

Fence Commission

In 1859, provision was made for the establishment of commissioners to decide disputes arising between interested parties relating to fences. The Minister of the Interior, on petition of 25 land owners in any taxation district, would appoint three persons residing on the island to be commissioners of fences for that district.

In 1896 (Act 42), a clause was added limiting private person(s) rights in dealings with the Government. An individual could not compel the Government to join the cost of erecting or maintaining a fence on the boundary line between Government and private lands, but the Government could compel action of any person (or lessee) owning (or leasing) land adjoining Government lands.

With annexation and the 1900 Organic Act, the authority to appoint Commissioners passed to the Governor, but the structure and duties of the commissioners remained the same.

In 1931 (Act 101), the circuit court judge of the circuit within which the land was situated, was given jurisdiction over cases involving person(s) owning land and desiring to fence or provide for maintenance of the fence. Any appeals were to be made to the Supreme Court.

This Act was amended in 1935 (Act 52), to include persons leasing as well as owning land, and today (HRS 1976, Sec. 664) the law includes persons owning, leasing or occupying land under an agreement with the owner or lessee.

Holdings include: Misc. Correspondence. n.d., August 1876 - April 1881.

Fence Commissioner, Kona, Oahu. February 3, 1897 - August 10, 1912. Ms. copy. (Proceedings of the Fence Commission - includes petitions and decisions of the Commissioners.)

See Also: Interior Department, Subject, Fence Commission