

Commission of Private Ways and Water Rights

In 1856, the Legislature provided for the Appointment, by the Minister of the Interior, of three persons in each Election District to act as Commissioners of Private Ways. Their major duty was to hear and determine controversies respecting rights of way.

In 1860, the Act was amended to include rights of water as well as rights of way. Although adding water privileges, the Legislature stated that this Act in no way interfered with the provisions of another Act entitled "An Act to Authorize the Minister of the Interior to Take Possession of Whatever Land and Water may be Required for the Use of the Honolulu Water Works."

When appealing a decision of the Commissioners of Rights of Way and Rights of Water, the plaintiff had to post bond with the commissioners, as he was responsible for court costs if the case was lost. (Laws, 1868, p.6). Also, in 1868 (Laws, 1868, p.28), a provision was added that required a commissioner to disqualify himself in any case where he had a personal interest.

Act 69, 1886, stipulated that records should be kept and deposited with the clerks of the respective courts. Act 61, 1888, changed the number of commissioners from three to one per election district.

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

In 1907 (Act 56), the commission was abolished, and the judge of the circuit court within which the affected property is situated was given jurisdiction to hear and determine controversies respecting rights of way and water, with provision for appeals through the Supreme Court. This law remains in effect. (HRS 1976, Sec. 664-32).

- Box
number
INT4-1
- F-23
- Holdings include: #1. Record of the Commissioners of Private Ways and Water Rights. Oahu. 1859 - 1872. (Proceedings - includes testimony and decisions.)
- #2. Record of the Commissioners of Private Ways and Water Privileges. Kona, Oahu. 1873 - 1887. (Proceedings - includes testimony and decisions.)
- Comm. of Private Ways and Water Rights, Oahu. (From Book #1, 1859 - 1872. Wight vs. Dowsett Co. and other cases.)

See also: Interior Department - Private Ways and Water Rights.