

AN ACT

CONFIRMING CERTAIN RESOLUTIONS OF THE KING AND PRIVY COUNCIL, PASSED ON THE 21ST DAY OF DECEMBER, A. D. 1849, GRANTING TO THE COMMON PEOPLE ALLODIAL TITLES FOR THEIR OWN LANDS AND HOUSE LOTS, AND CERTAIN OTHER PRIVILEGES.

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BE IT ENACTED *by the House of Nobles and Representatives of the Hawaiian Islands, in Legislative council assembled :*

That the following sections which were passed by the King, in privy council on the 21st of December, A. D. 1849, when the legislature was not in session, be and are hereby confirmed ; and that certain other provisions be inserted, as follows :

1. That fee-simple titles, free of commutation, be and are hereby granted to all native tenants, who occupy and improve any portion of any government land, for the lands they so occupy and improve, and whose claims to said lands shall be recognized as genuine by the land commission : Provided, however, that this resolution shall not extend to konohikis or other persons having the care of government lands, or to the house lots and other lands in which the government have an interest in the districts of Honolulu, Lahaina and Hilo.

2. By and with the consent of the King and chiefs in privy council assembled, it is hereby resolved, that fee-simple titles, free of commutation, be and are hereby granted to all native tenants who occupy and improve any lands other than those mentioned in the preceding resolution, held by the King or any chief or konohiki for the land they so occupy and improve : Provided, however, that this resolution shall not extend to house lots or other lands situated in the districts of Honolulu, Lahaina and Hilo.

3. That the board of commissioners to quiet land titles be, and is hereby empowered to award fee-simple titles in accordance with the foregoing resolutions ; to define and separate the portions of lands belonging to different individuals ; and to provide for an equitable exchange of such different portions, where it can be done, so that each man's land may be by itself.

4. That a certain portion of the government lands in each island shall be set apart, and placed in the hands of special agents, to be disposed of in lots of from one to fifty acres, in fee-simple, to such natives as may not be otherwise furnished with sufficient land, at a minimum price of fifty cents per acre. 1857
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5. In granting to the people, their house lots in fee-simple, such as are separate and distinct from their cultivated lands, the amount of land in each of said house lots shall not exceed one quarter of an acre.

6. In granting to the people their cultivated grounds, or kalo lands, they shall only be entitled to what they have really cultivated, and which lie in the form of cultivated lands ; and not such as the people may have cultivated in different spots, with the seeming intention of enlarging their lots ; nor shall they be entitled to the waste lands.

7. When the landlords have taken allodial titles to their lands, the people on each of their lands, shall not be deprived of the right to take firewood, house timber, aho cord, thatch, or ti leaf, from the land on which they live, for their own private use, should they need 1857
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them, but they shall not have a right to take such articles to sell for profit. They shall also inform the landlord or his agent, and proceed with his consent. The people shall also have a right to drinking water, and running water, and the right of way. The springs of water, and running water, and roads shall be free to all, should they need them, on all lands granted in fee-simple : Provided, that this shall not be applicable to wells and water courses which individuals have made for their own use.

Done and passed at the council house in Honolulu, this 6th day of August, A. D. 1850.

KAMEHAMEHA.

KEONI ANA.

AN ACT

TO AMEND AN ACT GRANTING TO THE COMMON PEOPLE, ALLODIAL TITLES
FOR THEIR OWN LANDS AND HOUSE LOTS, AND CERTAIN
OTHER PRIVILEGES.

WHEREAS many difficulties and complaints have arisen, from the bad feeling existing on account of the konohiki's forbidding the tenant's on the lands enjoying the benefits that have been by law given them:

Therefore :

BE IT ENACTED *by the Houses of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That the 7th section, page 203, of the act granting to the common people allodial titles for their own lands and house lots and certain other privileges, shall be amended as follows :

The words, " should they need them " and " they shall also inform the landlord or his agent, and proceed with his consent " and also the words " should they need them," be struck out, and the section read as follows :

When the landlords have taken allodial titles to their lands, the people on each of their lands, shall not be deprived of the right to take firewood, house timber, aho cord, thatch, or ti leaf, from the land on which they live, for their own private use, but they shall not have a right to take such articles to sell for profit. The people shall also have a right to drinking water, and running water, and the right of way. The springs of water, running water, and roads shall be free to all, on all lands granted in fee simple. Provided that this shall not be applicable to wells and water courses which individuals have made for their own use.

SECTION 2. This law shall be in force from the day on which it is published in the " Polynesian " and " Elele " newspapers.

Passed by the House of Representatives, June 20, 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.