Dr. The Estate of His Late Majesty Kamehameha

1865				
Feby.	1	To amount paid Kapule & Assistants Wages No 1		40 .
		To — " — " Lui "	2	25 50
	7	To — " — " P. Kahaolelua 10% for 380 00	3	38 .
		To — " — " Kamakau — — 20.00	4	2 .
		To — " — " W. Mason	5	96 .
	10	To — " — " Kapaikuhaili 4% Dower	6	1.000 .
	14	To — " — " D. Kalakaua Stamps	7	2 .
	15	To — " — " Int. 6 mos on Note for or Marshall	8	60 .
	21	To — " — " J. Montgomery	9	10 .
	28	To — " — " P. Kahaolelua 10% on $156.25	13	15 62
		To — " — — Kapule & Ass't. Wages	11	40 .
		To — " — — P. Kahaolelua 10% on $284 00	10	28 40
Mar	1	To — " — — Lui wages	12	25 50
	2	To — " — — Int. 6 mos on Note for or Mr. Crady for $1500 to Nov 10/65	14	90 .
		To — " — " — — 6 — — — Smith $6000	15	300 .
	6	To — " — — — J. A. Burdick	16	83 50
	31	To — " — — Mr. Cooke tuition	17	199 87
	1	To — " — — J. W. Makalena	18	5 .
	12	To — " — " H. Nam 10% on 130	19	13 .
		To — " — — W. Webster's Est. 1 mo. Salary	20	125 .
		To — " — — — 3% on 7427.86	"	371 37
	15	To — " — " T. Keegan	21	5 .
		To — " — — J. Perry	22	150 50
		To — " — " A. S. Cleghorn balance	23	536 64
		To — " — " J. Ramsey	24	90 25
		To — " — — Interior Office	25	160 .
		To — " — " Von Holt & Heuck	26	291 16
		To — " — — E. G. Adderley Balance	27	366 31
		To — " — " Express bill	28	24 50
		To — " — " C. Rooke's Est. bal. as p. a/c	29	1201 67
		To — " — — 6 mos. Int. on Note for $2500.	"	150 .
	31	To — " — " J. Burrows a/c Sheep Station	30	301 .
		To — " — " J. Perry	31	276 83
		To — " — " Bennett	32	3 50
		To — " — " H. Hackfeld & Co.	33	25 98
		To — " — — J. Burrows	34	151 .
May	30	To — " — — 10% Collect. 70.	35	7 .
		To — " — — Lui 1 mo. wages	36	25 50
May	8	To — — — H. Thompson 10% Collect. $317.00	42	31 70
Mar	31	To — " — " Kahaolelua 10% on 565 62	37	56 56
		To — " — " H. Dimond & Son	38	36 62
May	8	To — " — " J. Burrow's order	39	50 .
		To — " — " Mr. Mason tuition	40	112 .
		To — " — " Lui 1 mo. wages	41	25 50
		To — " — " Chunghoon	43	6 13
		To — " — " —	44	37 41
	11	To — " — " Dower to May 1st 1865	45	500 .
		Carried Forward		$ 7,193 52

In account Current with John O. Dominis — Cr.

1865			
Feby.	1	By Balance	2.338 08
		By amount rec.d rent Kaukine Thita	160 .
		By " " " Kahuhu	50 .
		By " " " Land of Humualu Hawaii	26 .
		By " " " " - of Manawaiopai	3 .
	7	By " " " " of Waikalua	20 .
		By " " " " of Honomalino	30 .
		By " " from Malailua ma	125 .
		By " " " - Palais "	10 .
		By " " " - Kekuecau "	25 .
		By " " " S. Grant	20 .
		By " " " Moku ma	30 .
		By " " " Lands on Maui	170 .
	8	By " " " Bal. P.T. Maninis	145 .
		By " " on a/c rent J. Galbraith (Note 'Galbraith')	9 20
	10	By " " from S. Kepi	300 .
		By " " " - G. N. Lindsay	103 .
	14	By " " " - J. Cummins	350 .
	24	By " " " Kahuhu	20 .
		By " " " D McBryde	330 .
		By " " for Wild Cattle on Hawaii	125 .
		By " " from Reed & Richardson	300 .
		By " " hapaunui Pauku Kalo	20 .
		By " " " Kula Ahikula	25 50
		By " " " Kaohule Keokea	101 75
		By " " " Waiuku	81 25
		By " " from Kahakuloa lands	55 50
		By " " " - Paiwahine	10 .
		By " " " Kaakuamoku ma	156 25
		By " " " J. Maikai	50 .
		By " " " Kapuiki	70 .
		By " " " J. Vaughn's Est.	12 .
	12	By " " rent lands on Hawaii	130 .
		By " " " R. Moffitt	100 .
	15	By " " from Waimea Gra. & A. Co	464 .
		By " " for Sale Royal School premises	1825 .
	31	By " " for pasturage Molokai Lands	53 62
		By " " rent J. Fay's heirs	103 .
		By " " " Keaka	15 .
		By " " Sale of Huehue	3000 .
		By " " " of Hulee premises	1.025 .
		By " " rent of Waiolumo	70 .
		By " " " Lands on Maui	480 62
		By " " for 10 head Cattle	85 .
		By " " from E. Perkins	30 .
		By " " 157 Sheep	310 .
		By " " of lot on Emma St. 3 mos.	32 .
		Carried Forward 169	12.994 77

1865			Brought Forward	7.193 52
May 11	To	amount paid Note faror Wm. Coady		
		dated May 10th 65. Secured	46 ✓	1.500 "
	To	— " — " Int. on Same 6 mos.	" ✓	90 "
	To	— " — " Note faror J.H. Greenwell	✓	
		dated April 6th 1863. Secured	47 ✓	3.000 "
	To	— " — " Int. on Same 7 mos. 5 days to May 11th 1865	" ✓	179 16
	To	— " — " Note faror J. Cummins		
		dated 9th May/62	48 ✓	3000 "
	To	— " — " Int. on Same 12 mos to May 11th 1865	" ✓	360 "
	To	— " — " Note faror J.B.J. Marshall		
		dated 15th Nov.r 58	49 ✓	1000 "
	To	— " — " Int. on Same 2 mos. 26 days	" ✓	28 67
18	To	— " — " Sheep Shearers on Molokai	50 ✓	114 "
	To	— " — " Kapiolani 1 yrs rent of		
		School house at Punaw to 4 Mar. 1865	51 ✓	300 "
	To	— " — " for advertising	52	68 50
	To	— " — " pr. Bill of "Warwick"	53	70 62
	To	— " — " P. Kahaolelua 10% on 202.25	54	20 22
20	To	— " — " Note faror J. M. Smith date		
		March 2nd 1863	55	6000 "
	To	— " — " Note faror L. Rooke's Est.		
		date June 1/63 Secured on Kapaa	56	2.500 "
	To	— " — " Int. on J. M. Smiths Note 2 mos. 18 days	55	130 "
	To	— " — " — " L. Rooke's " — 20 —	56	116 66
22	To	— " — " Segelken	57	114 84
	To	— " — " on 4th Note faror C.C. Harris	✓	
		date Sept. 4 1863	✓	3.000 "
	To	— " — " B. F. Ehlers	59 ✓	166 50
	To	— " — " Heinbaumn Hs.	60	493 "
	To	— " — " Note faror Bd. of Education		
		date Jan.y 7/59 Secured on		
		Royal School premises	61 ✓	2,000 "
	To	— " — " Int. on Same 16½ mos.	"	330 "
31	To	— " — " Lui 1 mo. wages	62 ✓	25 50
	To	— " — " B. F. Bolles Hs.	63 ✓	6 25
	To	— " — " G. C. Siders	64 ✓	313 36
June 5	To	— " — " Dowsett & Sumner	65 ✓	8 "
	To	— " — " G. C. Siders	66 ✓	1 "
	To	— " — " Pusow Bill	67 ✓	882 25
	To	— " — " — do —	68 ✓	5 "
	To	— " — " S. H. Dowsett	69 ✓	38 11
	To	— " — " Godfrey Rhodes	70 ✓	18 "
	To	— " — " J. Wilkinson	71 ✓	8 "
	To	— " — " C. E. Williams	72 ✓	17 50
	To	— " — " R. McKibbin	73 ✓	54 25
	To	— " — " G. McLean	74 ✓	34 50
		Carried Forward		33.187 41

1865			Brought Forward	12.994 77
May	8	By	amount rec.d from E. K. Adams to July 1st/65	67 50
"	"	By	" " " Kalawaina ma	105 "
		By	" " " Kauhuna	40 "
		By	" " " Manuel	90 "
		By	" " " Sale Waiakea 1st	1.900 "
		By	" " " Hawaiian Treasury to release Mortgages Secured on Crown Lands	20.000 "
		By	" " rent from Kaumapeuka to May 1st 1865	120 "
	18	By	— " — " — " — " Kahakuloa	76 25
		By	— " — " — " — " Ukumakame	30 "
		By	— " — " — " — " Konomanu	76 "
		By	— " — " — " — " — "	20 "
	22	By	— " — " — " — " Kaluna	100 "
		By	— " — " — " from R. C. Wylie	75 "
		By	— " — " — " — " Kapalahua	75 "
		By	— " — " — " — " Waolani	191 50
		By	— " — " — " — " H. Stapenhorst	250 "
		By	— " — " for 2 horses	34 "
	27	By	— " — " Rent of Kuaea	100 "
June	6	By	— " — " — " W. H. Reeds	30 "
			Carried Forward	36.375 02

Dr. The Estate of His Late Majesty Kamehameha IV In account Current with J. O. Dominis Cont.d Cr.

1865				
		Brought Forward		33 187 41
June	5	To amount paid H. M. Whitney	No 75 ✓	3 25
		To " " C. M. Smith	76 ✓	21 "
		To " " Do	77 ✓	28 "
		To " " Do	78 ✓	19 75
		To " " W. L. Moehonua	79 ✓	30 37
		To " " W. H. Pease	80 ✓	10 "
		To " " Commercial Hotel	81 ✓	15 "
		To " " Alden Walker & Co.	82 ✓	168 21
		To " " Schr. "Warrior"	83 ✓	201 96
	7	To " " Polynesian Office	84 ✓	7 "
		To " " Do	85 ✓	2 50
		To " " C. Rives	86 ✓	5 75
		To " " Melchers & Co.	87 ✓	5 "
		To " " Castle & Cooke	88 ✓	4 12
		To " " — Do —	89 ✓	9 50
		To " " C. P. Hughes	90 ✓	3 "
		To " " C. E. Williams	91 ✓	12 50
		To " " Chunfaa	92 ✓	3 75
	14	To " " Pakaa	93 ✓	5 "
		To " " S. C. Wilcox	94 ✓	45 "
		To " " C. Burnes bal. a/c	95 ✓	293 50
		To " " Mrs. Cooke tuition	96 ✓	54 "
		To " " Makalena	97 ✓	6 "
		To " " Prince of Hawaii Sub.	98 ✓	250 "
		To " " A. Aued	99 ✓	13 50
July	7	To " " Schr. "Warrior"	101 ✓	25 87
June	14	To " " Queen Emma bal. due her for Sundry Moneys ex-pended for her by Mr. Webster during the late Kings life for Rents	100 ✓	1.234 94
July	7	To " " Kapiolani	102 ✓	100 "
		To " " J. H. Harris	103 ✓	60 "
		To " " W. P. Ragsdale	104 ✓	25 "
		To " " advertising buildings at Pakoa	105 ✓	26 50
August	16	To " " Queen Dowager to Aug.t 1/65	106 ✓	500 "
		To " " Kuluiki	107 ✓	150 "
		To " " D. H. Hitchcock	108 ✓	10 "
	28	To " " Note for Mr. Charlton date 1st Sept. 65 2 yrs	109 ✓	6.000 "
		To " " Int. on Same to date	" ✓	476 "
Oct.	3	To " " C. C. Harris a/c Legal Services	110 ✓	500 "
	8	To " " G. Mason	111 ✓	147 25
		To " " John O. Dominis	112 ✓	150 "
Nov.	1	To " " Queen Dowager	113 ✓	500 "
	6	To " " Wana Surveying	1	7 50
		To " " Kahaolelua 10% on 712.31	✓	71 23
		Carried Forward		44.389 36

1865			
		Brought Forward	36.375 02
June	7	By amount rec.d for 49 Bales Wool 12133 lbs net 15¢	1.516 62
		By " " for 1 Bbl. Tallow 300 " 6	18 "
	14	By " " Rent from Kuaea	45 "
		By " " " " Naukuma ma	10 "
		By " " " J. Spencer	200 "
		By " " " P. Kanoa	17 "
		By " " " V. Knudsen	370 25
		By " " " Bishop of Honolulu	250 "
		By " " " Kalawaiea ma	35 "
	3	By " " " J. Richardson	50 "
		By " " " Pauahi & Keelapu	75 "
	7	By " " " H. M. Whitney	750 "
		By " " " H. M. Sawyer	150 "
		By " " " for School house & Chapel	865 "
August	16	By " " " from Pouakawaii	20 "
		By " " " " S. Kipi	300 "
		By " " " " C. Davis	60 "
		By " " " " Kalopa	70 "
	28	By " " Rec.d from Treasury to release Mortgages Secured on Crown Lands	7.000 "
		By " " Rent from J. H. Black	36 "
		By " " " " Kalopa	23 50
Oct.	3	By " " " " J. Galbraith	465 80
		By " " " " Kuaea	55 "
		By " " " " C. Brewer & Co.	80 "
		By " " " " H. M. Whitney	300 "
		By " " " H. I. Stapenhorst	600 "
	8	By " " " Kuahine & Nita	200 "
		By " " " Naukuma	40 "
		By " " " W. Huddy	60 "
	17	By " " " J. H. Black	36 "
Nov.	1	By " " " Kapuaiki ma	380 "
		By " " " Waimalu's Heirs	90 "
		By " " " Pres. Bd of Education	16 "
	6	By " " " Lands on Maui	108 31
		By " " " Motu ma	300 "
		By " " " Nekuaau ma	25 "
		By " " " Palua ma	10 "
		By " " " Malaelua ma	125 "
		By " " " Kaakuamoku ma	85 "
		By " " " Paiole & Kaholowaa	59 "
		By " " " W. H. Reed	20 "
		By " " " J. Spencer	60 "
		By " " " R. Moffett	175 "
	20	By ~~" " " J. McLaigan~~	~~57 "~~
		By ~~" " " J. H. Lowsett~~	~~83 17~~
		Carried Forward	51.526 50

Dr. The Estate of His Late Majesty Kamehameha IV In account Current with J. O. Dominis Adm.r Cr.

		Brought Forward		44.389.36
Nov.	20	To amount paid J. McColgan	No 114 ✓	57.
		To " " S. H. Dowsett	115 ✓	83.17
	22	To " " W. P. Alexander	116 ✓	36.
		To Balance Carried Down		12.141.83
				56.707.36

1865

		Brought Forward		51.526.50
Nov.	~~22~~	~~By amount paid to W. Alexander~~		~~36.~~
		By " rent from Napaichua ma		75.
		By " " " Est. R. C. Wyllie		75.
		By " " " J. Kellett		29.
		By " " " Kumaka		100.
	20	By " " " P. Kahuhu		60.
		By " " " H. Stapenhorst		125.
	22	By " " " Kaui Pauda		4.
		By " " " Nakauka		20.
		By " " " Uliama		20.
		By " " a/c Sales Sheep 1.o		
		625 Wethers 7/5	4688.75	
		4397 Ewes 50	2198.50	
		101 Rams	84.87	
		8 —"—	149.87	
		10 Ewes	41.25	
		3306 Lambs	1033.12	
		1 pair Oxen	30.50	
		24 head Cattle	198.00	
		Buildings	300.00	
		Sheep Pen	35.00	
		Wool Press	50.00	
		Oil Cart	50.00	
		hand Cart	20.	
			4679.86	
		Less Advertising	7.00	4672.86
				56.707.36
Nov.	22.	By Balance brot. down due Estate of His Late Majesty		12.141.83
		Less the Amt of Administrators Commission as per a/c Stated herewith filed and dated Nov 30th.		4.124.07
		Leaving balance on hand		$8.017.76

E. & O. E.

Honolulu 29th November 1865

Supreme Court
In probate

John O Dominis the Administrator being duly sworn deposes and says that the foregoing a/c of receipts & disbursements is just and true

Jno. O Dominis
Administrator

Subscribed & sworn to before me this 19th day of January A.D. 1866

W. L. Davis,
Justice Supreme Court.

17✓

P. 2411 (3)

Supreme Court
(In Probate)

In re Estate of
His Late Majesty
Kamehameha IV

Administrator's Oath
Filed Feb. 1. & Nov 22nd/65

Filed Dec. 30th 1865
William Humphreys
Dep. Clerk

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Supreme Court
(In Probate)

In the matter of the Estate of His late Majesty Kamehameha 4th deceased

Nov. 30th 1866

At Chambers

Before

Mr Justice Davis

His Excellcy Gov. Dominis. Administrator on His Majesty's Estate & Mr C. C. Harris. Solicitor of H. M. Estate present.

Mr Harris submits that the Island of Mokumaiume belonged to the late King's Estate in this way, that the King had purchased 274 acres, & the balance being 102 acres belonged to Haalalea's Estate, and we have agreed each one here, to abide by the decision of the Court, & without appeal, in the partition of the results of the sale, which was $1040, less the expenses of the sale & conveyance. & introduces the purchaser to describe the Island.

17d

Mr James Isaac Dowsett sworn says

I was the purchaser of the Island of Mokumuimui by public auction & a Fishery which was half the channel of Waimalu, & whatsoever other Fishery belonged to the Island, for $1040, but that which was guaranteed to me was half the channel between the Island & the main land which is Waimalu Ahupaa of Waimalu. I have always understood belonged to Haalalea. Waimalu channel is on N.E. side of the Island, & runs round to the N.W. being on the "Mauka" side of the Island. The fishery of the Island according to custom would belong as follows, from the East side of the Island running round to the N. West as far as a man could wade the fishery belongs to the Island, & on the "Mauka" side towards the Ahupaa of Waimalu, round to the N. West side of the Island, that fishery is claimed mostly by the Ahupaa of Waimalu. I regarded the Fishery belonging to the Ahupaa proper of Waimalu, independent of the Island Fishery, to be worth 25 per cent of my purchase. I consider every acre of the

land equal in value.

The Court orders that $260 being the value of the Wamalu fishery that should & does belong to Haalelea's Estate & the balance $180 shall be divided between the two Estates in proportion to the area of land belonging to each as by the survey, & the expenses of the sale & conveyance shall be borne by each estate proportionately to the sum received.

We submit that there is no question that Her Majesty, the wife of the late King is entitled to a dower in the private estate of her Royal Husband, & that Government will adjudicate what that dower should be, how much money should be paid, — We have sold certain pieces of land of which we will give a memorandum of the receipts which amount to $12.350. She was entitled to a life interest in 1/3 of those private lands, we now propose to pay Her Majesty for that life interest. The question is what Her Majesty's life interest of that sum of money is worth in cash.

We claim that we ought not to pay the Auctioneers commissions, consider

She must have one half of his dower

Mr and Mrs Cooke has one half as executors

Petitioners' counsel, Wilcox, and actual Defendants Auley & Dowsett

ing our services rendered at the sales — respectfully request the Court's consideration the matter.

Civil Code. p. 310

We submit that the Estate belonging to His R. H. Prince of Hawaii, amounted to $3898; being money that was from time to time, settled on him by his parents, in sums of $500. & $100, then invested in Government securities for his benefit, & partly what the Legislature appropriated to him.

Mr. I. Montgomery, sworn, says

I knew the late W. Webster. he is dead. I knew his handwriting. this the Ledger produced p. 62. (Estate of Prince of Hawaii) is his handwriting likewise that in the Journal p 25.

The Court inspected the Books testified to first Journal p. 25 then Ledger p. 62. The Court by inspection finds the balance due the Young Prince $3898. 16.

We move that the Queen Dowager is entitled to half of this sum. we therefore submit, that His estate did descend, at his decease, to his Father & mother jointly, we are aware that an argument may fairly be made

that the property being money that is to say personal property, on its investing on the mother by the death of her son she being "femme covert" may ~~have~~ be reasoned to have become the absolute property of the father, but we farther submit that the Queen of these Islands holds property per se & not as "femme covert" Our argument therefore is that this statute carries an absolute dissent with it & that this Queen as well as all other future Queens is & must be entitled to hold property as a "femme sole" as she became a subject only by the death of her husband.

Her property inherits Half of her Bros. Estate

Sec 1448. Civil Code & the last two lines on the page.

The Administrator then submitted his a/c of the Receipts & Disbursements of the Estate from Feb. 1st to Nov. 29th 1865, balance brought down to credit Feb. 1st 1865 $2338.08 as appeared by a/c filed on that date. passed & approved. The item of $371.37 contained in vouchers 20 was paid by order of Judge Robertson, & being a part of the commissions for settling the estate, is to be deducted eventually by the Administrator

4/24.07
3/1.87
3/75 2.70

Pd Com's

178

now acting, from the gross commission now due said Administrator.

In voucher 52 the amount passed is $68.50. for advertising alone. Commission not paid.

Voucher No 98. $250. the Court will take into consideration the final disposition of that amount, whether it go to the Prince's or Kings Estate.

Voucher 100. being for $1234.94. the amount of rents collected by the Kings Agent from the Queen's estate, credited as appears by H. Majesty's Books Ledger p 86. which Her Majesty's Agent now claims as due to her, & shews the books as proof, that it never was merged in the Kings Estate, and as a further circumstance to shew the propriety of the claim hitherto set forth to one half of the Prince of Hawaii's estate.

Administrator stated that $7.60 was paid to Uana for surveying of Maui for which he has no voucher. The Court passed that with the following items $71.23 appears amongst other items in Governor Mahaolelua's account current with Commissioner of Crown Lands, the Court passed the items on that showing

Correct in the Answer

Prince's Estate to pay it

This must be left to the Queen's agent

but suggested, that a receipt should be obtained. The above item $71.23 was allowed by Administrator for Commissions for collecting $1712.31.

The total amount of the acc presented is $56.707.36 deduct $2338.08 balance brought down leaves a bal of $54369.28 amount of disbursements to date $79881.49

We submit to charge upon commissions (against the sum we have in hand $12.141.83.) amounting to $4.124.07 which is charged in the Acc current. 3752.70

The Court adjourned to consider the matter before giving its decision.

William Humphreys
Deputy Clerk
Sup. Court

Supreme Court
(In Probate)

In re Probate of
His late Majesty
Kamehameha 4th

Proceedings
Sett. of Accs

2

Nov 30th
Dec 22nd } 1865

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The Estate of His late Majesty

To the Administrator thereof Dr

To Commissions on disbursements to date viz,
on $79881.49 as per Statute

on $1000 @ 10%	100
" 4000 " 7%	280
" 74881.49 5%	3.744.07
$79.881.44	
	$4.124.07
Less	371.37
	3,752.70

Honolulu Nov 30 1865

Jno O'Dominis
Administrator of His late Majesty's Estate

18

Pepa Hoike ona dala loaa, a me na lilo o na Aina Moi

1865 –

Na Kahale	no Wailuku	$165	31	1865					
„ Kaahahanu	„ Puukukalo	25	–	Sept.	14	Lilo ia E. Jones na ka Moi	$200	–	
	„ Olowalu & Ukumehame	300	–	„	23	„ i ka Moi ponoi	200	–	
„ Kekuea	„ Waiohonu	25	–	„	29	„ „ „ „ „	60	–	
„ „	„ Wailuaiki	10	–	Nov	3	„ „ Uaua Ana Aina	7	50	
„ Kalilimoku	„ Keanae	125	–	„	„	Uku ia P. Nahaolelua	71	23	
	„ Loko o Kapaakea	10	–	„	„	Na Dala i hoihoi ia J. O Dominis	173	58	
„ Kahinian	„ Wailua	85	–						
„ Kanaluku	Aina Kuai ma Wailuku	8	–						
„ Kaholowaa	no Ualapue	43	–						
„ „	no Ka Lokoia Ualapue	16	–	$712	31		$712	31	

O na dala maoli e hooili ia aku nei he $40.08 –
ma na Bila 133.50
173.58
Ke Koena i olelo ia ma kela aoao

E. & O. E.

P. Nahaolelua
Hope Luna o na
Aina Moi –

Lahaina
3 Nov. 1865 –

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Voucher for
Authorities for
$1.50 - 9 & 11.23

Filed Oct 4th 1866
A. Johnson
Deputy Clerk

Supreme Court
(In Probate.)

Dec. 22nd 1865

In the matter of the Estate of His late Majesty Kamehameha 4th deceased.

At Chambers

Before

Mr. Justice Davis

His Excellency Governor Dominis v. Mr. C. C. Harris present.

Upon the first point that was submitted by the Counsel, as to whether Her Majesty Queen Emma was not entitled to dower in the private Estate of Her Royal Husband, that the Court reserved its opinion upon it, in view of the decision that had already been made by the full Court touching that point; & suggested to the Attorney General, that it would be agreeable to him the Justice if the Attorney General would take the opportunity to present it before the full Court at their commence, the Justice declining to make a ruling

contrary to what appeared to have been the judgment of the Court in their published decision of May 27th 1864.

Upon the next point submitted regarding the Auctioneers commissions, the Court disallowed them, to the Administrator.

Upon the next point as to the amount of money standing to the credit of the Prince of Hawaii in the books of His late Majesty's Agent being $3898.16 The Court was of opinion that under the 1448 Sec of the Civil Code relating to the descent of property, that 1/2 of this personality as of right vests in the Queen being the heir.

The Court ordered that the item contained in Voucher 20. amounting to $371.37. should be deducted from the full commissions.

The Court allowed the commission in $68.50 contained in Voucher 52.

The Court decided that $250. contained in Voucher 98 should be paid from the Prince of Hawaii's Estate

which lessens that much from the amount to be divided.

The Court ordered that the $1234.94 in Voucher 100 should be paid to Queen Emma's Agent.

The Court allowed the amount of $3752.70 as commissions charged according to law, in the whole amount.

The Court adjourned proceedings for the matter with regard to Queen Emma's dower to be argued before the full Court.

William Humphreys
Deputy Clerk
Sup. Court

8. 2411

Supreme Court
In Probate

In re Estate of
H. H. Kamehameha
4th deceased

Proceedings
Sett of Acc & c

Nov 30
Dec 22 } 1865

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Dr. Estate of His late Majesty Kamehameha IV

1865 Dec	15	To Amt paid J. A. Hopper	9		20	1
		" " " Gazette Office	18	50	"	2
		" " " A. S. Cleghorn	8	25	"	3
		" " " Her Majesty's Agent as per Voucher herewith	1824	08	"	4
	4	" " " on a/c Note for C. C. Harris	590	—	"	6
		" " " His late Majesty's subscription to N. R. C. Church	500	—	"	5
	18	" " " bal due on Note for C. C. Harris	410	—	"	6
		" " " interest on same	1110	10	"	"
		" " " Registrar Pub. a/c	39	50	"	7
		" " " Mrs Cooke's tuition	103	50	"	8
		" " " C. C. Harris legal services	500	—	"	9
		" " " Hawaiian Treasury a/c a set off on a/c of loan advanced to release mortgage secured on Crown Lands	4273	11	"	10
			9356	24		
1866 Jan	19	" " " Bill of Costs Supreme Court	188	50		
		" " " Administrator's Com on 15.367.90 is 7/68 %				
		Deduct Amt paid Wm Webster 5% on 7427.35 is 371.37	39702			
		" " " Balance	5396	34		
			15367	90		

In Account with John O. Dominis Administrator — Cr

1865 Nov	30	By Amt balance brought forward	8017 76
Dec	15	" " Net Sales Mokuumiami	558 28
		" " rent rec'd from Poloa	60
		" " " " Cattle on Hawaii	125 —
1866 Jany	11	" " " " " N. Hillebrand	270 —
		" " " " " Judd & Welder	200
		" " " " " J. Buck	80
		" " " " " J. N. Coney	35
		" " " " " I. Richardson	50
		" " " " " Waimea Sugar Mill Co	1028 75
		" " " " " C. N. Lewers	400
	17	" " " " " Kekaha	92
		" " " " " Mokihana	120
		" " " " " W. C. Aka	37
		" " " " " J. N. Black	36
		" " " " " Hawaiian Treasury for C. G. Hopkins Note dated April 12. 1861 at 2 years	3188 57
		" " interest on above	1184 54
			15367 90
		By Amt balance	5396 34

Ex O. Ex

Honolulu January 19th 1866

Jno O. Dominis
Administrator

Amt receipts from Nov 30, 1865 to Jan 19. 1866		99373 46
" Disbursements from Nov 30, 1865 to Jan 19. 1866	89084 16	
" Administrator's Com'n	4892 46	
" Balance	5396 34	
	99373 46	99373 46

John O. Dominis, Administrator, being duly sworn deposes & says that the foregoing is a true & faithful statement of the Receipts & Disbursements of this Estate to date

Jno. O. Dominis
Administrator

Subscribed & sworn to before me this 19th day of Jany 1866 R. F. Davis.

Grand Associate Justice Supreme Court.

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Supreme Court
In Probate

In re Estate of
Kamehameha 4th
decd

Administrators
A/c. Consent
to Jan.y 19th 1866

Filed Jan 19th 1866
W Humphreys
Dep. Clerk

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Supreme Court
In Probate.

Jan. 19th 1866

At Chambers

Before

Hn. Justice Davis

In the matter of the Estate of His late Majesty Kamehameha IV deceased.

Mr. C. C. Harris, & His Excellcy Gideon Dominis present.

The Court allowed the Solicitor in this matter $500. once that has already been charged, for his services rendered.

The Administrator presented the remainder of the Acts of this Estate to the Court, from Dec. 15th to Dec. 19th 1866. showing receipts to the Amt of $11:613. 25. & Disbursements amt. to $15:367. 90., the Acts were accompanied by Vouchers, & were duly passed by the Court, proving satisfactory.

The advertisement in the issue of the Gov. Gazette Dec 29, 1866 Jan. 6 & 13th, 1866 was exhibitted containing the Public Notice of the final settlement of Acts of this Estate.

The Acts having been examined & found to be correct, were approved by the Court.

Whereupon the Administrator prayed the Court for his discharge & the Court ordered that his bond be cancelled & that he be discharged from further responsibility. The residue in his hands amounting to $5396.34 being ordered to be paid to the Commissioner of Crown Lands of whom, the Court is apprised the Administrator is himself one, and is likewise the Business Agent.

William Humphreys
Deputy Clerk
Supreme Court.

P. 2411

Supreme Court
In Probate

In re Estate of
Kamehameha 4th
decd

Proceedings
Final Settlement
of Accts

Exhibit

C

Jan. 19th 1866

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To the Honorable R. G. Davis Associate Justice of the Supreme Court In Probate

The Petition of John O. Dominis Administrator of the Estate of His late Majesty Kamehameha IV respectfully showeth;

That on the 4th day of March A.D. 1861 at Honolulu Island of Oahu William Webster late deceased then Land Agent of His late Majesty Kamehameha IV entered into an agreement with one Kanoholaa to sell and convey unto the said Kanoholaa a certain parcel of Real Estate of His late Majesty Kamehameha IV situated in Honolulu aforesaid between the Queens Hospital and Punchbowl Street adjoining the lots of Maii and Malaikaa in dimensions 150 feet in length and 75 feet in width for and in consideration of the sum of one hundred dollars.

That the said Kanoholaa paid the sum of fifty dollars at the date of the said Agreement.

That the said Kanoholaa is ready and willing to complete and fully execute

his part of the said agreement by the payment of fifty dollars the balance of the aforesaid consideration

That the said agreement was reduced to writing and signed by the said William Webster as Land Agent for His late Majesty Kamehameha IV. conformable to Section 1053 of the Civil Code of this Kingdom.

Wherefore your Petitioner prays that he may be licensed and empowered to specifically perform and carry into execution the aforesaid agreement as Administrator of the Estate of His late Majesty Kamehameha IV by delivering to the said Kanoholaa a Deed and conveyance of the aforesaid parcel of Real Estate upon the payment by the said Kanoholaa of the aforesaid sum of fifty dollars.

Jno. O. Dominis

John O. Dominis Administrator Petitioner in the above Petition being duly sworn deposeth and saith that the facts set forth therein are true to the best of his knowledge and belief.

Jno. O. Dominis

Sworn to before me this

Subscribed & sworn to before me this 20th day of Jan'y A.D. 1866. R. J. Davis,

Associate Justice Supreme Court.

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$30.00 Na lona mai iau e Kaushi-
-laa Kanalima dala, ka uku hapa
kia o ke kumu kuai o kekahi Pa kala
ma Puuwaina e pili una me ko Mau
a me Malaikia eia ka mui na pa
nei 50 kapu kapuaai 75 kapu ka hulili
[illegible] o ka mo

Supreme Court
(In Probate)

Jany 20th 1866

In the matter of the Estate of His Late Majesty Kamehameha IVth dec^d

At Chambers
Before
Mr Justice Davis

The Administrator appeared and stated to the Court, that in the final settlement of this Estate yesterday the 19th inst, he had omitted to petition the Court for Authority to execute a deed of a piece of Real Estate forming a portion of His late Majesty's Estate, which had been sold by His late Majesty's former Land Agent, Willm Webster Esqr now deceased, to Kanoholoa, who had paid 1/2 of the consideration as more particularly set forth in the sworn petition placed on file.

A memorandum of the original agreement was also filed, no reason appearing to the contrary. The Court

ordered that the Administrator be empowered to convey the Real Estate specified in the petition to the above named Kanoholaa. upon his paying to the Administrator the balance of the purchase money.

William Humphrey
Deputy Clerk
Supr. Court

P. 2411

Supreme Court
(In Probate)

In re Estate of
His Late Majesty
Kamehameha 4th
dec'd.

Administrators ap
plication for convey
ance of deed of Real
Estate to Kamehola a

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Jan. 20th 1866

22

P. 2411

In the Matter
of the Estate of
His Majesty
Kamehameha IV

Vol. 9 folio 376
" 10 " 1

Opening Argument on behalf of her Majesty Queen Emma on the statement of facts under submission to the Supreme Court.

His Majesty Kamehameha III, until he voluntarily granted the Constitution of 8th October 1840, seems to have been the owner of the allodium in all the lands of the Kingdom, subject to the rights of the Chiefs and private parties, who had acquired interests therein, by occupation, possession, or Royal gift. This is made sufficiently manifest by the principles adopted by the Land Commission and approved by the Legislature and published in the second volume of the Laws of 1846: at page 85 of which the King's private feudatory rights are distinguished from his Royal prerogatives and where it is stated that the power which the King has bestowed on that Board "can be no other than his private or feudatory right as an individual participant in the ownership, not his Sovereign prerogatives as Head of the Nation": and again on same page it is said that "by ancient usage the taxes went not to the body corporate in trust for political uses but to the King as his private income or revenue: and again it is stated on the same page that "his autocracy was however diminished

2 by the King's liberal and voluntary concession to his people in the Constitution 8th October 1840 in which the Government or body politic and the King are for the first time conha-distinguished as follows viz: "He, the King, shall have the direction of the Government property, the poll tax, the land tax, the three days monthly labor though in conformity with the Laws. He shall also retain his own private lands, and lands forfeited for non payment of taxes shall revert to him". The allodium, then, was still in the King but it seems that some very indefinite right of possession belonged to the Chiefs in many of the lands but by no means paramount titles.

The King's right to his individual private lands owned by him absolutely, is recognized at foot of page 12 of the "Blue Book" where the Constitution of 1840 is published as also his right to all lands forfeited for non payment of taxes which were to revert to him.

In 1846 the Commission to quiet titles was established and which adjusted and finally settled the Kuleanas of all the under tenants against the King the Government and the Chiefs and, that task being accomplished, the lands of the Chiefs and Konohikis were thereby disembarrassed and distinguished from all conflict as to such interests and the task of adjusting the respective rights and

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interests of the King and Chiefs in the lands remained to be accomplished; and was found to be one of no ordinary difficulty and embarrassment; and after many meetings of the King and privy Council the plan of making an actual separation of these lands, was at length unanimously adopted and carried into effect by the first Mahele, in the early part of 1848, and with which the Court is already quite familiar, and which settled on each party, certain lands, ~~and~~ released from all claims of the other party; and each party was thenceforth to hold his respective lands in absolute severalty.

It is therefore clear, that the King, up to that ~~time~~ point, had not divested himself of any right or interest in any of the lands, so set apart to him, by the Mahele; but had a clear right to all the profits and emoluments, resulting from them, by the assent and approval of the only other party in interest; and therefore, on proceeding to endow his Government with a portion of the lands he was clearly in a position to drive a hard bargain with them, for a liberal annual allowance, to sustain the "honor of the Crown" and the "Royal state."

But such was not his Majesty's nature or disposition. He preferred to trust to the generosity of his people, in whose favor he was about to do an act of unparalled generosity; and accordingly by deed poll of 8th March 1848 written at page of the

4 Mahele book H. M. granted and set apart to the Chiefs and people of his Kingdom certain lands described in a schedule on pages 179, 181 and succeeding alternate pages subject to the control of the Houses of Nobles and Representatives "to promote the prosperity of the Hawaiian "Kingdom" and the honor of the Hawaiian "Crown"

And by another like instrument both being in the native language, and of same date (after reciting the above mentioned instrument) His Majesty reserved to himself the other lands written in a schedule on pages 178, 180 and and following alternate pages of said "Mahele book". No authorized English version of either of those instruments is extant, but literal copies of both in the native language will be found at the end of this argument Statement of facts

We contend moreover, that these two instruments have finally settled all question, as to the title of H. M. and the Chiefs in the lands comprehended in the schedules to them in the Mahele book and it seems of little consequence to discuss what his title was anterior to the execution of the two deeds 48 and 48 because they finally set at rest all question on the subject. The fee and inheritance of the lands set apart for the Government by the first-mentioned deed of 7th March were absolutely vested in it. and His Majesty in whom the fee of

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all the lands was, up to that time, vested, reserved to himself a like title in fee in all the lands reserved by the second deed; in addition to which he owned other lands in his own private right as a chief; but whether some of those private lands may not be included in the schedule to the said deed of reservation is not quite clear to my mind; but whether or not, it is quite clear that he never parted with the fee of them during his life.

If the Attorney General's position be sound, the King reserved to himself no more than a ~~here~~ mere life estate by the said deed of reservation; but we contend that such an interpretation is utterly inconsistent with the whole context of that deed, the language of which in fact seems at variance with such a construction. It says: "Ke hookoe nei au noi iho a no kou

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"poe hoolina a me koú poe hope a mau "loa aku, na aina oú" and afterwards says "na hookaualeia na poe aina la ubu a no koú poe hoolina a me na hope oú a mau loa he waiwai ponoi nóu, aole mea a ae", which we interpret; "I reserve to myself my heirs and assigns for ever my lands"; and have set apart those lands for myself my heirs and assigns for ever as certainly my own property and no other body's." This language seems to us most explicit and emphatic, and seems to have been framed to prevent any misconception of the meaning ~~of the first~~ intention of this former: and to elucidate the idea that he had reserved to himself an estate similar to that he had conferred on the grantees of the other deed of same date, comprising all and everything incident to the absolute fee and inheritance, and that he meant and intended by those two instruments finally and for ever to settle all the lands of the Kingdom; the larger portion on the Government and the smaller as his own "ponoi" individual private heritable property, and "no other body's" in absolute fee simple without limitation or restriction. Indeed this second deed (of reservation) appears to me to have been quite superfluous, because without its aid, all the lands not absolutely granted by the first mentioned deed of 8th March

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still remained vested in his Majesty, by the same title by which he had up to that time held the whole; and it is not very clear why he should have been advised to make that deed of reservation at all. Had he left it unmade and vested on his original title to the reserved lands, the present question never could have arisen; because in that event the Schedule of the deed of 7th June 1848 never would have existed; and the perplexity created by the use of the word "Successors" in the authorised English version of that act never would have occurred.

If his Majesty had meant or intended to have reserved to himself a mere life estate in the lands, (which is all the Attorney-General's position would give him, as a "Corporation sole") the word "hæredibus" or "heirs" used in the deed of reservation never would have been used. That term, when applied to real estate, implies the descent of property, and is never used except in reference to heritable or descendible estates which is in direct contradistinction to fee & life estate which is not heritable, and equally inconsistent with the word ("a man can be seised pro non alio meo ac") than which, I think, no language can be more clear and emphatic.

Had his Majesty meant or intended to retain to himself the a

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mere life estate, the term "hooilina" would never have been used in the deed; because it directly negatives that idea. The language would in that case have been "a me "Koi poe hope a mau loa aku" only. Indeed it seems difficult to conceive language less like a reservation of a mere life estate than that under discussion.

Again the term "hooilina" or heirs has the first place in the sentence, and is its leading idea; and the term "Koi "poe hope" is secondary, and subsidiary thereto. "Heirs" then, and the idea conveyed by that term, prevails both in the deed of reservation, and, as I shall proceed to show, in the act of 7th June 1848 made expressly for the purpose of confirming the two deeds of 8th March previous.

If the translation for which we contend, of the word "a me Koi poe hope a mau loa aku" into "my assigns for ever" be adopted, the addition of the emphatic conclusion "he waiwai konoi koi, aole mea a ae" indicates, as we contend, that the idea of reserving anything less than the absolute fee and inheritance, had no existence in his mind; and I submit that any other translation or interpretation of these words must render the concluding paragraph inconsistent and unintelligible.

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Those two deeds of 8th March 1848 were fully confirmed and adopted by the Legislature, by the statute in the native language, passed 7th June 1848; and the recital of the grant by his Majesty to the Chiefs and people of the larger portion of his lands, and the reservation to himself of the smaller portion of them in the preamble of that act, clearly refer to those two instruments, which had been written with all solemnity and formality in the Mahele book, ~~were~~ will they still hold a prominent place; and yet the Attorney General in his elaborate opinion, on the question at issue, (of which he has kindly favored us with a copy) makes no allusion, or reference whatever, to either of those instruments, which are evidently the basis of that act; but, on the contrary, alleges that "that act appears ~~that act appears~~ to have been drawn hastily "without due regard to the importance "of the subject to be legislated on"; an imputation on all branches of the Legislature of the day for which I can see no justification whatever; but on the contrary it seems to me manifest, that the framers of that act must have had those deeds before them, in preparing it, and the concurrence in the native language of those instruments with that of the act itself,

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shows clearly that the latter is an echo of the former, and was prepared with due care and deliberation.

No less remarkable is the fact that the Attorney General in that Opinion, refers only to the English version of that act; from which he adopts and argues on the arbitrary, and, as we contend, improper translation of the words "a me na hope ona a mau loa aku" into "Successors" for ever, which alone has cast any shadow of doubt on his Majesty's title to those reserved lands; although, at the time when that act was passed, the native version prevailed by law, over the English, as that learned Gentleman well knows. It cannot be contended successfully that "Successors" is the only correct or inevitable translation of the native words above quoted from the Hawaiian version of that act; because the statutes of 1845-6 abound with instances where similar language is translated "assigns". For instance at page 97 of first volume of the English version of the act of 1846 the words "~~heirs and~~ "assigns" ~~is~~ translated from the native "Kona mau hope", at page 102 of the native version in the form ~~given~~ of a lease of lands; and Mr. Kanwahi uses the same interpretation of "assigns" in his published book of precedents for the use of Hawaiian Conveyancers

Some curious instances of the interpretation of the term in express and deed, can found in Prince Lunalilo's "Kanahele & Chamberlain appeal" & professional cultivators of the soil, the heirs and successors.

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11 We have a right then to assume that "assigns" is at least as correct and legitimate a translation of the native phrase, as "successors"; and that being established, we undertake to prove that it alone is consistent with every other fact of both the deeds and the act: whilst it is impossible to make the term "successors" other than absolutely incorrect and repugnant to both. Moreover we undertake to prove that such was the sense in which those instruments were understood and intended by the King himself, when the deeds were made and the act passed, and that he so understood them and acted on such understanding to the last hour of his existence.

The deed of reservation recites that his Majesty had given and set apart "hookilo" and "hookawali" the greater part of his Royal land "aina Alii" for the benefit of the Hawaiian Government and the hour of the hour and then goes on to say "Wherefore (for in consideration of having divested himself of so much) I hereby reserve "hookoe nei au nóu iho a no kóu hoe hooilina a me kóu poe hoke a mau loa" to myself my heirs and assigns, for ever the rest of my lands ~~the~~ in this book as my own private property

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for ever and no other body". It is impossible to render the words "a me na hope o a mau loa" as "my successors for ever" without rendering the concluding words "He waiwai pono nou aole mea e ae" not only meaningless and unintelligible but flatly contradictory, whereas, by our interpretation of "my heirs and assigns" as my own private property for ever, and "no other body", they become perfectly clear intelligible consistent and harmonious.

If the language of the statute be tried by the same test, precisely the same result must follow: because the preamble states that after reserving certain lands to himself as his own private property ~~of~~ "i waiwai pono nona" he granted other lands to the Chiefs and people; and then ~~to~~ the Katuanui is "to be the private lands of his Majesty" "oia na aina pono o K III" and then goes on to say "said lands shall be regulated and disposed of according to his Royal Will and pleasure subject only to the rights of tenants". Now if he meant to limit the lands to his "successors" he could not possibly "dispose of" them according to his pleasure" nor would they be "subject only" to the rights of ~~native~~ tenants but would be subject to the rights of the next in remainder.

This repeated after mature reflection on it - confirmed in his mind -

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We contend that the word "Successors"

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in the English version of the habendum of the act of 7th June 1847 is arbitrary and improper; and that the native version must alone control, because the word "Successors" is inconsistent both with the preamble and the rest of the habendum and renders the whole contradictory and unintelligible; whereas by translating it "assigns", which I have demonstrated is equally legitimate and correct, the whole act is made harmonious and consistent with itself, as well as with the deed of 8th March previous, which it recites and of which it is confirmatory. Moreover it is inconsistent with the rest of the habendum because if it had been intended to limit the lands to his "Successors" in the Royal Office as a Corporation Sole they could not be disposed of according to his Royal Will and pleasure - a power totally inconsistent with the idea of a life estate.

Under these circumstances we contend that the cardinal rule of interpretation, which holds that the proper construction of an obscure or doubtful instrument is that which best harmonizes and is most consistent with the context and collateral circumstances, when applied to this case, sustains our position as against an interpretation

14 not only inconsistent with, but absolutely repugnant to the whole context of all the Instruments as well as all the collateral circumstances of the case.

What is the value of our Equitable or right to now
Instead of the deed? never said.

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Moreover it is most improbable that the King would ever have conceived the idea of divesting himself of any interest or estate in those lands, admittedly his own private individual property, as a Chief, and in no way connected with the Crown or Sovereignty and which probably comprise a large proportion of the lands named in the schedule to the Reservation of 8th March 1848; nor is there any conceivable reason why he should have done so, and it seems to me neither equitable nor reasonable to contend for a construction which would involve the idea of the Majesty having gratuitously divested himself of that which was so clearly his own without any rational cause or reason or any sort of equivalent.

Every Chief had under the first Schedule acquired an absolute estate of inheritance (or convertible into such) in all the lands theretofore acquired or possessed by him, and which he could sell, mortgage, alien or otherwise dispose of at his discretion, a privilege freely exercised by them as is well known. Whilst the highest Chief in the land, the King himself, who up to the moment of executing the voluntary grant of 8th March 1848, had the allodium in all the lands, and of which he was entitled to all the issues and profits for his own private use, is alleged to have been so badly advised as to have divested himself of everything but a bare life estate, in the small portion of the lands secured to himself by the other contemporaneous deed

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thereby degrading himself below every other Chief in the County, and depriving himself of the power of making any provision whatever on his death for young children, relatives, personal friends, or other objects of his bounty. A Construction which must lead to results so repugnant as these both to reason and natural justice will not I am well assured be sustained

The two Instruments of 1st March 1847 appear on the face of them to be of entire mutuality, the one granting an absolute title to the Chiefs and people for the Government in certain specific lands, and the other, reserving a life title to the King in all the residue of the lands also specified therein; and both done by the mutual consent and approval of all parties in interest and there is nothing to indicate that during his Majesty's life any doubt ever existed in the mind of any of those parties on the subject

The Attorney General seems imbued with the ~~same~~ idea that, while every other Chief can, and does, own lands of great value as private property yet that the Chief of Chiefs cannot do so, and ought not to do so, but that all his lands must of necessity go with and be annexed to the Crown as "Royal Domain"

I confess myself unable to appreciate this idea. Why, I ask, should a Chief on becoming King (and under the 25th article of the Constitution he may be elected to fill the Throne "by the House of Nobles and Representatives by joint ballot")

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on his Elevation his own private lands and Crown Allii of Course – but would not be Royal Domain –

be thereby deprived of the right he had up to his election enjoyed of owning and disposing of his private lands which would thereby be ipso facto be converted into "Royal Domain," to be thenceforth annexed to the Crown and to descend with it, I presume, to his successor who may under the same act of the Constitution be a stranger in blood to him to the exclusion of his own children relatives and friends. There is something startling in this idea and by no means attractive.

In this Kingdom the really "Royal Domain," we say, was created and now exists in the enormous list of lands granted by the King to the Chiefs and people by the Government and ever since owned and controlled by the Government, as specified in the schedule to the deed of 8th March 1848, as is made manifest by the terms of that deed which says in the plainest language, too clear to be mistaken or misunderstood, that that munificent grant was intended "to promote the prosperity of the Hawaiian Kingdom and the honor of the Hawaiian Crown" – such a gift so freely and voluntarily conferred does really form a right "Royal Domain" abundantly sufficient to sustain "the honor of the Crown" without trenching on the small fraction of lands reserved to that King as his private estate (waiwai pono) and which is ~~superior to~~ smaller than the lands owned by many other Chiefs. Why a Chief on ascending the Throne should be thereby deprived of all means

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of making any bequest, or doing justice to those who may have natural claims upon him at his death, and he, thereby placed in a position more degraded than that of every other Chief in the country, is to me inconceivable and a common-law Chief repugnant to natural justice.

When an interpretation can be found for the instrument in question which avoids injustices and results such as these, I apprehend it must and will be adopted.

The Attorney General in his Opinion lays great stress on the term "Royal Domain" used in the preamble of the act of 7th June 1848 as if it were used in reference to the lands reserved to the King by the deed of 8th March previous; but when examined critically it bears no such construction. That preamble speaks in the past tense and says it "hath pleased" his Majesty after reserving certain lands to himself as his own private property to make over to the Chiefs and people the greater portion of his Royal Domain (aina Alii) but if those lands ever could have been so designated they ceased to be any longer so by the deed of 8th March and the act itself which calls them, "i wahai honoi nona", his own private property and to be "disposed of according to his "Royal will and pleasure" in the language of the preambles of that act. I deny that the term "Royal Domain" was ever used or understood by the King in the sense contended for by the Attorney General

Nor is it a correct interpretation of the native language (Kona mau aina Alii) which means simply "Chiefs' lands", and very different from the interpretation now sought to be put upon the words "Royal Domain" substituted in the English translation.

All the argument therefore of the Attorney General built on the foundation of the term "Royal Domain" as applicable to the Kings' private lands or the lands reserved by the deed of 8th March 1847 must fall to the ground.

as to "trust" in King as "Confirmation Sale"

I have alleged that the translation and interpretation for which I contend, accord with the King's own understanding of the native version of that ~~act~~ deed of reservation when he executed that deed, and also of the act confirming it; and, in all questions of construction, it is an axiom that the understanding and intention of the maker of an obscure instrument is that which is first to be ascertained, and when ascertained, must govern. I have demonstrated that ~~that~~ the Construction I contend for is the only one consistent with the context of the deed of Reservation and the act confirming it, and I proceed to demonstrate that his Majesty so understood both, as is clearly proved by the mode in which he ever afterwards dealt with the lands in question.

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Moreover we find that the late Chief Justice, and Chancellor Lee

~~20~~ took a prominent part in all matters preliminary to and connected with both the Marbles and the probability is that the deeds of 8th March and the Confirmatory Act of 7th June were either prepared by his own hand or under his supervision and direction: and, therefore, ~~that whatever~~ were the King's understanding and intention in relation to those important arrangements they must have been concerned in, if not suggested to his Majesty by, his Chancellor, his adviser and personal friend; and it is impossible to conceive that there could have existed any mistake or misunderstanding in the matter.

Now it is a historical fact that his Majesty K. III., from the moment of the completion of those arrangements, dealt with all those reserved lands precisely as he had done previously viz, as his undoubted individual property, by leasing, granting, selling, and mortgaging such portions of them as he saw fit, just as every other chief was in the habit of doing; and finally by his last Will and Testament, ~~dat~~ dated on the 2nd April 1853, prepared by and in the handwriting of his Chancellor, exciting his wish in his words "to decree the arrangement of my property do make and decree this my last Will". and by the 3rd article of that Will he charges his Executors to pay all his

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~~21~~ 20. debts out of his property (which as regards

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21 the lands in question he had no power to do if he owned a mere life estate. By the 4th article he devises absolutely in fee (hoolilo loa) to his Queen, certain specified lands provided she took them in lieu of Dower and by the 5th article he devises in fee (hoolilo loa) all the rest of his heritable property (waiwai hoolilina) to his adopted Child ~~and finally Mr. Lee makes himself one of the Executors therein~~. none of which are incident to a life estate and only attach to an estate of inheritance. and finally Mr Lee makes himself an Executor therein

Now before this Court can adopt the position of the Att. Gen. that the testator in that will had a mere life estate in all those lands the Court must believe and assume that Mr. Lee is utterly misconceived and misunderstood his Majesty's title as to make him first charge all the property with the payment of his debts; secondly by devising certain lands to the Queen, in lieu of Dower, thereby recognizing her right to be endowed out of the real estate, and

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(to real & mixed the land, secondly to)

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thirdly, by devising in fee (hostile law) to his adopted child all the residue of his real estate. An assumption which this Court who so well knows and so fully appreciates that learned gentleman's talents and legal acquirements is not very likely to adopt, and, unless ~~that~~ assumption be adopted I can perceive no foundation for the claim set up by the Att. Genl.

Again on the death of his Majesty, that Will was proved and certificate of Probate granted by the Hon. Justice Robertson as judge of probate, he thereby assuming the responsibility of Executor therein

But, should the Court adopt the Attorney General's view and hold that his Majesty was after all, only a tenant for life in these lands then arises the dilemma, that, inasmuch as his Majesty ~~had~~ (with the knowledge of and full knowledge of his Chancellors, without whose sanction, I understand, his Majesty in his latter years did not ~~not~~ no important act) had dealt with the real estate as his own absolute property in fee by selling and

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mortgaging it at his discretion. ~~Then~~ the inference is inevitable that Mr Lee thereby made himself a voluntary party to the perpetration of what could amount to gross frauds upon the purchasers and mortgagees in all such cases, whose titles on his Majesty's decease had absolutely determined: a result not to be lost sight of by the Court in coming to a decision on this vastly important question; important not ~~less~~ more to the principal parties to this reference than to the people who have in good faith invested enormous sums in those titles, which a decision in favor of the Att. Genl's position would render absolutely worthless and thereby entail ruin upon so many innocent people; in fact it would be a "Chaos worse confounded!"

It is impossible to conceive that this Court will adopt a construction which must implicate ~~the late~~ Chief Justice in transactions such as above indicated as well as his Royal Master; when another, and, as I contend, more legitimate construction is available, by which to escape from all the difficulties ~~to~~ which the other construction must lead.

Let us now turn to his Successor and enquire how his late Majesty K. IV interpreted the title to the lands so devised to him by his

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~~Eq~~ predecessor. In the past years of his reign H.M. K.IV. had also the advantage of the advice and assistance of the late Chief Justice Lee, who, no doubt, fully and candidly imparted to his Majesty a true and faithful representation of H.M's rights and titles to those lands, and we find ~~that~~ from the first hour of his succession, ~~to that of~~ his lamented decease H.M invariably understood and dealt with those lands as his individual private property in fee, just as his predecessor had done, by leasing, bestowing, and mortgaging such portions of them as he saw fit, without the most remote idea, or the slightest suggestion, that he was doing otherwise or more, than was his absolute legal right. Moreover he fully recognized the Queen Dowager's right to dower out of all the real estate so bequeathed to him by his predecessor, by compromising with her by granting her an annuity of 2000$ by a deed duly recorded and which her Majesty has ever since enjoyed but which would be liable to be defeated if the Attorney General's position be sustained. It is manifest therefore that Mr. Lee up to the time of his decease never entertained a doubt that either of these Majesties

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25 ~~Eq~~ ~~18~~

~~75~~ had the absolute dominion over all the lands reserved by the deed of 8th March 1848, and the concurrent opinion of both their Majesties and of their Chancellor, cannot fail to have due weight with this Court in deciding on this momentous question. Indeed the idea that the title to those lands was any other, or less, than the absolute fee manifestly never for a moment suggested itself to the minds of any of these personages, and appears to be quite a novel one. ✗

✗ The present Chief Justice was Counsel for Sir Robert Peel in the Council of Queen & during the whole of the Reign of Queen Victoria & in all Cases must have had the question often before him & the Court, particularly of the King's rent of the lands.

The Attn. Genl. complains that the construction for which I contend is "unreasonable" because it "would entirely suppress the meaning of the more important words 'Royal Domain' and make the word 'Succession' or following the word 'heirs' entirely void." I think I have already sufficiently disposed of those two terms "Royal Domain" and "Successors" but the Attn. Genl. goes on to say that our construction is unreasonable because it "would have the effect to strip the Crown of the 'Royal Domain' and "make it impossible to maintain "a reasonable Royal state."

v 37

Now I am not aware that in any of the limited Monarchical Governments of Europe the "Royal State" is sustained or

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or supported by or from the proceeds of a "Royal Domain" or lands annexed to, or owned by, the Crown; and I do know that in England at the present day it is not so, but on the contrary that all the estates formerly annexed to the Crown and contributing directly to the sustenance of the "Royal State" and not granted to ~~private~~ third parties are now the Government property, managed chiefly by the Commissioners of Woods ~~and~~ Forests and Land revenues, and who annually account for the and pay in to the Lords of the Treasury all the rents issue and profits thereof, which form part and parcel of the National revenue (see page 542 vol II Stephen's Com.). In lieu of those rents issues and profits which once accrued directly to the Crown for the sustenance of the Royal State a civil list is voted by Parliament at the commencement of each reign. a concise epitome of the
C L -588- history and nature of which will be found at page 561, 567 & 8 of same volume where in Chapter ~~of~~ VII commencing at page 536 the whole subject of the Royal revenue of Great Britain is treated in a most lucid and comprehensive manner and which shows an extraordinary analogy between the
224 position of the Crown revenues ~~and~~ of this Kingdom and of Great Britain.

-26- The Sovereign of Great Britain
~~26~~ at the present day owns no "Royal Domain"
~~26~~

from which anything is contributed to the Royal State. The only real estate owned by her present Majesty Queen Victoria are those purchased since her accession to the Throne out of her private funds viz Balmoral, Osborne &c

The only equitable element therefore in the "Att.y Genl" argument in favor of the construction for which he contends viz the "Stripping the Crown of the Royal Domain and leaving the inadequate provision for the support of the Royal State" also falls to the ground.

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P. 241

Supreme Court

In the matter of the Estate of His Late Majesty Kamehameha IV Descent of Real Est.

Brief.

KUAI

KUDALA!

E Kuai Kudalai'ana e J. H. COLE, i ka

POAKAHI, Feb. 27

I ka hora 12 o ke awakea, na ka pa no ma Honolulu, i na kulana, a me na pono a pau o ka waiwai o ka Moi i hala aku nei i ka make, ma ka pa i kapaia o HUEHUE, kahi e nohoia nei e ka Mea Hanohano C. G. Hapakini.

O ka nui o keia wahi he 1 537-1000 eka, e haiia no na palena ma kahi kudala. He hale maikai no e ku ana maluna o ia wahi, me na hale waho, a oia no kekahi o na wahi noho maikai loa ma ke kulanakauhale o Honolulu.

Mahope koke iho no o ke kudalaia ana o keia wahi, alaila, e kuai'iana ka pa i kapaia ka PA KULA ALII, kahi e ku nei o na hale lio o ka Moi i make aku nei.

E kudala'iana ua pa nei iloko o na apana ekolu.

Apana 1, 26-100 eka ka nui, a ua kukuluia maluna oia apana he wahi hale laau uuku.

Apana 2, 64-100 eka ka nui, a maluna o ia pa, ke ku nei ka Hale Kula Alii kahiko.

Apana 3, 1 6-10, eka ka nui, a maluna o ia pa e ku nei na hale lio a me ka hale kaa o ka Moi i make aku nei.

He wa kupono loa keia e loaa ai kahi noho maikai o ka poe e makemake ana e noho koke mai ma kahi o ka lakou mau hana.

JNO. O. DOMINIS,

Luna Hoponopono Waiwai.

ADMINISTRATOR'S SALE OF VALUABLE REAL PROPERTY

There will be sold at Auction, by J. H. COLE,

On Monday, Feb. 27

AT 12 O'CLOCK, M.,

On the premises, in Honolulu, the right, title and interest of his late Majesty's Estate, in the lot known as HUEHUE, at present occupied by his Excellency Charles Gordon Hopkins. The said lot is bounded as follows:

Commencing at the conner of Queen and Richard streets, the boundary runs along Richard street south 43 deg. west 165 feet; thence alon, Maunuahua's lot north 50 deg. west 265 feet along Haalelea's lot; north 39 deg. 38 min. east 174 1-2 feet; thence along Queen street south 50 deg. 10 min. east 274 feet to comencement. Area 1 537-1000 acres. It has a good cottage and out-house, the water laid on, and is one of the most desirable places for a residence in the City of Honolulu.

Immdiately after the sale, as above, there will be offered upon the premises, the property formerly known as the Royal School Estate, on which are situated the stables and coach houses of his late Majesty. This property will be offered in Sections.

Section 1 contains 26-100 acre, on which is situated a small wooden cottage.

Section 2 contains 64-100 acre, on which is situated the old Royal School buildings.

Section 3 contains 1 6-10 acres, on which is situated the stables and coach houses of his late Majesty.

This offers an excellent opportunity for persons desirous of having a residence in the city so as to be near to business.

JNO. O. DOMINIS, Administrator.

Honolulu Dec 2 1865

Gov. J. O. Dominis.

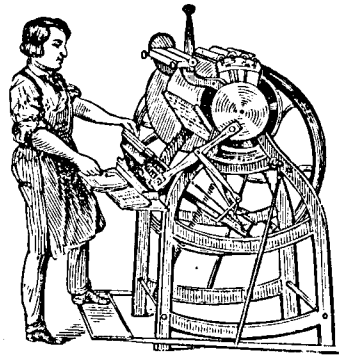
To James A Hopper

To Repg. Safe. $9.00

Rec Payment

J. A. Hopper

No 1 J. A. Oxspring
7-9-



Honolulu, November 23d 1865

N. Estate of His Majesty Kamehameha IV

To The Hawaiian Gazette, Dr.

EVERY DESCRIPTION OF

Book, Job and Plain and Fancy Printing Done with Neatness and Dispatch.

1865				
June	10	To advertising sale of sheep on Molokai 1½ 2 1. G.		4 50
"	"	" not settlement 2 " 2 " G.		1 50
"	12	" Administrators notice Ka.O 1½ " 1 "		1 50
Aug	7	" Notice Mokuaimeume " 2 " 4 "		3 50
June	5	" Auct. Sale lat. Kings lands	G.	6 00
"	12	" do do do houses	G.	1 50
				$18 50

Recd payment
for J. H. Black
H. A. Widemann

No 2
Gazette Office
$8.00

Honolulu, 30th Sept 1880

M. Estate H. M. Kamehameha IV

Bought of A. S. CLEGHORN,

WHOLESALE AND RETAIL DEALER IN MERCHANDISE,

Fire-Proof Store, cor. Queen and Kaahumanu Sts., and Retail Establishment, on Nuuanu St.

Apl 17	10 yds Gingham	mfs Howard	3 75
June 12	6 Collars	"	3 —
	1 pr Gauntlets	"	1 50
			8 25

Paid

A. S. Cleghorn

No 3

a. S. Oleykowy

8.28

P. Hallas

Honolulu December 15. 1865

$1824.08

Rec from the Administrator of His late Majesty's Estate the sum of Eighteen hundred and twenty four 08/100 Dollars being one half of balance due to the Estate of His late Royal Highness the Prince of Hawaii amounting to $3648 16/100 and now paid to Her Majesty Queen Emma by order of the Court.

Jno O. Dominis

Atty in fact for

Her Majesty Queen Emma

No 4.

Lucien Emmons

1824.08

Honolulu January 12th 1866

Received of John C. Dominis Esq. administrator of the Estate of His late Majesty Kamehameha IV. the sum of Five Hundred Dollars being the amount of His late Majesty's Donation to the H.R.C.C

Thomas Powell
Treasurer H.R.C.C

5

No 5
Thos Brown
1570 —

No 3 Reports of the Judges

Honolulu 4th September 1865

$4000.00 Two years after date I promise to pay to Lorin Webster, or order, the sum of Four thousand dollars, with interest at one per cent per month, payable quarterly, for value received.

F. Ulrich Damke

6

$3000

Honolulu May 23 1876 Received on the within Note Three Thousand Dollars - first to pay interest - 895.73 - to wit $825.93 - interest quarterly and 68.40 - interest in the quarterly dues - Balance 2104.27 on the principal C.C.H

Received on the within Five Hundred and Ninety ($590) Dollars - Dec 4th/75 to pay interest $124.52 - balance 465.48 towards paying principal O.C.H

J. W. Webster

Cancelled having received from Administrator Principal & interest $1524.11

Chas. C. Harris

Mr
C. C. Harris
410 -
Wm 7/10/10
15 20/10

The Estate of Her late Majesty Kamehameha 4th
Dr. to the Register's Office

1865			
March 20th	ack & Stamp to Her Majesty	2	"
" "	" " " The Interior Department	2	"
" "	" " " Chairman	2	"
" "	" " " Her Majesty	2	"
May 11th	Releasing to Cooke	1	"
" "	" " Cummins	1	"
" "	" " Greenwell	1	"
" 12th	" " Bishop	1	"
" 26th	" " Board of Education	1	"
" 29th	" " Mott Smith	1	"
June 6th	" " Moffitt (Rooke's Estate)	1	"
" 13th	ack & Stamp to Her Majesty	2	"
" "	" " " "	2	"
" 28th	ack to Leavens (Lease)	1	"
" 30th	ack & Stamp to Makea	2	"
" "	" " " Mikalauka	2	"
" "	" " " Lae	2	"
" "	" " " Ainamunaane	2	"
" "	" " " Aihai	2	"
July 8th	" " " Kahinakaua	2	"
" 10th	" " " Kaana	2	"
" "	" " " Kuhiakalani	2	"
Augt. 28th	Releasing Charlton's Mortgage	1	"
		$ 37	00
			50
Nov 13th	Exchanges deed to Dowsett		
		$ 38	50

1866	Amount Brought up	38.50
Jany 18	Releasing to C C Harris	1.00
		$ 39.50

Received Payment
Thomas Brown

No 7. Regular Pickups 39.50

Rec'd Mrs J M Cooke by J S Atherton

Mrs. J. M. Cooke,

To Ellen Holden, Dr.

1865 Dec 12th, For 27 lessons in music,
given to Mary Ellen Richardson,
at 50 cts pr lesson. — $. 13.50.

Paid Jany 18th 66
JMC by JBA

Mr J. O. Dennis as
Agent for the Estate of his
late Majesty. Dr to Mrs J. M.
Cooke for board ~~tuition~~ clothing
&c for M. E. Richardson from
July 1st 1866 to to Jan 1st-
66 - 28 weeks - @ 3 per week -

$84.00

Shoes — 6.00

$90.00

Rec - Payment
J M Cooke
J B Atwater

No 8.

Geo Cooke

183.

Received of the Administrator of
The Estate of His Majesty Kamehameha IV,
Three Hundred Dollars being balance of
amount due me for professional services
and advice — Charles C. Harris
Jan'y 18th/1866
9

No 9
C. C. Harris
$800—

Honolulu January 18. 1866

$4273.11

Recd from John O'Dominis administrator of Estate of his late Majesty Kamehameha IV the sum of Four thousand two hundred and seventy three 11/100 Dollars. The same being a Note of Charles Gordon Hopkins for $3438.57 Less amount of Endorsements $250 = 3188.57 and interest $1084.54 and now paid into the Treasury as an offset to amt advanced by Treasury to release Mortgages secured upon Crown lands.

Charles C. Harris
Minister of Finance

No 10.

C. C. Harris

14273.11

Honolulu 4th April 1861

$2000.00

For value received, I promise to pay to Wm Webster, Executor of the Estate of L. B. B. Rooke, or order, at one year after date, the sum of two thousand dollars with interest at one per cent per month —

Jamesh Amoha

11

July 1st 1863

$480.00 Recd interest 2 years to 4th april 1863 Four hundred & eighty dollars

W. Webster Executor
Rooker Estate

$2287.37 – June 15th 1864 Received from Mr. J. O. Dominick Administrator Estate of the late Margaret the sum of Two thousand two hundred and eighty seven 37/100 dollars being principal and interest on the within in full to date

A. Spencer
Agent of Mrs. Rooker

$220
7

14
20
280
7.85

2287.33

Note. J. C. A. Rooker Acc
Recd —

P. 2411.
Estate
of

Kamehameha. 4th

Vouchers.

Removed to

Closet of

Exhibits

in

Lobby

Know all men By these presents, that We Keoni Ana, Jone Ii, M. Kekauonohi and Lot Kamehameha Executors of the last Will and Testament of His late Majesty Kamehameha III. for and in Consideration of the Sum of Four Thousand Dollars to us in hand paid by the Minister of the Interior Department of the Hawaiian Government the receipt whereof is hereby acknowledged Have granted bargained sold aliened released and Confirmed and by these presents Do grant bargain sell alien release and confirm unto the said Minister and to his Successors in said Office for the use of the Hawaiian Goverment All that lot of land on the North East side of Merchant Street in Honolulu on which the Office of the "Polynesian" Newspaper now Stands known and described by the following Survey that is to say " Commencing on Merchant Street at the Makai West angle of this lot $4\frac{3}{4}$ feet Northerly along Merchant Street from the line of the North West side of the "Polynesian" Office, the boundary runs along the Government property N 52° 45'. E. 58 feet, thence along side of Adshead house N 57° 42' E 49½ feet. thence to and along the middle of a Stone Wall, bounded by Castle & Cooke property S 34° 30'. E. 28 feet, thence along Honolulu House lot S. 52° 45' W 97¼ feet parallel with and four feet from the South East side of the Polynesian Office, thence N 39° 0'. W. $31\frac{5}{12}$ feet along Merchant Street to place of Commencement. Area 336 Square yards." Together with all houses buildings edifices and improvements thereon and all the rights members and appurtenances

thereunto belonging or in any wise appertaining
To Have and To Hold the same unto the said
Minister of the Interior Department for the use of
the Hawaiian Government and his successors and
assigns for Ever but Subject, as to the two mauka
adobe rooms at the rear of the Polynesian Office
to a lease made by His said late Majesty C. H.
M. Whitney to expire on the first day of april
1864 and to his right to occupy said rooms till
said period under said lease

In Witness whereof we have hereunto
set our hands and seals this first day of August
A D 1855

Leonard Ana (seal) Loane Li (seal)

M. Kekuanaoa (seal) L Kamehameha (seal)

Oahu ss. On this 10th day of August
A.D. 1855 personally appeared before me
Loane Li Keoni Ana L Kamehameha &
M Kekuanaoa & severally acknowledged
that they executed the foregoing for the
purposes therein set forth

Abner D. Paki
Register of Conveyances

Exhibit (2) Dated 1 Aug. 1855. P. 2411.

The Executors of His Late Majesty, Kamehameha IV
To
The Minister of the Interior

Deed

Registrars Office,
received for record this 12th day of December AD 1855. at 10 O'Clock AM, & recorded in Liber 6. on page 815. and compared.

W. A. Cooper
Deputy Registrar Conveyances

Montgomery
$2 —

Know all men by these presents that I Kamehameha IV King of the Hawaiian Islands, for and in consideration of the sum of Two thousand Dollars to me in hand paid by Wm Webster Executor of the Estate of Dr L. C. B. Rooke deceased the receipt of which I do hereby acknowledge, have granted, bargained and sold, and by these presents do grant, bargain and sell unto the said Wm Webster as Executor aforesaid & to the heirs and assigns of the estate of L. C. B. Rooke all that certain Ahupuaa of land called Kahuliui situate in Koolaupoko, Island of Oahu & being the same land at present held under lease by Beka and Keolakaia — To Have & to Hold unto the said Wm Webster & the heirs of L. C. B. Rooke & their assigns for ever —

This conveyance is intended as a mortgage to secure the payment of a certain note of hand of even date herewith drawn by his said Majesty in favor of the said William Webster as aforesaid for the sum of Two thousand dollars, payable one year after date with interest

at one per cent per month — Now if the amount of the said note principal & interest shall be paid as therein specified, then this conveyance shall become null & void & the estate hereby granted shall cease & utterly determine —

But in case default shall be made in the payment of the said note, then Wm Webster & the heirs & assigns of Rooker Estate are hereby empowered to sell the said lands above named, with their appurtenances as prescribed by law, and out of the proceeds of such sale to retain the principal & interest that may then be due, together with lawful costs & charges & the overplus if any there be shall be paid on demand to me the said Kamehameha IV my heirs and assigns —

In witness whereof I have hereunto set my hand and seal this 4th day of April A.D. 1861

Kamehameha

17

Honolulu Oahu ss. On this 18th day of April AD 1861 personally appeared before me His Majesty Kamehameha IV party to the foregoing instrument & acknowledged that he had executed the same for the uses & purposes therein set forth.

Thomas Brown
Registrar of Conveyances

Know all Men by these presents that I Grace Kamaikui Rooke wife of the late J C B Rooke in consideration of the sum of Two Thousand Dollars with the interest due on the same to me paid by John O Dominis as administrator of the Estate of His late Majesty Kamehameha IV do hereby declare the within Mortgage this day paid cancelled and discharged. In witness whereof I have hereunto set my hand & seal this 15th day of June AD 1864

Witness
Adpinus

Kamaikui

Honolulu Oahu ss. On this 15th day of June AD 1864 personally appeared before me Kamaikui party to the foregoing Release of Mortgage and acknowledged that she executed the same for the uses and purposes therein set forth.

Thomas Brown
Registrar of Conveyances

Register Office Rahway
Release of Mortgage
Rece'd for Record this 15
day of June A.D. 1864
at 10 O'clock AM and
Recorded in Liber 14 on
page 39 & compared
Thomas Brown
Registrar of
Conveyances

Releasing $1.00

Mortgage Deed

H. M. Kanehammelin

to

Wm Webster Executor

of D. Rodkin Estate

1861

Register Office Rahway
Rece'd for Record this 18
day of April A.D. 1861 at
20 minutes past 10 O'clock
AM & Recorded in Liber
14 on page 39 & compared
Thomas Brown
Registrar of Conveyances

Recording 2.50
Ack & Stamps 2.00
$ 4.50

19