faith. Valuable improvements have been made on many of these premises, and unless the acts of the Government are ratified by Congress much hardship will ensue. Full value was, it is claimed, received for these lands.

In view of these facts, it is deemed just that the transactions made in good faith by the Hawaiian Government, and in conformity with the laws of Hawaii since annexation, be ratified and confirmed.

It has been suggested that it would be well to continue the suspension of the Hawaiian land laws until the next regular session of the Hawaiian legislature. Under the provisions of the bill the first regular session of the legislature of Hawaii will be convened in the spring of 1901, and action upon so important a matter as the changing of the land system of the country could probably not be concluded until the summer of that year. Should this course be pursued, the result would be that the whole matter of dealing with the public lands of Hawaii would be suspended for a period of nearly two years, which, it is contended, would result in very great injury.

In order to further meet the objections herein stated, the amendment to the section providing that all land transactions should receive the approval of the Secretary of the Interior, who might also reverse, modify, suspend, or annul any of said transactions, was inserted.

On page 8 of J. F. Brown's statement (see Appendix, Senate Document No. 72) it is stated:

	Acres.
Combined area of Government and Crown lands (by the original division in 1848) as near as can be determined .....	2, 479, 600
Patents and deeds have been issued for .....	728, 200
Remainder .....	1, 751, 400

In this remainder is included lots taken up, but not yet patented:

	Acres.
Old homesteads .....	2, 670. 05
Old special agreement sales .....	610. 40
Under land act not patented .....	28, 065. 33
	31, 345. 78
Leaving undisposed of .....	1, 720, 055

The statement on page 51 of the commissioner's report gives the area of public lands by islands and shows a total of 1,744,713 acres undisposed of, as follows:

	Acres.
Island of Kauai .....	176, 050
Island of Oahu .....	86, 661
Island of Lanai .....	47, 600
Island of Kahoolawe .....	30, 000
Island of Molokai .....	33, 660
Island of Maui .....	178, 870
Island of Hawaii .....	1, 191, 872
Total .....	1, 744, 713

The discrepancy between the two statements (1,720,055 acres and 1,744,713 acres) would seem to be accounted for in an apparent typo-

graphical error. The sum of the acres given of the area by districts of the island of Maui is 153,870 acres, but in the summary, page 51, the area for Maui is placed at 178,870 acres—a difference of 25,000 acres.

The classification of the remaining 1,720,055 acres of public lands, as set forth on page 8 of J. F. Brown's statement, while it is an estimate, is as correct data as can at present be furnished. It is as follows:

	Acres.
Valuable building lots .....	145
Cane lands .....	25,626
Rice lands .....	977
Coffee lands .....	26,825
Grazing lands .....	448,200
High forest lands .....	681,282
Rugged, inaccessible mountain .....	227,000
Barren (of nominal value only) .....	310,000
Total .....	1,720,055

Appendix C is a statement showing the name, area, locality, etc., of public lands in the island of Hawaii.

Appendix D shows the yearly expiration, in acres, of leased Government and Crown lands.

Appendix E shows the amount of public lands reserved for the use of the United States.

Appendix F is the statement of J. F. Brown, agent of public lands of Hawaii, as to the public lands and the Hawaiian laws relating thereto.

Appendix G shows the land transactions by the government of the Republic of Hawaii between July 7, 1898, and September 28, 1899, since which time there have been no land transactions in Hawaii.

Appendix H contains the statement of Henry S. Pritchett, Superintendent of the Coast and Geodetic Survey, regarding the land surveys in the Hawaiian Islands.

Appendix I is an article by Sanford B. Dole, late president of the Hawaiian Republic, as to the Hawaiian land system.

#### SUPERINTENDENT OF PUBLIC INSTRUCTION.

"By an act of the legislature of 1896 the school system of Hawaii, which for thirty years had been a bureau of the Government, was put upon a firmer basis and constituted an executive department, making the minister of foreign affairs ex officio minister of public instruction, presiding over a board of six other commissioners, appointed by the president of the republic, and whose term of office is three years, one-third of the board retiring every year. Two of the commissioners are ladies and all the members serve without compensation."

From about 1841 to 1850 the public schools were all taught in the Hawaiian language. In 1850 English schools were instituted by the Government. In 1888 this class of schools were made free schools by law. Since that time the schools conducted in the Hawaiian language have rapidly given way to free English-speaking schools, and in 1896 the English language was made the basis of instruction in all schools, public and private, and there now exists but one public school taught in the Hawaiian language. Attendance upon schools is compulsory upon the children between the ages of 6 and 15, and this attendance is enforced by officers. Under the republic all aid from the public treasury was forbidden to "any sectarian, denominational, or private school."



In the Hawaiian schools industrial and manual training, the importance of which was appreciated by the government, has been practically provided for. A most advanced and comprehensive course of study is furnished by the Oahu College, situated in Honolulu. Over one-eighth of the expenditures of the Hawaiian government have been for the support of public schools.

Of the total appropriation (\$4,471,780.02) made by the last legislature for the two years ending December 31, 1899, \$618,800 of which was appropriated for school purposes, or at the rate of \$309,400 per annum.

The following tables were taken from the report of the commissioners:

*Comparative table of expenditures for education in Hawaii and in the United States of America.*

	Average number of school days during the year.	Total cost of education per pupil.	Total cost of education per capita of population.	Cost of tuition and supervision per pupil.	Expenditures for sites, buildings, furniture apparatus, and libraries per pupil.	Average monthly salaries of male teachers.	Average monthly salaries of female teachers.	Percentage of male teachers.	Percentage of female teachers.	Average monthly salaries of all teachers, both male and female.
United States .....	140.5	\$18.92	\$2.61	\$11.94	\$3.32	\$47.37	\$40.24	32.6	67.4	\$42.26
Western division....	142.0	27.17	3.53	17.96	3.49	60.03	52.87	29.7	70.3	55.00
California.....	174.0	31.51	4.08	23.31	3.32	80.19	65.42	20.4	79.6	* 68.43
Hawaii .....	200.0	21.17	2.06	18.50	† 1.46	74.55	55.18	41.3	58.7	63.18

\*Salaries for California are for 1892-93; all other figures from the United States are for 1895-96; all figures for Hawaii are from the present report.

† Apparatus and teachers' reference books are charged to a different appropriation in Hawaii, but it is estimated that these items would not increase this average by more than 2 cents.

The following tables show that a total of 14,522 pupils were enrolled in the schools, public and independent, of the Hawaiian Islands, at the close of the year 1897. Of the entire attendance nearly 54 per cent was Hawaiian of pure and mixed blood and 28 per cent Portuguese, the remaining 18 per cent being divided up among the Americans, British, Germans, Japanese, Chinese, and other nationalities. Of the 14,522 pupils, 10,568 were attending government schools, and 3,954 private or independent schools. The public schools, of which there are 132 in number, gave employment to 123 male and 175 female teachers, a total of 298 teachers; and the private schools, of which there are 60, to 82 males and 127 females, a total of 209 teachers. Of all teachers in the country 49.9 per cent are Americans. Hawaiians and part-Hawaii teachers come next, and form 23.4 per cent of the entire teaching force, while British number 13.6 per cent.

*Number of schools, teachers, and pupils in the Hawaiian Islands.*

	Schools.	Teachers.			Pupils.		
		Male.	Female.	Total.	Male.	Female.	Total.
Public schools, English .....	131	122	175	297	5,908	4,684	10,542
Public schools taught in Hawaiian ...	1	1	.....	1	17	9	26
Private schools.....	60	82	127	209	2,092	1,862	3,954
Total .....	192	205	302	507	8,017	6,505	14,522

According to the last census of the islands, taken in 1896, the population within the legal compulsory school age was 14,286, being an increase of 2,277, or about 19 per

cent, in six years, while according to the school statistics compiled the same year the total number of children attending all schools, public and private, was 14,023. It will be seen that the population within the school age and the numbers actually attending school approximate very closely.

Nationalities.	Number within school age.	Per cent attending school.
Hawaiians .....	5,467	98.39
Part Hawaiians .....	2,437	99.01
Hawaiian-born foreigners .....	4,505	94.40
Americans .....	126	86.50
British .....	72	82.75
Germans .....	62	82.25
French .....	1	Over.
Norwegians .....	12	100.00
Portuguese .....	774	85.40
Japanese .....	147	94.55
Chinese .....	665	92.48
South Sea Islanders .....	6	Over.
Other nationalities .....	12	83.33
Total .....	14,286	96.20

In section 80 the amendment taking away the appointment of the chief justice and justices of the supreme court from the governor, and in another section placing this appointment in the hands of the President, was made on account of a feeling that too much power was lodged in the hands of the governor by their appointment. It will be noticed, however, that the appointment of the judges of the inferior courts still remains in the governor.

The taking away of the life tenure of the judges of the supreme court was made to meet a quite general opposition to that tenure, and the amendment is in accord with the practice in many of the States of the Union.

#### THE JUDICIARY OF THE TERRITORY OF HAWAII AND OF THE NEW TERRITORY AFTER ITS ORGANIZATION.

The following report of the Hawaiian Commissioners, signed by the Hon. John T. Morgan and W. F. Frear, one of the justices of the supreme court of Hawaii, is submitted as being a full and comprehensive statement, and applicable at the present time to the jurisprudence of the Hawaiian Islands:

##### REPORT OF THE COMMITTEE ON JUDICIARY.

Hawaii having been hitherto a single independent State, its courts have exercised much of the jurisdiction exercised by both the Federal and State courts in this country. In this respect the Hawaiian courts have resembled somewhat the courts of the Territories of the United States, which, as a rule, have had much Federal jurisdiction, as well as jurisdiction of cases arising under the Territorial laws. It seems very desirable in the case of Hawaii to separate these jurisdictions, leaving all cases arising under the laws of the Territory to the Territorial courts and transferring all jurisdiction of a Federal nature to a district court of the United States to be established for the Territory of Hawaii. This district court should have also the jurisdiction of a circuit court of the United States.

There are many reasons which make this separation of jurisdictions desirable. The foreign shipping already calling at the ports of Hawaii, as well as the shipping from the United States, is very extensive and is rapidly increasing. With the natural growth of commerce on the Pacific, and especially in view of the change in the ownership of the Philippines, the near completion of the Siberian Railway, and the projected Nicaraguan Canal, the shipping that will call at the Hawaiian Islands will undoubtedly increase more rapidly in the future than it has increased in the past.

This will give rise to many important admiralty cases in Hawaii, some of which may become matters of international interest.

It is obviously very desirable that jurisdiction over such cases should be exercised by Federal judges. Again, in the event of war, Hawaii may become a center for the trial of prize cases, of which the Federal courts should have exclusive jurisdiction. By making the relations between the Territorial courts of Hawaii and the Federal courts, as to appeals, removal of causes, etc., the same as the corresponding relations between the State and Federal courts, all cases of a local nature can be tried and determined finally in the islands, and thus the expense and delay of bringing such cases to the mainland, and possibly to Washington, a distance of 5,000 miles, will be avoided.

Very little change need be made in the organization of the territorial or local judiciary. The organization and procedure of the Hawaiian courts is already very similar to what is found in the United States. This has been the result of a growth of sixty years of constitutional government in Hawaii under American influences. The judiciary department, unlike the executive and legislative departments, has always been free from politics. The people of Hawaii have great confidence in their judiciary, and have always looked to it as the one impregnable bulwark of their liberties. The last two sovereigns under the monarchy, who did so much to lower the standard of the executive and legislative departments, did not dare to encroach materially upon the judiciary department until the final attempt of the Queen, which resulted in the loss of her throne.

The people of Hawaii, of all classes, as shown by the memorials presented to the commission, desire the judiciary, as at present organized, to be retained with as little change as possible, with the exception that they generally deem it best that there should be a United States district court to take jurisdiction of Federal cases. The one change which it seems desirable to make in the local judiciary is the abolition of the racial and mixed juries. Hitherto, in criminal cases, foreigners have been tried by juries composed of foreigners, and Hawaiians by juries composed of Hawaiians, and civil cases, if between foreigners, have been tried by foreign juries; if between Hawaiians, by Hawaiian juries; if between foreigners and Hawaiians, by juries composed of an equal number of foreigners and Hawaiians.

It is now proposed to abolish these race and mixed juries and to require instead merely that juries shall be composed of citizens of the United States who understand the English language, without respect to color or blood. As the Hawaiians will become citizens of the United States and as most of them understand the English language, the greater portion of them will be competent to sit on juries. The requirement that they shall understand the English language is designed not to exclude the Hawaiians, but to avoid the expense and delay that would result if all proceedings had to be gone through in both languages through an interpreter.

The Hawaiian judiciary may be briefly described as follows:

There are three sets of courts—a supreme court, superior courts of record, and local courts—corresponding to the three classes of courts usually found elsewhere. They are called the supreme court, the circuit courts (five in number), and the district courts (twenty-nine in number).

The district courts sit without a jury. They have jurisdiction in criminal cases, over misdemeanors, and in civil cases up to \$300 except in cases of slander, libel, malicious prosecution, false imprisonment, seduction, breach of promise of marriage, and cases involving title to real estate. The civil jurisdiction is exclusive up to \$50 and concurrent with that of the circuit courts from \$50 to \$300. A general appeal lies in all cases, civil and criminal, to the circuit court, or an appeal solely on points of law may be taken to either the circuit or the supreme court.

The circuit courts sit with a jury, unless jury is waived, for the trial of most original law cases not begun in the district courts and in cases appealed from the district courts. The circuit judges sit without a jury in equity, admiralty, probate, and bankruptcy cases. Part of this jurisdiction will now be turned over to the United States district judge. There has as yet been no fusion of equity and law cases. Equity and law courts, as under the Federal system, are regarded as distinct, although presided over by the same judges. Exceptions lie from the circuit courts in law cases and general appeals in equity cases to the supreme court.

The supreme court consists of a chief justice and two associate justices. It hears appeals, exceptions, and writs of error from the circuit and district courts, and has original jurisdiction of contested-election cases, claims against the government, and the issuance of certain writs, such as habeas corpus, prohibition, mandamus, and certiorari. In case of the absence or disqualification of a justice, his place in any particular case may be filled by a circuit judge or member of the bar.

The chief justice and associate justices are appointed by the President (hereafter

the governor), with the advice and consent of the Senate, and hold office, like the Federal judges, during good behavior. The circuit judges are appointed in the same way and hold office for six years. The district judges are appointed by the President, with the approval of the Cabinet (hereafter by the governor alone), and hold office for two years.

The chief justice and associate justices are all of American descent and are graduates of Eastern colleges and law schools. The circuit judges comprise two Americans, one Englishman, one Portuguese, and one Hawaiian. The district judges are mostly Hawaiians, but some of them are Americans and English.

There is a clerk of the judiciary department, with deputies, who are also clerks of the circuit courts. There are also stenographers and interpreters. The executive officers of the courts are a marshal of the Republic (hereafter chief sheriff of the Territory), sheriffs of the several circuits, deputy sheriffs of the several districts, and policemen.

The procedure in the various courts is much like that in the United States. The same is true of the laws administered by the courts. The statute law is largely copied from statutes (State or Federal) in the United States, and in the absence of statute law in a given case the common law is followed. American and English cases are cited, as in the United States. The supreme court law library contains over 5,000 volumes of well-selected law books.

There are also special courts for the trial of cases relating to private ways and water rights. These are presided over by "commissioners of private ways and water rights." These courts are of about the grade of district courts, but their jurisdiction is chiefly in the nature of equity jurisdiction. A general appeal lies from these commissioners to the supreme court.

There are two classes of lawyers, namely, those admitted to practice in all the courts and those admitted to practice in the lower courts only. The former are mostly Americans, but include a number of Hawaiians; the latter are mostly Hawaiians.

To this report it may be added that the foundation of the legal system of the islands is the common law of England, and that the penal laws and practice is codified, and there are no penal offenses except those enumerated in the code. The civil law in its practice and procedure is partially codified.

In view of the foregoing report it must be considered wise and safe to provide for the organization of the Territorial courts of the Territory of Hawaii by substantially continuing them as now existing under the Republic of Hawaii, and this has been done in the present bill. The reasons also stated in the report for the separation of Federal and Territorial jurisdiction and the creation of a new judicial district of the United States for the islands and the establishment of a district court sufficiently explain and sustain the provisions for such a court in section 87 of the bill.

The provision in the preceding section 83 for mixed juries is also in accord with the recommendations of the report submitted. The provision in section 83 for a grand jury was for the purpose of providing machinery for the indictment of criminals until the first legislature could perhaps make more permanent provisions, and it was rendered absolutely necessary from the fact that the grand-jury system had not prevailed in Hawaii before that system was rendered necessary by the provisions of this bill extending the Constitution and laws of the United States to the Territory of Hawaii. The same reason—that is, extension of the constitution and laws of the United States to the islands—rendered necessary the further provision of the section providing for unanimous verdicts of juries.

In section 85 the amendment depriving the legislature of Hawaii of power of impeaching the chief justice and justices of the supreme court was made on account of the change in the method of their appointment from the governor of the Territory to the President of

the United States, and it was deemed unwise to give this power to remove from office judges appointed by the President, and the further reason was that the power of removal is given to the President by section 82 of the bill.

In sections 88 and 89 provision is made for the administration of the revenue and tariff laws of the United States, which are the laws governing Hawaii, when the present bill shall become a law. The provision in the joint resolution of annexation provides:

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands, the existing customs relation of the Hawaiian Islands with the United States and other countries shall remain unchanged.

Under this provision the customs laws and regulations have been continued to the present time. Even if it were possible to continue these laws longer, after the creation of the Territory of Hawaii, it would seem to be unwise to do so; and inasmuch as, by the clear construction of the resolution, there is no other alternative provided but the extension of the customs laws and regulations of the United States to the islands, this bill provides the necessary machinery for doing so. The extension of the customs laws and regulations of the United States to the islands will be of great advantage to the United States, in that it increases the protection of goods imported from the United States into Hawaii as against foreign nations, and thus also increases the amount of duties which will be received and which go to the United States.

The effect upon the products of Hawaii imported into the United States is minimized by the reciprocity treaty which existed between Hawaii and the United States admitting free into the United States a large portion of the products of Hawaii. The following table from the Monthly Summary of Commerce and Finance of the United States for November, 1889, shows the amount and value of the different articles exported from the Hawaiian Islands from 1867 to 1896:



## Comparative view of commerce of Hawaiian Islands from 1867, giving totals for each year.

Year.	Sugar.	Mo-lasses.	Rice.	Paddy.	Coffee.	Hides.	Tallow.	Goat-skins.	Wool.	Pulu.	Fungus.	Pine-apples.	Salt.	Guano.	Bananas.	Total value of all domestic exports.
	<i>Pounds</i>	<i>Gallons.</i>	<i>Pounds.</i>	<i>Pounds.</i>	<i>Pounds.</i>	<i>Pieces.</i>	<i>Pounds.</i>	<i>Number</i>	<i>Pounds.</i>	<i>Pounds.</i>	<i>Pounds.</i>	<i>Pieces.</i>	<i>Tons.</i>	<i>Tons.</i>	<i>Bunches.</i>	<i>Dollars.</i>
1867 .....	17,127,187	544,994	441,750	572,099	127,546	11,207	760,936	51,889	409,471	203,958	167,666	107	107		2,913	1,205,622.02
1868 .....	18,312,926	492,839	40,450	862,954	78,373	11,144	109,504	57,670	258,914	342,882	76,781	540	540		3,966	1,340,469.26
1869 .....	18,302,110	338,311	48,830	1,586,959	340,841	12,803	85,987	62,736	218,752	622,998	85,215	1,152	1,152		6,936	1,639,091.59
1870 .....	18,783,639	216,662	152,068	535,453	415,111	13,095	90,388	67,463	234,696	233,803	41,968	2,513	2,513		4,007	1,403,025.06
1871 .....	21,760,773	271,291	417,011	867,452	46,926	19,384	185,240	58,900	471,706	292,720	37,475	711	711		3,876	1,656,644.46
1872 .....	16,995,402	192,105	455,121	894,582	39,276	27,066	493,978	58,598	288,526	421,227	32,161	522	522		4,520	1,345,585.38
1873 .....	23,129,101	146,459	941,438	507,945	262,025	20,677	609,855	66,702	329,507	412,823	57,538	445	445		6,492	1,661,407.78
1874 .....	24,566,611	90,060	1,187,986	439,157	75,496	22,620	125,596	71,955	399,926	418,320	50,955	7804	7804		6,494	1,555,355.37
1875 .....	25,080,182	93,722	1,573,739	556,495	165,977	22,777	851,920	60,598	565,469	379,003	46,098	96	96		10,518	1,774,082.91
1876 .....	26,072,429	139,073	2,259,324	1,542,603	153,667	11,105	327,291	45,265	405,542	314,432	35,893	5	5		14,982	1,994,833.55
1877 .....	25,575,965	151,462	2,691,370	2,571,987	101,345	22,164	369,829	51,551	385,703	150,586	11,629	322	322		15,995	2,363,866.66
1878 .....	38,431,458	93,136	2,767,768	2,784,861	127,963	25,309	239,941	64,525	522,757	212,740	22,864	1804	1804		13,431	3,333,979.49
1879 .....	49,020,972	87,475	4,792,813	38,815	74,275	24,885		24,940	464,308	137,001	2,571	50	50		12,369	3,665,503.76
1880 .....	63,584,871	198,355	6,469,840		99,508	22,945	19,169	31,013	381,316	44,846	14,801	144	144		19,164	4,889,194.40
1881 .....	93,789,483	263,587	7,682,700	102,370	18,912	21,972	118,081	21,308	528,489	53,415	4,282				20,776	6,789,076.38
1882 .....	114,177,938	221,293	12,169,475	459,633	8,131	26,007	77,898	23,402	528,913		2,111				28,848	8,165,931.34
1883 .....	114,107,155	193,997	11,619,000	1,368,705	16,057	38,955	32,252	24,798	318,271		3,783				44,902	8,086,227.11
1884 .....	142,654,923	110,530	9,493,000	46,224	4,231	21,026	2,864	20,125	407,623	465	2,247				58,040	8,067,648.82
1885 .....	171,350,814	57,941	7,367,253		1,675	19,045		19,782	474,121		1,137				60,046	8,958,663.88
1886 .....	216,223,615	113,137	7,338,615		5,931	31,207	21,305	21,173	418,784						45,862	10,540,375.17
1887 .....	212,763,647	71,222	13,684,200	400	5,300	28,639	56,713	16,233	75,911						58,996	9,435,204.00
1888 .....	235,888,346	47,965	12,878,600		7,130	24,494	204,743	17,589	562,289						71,235	11,631,434.88
1889 .....	242,165,835	54,612	9,669,896		43,673	27,158	97,125	11,715	241,925						105,630	13,810,070.54
1890 .....	259,798,462	74,926	10,579,000		88,593	28,196	33,876	3,661	374,724						97,204	13,023,304.16
1891 .....	274,983,580	55,845	4,900,450		3,051	26,427	27,225	7,316	97,119						116,660	10,107,315.67
1892 .....	263,656,715	47,988	11,516,328		13,568	21,622	792	3,449	288,969						105,375	8,081,538.00
1893 .....	330,822,879	67,282	7,821,004		49,311	19,826	13,250	5,911	391,592						108,239	10,742,638.50
1894 .....	306,684,993	72,979	7,803,972		180,150	21,603		6,759	261,337						123,004	9,591,309.87
1895 .....	294,784,819	44,970	3,768,762		118,755	19,180		6,466	227,987						105,055	8,474,138.15
1896 .....	443,569,282	15,885	5,025,491		255,655	25,079		12,647	462,819						126,413	15,436,087.23

Under the reciprocity treaty the following are the articles which were admitted into the United States free: Arrowroot, castor oil, bananas, nuts; vegetables, dried and undried, preserved and unpreserved; hides and skins, undressed; muscovado, brown, and all other refined sugar, meaning hereby the grains of sugar heretofore commonly imported from the islands and now known in the markets of San Francisco and Portland as "Sandwich Islands sugar;" sirups of cane, melado and molasses; tallow.

The following, statement taken from the Monthly Summary of Commerce and Finance for November, 1899, clearly presents the advantages to the United States of the extension of our customs laws over the Hawaiian Islands:

At present Hawaii has to import almost everything she uses, having been heretofore entirely taken up with the raising of sugar the entire crop of which goes to the United States. The United States in 1896 took 99.64 per cent of her exports and sold her 76.27 of all imports. The desire is that everything should come from the United States; and it is believed by a great number that should the islands be annexed, over 95 per cent of all the imports would be the growth, product, or manufacture of the United States. The reason more goods are not bought from us is because the tariff only averages 10 per cent, which is not discrimination enough on some articles.

If the American tariff were in force here, about \$500,000 worth of imports which are now by law free, and which are bought in countries other than the United States, would be bought from us. Fertilizers and coal alone, which are free, amounted to \$466,319.19 in 1896.

In section 95 the amendment striking out the appropriation of \$5,000 for the investigation of fisheries of Hawaii was made for the reason that it seemed that there was already sufficient machinery in the office of the Commissioner of Fish and Fisheries of the United States to make this investigation without additional appropriation. The general purpose of this section and of the following sections, 96 and 97, is to put the fisheries of the Hawaiian Islands upon the same basis as those of the United States.

In section 98 the amendment providing for striking out the provision that the United States should share in the cost of the maintenance of the leper settlement of the island of Molokai, was made at the earnest request of the representatives of the Hawaiian government. For more than thirty years the Hawaiian government has been dealing with the question of leprosy and attempting to eradicate the disease. A thorough system of segregation was adopted and a place selected on the island of Molokai where a settlement was established. The efforts have been so far successful; with the exception of the patients who are now at the settlement, the disease has almost entirely disappeared. At this settlement there are still about 1,000 patients, who, together with three or four hundred assistants and helpers, form a unique and remarkable community. It is deemed by those who are conversant with the facts that it would be a great misfortune to have the settlement disturbed.

An attempt has been made heretofore to obtain the consent of the Hawaiian government to receive certain lepers from the pesthouse in San Francisco. There also was a like attempt made by the authorities in Samoa. It is fair to assume that if the United States should bear the expense, or a portion of the expense, of maintaining these settlements it might lead to the sending of lepers from other parts of the country to Molokai. Those in charge of that settlement hope very much that such course will never be pursued, as the bringing in of lepers from other countries would become a disturbing element in their com-

munity. The annual expense of maintaining the leper settlement is about \$110,000. After the customs receipts pass to the United States the revenues of Hawaii will be much reduced and the expense of maintaining the leper settlement will be a greater burden than heretofore, but they would rather meet it than that anything should occur to disturb the conditions at the settlement.

The amendment added to section 98, providing that the president of the board of health may be a salaried officer, was inserted at the request of the Hawaiian representatives, for this reason: Under the Hawaiian statutes the five members of the board of health serve without compensation, but in view of the recent pestilence of bubonic plague, and the work and responsibility which it has entailed, a request has been made that the president might be made a salaried office.

#### HAWAIIAN REGISTERS OF SHIPS.

The provisions of section 99, granting American registry to vessels carrying Hawaiian register, whether permanent or temporary, on August 12, 1898, together with certain particularly enumerated vessels, were made to meet the cases of certain vessels bought in good faith and with intention of Hawaiian registry, but which were unable to complete the same provisions of August 12. They are very few in number, and in addition to those particularly mentioned there are five others which receive the benefit of the provisions of this section.

The provision of section 102, providing a method in which the Chinese now in Hawaii may obtain certificates of residence, is obviously to bring the Chinese in Hawaii under the laws of the United States. The purpose of this section and the general purpose of the bill, wherever possible to make said purpose effective, are that the annexation of the Hawaiian Islands may benefit and not injure American labor.

The annexation of the Hawaiian Islands will, in the future, be of great advantage to the United States commercially, as it already has been.

The exports of the United States to the Hawaiian Islands for eleven months, ending with November, were in 1897, \$4,845,920; in 1898, \$5,891,755; in 1899, \$10,206,157. The imports for the same periods from the Hawaiian Islands into the United States were in 1897, \$15,104,242; in 1898, \$16,455,171; in 1899, \$21,672,062.

Whether it be true as a general proposition that trade follows the flag, certainly in relation to Hawaii it may be truthfully said that trade has followed the flag.

W. S. KNOX  
(for the committee).

## APPENDIX A.

### MEMORANDA OF HAWAIIAN LAWS TO BE REPEALED.

#### CIVIL LAWS.

1. "Sections 2 and 3, Promulgation of laws." These sections provide for the disposition and promulgation by the minister of the interior of all laws passed by the Hawaiian legislature and the furnishing of copies of such laws to the executive, ministers, judges, and district attorneys. These provisions will not be required in the future, as the bill places these duties upon the secretary of the Territory.

2. "Chapter 5, Flag and seal." This chapter relates to the flag and seal of the Republic of Hawaii, the provisions of which are no longer required.

3. "Sections 30 to 33, Tenders for supplies." These sections contain provisions heretofore enforced governing the conduct of the minister of the interior relative to supplies to be obtained for the use of the Hawaiian government. It has been deemed unnecessary to continue these provisions.

4. "Chapter 7, Minister of foreign affairs." The office of the minister of foreign affairs having been abolished, there is no further need for these provisions.

5. "Chapter 8, Diplomatic and consular agents." Hawaii having no further diplomatic relations with other countries, these provisions become unnecessary.

6. "Sections 134 and 135, National museum," which, however, has never been carried out and the provisions are no longer necessary.

7. "Chapter 12, Education of Hawaiian youths abroad." This chapter provided for the sending abroad of a certain number of Hawaiian youths to be educated. There is no longer need for such provisions.

8. "Sections 150 to 156, Aid to board of education." These sections provide for the obtaining of funds for educational purposes, which now are no longer necessary.

9. "Chapter 14, Minister of the interior." This chapter provides for the department of the interior, which defined certain duties of the minister of the interior, which, under the provisions of the bill, are abolished.

10. "Sections 166, 168, 174, and 175, Government lands." The provisions of these sections relate to the care by the minister of the interior of certain public lands, which are now become unnecessary.

11. "Section 190, Board of commissioners of public lands." By the terms of the bill the provisions of this section are unnecessary.

12. "Section 424, Bureau of agriculture and forestry." This section provides that the minister of the interior and four other persons, to be appointed by him, shall constitute a bureau of agriculture and forestry. This section is repealed.

13. "Chapter 31, Agriculture and manufacture." This chapter provides that the minister of the interior shall perform certain duties in regard to the promotion of agriculture and manufacture, which is repealed.

14. "Chapter 32, Ramie," also "Chapter 33, Taro flower." These two chapters provide for the expenditure of funds for the encouragement of these two industries, which provisions are repealed.

15. "Chapter 34, Development of resources." This chapter provides for a commission to examine into and report upon the agricultural resources of the country, and is repealed.

16. "Chapter 35, Agriculture." This chapter provides for the erection of factories for the encouragement of agriculture and preparation of certain fruits, which is repealed.

17. "Section 477, Brands." This section provides for certain notices to be given between the 1st of September, 1892, and July 1, 1893, and is no longer operative.

18. "Chapter 37, Patents." The provisions of this chapter relate to the granting of patents for inventions which have heretofore come under the general United States laws.

19. "Chapter 38, Copyrights." The same note applies which was made in regard to the patent law.

20. "Sections 556 and 557, Railroad subsidy." These sections provide that the minister of the interior may grant to railroad corporations a subsidy of not more than \$2,500 per mile for railroads constructed under certain conditions. These provisions are repealed.

21. "Chapter 47, Pacific cable." The provisions of this chapter were intended to encourage the laying of ocean telegraphic cables connecting Hawaii with countries bordering on the Pacific Ocean. These provisions are no longer necessary or available.

22. "Chapter 48, Hospitals." This statute was enacted in 1859, but its provisions have not been exercised and the statute is no longer needed.

23. "Chapter 51, Accounts and currency." There is no longer any need for the provisions of this chapter.

24. "Chapter 54, Consolidation of public debt." Under the new conditions the provisions of this chapter are no longer required.

25. "Chapter 56, Post-office." Under the provisions of the bill the postal system of the islands will come under the control of the Federal Government, and the provisions of this chapter will no longer be operative.

26. "Chapter 57, Exemption from postage." These provisions are no longer required for the same reason as set forth relative to the post-office.

27. "Chapter 58, Postal savings bank." It being the intention to abolish the postal-savings bank system established in Hawaii, the provisions of this chapter will no longer be required.

28. "Chapter 65, Import duties;" "Chapter 66, Imports;" "Chapter 67, Ports of entry and collection districts;" "Chapter 68, Collections;" "Chapter 69, Registry of vessels;" "Section 1011, Custom-house charges." The provisions of all of these chapters and sections will become unnecessary when the United States customs laws are extended to Hawaii.

29. "Section 1102, Elections." This section relates to the eligibility of certain persons to a seat in the house of representatives of the republic of Hawaii, and is repealed.

30. "Section 1132, Appointment of magistrate." The appointment of magistrates having been otherwise provided for by the bill, the provisions of this section become unnecessary.

31. "Last section of first subdivision, the fifth subdivision of section 1144, first subdivision of section 1145, Jurisdiction." These provisions relate to admiralty and maritime jurisdiction, which, upon the enactment of the bill, will come in the jurisdiction of the Federal courts.

32. "Sections 1173 to 1178, Translation of decisions." These sections provide for the translation into Hawaiian language of the decisions of the supreme court, and are repealed.

33. "Section 1188, Clerks of court." This section provides for the appointment of the deputy clerks of the supreme court, which are deemed to be unnecessary in view of the other statutes providing for the appointment of clerks to the judiciary department.

34. "Sections 1329, 1331, 1332 to 1347 to 1354, Juries." These sections relate to the drawing of two kinds of juries, namely, natives and foreigners, a system which has heretofore prevailed, but under the provisions of the bill will no longer be continued.

35. "Sections 1509 to 1514, Maritime matters." These provisions relate to matters which will hereafter come under the jurisdiction of the Federal courts.

36. "Chapter 102, Naturalization." The provisions of this chapter relate to the naturalization of aliens when the Hawaiian Islands were an independent state, but are now without force.

37. "Section 1678, Habeas corpus." This section gives to the president of the republic of Hawaii the power to suspend the privilege to the writ of habeas corpus, which is inconsistent with the provisions of the proposed bill.

38. "Chapter 108, Arrest of debtors." This chapter provides for the arrest of debtors under certain circumstances, when a debtor has fraudulently contracted a debt and is about to depart from the jurisdiction of the court. These provisions, it is recommended, should be repealed.

39. "Subdivisions 6, 7, 10, 12, and 14 of section 1736, Garnishment." The provisions of these paragraphs relate to departments of the government which are abolished by the provisions of the proposed bill, relating to the collection of debts from officers or employees of certain departments which are abolished.

40. "Sections 1755 to 1758, Liens on vessels." These sections provide for the enforcement of such liens by libels in admiralty before the supreme court of Hawaii. Such proceedings will hereafter come under the jurisdiction of the Federal courts.

41. "Chapter 116, Bankruptcy." This chapter is repealed, upon the understand-



ing that such matters will hereafter come under the general United States bankruptcy statutes.

42. "Sections 1828 to 1832, Water rights." The provisions of these sections relate to certain water rights in the district of Lahaina, island of Maui, and are no longer required.

#### PENAL LAWS.

1. "Chapter 6, Treason." The provisions of this chapter relate to the crime of treason against the Republic of Hawaii, and will no longer be required.

2. "Sections 65 to 67, Foot binding." The object of these sections was to prevent the practice followed by Chinese of binding the feet of young girls so as to compress them and make them smaller. The commissioners have recommended that these provisions be rescinded.

3. "Chapter 17, Violation of postal laws." As under the provisions of the bill the postal laws of Hawaii will come under the general postal laws of the United States, there is no further need for the Hawaiian statutes upon the subject.

4. "Section 314, Blasphemy." This section provides a penalty for those who blaspheme or curse. The commission recommend that this statute be repealed.

5. "Sections 371 to 373, Vagrants." Section 370 of the penal laws provides for the punishment of vagrants and disorderly persons, and sections 371 and 372 provide for the expulsion from Hawaii of disorderly persons or vagrants under certain circumstances. This power if it should be exercised can only be exercised by the Federal Government.

6. "Sections 411 to 413, Manufacture of liquors." The provisions of these sections relate to matters which, under the provisions of the bill, will come under the general revenue statutes of the United States in such cases.

7. "Chapter 43, Offenses on the high seas and other waters." The offenses enumerated in this chapter relate to matters which will come under the jurisdiction of the Federal courts.

8. "Sections 595 and 602 to 605, Jurisdiction." Section 595 relates to the powers of the several circuit courts of the Hawaiian Islands to issue warrants for the arrests of persons in any part of the Hawaiian Islands with charge for crime or misdemeanor anywhere in the islands. The object of this law was to facilitate the arrest of criminals attempting to escape from one island to another or to depart for foreign countries. The district magistrates have jurisdiction only in their respective districts, and for some time the statute in question has been in force giving authority to the circuit judges to issue warrants in such cases. The commissioners recommend that this section be repealed.

Sections 602 to 605 provide for the removal to the supreme court of indictments pending before any circuit court. In view of other statutes governing in such cases these sections become unnecessary.

9. "Section 623, Procedure." This section provides for the prosecution of any person who shall steal any part of a ship in distress. The Federal courts will hereafter have jurisdiction in such cases.

10. "Section 700 and 701, Imports." The provisions of these sections relate to the powers of the collector-general of customs, all of which will hereafter come under the authority of the Federal collector of the port.

11. "Section 745, Commercial travelers." This statute provides an annual license of \$500 on the island of Oahu and \$250 on each of the other islands to be paid by commercial travelers representing foreign houses, who solicit or order or sell goods, wares, or merchandise by sample. This statute the commissioners recommend be repealed.

12. "Sections 748 to 755, Firearms." These sections provide that no one in the Hawaiian Islands shall be possessed, carry, or use any firearm without obtaining a license so to do, and providing certain penalties for any infringement of the law. This provision the commissioners think best to recommend should be repealed.

13. "Sections 796 to 809, Coasting trade." These statutes relate to vessels engaged in the coasting trade between the various islands, all of which matters will be governed by the Federal statutes.

14. "Sections 811 and 812, Peddling foreign goods." These statutes prohibit the peddling of goods, wares, or merchandise, or foreign products of manufacture, and provides a penalty for the violation of the same. These provisions the commissioners recommend be repealed.

15. "Sections 813 to 815, Importation of live stock." These sections provide that no one can engage in dealing in live stock, such as horses, mules, jacks, cattle, sheep, and hogs, which shall be brought into the islands from abroad, without paying an annual license fee of \$250. This statute the commissioners recommend be repealed.

16. "Section 819 Imports." This statute provides that the collector-general of cus-

toms may authorize the withdrawal from the custom-house of kerosene oil of less than 115° F. test, but not less than 100° test, to be used for fuel and mechanical purposes. All withdrawals of merchandise from custom-house will hereafter come under the direction of the Federal port collector.

17. "Sections 886 to 906, Quarantine." The provisions of these sections relate to the power of the board of health to establish quarantine to be performed by vessels arriving at the Hawaiian ports and for infectious diseases which may arise upon vessels. This will become unnecessary as the whole matter of quarantine will be under the control of the Federal officers.

18. "Section 1137, Consuls and consular agents." This provision forbids the delivery by any foreign consul of the registry of their papers of any vessel until the master of the vessel shall have procured clearance from the collector of the port. Hereafter all such matters will come under the Federal statutes.

19. "Chapter 67, Whale ships." The provisions of this chapter relate to the entry of whale ships at Hawaiian ports and the duty of the masters of such ships to make certain reports at the custom-house and pay certain charges will no longer be required as all such matters will come under the Federal statutes.

20. "Sections 1145, 1179, 1204 to 1209, Arrival, entry, and departure of vessels." All of these provisions relate to matters which will come under the control of the Federal collector of the port and the provisions of the Federal statutes; which statement also applies to "chapters 69 to 76, Navigation" and other matters within the exclusive jurisdiction of the United States; "sections 1347, 1348, Fraudulent exportation."

21. "Chapter 78, Masters and servants." The provisions of this chapter relate to the labor contract system heretofore enforced in the islands and which can no longer be maintained.

22. "Chapter 93, Immigration." The provisions of this chapter relate to the admission of emigrants from foreign countries and the powers and duties of the board of immigration, all of which will hereafter come under the United States statutes relating to such matters.

23. "Sections 1601 to 1607 to 1612, Agriculture and forestry." The provisions of these sections relate to the power of the minister of the interior to appoint certain commissioners of agriculture, giving said minister the power to remove the commissioners from office, and authorizing such minister to secure leases of lands from the commissioner of crown lands. As the bill provides for the appointment of the commissioner of public lands and the office of the minister of the interior is abolished, these sections are no longer necessary.

24. "Chapter 96, Seditious offense, and chapter 99, Sailing regulations." The matters to which these two chapters relate will hereafter come under the Federal statutes.

#### SESSION LAWS.

1. "Act 15, Elections." The provisions of this act relate to the senatorial districts and the number of senators to be elected, both of which matters are provided for in the bill.

2. "Acts 26 and 27, Exemption from duties." This act provides that alcohol, spiritous liquors, and wines required for the use of the Queen's Hospital in Honolulu may be withdrawn from custom-house free of duty. All withdrawals from the custom-house will hereafter be under Federal control.

3. "Act 32, Registry of vessels." This act contains more specific provisions in regard to the registration of ships than heretofore obtained in Hawaii, but all of such matters will hereafter come under the Federal statutes.

4. "Section 4 of act 38, Importation of live stock." This section provides a penalty for the importation of live stock from abroad by any but licensed dealers; it having been recommended that the original act be repealed, that would necessitate the repealing of this section, which provides a penalty for the violation of that act.

5. "Act 48, Pacific cable." This act relates to the granting of a right or privilege to construct, land, maintain, and operate telegraphic cables between the Hawaiian Islands and Japan.

6. "Act 65, Consolidation of public debt." This act is an amendment to act 68 of the laws of 1896, providing for a consolidation of the public debt of Hawaii, which, under the provisions of the resolution of annexation, becomes unnecessary.

7. "Act 66, Ports of entry, and act 68, Chinese immigration." The matters to which these acts relate will come under the Federal statutes, and are no longer required.

## APPENDIX B.

### RULES AND REGULATIONS FOR ADMINISTERING OATHS AND HOLDING ELECTIONS.

Matter in brackets to be stricken out; new matter in italics.

[In pursuance of and under and by virtue of the power and authority conferred upon the President, with the approval of the Cabinet, by Article 79 of the Constitution, to make rules and regulations not inconsistent with the Constitution for administering oaths and holding elections provided for by the Constitution and of all other authority me hereunto enabling, I, Sanford B. Dole, President of the Republic of Hawaii, with the approval of the Cabinet, do hereby make and proclaim the following rules and regulations for administering oaths and holding elections provided for by the Constitution, viz:]

#### [DEFINITIONS.]

[SECTION 1. Wherever in these rules and regulations the following words or phrases occur, they shall be held to refer to and have the meaning herein set forth, provided the context shall not prohibit such meaning: "Minister" shall refer to and mean the Minister of the Department of the Interior for the time being of the Republic.]

["Constitution" shall refer to and mean the Constitution of the Republic of Hawaii, promulgated July 4th, 1894, together with any amendments thereto.]

["Inspector," or "Inspectors," or "Board of Inspectors" shall refer to and mean the Inspector or Inspectors of Election provided for herein.]

["Candidate" or "Candidates" shall mean any person or persons who has or who have been nominated in manner herein provided for election to a seat in the Legislature.]

["Court" shall mean any court or tribunal authorized by these rules and regulations to try any matter arising thereunder.]

["Board," or "Boards," or "Board of Registration" shall refer to and mean the board or boards of registration of voters provided for by these rules and regulations.]

["Election" shall refer to and mean any election for senators or representatives herein provided for.]

["Register" shall refer to and mean the register of voters herein provided for.]

["District" shall mean any election district as herein prescribed.]

[The word "herein" as used in these rules and regulations, shall refer to and mean the same as whole, and shall not be construed to mean solely the section in which it is used, unless the context clearly requires such interpretation.]

#### [QUALIFICATIONS AND OATH OF OFFICERS, ELECTORS, AND LEGISLATORS.]

[(Constitution, article 101.)]

[SEC. 2. No person shall be eligible to be an officer, senator, or representative under the Republic, or an elector of senators or representatives, until he shall have taken and subscribed the following oath or affirmation, viz:]

["I do solemnly swear (or affirm), in the presence of Almighty God, that I will support the constitution, laws, and Government of the Republic of Hawaii, and will not, either directly or indirectly, encourage or assist in the restoration or establishment of a monarchical form of government in the Hawaiian Islands."]

[SEC. 3. No person shall sit as a senator or representative in the legislature unless elected under and by conformity with the constitution and these rules and regulations.]

**[SUPREME COURT JUDGE OF ELECTIONS AND QUALIFICATIONS OF MEMBERS.]****[(Constitution, Article 40.)]**

**[SECTION 4.** In case any election to a seat in either house is disputed and legally contested, the supreme court shall be the sole judge of whether or not a legal election for such seat has been held, and if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.**]**

**[BURDEN OF PROOF OF ELIGIBILITY.]****[(Constitution, article 41.)]**

**[SECTION 5.** In case the eligibility of any person to be a senator or representative, or an elector of senators or representatives, is questioned by any legal voter, before any court or tribunal having authority to consider such matter, the burden of proof shall rest upon the person whose eligibility is so questioned to establish his eligibility.**]**

**[The unsupported statement or oath of the person whose eligibility is so questioned shall not be deemed sufficient to shift the burden of proof, but he shall show by other evidence, to the satisfaction of the court or tribunal, that he is eligible.]**

**[DISQUALIFICATION OF LEGISLATORS.]****[(Constitution, article 42.)]**

**[SECTION 6.** No member of the legislature shall, during the term for which he is elected, be appointed or elected to any office of the government, except that of president, cabinet minister, justice of the supreme court, or member of the council of state.**]**

**[DISQUALIFICATIONS OF GOVERNMENT OFFICERS AND EMPLOYEES.]****[(Constitution, article 44.)]**

**[SECTION 8.** No idiot or insane person, and no person who shall be expelled from the Legislature for giving or receiving bribes, or being accessory thereto; and no person who, in due course of law, shall have been convicted of larceny, bribery, gross cheat, or of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding two years, whether with or without fine, shall register to vote or shall vote or hold any office in or under or by authority of the Government, unless the person so convicted shall have been pardoned and restored to his civil rights.**]**

**[OF REPRESENTATIVES.]****[NUMBER OF REPRESENTATIVES.]****[(Constitution, article 57.)]**

**[SECTION 9.** The House of Representatives shall be composed of fifteen members, elected, except as herein provided, every second year.**]**

**[TERM OF OFFICE.]**

**[SECTION 10.** The term of office of the Representatives elected at the first election shall extend to the last Wednesday in September, 1897, and the term of those thereafter elected at general or special elections shall be until the next general election held thereafter.**]**

**[ELECTION DISTRICTS FOR REPRESENTATIVES.]**

**[SECTION 11.** For the purpose of representation in the House of Representatives, the Republic is divided into the following Representative districts, viz.**]**

**[First district:** That portion of the island of Hawaii known as Puna, Hilo, and Hamakua.**]**

**[Second district:** That portion of the island of Hawaii known as Kau, Kona, and Kohala.**]**

**[Third district:** The islands of Maui, Molokai, Lanai, and Kahoolawe.**]**

【Fourth district: That portion of the island of Oahu lying east and south of Nuuanu street, and a line drawn in extension thereof from the Nuuanu Pali to Mokapu Point.】

【Fifth district: That portion of the land of Oahu lying west and north of the Fourth district.】

【Sixth district: The islands of Kauai and Niihau.】

#### 【APPORTIONMENT OF REPRESENTATIVES.】

【SECTION 12. The electors in the said districts shall be entitled to elect representatives as follows:】

【In the First district, two;】

【In the Second district, two;】

【In the Third district, three;】

【In the Fourth district, three;】

【In the Fifth district, three;】

【In the Sixth district, two.】

#### 【QUALIFICATIONS OF REPRESENTATIVES.】

【(Constitution, article 58.)】

【SECTION 13. In order to be eligible to be a member of the house of representatives a person shall, at the time of election:】

【Have attained the age of twenty-five years;】

【Be a male citizen of the Republic;】

【Be able, understandingly, to read, write, and speak the English or Hawaiian language;】

【Have resided in this country not less than three years;】

【And shall either own property in the Republic worth not less than one thousand dollars over and above all incumbrances, or have received a money income of not less than six hundred dollars during the twelve months immediately preceding the date of election, for the proof of which he may be required to produce original accounts of the receipt of such income.】

#### 【OF SENATORS.】

##### 【NUMBER OF SENATORS.】

【Constitution, article 54.】

【SECTION 14. The senate shall be composed of fifteen members.】

##### 【TERM OF OFFICE.】

【SECTION 15. The senators to be elected at the first election held under these rules and regulations shall hold office until the general election held in the year 1899.】

【Senators shall be elected at the general election to be held on the last Wednesday of September, 1899, in three classes, to hold office for two, four, and six years, respectively, and thereafter in terms of six years.】

##### 【SENATORIAL DISTRICTS.】

【(Constitution, article 55.)】

【SECTION 16. For the purpose of representation in the senate the Republic is divided into the following senatorial districts, viz:】

【First district. The island of Hawaii.】

【Second district. The islands of Maui, Molokai, Lanai, and Kahoolawe.】

【Third district. The island of Oahu.】

【Fourth district. The islands of Kauai and Niihau.】

#### 【APPORTIONMENT OF SENATORS.】

【SECTION 17. The electors in the said districts shall be entitled to elect senators as follows:】

【In the First district, four;】

【In the Second district, three;】

【In the Third district, six;】

【In the Fourth district, two.】



## 【QUALIFICATIONS OF SENATORS.】

【(Constitution, article 56.)】

【SECTION 18. In order to be eligible to election as a senator a person shall:】

【Be a male citizen of the Republic;】

【Have attained the age of thirty years;】

【Be able understandingly to speak, read, and write the English or the Hawaiian language;】

【Have resided in the Hawaiian Islands not less than three years.】

【Be the owner, in his own right, of property in the Republic of the value of not less than three thousand dollars over and above all incumbrances; or have been in the receipt of a money income of not less than twelve hundred dollars during the year immediately preceding the date of the election, for the proof of which he may be required to produce original accounts of the receipt of such income.】

## 【OF ELECTORS.】

## 【EXEMPTION OF ELECTORS ON ELECTION DAY.】

【(Constitution, article 72.)】

【SECTION 19. Every elector shall be privileged from arrest on election day during his attendance at election, and in going to and returning therefrom, except in case of breach of the peace then committed, or in case of treason or felony.】

【SECTION 20. No elector shall be so obliged to perform military duty on the day of election, as to prevent his voting, except in time of war, or public danger, or in case of absence from his place of residence in actual military service, in which case provision may be made by law for taking his vote.】

【SECTION 21. No elector shall be prevented by any employer from attending the polls during the hours set apart for election, by reason of any labor contract or otherwise.】

## 【QUALIFICATIONS OF VOTERS FOR REPRESENTATIVES.】

【(Constitution, article 74.)】

【SECTION 22. In order to be eligible to vote for representatives, a person shall:】

【1. Be a male citizen of the Republic; and, if naturalized prior to January 17, 1893, be a native of a country having, or having had, treaty relations with Hawaii; or,】

【Having received letters of denization entitling him to all the privileges of Hawaiian citizenship; or,】

【Have received from the minister of interior the certificate of service provided for by article 17 of the constitution;】

【2. Have resided in the representative district in which he offers to register not less than one month immediately preceding the time at which he offers to register;】

【3. Have attained the age of twenty years;】

【4. Have taken and subscribed the oath set forth in section two of this act.】

【5. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district;】

【6. Prior to such registration have paid, on or before the first day of January next preceding the date of registration, all taxes due by him to the government.】

【Provided, however, that for the registration for the first election held under the provisions hereof, taxes may be paid at any time prior to the application for registration.】

【7. Be able, understandingly, to speak, read, and write the English or Hawaiian language.】

【In order to comply with this requirement he shall be able to write and read with ordinary fluency any section or sections of the constitution.】

【Provided, however, that the requirement that he shall be able, understandingly, to speak, read, and write the English or Hawaiian language shall not apply to those persons who shall obtain the certificate of service provided for in article 17 of the constitution.】

## 【METHOD OF VOTING FOR REPRESENTATIVES.】

【(Constitution, article 73.)】

【SECTION 23. Each voter for representatives may cast as many votes as there are representatives to be elected from the representative district in which he is entitled

to vote. He may cast them all for one representative, or may apportion them among the several representatives in such manner as he sees fit; provided, however, that any fractional division of a vote other than one-half shall be void.】

【The required number of candidates receiving the highest number of votes in the respective representative districts shall be the representatives for such districts.】

#### 【QUALIFICATIONS OF VOTERS FOR SENATORS.】

【(Constitution, article 76.)】

【SECTION 24. In order to be eligible to vote for senators a person shall possess all the qualifications and be subject to all the conditions herein required of voters for representatives, and in addition thereto he shall own and be possessed in his own right of real property in the republic of the value of not less than fifteen hundred dollars over and above encumbrances, and upon which legal taxes shall have been paid on that valuation for the year next preceding the one in which such person offers to register, or personal property in the republic of the value of not less than three thousand dollars over and above all encumbrances, or shall have actually received a money income of not less than six hundred dollars during the year next preceding the first day of April next preceding the date of each registration, for the proof of which he may be required to produce original accounts of the receipt of such income.】

#### 【METHOD OF VOTING FOR SENATORS.】

【(Constitution, article 75.)】

【SECTION 25. Each voter for senators may cast one vote only for each senator to be elected from the senatorial district in which he is entitled to vote.】

【The required number of candidates receiving the highest number of votes in the respective senatorial districts shall be the senators for such district.】

#### 【REGISTRATION OF VOTERS.】

【(Constitution, article 77.)】

【SECTION 26. No person shall vote for the election of representatives or senators unless he is qualified, as herein required, and unless his name is entered by a board of registration upon the register of voters, as herein provided.】

#### PRECINCTS—HOW LOCATED AND CHANGED.

SECTION 27. Whenever the convenience of electors may so require, the 【minister of interior】 *governor* shall set apart two or more precincts in each district; and each precinct so established shall have its separate polling place; provided, that no change shall hereafter be made as to the boundaries of any precinct within sixty days of election.

#### PLACE OF REGISTERING AND VOTING.

SECTION 28. Every person qualified to register may do so in the precinct in which he resides; and no person shall register or vote in any other precinct 【in】 *than* that in which he resides.

If any person resides in more than one precinct he may elect which precinct he will register in, but he shall register in one precinct only.

*Provided, however,* That at any special election, any person who has previously registered, and since registering has moved his residence to another precinct without having had an opportunity to register therein, may vote in the precinct in which he was last registered.

#### REGISTRATION BOARDS—HOW CONSTITUTED, APPOINTED, AND REMOVED.

(Constitution, article 77, section 2.)

SECTION 29. For the purpose of examining applicants for registration as voters and determining their eligibility, there shall be five boards of registration, one for that portion of the island of Hawaii known as Puna, Hilo, and Hamakua; one for that portion of the island of Hawaii known as Kau, Kona, and Kohala; one for the islands of Maui, Molokai, Lanai, and Kahoolawe; one for the island of Oahu, and one for the

islands of Kauai and Niihau. [Such boards shall consist of three members each, who shall be appointed by the President, with the approval of the Senate. (The President, subject to such approval, may fill all vacancies in any of such boards. Provided, however, that for the first election held hereunder the President, with the approval of the Cabinet, shall have the power to appoint and remove the members of such boards, and with like approval may fill any vacancies in such boards which shall occur before the first meeting of the Senate. Appointments made by the President during a vacation of the Senate shall be valid until the succeeding of that body.)]

[Members of any such board may be removed by the President, with the approval of the Senate.)]

*"The boards of registration existing at the date of the approval of this act shall go out of office, and new boards, which shall consist of three members each, shall be appointed by the governor, by and with the advice and consent of the Senate, whose terms of office shall be four years. Appointments made by the governor when the Senate is not in session shall be valid until the succeeding meeting of that body."*

#### TIME OF MEETING.

[Constitution, article 77, section 3.]

[SECTION 30. The boards of registration shall meet for the purpose of registering persons entitled to be registered to vote for Senators and Representatives at such points within their respective districts for such time as will give all persons entitled to register a reasonable opportunity to do so.]

[Provided, however, that the final sitting of such boards shall not be less than twenty-one days prior to the first election held hereunder.]

(Constitution, article 77, section 4.)

SECTION 31. The boards shall meet within their respective districts at such times between [the first day of April and the thirtieth day of June in the year 1897] *the last day of August and the tenth day of October in the year 1900*, and between such days in each second year thereafter, as many times as may be necessary to enable them to register all persons entitled to register.

#### REGISTER AT SPECIAL ELECTIONS.

(Constitution, article 77, section 5.)

SECTION 32. At any intermediate special election the register of voters used at the last preceding general election shall be used without change.

#### REGISTRATION UPON PERSONAL APPLICATION ONLY.

(Constitution, article 77, section 6.)

SECTION 33. No name shall be placed upon the register of voters for either senators or representatives except upon the personal appearance of the applicant before the board of registration at an advertised public meeting of the board.

#### EXAMINATION OF APPLICANTS.

(Constitution, article 77, section 7.)

SECTION 34. Each applicant to be placed upon the register of voters for either senators or representatives shall, upon each application for registration, be examined under oath by the board of registration as to each one of the required qualifications.

*Provided, however,* that after an applicant shall once have passed an examination concerning his ability understandingly to speak, read, and write the English or Hawaiian language, it shall be at the discretion of the board to examine him further or not concerning such qualification.

SECTION 35. The examination of the applicant and of all witnesses examined before any board of registration shall be under oath, administered by any of the members of such board, who are hereby authorized to administer oaths for such purpose.

SECTION 36. The examination, number of witnesses, and time or times of examination shall be under the reasonable control and discretion of the board.

## POWERS OF BOARD.

(Constitution, article 77, section 8.)

SECTION 37. Each board of registration is hereby given all of the powers and authority for the summoning and examination of witnesses and the maintenance of order, including the power to punish for contempt, by law given to circuit courts.

## PERJURY.

(Constitution, article 77, section 9.)

SECTION 38. Any person who shall, under oath, knowingly make any false statement before any such board; or who, knowing that he is not entitled to register or to vote, shall so register or vote, shall be guilty of the offense of perjury.

## 【SUMMARY COMMITMENT FOR PERJURY.】

【Constitution, article 77, section 10.】

【SECTION 39. The several boards are hereby given power to summarily commit any person for trial for perjury committed before any such board if, in their opinion, there is probable cause to believe that upon the trial such person would be convicted of such offense.】

## CHALLENGING.

(Constitution, article 77, section 11.)

SECTION 40. Any lawful voter may challenge the right to register of any person claiming to be eligible to register as a voter; cross-examine the applicant, and any witnesses produced by him, and may produce and examine witnesses against such eligibility.

## BURDEN OF PROOF.

(Constitution, article 76, section 12. See also section 5 hereof.)

SECTION 41. No board of registration shall enter the name of any person upon the register of voters for either senators or representatives until satisfied that such person possesses the requisite qualifications.

## APPEAL FROM BOARD.

(Constitution, article 77, section 13.)

SECTION 42. If any board shall refuse to register the name of any person applying to be registered, the person refused, and, in case any name has been registered, any legal voter may, at any time within ten days after the decision of such board, appeal to the supreme court in the manner provided by law for civil appeals to the supreme court from the circuit court, or in such manner as may hereafter be provided by law.

(Constitution, article 77, section 14.)

SECTION 43. Upon such appeal being perfected, the supreme court shall proceed to hear such cause, either in term time or in vacation, as soon thereafter as reasonably may be; and the determination by such court of such question shall be final.

## NOTICE TO BOARD OF DECISION.

(Constitution, article 77, section 15.)

SECTION 44. Immediately upon rendering a decision upon any such appeal, the supreme court shall notify the board of registration from which such appeal was taken; and if such decision shall reverse the decision of the board, such board shall immediately cause the register to be corrected to conform with such decision.

## STATUS OF PERSON REGISTERED PENDING APPEAL.

(Constitution, article 77, section 16.)

SECTION 45. In case of an appeal from a decision of any board admitting the name of any person to registration, the name of such person shall remain upon the register pending the decision of the supreme court concerning the same.

If the person so registered shall vote at any election before a decision of the court shall have been made and acted upon, such vote shall not invalidate such election, even though the decision of the court shall be adverse to the registration of such name.

## NOTICE OF MEETING.

(Constitution, article 77, section 17.)

SECTION 46. The time and place of all meetings of the several boards shall be advertised in the English and Hawaiian languages in newspapers or by notices posted in at least three frequented places in the locality where such meetings are to be held.

This section shall not be construed to prohibit the adjournment of any such advertised meeting from day to day to a time certain, announced at the time of adjournment.

## TIME OF REGISTERING.

(Constitution, article 77, section 18.)

SECTION 47. No name shall be registered or stricken from the register except in an open meeting of the board and upon public announcement, except for the following causes, viz:

(1) In case the supreme court shall render a decision upon appeal reversing the decision of the board.

(2) In case the board has decided that a person is entitled to registration and his name has been accidentally omitted from the register, misspelled, or he has therein been misnamed.

## REGISTER OF VOTERS [—DETAILED RECORD OF VOTERS].

SECTION 48. The register of voters shall consist of a list of the names of the persons who have registered as voters in any election district, arranged alphabetically by precincts.

[The board shall, in addition to such register of voters, copies of which are to be sent to the inspectors and posted, as provided in section 49 hereof, prepare in tabulated form, one copy in which there shall be placed opposite the name of each voter a detailed record setting forth the age, place of birth, occupation, place of residence, date of registration, whether a citizen, denizen, or holder of a certificate, and any other material information concerning such voter, tending to identify him or bearing upon his eligibility as a voter.]

[A copy of so much of such detailed record as relates to the precinct of which they are inspectors shall be furnished by the board to each board of inspectors prior to each general election.]

## COPIES OF REGISTER TO BE SENT TO INSPECTORS OF ELECTION.

(Constitution, article 77, section 19.)

SECTION 49. The respective boards shall, as soon as reasonably may be after the register of voters for any voting precinct is completed, prepare four copies thereof and forward them to the chairman of inspectors of election for such precinct; or, in case such officer shall not then have been appointed, to the deputy sheriff of the district in which such precinct is located.

The officer receiving such copies shall retain one for use at the election and immediately post the other copies in three public and frequented places within the precinct for the inspection of the public.



## INSPECTORS NOT TO CHANGE REGISTERS.

(Constitution, Article 77, section 20.)

SECTION 50. No name shall be added to or stricken from the register of voters, or in any manner changed by the inspectors of election, except upon the written order of the board of registration for such district.

¶The copy of the register sent by the board of registration to the several boards of inspectors in the respective voting precincts prior to each general election as herein provided, with such corrections thereof as may be made by order of the board of registration, shall be the official voting list for such precinct at such election, and any special election which may be held before the next general election, and shall be the only authority for permitting anyone to vote at any such election.¶

## CORRECTION OF REGISTER.

(Constitution, Article 77, section 21.)

SECTION 51. If it shall be manifest to any board, at any time, that the name of a person admitted to registration has been accidentally omitted from the register, or misspelled, or that he has been misnamed therein, such board shall immediately remedy such omission or mistake; and, if a copy of the register has been sent to the election precinct in which such person is entitled to vote, shall immediately, in writing, order the inspectors of election for such precinct to correct such copy of the register.

Such order shall set forth the reasons for the action directed to be taken, and shall be retained and filed by the inspectors of election as a part of the records of the election.

The power of revision and correction hereby conferred shall not be construed to allow the reopening of the question of the qualifications of any person registered by the board.

## RECORDS OF BOARD.

SECTION 52. In addition to the register of voters [and the retailed record] herein provided to be kept, the several boards shall each keep books of record in which full and detailed minutes shall be preserved of all their proceedings.

Such minutes shall be kept from day to day, and shall contain:

- (1) The date and place of the meeting.
- (2) The names of the members of the board present.
- (3) The name of each person applying for registration; whether such name was registered or rejected and, if rejected, the reason therefor.
- (4) The name of each person to whom an oath is administered, and, if an examination is held, the names of the witnesses and the substance of answers of the applicant and of the witnesses.
- (5) The name of any person challenging the right of any applicant to register, *the grounds of challenge*, the name of the person challenged, and the decision rendered thereon.
- (6) All other matters of detail which are likely to have a bearing upon any question concerning the action of the board or of any person appearing before it.

## RECORDS OPEN TO INSPECTION.

SECTION 53. The register of voters and all records appertaining to the registry of voters, or to any election, in the possession of the board of registration, the inspectors of election, [the marshal] *the high sheriff* or any sheriff, or the [minister] *secretary of the Territory* shall, [except as provided in section 114 hereof,] at all reasonable times be open to the inspection of any voter.

[MINISTER OF INTERIOR] *THE SECRETARY OF THE TERRITORY* TO FURNISH BLANKS.

SECTION 54. The [minister of interior] *secretary of the territory* shall furnish suitable books and blanks for the records, registration, elections, certificates, and returns herein provided for, which shall be of uniform character.

## ASSESSORS TO FURNISH LISTS OF TAXES PAID.

SECTION 55. Each tax assessor shall, not later than the [15th day of March] *first day of registration* in each and every year in which a general election is to be held,

furnish to the board a correct alphabetical list, arranged by precincts, of all males of twenty *one* years old and upwards residing within the respective precincts within their respective taxation divisions who have paid their *poll tax* [es prior to January 1st of such year] *of one dollar for the current year.*

Provided, however, that the assessor shall not place upon such list the name of any person whom he knows to be unable to qualify for registering.

Such list shall be *prima facie* evidence of who has and who has not paid his taxes as aforesaid in such precinct, but other evidence shall be admissible to disprove such presumption.

#### OF CANDIDATES.

##### NOMINATION BY ELECTION.

SECTION 56. No person shall be permitted to stand as a candidate for election *to the legislature* unless he shall be nominated and so requested in writing, signed by not less than twenty-five duly qualified electors of the district in which an election is ordered, and in which he is requested to be a candidate. Such nomination shall, except as hereinafter provided, be deposited with the [minister of the interior] *secretary of the territory* not less than thirty days before the day of a general election, or twenty days prior to a special election, except on the island of Oahu, where such nomination shall be deposited not less than ten days before the day of any election.

Each nomination shall be accompanied by a deposit of twenty-five dollars on account of the expenses attending the election, which amount shall be paid into the treasury as a government realization.

Upon receipt at the [interior office] *office of the secretary of the Territory* of a nomination of a candidate, the day, hour, and minute when it was received shall be endorsed thereon:

*Provided, however,* That in case of the withdrawal or death of a candidate a new nomination or nominations to replace the name of the person who has died or withdrawn may be made, irrespective of such limit of time, with the inspectors of election of the district in which such death or withdrawal has taken place, and the fee herein required deposited with them.

In such case a voter [only], while voting, may write the name of any such new candidate upon the ballot and vote for it as herein provided.

##### WITHDRAWAL OF CANDIDATE—ERASURE OF NAME FROM BALLOT.

SECTION 57. Any candidate may withdraw before an election by giving notice to the [minister] *secretary of the Territory* in writing.

If a candidate shall withdraw after the printing of the ballots, such candidate shall also notify, in writing, the inspectors of election of the precincts in which he was a candidate; and the inspectors shall post, before the opening of the polls on election day, a notice of such withdrawal, or of the death of any candidate, and also the name or names of any new candidates at the polling place.

##### CANDIDATES' ASSISTANTS AT THE POLLS.

SECTION 58. Every candidate shall, on the day preceding the election, furnish the inspectors at each precinct with a complete list of the names of all persons allowed by law to be employed and so employed by him to assist at such precinct in the election, and no person whose name is not on such list shall be permitted to attend at the polling place on behalf of such candidate.

Nothing herein contained shall be construed to forbid the gratuitous assistance of any candidate by any person.

##### STATEMENT OF ELECTION EXPENSES.

SECTION 59. Within twenty days following any election, each candidate, and each agent or committee acting for or on behalf of any candidate, shall file with the [minister] *secretary of the territory* an itemized statement of his or their expenses by, for, or on behalf of such candidate for election, showing each amount expended, the purpose or object for which each expenditure was made, and the person or persons to whom made; which statement shall be sworn to by each person making such expenditures, and shall be open to public inspection.

## STATEMENT WHEN NO EXPENSES ARE INCURRED.

SECTION 60. If a candidate or any agent or committee acting on his behalf has or have incurred no expenses on account of such election, he and they shall file within twenty days after the election, with the [minister] *secretary of the territory*, a sworn statement setting forth such fact.

## EXPENSES LEGALLY INCURRABLE.

SECTION 61. The following expenses, and no other, may be legally incurred by or for a candidate for election as senator or representative, viz:

1. His personal expenses as a candidate.
2. Expenses of printing and advertising.
3. Cost of stationery and postage.
4. Expenses of public meetings.
5. Rent and supplies of committee rooms not to exceed one for each polling place.
6. Salaries of not more than one clerk and two messengers for each polling place.
7. Salaries of not more than one watcher, on election day only, at each polling place.

## [OF ELECTIONS.]

[SECTION 62. The elections herein provided for are for the purpose of choosing, by ballot, the elective members of the legislature.]

[The methods of election shall be such as are herein set forth, and no other.]

## SPECIAL ELECTIONS.

[(Constitution, article 80).]

[SECTION 63. A special election shall be held hereunder on the twenty-ninth day of October, eighteen ninety-four.]

[Special elections other than the first one herein specifically provided for are such as are held to fill vacancies in the elective membership of the legislature. Such vacancies shall be filled for the unexpired term only.]

SECTION 64. Whenever any vacancy in the elective membership of the legislature shall occur, the [minister of interior] *governor* shall cause a special election to be held to fill the same.

Any special election shall conform in all respects, except as otherwise herein provided, to the regular biennial elections held under the provisions hereof.

## SPECIAL ELECTION BY REASON OF TIE VOTE.

SECTION 65. In case of the failure of an election by reason of the equality of vote between two or more candidates, a return in accordance with the facts shall be made by the [marshal] *high sheriff* or sheriff, as the case may be, to the [minister of the interior] *governor*, who shall immediately order a special election to fill such vacancy.

In case of such special election, the nominations of candidates already filed shall be sufficient.

Nominations for new candidates may also be made in accordance with the provisions hereof.

## GENERAL ELECTION.

[(Constitution, article 39).]

[SECTION 66. The first general election hereunder shall be held on the last Wednesday of September, 1897, and general elections shall be held on the last Wednesday in September every two years thereafter.]

[If from any cause a general election shall not be held at the appointed time, the minister of the interior shall without unnecessary delay appoint another time for the holding of such election; and the election so held upon such appointment shall be deemed to be a general election.]

## ELECTION PROCLAMATIONS—TIME OF ISSUING.

SECTION 67. At least [sixty] *forty* days before [a general] *any* election, [and at least forty days before a special election,] the [minister of the interior] *governor* shall issue an election proclamation and transmit copies of the same to the several boards of inspectors throughout the [Republic] *Territory* or where such election is to be held.

## CONTENTS OF PROCLAMATION.

SECTION 68. Such proclamation shall contain a statement of the time and places where, and the purposes for which, the election is to be held. It may also contain any other relevant matter deemed proper by the [minister] *governor*, including an offer of rewards for the detection and conviction of offenders against the election laws.

## PUBLICATION OF PROCLAMATION.

SECTION 69. Such proclamation shall be published in Honolulu in the Hawaiian and English languages in one or more newspapers, and copies of so much of such election proclamation as relates to the respective districts shall be posted in not less than three public and frequented places in each precinct where such election is to be held.

## OF INSPECTORS OF ELECTION.

## NUMBER—HOW APPOINTED AND VACANCIES FILLED.

SECTION 70. There shall be three inspectors of election for each precinct.

They shall be appointed by the [minister of the interior] *governor* as far as reasonably practicable from the opposing parties.

In case of inability, failure, or refusal of any person so appointed to act as such inspector the [minister] *governor* shall, so far as reasonably practicable, appoint a person to fill such vacancy from the same party that such person so failing to act belonged to.

*Provided, however,* That if it is impossible to communicate with the [minister of the interior] *governor* in time for him to make such appointment before the election is held, the remaining inspector or inspectors shall appoint a person or persons to fill such vacancy.

## DUTIES OF INSPECTORS.

SECTION 71. It shall be the duty of the several boards of inspectors:

1. To post, as soon as received, written or printed copies of the register of voters received from the board of registration, in at least three public and frequented places in their several precincts.

2. In similar manner to post all election proclamations at least seven days before any election, and at the opening of the polls to post the specimen ballots and cards of instruction as herein required.

3. To correct the copy of the register of voters when and in the manner ordered by the board of registration;

4. To prepare the polling places in manner herein required; preside at each election and have full charge of the same and preserve order at the polls.

5. To record the name of each person polling a vote, and also to check off upon the register of voters furnished by the board of registration the name of each voter polling a vote.

6. To ascertain and publicly announce the result of the election.

7. To transmit the result of the election to the sheriff of the island, except in the island of Oahu, where the result shall be transmitted to the [marshal] *high sheriff*.

8. To preserve and to transmit to the [minister] *secretary of the territory* all ballots polled, canceled, or unused, together with all electoral lists and records concerning the election, and copies of the statements of the result of the election.

9. To keep a complete record of all transactions and proceedings of the board of inspectors.

10. In case of the withdrawal or death of any candidate whose name has been printed on the ballots, or nomination of new candidates, to post a notice of such facts at the polls.

11. To care for the ballot boxes and other property pertaining to elections, and generally to do and perform all other acts, matters, and things by law required of them or which are necessary or properly incidental to the execution of their duties.

## CHAIRMAN OF INSPECTORS.

SECTION 72. Unless otherwise directed by the [minister] *governor*, the inspector first named in the respective lists of boards of inspectors shall be the chairman, and shall preside at all meetings of inspectors.

A decision of the majority of the members of the board of inspectors shall be the decision of such board.

## ABSENCE OF CHAIRMAN.

SECTION 73. In all cases under the provisions hereof where duties are to be performed by the chairman of the inspectors, such duties may be performed by some other one of the inspectors whenever the chairman is temporarily absent or is otherwise for the time being unable to perform such duties.

## CORRECTION OF VOTING LIST.

SECTION 74. No change shall be made in the copy of the register of voters furnished to the inspector by the board of registration, except by the inspectors, upon and in accordance with the written order of the board of registration for the district.

The name, date, and reason for each change or correction made shall be entered in the inspector's record.

## BALLOT BOXES.

SECTION 75. The [minister] *secretary of the Territory* shall provide two suitable ballot boxes for each polling place. One of such boxes shall be marked in plain letters, "For senators," and the other, "For representatives." They shall bear no other device or mark.

Such boxes shall be made of wood, of a single thickness of boards, not over one inch nor less than three-quarters of an inch in thickness. They shall be [perfectly] smooth inside and out and shall have a hinged lid fastened securely by a good lock or locks. In the center of such lid there shall be an aperture of not more than three inches in length, and not over one-quarter of an inch in width, which may be protected by a lid or raised edge.

## OF POLLING PLACES.

## SALOONS PROHIBITED.

SECTION 76. No polling place shall be on any premises where the sale of intoxicating liquors, beer, or wine is licensed.

## POLLING APARTMENT.

SECTION 77. The inspectors shall prepare at each polling place a suitable compartment or space in which shall be placed, at a point convenient for voters, the two ballot boxes herein provided for.

## ARRANGEMENT OF VOTING COMPARTMENTS.

SECTION 78. The inspector shall cause to be provided within the polling apartment not more than three voting shelves or compartments at or in which voters may conveniently mark their ballots.

Such shelves shall be so arranged that in marking ballots thereon the voters may be screened from the observation of others.

A guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot boxes and of such voting shelves or compartments.

The arrangement shall be such that neither the ballot boxes nor the voting shelves or compartments shall be hidden from the view of those just outside the said guard rail.

No person other than the election officers and voters, in the act of preparing their ballots or voting, shall be admitted within said rail, except by authority of the inspectors for the purpose of keeping order and enforcing the law.

Each voting shelf or compartment shall be kept provided with conveniences for marking the ballots.

## PERSONS ALLOWED WITHIN THE POLLING APARTMENT.

SECTION 79. The inspector shall, previously to opening the polls, set apart a sufficient space around the polling place to prevent interference with the conduct of the election, and no person other than the inspectors, the candidates, or their respective agents, not more than two each, and such voters, not exceeding six at a time, as are for the time being actually engaged in voting, shall be permitted within the space so set apart during the time appointed for voting.



## TIME OF OPENING AND CLOSING POLLS.

SECTION 80. The polls shall be opened by the inspectors at eight of the clock upon the morning of the election day, and shall be kept open continuously until five of the clock in the afternoon of said day, unless all of the registered voters of the precinct shall have polled their votes previous to that time, after which the polls shall be closed and the votes counted as hereinafter provided.

## PROCEDURE UPON OPENING POLLS.

SECTION 81. At the opening of the polls for election the chairman of the inspectors shall, in presence of any bystanders, publicly open the ballot boxes and expose them to all persons present, that it may be seen that they are empty. They shall then be closed and locked, and on no account opened till the poll is closed.

At the opening of the polls the seals of the packages of ballots shall be publicly broken and the packages opened by the chairman.

A card of instruction detailing the method of marking ballots and of voting and a specimen of each ballot shall be immediately posted at or in each voting shelf or compartment herein provided for, and not less than three such cards and three specimens of each ballot shall be immediately posted in conspicuous places outside the polling room.

## UNIFORMS AND ORGANIZATIONS AT POLLS.

SECTION 82. No soldier shall go to the polling place, for any purpose, in uniform; nor shall any military or other organization march or go to the polling place in a body.

## INSPECTORS EMPOWERED TO ADMINISTER OATHS.

SECTION 83. Each inspector of elections is hereby empowered to administer any oath herein provided to be administered by the inspectors of election.

## PERJURY.

SECTION 84. Any person taking any oath herein prescribed or authorized to be administered and willfully making oath to any false statement of fact, or willfully making a false answer to any question put to him thereunder shall be guilty of "perjury" in the second degree.

## BALLOTS.

SECTION 85. All elections shall be held by ballot only.

A ballot is a written or printed, or partly written and partly printed, paper containing the names of persons to be voted for and the office to be filled.

## CONTENTS OF BALLOT.

SECTION 86. A ballot shall contain the name or names of the person or persons to be voted for, the office or offices for and the district in which the election is being held, and the term or terms of the respective offices being voted for.

The name or names of the candidate or candidates shall be printed with the Hawaiian or English equivalent, if such there be, if the candidate shall so request the [minister] *secretary of the Territory* in writing at the time his nomination is filed with the [minister] *secretary of the Territory*.

A ballot shall bear no word, motto, device, sign, or symbol other than allowed herein, and shall be so printed that the type shall not show a trace on the back.

## COLOR OF BALLOTS.

SECTION 87. The ballots for senators shall be of blue paper and the ballots for representatives of white paper.

## BALLOTS FOR SENATORS.

SECTION 88. The ballots used in any senatorial election district for the election of senators shall be of uniform size, weight, shape, thickness, and of the same sizing color.

Except as provided in section 56 hereof, the ballots for each senatorial district shall contain the names of all candidates for senators for such district who have been duly nominated in manner herein provided, and shall contain no other name.

## BALLOTS FOR REPRESENTATIVES.

SECTION 89. The ballots used in any representative election district for the election of representatives shall be of uniform size, weight, shape, thickness, and of the same sizing color.

Except as provided in section 56 hereof, the ballot for each representative election district shall contain the names of all candidates for representatives for such district who have been duly nominated in manner herein provided, and shall contain no other name.

## ARRANGEMENT OF NAMES OF CANDIDATES ON BALLOT.

SECTION 90. The names of the candidates shall be placed upon the ballot in alphabetical order.

A horizontal line shall be ruled between each name and its equivalent, if any, and the next name.

Immediately after all the names, on the right-hand side of the ballot, a vertical line shall be ruled, so that, in conjunction with said horizontal lines, a rectangular space shall be enclosed opposite each name and its equivalent, if any, of sufficient size to give ample room in which to designate the choice of the voter in the manner herein prescribed.

All of the names upon a ballot shall be placed at a uniform distance from the left-hand edge thereof, and close thereto.

## ENVELOPES NOT ALLOWED.

SECTION 91. No ballot enclosed in an envelope or wrapper of any kind shall be received or counted.

## BALLOTS TO BE PRINTED BY THE GOVERNMENT.

SECTION 92. The ballots shall be printed by the [minister] *secretary of the Territory* at Government expense.

There shall be sent to each precinct not less than two ballots for each name upon the register of voters at the last preceding election.

In case the boundaries of any precinct shall have been changed since the last preceding election, the number of ballots sent shall be such as shall be estimated by the [minister] *secretary of the Territory* to be twice the number of voters in such precinct.

## ARRANGEMENT OF BALLOTS.

SECTION 93. When printed the ballots shall be fastened together in blocks of one hundred each, in such manner that each ballot may be detached and removed separately.

They shall be forwarded by the [minister] *secretary of the Territory* to the inspectors in sealed packages, which shall not be opened until the opening of the polls in manner herein provided.

A record of the number of ballots sent to each board of inspectors shall be kept by the [minister] *secretary of the Territory*.

## TIME OF SENDING BALLOTS TO INSPECTORS.

SECTION 94. The ballots, specimen ballots, and cards of instruction herein provided for shall be sent by the [minister] *secretary of the Territory* to the several boards of inspectors so that they shall be received at least two days prior to the election.

## BLANK BALLOTS.

SECTION 95. As soon as practicable after the appointment of the several boards of inspectors, or immediately after a special election is ordered, the [minister] *secretary of the Territory* shall supply the several boards of inspectors with blank ballots of the paper and character and lined as required herein.

The number of such blanks shall be at least twice as many as the number of voters in the several precincts wherein the election is to take place.

In case of any miscarriage or default whereby the printed ballots herein provided for shall not be available at any precinct for use on election day, whether by reason of their not being received by the inspectors or of their destruction or loss, the

inspectors of such precinct shall ascertain, by examination upon oath or otherwise, who the duly nominated candidates for such district are, and shall cause to be prepared upon such blanks, and as near as may be in accordance with the directions herein contained concerning the arrangement of the names, sufficient ballots for the purpose of the election.

In no case other than that named in this section shall such blanks be used; and immediately after each election the inspectors shall return all unused blanks of the [minister] *secretary of the Territory*.

#### METHOD OF FOLDING BALLOT.

SECTION 96. Before delivering a ballot to a voter the inspectors shall fold it twice, first across the middle so as to form a rectangle, and again in the same manner and in the same direction, and in such manner as to conceal the contents thereof.

#### DELIVERY OF BALLOT TO THE VOTER.

SECTION 97. When any duly qualified voter shall offer the vote, the chairman of inspectors shall deliver to such voter a ballot or ballots for representatives or senators, as the case may be, properly folded as hereinafter provided.

#### EXPLANATION TO VOTER.

SECTION 98. The inspectors of election may, and upon request shall, explain to the voter the mode of voting.

#### METHOD OF VOTING.

SECTION 99. Upon receiving the ballot so folded as aforesaid, the voter receiving the same shall forthwith proceed into one of the compartments provided for the purpose, and shall then and therein mark his ballot in the manner herein prescribed.

He shall then refold the ballot or ballots in the same folds as it or they were in when handed to him by the inspectors, and shall, without delay and without showing or in any way displaying the contents of the ballot to anyone, except as provided in section 104 hereof, leave the compartment and deliver such ballot or ballots so folded to the inspector of election in charge of the ballot boxes, who shall not open or unfold the same, but shall examine the ends of the same sufficiently to be satisfied that there is but one ballot enfolded, whereupon the ballot or ballots shall be immediately dropped into the proper box or boxes by such inspector.

#### METHOD OF MARKING BALLOT.

SECTION 100. A voter shall designate his choice for senators *and representatives* by making a cross, thus, X, on the right-hand side of the ballot in the space or spaces provided for such purpose, opposite the name or names of the candidate or candidates for whom he desires to vote.

[A voter shall designate his choice for representatives by making an Arabic numeral or numerals on the right-hand side of the ballot, in the space or spaces provided for such purpose, opposite the name or names of the candidate or candidates for whom he desires to vote, indicating the number of votes which he wishes to cast for such candidate or candidates.]

#### SECRECY OF BALLOT AND INDEPENDENCE OF VOTER.

SECTION 101. No voter shall exhibit his ballot to any other person, nor shall any person look at or ask to see the contents of the ballot of any voter, except as provided in section 103 hereof; nor shall any person within the space set apart for a polling place attempt to influence a voter in regard to whom he shall vote for.

When a voter is in the balloting compartment for the purpose of marking his ballot, no other person shall, except as provided in section 103 hereof, be allowed to enter the compartment or be in position from which he can observe how the voter is marking his ballot.

#### BALLOT NOT TO BE TAKEN FROM POLLING PLACE.

SECTION 102. No person shall take a ballot out of the polling place; and, if any person having received a ballot shall leave the polling place without first delivering the same to the inspector of election as provided herein, or shall wilfully exhibit his

ballot except as provided in section 103, after same shall have been marked, he shall thereby forfeit his right to vote, and the chairman of inspectors shall cause a record to be made of such proceeding.

#### INSPECTORS MAY ASSIST PHYSICALLY DISABLED VOTERS.

SECTION 103. Any voter who, by reason of blindness or other physical disability, is unable to mark his ballot, shall, if he so requests, receive the assistance of one of the inspectors in the marking thereof.

Before rendering such assistance the inspectors shall be satisfied that such physical disability exists.

#### SPOILED BALLOTS.

SECTION 104. If a voter spoils a ballot he may obtain one other, upon returning the spoiled one. The ballot thus returned shall be immediately canceled, and the reasons for such cancellation indorsed thereon and signed by the chairman of inspectors.

#### COUNTING BALLOTS.

SECTION 105. In so far as the limits of the room in which the voting takes place shall reasonably allow, no person shall be prevented from attending the counting of the ballots on election day, unless it is necessary so to do to preserve the peace.

#### METHOD OF COUNTING THE BALLOTS.

SECTION 106. Immediately after the close of the polls the chairman of inspectors shall open the ballot box and proceed to count the votes as follows:

The whole number of ballots shall first be counted to see if their number corresponds with the number of ballots cast as [reported] recorded by the inspectors.

If there are more ballots than such record calls for, the chairman of inspectors shall replace all the ballots in the ballot box, and close, lock, and shake the same, so as to thoroughly mix the ballots.

The box shall then be opened and a cloth laid over it, and the chairman of inspectors, having first held up his open hand with the arm bared to his elbow, shall introduce his hand under the cloth covering the ballot box and draw therefrom, without looking, one ballot at a time until the number of ballots in the ballot box is reduced to correspond with the number of names of voters who have voted, as recorded on the inspector's list.

The ballots so removed shall be marked immediately, before proceeding further with the count, in such manner that they can afterwards be identified and signed by the chairman of inspectors and shall be preserved with the records.

SECTION 107. If the number of ballots correspond with the number of persons recorded by the inspectors as having voted, or shall be less than such number, or shall, by the means provided herein, have been made to correspond therewith, the inspectors shall then proceed to count the vote cast for each candidate.

#### BALLOTS TO BE REJECTED.

SECTION 108. If more names are voted for on a ballot than there are offices to be filled; or,

If on a ballot for representatives a larger number of votes are marked than the law authorizes; or,

If a ballot contains any mark or symbol whereby it may be identified, or any mark or symbol contrary to the provisions hereof; or,

If two or more ballots are found in the ballot box so folded together as to make it clearly evident that more than one ballot was put in by one person; or,

If a ballot in any other way be contrary to the provisions hereof, then such ballot and all it contains must be rejected.

But no ballot shall be rejected for containing a less number of names voted for than the law authorizes.

Each ballot which shall be held to be invalid as aforesaid shall be indorsed on the back by the chairman of inspectors, with his name or initials, and the word "rejected."

#### DECISIONS TO BE DELIVERED IMMEDIATELY.

SECTION 109. All questions as to the validity of any ballot shall be decided immediately, and the opinion of a majority of the inspectors shall be final and binding, subject to revision by the supreme court as herein provided.

## BALLOTS TO BE READ ALOUD.

SECTION 110. In counting the votes the names of the persons voted for shall be read in a loud clear voice by one of the inspectors, and a record thereof shall be made at once by one of the inspectors.

## DECLARATION OF RESULT.

SECTION 111. When the inspectors have ascertained the number of votes given for each candidate, they shall make public declaration of the whole number of votes cast, the names of the persons voted for, and the number of votes for each person.

The chairman of inspectors shall cause a full record to be made of the same in the inspectors' record book. One copy of such result shall be sent to the sheriff or [marshal] *high sheriff*, as provided herein, and one copy forwarded to the [minister] *secretary of the Territory*.

## DISPOSITION OF ELECTION RECORDS.

SECTION 112. At the completion of the count after the close of the polls and the public announcement of the same, the inspectors shall immediately, in the presence of the candidates or of their agents, and of any voters desiring to be present, make up into a packet all of the ballots sent to the inspectors by the [minister] *secretary of the Territory*, including all blank ballots whether used or not, and all printed ballots used, canceled or rejected, together with the register and detailed record of voters received from the board of registration, and the list of voters and all other records appertaining to the election, except the copies of the result of the election herein directed to be sent to the sheriff or [marshal] *high sheriff* and to the [minister] *secretary of the Territory*.

Such packet shall be sealed by the inspectors with their own seal or seals, and the seals of such candidates or agents of candidates as may desire to seal the same.

The inspectors shall thereupon mark such packet on the outside with the name and title of the [minister of the interior] *secretary of the Territory* and a description of the contents thereof, substantially as follows, viz:

"Records of elections for —, 19—, representative district number —, polling precinct number —, island of —," and immediately forward the same to the [minister of the interior] *secretary of the Territory*. Such packet shall not be opened or examined, except in the presence of a judge of the supreme court, and after such examination it shall be resealed in the presence of such judge.

After the next general election the ballots may be destroyed by the [minister] *secretary of the Territory*, and the other election records opened and filed in [the interior department] *his office*.

## TABULATION OF RETURNS AND DELIVERY OF CERTIFICATE.

SECTION 113. Immediately upon receiving the returns of election from the several boards of inspectors of any election district, the [marshal] *high sheriff*, or sheriff, as the case may be, shall immediately tabulate such returns and ascertain the result of the election in such district.

The number of persons to be elected receiving the highest number of votes in any election district shall be declared to be elected, and the [marshal] *high sheriff*, or sheriff, as the case may be, shall immediately deliver to the persons elected certificates of election.

A copy of such tabulated returns and of each certificate of election shall immediately be forwarded by the [marshal] *high sheriff*, or sheriff, as the case may be, to the [minister] *secretary of the Territory*. Such copy of a certificate sent to the [minister] *secretary of the Territory* shall be considered an original.

## FORM OF CERTIFICATE OF ELECTION.

SECTION 114. The certificate of election prescribed in the last section shall be substantially in the following form, viz:

## "CERTIFICATE OF ELECTION.

"I, —, sheriff of — (or [marshal] *high sheriff* of the [Republic] *Territory of Hawaii*, as the case may be), do hereby certify that — was, on the — day of —, 19—, duly elected a (Senator or Representative, as the case may be) for the — election district for a term expiring on the — day of —, A. D. 18—.

"Witness my hand this — day of —, 18—.

"—,  
"Sheriff of —

(or [Marshal] *High Sheriff* of the [Republic] *Territory*.)"



## COMPENSATION OF ELECTION OFFICERS AND EXPENSES OF ELECTION.

SECTION 115. The [minister of interior] *secretary of the Territory* shall pay out of such appropriations as may be made by the legislature for election purposes, to the members of the board of registration, seven dollars a day of not less than six hours, for each day of actual service, which shall include traveling expenses; and to the inspectors of election the sum of ten dollars each for each election held; and shall also pay the necessary expenses of preparing the polls and holding the election, which expenses shall be regulated and limited by the [minister] *secretary of the Territory* and shall not include the cost of refreshments.

This section shall not apply to the board of registration prior to the first election held hereunder.

## REGISTERING DISTRICTS AND PRECINCTS.

For the purpose of the registering of electors [under the provisions of the constitution] the following are declared to be the districts and precincts of the [Republic] *Territory of Hawaii*:

## FIRST DISTRICT.

## PUNA, HILO, AND HAMAKUA, ISLAND OF HAWAII.

First precinct. All the district of Puna excepting Keaau and Olaa. Voting place, Pohoiki court-house.

Second precinct. The lands of Keaau and Olaa, in Puna, and that portion of Hilo extending from the boundary of Puna to the bed of the Honolii Gulch: Voting place, court-house in Hilo.

Third precinct. Extending from the bed of the Honilii Gulch to the bed of the Kawainui Gulch. Voting place, Papaikou schoolhouse.

Fourth precinct. Extending from the bed of Kawainui Gulch to the bed of the Waikaumalo Gulch. Voting place, Honomu schoolhouse.

Fifth precinct. Extending from the bed of the Waikaumalo Gulch to the bed of the Kaula Gulch. Voting place, court-house, Laupahoehoe.

Sixth precinct. Extending from the bed of the Kaula Gulch to the bed of the Kalopa Gulch (Kuliu Gulch). Voting place, Kaohe schoolhouse.

Seventh precinct. Extending from the bed of the Kalopa Gulch to the bed of the Malanahae Gulch. Voting place, Honokaa court-house.

Eighth precinct. Extending from the bed of the Malanahae Gulch to the boundary of Kohala. Voting place, schoolhouse, Kukuihaele.

## SECOND DISTRICT.

## KOHALA, KOJA, AND KAU, ISLAND OF HAWAII.

First precinct. Consisting of North Kohala. Polling place, Kohala court-house.

Second precinct. Consisting of South Kohala. Polling place, Waimea court-house.

Third precinct. South Kohala to the north boundary of Hoolualoa. Voting place, court-house, Kailua.

Fourth precinct. North boundary of Hoolualoa to and including Keei, South Kona. Voting place, schoolhouse, Konawaena.

Fifth precinct. From south boundary of Keei to north boundary of Kau. Voting place, court-house, Hookena.

Sixth precinct. From the boundary between South Kona and Kau to the westerly boundary of Punuluu. Polling place, Weiiohinu court-house.

Seventh precinct. The remainder of the district of Kau. Polling place, Pahala schoolhouse.

## THIRD DISTRICT.

## ISLANDS OF MAUI, MOLOKAI, AND LANAI.

First precinct. That portion of Molokai consisting of Kalawao and Kalaupapa. Polling place, Kalaupapa storehouse.

Second precinct. The remainder of the island of Molokai. Polling place, Pukoo court-house.

Third precinct. The district of Lahaina and the island of Lanai. Polling place, Lahaina court-house.

Fourth precinct. District of Kaanapali. Polling place, Honokahau schoolhouse.

Fifth precinct. Consisting of the portion of Wailuku lying north of the sand hills, including Waihee and the island of Kahoolawe. Polling place, Wailuku court-house.

Sixth precinct. The remaining portion of the district of Wailuku, excepting the district of Honuaula. Polling place, custom-house, Kahului.

Seventh precinct. The district of Honuaula. Polling place, Honuaula court-house.

Eighth precinct. All that portion of said district known as Kula, and that portion of the land of Hamakuapoko lying south and west of the Maliko Valley and mauka of a line drawn along the center of the road running from Kaluanui to the Makawao jail, and a line drawn in extension thereof. Polling place, Makawao court-house.

Ninth precinct. The remainder of the district of Makawao to the gulch of Oopuola. Polling place, Hamakuapoko schoolhouse.

Tenth precinct. Kahikinui, Kaupo, and Kipahulu. Polling place, schoolhouse, Kipahulu.

Eleventh precinct. From Kipahulu to and including Makapu. Polling place, Hana court-house.

Twelfth precinct. District of Koolau to the gulch of Oopuola. Polling place, schoolhouse, Keanae.

#### FOURTH DISTRICT.

ALL THAT PORTION OF THE ISLAND OF OAHU LYING EAST AND SOUTH OF NUUANU STREET, AND A LINE DRAWN IN EXTENSION THEREOF FROM THE NUUANU PALI TO MOKAPU POINT.

First precinct. All that portion of said district comprised in Honolulu or Kona and lying east of Punahou street, and a line drawn in extension thereof, mauka and makai. Polling place, government nursery, junction of King and Waikiki streets.

Second precinct. All that portion of said district comprised in Honolulu or Kona, and lying between the westerly boundary of the First precinct and a line drawn as follows, viz: From the foot of South street along South, King, and Alapai streets, and from the head of Alapai street to the flag pole on the old battery on Punchbowl; thence to and along the ridge on the easterly side of Pauoa Valley to the summit of the mountain. Polling place, Beretania Street Schoolhouse.

Third precinct. All that portion of said district comprised in Honolulu or Kona, and lying between the westerly boundary of the Second precinct and Nuuanu street, and mauka of School street and a line drawn from the junction of School and Punchbowl streets to the flag pole on the old battery on Punchbowl. Polling place, building at entrance to lower reservoir grounds, Nuuanu avenue.

Fourth precinct. All that portion of said district comprised in Honolulu or Kona and bounded by the second and third precincts, Beretania and Nuuanu streets. Polling place, Royal School.

Fifth precinct. All that portion of said district comprised in Honolulu or Kona and bounded by the second precinct, Beretania street, Richards street, and the harbor. Polling place, Kapuaiwa Building.

Sixth precinct. All that portion of said district comprised in Honolulu or Kona and bounded by Richards street, Beretania street, Nuuanu street, and the harbor. Polling place, Bell Tower.

Seventh precinct. All that portion of said district comprising the judicial and taxation district of Koolaupoko and lying east and south of a line drawn from the Nuuanu Pali to Mokapu point. Polling place, ———.

#### FIFTH DISTRICT.

ALL THAT PORTION OF THE ISLAND OF OAHU LYING WEST AND NORTH OF NUUANU STREET AND A LINE DRAWN IN EXTENSION THEREOF FROM THE NUUANU PALI TO MOKAPU POINT.

First precinct. All that portion of the judicial and taxation district of Koolaupoko lying west and north of a line drawn from the Nuuanu Pali to Mokapu Point. Polling place, Kaneohe court-house.

Second precinct. The judicial and taxation district of Koolauloa. Polling place, Koolauloa court-house.

Third precinct. The judicial and taxation district of Waialua. Polling place, Waialua court-house.

Fourth precinct. The judicial and taxation district of Waianae. Polling place, Wainae court-house.

Fifth precinct. All that portion of the judicial and taxation district of Ewa comprised in the islands of Høææ and Honouliuli. Polling place, railroad station, Ewa plantation.

Sixth precinct. All the remaining portion of the judicial and taxation district of Ewa. Polling place, Ewa court-house.

Seventh precinct. All that portion of Honolulu or Kona, lying makai of the King Street road from the Ewa line to the King Street Bridge, and all mauka of the said road from the Ewa line to the main road up Kalihi Valley. Polling place, Reform School premises.

Eighth precinct. All that portion of Honolulu or Kona lying mauka of the King Street road from the main road up Kalihi Valley to Liliha street, and a line drawn from the head thereof, in extension of the line of Judd street, to and along the ridge forming the westerly border of Nuuanu Valley. Polling place, Hawaiian Tramways Companys' building, corner Kamehameha School grounds.

Ninth precinct. All that portion of Honolulu or Kona lying between the Eighth precinct and Nuuanu street, and mauka of a line drawn along School street, the Nuuanu stream and Beretania street. Polling place, Kauluwela schoolhouse.

Tenth precinct. All that portion of Honolulu or Kona bounded by King, Liliha and School streets, the Nuuanu stream, Beretania and Nuuanu streets and the harbor. Polling place, China engine house.

#### SIXTH DISTRICT.

##### ISLANDS OF KAUAI AND NIIHAU.

First precinct. The island of Niihau. Polling place, schoolhouse.

Second precinct. That portion of the district of Waimea extending from the Second precinct to the Puanaaua Point. Polling place, Kekaha schoolhouse.

Third precinct. That portion of the district of Waimea extending from Hanapepe to the boundary line between Waimea and Kekaha plantations and extending along a line in continuation of said boundary to the sea. Polling place, Waimea court-house.

Fourth precinct. From and including Kalaheo, to and including Hanapepe. Polling place, Hanapepe schoolhouse.

Fifth precinct. The district of Koloa from its junction with Lihue, to and including the land of Lawai. Polling place, Koloa court-house.

Sixth precinct. The district of Lihue. Polling place, Lihue court-house.

Seventh precinct. Extending from the land of Papaa to and including the land of Wailua. Polling place, court-house, Kapaa.

Eighth precinct. Extending from Kalihiwai River to and including the land of Papaa. Polling place, Government schoolhouse, Kilauea.

Ninth precinct. Extending from Kalihiwai River to the north boundary of the district of Waimea. Polling place, Waioli court-house.

# APPENDIX C.

Statement showing name, area, locality, etc., of public lands.

## ISLAND OF HAWAII.

District.	Name.	Area.	Estimated value.	Remarks.
Kona .....		<i>Acres.</i>		
	Puuwaawaa .....	40,000	\$25,000	Good grazing.
	Haleohiu .....	500	750	Remnant.
	Waiaha, 2 .....	260	250	Coffee land.
	Puaa .....	860	1,000	Rocky.
	Onouli .....	360	500	Dense forest.
	Honomalino .....	6,000	13,750	Coffee and grazing.
	Kealakehe .....	3,460	2,500	Rocky grazing.
	Honuaula .....	5,400	5,000	Mountain grazing.
	Honalo .....	920	2,000	Coffee and wood.
	Keopuka .....	40	250	Coffee land.
	Waiea .....	1,300	3,000	Forest.
	Kalamakowali .....		500	Homesteads.
	Kaukalua-Alae .....	1,300	2,000	Forest.
	Kaohe .....	850	1,200	Coffee and forest.
	Kukuioape .....	3,600	3,500	Forest.
	Olelomoana .....	3,400	3,000	Rocky grazing.
	Opihihali .....			
	Olelomoana .....		500	Homesteads.
	Kipahoeohoe .....	7,500	5,000	Rocky grazing.
	Alifa .....			
	Hoopuloa .....	1,300	2,500	Forest.
	Okoe .....	1,000	1,000	Barren lava.
	Kaulanamauna .....	3,400	2,000	Dry grazing.
	Puuanahulu .....	83,000	10,000	Grazing.
	Kukio .....	3,500	500	Do.
	Akahipu .....		2,000	Homesteads.
	Kaulana .....			
	Awalua-Ohiki .....	4,135	900	Rocky grazing.
	Ooma .....	1,200	3,500	Coffee and wood.
	Oma tika .....	1,300	3,000	Do.
	Kealakehe lots .....		600	Homesteads.
	Total .....	174,585	96,700	
Kohala .....	Pololu .....	1,300	10,000	Deep valley.
	Kaauhuhu .....	1,300	22,250	Cane and grazing.
	Kawaihae .....	13,000	25,000	Dry grazing.
	Waimea .....	40,600	66,000	Do.
	Kahai .....	560	12,000	Cane and grazing.
	Hualua .....	275	5,000	Do.
	Opihipau .....	450	5,000	Do.
	Hukiaa .....	380	4,000	Do.
	Puuepa .....	399	1,200	Good grazing.
	Awalua .....	224	2,000	Do.
	Kapaa-Puukole .....	1,500	3,500	Rocky grazing.
	Pili lands .....	9,341	6,000	Dry grazing.
	Various remnants .....	2,200	7,100	Grazing.
	Total .....	71,529	169,050	
Kau .....	Kapapala .....	172,780	100,000	Grazing.
	Waiohinu .....	15,210	35,000	Cane and grazing.
	Manuka .....	22,800	10,000	Dry grazing.
	Kea-Mohoae .....	1,200	15,000	Do.
	Kamaoa-Pueo .....	12,500		
	Pumakaa-Kiolokaa .....	7,765	7,000	Grazing and wood.
	Kawala .....	2,800	20,000	Cane land.
	Kaunamana .....			
	Hionaa .....	1,362	3,000	Grazing.
	Kaala-iki .....	11,600	15,000	Do.
	Mohokea .....	2,760	10,000	Cane and grazing.
	Ninole .....		4,000	Homesteads.
	Wallau .....	6,500	7,000	Wood land.
	Makaka-Moaula .....	11,900	25,000	Cane and wood.
	Kaauhuhuula .....	2,700	5,000	Grazing and wood.
	Kaalaala .....	16,900	25,000	Cane, wood, etc.
	Total .....	288,777	281,000	

Statement showing name, area, locality, etc., of public lands—Continued.

## ISLAND OF HAWAII—Continued.

District.	Name.	Area.	Estimated value.	Remarks.
Puna .....	Olaa .....	<i>Acres.</i> 54,000	\$121,750	Coffee land.
	Apua .....	9,420	8,000	Dry grazing.
	Kehena .....	800	2,000	Do.
	Waiakolea .....	5,310	10,000	Do.
	Kaimu .....			
	Various government remnants.	26,000	22,000	
	Total .....	95,530	163,750	
Hamakua .....	Kaapahu .....	100	\$5,000	Cane land.
	Kaiwiki-Kaala .....	2,200	15,000	Cane and wood.
	Hoea-Kaao .....	2,500	15,000	Do.
	Paauiilo .....		15,000	Homesteads.
	Kaohē-Papalele .....	2,500	15,000	Coffee and wood.
	Kaohē, 2 .....	14,500	20,000	Mountain grazing.
	Kaohē, 3, 4, and 5 .....	200,150	35,000	Do.
	Hauola .....	200	8,000	Cane land.
	Kaīnehe .....		500	Homesteads.
	Kekualele .....	15	700	Cane land.
	Kemau .....	11	300	
	Kaapahu .....		2,500	Homesteads.
	Kaunamano .....		1,200	Do.
	Kaao-Paalae .....	1,015	30,000	Cane land.
	Nienie .....	8,000	18,000	Grazing.
	Ahualoa, 1 and 2 .....		3,000	Homesteads.
	Lauka .....	133	5,500	Cane land.
	Au .....	163	4,200	Do.
	Kaauhuhu .....		750	Homesteads.
	Kapulena .....	1,000	3,000	Grazing.
	Hanapai .....	78	2,500	Cane land.
	Kamoku .....	2,600	5,000	Good grazing.
	Laupahoehoe-Awini .....	13,000	20,000	Mountain land.
	Honokaia .....	5,180	47,750	Cane, grazing, etc.
	Kalopa .....	6,600	66,500	Do.
	Waipio lands .....	5,000	5,000	Rice, grazing, etc.
	Waimanu .....	5,000	7,500	Taro and rice.
	Total .....	269,945	351,900	
Hilo .....	Waiakea .....	95,000	262,500	Cane and coffee.
	Ponahawai remnant .....		1,000	Homesteads.
	Piibonua .....	57,200	75,000	Cane, coffee, etc.
	Humuula .....	101,500	80,000	Cane forest.
	Hakalau-iki .....	570	25,000	Cane land.
	Manowaiopae .....	180	5,000	Do.
	Kaumana remnant .....		1,500	Rough lava.
	Kaiwiki lots .....		4,500	Homesteads.
	Kaapoko .....	130	9,000	Cane land.
	Kaieie .....	635	8,000	Cane and forest.
	Kawainui .....	500	9,000	Do.
	Kulaimano .....	347	19,000	Cane land.
	Kaupakuea .....	210	5,000	Cane and wood.
	Kaakepa .....	194	5,000	Cane land.
	Honoumū .....	3,000	35,000	Cane and coffee.
	Kaiwiki-Wailea .....	4,500	45,000	Cane, coffee, etc.
	Kamaee .....	2,230	25,000	Do.
	Lepoloa-Kauniho .....	400	15,000	Cane land.
	Opea-Peleau .....	1,100	10,000	Cane and forest.
	Piha .....	4,250	15,000	Cane, coffee, etc.
	Waikaumalo-Wailua .....	4,000	21,000	Do.
	Maulua .....	3,000	61,500	Cane land.
	Papaaloa .....	10,000	15,000	Coffee and forest.
	Kuaia .....		5,000	Homestead, forest.
	Ookala .....	1,360	35,000	Cane and wood.
	Manowaialee .....	1,200	3,000	Woodland.
	Total .....	291,506	795,000	



*Statement showing name, area, locality, etc., of public lands—Continued.*

## ISLAND OF MAUI.

District.	Name.	Area.	Estimated value.	Remarks.
Lahaina .....	Wahikuli .....	<i>Acres.</i> 2,800	\$10,000	Cane and grazing.
	Various remnants .....	.....	5,000	Mostly cane land.
	Olowalu .....	6,025	20,000	Cane and mountain land.
	Ukumehame .....	11,000	15,000	Grazing and mountain land.
	Puuike .....	660	2,000	Grazing.
	Total .....	20,485	52,000	
Kula .....	Keokea-Waiohuli .....	16,000	60,000	Corn and grazing.
	Kealahou .....	120	2,600	Grazing.
	Kamaole .....	4,360	6,000	Rocky grazing.
	Waiakoa .....	4,500	8,000	Grazing.
	Alae-Keahua .....	2,800	10,000	Do.
	Omaopio .....			
	Total .....	27,780	86,500	
Hana .....	Waiohonu .....	395	6,000	Cane land.
	Wailua .....	100	3,500	Do.
	Makapuu .....	700	700	Rocky grazing.
	Honomaale .....	1,000	1,000	Do.
	Wakiu .....	1,000	1,500	Do.
	Kawaiipapa .....	400	500	Do.
	Kakio .....	1,100	1,100	Grazing.
	Papahawahawa .....	300	300	Do.
	Hana forest tract .....	14,000	13,100	Mountain land.
	Total .....	18,995	27,700	
Koolau .....	Pahoehoe .....	1,500	1,500	Mountain forest.
	Koolau forest .....	15,500	38,500	Water rights.
	Wailua 1 and 2 .....	3,000	8,000	Rice, coffee, etc.
	Keanae .....	11,000	12,000	Coffee and forest.
	Honomanu .....	2,200	15,000	Water rights.
	Total .....	33,200	75,000	
Hamakua .....	Makawao .....	5,000	15,000	Grazing and wood.
	Hamakualoa .....	9,000	20,000	Forest, etc.
	Hamakualoa water right .....	.....	50,000	
	Hamakualoa remnants .....	250	1,500	
	Total .....	14,250	86,500	
Wailuku .....	Kou .....	610	15,000	Cane land.
	Kapoho .....	30	3,000	Do.
	Polipoli .....	70	7,000	Do.
	Total .....	710	25,000	
Kaanapali .....	Kahakuloa .....	10,500	10,000	Dry grazing.
	Napili .....	300	1,000	Do.
	Honokawai .....	4,000	12,000	Do.
	Total .....	14,800	23,000	
Honuaula .....	Kanaio .....	7,600	6,000	Rocky grazing.
	Papaka .....	300	400	Do.
	Kualapa .....	400	500	Do.
	Kanahena .....	1,000	600	Do.
	Onau .....	600	1,200	Do.
	Papaanui .....	4,600	1,300	Do.
	Total .....	14,500	10,000	
Kahikinui .....	Kahikinui .....	25,000	25,000	Good grazing.
Kaupo .....	Kaniaula-Alaakua .....	1,500	1,000	Rocky grazing.
	Naholoku .....	800	500	Barren grazing.
	Nakula tract .....	1,500	1,500	Grazing.
	Nakula Mountain tract .....	4,200	2,000	Do.
	Total .....	8,000	5,000	
Kipahulu .....	Paupauluna, etc. ....	150	1,300	Cane and grazing.
	Kipahulu forest .....	1,000	1,000	Forest.
	Total .....	1,150	2,300	

Statement showing name, area, locality, etc., of public lands—Continued.

## ISLAND OF LANAI AND KAHOO LAWE.

District.	Name.	Area.	Estimated value.	Remarks.
Lanai.....	Mahana .....	<i>Acres.</i> 7,900	\$8,000	Grazing.
	Kalulu .....	6,000	5,000	Do.
	Kaunolu .....	7,400	7,500	Do.
	Kealia-Paauili.....	6,300	6,000	Do.
	Kamao .....	2,700	2,500	Do.
	Kamoku .....	8,300	8,000	Do.
	Paomai .....	9,000	12,000	Do.
	Total .....	47,600	50,000	
Kahoolawe .....		30,000	20,000	Do.

## ISLAND OF MOLOKAI.

Molokai .....	Hoolehua .....	3,700	\$4,000	Grazing.
	Punalau .....	80	100	Fish ponds.
	Kamiloloa .....	1,300	1,100	Grazing.
	Makakupaia .....	1,200	900	Do.
	Makolelau remnant .....	1,200	1,000	Do.
	Kahananui .....	280	500	Do.
	Sundry remnant.....	5,000	5,000	Grazing and mountain.
	Ualapue .....	700	2,500	Do.
	Kalamaula .....	6,700	10,000	Do.
	Palaaui .....	11,300	30,000	Do.
	Kapaakea .....	2,200	5,000	Do.
	Total .....	33,660	60,100	

## ISLAND OF KAUAI.

	Olohena .....	1,150	\$7,000	Cane and grazing.
	Kamamalo .....	2,400	15,000	Do.
	Papaa .....	2,000	2,000	Forest.
	Waioli .....	3,100	4,000	Grazing and mountain.
	Napali .....	13,400	5,000	Mountain land.
	Kalahee .....	4,000	15,000	Grazing and wood.
	Hanaepe .....	8,000	60,000	Cane, grazing, and valuable water rights.
	Waimea .....	92,400	200,000	Do.
	Hanalei .....	16,000	45,000	Cane and grazing.
	Anahola-Kapaa .....	13,400	120,000	Rice, cane, etc.
	Wailua .....	20,200	175,000	Do.
	Total .....	176,050	648,000	

## ISLAND OF OAHU.

Kona .....	Waikiki lands .....	60	\$6,000	Rice lands.
	Kapahulu .....	730	3,000	Diamond Head.
	Kepuhi .....	11	1,500	Rice land.
	Kaaawaaloa .....	18	2,000	Do.
	Pukele-Waiomao .....	940	6,000	Rice and grazing.
	Puahaia-Piliomoo, etc.....	50	4,000	Taro and rice land.
	Wailupe .....	40	1,600	Fish pond.
	Kuliouou .....	500	4,000	Grazing.
	Kaluuaalaea, etc .....	700	3,500	Mountain tract.
	Waahila .....	200	1,600	Grazing.
	Pahao .....	50	1,500	Do.
	Kahoiwai, etc .....	30	1,000	Do.
	Kahauiki .....	1,300	30,000	Grazing and building lots.
	Kapalama lands.....	10	3,000	Rice land.
	Kapaloa .....	10	2,500	Rice and taro lands.
	Total .....	4,649	71,200	
Ewa .....	Manana .....	5	1,000	Rice land.
	Waimano .....	2,600	5,000	Grazing, mountain.
	Kaihiikapu, etc.....	740	5,000	Fish pond.
	Waikakalaua.....	500	2,000	Grazing.
	Pouhala .....	800	3,000	Grazing and fish pond.
	Weloka .....	26	3,000	Fish pond.
	Honokawailani, etc.....	11	1,500	Kula and rice land.
	Aiea .....	1,170	8,000	Grazing.
	Total .....	5,852	28,500	

Statement showing name, area, locality, etc., of public lands—Continued.

## ISLAND OF OAHU—Continued.

District.	Name.	Area.	Estimated value.	Remarks.
Waianae.....	Kahanaiki .....	<i>Acres.</i> 690	\$7,000	Grazing.
	Makua .....	2,600		
	Keawaula .....	330		
	Waianae-kai .....	6,100	75,000	Cane and mountain land.
	Waianaueka .....	14,700	50,000	Grazing and mountain.
	Keaau .....	2,430	8,000	Grazing.
	Lualualei .....	14,700	55,000	Cane and grazing.
	Nanakuli .....	3,430	10,000	Grazing.
	Total .....	44,980	205,000	
Waialua .....	Mokuleia .....	14,000	\$14,000	Grazing and mountain.
	Kealia .....			
	Kawaihapai .....			
	Kuaokala .....			
Koolau .....	Kaipapau .....	160	600	Grazing.
	Waiahole lands .....	300	7,000	Rice and grazing.
	Pupukea .....	2,350	5,000	Grazing.
	Poumali .....	2,000	5,000	Do.
	Waialea .....	730	3,000	Do.
	Hauula .....	1,570	5,000	Do.
	Makawai-Hopekea .....	1,200	6,000	Rice and grazing.
	Kealahala .....	370	5,000	Cane and grazing.
	Kaluapuhi, etc. ....	1,500	16,000	Rice, grazing, etc.
	Kawailoa .....	500	5,000	Do.
	Waimanalo .....	6,500	100,000	Cane and grazing.
	Total .....	17,180	157,600	

## RECAPITULATION.

Island.	District.	Acres.	Estimated value.
Hawaii .....	Kona .....	174,585	\$96,700
	Kohala .....	71,529	169,050
	Hamakua .....	269,945	351,900
	Hilo .....	291,506	795,000
	Puna .....	95,530	163,750
	Kau .....	288,777	281,000
	Total .....	1,191,872	1,857,400
Maui .....	Lahaina .....	20,485	52,000
	Kula .....	27,780	86,500
	Hana .....	18,995	27,700
	Koolau .....	33,200	75,000
	Hamakua .....	14,250	86,500
	Wailuku .....	710	25,000
	Kaanapali .....	14,800	23,000
	Honuaula .....	14,500	10,000
	Kaupo .....	8,000	5,000
	Kahikinui .....	25,000	25,000
	Kipahulu .....	1,150	2,300
	Total .....	178,870	418,000
Lanai .....		47,600	50,000
Kahoolawe .....		30,000	20,000
Molokai .....		33,660	60,100
Oahu .....	Kona .....	4,649	71,200
	Ewa .....	5,852	28,500
	Waianae .....	44,980	205,000
	Waialua .....	14,000	14,000
	Koolau .....	17,180	157,600
	Total .....	86,661	476,300

*Statement showing name, area, locality, etc., of public lands—Continued.*

RECAPITULATION—Continued.

Island.	Acres.	Value.
Kauai.....	176,050	\$648,000
Oahu.....	86,661	476,300
Lanai.....	47,600	50,000
Kahoolawe.....	30,000	20,000
Molokai.....	33,660	60,100
Maui.....	178,870	418,000
Hawaii.....	1,191,872	1,857,400
Laysan, etc., islands.....	.....	40,000
Grand total.....	1,744,713	3,569,800

NOTE.—The above area is exclusive of lands under the control of the minister of the interior, as well as lands now held for settlement purposes under the provisions of the "Land act, 1895." These, in the aggregate, comprise an acreage of 28,000.

PUBLIC LANDS OFFICE,  
Honolulu, October 1, 1898.

# APPENDIX D.

TABLE No. II.—*Showing the yearly expiration, in acres, of leased government and crown lands.*

## GOVERNMENT LAND.

Year.	Hawaii.	Maui.	Molokai, Lanai, and Kahoolawe.	Oahu.	Kauai.	Total.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
1898 .....	759	156		10		925
1899 .....	207	3,900				4,107
1900 .....		5,834		5		5,839
1901 .....	39,845	37,190		32		77,067
1902 .....	831	2,201				3,032
1903 .....	13,616			50		13,666
1904 .....	8,567			97		8,664
1905 .....	3,208	4,549				7,757
1906 .....	220,703			18		220,721
1907 .....	18,604		15,406	30	2,405	36,445
1908 .....	3,290	1,250	8,996	35		13,571
1909 .....					1,151	1,151
1910 .....				5,544		5,544
1911 .....				742		742
1912 .....	4,345			160	2,000	6,505
1913 .....	1,360	2,100	30,000		13,400	46,860
1915 .....		1,500				1,500
1917 .....	45	7,515				7,560
1918 .....	3,835					3,835
1919 .....	12,800	1,525		915		15,240
1920 .....	489					489
Total.....	332,504	67,720	54,402	7,638	18,956	481,220

NOTE.—On Hawaii 233,127 acres now under lease can be canceled at option of the Government, as also 10,150 acres on Maui; 4,956 acres on Molokai, for which no expiration is given, is now under lease. No leases expired in 1914 and 1916.

## CROWN LAND.

Year.	Hawaii.	Maui.	Molokai and Lanai.	Oahu.	Kauai.	Total.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
1900 .....		370		1		371
1901 .....	3			15,505		15,508
1902 .....	9,420			6,843		16,263
1903 .....	7,343			55		7,398
1904 .....		600		4,008	17,284	21,982
1906 .....					6,354	6,354
1907 .....	172,780	11,040				183,820
1908 .....	102,015	9,477				111,492
1909 .....				6,154	4,045	10,199
1911 .....	18	17,066	23	540		17,647
1912 .....	5,038	3,200		20,322		28,560
1913 .....	62,200	3,316		2,542		68,058
1914 .....	15,210					15,210
1916 .....			17,369			17,369
1917 .....					117,917	117,917
1918 .....	135,000		20,183	26	7,237	162,446
1919 .....	744					744
1920 .....				6,970		6,970
1921 .....	57,236				2,800	60,036
Total.....	567,007	45,069	37,575	62,966	155,637	868,254

NOTE.—No leases expire in 1898, 1899, 1905, 1910, or 1915.





## APPENDIX E.

[Hawaiian lands for naval purposes.]

BY THE PRESIDENT OF THE UNITED STATES.

### A PROCLAMATION.

Whereas, by joint resolution "to provide for annexing the Hawaiian Islands to the United States," approved July 7, 1898, the cession by the Government of the Republic of Hawaii to the United States of America, of all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and the transfer to the United States of the absolute fee and ownership of all public, government or crown lands, public buildings, or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, was duly accepted, ratified, and confirmed, and the said Hawaiian Islands and their dependencies annexed as a part of the territory of the United States and made subject to the sovereign dominion thereof, and all and singular the property and rights hereinbefore mentioned vested in the United States of America; and

Whereas it was further provided in said resolution that the existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition; and

Whereas it is deemed necessary in the public interests that certain lots and plats of land in the city of Honolulu be immediately reserved for naval purposes:

Now, therefore, I, William McKinley, President of the United States, by virtue of the authority in me vested, do hereby declare, proclaim, and make known that the following-described lots or plats of land be, and the same are hereby, subject to such legislative action as the Congress of the United States may take with respect thereto, reserved for naval purposes, to wit:

1st. Esplanade lots Nos. 94, 95, 96, 97, 98, and 99. Beginning at the south corner of Richards street and Halekauwila street, which point is S. 30° 25' E. 343.6 feet from the east corner of the Hawaiian Electric Company Building, and run by the true meridian:

S. 30° 25' E. 304.50 feet along Halekauwila street.

S. 56° 49' W. 100.12 feet along Mililani street.

N. 30° 25' W. 300.60 feet along Government lots Nos. 112-100.

N. 54° 34' E. 100.38 feet along Richards street to the initial point. Area, 30,255 sq. feet.

2nd. Esplanade lots Nos. 63, 64, 65, 66, 67, and 68. Beginning at the north corner of Alakea street and Allen street, as shown on Government Survey's Registered Map No. 1867, and running by true bearings:

N. 30° 25' W. 200 feet along the northeast side of Allen street.

N. 59° 35' E. 150 feet along the southeast side of Kilauea street.

S. 30° 25' E. 200 feet along lots 62 and 69.

S. 59° 35' W. 150 feet along the northwest side of Alakea street to the initial point. Area, 30,000 square feet.

3rd. Lot at east corner of Mililani and Halekauwila streets. Beginning at the east corner of Halekauwila and Mililani streets, as shown on Government Survey's Registered Map No. 1955, and running by true bearings:

N. 56° 49' E. 110.5 feet along Mililani street.

S. 3° 52' E. 69.5 feet along inner line of Waikahalulu Water lots.

S. 56° 49' W. 79.5 feet along Bishop Estate land.

N. 30° 25' W. 60.5 feet along Halekauwila street to the initial point. Area, 5,728 square feet.

4th. A plat of land in Kewalo-uka. Beginning at a point on the upper side of Punchbowl Drive, which is 863 feet south and 2,817 east of Puowaina Trig. Station, as shown on Government Survey's Registered Map 1749, and running:

N. 00° 10' W. true 630 feet along Punchbowl Drive.

S. 57° 00' W. true 694 feet along Punchbowl Drive.

Thence along Punchbowl Drive in a northeasterly direction 900 feet; thence due east 840 feet (more or less) to the boundary of the land of Kalawahine; thence along boundary of the land of Kalawahine 1,040 feet (more or less) to south angle of said land; thence S. 78° 30' W. true 397 feet (more or less) to Punchbowl Drive.

N. 84° 50' W. true 245 feet along Punchbowl Drive to initial point. Area, 20 acres (more or less).

5th. Lots on Punchbowl Slope, Nos. 608, 609, and 610. Beginning at a point on the east side of Magazine street, 351.5 feet above the concrete post marking the east corner of Spencer and Magazine streets, as shown on Government Survey's Registered Map No. 1749 and runs:

N. 18° 10' E. true 150.0 feet along Magazine street.

N. 49° 12' E. true 226.7 feet along Government land.

S. 24° 11' E. true 91.0 feet along Government Road Reserve.

S. 77° 21' E. true 179.5 feet along same.

S. 13° 45' E. true 109.8 feet along Government land to north angle of Gr. 3,813 to Dr. Wood.

S. 73° 30' W. true 121.3 feet along Gr. 3,814 to H. M. Dow.

S. 76° 15' W. true 250.0 feet along Grs. 3,999 and 4,000.

N. 71° 50' W. true 102.5 feet along Gr. 4,000 to initial point.

Area 83,588 square feet.

6th. Portion of Reef of Kaakaukukui. Beginning at the Government Survey Station known as the "Battery"  $\Delta$  from which Punchbowl  $\Delta$  bears N. 48° 18' 30" E. true and the light-house vane.

N. 56° 14' W. distant 1,608.1 feet and running as follows:

N. 37° 40' W. true 760 feet along on the reef of Kaakaukukui.

S. 39° 00' W. true 3,100 feet along the southeast side of main channel to a depth of 20 feet of water more or less.

S. 9° 25' W. true 987 feet along the reef in about 20 feet of water.

N. 52° 23' E. true 3,585 feet along on the reef to a point on the seashore at high-water mark.

N. 35° 00' W. true 182 feet along the shore at high-water mark.

N. 5° 35' W. true 446 feet along Allen street extension to the southeast corner of the Battery wall.

S. 87° 20' W. true 120 feet to the initial point.

Area,  $76\frac{25}{100}$  acres.

7th. Punchbowl street from Halekauwila street to Allen street. Beginning at the southwest corner of Halekauwila and Punchbowl streets, as shown on the Government blue print, and running in a westerly direction along the United States Naval Reservation 572 feet to Allen street, thence along Allen street 50 feet, thence in an easterly direction along the United States Naval Reservation 480 feet to land belonging to the Bishop estate, thence 110 feet to the initial point.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this tenth day of November, in the year of our Lord one thousand eight hundred and ninety-nine, and of the independence of the United States the one hundred and twenty-fourth.

[SEAL.]

WILLIAM MCKINLEY.

By the President:

JOHN HAY,

*Secretary of State.*

[Reservation for naval purposes—Hawaii.]

BY THE PRESIDENT OF THE UNITED STATES.

### A PROCLAMATION.

Whereas, by joint resolution "to provide for annexing the Hawaiian Islands to the United States," approved July 7, 1898, the cession by the Government of the Republic of Hawaii to the United States of America of all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and the transfer to the United States of the absolute fee and ownership of all public, government or crown lands, public buildings, or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the

Government of the Hawaiian Islands, was duly accepted, ratified, and confirmed, and the said Hawaiian Islands and their dependencies annexed as a part of the territory of the United States and made subject to the sovereign dominion thereof, and all and singular the property and rights hereinbefore mentioned vested in the United States of America; and

Whereas it was further provided in said resolution that the existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition; and

Whereas it is deemed necessary in the public interests that certain lots and plats of land in the city of Honolulu be immediately reserved for naval purposes:

Now, therefore, I, William McKinley, President of the United States, by virtue of the authority in me vested, do hereby declare, proclaim, and make known that the following-described lots or plats of land be and the same are hereby reserved for naval purposes until such time as the Congress of the United States shall otherwise direct, to wit:

1st. The water front lying between the Bishop estate and the line of Richards street, including the site of prospective wharves, slips, and their approaches.

2nd. The blocks of land embracing lots No. 86 to 91, 100 to 131, including Mililani street to the intersection of Halekauwali street; and the government water lots lying between the Bishop estate and Punchbowl and Allen streets.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this second day of November, in the year one thousand eight hundred and ninety-eight, and of the Independence of the United States the one hundred and twenty-third.

[SEAL.]

By the President:

JOHN HAY,

*Secretary of State.*

WILLIAM MCKINLEY.

## APPENDIX F.

[Senate Document No. 72, Fifty-sixth Congress, first session.]

HAWAIIAN LAND SYSTEMS AND TRANSACTIONS THERE-  
UNDER.

JANUARY 10, 1900.—Ordered to be printed.

Mr. MORGAN presented the following:

**A REVIEW OF HAWAIIAN LAND SYSTEMS AND TRANSACTIONS  
THEREUNDER, BY J. F. BROWN, AGENT OF PUBLIC LANDS,  
HONOLULU, H. I., DECEMBER 12, 1899.**

It is the object of this article to give a brief outline of the land systems of the Hawaiian Islands, and the transactions thereunder, from the time of the "Mahele," or great division, to the present date. Numerous articles and statistics in this connection have heretofore been published, but none apparently with the object of bringing together all of the principal facts and data in one article, thereby supplying to those unfamiliar with the matter a reasonably comprehensive statement. To supply such a statement is therefore the purpose of this article.

J. F. BROWN,  
*Agent of Public Lands.*

HONOLULU, *December 12, 1899.*

*Table showing area of the Hawaiian Islands and elevation of highest points, as by late estimate by Government survey office.*

	Square miles.	Acres.	Highest point, in feet.
Hawaii .....	4,015	2,570,000	13,825
Maui .....	728	466,000	10,082
Kahoolawe .....	69	44,000	1,427
Lanai .....	135	86,000	3,400
Molokai .....	261	167,000	4,958
Oahu .....	600	384,000	4,030
Kanai .....	544	348,000	4,800
Niihau .....	97	62,000	800
	6,449	4,127,000	.....

The outlying islets and reefs to the northwest, which belong to the Hawaiian group, contain a few square miles in addition to above, but are not of a nature to require notice here.



Within the limits of the main islands named above is to be found the greatest diversity of topographical features, climate, and quality of soil.

Rugged mountains, deep narrow valleys, flat marsh lands, and high mountain pastures, rich alluvial soil, and barren lava wastes, and every gradation between these states are to be found, not only on a single island, but not infrequently in a limited portion of a single district.

The volcanic origin of the islands, the unequal distribution of rainfall, and the rapid rise from sea level to high elevations account for the wide diversity indicated.

The windward sides of the islands (north to northeast) are in general well watered; the leeward sides are more rocky and drier, but with richer soil.

#### ANCIENT SYSTEM OF LAND TENURE AND SUBDIVISION.

Previous to the great division of lands, upon which all present land titles are based, what is best described as a "feudal system" existed, under which the King had certain recognized rights in all the lands of his people.

The high chiefs, in their turn, and inferior chiefs following them, had their special rights in the lands of their own subordinates, and so on down to the lowest class of tenants.

These rights, however, pertained to rent, share of production, or ordinary labor, as well as to military service.

It is only necessary to note that under this system the districts of the islands, the lands and subdivisions, were well understood and defined, although such subdivision was unique and based on no mathematical system, being the product of custom, tradition, use, etc. One land, therefore, might be a few hundred feet wide and several miles long; another, starting at the shore with small width, run as a narrow strip for miles, and then expand to cover 100,000 acres; another have its main portion on one side of an island and a disconnected portion on the other side, run from the sea and terminate at the mountain top, or run over the mountain top to the sea on the other side.

Every irregularity of form was represented in these old divisions, resulting in a "dovetailing" and interlacing difficult to describe.

It would not be fair, however, to imply that all of the lands were of the eccentric types given. A more common type of main division was a strip of moderate width extending from the sea to the mountains, so that its chief could share in the products of the sea and of the land at different elevations.

It should be noted that the later "great division" of lands in 1848, while changing radically the basis of ownership, did not, and in fact could not, change the old divisions.

#### THE BASIS OF PRESENT LAND TITLES.

The old feudal tenure of lands was terminated and the new order, upon which all present titles are based, established by the series of acts extending from 1846 to 1855, the principal ones being the great division of all the lands of the country between the King, Kamehameha III, and the chiefs, the further division of the lands given up to the

King into Government and Crown lands, and the awarding to the common people the comparatively small lots that they had occupied or used.

The details of these transactions are of great interest, but general results only need be stated.

*Approximate division of lands 1848-1855.*

	Acres.
Government lands.....	1, 495, 000
Crown lands.....	984, 000
Chiefs' lands.....	1, 619, 000
Kuleanas (ordinary tenants') lands.....	28, 600
Total.....	4, 126, 600

NOTE.—The area of kuleanas, or ordinary tenants', land was comparatively small, but was composed of the very choicest land in the whole country.

In this division of 1848 a number of valuable lands were overlooked or ignored, and, as "unassigned lands," were for a long time of disputed ownership.

By judicial decisions and by legislative action in 1890 most of these lands were added to the Government and Crown domains, a few, however, being confirmed to private owners.

#### EARLY LAND POLICY OF THE GOVERNMENT.

Immediately after the division of 1848, of which results have just been given, the Government proceeded to sell much of its land at private sale and at low rates of from 12 cents to \$1 per acre. The lands thus sold were selected and surveyed at the option of the purchaser, and many thousand acres of the "cream" of Government lands were thus disposed of.

This method, though perhaps a necessity of the time, had serious disadvantages, not the least of which was the leaving of numerous scattered remnants of Government land, being the unsalable or undesirable portions at that time.

Under this system of private sale probably 500,000 acres were disposed of, these sales being largely to natives,

The first act requiring sales to be made at public auction was enacted in September, 1876, applying to sales of lands or leases over \$300 in value.

By an act of the Provisional Government in 1893, all such sales and leases, of whatever value, were required to be made at public auction, after thirty days' public notice.

#### HOMESTEAD LAWS, 1884 TO 1895.

The first homestead act to facilitate acquirement of small holdings was enacted in 1884, and amended in minor particulars in 1888, 1890, and 1892.

This act and amendments, which remained in force until passage of the land act of 1895, gave opportunity for acquiring lots in general not over 20 acres in extent under conditions allowing ten years for payment of purchase price, requiring the erection of a dwelling and a residence of three years on the land. A substitute might reside on

the land with consent of the minister of the interior, as amended in 1892.

	Num-ber.	Acres.	Value.
Taken up (omitting holdings canceled and surrendered) under the provisions of these homestead laws.....	527	8,490.81	\$62,794.55
Patented upon fulfillment of conditions.....	377	5,820.76	45,312.30
Remaining to be patented .....	150	2,670.05	17,482.25
		Acres.	Value.
Taken up (during this same period) under special conditions as to improve-ment and cultivation without residence.....		3,552.84	\$10,610.63
Patented upon fulfillment of conditions.....		2,942.44	8,023.13
Remaining to be patented.....		610.40	2,587.10

The general results of these homestead laws were good. Numerous families of small means were put into possession of homes, and considerable improvement in the way of cultivation could be noticed.

The laws, however, did not meet all the requirements of the case. The area permitted to be taken was too small to tempt any but those of limited means and very moderate ambition.

Residence alone did not imply utilization of the land, and a perfunctory compliance with the residence condition was easy. A better guaranty of bona fide intentions was needed.

#### THE LAND ACT OF 1895.

To promote the settlement and improvement of the remaining Government land, under conditions favorable to the settler but not to speculators, and to meet the needs of different classes desiring lands, the land act of 1895 was enacted as being specially adapted to the requirements of the case.

An important feature of this act was the general requirement of cultivation and improvement of lands taken up, as well as residence thereon, for a term of years. There was authority, however, under the act for the sale of lands at auction under special conditions, as to payments for same and cultivation without residence, to meet the cases of persons who desired to improve and cultivate land, but having occupations elsewhere were unable to live on the same.

#### METHODS OF ACQUIRING LAND UNDER THE LAND ACT OF 1895.

*General qualifications required of applicants.*—Must be over 18 years of age; be citizen by birth or naturalization, or have letters of denization; be under no civil disability, nor delinquent in payment of taxes.

*Homestead lease.*—Nine hundred and ninety-nine year lease, conditioned upon maintaining home upon the premises, paying taxes, and cultivating small percentage; area that might be acquired, 8 to 45 acres, dependent on quality; no payments other than small application fee; husband and wife might not both be applicants; applicant must not be owner of any other land (except tare or wet land); lease inalienable; not subject to attachment, levy, or sale, or to any process of the courts; might not be mortgaged, assigned, or sublet.

*Right-of-purchase lease.*—Lease for twenty-one years with right of purchase at original appraised value any time after two years' residence and cultivation of 25 per cent; area that might be acquired, 100 to 1,200 acres, dependent on quality; husband and wife might not both be applicants; applicants could apply only for such amount as taken with any lands owned by them would come to the limits named; rental at 8 per cent on appraised value to be paid until purchase was made.

*Cash freeholds.*—Lands sold at auction at an appraised value as upset price; purchase price due in four installments during three years; two years' residence and 25 per cent of cultivation further required to perfect title; qualifications and areas that might be acquired same as under right-of-purchase lease.

*Special agreements.*—Sales at auction under special conditions as to payments by installments, with requirements of cultivation, with or without residence; limit of area that might be sold under special agreement, 600 acres. (Practically the area has been limited to 100 acres of first-class land, as under the other systems.)

*Cash sales.*—Sales made unconditionally for cash at public auction. These sales usually made to meet cases where exceptionally costly improvements were contemplated, as buildings, reservoirs, pumping machinery, etc.

*Olaa district sales.*—Special sales, at a value appraised in the act of 1895, of lands held under Crown leases in the district of Olaa, Hawaii. Lessee could purchase his leaseholding up to 200 acres when 15 per cent of same had been put under cultivation and further improvements to the value of \$200 made; distinct from the general systems of the land act and applying only to the Olaa district.

*Summary of transactions under the land act of 1895.*

	Num- ber.	Acres.	Value.
Homestead leases .....	115	1,549.56	\$5,000.00
Right-of-purchase leases .....	356	18,665.78	118,665.56
Cash freeholds .....	23	783.82	4,117.54
Special agreements .....	122	7,066.17	50,689.06
Cash sales .....	40	2,996.89	39,923.73
Olaa district sales .....	142	15,532	61,171.00
Total .....	798	46,594.22	279,566.89

NOTE.—Value of homestead-lease land is an arbitrary estimate. Formal appraisement not required under the law.

A comparison of transactions during the period of 1884–1895 with those of the period from 1895 to date (under “land act”) shows for the latter period a very much larger proportion of lands taken up under conditions of homestead or improvement as compared with “Cash sales:”

1884–1895 (11 YEARS).

	Acres.	Value.
Cash sales .....	37,675.34	\$195,588.95
Under homestead or improvement conditions .....	12,043.65	73,405.18
Total .....	46,290.17	278,962.89

## UNDER LAND ACT OF 1895 (4 YEARS).

Cash sales.....	2,996.89	\$39,923.73
Under homestead or improvement conditions.....	43,597.33	239,643.16
Total.....	46,594.22	279,566.89

The "Land act of 1895" has proved well suited to the conditions in the Hawaiian Islands. Under it the demand for public land has been active, and fair prices have been realized for the benefit of the public treasury.

Speculation and "land grabbing" has been minimized and a marked improvement and development of lands taken is evident. The success of the act would not be questioned by any impartial observer familiar with the facts.

The extremely varied quality of the lands, the intermingling of public and private lands, and the special needs of the people, together with the duty of best utilizing the limited public domain, required laws drawn to meet such special conditions, and these, in all essential points, have been met by the "Land act of 1895."

## GENERAL LEASES.

The foregoing statements have applied to those lands directly sold or taken up under conditions looking to ultimate purchase. It remains to consider the question of lands held under leases for terms of years, upon the expiration of which all interest of lessee terminates.

From the time of the great division of 1848 to the present time the policy of leasing lands for a term of years has been pursued, both in the case of the "Government lands" and of the "Crown lands" controlled by the commissioners for the same,

In 1876 the first law requiring sale of Government leases to be made at auction was enacted, but such law did not apply to the Crown lands, which were not put under this regulation until the passage of the land act of 1895.

Under the lease policy lands were freely leased both by the Government and by the Crown commissioners in large areas and for long terms, but in 1891 the Government, while continuing the policy of leasing land, improved upon former methods by reserving to itself the right to take up any portion of the leased land suitable for settlement, which reservation proved later of much value.

This policy was continued after the passage of the land act of 1895, but with stricter regard to amounts leased, terms of lease, and reservations necessary for public interest.

Until the date of the land act of 1895 the crown lands were leased without auction sale, in such amounts and for such terms of years (until limited by law in 1865 to thirty years) as the commissioners approved, and although by the land act of 1895 these lands were merged in the general domain of "public lands" and became subject to that act, practically they had nearly all been leased in large tracts and for long terms without reservation.

As between the two classes of land, therefore, now constituting the "public lands," the former crown lands are more generally encumbered with long-term leases.



## VALUE OF A LEASE SYSTEM.

Although the old method of leasing was shortsighted and with little or nothing to commend it, a proper lease system is of distinct value.

Numerous tracts of land are found of which it is difficult to estimate agricultural possibilities, if indeed any exist. Other tracts, owing to the intermingling of public and private lands and the fragmentary character of some of the public lands, are so surrounded by private lands owned or controlled by a single party that the sale of the same would be at a distinct disadvantage to the Government, and result only in swelling the holdings of already large owners at an inadequate price.

Practically, it is found that many persons will pay a rental representing a larger value than the purchase price that could be obtained.

A lease, therefore, may be made to return the best results in revenue, while a reservation of the right to take up portions suitable for settlement leaves the way open at any time for such use if later conditions require it.

The revenue from rent of lands has steadily increased, although the area of lands leased has in the same period been reduced by many thousands of acres.

*Rent roll, Government and Crown lands.*

1890 .....	\$80, 268
1894 .....	91, 983
1898 .....	95, 228

N. B.—Town lots, buildings rented, etc., not included in above. The additional income from such sources is about \$34,000 annually.

Under the land act of 1895 general leases were limited to a term not longer than twenty-one years.

Leases might not contain any privilege of renewal, nor be made for any land on which an unexpired term of two years remained.

The commissioners of public lands could impose conditions necessary in the public interest.

## TRANSACTIONS SINCE JULY 7, 1898.

The Newlands resolution, passed by Congress July 7, 1898, for the annexation of the Hawaiian Islands created much uncertainty as to the status of the public lands and the laws governing them. Upon the understanding and belief, however, that the laws of the United States relative to public lands did not apply to such lands in the Hawaiian Islands, and that the local land laws were to remain in force pending further action of Congress, the usual transactions of the land office were continued until September 28, 1899, the date of receipt of the Executive order of President McKinley suspending further transactions.

The following table shows lands taken up from July 7, 1898, to September 28, 1899:

	Num- ber.	Acres.	Value.
Homestead leases .....	45	551.50	( <sup>1</sup> )
Right-of-purchase leases .....	57	4, 507.09	\$22, 239.75
Cash freeholds .....	4	67.82	169.54
Special agreements .....	41	1, 035.87	7, 821.00
Cash sales .....	18	1, 172.59	18, 719.00
Olaa patents under Part IX of land act .....	69	7, 999.39	29, 177.57
Total .....	234	15, 334.26	78, 126.86

<sup>1</sup> Not appraised.

*Land patents issued since July 7, 1898.*

Number .....	199
Acres .....	12, 534. 53
Value .....	\$67, 821. 54

Of the above amount, patents for 11,643 acres, valued at \$48,548.54, were issued in completion of agreements made prior to annexation resolution of July 7, 1898.

*General leases since July 7, 1898.*

Number .....	8
Acres .....	1, 856. 86
Rental (yearly) .....	\$2, 847. 00

*Remaining public lands.*

	Acres.
Combined area of Government and Crown lands (by the original division in 1848) as near as can be determined .....	2, 479, 600
Patents and deeds have been issued for .....	728, 200

Remainder .....	1, 751, 400
-----------------	-------------

In this remainder is included lots taken up but not yet patented:

	Acres.
Old homesteads .....	2, 670. 05
Old special-agreement sales .....	610. 40
Under land act (not patented) .....	28, 065. 33
	<u>31, 345</u>

Total .....	1, 720, 055
-------------	-------------

The remainder (1,720,055 acres) of public land may be roughly classified as follows:

	Acres.
Valuable building lots .....	145
Cane lands .....	25, 626
Rice lands .....	977
Coffee lands .....	26, 825
Grazing lands .....	448, 200
High forest lands .....	681, 282
Rugged, inaccessible mountain .....	227, 000
Barren (of nominal value only) .....	310, 000
	<u>1, 720, 055</u>

The above classification is of necessity somewhat arbitrary. As stated in my report of 1894:

The lack of positive knowledge of quality and adaptability of the soil in untried sections, and the imperceptible gradations by which the best land merges into the indifferent and indifferent into that of nominal value only, makes a report of this nature to a considerable extent a matter of personal opinion rather than of scientific certainty.

It is probable that much classed above as "grazing land" and "high forest land" will be found later to have good agricultural possibilities, these lands being now practically undeveloped.

## THE CROWN LANDS.

By article 95 of the constitution of the Republic of Hawaii that portion of the public domain known as "Crown land" was declared to be the property of the Hawaiian Government, and to be free and clear of any trust of or concerning the same and from all claim of any nature

whatever upon the rents, issues, and profits thereof. All existing valid leases were declared to be confirmed.

By the land act of 1895 these lands were included with other Government lands under the general head of public lands.

The following extract, by permission, from "A brief history of Hawaiian land titles," by W. D. Alexander, surveyor-general, is a concise history of these lands prior to the establishment of the Republic of Hawaii:

The term "Crown lands" is here applied to those lands reserved by Kamehameha III, March 8, 1848, "for himself, his heirs, and successors forever," as his private property. To these may be added a few lots in Honolulu and Lahaina, awarded to him by the land commission in award 10806.

It is admitted by all that both Kamehameha III and his successors dealt with these lands as their private property, selling, leasing, or mortgaging the same at pleasure. These royal deeds of sale constitute titles equally valid with royal patents.

At the death of Kamehameha IV it was decided by the supreme court that under the above mentioned instrument, executed by Kamehameha III, reserving the Crown lands, and under the confirmatory act of June 7, 1848, "the inheritance is limited to the *successors to the throne*," "the wearers of the crown which the conqueror had won," and at the same time "each successive possessor may regulate and dispose of the same according to his will and pleasure as private property, in like manner as was done by Kamehameha III." (Hawaiian Reports, vol. 2, p. 725.)

Afterwards an act was passed, January 3, 1865, "to relieve the royal domain from incumbrances and to render the same inalienable."

This act provided for the redemption of the mortgages on the estate and enacted that the remaining lands are to be "henceforth *inalienable* and shall descend to the heirs and successors of the Hawaiian Crown forever," and that "it shall not be lawful hereafter to lease said lands for any term of years to exceed thirty." "The board of commissioners of Crown lands shall consist of three persons, to be appointed by His Majesty the King, two of whom shall be appointed from among the members of his cabinet council and serve without remuneration, and the other shall act as land agent and shall be paid out of the revenues of the said lands such sum as may be agreed to by His Majesty the King."

#### SETTLEMENT OF THE CLAIM OF R. KEELIKOLANI, AS HEIR OF KAMEHAMEHA V.

Under date of September 13, 1880, Ruth Keelikolani, as heir of Kamehameha V, released and quitclaimed to Claus Spreckels, for consideration of \$10,000, all her title and interest in "the lands reserved by Kamehameha III as his own private property," commonly called and known as the "Crown lands." (Recorded in book 64, p. 342, in registry office.)

By act of Hawaiian legislature approved July 21, 1882, for the satisfaction of the claim of Claus Spreckels to an undivided moiety of the Crown lands by virtue of a conveyance from Ruth Keelikolani, the commissioners of Crown lands were authorized to make proper deeds and the minister of interior to issue and deliver a royal patent to said Claus Spreckels for the "Ahupuaa of Wailuku, Maui and the Ilis" therein or thereunto belonging, containing about 24,000 acres.

Before the execution of such deeds and assurances said Claus Spreckels to relinquish and quitclaim all his right and interest in residue of Crown lands.

August 11, 1882, Claus Spreckels and wife released and quitclaimed to the commissioners of Crown lands undivided moiety or interest claimed by him in, to, or out of the lands known as Crown lands, more particularly the lands conveyed to grantor by Rutu Keelikolani, September 13, 1880. (Recorded in Book 76, p. 198, in Registry of Deeds.)

August 11, 1882, the commissioners of Crown lands grant and convey to Claus Spreckels the Ahupuaa of Wailuku, Maui, and the Ilis thereunto belonging, in accordance with act of legislature approved July 21, 1882. (Recorded in Book 75, p. 282, Registry Office.)

September 30, 1882, patent grant 3343 issued by minister of interior to Claus Spreckels for the Ahupuaa of Wailuku and the Ilis thereto belonging, containing 24,000 acres, more or less.

## APPENDIX G.

*List of land exchanges made by the interior department from July 7, 1898, to September 30, 1899.*

Date of exchange.	To whom.	Location and area of land given in exchange.	Other consideration.	Location and area of land received in exchange.	Other consideration.	Purpose of exchange.	Remarks.
1898, July 25	H. B. Nalimu .....	Land in Kihalani formerly occupied by the Government road, North Hilo, Hawaii.	\$150.00	Land 50 feet wide, one-fourth mile long, in Kihalani, North Hilo, Hawaii.	.....	Changing the line of road to improve grade.	
July 28	Henrich M. von Holt..	Lots 140, 141, and 143 Kapiolani Park, Honolulu, Oahu.	.....	Land at Kamakela, 4,795 square feet, Honolulu, Oahu.	\$500.00	Land required to be given in exchange with the Catholic mission and for College walk.	Mr. von Holt had an unexpired term of 21 years' lease on the lots he received in exchange, at an annual rental of \$3 for each lot.
	Abraham Gartenberg.	Lots 133 and 134, 29,000 square feet, Kapiolani Park, Honolulu, Oahu.	.....	Land at Kamakela, 2,823 square feet, Honolulu, Oahu.	.....	.....do .....	Mr. Gartenberg had an unexpired term of 21 years' lease on the lots he received in exchange, at an annual rental of \$3 for each lot.
July 30	Bishop of Panopolis (Catholic mission).	Land in Kamakela, 24,485 square feet, Honolulu, Oahu. (This area takes in the lots received in exchange from Mr. von Holt and Mr. Gartenberg.)	.....	Land at Kamakela, 30,525 square feet, Honolulu, Oahu.	.....	Land required to change the course of Nuanu stream and for road purposes. This improvement was found necessary to improve the sanitary condition of that portion of the city by a committee appointed to investigate during the cholera epidemic in 1895.	This exchange was made in pursuance with an agreement entered into between the Government of the Republic of Hawaii and the bishop of Panopolis July 29, 1896, and only completed July 30, 1898.
Aug 11	Nanie R. Rice.....	Abandoned part of the old Pali road at Koolaupoko, Oahu.	.....	Nuanu Pali road, 50 by 11,450 feet, through Kaulakola, Keonaole, and Kaeleuli, Koolaupoko, Oahu.	.....	Changing the line of the Nuanu Pali road so as to reduce the grade from a 40 per cent to 8 per cent.	
	Marie Brossier (superior, Sisters Sacred Heart).	2 lots on Union street, 774 square feet, Honolulu, Oahu.	.....	New branch road, 50 by 3,210 feet, through Kaeleuli, Koolaupoko, Oahu.	.....	Widening and grading Union street, Honolulu, Oahu.	
Sept. 22	Geo. J. Augur.....	Land on Beretania street, 172 square feet, Honolulu, Oahu.	.....	2 lots on Union street, 830 square feet, Honolulu, Oahu.	.....	Widening and straightening Beretania street.	
Oct. 12	Sam Kamakau .....	Government remnant in Kaumakapili, 400 square feet, Honolulu, Oahu.	.....	Land on Beretania street, 223 square feet, Honolulu, Oahu.	.....	Road at Kaumakapili.	
				Land in Kaumakapili, 710 square feet, Honolulu, Oahu.	.....		



Dec. 19	S. B. Dole .....	30-foot roadway between his lot and the lot owned by Mr. W. L. Wilcox at Aqua Marine, Diamond Head.	.....	30-foot roadway running above Mr. Dole's lot, Aqua Marine, Diamond Head.	.....	Changing the line of the road.	The 30 feet of roadway given to Mr. Dole in exchange was donated by him to the Government in 1890.
1899. Feb. 1	J. S. McGrew .....	Lot on Alakea street, 1,360 square feet, Honolulu, Oahu.	.....	Lot corner Beretania and Alakea streets, 1,385 square feet, Honolulu, Oahu.	.....	Widening Beretania street.	
Feb. 28	Pepeekeo Sugar Co ...	Land at Kaupakuea, Old Government road, Hilo, Hawaii.	.....	Land at Kaupakuea, 2½ acres, Hilo, Hawaii.	.....	Changing line of road to improve grade.	
June 29	John D. Holt .....	(1.) Lot on School street, 3,763 square feet; (2.) lot corner Queen and Richard streets, 5,435 square feet.	.....	Lot adjoining Fort Street School, Honolulu, Oahu.	3,500.00	For school purposes .....	
July 8	Estate of Bernice P. Bishop.	Land in Auwaiolimu, 3.78 acres, Honolulu, Oahu.	.....	Kawa Pond, near Oahu Prison, 6.6 acres, Honolulu, Oahu.	.....	To be filled in and make land for storage room and warehouses.	This land at Auwaiolimu is under lease to the Kapiolani estate, and it has an unexpired term of 13 years from August 15, 1899. The exchange is also conditioned that the Government will at its own cost and expense, provided and so far as possession thereof can be obtained, fill in with suitable material and level the said piece of land conveyed in exchange, and all land belonging to the said estate immediately prior to the date of the conveyance lying between the land conveyed or any part thereof and the line of Punchbowl street, to the grade of 3 feet above city datum within the space of 5 years from the date hereof or forthwith after any public authority authorized in the premises has declared the condition of any part of the land so to be filled in as aforesaid to be insanitary or a nuisance, and will protect said estate against the consequence of allowing the said land as to be filled in to become or remain in an insanitary condition or a nuisance.

## List of land exchanges made by the interior department from July 7, 1898, to September 30, 1899—Continued.

Date of exchange.	To whom.	Location and area of land given in exchange.	Other consideration.	Location and area of land received in exchange.	Other consideration.	Purpose of exchange.	Remarks.
1899. Aug. 31	Bishop of Panopolis (Catholic mission).	2 lots on Punchbowl Hill, 47,083 square feet, Honolulu, Oahu.	.....	Land on Beretania street, 2,080 square feet, Honolulu, Oahu.	.....	Widening Beretania street.	sance, and will indemnify said estate against all claims, actions, suits, and demands by any person or authority arising out of the said lands so to be filled in becoming or remaining in an insanitary condition or a nuisance. The Kapiolani estate has a lease on the lots exchanged of 13 years' unexpired term.
Sept. 15	W. R. Castle .....	Land Forest Rridge Tantalus, 2.82 acres, Honolulu, Oahu.	.....	A portion of his undivided interest in the land of Poloke, Makiki, amounting to fully 6 acres thereof, Honolulu, Oahu.	.....	.....	
Sept. 28	Dr. C. B. Wood .....	Land Punchbowl, 18,000 square feet, Honolulu, Oahu.	.....	Land Beretania street, 950 square feet, Honolulu, Oahu.	.....	Widening Beretania street.	

*List of leases issued from the 7th day of July, 1898, to the 30th day of September, 1899.*

Date of lease.	Number of lease.	Lessee.	Location of land.	Term.	Area.	Annual rental	Amount paid.	Remarks.
1898. Aug. 3	519	Arthur M. Brown...	Ualapue and Kahanui, Molokai.....	<i>Years.</i> 21	850	\$210.00	\$315.00	Subject to special condition of tree planting. Assigned to H. R. Hitchcock and Otto Meyers Jan. 23, 1899.
Aug. 31	520	Kaneohe Ranch Co.	Kaluapuhi and Halekou, Kaneohe, Oahu.	21	350	450.00	225.00	Lease commenced July 1, 1899.
Dec. 20	521	Walter E. Wall .....	Punalau, Molokai .....	21	89	255.00	127.50	
	522	Kipahulu Sugar Co.	6 Government remnants, Kipahulu, Maui.	21	155.93	400.00	139.33	
1899. Jan. 1	523	Hawaiian Fruit and Packing Co.	Portion of Pouhala, Ewa, Oahu.....	21	3.47	37.00	37.00	
	524	L. Akaka .....	Bottom lands of Waimanu Valley, Hamakua, Hawaii.	21	200	400.00	400.00	Tenant to pay \$8 per acre additional for any amount cultivated in rice above 50 acres. Lessee allowed to take firewood for domestic purposes, etc.
Apr. 11	525	Kwong Sing Co.....	Apana 2, Kamoookahi, Waikiki, Oahu .....	15	1.46	60.00	.....	Lease begins Mar. 5, 1900.
	526	Hamakua Mill Co ..	Land between Ophilala and Paauilo, Hamakua, Hawaii.	15	207	1,035.00	517.50	Lease commenced May 18, 1899.
July 29	527	E. J. Morgan .....	Aliomanu, Papaa, and Moloaa, Kauai .....	21	2,600	500.00	.....	To remove stock within 12 months; also fencing to prevent the further inroad of stock. Government reserves right to take any portion that may be suitable for bona fide settlers without reduction of rent, etc.
					4,456.86		1,761.33	

SPECIAL LICENSES.

1898. Aug. 2	520 A	R. R. Hind .....	Water privilege, Kaauhuhu, Hamakua...	15	.....	\$100.00	.....	Rent to be collected upon development of water; water not yet developed.
	520 B	Nahiku Sugar Co...	Water privilege, Nahiku, Maui. ....	30	.....	* 500.00 † 1,000.00	\$500.00	Rent collected on incorporation of Nahiku Sugar Co., Ltd. Date of incorporation, Apr. 11, 1899.
							500.00	

\* First 10 years.

† Balance of term.

## List of leases issued from the 7th day of July, 1898, to the 30th day of September, 1899—Continued.

## SUMMARY OF ABOVE STATEMENTS.

	Land district.						Total.
	First.	Second.	Third.	Fourth.	Fifth.	Sixth.	
Patents issued from July 7, 1898, to Sept. 30, 1899, on agreements made prior to July 7, 1898:							
Number of patents .....	110	44	8	12	1		175
Area .....	10,586.35	725.92	159.75	167.39	4		11,643.41
Value .....	38,803.83	6,099.87	2,626.34	918.50	100.00		48,548.54
Patents issued on agreements made from July 7, 1898, to Sept. 30, 1899:							
Number of patents .....	1		2	7	6	1	17
Area .....	8.70		3,040.48	370.90	110.34	44.50	838,488
Value .....	49.50		586.00	6,952.50	11,060.00	500.00	19,148.00
Patents issued on exchanges, quit claims, perfecting titles, etc., from July 7, 1898, to Sept. 30, 1899:							
Number of patents .....	2	4			1		7
Area .....	3.52	48			1.12		52.64
Value .....	125.00						125.00
Special agreements granted from July 7, 1898, to Sept. 30, 1899:							
Number of holdings .....	4	31	3	3			41
Area .....	165.10	550.19	68.13	251.96			1,035.37
Purchase price .....	1,220.00	3,386.00	170.00	3,045.00			7,821.00
Amount paid account purchase price .....	542.50	828.20	120.00	1,126.25			2,616.95
Cash freehold agreements granted from July 7, 1898, to Sept. 30, 1899:							
Number of holdings .....		4					4
Area .....		67.82					67.82
Purchase price .....		169.54					169.54
Amount paid account purchase price .....		92.94					92.94
Right of purchase leases granted from July 7, 1898, to Sept. 30, 1899:							
Number of holdings .....	35	4	2	2	13		56
Area .....	2,596.92	68.96	47.08	377.82	1,269		4,319.78
Purchase price .....	14,936.44	174.39	152.96	668.22	5,451.00		21,383.01
Amount paid account rent .....	945.97	6.88	8.20	28.55	478.17		1,467.77
Homestead leases, certificates of occupation granted from July 7, 1898, to Sept. 30, 1899:							
Number of holdings .....			6	38	1		45
Area .....			148.79	399.92	2.79		551.50
Amount paid account fees .....			12.00	76.00	2.00		90.00
General leases issued from July 7, 1898, to Sept. 30, 1899:							
Number of leases .....		3		4	3	1	9
Area .....		407		1,094.93	354.93	2,600	4,456.86
Amount paid account rent .....		917.50		1,081.83	262.00		2,261.33

NOTE.—There was paid into the office of the commissioners of public lands \$241 under a condemnation proceeding by the Honolulu Sugar Company for 241 acres in Waimalu Valley, Ewa, Oahu. A decision was rendered in this matter under date of August 21, 1899, in favor of said company, which is not included in the above statement.

*List of Government leases made by the Interior Department from July 7, 1898, to September 30, 1899.*

No. of lease.	Lessee.	Location.	Date of lease.	Annual rent.	Term.	Conditions.
535	C. Brewer & Co., Limited .....	Lot on Queen street, with building, Honolulu, Oahu.	1898. Sept. 1	\$1,200.00	20 years ....	To make \$10,000 worth of repairs on the building.
536	J. G. Serrao .....	Lot 19, block 13, Hilo, Hawaii .....	Dec. 12	635.00	21 years ....	To erect a \$2,000 fireproof fish market.
537	E. O. Hall & Son, Limited.....	Lot 18, Esplanade, Honolulu .....	Dec. 19	360.00	30 years ....	To erect a \$6,000 fireproof building.
538	H. Hackfeld & Co., Limited.....	Lot 15, Esplanade, Honolulu .....	1899. Jan. 23	600.00	.....do .....	To erect a \$7,000 fireproof building.
539	Electric Light Co.....	Lot 59, Esplanade, Honolulu .....	Feb. 6	620.00	.....do .....	To erect a \$8,000 fireproof building.
540	J. G. Serrao .....	Lot 21, block 13, Hilo, Hawaii .....	Feb. 20	460.00	.....do .....	To erect a \$2,000 fireproof building.
541	H. S. Pratt .....	Lot 22, Esplanade, Honolulu .....	.....do .....	310.00	.....do .....	Do.
542	C. H. Brown .....	Lot at Makaoku Beach, Hilo, Hawaii .....	.....do .....	25.00	Tenancy at will.	To terminate upon 30 days' notice.
543	T. H. Davies & Co., Limited.....	Lot 14, Esplanade, Honolulu .....	June 5	400.00	30 years.....	To erect a \$5,000 fire proof building.
544	B. L. Jones.....	Lot 23, block 13, Hilo, Hawaii.....	July 10	300.00	.....do .....	To erect a \$2,000 fire proof building.
545	W. W. Ahana.....	Lots 1, 2, 3, and 4, River street, Honolulu.	Aug. 14	960.00	21 years.....	To fill land to street grade before erecting any structure.
546	.....do .....	Lot —, River street, Honolulu.....	.....do .....	175.00	20 years.....	To commit no act that would become a nuisance to the Japanese Methodist Church.
547	See Yee Tong.....	Lot 5, River street, Honolulu.....	.....do .....	310.00	21 years.....	To fill land to street grade before erecting any structure.



List of patents issued from the 7th day of July, 1898, to the 30th day of September, 1899, on agreements made and entered into prior to the 7th day of July, 1898.

FIRST LAND DISTRICT, COMPRISING THE DISTRICTS OF HILO AND PUNA, ISLAND OF HAWAII.

No. of patent.	Patentee.	Date.	Area.	Location.	District.	Island.	Consideration.	Remarks.
		1898.						
4198	Jose da Costa Daniel .....	July 19	1.12	Kaiwiki .....	Hilo .....	Hawaii .....	\$199.50	Homestead.
4206	Samuel Sachs .....	do	32.15	Olaa .....	Puna .....	do .....	178.30	Olaa reservation.
4207	do .....	do	167.85	do .....	do	do	503.55	Do.
4212	Harriet E. Wilder .....	do	150	Keekee and Kamaili .....	do	do	450.00	Time payment.
4213	Arthur Wilder .....	do	103.25	do .....	do	do	311.00	Do.
4217	William Goodale .....	July 28	4.69	Kawainui .....	Hilo .....	do	100.00	Cash purchase; sold April 16, 1898.
4220	R. Mason .....	Aug. 5	96.20	Olaa .....	Puna .....	do	477.20	Olaa reservation.
4221	do .....	do	78.60	do .....	do	do	235.80	Do.
4222	Camilo C. Renjentes .....	do	8.18	do .....	do	do	47.72	Do.
4233	J. Vierra .....	Aug. 8	16.22	Kaumana .....	Hilo .....	do	98.46	Time payment.
4234	L. B. Maynard .....	Aug. 9	63.80	Kahoahuna .....	do	do	355.00	Do.
4235	Robt. Rycroft .....	Aug. 11	192.78	Olaa .....	Puna .....	do	956.68	Olaa reservation.
4237	W. A. McKay .....	Sept. 21	93.12	do .....	do	do	558.72	Do.
4238	do .....	do	98.36	do .....	do	do	295.08	Do.
4239	R. H. Rycroft .....	do	100	Kamaili .....	do	do	300.00	Time payment.
4253	Ikeka .....	Sept. 26	20	Olaa .....	do	do	60.00	Olaa reservation.
4254	M. Egawa and S. Hiraoka .....	do	19.75	do .....	do	do	68.72	Do.
4255	S. Hiraoka and Nago .....	do	28.30	do .....	do	do	113.20	Do.
4258	J. R. Hall .....	Nov. 1	142.30	do .....	do	do	426.90	Do.
4259	Pedro Cavalho da Roda and Marianno da Roda .....	Nov. 10	72.70	Kahoahuna .....	Hilo .....	do	365.00	Time payment.
4260	Yeiato Kobayashi .....	do	19.73	Kaiwiki .....	do	do	98.65	Homestead.
4261	Wakasa .....	do	18.67	do .....	do	do	130.69	Do.
4263	Chas. Furneas .....	Dec. 6	182.39	Olaa .....	Puna .....	do	1,066.34	Olaa reservation.
4264	Hanauko Judo .....	Dec. 9	18.19	Kaiwiki .....	Hilo .....	do	109.14	Homestead.
4266	J. W. Bergstrom .....	Dec. 16	116	Kaumana .....	do	do	58.00	Time payment.
4267	Manoel Favao .....	Dec. 21	20.53	Kaiwiki .....	do	do	205.30	Homestead.
		1899.						
4283	J. S. Low .....	Feb. 13	78.70	Kapehu .....	do	do	316.00	Time payment.
4284	W. G. Singlehurst .....	do	59.70	Papaaloa .....	do	do	158.00	Do.
4285	J. C. Cook .....	do	57.60	Wiloka .....	do	do	232.00	Do.
4286	F. M. Swanzy .....	do	96.70	Moanalulu .....	do	do	387.00	Do.
4287	Geo. H. Angus .....	do	95.70	Kaiwilahilahi .....	do	do	384.00	Do.
4295	Robt. I. Lillie .....	Mar. 1	62.40	Papaaloa .....	do	do	251.00	Do.
4296	Robt. Zink .....	Mar. 23	97.25	Olaa .....	Puna .....	do	483.50	Olaa reservation.
4297	do .....	do	102	do .....	do	do	306.00	Do.
4298	Watanabe .....	do	16.70	Kaiwiki .....	Hilo .....	do	50.10	Homestead.

4299	Kailioha (W.) .....	do	31.05	Kehena .....	Puna .....	do	111.00	Cash purchase; sold July 17, 1897.
4300	Olaa Coffee Co., Limited .....	Apr. 8	346.66	Olaa .....	do	do	1,419.34	Olaa reservation.
4301	do .....	do	428.14	do	do	do	1,663.78	Do.
4302	do .....	do	356.91	do	do	do	1,450.09	Do.
4303	do .....	do	303.02	do	do	do	1,288.42	Do.
4304	J. D. Abercrombie .....	Apr. 20	199.30	do	do	do	695.80	Do.
4305	Robt. Abercrombie .....	do	197.66	do	do	do	690.88	Do.
4306	Geo. Manson, W. H. Johnson, and D. Thoanum. ....	May 10	83.65	do	do	do	334.60	Do.
4307	do .....	do	49.67	do	do	do	149.01	Do.
4308	do .....	do	66.68	do	do	do	200.04	Do.
4309	H. Iten and P. Adler .....	do	97.87	do	do	do	337.90	Do.
4310	do .....	do	100	do	do	do	300.00	Do.
4311	Albert E. Sutton .....	do	66.83	do	do	do	200.49	Do.
4312	do .....	do	133.17	do	do	do	399.51	Do.
4313	August Iten .....	do	48.80	do	do	do	146.40	Do.
4314	do .....	do	148.97	do	do	do	446.92	Do.
4315	K. Otsuka .....	do	95.77	do	do	do	511.12	Do.
4318	Janeth T. Lewis .....	May 26	100	do	do	do	100.00	Do.
4319	Hattie S. Lewis .....	do	150	do	do	do	500.00	Do.
4320	D. Sasakura .....	do	20	do	do	do	60.00	Do.
4321	T. O. Wilson .....	do	146.40	do	do	do	439.20	Do.
4322	A. Sunter .....	do	169.10	do	do	do	776.40	Do.
4323	Felix Brughelli .....	June 19	178.32	do	do	do	788.56	Do.
4324	do .....	do	21.68	do	do	do	65.04	Do.
4325	Mrs. Alice Brughelli .....	do	77.40	do	do	do	232.20	Do.
4326	do .....	do	122.60	do	do	do	367.80	Do.
4327	M. Uyeda, Fugimoto, K. Funatsu, and A. H. Brown. ....	do	50	do	do	do	150.00	Do.
4328	Chas. Supe, Tr. ....	do	199.34	do	do	do	598.00	Do.
4330	C. L. Wight .....	July 15	150	Kamaili .....	do	do	450.00	Time payment.
4331	Sam'l. G. Wilder .....	do	150	do	do	do	450.00	Do.
4332	A. Cockburn .....	do	62.70	Kapehu 2 .....	Hilo .....	do	251.00	Do.
4333	D. K. Makuakane .....	do	68	Kihalani .....	do	do	272.00	Do.
4334	Mrs. S. E. Sunter .....	July 18	62.02	Olaa .....	Puna .....	do	372.00	Olaa reservation.
4335	do .....	do	137.98	do	do	do	413.94	Do.
4337	R. Mooney .....	Aug. 17	22.68	Nanawale .....	do	do	136.08	Homestead.
4345	E. G. Hitchcock (deceased) .....	do	200	Olaa .....	do	do	800.00	Do.
4346	Dr. W. L. Moore .....	do	95.30	do	do	do	471.08	Do.
4347	do .....	do	93.12	do	do	do	279.36	Do.
4348	Chas. J. Wall .....	do	50	do	do	do	150.00	Do.
4349	do .....	do	150	do	do	do	450.00	Do.
4350	J. Pope Howatt .....	do	97.25	do	do	do	483.50	Do.
4351	do .....	do	102.75	do	do	do	308.25	Do.
4352	K. Kawabara and S. Marinch. ....	Sept. 1	41.50	do	do	do	124.50	Do.
4353	do .....	do	158.50	do	do	do	475.50	Do.
4354	Richard Sweasey .....	Aug. 17	100	do	do	do	300.00	Do.
4355	do .....	do	100	do	do	do	300.00	Do.
4356	Geo. A. Dauphiny .....	do	100	do	do	do	300.00	Do.
4357	do .....	do	100	do	do	do	300.00	Do.
4358	F. Steininger .....	Aug. 16	128	do	do	do	384.00	Do.

*List of patents issued from the 7th day of July, 1898, to the 30th day of September, 1899, etc.—Continued.*

FIRST LAND DISTRICT, COMPRISING THE DISTRICTS OF HILO AND PUNA, ISLAND OF HAWAII—Continued.

No. of patent.	Patentee.	Date.	Area.	Location.	District.	Island.	Consideration.	Remarks.
4359	F. Steininger .....	1899. Aug. 16	72	Olaa .....	Puna .....	Hawaii .....	\$216. 00	Homestead.
4361	Alfred H. Brown .....	.....do	41. 86	.....do	.....do	.....do	164. 08	Do.
4362	.....do .....	.....do	158. 14	.....do	.....do	.....do	474. 42	Do.
4363	H. G. Junkin .....	Aug. 17	168. 50	.....do	.....do	.....do	603. 80	Do.
4364	.....do .....	.....do	31. 50	.....do	.....do	.....do	94. 50	Do.
4365	Willie Elderts .....	Aug. 16	82. 20	.....do	.....do	.....do	328. 80	Do.
4366	J. W. Morris .....	.....do	86. 70	.....do	.....do	.....do	269. 10	Do.
4367	.....do .....	.....do	113. 30	.....do	.....do	.....do	339. 90	Do.
4368	J. P. Sisson .....	.....do	140. 90	.....do	.....do	.....do	472. 70	Do.
4369	.....do .....	.....do	59. 10	.....do	.....do	.....do	177. 30	Do.
4370	Alfred W. Carter .....	Aug. 17	150	.....do	.....do	.....do	450. 00	Time payment.
4371	Abarkie Rycroft .....	.....do	50	Kamaili .....	Puna .....	Hawaii .....	150. 00	Do.
4372	H. R. Rycroft .....	.....do	50	.....do	.....do	.....do	150. 00	Do.
4379	Dr. W. L. Moore .....	Sept. 1	11. 58	Olaa .....	.....do	.....do	34. 74	Olaa reservation.
4380	Chas. E. Alley .....	.....do	19. 40	Nanawale .....	.....do	.....do	77. 60	Homestead.
4381	Andrew Neilson .....	.....do	20. 23	.....do	.....do	.....do	60. 69	Do.
4382	Mrs. J. Smithies .....	.....do	20. 27	.....do	.....do	.....do	50. 67	Do.
			9, 946. 10				36, 344. 56	
Patents pending:								
	Kamaki .....		58. 50	Olaa .....	Puna .....	Hawaii .....	170. 00	Olaa reservation.
	Misses I. Renwick and J. Brockie .....		97. 25	.....do	.....do	.....do	483. 50	Do.
	.....do .....		102. 75	.....do	.....do	.....do	308. 25	Do.
	C. W. Hill .....		47. 25	.....do	.....do	.....do	283. 50	Do.
	.....do .....		150	.....do	.....do	.....do	450. 00	Do.
Applications pending for the issue of patents:								
	A. W. Richardson .....		129. 40	.....do	.....do	.....do	598. 72	Do.
	.....do .....		25. 40	.....do	.....do	.....do	76. 20	Do.
	.....do .....		29. 70	.....do	.....do	.....do	89. 10	Do.
			10, 586. 35				38, 803. 83	

SECOND LAND DISTRICT, COMPRISING DISTRICTS OF KOHALA AND HAMAKUA.

No. of patent.	Patentee.	Date.	Area.	Location.	District.	Island.	Consideration.	Remarks.
		1898.						
4199	Kelūkuewa .....	July 19	16.90	Kaauhuhu .....	Hamakua .....	Hawaii .....	\$160.90	Homestead.
4201	Jas. Mitchell .....	July 25	11.81	Ahualoa .....	do .....	do .....	88.75	Do.
4202	Toyoshima .....	do .....	19.95	do .....	do .....	do .....	149.62	Do.
4203	Manuel Franco .....	do .....	11.80	Kalua .....	do .....	do .....	236.00	Do.
4204	Domingos Feireira .....	do .....	10.20	do .....	do .....	do .....	204.00	Do.
4205	Paahao .....	do .....	7	Kaunamano .....	do .....	do .....	140.00	Do.
4208	J. Driscoll .....	do .....	1	Ahualoa .....	do .....	do .....	20.00	Cash purchase; sold Feb. 5, 1898.
4210	Elizabeth W. Lyons .....	do .....	18.93	Punkapu .....	Kohala .....	do .....	47.32	Punkapu Reservation.
4211	Manuel Gonsalves .....	do .....	15.10	Ahualoa .....	Hamakua .....	do .....	151.00	Homestead.
4214	Mn'l de L. Cravalho .....	July 28	26.50	Paanilo .....	do .....	do .....	132.50	Do.
4215	C. W. Backeberg .....	do .....	22.90	do .....	do .....	do .....	171.75	Do.
4216	Mm'l Piemental .....	do .....	19.20	do .....	do .....	do .....	144.00	Do.
4226	Antone da Souza .....	Aug. 8	10.70	do .....	do .....	do .....	97.50	Do.
4227	Narcisso de Mello .....	do .....	16.68	Ahualoa .....	do .....	do .....	166.80	Do.
4229	Antone de Giar .....	do .....	9.70	Paanilo .....	do .....	do .....	97.50	Do.
4231	Mn'l Bento Cravalho .....	do .....	6.90	do .....	do .....	do .....	72.50	Do.
4232	Jono de Mello .....	Aug. 9	16.68	Ahualoa .....	do .....	do .....	125.10	Do.
4240	Francisco de Nobriga .....	Sept. 21	18.70	do .....	do .....	do .....	187.00	Do.
4241	Man'l Gonsalves .....	do .....	25.60	Paanilo .....	do .....	do .....	128.00	Do.
4242	Man'l de Fonsa .....	do .....	8.39	Kaauhuhu .....	do .....	do .....	125.85	Do.
4243	Jose M. Afonso .....	do .....	19.30	Ahualoa .....	do .....	do .....	193.00	Do.
4244	Marcellino Perreira .....	do .....	18.50	Kaapahu .....	do .....	do .....	138.75	Do.
4245	Jose de Gouveia .....	do .....	19	Ahualoa .....	do .....	do .....	190.00	Do.
4246	Jose M. Ferreira .....	do .....	19.30	Kaapahu .....	do .....	do .....	144.75	Do.
4247	Bento de Govea .....	do .....	18	do .....	do .....	do .....	135.00	Do.
4248	Jose Ferreira .....	do .....	22.50	do .....	do .....	do .....	168.75	Homestead.
4249	Juan Impolte .....	do .....	4.70	Kaauhuhu .....	do .....	do .....	94.00	Do.
4250	Manuel Vierra .....	do .....	9	Heneheneula .....	do .....	do .....	180.00	Do.
4251	Chen Ah Chong .....	do .....	19.20	Kainehe .....	do .....	do .....	96.00	Do.
4252	Joaquin J. Andrade .....	do .....	17	Ahualoa .....	do .....	do .....	127.50	Do.
		1898.						
4256	August de Andrade .....	Nov. 1	20	Paanilo .....	do .....	do .....	100.00	Do.
4257	Yamato Kojiro .....	do .....	15	Ahualoa .....	do .....	do .....	112.50	Do.
4268	Z. Paakiki .....	Dec. 21	21.24	Puukapu .....	Kohala .....	do .....	53.10	Puukapu reservation.
		1899.						
4274	Chas. Lovstad .....	Jan. 12	17.80	Kaapahu .....	Hamakua .....	do .....	185.00	Homestead.
4278	Manl. Pedro .....	Feb. 13	18	do .....	do .....	do .....	90.00	Do.
4279	John Gouvía .....	do .....	19	do .....	do .....	do .....	142.50	Do.
4280	Antone Techara .....	do .....	19.92	Ahualoa .....	do .....	do .....	149.40	Do.
4281	Ogawa .....	do .....	17.62	do .....	do .....	do .....	132.15	Do.
4290	Keawe Kahoa .....	Mar. 23	20	Kaapahu .....	do .....	do .....	200.00	Do.
4291	John Shane .....	do .....	20	do .....	do .....	do .....	200.00	Do.

List of patents issued from the 7th day of July, 1898, to the 30th day of September, 1899, etc.—Continued.

SECOND LAND DISTRICT, COMPRISING DISTRICTS OF KOHALA AND HAMAKUA—Continued.

No. of pateot.	Patentee.	Date.	Area.	Location,	District.	Island.	Consideration.	Remarks.
4340	Manl. Furtado.....	1899. Aug. 17	20	Paauiio.....	Hamakua .....	Hawaii .....	\$150.00	Homestead.
4342	Manl. Ferreira.....	.....do	19.75	.....do .....	.....do .....	.....do .....	148.13	Do.
4383	Antone Moriz.....	Sept. 1	16.50	Kaapahu.....	.....do .....	.....do .....	123.75	Do.
4384	Heirs Ellen Wahineaukai.....	.....do	19.95	Ahualoa.....	.....do .....	.....do .....	199.50	Do.
			725.92				6,099.87	

THIRD LAND DISTRICT COMPRISING DISTRICTS OF NORTH AND SOUTH KONA AND KAU.

4236	James H. Boyd .....	1898. Sept. 21	25.02	Kolaoa and Kohana-iki.	North Kona .....	Hawaii .....	\$191.71	Homestead.
4273	E. M. Paiwa.....	1899. Jan. 12	40.46	Ooma.....	.....do .....	.....do .....	80.92	Do.
4277	Alice F. Beard.....	Jan. 20	39.57	Waiaha.....	.....do .....	.....do .....	2,020.00	Time payment.
4292	Luika (w).....	Mar. 1	8.49	Ninole and Wailau .....	Kau .....	.....do .....	59.53	Homestead.
4293	Ikaaka .....	Mar. 23	16.41	.....do .....	.....do .....	.....do .....	98.46	Do.
4294	Kahopu .....	Do.	5.11	.....do .....	.....do .....	.....do .....	35.77	Do.
4343	J. M. Lilinoe .....	Aug. 17	16.47	Ooma.....	North Kona .....	.....do .....	115.29	Do.
4344	Kulani .....	Do.	8.22	Puaa .....	.....do .....	.....do .....	24.66	Do.
			159.75				2,626.34	

FOURTH LAND DISTRICT, COMPRISING ISLANDS OF MAUI, MOLOKAI, LANAI, AND KAHOO LAWE.

4209	Antone Cravalio.....	1898. July 19	12.40	Pulehuiki and Kam-ehameiki.	Kula .....	Maui .....	\$62.00	Homestead.
4265	Jose da Cambra .....	Dec. 9	12.67	Waiakoa .....	.....do .....	.....do .....	63.35	
4271	Chas. Dudoit, jr. ....	1899. Jan. 7	12.66	Hoolehua .....	Kona .....	Molokai .....	75.00	
4272	Kahooilina Dudoit .....	.....do	11.02	.....do .....	.....do .....	.....do .....	75.00	
4275	Julius Dudoit.....	Jan. 16	5.42	.....do .....	.....do .....	.....do .....	75.00	Homestead on exchange.
4276	Mrs. Blanche Lewis .....	.....do	7.81	.....do .....	.....do .....	.....do .....	75.00	
4289	Antone C. da Silva .....	Mar. 23	16.08	Waiakoa.....	Kula .....	Maui .....	96.50	Homestead.



4269	Mrs. Maraea Richards.....	1898. Dec. 6	20	Kamiloloa.....	Kona.....	Molokai .....	50.00	Quitclaim.
4338	Jose J. dos Santos .....	1899. Aug. 17	10.52	Pulehuiki and Pule- huiki.	Kula.....	Maui .....	52.60	Homestead.
4339	Man'l d'Aruda .....	do .....	22.12	do .....	.....	.....	110.60	
4341	Yip Ka .....	do .....	19.04	Waiakoa.....	.....	.....	95.20	
	Patents pending: Marion de Carmo.....		17.65	do .....	.....	.....	88.25	
			167.39				918.50	

## FIFTH LAND DISTRICT, COMPRISING ISLAND OF OAHU.

4200	Waianae Co .....	1898. July 19	4	Waianae.....	Waianae.....	Oahu .....	\$100.00	Cash purchase; sold Mar. 21, 1896.
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## List of patents issued from and after July 7, 1898, to September 30, 1899, on cash sale.

No. of patent.	Patentee.	Date.	Area.	Location.	District.	Island.	Consideration.	Remarks.
<i>First land district.</i>								
4223	Evangeline da Silva .....	1898. Aug. 5	8.70	Olaa .....	Puna .....	Hawaii .....	\$49.50	Cash purchase.
<i>Third land district.</i>								
4828	W. C. Achi .....	1899. Mar. 1	.048	Kauhako .....	South Kona .....	Hawaii .....	235.00	Cash purchase.
	Application pending for issue of patent: J. A. Maguire .....		304	Ooma .....	North Kona .....	do .....	351.00	Do.
			304.048				586.00	
<i>Fourth land district.</i>								
4360	Pioneer Mill Co. ....	Aug. 17	5	Honokowai .....	Kaanapali .....	Maui .....	500.00	Cash purchase.
4373	Nahiku Sugar Co., Limited. ....	Sept. 1	7	Nahiku .....	Koolau .....	do .....	135.00	Do.
4374	do .....	do	74.74	do .....	do .....	do .....	1,868.50	Do.
4375	do .....	do	36.76	do .....	do .....	do .....	919.00	Do.
4376	do .....	do	26	do .....	do .....	do .....	650.00	Do.
4377	do .....	do	118.20	do .....	do .....	do .....	2,364.00	Do.
4378	do .....	do	103.20	do .....	do .....	do .....	516.00	Do.
			370.90				6,952.50	
<i>Fifth land district.</i>								
4270	Honolulu Sugar Co. ....	Jan. 7	98	Aiea .....	Ewa .....	Oahu .....	10,000.00	Do.
4317	Rt. Rev. Gulstan F. Ropert. ....	May 10	1.70	Pouhala .....	do .....	do .....	200.00	Do.
4329	Waianae Co. ....	June 19	1	Waianae Valley .....	Waianae .....	do .....	100.00	Do.
4336	M. Kekuanaoa .....	July 12	.04	Kapunkolo .....	Honolulu .....	do .....	45.00	Perfecting title.
	Patents pending: L. L. McCandless .....		2.80	Kahikiea, Waimalu ..	Ewa .....	do .....	210.00	Cash purchase.
	Honolulu Sugar Co. ....		6.80	Pohakupu .....	do .....	do .....	505.00	Do.
			110.34				11,060.00	
<i>Sixth land district (comprising islands of Kauai and Niihau).</i>								
4262	Makee Sugar Co .....	1898. Dec. 6	44.50	Kamalomaloo .....	Puna .....	Kauai .....	500.00	

*List of patents issued on exchanges, quitclaims, etc., from July 7, 1898, to September 30, 1899.*

No. of patent.	Patentee.	Date.	Area.	Location.	District.	Island.	Consideration.	Remarks.
4197	Keauloa .....	1898. July 19	1.12	Auwaislimu .....	Honolulu.....	Oahu .....		Quitclaim deed.
4218	Bolabola.....	July 29	9.50	Kaholo and Kaapahu.	Hamakua .....	Hawaii .....		Exchange for road purposes.
4224	J. Vierra.....	Aug. 5	1.02	Ponahawai .....	Hilo .....	do .....		Do.
4225	Antone da Souza .....	do .....	12.50	Paauiio.....	Hamakua .....	do .....		Compromise on account of shortage in area.
4228	Antone de Giar.....	Aug. 8	15.70	do .....	do .....	do .....		Do.
4230	Man'l Bento Cravalio .....	do .....	10.30	do .....	do .....	do .....		Do.
4282	Kahilo (w) .....	1899. Feb. 13	2.50	Ponahawai .....	Hilo .....	do .....	\$125.00	Exchange for road purposes.
			52.64				125.00	

## List of special agreements issued from July 7, 1898, to September 30, 1899.

No. of agreement.	Name.	Date.	Area.	Location.	District.	Island.	Purchase price.	Amount paid on account purchase price.	
	H. J. Lyman.....							\$122.50	Agreement not on file.
138	L. B. Maynard.....	1898. July 20	66.90	Kahoahuna	Hilo.....	Hawaii.....	\$670.00	167.50	First land district.
144	L. A. Andrews..... John M. Ross.....	1899. Jan. 16	98.20	Ponahawai	do.....	do.....	550.00	137.50 115.00	Do. Agreement not on file.
			165.10				1,220.00	542.50	
145	Antone P. Soares.....	1899. Mar. 25	11.30	Kaauhuhu	Kohala.....	Hawaii.....	34.00	6.80	Second land district.
146	Elia K. Peatri.....	do	10.08	do	do	do	121.00	24.20	Do.
147	Julho Furtado.....	do	6.65	do	do	do	20.00	4.00	Do.
148	O. L. Kimoko.....	do	6.60	do	do	do	41.00	8.20	Do.
149	M. G. Clement.....	do	17.01	do	do	do	52.00	52.00	Do.
150	Hugh P. King.....	do	23.23	do	do	do	160.00	32.00	Do.
151	Mary Anderson.....	do	18.31	do	do	do	105.00	21.00	Do.
152	Frank Cactano.....	do	12.80	do	do	do	39.00	7.80	Do.
153	Joao de Franca.....	do	10	do	do	do	31.00	6.20	Do.
154	H. M. Kaniho.....	do	7.90	do	do	do	24.00	4.80	Do.
155	Nakoholua.....	do	10.00	do	do	do	31.00	6.20	Do.
156	John de Nevas.....	do	14.08	do	do	do	43.00	8.60	Do.
157	Kuamoo.....	do	13.60	do	do	do	41.00	8.20	Do.
158	Kalawa.....	do	14.70	do	do	do	45.00	9.00	Do.
159	A. K. Eldredge.....	do	13.30	do	do	do	40.00	8.00	Do.
160	Mani D. Martins.....	do	12.10	do	do	do	37.00	7.40	Do.
161	Robert Laing.....	do	12.10	do	do	do	47.00	9.40	Do.
162	Sam Hook.....	do	10.54	do	do	do	32.00	6.40	Do.
163	Peter R. Neilson.....	do	14.25	do	do	do	43.00	43.00	Do.
164	Anne K. Pulaa.....	do	13	do	do	do	40.00	8.00	Do.
165	D. W. Kawaimaka.....	do	7.17	do	do	do	22.00	4.40	Do.
167	O. C. de Souza.....	do	27.64	do	do	do	83.00	16.60	Do.
166	Mrs. K. Keahi.....	do	8.81	do	do	do	27.00	5.40	Do.
168	Levi Manu.....	do	25.50	do	do	do	95.00	19.00	Do.
169	Antone Luiz.....	do	36	do	do	do	109.00	21.80	Do.
170	Sam Halekui.....	do	38.89	do	do	do	117.00	23.40	Do.
171	Eliza Atkins.....	do	35.85	do	do	do	108.00	21.60	Do.
172	Wight Atkins.....	do	28.25	do	do	do	87.00	17.40	Do.
173	R. H. Atkins.....	do	38.26	do	do	do	115.00	23.00	Do.

174	Frank Atkins .....	...do...	32.26	...do.....	...do.....	...do.....	97.00	19.40	Do.
178	John Watt and David Forbes .....	...do...	20	Puukapu .....	...do.....	...do.....	1,500.00	375.00	Do.
			550.18				3,386.00	828.20	
		1899.							
175	Sanford B. Dole.....	May 1	30.04	Puuanahulu.....	North Kona .....	Hawaii .....	75.00	75.00	Third land district.
176	J. M. Hind .....	...do...	20.02	...do.....	...do.....	...do.....	50.00	.....	Do.
177	Mrs. E. N. Low.....	...do...	18.07	...do.....	...do.....	...do.....	45.00	45.00	Do.
			68.13				170.00	120.00	
		1898.							
141	Mrs. Mary Hanuna .....	Dec. 17	108.25	Nahiku.....	Koolau .....	Maui .....	940.00	600.00	Fourth land district.
142	W. A. McKay .....	...do...	95.26	...do.....	...do.....	...do.....	1,700.00	425.00	Do.
143	Kuabara Jutaro.....	...do...	48.45	...do.....	...do.....	...do.....	405.00	101.25	Do.
			251.96				3,045.00	1,126.25	

*Cash freehold agreements granted from the 7th day of July, 1898, to the 30th day of September, 1899.*

No. of agreement.	Name.	Date.	Area.	Location.	District.	Island.	Purchase price.	Amount paid on account purchase price.	Remarks.
	<i>Second land district.</i>								
5	Joe Kaia.....	1899. Apr. 1	13.69	Puukapu.....	Kohala.....	Hawaii.....	\$34.22	\$34.22	{These agreements were granted to these parties under Part X of the land act of 1895, in re Puukapu, etc., reservation.
6	Martin Campbell.....	July 31	13.28	do.....	do.....	do.....	33.20	33.20	
7	Keawe 2.....	Sept. 14	20.68	do.....	do.....	do.....	51.70	12.92	
8	Mauna.....	Sept. 21	20.17	do.....	do.....	do.....	50.42	12.60	
			67.82				169.54	92.94	



*List of right-of-purchase leases issued from July 7, 1898, to September 30, 1899.*

No. of right-of- pur- chase lease.	Lessee.	Date	Area.	Location.	District.	Island.	Purchase price.	Amount paid on account rent.
<i>First land district.</i>								
		1898.						
163	J. P. Macfarlan .....	July 20	53.90	Ponahawai	Hilo	Hawaii	\$323.90	\$31.00
164	H. L. Shaw .....	Oct. 1	100	Olaa	Puna	do	600.00	48.00
169	C. Slavin .....	do	100	do	do	do	600.00	50.00
171	Peter Martin .....	do	30	do	do	do	180.00	14.40
172	N. de Federoff .....	Aug. 18	50	do	do	do	300.00	26.90
173	S. Hoolohe .....	Sept. 20	39.03	Kahuku	Hilo	do	332.08	27.33
175	M. Cabrinha .....	do	20.19	do	do	do	100.95	8.33
177	H. E. Soule .....	Nov. 18	97	Maulua	do	do	485.00	33.52
178	Henry L. Hayes .....	do	100	do	do	do	500.00	34.65
179	P. H. Soule .....	do	100	do	do	do	500.00	34.65
180	Albert James .....	do	100	do	do	do	500.00	35.65
181	J. C. Ridgway .....	do	100	do	do	do	500.00	34.65
182	H. L. Wheatley .....	do	100	do	do	do	500.00	32.38
183	H. B. Gehr .....	do	93.50	do	do	do	467.50	32.38
184	H. C. Davis .....	do	100	do	do	do	500.00	34.65
		1899.						
185	Jos. Vieira .....	Jan. 1	17.80	do	do	do	267.00	16.02
186	P. E. Harkins .....	Jan. 19	84.45	Kaohe	Puna	do	591.15	33.10
187	T. O. Mitchell .....	Jan. 24	44	Kaiwili	Hilo	do	352.00	19.33
188	A. F. Gil .....	do	19	Kahuku	do	do	95.55	8.92
189	F. G. da Rosa .....	Apr. 1	61.54	Kaohe	Puna	do	369.24	14.77
190	Walter Nicolls .....	do	103	Maulua	Hilo	do	1,185.00	47.40
191	Antone Gomes, jr .....	Feb. 6	13	Kahuku	do	do	39.00	2.08
193	G. D. Supe .....	Feb. 8	100	Olaa	Puna	do	800.00	40.90
195	J. Mills .....	Apr. 1	84.53	Kaohe	do	do	591.70	23.66
196	B. B. Stevens .....	do	78.60	Opihikao	do	do	393.00	15.72
197	Elsa Grubb .....	do	99.50	Kaohe	do	do	497.50	19.90
198	J. F. Armstrong .....	Apr. 17	87.22	do	do	do	436.60	33.45
199	Joseph L. Carter .....	do	83.60	do	do	do	418.00	32.19
200	David Auka .....	Apr. 19	91.12	do	do	do	455.60	34.45
201	John Raposa .....	Apr. 20	92.41	do	do	do	462.05	34.90
202	C. F. Brush .....	do	98.83	do	do	do	395.22	29.90
203	Emma Barnard .....	Apr. 26	49.60	do	do	do	198.40	14.72
204	Thomas C. Ridgway .....	Apr. 1	100	Maulua	Hilo	do	500.00	20.00
205	Chas. G. Woodman .....	June 16	100	do	do	do	500.00	25.90
194	B. H. Sharpless .....	do						12.90
							14,936.44	945.97

Agreement not on file.

## List of right-of-purchase leases issued from July 7, 1898, to September 30, 1899—Continued.

No. of right-of-purchase lease.	Lessee.	Date.	Area.	Location.	District.	Island.	Purchase price.	Amount paid on account rent.	
Second land district.									
88	Kini Koukoulā (w) a.....	July 21	16.02	Puukapu.....	Kohala.....	Hawaii.....	\$40.05	\$1.60	Lease is yet to be approved.
89	John Chesebro a.....	July 24	21.18	do.....	do.....	do.....	52.95	2.12	
90	Haau a.....	do.....	15.67	do.....	do.....	do.....	39.17	1.56	
91	Rose Kaopua a.....	do.....	16.09	do.....	do.....	do.....	42.22	1.60	
			68.96				174.39	6.88	
Third land district.									
13	E. Kalua.....	Feb. 1	18	Kukuipōae.....	South Kona.....	Hawaii.....	54.09	2.93	
14	L. Ahuna.....	do.....	29.08	do.....	do.....	do.....	98.87	5.27	
			47.08				152.96	8.20	
Fourth land district.									
49	J. S. Garnett.....	Mar. 1	90.44	Kaupo.....		Maui.....	271.32	12.65	
50	Pupule.....	Aug. 1	287.38	Kahakuloa.....		do.....	396.90	15.90	
			377.82				668.22	28.55	
Fifth land district.									
1	C. Pullman.....	Jan. 30	42	Wahiawa.....	Waialua.....	Oahu.....	168.00	15.68	Assigned to Addie O. Clark, Aug. 23, 1899.
2	E. C. Rhodes.....	Jan. 31	60	do.....	do.....	do.....	240.00	22.40	
3	A. W. Eames.....	do.....	100	do.....	do.....	do.....	400.00	21.33	
4	Mrs. Mary E. Clark.....	Feb. 1	185	do.....	do.....	do.....	925.00	86.33	
5	Wm. P. Thomas.....	Feb. 2	122	do.....	do.....	do.....	488.00	45.52	
6	L. G. Kellogg.....	Feb. 1	200	do.....	do.....	do.....	1,000.00	93.33	
7	T. J. Walker.....	do.....	100	do.....	do.....	do.....	500.00	46.66	
8	H. R. Hanna.....	do.....	22	do.....	do.....	do.....	66.00	6.16	Assigned to T. L. Halloway, Aug. 28, 1899.
9	T. H. Gibson.....	do.....	41	do.....	do.....	do.....	123.00	11.49	
10	Edgar Wood.....	do.....	60	do.....	do.....	do.....	240.00	22.40	
11	J. W. Welte.....	do.....	131	do.....	do.....	do.....	393.00	36.67	
12	Wm. B. Thomas.....	Apr. 1	145	do.....	do.....	do.....	725.00	58.00	
13	E. T. Tannett.....	do.....	61	do.....	do.....	do.....	183.00	12.20	
			1,269				5,451.00	478.17	

a These leases were granted to these parties under Part X of the land act of 1895, in re Puukapu, etc., reservation.

*Homestead leases—List of certificates of occupation granted from July 7, 1898 to September 30, 1899.*

No. of certificate.	Homesteader.	Date.	Area.	Location.	District.	Island.	Fee.
<i>Third land district.</i>							
		1899.					
34	L. Kaihemakawalu.....	Jan. 9	28.20	Puuanahulu.....	North Kona.....	Hawaii.....	\$2.00
35	Akoni Kaleo.....	Jan. 3	28	do.....	do.....	do.....	2.00
36	Onulla Kahale.....	do	27	do.....	do.....	do.....	2.00
37	Kekipi Nala.....	do	23.50	do.....	do.....	do.....	2.00
38	Daniel Kaainoni.....	Feb. 1	34.09	do.....	do.....	do.....	2.00
39	Kalai.....	Apr. 17	8	do.....	do.....	do.....	2.00
			148.79				12.00
<i>Fourth land district.</i>							
		1898.					
22	Jos. N. Uahinui.....	Oct. 28	20	Kamiloloa.....		Molokai.....	2.00
23	Kanakaole.....	do	14.10	Hoolehua.....		do.....	2.00
24	David Poai.....	do	20.30	Kamiloloa.....		do.....	2.00
25	David Kooili.....	do	20	do.....		do.....	2.00
26	Kamaka.....	Nov. 22	16	Kahakuloa.....		Maui.....	2.00
27	Sol. Kekino.....	do	20.20	Kamiloloa.....		Molokai.....	2.00
28	Kalani-kini.....	do	13.10	Hoolehua.....		do.....	2.00
29	Kapo (w).....	do	13.50	Kahakuloa.....		Maui.....	2.00
30	Keakaikamalu.....	Dec. 1	15.35	Hoolehua.....		Molokai.....	2.00
31	John Burrows.....	do	18.25	do.....		do.....	2.00
32	D. Kauakahi.....	do	14.30	do.....		do.....	2.00
33	Moken.....	do	7	Kahakuloa.....		Maui.....	2.00
34	D. W. Napihaa.....	Dec. 8	8.39	Keanae.....		Maui.....	2.00
		1899.					
35	H. Z. Kaipo.....	Apr. 1	7.73	Nahiku.....		do.....	2.00
36	Kuhelepo.....	do	8	do.....		do.....	2.00
37	Joseph Kaiwi.....	do	8	do.....		do.....	2.00
38	Kalehua Kuhelepo.....	do	8	do.....		do.....	2.00
39	C. K. Haui.....	do	8	do.....		do.....	2.00
40	Moses M. Kekua.....	do	8	do.....		do.....	2.00
41	Manono Koa.....	do	8	do.....		do.....	2.00
42	K. Pikanoa.....	do	8	do.....		do.....	2.00
43	L. Kekahiwa.....	do	8	do.....		do.....	2.00
44	N. Kahuena.....	do	8	do.....		do.....	2.00
45	Maalewa.....	do	8	do.....		do.....	2.00
46	Lokalia Mauna.....	do	8	do.....		do.....	2.00
47	Pilemona Mauna.....	do	8	do.....		do.....	2.00
48	Louisa Joseph.....	do	8.40	do.....		do.....	2.00
49	Pohaku Miki.....	do	8	do.....		do.....	2.00
50	Mauae.....	do	7.30	do.....		do.....	2.00

• Homestead leases—List of certificates of occupation granted from July 7, 1898, to September 30, 1899—Continued.

No. of certifi- cate.	Homesteader.	Date.	Area.	Location.	District.	Island.	Fee.
Fourth land district—Continued.							
		1899.					
51	Kekuamanoale.....	Apr. 2	8	Nahiku.....		Maui.....	\$2.00
52	L. K. Kalanialii.....	do ..	8	do ..		do ..	2.00
53	J. H. Hoomanawanui.....	July 1	8	do ..		do ..	2.00
54	Alapai Pahia (w).....	do ..	8	do ..		do ..	2.00
55	Sarah Makahilahila.....	do ..	8	do ..		do ..	2.00
56	John Kamai.....	do ..	8	do ..		do ..	2.00
57	Pinchaka.....	do ..	8	do ..		do ..	2.00
58	J. Kaiewe.....	Aug. 1	8	do ..		do ..	2.00
59	Maakua (w).....	do ..	8	do ..		do ..	2.00
			399.92				76.00
Fifth land district.							
15	Kahooka .....	May 8	2.79	Pouhala .....	Ewa .....	Oahu .....	2.00

# COMMISSION OF PUBLIC LANDS.

*List of applications filed from and after July 7, 1898, to and including October 11, 1899.*

Applicant.	Date.	Nature of application and location of land.	Island.	Upset price offered.	Remarks.
John Hind .....	1898. July 7	Application asking for privilege prospecting water on lands of Kaaauhuhu, Kohala.	Hawaii .....		July 11, 1898. Matter referred to executive council. July 13, 1898. Reply from executive council that land license be issued to applicant. Lease No. 520 A. \$100 per annum when water is developed.
A. M. Brown .....	July 11	Application for lease of Ualapue and Kahananui for 21 years.	Molokai .....	\$100.00	Aug. 31, 1898. Sold to A. M. Brown at a rental of \$210. Jan. 23, 1899, assigned to H. R. Hitchcock and Otto Meyer. Lease No. 519.
Hakalau Plantation Co. ....	July 9	Application for lease or privilege to plant cane on 30 acres of land at Kamae and Wailau.	Hawaii .....		No action taken.
Hui a Ualapue and J. Kahue.	July —	Application for lease of Ualapue .....	Molokai .....	110.00	Applicants verbally informed land already advertised for lease. Sold under lease No. 519.
Sarah Marquiz .....	July 20	Application for a homestead lot at Waikele, Ewa.	Oahu .....		No action taken.
H. P. Baldwin, W. F. Pogue, and A. Hocking.	July 25	Application to take water from Nahiku lands, Koolau.	Maui .....		Land license granted Aug. 2, 1898, for a term of 30 years. Lease No. 520 B. Rent payable upon incorporation Nahiku Sugar Company. First 10 years at \$500 per annum; balance of term \$1,000 per annum.
Kaneohe Ranch Co. ....	Aug. 10	Application to lease land of Kanohouluwi at Koolaupoko for 21 years.	Oahu .....	300.00	Aug. 31, 1898. Sold to applicants under lease No. 520 at \$450 per annum.
Wm. A. D. Kapele .....	Aug. 7	Application to purchase 65 acres of land at Keokea, Puna.	Hawaii .....	3.00	Per acre. No action taken.
John Norton .....	Oct. 12	Application to purchase 100 acres of land at Honohono, Hilo.	.....do .....		This land apparently not Government land. Application declined.
American Sugar Co. ....	Oct. 15	Application for lease of Punalau for 21 years ..	Molokai .....	200.00	Dec. 20, 1898, sold to W. A. Cahill, at a rental of \$255. Assigned to W. E. Wall. Lease No. 521.
Hilo Portuguese Sugar Mill Co.	Oct. 17	Application for permission to clear 300 acres of additional area on land of Puhonua, Hilo.	Hawaii .....		Permission declined.
Henry C. Vida .....	Oct. 20	Application to lease Waimanu Valley, Hamakua.	.....do .....	150.00	Application not approved. This land was eventually sold Dec. 30, 1898, to L. Akaka, under lease No. 524, for \$400 per annum.
Kipahulu Sugar Co. ....	Nov. 1	Application to lease six remnants of Government land in Kipahulu for 21 years.	Maui .....	300.00	Dec. 30, 1898, sold to applicants, under lease No. 522, for \$400 per annum.
Pioneer Mill Co. ....	Nov. 4	Application to purchase 5 acres Government land at Honokowai, Kaanapali.	.....do .....	500.00	Sold July 31, 1899, to applicants, for \$500.
A. M. Brown .....	Nov. 9	Application to lease Government lands in Wailau Valley for 21 years.	Molokai .....	250.00	Application approved and referred to executive council. No sale has yet taken place.
W. B. Starkey .....	Nov. 7	Application to purchase two pieces Government land at Pukaauhuhu, Kaupo.	Maui .....	5.00	Per acre. No action taken.
Frank H. Foster .....	Nov. 17	Application to purchase Government land of Kaamola.	Molokai .....	2.00	Do.

## COMMISSION OF PUBLIC LANDS—Continued.

*List of applications filed from and after July 7, 1898, to and including October 11, 1899—Continued.*

Applicant.	Date.	Nature of application and location of land.	Island.	Upset price offered.	Remarks.
Estate James Woods .....	1898.	Application for a renewal of lease on six remnants of Government lands in Kohala.	Hawaii .....		No action taken.
S. Kapu .....	Nov. 9	Application for lease of Government lands lying between Honomanu and Keanae.	Maui .....		Nov. 21, 1898, applicant informed that his application can not be considered until the commissioners have more knowledge of same.
Theo. F. Lansing .....	Nov. 21	Application for a license to take and use water from Waiahole stream, Koolaupoko.	Oahu .....		Dec. 1, 1898, the commissioners decided to consult with the executive council to enable them to arrive at a thorough understanding in re advisability of granting same. Matter held in abeyance pending investigation as to water power for electric and other Government purposes.
Heeia Agricultural Co. ....	Dec. 13	Application for lease of Kanohouluiwi, Koolaupoko, for 21 years.	.....do .....	\$150. 00	Land transferred to minister of the interior for general public purposes. Applicant so notified.
J. K. Dorn .....	Nov. 29	Application to take up lot No. 27, Map 3, Ponahawai, Hilo, under special agreement.	Hawaii .....	196. 40	Jan. 16, 1899, sold to L. A. Andrews, for \$550.
Elsa Grubb .....	Nov. 9	Application to take up lot No. 26, at Olaa, Puna, under special agreement.	.....do .....	103. 00	Jan. 16, 1899, sold to O. A. Stevens, for \$125.
F. Wikandes .....	Nov. 2	Application to purchase two islands situate in center of lava flow in Kaumana, Hilo.	.....do .....		No action taken.
Joao Fernandez .....	Nov. 7	Application for permission to assign lot 8, at Maulua track, by way of mortgage.	.....do .....		Do.
W. P. Fennel .....	Nov. 23	Application to purchase lots 15, 16, and 17, at Ninole.	.....do .....	\$2. 50	Per acre. No action taken.
Gustave C. Gallagher .....	Dec. 1	Application for permission to assign lots 319 and 326, Olaa, Tuna.	.....do .....		No action taken.
L. L. McCandless .....	Dec. 16	Application to purchase all Government land in Waiahole, Koolaupoko.	Oahu .....	\$15,000. 00	Do.
Kwong Sing Co. ....	Dec. 19	Application for renewal of lease of land known as "Kamookahi," Waikiki.	.....do .....	60. 00	Sold Apr. 11, 1899, to applicants, lease No. 525, at \$60 per annum. Lease to begin Mar. 15, 1900.
L. L. McCandless .....	Dec. 21	Application to lease or purchase all Government lands lying between Waikane and Kaalaea, Koolaupoko.	.....do .....	{ 20,000. 00 300. 00	For purchase. } No action taken. For lease.
Heeia Agriculture Co. ....	Dec. 28	Application to lease 85 acres of land at Kanohouluiwi, Koolaupoko.	.....do .....	75. 00	Land transferred to minister of interior for general public purposes
Hamakua Mill Co .....	1899. Jan. 14	Application to lease Government lands lying between Opihialala and Paaulo, Hamakua.	Hawaii .....	934. 50	Sold Apr. 11, 1899, to applicants at \$1,035 per annum. Lease No. 526.
Catholic Mission .....	Jan. 11	Application to purchase 1.7 acres land at Pouhala, Ewa.	Oahu .....	200. 00	Sold Apr. 4, 1899, to applicants for \$200.
Elizabeth N. Dow .....	Jan. 20	Application to purchase lot 31 at Puuanahulu, North Kona, under special agreement.	Hawaii .....		Sold Apr. 4, 1899, to applicants for \$45.



J. M. Hind.....	....do ...	Application to purchase lot 32 at Puuanahulu, North Kona, under special agreement.	....do .....		Sold Apr. 4, 1899, to applicants for \$50.
C. H. Brown.....	Jan. 1	Application for permission to clear 500 acres of the land of Pūhonua, Hilo.	....do .....		Feb. 27, 1899, permission granted to clear 100 acres.
Pioneer Settlement Association.	1898 Dec. 30	Application as settlement association for lands in New Olaa tract, Puna.	....do .....		Action deferred until survey of Olaa is further advanced.
C. H. W. Hitchcock.....	....do ...	Application to purchase 90.4 acres land at Olaa, Puna.	....do .....		Action deferred for further information from E. D. Baldwin.
Waianae Co.....	1899 Feb. 6	Application to purchase 1 acre land at Waianae.	Oahu .....	100.00	Sold May 16, 1899, to applicants at upset price.
Sanford B. Dole.....	Feb. 23	Application to purchase lot 39 at Puuanahulu, North Kona.	Hawaii .....		Sold Apr. 4, 1899, to applicant for \$75.
E. K. Hambly et al.....	May 5	Application for lots at Olaa, for settlement association, Puna.	....do .....		Not approved.
Waialua Agricultural Co....	May 8	Application for lease of Wahiawa-uka Waialua for 21 years.	Oahu .....	500.00	No action taken.
Mariano Deniz .....	Mar. 10	Application to take up lot 13, at Kahuku Hilo, under special agreement.	Hawaii .....		Sold June 22, 1899, for \$117.90 to John Ross.
P. Rice .....	Apr. 21	Application to take up lot 13, at Kaohe, Puna, under special agreement.	....do .....		Sold June 22, 1899, for \$47.15 to Henry Lyman.
Wilmot Vredenberg .....	May 4	Application to purchase 100 acres land at Waimea Kohala, under residence condition, etc.	....do .....		It was decided to sell only 10 acres at upset price of \$50 per acre. No sale has as yet taken place.
E. S. Cunha .....	May 17	Application for the purchase of a part of the Ili of Tohakupu, Waimalu, Ewa; in compromise of a former application for a quitclaim of the same.	Oahu .....	150.00	Sold Aug. 21, 1899, for \$505 to Honolulu Sugar Co.
Princeville Plantation Co...	May 28	Application for the purchase of the lands of Puupehu and the Ahupuaa of Hanalei or Halelea.	Kauai .....	12,000.00	No action taken.
Estate W. M. Gibson .....	Feb. 24	Application to lease 900 acres of the land of Kalulu.	Lanai.....	100.00	Old lease to continue until Feb. 9, 1907, at \$450 per annum.
J. M. Lee .....	Feb. —	To take up 5 acres land at upper corner of Olaa, Puna, under right of purchase lease.	Hawaii .....		Action deferred for further information from E. D. Baldwin.
Wilmot Vredenberg .....	Feb. 7	Application to take up lots 59, 60, and 61 at Puukapu, Waimea.	....do .....		Action deferred until agent of public lands can visit Waimea.
Kekapa Kaaua .....	....do ...	To take up 20 acres land at Puukapu, Waimea, under cash freehold agreement.	....do .....		Notified that plan had not yet been received. To be considered later.
American Sugar Co.....	Mar. 2	Application to acquire fee-simple title to 30 acres land at Palaaui-makai for plantation site.	Molokai .....		No action taken.
Estate W. M. Gibson .....	Mar. 7	Application offering to surrender certain leases of lands in Lanai, to wit, Pawili, Kamao, and Kealia Aupuni, Mahana Kaunolu, and Kalulu.	Lanai .....		The surrender is provided that a new lease be granted on said lands for a term of twenty-one years at increased rental of \$2,500 per annum. Mar. 8, 1899, referred to executive council. Mar. 13, 1899, executive council replies that the proposition of making a lease without competition is untenable under the Hawaiian laws.
Honolulu Sugar Co.....	Mar. 6	Application for permission to continue railroad across land of Kaumiumi Waimalu, Ewa, with notice to acquire same, under chapter 114, C. L.	Oahu .....		Mar. 6, 1899, permission granted as applied for.

## COMMISSION OF PUBLIC LANDS—Continued.

*List of applications filed from and after July 7, 1898, to and including October 11, 1899—Continued.*

Applicant.	Date.	Nature of application and location of land.	Island.	Upset price offered.	Remarks.
F. R. Vida.....	1899. Jan. 30	Application to take up lots 1 and 2, Puukapu, under right of purchase lease or cash freehold agreement, Waimea.	Hawaii .....		No action taken.
E. S. Cunha. ....	Mar. 15	Application for quitclaim deed for part of Ili of Pohakupu, Waimalu, Ewa.	Oahu .....		Declined.
E. B. Mikalemi .....	....do....	Application for quitclaim deed of portion of Kahikiea, Waimalu, Ewa.	....do .....		Do.
L. L. McCandless.....	....do....	Application for quitclaim deed for portion of Kahikiea, Waimalu, Ewa.	....do .....		Do.
Mele Kailiahi .....	....do....	Application for quitclaim deed for portion of Aiea, Ewa.	....do .....		Do.
D. Hawawanakoa, by J. Kallaniana'ole.	....do....	Application for quitclaim deed for portion of Wahaloa, Ewa.	....do .....		Do.
Est. W. M. Gibson .....	Mar. 14	Application for permission to sublet portions of Paawili, Kaunolu, and Kalulu.	Lanai.....		March 14, 1899; permission granted.
A. Enos & Co .....	Feb. 20	Application to exchange grants 2988 and 2901 at Kahikinui for Government land in same district.	Maui .....		No action taken.
Union Mill Co .....	Mar. 13	Application to lease 50 acres of land in Kaauhuhu, North Kohala.	Hawaii .....	\$1.00	Per acre. Declined.
J. W. Mason et al .....	Mar. 20	Application for settlement association in New Olaa tract, Puna.	....do .....		No action taken.
Onomea Sugar Co .....	Apr. 5	Application offering to surrender leases of lands of Kaisie, Kaapoko, and Kawainui, and asking for a renewal of lease on above lands, Hilo.	....do .....	2,240.00	The commissioners approved the application, with the increase of \$3,400 as annual rental. No sale has yet taken place.
A. L. & H. Louisson .....		Application for allotment to them of the full acreage as holders of lots 15 and 8, Paauilo section, under right of purchase lease, according to land act, 1895, Hamakua.	....do .....		No action taken.
G. P. Wilder .....	Apr. 1	Application for modification of the condition of sale on lots 25 and 26 at Paauilo section, Hamakua.	....do .....		Do.
Levi C. Lyman .....	Jan. 18	Application for permission to build a wagon road in Kaumana, crossing the road for half a mile, Hilo.	....do .....		Mar. 14, 1899, permission granted.
Sarah Fletcher, G. F. Little et al.	Apr. 10	Application for settlement association, lots 29 and 36, inclusive, and 5 lots in rear of New Olaa tract, Puna.	....do .....		Not approved.
W. T. Hambly et al .....	....do....	Application for Settlement Association on 300 acres of land in New Olaa tract, Puna.	....do .....		Do.

J. A. Campbell et al .....	Mar. 31	Application to reserve upper Laupahoehoe lands for Settlement Association, Hilo.	.....do .....	.....	No action taken.
J. E. Grossman et al .....	Apr. 15	Application for Settlement Association on 1,200 acres land on New Olaa road at or near the eighth mile, Puna.	.....do .....	.....	Not approved.
H. E. Widemann .....	1898. Aug. 5	Proposition to exchange Apana 2 of R. P. 464, at head of Waianae Valley, for 2 acres of land near the mill site of Waianae and 2 acres at Kamaili, Waianae.	Oahu .....	.....	No action taken, as no positive evidence existed or was shown as to location of said Apana for which claim was made.
J. C. Carter et al .....	1899. Apr. 24	Application for a block of 1,100 acres in New Olaa tract for Settlement Association, Puna.	Hawaii .....	.....	Not approved.
Waiakea Mill Co .....	.....do .....	Application to purchase 9,000 acres of land of Waiakea, on condition of the surrender by them of the remainder of the Waiakea lands under lease, Hilo.	.....do .....	.....	Application declined.
Nahiku Sugar Co .....	May 3	Application for cash purchase Nahiku lots 43, 51, 53, 7, 35, and 27, Koolau. (Upset price to be made by Government.)	Maui .....	.....	Sold July 15, 1899, to Nahiku Sugar Co. for \$6,452.
Mary Kailiahi .....	Mar. 29	Application to purchase $\frac{31}{100}$ of an acre at Aiea, Ewa, in compromise of a former application for a quitclaim of same.	Oahu .....	.....	Advertised for sale Aug. 21, 1899. It was withdrawn before date of sale. Same was under lease to Dowsett estate.
E. B. Mikalemi .....	May 29	Application to purchase portion of Kahikica, Waimalu, Ewa, in compromise of a former application for a quitclaim of same.	.....do .....	.....	Application approved. No sale has as yet taken place.
L. L. McCandless .....	.....do .....	Application to purchase portion of Kahikica, Waimalu, Ewa.	.....do .....	.....	Sold Aug. 21, 1899, for \$210 to applicant.
Geo. Kimokeo .....	Apr. 15	Application to purchase 2 acres or part of lot 36, at Ninole and Wailau, Kau, for church site.	Hawaii .....	.....	No action taken.
Jas. F. Morgan .....	May 11	Application for the lease of Papaa-uka and Molooa.	Kauai .....	500.00	Sold July 29, 1899, to E. J. Morgan at upset price.
Alice F. Beard .....	May 1	Application for a small lot of Government land at Waiaha, North Kona.	Hawaii .....	.....	No action taken.
John Hind .....	June 5	Application to purchase 10 or 15 acres of land at Puako, Waimea.	.....do .....	.....	It was decided to sell only 10 acres at \$50 per acre. No sale has as yet taken place.
Col. Albert Whyte .....	June 2	Application to purchase 600 acres in Hamakua, in 100-acre lots.	.....do .....	.....	Not approved.
A. Zimmermann .....	June 5	Application to purchase 400 acres land at Olaa, Puna, at twenty-fourth and twenty-fifth mile.	.....do .....	.....	No action taken.
Estate of S. N. Castle .....	June 8	Application for permission to assign Montano lease of land in Manoa to the Castle estate.	Oahu .....	.....	Permission granted.
Hawaiian Commercial and Sugar Co. ....	.....do .....	Application for right of way across Government lands in Hamakualoa for new ditch.	Maui .....	.....	No action taken.
J. A. Maguire .....	.....do .....	Application for the lease of Tahoehoe lands from Kohanaiki Kau, North Kona.	Hawaii .....	150.00	Declined.
Honolulu Sugar Co .....	June 6	To purchase rights of way for railroads and pipe lines on Kaunimui, Ewa.	Oahu .....	100.00	Per acre. Application approved.
L. L. McCandless and Theo. F. Lansing.	June 10	Application for a 30-year license for water rights of Waiahole, Koolau-poko.	.....do .....	300.00	No action taken.

## COMMISSION OF PUBLIC LANDS—Continued.

*List of applications filed from and after July 7, 1898, to and including October 11, 1899—Continued.*

Applicant.	Date.	Nature of application and location of land.	Island.	Upset price offered.	Remarks.
E. A. Horan .....	1899. June 20	Application for 150 acres additional land at Olaa, as provided under section 76 of part IX of the land act.	Hawaii .....		Matter submitted to supreme court Oct. 18, 1899. Supreme court's decision in favor of Government.
Gear, Lansing & Co. ....	June 1	Application to exchange portion of Howland premises, on Union Street, for Government land at Wai'alae.	Oahu .....		Matter held in abeyance.
G. H. Alapai .....	May —	Application to purchase lot in Honalo, North Kona, below Government road, or to be taken up under right of purchase lease.	Hawaii .....		Lot applied for uncertain. Applicant so notified.
E. L. Hutchinson .....	Mar. 7	Application to purchase two small islands in lava flow opposite Kaumana, lot 20, Hilo.	.....do .....		No action taken.
J. C. Lenhart .....	June 8	Application to purchase 304 acres of land at Ooma, North Kona.	.....do .....	\$0.50	Per acre. Sold Aug. 23, 1899, to J. A. Maguire for \$351.
Theo. H. Davies & Co. ....	May 31	Asking if the Government intends to resume possession of Wai'alea ponds, etc., Hilo, on Oct. 1, 1899.	.....do .....		Notified June 29, 1899, that the commissioners of public lands would resume possession of ponds and fishery rights Oct. 1, 1899.
A. J. Campbell .....	June 8	Application for a 21-year lease of remnants of Government land in Puna.	.....do .....	200.00	Action deferred. Matter referred to subagent, first land district, for a definite report.
Estate of S. N. Castle .....	June 17	Application for a piece of land on southwest side of their estate at Manoa, 150 by 600 feet, in consideration of which they surrender the Montano lease of 30 acres.	Oahu .....		No action taken.
Elmer E. Paxton .....	June 16	Application for a 30-year lease of all available water on the Crown land of Wai'ahole, Koolau.	.....do .....	1,000.00	Do.
Wong Sai .....	June 17	Application for a 15-year lease of a remnant of Pouhala fish pond, Ewa.	.....do .....	10.00	Aug. 21, 1899, advertised for sale. It was withdrawn before date of sale.
W. R. Castle .....	June 13	Application for a 40-year lease of Government remnant lying between Honaunau and Ole'ioana, South Kona.	Hawaii .....	2.00	Per acre. No action taken.
Paul Neumann .....	June 22	Application offering to exchange a strip of land, southwest corner of Richard and Merchant streets, for the land of Kalulu.	Lanai .....		Referred to the executive council July 17, 1899.
Peter Martin .....	July 3	Application to purchase lots 388 and 389, Olaa Puna, under special agreement.	Hawaii .....	529.10	The commissioners recommended that lot 388 and 11.3 acres of lot 389 be offered for sale at \$8 per acre.
E. P. Low .....	July 2	Application to take up lot 3 at Puukapu under right of purchase lease.	.....do .....		No action taken.
J. Kaelemakule .....	July 26	Application to purchase 300 acres land at Mahi'ula, North Kona.	.....do .....	150.00	Do.
Wilmot Vredenberg .....	April 15	To purchase a 20-acre lot at Puako, Waimea....	.....do .....		Do.

J. A. Maguire .....	July 27	Application to purchase Government remnants in North Kona.	.....do .....	1.50	Per acre. No action taken.
T. E. Elderts .....	Apr. 13	Application to take up 100 acres land in Kamo-kuilihi, Puna, under right of purchase lease.	.....do .....		No action taken.
Joao Fernandez.....	Apr. 14	Application for permission to assign lot at Wai-kaumalo to Wm. Kinney under mortgage.	.....do .....		Do.
H. C. Meyers.....	Aug. 7	Application to purchase 6 acres land at Kaluaopalea, Kalihi.	Oahu .....	1,800.00	Commissioners recommended land to be advertised for sale at \$500 per acre.
F. Rowold .....	.....do ..	Application to purchase 4 acres land at Kaluaopalea.	.....do .....	350.00	Per acre. Commissioners recommended land to be advertised for sale at \$600 per acre.
N. Omsted .....	Aug. 4	Application to lease the land of Kupau Koolau.	Maui .....	1.00	Per acre. First 2 years.
Estate of Jas. Woods .....	Aug. 7	Application for a new lease of an 80-acre lot in Lahikiola section, Kohala.	Hawaii .....	3.00	Per acre. Next 3 years.
Estate of Jas. Woods .....	July 31	Application for a new lease of Government remnants in Kohala.	.....do .....	50.00	Per acre. Balance of term. } No action taken.
Waianae Co.....	Aug. 14	Application to lease 900 acres land in the Ahupuaa of Lualualei, Waianae, for 21 years.	Oahu .....		Action deferred.
J. O. Carter, trustee for J. A. Cummins.	Aug. 17	Application for permission to assign lease No. 138, Koolaupoko.	.....do .....	150.00	Do.
J. O. Carter, attorney for Lili-uokalani.	.....do ..	To furnish him with an official statement of the present revenue from crown lands.	.....do .....	5,400.00	Commissioners recommended lease of land to be advertised for sale at \$10 per acre.
S. Shimamoto.....	June 16	Application for permission to assign lot No. 52, at Olaa, by way of mortgage.	.....do .....		Permission granted.
M. Homorsky .....	.....do ..	Application for permission to assign lots Nos. 322 and 323, at Olaa, by way of mortgage.	Hawaii .....		No action taken.
Hannah Akana.....	July 13	Application to take up a lot of Government land at Puukapu, Waimea.	.....do .....		Do.
Benj. K. Kaaikapu.....	July 24	Application to purchase 6 lots at Wailuanui....	Maui .....	20.00	Do.
Henry E. Cooper.....	Aug. 19	Application to purchase 38.1 acres land at head of Manoa Valley.	Oahu .....	2,500.00	Land transferred to the custody of the minister of the interior for general public purposes.
A. W. Willber .....	May 25	Application to purchase 50 acres land at Wai-punalei, Hilo.	Hawaii .....	4.00	Per acre. No action taken.
Antone M. Peixoto .....	Mar. 6	Application to purchase lot at Kealahou, Kula.	Maui .....		No action taken.
C. S. Desky.....	Aug. 21	In re exchange of land at northwest angle of Fort and Beretania streets for Government land at Manoa.	Oahu .....		Land transferred to custody of minister of the interior.
H. L. Holstein .....	.....do ..	Application to have land of Koaia in Kohala opened up for homestead purposes.	Hawaii .....		No action taken.
Franz Buchhotz .....	Aug. 30	Application to purchase 600 acres land at Papa 1, South Kona.	.....do .....	.50	Per acre. No action taken.
S. Kahalahala .....	.....do ..	Application to take up lot No. 16 at Hamanama, North Kona, under special agreement.	.....do .....	1.00	Do.
Hilo Portuguese Mill Co.....	Sept. 1	Application for permission to clear 2,000 acres of the land of Piihonua, Hilo.	.....do .....		No action taken.
Princeville Plantation Co....	Sept. 4	Application to lease Government lands in Handlei.	Kauai .....	600.00	Do.
Isabella Renwick, Jessie R. Brockie, and C. W. Hill.	June 6	Application for additional land in Olaa tract, Puna.	Hawaii .....		Do.

## COMMISSION OF PUBLIC LANDS—Continued.

*List of applications filed from and after July 7, 1898, to and including October 11, 1899—Continued.*

Applicant.	Date.	Nature of application and location of land.	Island.	Upset price offered.	Remarks.
Nu Ilianu .....	1899. Aug. 21	Demanding \$350 for improvements and building erected by him on Homestead lot 10, at Olelomoana, South Kona.	Hawaii .....		No action taken.
A. S. Wall .....	Sept. 7	Application to purchase 70 or 80 acres land at upper end of Olaa tract.	do .....		Do.
F. L. Winter .....	Sept. 8	Application for permission to clear 1,000 acres land of Pihonua, Hilo.	do .....		Do.
E. E. Oldings .....	Sept. 9	Petition protesting to leasing of government forest tract in North Kohala for ranching purposes.	do .....		Do.
Ookala Sugar Co .....	Sept. 28	Application for permission to assign lease Nos. 505 and 506.			Permission granted.
Ookala Sugar Co .....	do ..	Application for permission to assign lease Nos. 397 and 468.			Do.
A. N. Kipoikai, attorney for Geo. White.	Sept. 30	Re-claim of Geo. White for improvements made by him on lot at Nahiku, sold to Nahiku Sugar Co.			No action taken.
W. H. Cornwell .....	Sept. 17	Application for a new lease of the land of Kamaole.	Maui .....	\$150.00	Do.
Waiakea Mill Co. ....	Sept. 11	Application proposing to retain the fish pond and fishing rights of Waiakea under tenant at will, and the Hilo road board to have the privilege to quarry on the land Waiakea under lease to the applicants.	Hawaii .....		Do.
Manoel Pedro .....	Oct. 11	Application to purchase lot 72 at Kaapahu, Hamakua.	do .....		Do.
Antone Baptiste .....	do ..	Application to purchase lot 41 at Kaapahu, Hawaii.	do .....		Do.
D. Forbes and others .....		Application asking that the land of Kamoku be set apart for settlement purposes.	do .....		Do.



*List of applications for Government lands filed in the interior department from July 7, 1898, to September 30, 1899.*

No.	Date.	Applicant.	Location.	Area.	Island.	Upset price.	Nature of application.	Remarks.
89	1898. July 12	Z. K. Meyers.....	Lot 499½, Punchbowl, Honolulu.		Oahu.....	\$160. 00	Purchase.....	Declined.
90	Aug. 4	H. M. Dow.....	Lot, Punchbowl, Honolulu.		do.....	150. 00	do.....	Do.
91	Aug. 5	W. R. Castle.....	Lot, Tantalus, Honolulu.		do.....		Exchange.....	Do.
92	do	F. W. Macfarlane.....	Lot, Makiki, Honolulu.		do.....		Purchase.....	Do.
93	Aug. 10	R. Rycroft.....	Forest reserve, Oiaa, Hilo.	400 by 150.	Hawaii.....	25. 00	do.....	Do.
94	do	A. C. Lovekin.....	Lots 1 A and 1 B, Tantalus, Honolulu.		Oahu.....	{ A 600. 00 B 400. 00	{ do.....	Do.
95	Aug. 8	J. S. Walker.....	Nuanu, Honolulu	2,800 square feet	do.....	250. 00	do.....	Do.
96	Aug. 27	E. R. Stackable.....	Lot mauka, Diamond Head, Honolulu.		do.....		do.....	Do.
97	Sept. 21	C. H. Brown.....	Beach lot, Makooku, Hilo.		Hawaii.....	10. 00	Lease.....	Tenancy at will.
98	Oct. 7	Hospital Flower Commissioners.	Land for a floral station, south slope, Punchbowl Hill, Honolulu.		Oahu.....		Exchange.....	Granted.
99	Oct. 14	F. S. Lyman.....	Land in Hilo		Hawaii.....	150. 00	Lease or purchase..	Declined.
100	Oct. 17	Hobron & Eagan.....	Exchange land, Punchbowl, for 50-foot road, Kapahula main road, Honolulu.		Oahu.....		Exchange.....	Do.
102	Oct. 10	H. H. Parker.....	Land for extension, Young street, for land in Koolau-poko and Molokai.		Oahu and Molokai.		do.....	Abeyance.
103	Oct. 22	E. O. Hall & Son, Limited.	Lot 44, Esplanade, Honolulu		Oahu.....	360. 00	Lease Oct. 17, 1896..	Declined.
104	Oct. 23	Wilson K. Azbill.....	100 feet in width lying along precipice, vicinity of Pali, from Old Fortification to peak beyond gap at Kalihi Valley; also 10 acres adjacent said lot and 10 acres in Kalihi.		do.....	500. 00	Purchase.....	Do.
105	Oct. 14	Trustees Japanese Church.	Lot, River street, Honolulu.		do.....		Lease or purchase..	Do.
105½	Oct. 10	H. L. Austin.....	Lot 19, Hilo		Hawaii.....	100. 00	Lease.....	Lease sold at auction to J. G. Serrao. Lease No. 536.
106	Nov. 11	E. O. Hall & Son, Limited.	Lot 18, Esplanade, Honolulu		Oahu.....	360. 00	do.....	Lease sold at auction. Lease No. 537.
107	Oct. 15	Maria A. Baptista.....	Lot Kamoliili Road.....		do.....		Exchange.....	Declined.
108	Dec. 20	T. B. McStocker.....	Ernest street		Hawaii.....		To deed to him.....	Do.
109	do	E. A. Mott-Smith.....	Auwaiolimu, Honolulu.		Oahu.....	250. 00	Purchase.....	Do.

## COMMISSION OF PUBLIC LANDS—Continued.

List of applications for Government lands filed in the interior department from July 7, 1898, to September 30, 1899—Continued.

No.	Date.	Applicant.	Location.	Area.	Island.	Upset price.	Nature of application.	Remarks.
109 <sup>1</sup> / <sub>2</sub>	1898. Dec. 21	S. W. Kaai.....	Lot A, Hookena .....		Hawaii .....	\$40.00	Purchase .....	Sold at auction to W. C. Achi. Grant No. 4288.
110	Dec. 23	H. S. Pratt.....	Lot 21, Block B .....		do .....	125.00	Lease A, 7 .....	Sold at public auction. Lease No. 540 to J. G. Serrao.
111	....do....	B. L. Jones .....	Lot 22, Block B .....		do .....	130.00	....do .....	Sold at public auction. Lease No. 510 to F. S. Pratt.
112	Dec. 16	Electric Light Co .....	Lot 59, Esplanade, Honolulu.	50 by 100.....	Oahu .....	480.00	Lease.....	Sold at public auction. Lease No. 539.
113	Nov. 19	Honolulu Iron Works..	Portion Marine Railway site, Honolulu.	Right of way .....	do .....		Right of way and to erect wharf.	Declined.
114	1899. Jan. 31	W. B. Godfrey .....	Lot Punchbowl, Honolulu..	93 by 200.....	do .....		Lease or purchase ..	Do.
115	Feb. 16	California Feed Co.....	Renewal lease: 387..... 393..... 394.....	Term 10 years ..	do .....	85.00 620.00 70.00 180.00	Lease.....	Tenancy at will.
116	Feb. 17	Lyman & Richardson..	Whole of Makaoku, Hilo ..	18 acres.....	Hawaii .....		....do .....	Declined.
117	Feb. 18	Gilbert F. Little.....	Whole of Makaoku, Hilo ..	18 acres.....	do .....		....do .....	Do.
118	Feb. 17	Harriet F. Coan .....	Land, Front street, Hilo ..		do .....		Exchange .....	Do.
119	Feb. 24	B. L. Jones .....	Lot 23, Block B .....		do .....	200.00	Lease.....	Sold at public auction. Lease No. 544.
120	....do....	N. Fernandes .....	Lot 24, Block B, Hilo.....		do .....	200.00	....do .....	Declined.
121	Jan. 7	Oahu Railway and Land Co.	Right of way, Kuwili and Kahauiki.		Oahu .....		Purchase .....	Granted.
122	Mar. 24	F. J. Lowrey .....	Land, Nuuanu street, Honolulu.		do .....		....do .....	Declined.
123	Mar. 29	C. M. Cooke .....	....do .....		do .....		....do .....	Do.
124	Apr. 13	T. H. Davies & Co.....	Lot 44, Esplanade, Honolulu.	50 by 100.....	do .....	400.00	Lease.....	Sold at auction. Lease No. 543.
125	May 30	A. C. Lovekin, Bishop estate.	Exchange land, widening Richard street for portion Engine Co. No. 1, premises, Honolulu.		do .....		Exchange .....	Declined.
126	June 3	Lam Yip .....	Lot, River street, Honolulu.		do .....	300.00	Lease.....	Land divided into lots and leases sold at auction.
127	....do....	Loo Chee Sam .....	....do .....		do .....	60.00	....do .....	Do.
128	June 7	Hawaiian Fertilizer Co., limited.	Old custom-house, Honolulu.		do .....	720.00	....do .....	Declined.
129	....do....	W. R. Castle.....	Land Poloike .....		do .....		Division.....	In abeyance.

130	June 26	W. O. Smith .....	To deed land for Dole street, Honolulu.	.....do	300.00	Road .....	Accepted.
131	June 27	Dr. F. R. Day .....	To exchange lands, Bere- tania street for Manoa, Honolulu.	.....do		Exchange .....	Declined.
132	July 2	Dr. C. B. Wood .....	To exchange lands, Bere- tania street for Punch- bowl lot, Honolulu.	.....do		do .....	Deed executed.
133	June 15	S. N. Castle estate .....	To surrender lease for fee, Manoa.	.....do		Surrender .....	Declined.
134	July 1	W. R. Castle .....	To exchange lands, Tanta- lus, Honolulu.	.....do		Exchange .....	Deed executed.
134	June 30	Bishop estate .....	Extension Allen street, Honolulu.	.....do		Street .....	Declined.
135	July 10	C. H. Patzig .....	Land near Kapena Falls, Honolulu.	.....do	300.00	Lease .....	Do.
136	July 3	W. S. Wise .....	Land, Hilo.	Hawaii .....		Exchange .....	Do.
137	July 14	T. R. Mossman .....	Lot 11, Esplanade, Honolulu	Oahu .....	700.00	Lease .....	Do.
138	Aug. 3	Robertson & Wilder, for Merchant Stevedore Co., Limited.	Corner Kekaulike and Queen streets, Honolulu.	do .....	750.00	Purchase .....	Do.
139	Aug. 9	G. Kunst; P. Neumann, attorney.	Lots Kapiolaui Park, Hono- lulu.	do .....		Exchange for land on Beretania street.	Do.
140	Aug. —	Chas. Brewer Estate, Limited.	Lot Fort street, Honolulu..	do .....	1,875.00	To deed to Govern- ment for road purposes.	Accepted.
141	Aug. 11	A. C. Steele .....	Lot Pitman street, Hilo ....	Hawaii .....	100.00	Lease .....	Declined.
142	Aug. 25	Captain Fitzgerald .....	Lot 24, Hilo .....	do .....	250.00	do .....	Do.
143	do .....	Robertson & Wilder, attorneys for Kekipi.	Foot of Kekaulike street, Honolulu.	Oahu .....		Quitclaim .....	In abeyance.
144	do .....	J. E. Schubert .....	Makaaku, Hilo .....	Hawaii .....		Lease .....	Declined.
146	Sept. 1	Joe Vierra .....	Lot 3, Makaaku, Hilo .....	do .....		Tenancy .....	Do.
147	Sept. 4	J. Alfred Magoon .....	Lot corner Emma and Bere- tania streets for lot Punch- bowl, Honolulu.	Oahu .....		Exchange .....	Do.
148	do .....	Geo. R. Carter .....	Land widening Fort street for lot Liliha street, Hono- lulu.	do .....		do .....	Do.
149	do .....	Jas. Ashford .....	Notice taking possession of land south slope Punch- bowl Hill, Honolulu.	do .....		Squatter .....	Do.
150	Sept. 27	Miss Lucy K. Peabody.	Land in South Kohala and Nuuanu Valley.	Hawaii and Oahu.		Exchange .....	Do.

## APPENDIX H.

### STATEMENT REGARDING SURVEYS IN HAWAIIAN ISLANDS.

By direction of the President, I accompanied the Hawaiian Commission, in the summer of 1898, in its visit to the Hawaiian Islands. I was instructed to look into the matter of surveys in Hawaii, with the purpose of securing needed information regarding work already done, and in order to make such recommendation as might seem best concerning the articulation of the surveys already made in Hawaii with the work as now conducted by the Government of the United States.

The results of this examination were embodied in a statement to the commission, which was printed as a part of the report of that body. This statement gives somewhat in detail the nature of the surveys already executed in Hawaii, and the property now handled by the office of the surveyor-general, and contains certain recommendations as to the further conduct of such work after annexation has been completed.

It may be stated, in brief, that the office of the surveyor-general, under the Hawaiian constitution, combined the functions of a trigonometric survey and of a land survey, the latter being carried out under the personal direction of the land commission.

The trigonometric survey, which served as the basis of all this work, has been excellently done and is almost complete. Surveys of the harbors and coasts have been scarcely more than begun on account of the lack of vessels and a hydrographic corps. This work, together with that of the trigonometric survey, can be, in my judgment, completed to advantage by the General Government, and I so recommended to the commission.

On the other hand, it seems to me wise to leave the survey and subdivision of the public lands of Hawaii in the hands of a local land's commission, the work to be executed by the Hawaiian survey as now organized. The reasons for this are evident on slight examination. In the first place, the survey is already far advanced, and the subdivisions of lands, under which titles are conveyed, must be preserved. These titles come down from the native chiefs, under whose régime the lands of the islands were divided into many curious and intricate tracts, oftentimes small and narrow, and reaching from the sea to the mountains.

It would take a surveyor, unaccustomed to the system, a considerable time to acquire familiarity with it, and as this work is now being well and economically done by the surveyor-general, under direction of the land commission, there would seem no reason to disturb an efficient and satisfactory service. Furthermore, since the present subdivisions of land must be preserved, it would not be advisable to extend to the Hawaiian public lands the rectangular system of land division which served admirably in the public lands of the United States. Such a system is possible only when introduced at the settlement of the country, as was possible in dividing the great public lands of the West, a virgin region in which no surveys existed, and no titles had been conveyed, depending on metes and bounds as fixed by former surveys. For similar reasons the lands of the original thirteen States have not been divided in accordance with the rectangular system.

In view of these facts it seemed desirable from every point of view to leave the subdivision of the Hawaiian Islands to be completed in the manner already begun, at the cost of the local government, and under the control of the local commission.

HENRY S. PRITCHETT.

## APPENDIX I.

### HAWAIIAN PUBLIC LANDS.

[By the Hon. SANFORD B. DOLE, *President of Hawaii*.]

In the year 1839 Kamehameha III issued a proclamation granting to the Hawaiian people the right of acquiring real estate and other property, and holding the same without interference.

Up to that time the ruling chief was, in his sovereign capacity, the proprietor of all the lands of the kingdom, both chiefs and people occupying whatever lands they held as tenants at will, who might at any time be ejected without notice by the king, and also, in the case of the inferior chiefs and people, by their immediate landlords.

During the year 1848 terms of division of the lands of the kingdom were arranged, after much deliberation, between the king, the chiefs, and the people. These, briefly, were as follows: To the king a third, to the chiefs a third, and to the people a third.

In carrying out this agreement, all of the common people who were occupying land, either as house lots or cultivated patches, received, upon proper application, awards for the same. These awards were recognized as titles in fee and could be formally perfected by royal patents, owners of town lots being required to pay for such patents an amount representing one-fourth or, in some cases, one-third of the original value. In like manner the chiefs received awards for the land in their possession, to be perfected by royal patents upon payment of one-third of their original value. This settlement was generally made by the surrender of a third in value of their lands.

These payments were to the government, which now, for the first time, had become an entity distinct from the sovereign, and qualified to acquire property.

A large list of lands was, as a part of the agreement, surrendered by the king to the government, making, with the small holdings taken up by the common people and the lands surrendered by the chiefs, the people's share; the balance, an imposing list of valuable lands, remained as the estate of the sovereign.

The number of holdings taken up by the common people came up to 11,132, aggregating 28,658 acres, and averaging 2.57 acres apiece. Many more might have been acquired but for the apathy of those entitled to claim them through their inability of appreciating the importance of the opportunity. A considerable number of the small holdings so acquired have since passed into the hands of foreigners through direct sales or mortgage foreclosures.

The lands of the chiefs have also largely become the property of foreigners by the same methods. This result was accelerated by the rapid extinction of the families of the chiefs in the direct lines, and the consequent distribution of their estates among collateral heirs.

Between 1850 and 1860 the government, under a policy of affording native Hawaiians further opportunities of acquiring land, made a large number of sales of lands of moderate area. From that period to until a few years previous to the termination of the monarchy the government has had no definite land policy. Public lands have been generally leased under long terms and sometimes have been sold in large tracts, according to the importunities of capitalists and the need of the government for money. Five of such sales alone aggregated 353,724 acres. Beyond the placing of a number of house lots in Honolulu on the market, inaugurated by Mr. Wilder, then minister of the interior, about the year 1879, no attention was given to any further development of the policy of furnishing lands to small holders; on the contrary, applicants for small parcels were often ignored.

In the year 1884 the legislature enacted a law providing for the sale of homesteads to such persons as wished them for permanent occupation. The administration, however, were so little in sympathy with the policy of this law that no action was taken under it until 1888, when the new administration, which had come into power under the revolution of the previous year, took vigorous measures to carry out its



provisions. Up to the time of the enactment of new land legislation in 1895, about 534 homesteads were taken up, aggregating 8,488 acres, and appraised at \$68,047, or about \$8 per acre, and averaging 15.9 acres, and a value of \$127 apiece.

These homesteads were occupied under an agreement, and a land patent conferring a fee-simple title was delivered upon the performance of the agreed conditions of payment, improvement, and residence.

The land act of 1895 was far more comprehensive than anything that had preceded it, and covered the whole administration of the public lands, excepting town and forest lands, parks and roads, which remained in the charge of the minister of the interior under the existing laws. The settlement of individuals on small holdings was its predominant feature. All other considerations were made subservient to this policy. General leases were limited to twenty-one years, and contained a clause whereby the Government at any time might take possession of any part of the leased premises for settlement purposes, discounting the rent accordingly. Unconditional land sales at auction were limited to parcels of not over a thousand acres.

This act makes the following classification of the public lands: Two classes of agricultural land, two classes of pastoral land, wet land, forest land, and waste land.

Four special methods were provided for furnishing land to applicants wishing to occupy the same—i. e., homestead leases, right of purchase leases, freehold agreements, and special agreements of sale. Of these the right of purchase lease has been the most popular, with a list of 356 holdings taken up; the special agreements of sale comes next, with 122 holdings; homestead leases, 115 holdings, and freehold agreements, 23 holdings.

The holdings occupied under these different systems, aggregating 616 in number, have a total area of 28,065 acres and an average area of 45.56 acres. Their aggregate value at the time of occupation, as appraised, was \$178,464, or \$289.70 apiece, and \$6.36 an acre.

Homestead leases are for nine hundred and ninety-nine years, cost nothing to the applicant except a small fee for papers; require permanent residence; descend to heirs, can not be sold, mortgaged, or devised. They may be not over 8 acres in first-class, 16 acres in second-class agricultural land, 30 acres in first-class or 60 acres in second-class pastoral land.

Right of purchase leases are for twenty-one years. The land is appraised and the lessee pays 4 per cent on the appraised value half yearly. If he resides two years on the premises and in that time has 25 per cent of the area under cultivation, or resides four years and cultivates 10 per cent, and performs other required conditions, he may at any time thereafter, before the last year of the lease, purchase the premises by paying its appraised value. Such leases may be for not over 100 acres first class, 200 acres second class agricultural, 600 acres first class, or 1200 acres second class pastoral land.

Freehold agreements are obtained at auction and require residence, improvement, and payment of consideration in yearly installments for the ultimate grant of a title in fee simple. Area limited as in purchase leases.

Under special agreements of sale, parcels of land under 600 acres may be offered at auction. The successful bidder agrees to pay the price bid, in annual installments, with interest, and to make designated improvements and perform such conditions of residence and cultivation as may be required by the land commission in its discretion.

This system is especially convenient in that much discretion is given to the Government as to conditions to be performed by the occupant before he becomes entitled to a patent, thus furnishing a needed opportunity of adjusting details according to circumstances and possible new phases of the demand for such holdings.

Upon the organization of the Republic of Hawaii the administration of the public lands was considered to involve economic and political questions of sufficient importance, together with the urgent matter of an ocean cable to the United States, to justify the calling of a special session of the legislature.

In view of the possible failure of the project of annexation to the United States, it was deemed necessary to develop a citizen class which should, by its conservatism, industry, and intelligent interest in public order, become a reliable support to the government of the Republic. There appeared no more effective way of accomplishing this than by opening the public lands to those, both from the existing population and future immigrants, who would be ready to occupy them permanently as farmers. The privilege of taking up lands under this policy was limited to citizens and such others as might receive the privileges of citizenship through letters of denization. At the same time the legislature had in view the alternative of annexation, and the policy of this legislation was considered to be fully in the line of the public interests if that should occur.

The arable and grazing lands of the Hawaiian Islands are much cut up by precipi-



tous canyons and rugged mountain ridges. There are but few level stretches of any great extent, the greater portion of such lands sloping toward the sea or valley bottoms at a great variety of inclination. A considerable part is covered with tropical jungle.

Under these circumstances the surveying system used by the United States in laying out its public lands is impracticable for Hawaii. For these reasons and in view of the limited extent of the public domain the American homestead laws were considered to be unsuitable to Hawaiian conditions.

It was also felt that it was important that the landless portion of the native Hawaiians should have favorable opportunities for acquiring permanent homes for themselves and their descendants, both for their own personal welfare and in the interests of the body politic; and also, to some extent, from a sentiment toward the Hawaiians as the original occupiers of the country. The provision for the inalienable homestead leases in the land act was intended primarily for their benefit, though all the methods of obtaining land are open to them.

The results have been somewhat disappointing. In proportion to their numbers comparatively few Hawaiians have taken up homestead leases or lands under any of the methods provided in the act. There are several reasons for this: the Hawaiians from the time of Kamehameha III have been slow to appreciate the importance to themselves of permanent holdings. The only spontaneous interest in land proprietorship which they have shown has taken a communal form. During the sixties companies of natives in different parts of the group purchased considerable tracts which they and their respective heirs and assigns have since held in common. This cumbersome tenure is still popular with them, and any opportunity of acquiring lands on such a basis would to-day undoubtedly be hailed by many Hawaiians with great enthusiasm. The attractive feature in such partnerships seems to be a common grazing tract, where each member might pasture as many horses or cattle—especially horses—as he liked.

The different governments of Hawaii have always favored the policy of leasing rather than selling public lands to those desiring large tracts, partly for revenue and partly from a reluctance to giving up their control.

The Republic of Hawaii has developed this policy especially as a means of revenue. In consonance therewith the land laws have provided for "general leases," which may be made for any term not over twenty-one years, and also for a system of leasing town lots for business purposes; such leases being made for any term not exceeding thirty years, and requiring the lessee to put up fireproof buildings of design and material satisfactory to the minister of the interior, and to keep the same insured for the benefit of the government; such improvements reverting with the land at the termination of the lease.

This is a policy of great local importance, inasmuch as the prospective loss of Hawaiian tariff revenues which will be caused by the extension of American customs regulations to Hawaii will compel the local government to develop its resources to the utmost, to make up as far as possible this great reduction of its income. The land revenues have been relied on to cover a large part of this deficiency. The rents from government and crown lands outside of Honolulu in 1890 were \$80,268. In 1898 such rents amounted to \$95,228. In the meantime the area of leased lands has decreased by many thousand acres through the policy of reserving lands for settlement purposes.

Annexation, when complete, will indeed cut off a considerable measure of the cost of carrying on the local government, such as military, customs, and post-office expenses, but such relief will in nowise offset the loss of the customs revenues as they existed before annexation. Moreover, with the rapid development of the country under the stimulus of annexation, there will be need of increased expenditures for public improvements.

These circumstances were evidently considered in the provisions of the joint resolution of annexation, corresponding with the treaty of annexation in this particular, wherein the revenue and proceeds of the public lands were guaranteed to the local government.

As the public lands of the Hawaiian Islands are limited, and a large proportion of them are comparatively valueless, the importance of the leasehold system is apparent. It is equally apparent that a repeal of this system, which would force the public lands on the market, would defeat the provision of the joint resolution referred to and deprive Hawaii of a material part of the consideration upon which annexation was effected.

The Hawaiian leasehold system is also important to the country in another way. The policy of land settlement in small holdings, which has been referred to in an earlier part of this paper, if necessary to the country in its independent condition,

may be regarded as imperative under annexation. This system conserves the public domain, with adequate provision for furnishing land to settlers according to the demand, under the reservation in the *general leases* of the right of the government at any time to take possession of any part of the leasehold for settlement purposes. The repeal of the leasehold system would tend to throw large tracts of lands into the permanent ownership of sugar corporations and other capitalists, thus depriving the country forever of their control for settlement purposes.

By the constitution of the Republic of Hawaii the Crown lands were placed on the same footing as government lands and have ever since been administered under the same laws.

The area of Crown lands in 1894 was 971,463 acres; the area of government lands at the same time was 821,316 acres.

HONOLULU, H. I.

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