

**INVENTORY OF RECORDS
OF THE
JUDICIARY**

**HAWAII STATE ARCHIVES
JUNE 1994**

RECORDS OF THE JUDICIARY

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RECORDS OF THE JUDICIARY BRANCH
1839-1970

INTRODUCTION

The records of the Judiciary Branch date from 1839 to 1970. The records were created by the Supreme Court, the circuit courts, and district courts and were transferred to the Archives in several accessions between 1907 and 1998. The records total 561.88 cubic/linear feet.

The bulk of the records are case files and minute books in the form of writs, petitions, orders, decrees, and judgments which document the many ways in which the Judiciary exercised the judicial power of government to interpret and apply the law. In addition, there are administrative records, including jury lists, court calendars, applications to practice law, appointments of district magistrates and circuit court judges, commissions and oaths of judicial officers, and court activity reports which document the routine functioning of the Judiciary.

Access to the bulk of the case files, minute books, and records is unrestricted. Access is restricted to adoption, guardianship, juvenile, and institutional commitment records that are less than 80 years old. Access to adoption records is restricted by HRS 578-15. Access to guardianship records and other juvenile court proceedings is restricted by HRS 571-84. Access to commitment records is restricted by HRS 334-5. Access to records less than 80 years old is subject to screening by an archivist to prevent disclosure of information restricted under one of the several provisions of HRS 92F.

AGENCY HISTORY

On October 8, 1840, Kamehameha III granted the first constitution of the Hawaiian Kingdom, which vested the judicial power of government in a Supreme Court, consisting of the King as chief judge, Premier (kuhina nui), and four individuals appointed by the representative body. Island courts held by their respective governors functioned as circuit courts on their respective island. The island governors were given powers to appoint judges who functioned as district magistrates for the island. Chapter XLVII of the Laws of 1842 mandated that the Supreme judges assemble in Honolulu each June and in Lahaina each December to try cases appealed to them. Selection criteria for foreign and native juries were provided for in the Laws of 1842.

The Third Act of Kamehameha III in 1847 titled "An Act to organize the Judiciary Department of the Hawaiian Islands" created four levels of courts - the Supreme Court, the Superior Court of Law and Equity, four circuit court jurisdictions, and district courts.

The Superior Court held original jurisdiction over legal actions affecting government officials, foreign ambassadors and resident consuls and held appellate jurisdiction on all civil and criminal matters. Decisions of the Superior Court were subject to appeal to the Supreme Court. The Supreme Court established by the Constitution of 1840 was abolished in December 1852 and reestablished by an 1853 act which mandated the transfer of the civil and criminal jurisdiction from the Superior Court to the Supreme Court.

An 1853 act relating to the Judiciary Department empowered the Chief Justice to grant divorces, to hear and determine probate, bankruptcy, admiralty, equity matters, and to decree the foreclosure of mortgages. With this act, the legal, civil, and criminal jurisdiction of the Superior Court of Law and Equity was transferred to the Supreme Court. This allowed the Supreme Court to have original jurisdiction in almost all legal matters on the island of Oahu. By 1864, the First Circuit Court on Oahu was gradually phased out of existence and its judicial powers were transferred to the Supreme Court. Appellate jurisdictions in chambers remained as a circuit court function and such proceedings were referred to as Intermediary Court. Appeals from the District Court of the First Circuit were heard in Intermediary Court. In 1874, the intermediary function of the First Circuit Court judge was transferred to the Supreme Court which now held both original and appellate jurisdiction for the island of Oahu. In 1892, the functions of the Supreme Court were restricted to those of an appellate court. Its functions as a circuit court were assumed by a reestablished First Circuit Court.

The circuit courts had jurisdiction over adoptions, district and police court appeals, arbitrations, bankruptcies, admiralty, civil, criminal, divorce, fishing rights, guardianship, naturalization, probate, special proceedings, and water rights cases. Civil cases include equity and law cases. Article 18 of the Constitution of the Republic of Hawaii (1894) vested the authority to naturalize aliens in the Supreme Court. The circuit courts' jurisdiction remained the same when Hawaii became a territory of the United States in 1900 with the exception of admiralty cases and naturalizations of aliens. Admiralty cases were not heard by the circuit courts after 1900; jurisdiction over maritime cases resides in federal district court. In 1900 jurisdiction over naturalizations of aliens was transferred from the Supreme Court to the individual circuit courts.

The Kingdom was divided into four judicial districts or circuits. The First Circuit was the island of Oahu, with Honolulu as the seat of justice. The Second Circuit consisted of Maui, Molokai, Lanai and Kahoolawe, with Lahaina as the seat of justice. The island of Hawaii comprised the Third Circuit, with

Hilo as the seat of justice. The Fourth Circuit consisted of Niihau and Kauai with Hanalei designated as the seat of justice. In 1853 Nawiliwili was designated the Fourth Circuit seat of justice. In 1892, the Judiciary reorganized. The islands of Kauai and Niihau were designated the Fifth Circuit. The jurisdiction of the Fourth Circuit encompassed the districts of Hamakua, Hilo and Puna on the island of Hawaii. In 1943 the Fourth Circuit was abolished and the entire island of Hawaii was again designated the Third Circuit.

The 1847 Act organizing the Judiciary Department designated the district and police courts as the island courts not of record. District and police court determinations were subject to appeal in the circuit courts on their respective island. District and police justices had jurisdiction to determine all civil and criminal cases. Police justices were assigned to the ports of Honolulu and Lahaina and had jurisdiction over both minor civil and criminal as well as maritime cases. Police justices also had jurisdiction over foreigners over the entire island or circuit in which his district was situated. The 1892 Judiciary reorganization designated all police justices as district magistrates, and held powers formerly exercised by police justices. The district courts' jurisdiction remained the same when Hawaii became a territory of the United States in 1900. The exception was maritime cases which were not heard in the district courts after 1900. Traffic violations, previously handled by the county police departments, were criminalized and heard in the district courts after 1960.

The clerks of the Supreme Court, circuit courts, and district courts were appointed by their respective courts and had the power to issue process in all suits and matters brought before the court, administer oaths, take depositions of witnesses, to assess damages, and draw juries. The clerk recorded the proceedings of the court and held custody of court records. He had charge of the seals of the court, maintained financial records, made quarterly account reports, and maintained an alphabetical list of plaintiffs and defendants to any suit or judgment recorded.

Sources: Civil Code of the Hawaiian Islands... 1859 and 1897.
The Fundamental Law of Hawaii. Thurston, Lorrin A.,
 ed. Honolulu: Hawaiian Gazette, 1904.
Hawaii Revised Laws.
Hawaii Session Laws.
Session Laws of Hawaii, 1847, 1853, 1892.
 Records of the Judiciary Branch, 1839-1970.

SCOPE AND CONTENT NOTE

The records document the function of the Judiciary branch of the Hawaiian government from the early years of the sovereign constitutional monarchy to well into statehood. One of the earliest items in the record group is a minute book of the

Supreme Court dated 1844 in the Civil and Criminal Minute Books of the First Circuit Court (Series 198, vol. 1) which reflects the initial organization Supreme Court as authorized by the Constitution of 1840. A Fifth Circuit Court adoption minute book in the Civil and Criminal Minute Books of the Fifth Circuit Court (Series 251, vol. 27) contains the most recently dated item (1970) in the collection.

The bulk of the records document the primary function of the courts, to dispense justice to parties, in civil cases where plaintiffs seek compensation from defendants, and in criminal cases where individuals who commit offenses against the state are tried, and if found guilty, are punished. Circuit court and district court cases are both represented in the records.

The administrative function of the Judiciary branch and of individual circuit and district courts is documented in Records of the Chief Justice and First Circuit Court Judges (Series 240), Records of the Clerks of the Supreme Court and the First Circuit Court (Series 241), Incoming Letters to the Second Circuit Court (Series 028), Records of the Second Circuit Court Clerk (Series 243), Records of the Third Circuit Court Clerk (Series 245), Miscellaneous Case Files of the Fourth Circuit Court (Series 246), Records of the Fourth Circuit Court Clerk (Series 248), Miscellaneous Case Files of the Fifth Circuit Court (Series 249), Records of the Fifth Circuit Court Clerk (Series 252), and Records of the Honolulu District Court Clerk (Series 254).

Administrative records include court calendars, notary books, jury lists, district court reports, 19th Century and district court oaths of magistrates and attorneys, 19th Century applications of attorneys to practice law, clerk's minutes, and late 19th Century and early territorial notary public record books and correspondence. The subject files of the Chief Justice date from 1959 to 1967 and document his function as the administrative head of the Judiciary. Appointments of district magistrates, district court reports to the Supreme Court, revisions of the rules of the Supreme Court, circuit, and family courts are included in the records. There are holograph record books of individual Supreme Court justices from the Kingdom in the Civil and Criminal Minute Books of the Supreme Court and First Circuit Court (Series 198) which document both judicial and administrative functions.

This record group is organized into subgroups by jurisdiction, as follows: Supreme Court; First Circuit Court (Oahu); Second Circuit Court (Maui, Molokai, Lanai and Kahoolawe); Third Circuit Court (Hawaii island); Fourth Circuit Court (Hamakua, Hilo, and Puna on Hawaii island); Fifth Circuit Court (Kauai); District Court of the First Circuit (Oahu); District Court of the Second Circuit (Maui County); District Court of the Third Circuit (Hawaii island); and District Court of the Fifth Circuit (Kauai).

The records of all the circuit courts contain case files and minute books relating to civil, criminal, divorce, and probate court proceedings. Adoptions and guardianship proceedings are included with probate case files and minute books. Records less than 80 years old are subject to screening by archivist and

access may be restricted by privacy laws relating to adoption and guardianship proceedings. (HRS 578-15 and HRS 571-84). Gaps in case files are noted in the series descriptions and container lists. A summary of dates covered in the records and case files unique to individual circuit courts follows.

The Supreme Court and First Circuit Court records date from 1844 to 1967. There are gaps in coverage from 1917 to 1958. Admiralty and Intermediary case files and minute books are found in the Supreme Court and First Circuit Court. The Second Circuit Court records date from 1848 to 1917. The records of the Third Circuit Court date from 1850 to 1943. Bankruptcy and tax appeals proceedings are documented in civil minute books in Civil and Criminal Minute Books of the Third Circuit Court (Series 244). The records of the Fourth Circuit Court date from 1893 to 1943. Miscellaneous Case Files (Series 246) and Fishing Rights Case Files (Series 023) provide a small collection of records relating to water and fishing rights in the districts of Hamakua, Hilo, and Puna on the island of Hawaii. The records of the Fifth Circuit Court date from 1848 to 1970. Miscellaneous Cases (Series 249) and Special Proceedings (Series 250) contain a small group of records relating to water rights, fishing rights, land ownership, and plantation labor contract enforced under the Masters and Servants Act (1859 Civil Code). These case files are not fully indexed by name or subject. Naturalization proceedings are documented in Civil and Criminal Minute Books of the Third Circuit Court (Series 244), Minute Books of the Fourth Circuit Court (Series 247), and Civil and Criminal Minute Books of the Fifth Circuit Court (Series 251).

The records of the district courts are primarily minute books of civil and criminal proceedings dating from 1847 to 1954. The bulk of the minute books cover 1860 to 1920. District court proceedings for minor civil, institutional commitments, criminal arraignments, and non jury criminal cases are documented. There are proceedings relating to plantation labor contract enforcement throughout the circuits. Indentured plantation laborers included Hawaiians and immigrants from North America, Europe, and Asia. The minute books are not indexed by name or type of case. The bulk of the minute books are in Hawaiian and have not been translated. Records less than 80 years old are subject to screening by archivist and access may be restricted by privacy laws relating to commitment proceedings (HRS 334-5). The later territorial period from 1930 to 1959 is not well covered in the records.

The following Judiciary records are indexed: civil, criminal (except Third and Fourth Circuits), divorce, equity, law, and probate case files, and wills for all circuits. Also indexed are the Third, Fourth, and Fifth Circuit Court probate minute books. These indexes are cataloged. Manuscript indexes to other case files are noted in the series descriptions. Manuscript indexes to individual minute books are generally located at the beginning or end of each volume.

The volume of records created and the standardization of their form both increased over time. The earliest records are unformatted holograph court documents such as petitions,

depositions and judgments. By 1880, printed forms in English and in Hawaiian for complaints, mittimus, summons, writs, etc., were in wide use by the courts.

Processing in detail was considered unnecessary because many of these records were processed and indexed at various times since the early 1900's. Necessary preservation actions were taken. Because of badly deteriorated bindings, volumes were tied with twill tape; other volumes were placed in archival boxes. Threads and tags used to identify the record books were removed from the spines of bound volumes. Some limited consolidation, weeding of extraneous material, duplicate records, removal of fasteners and flattening of folded documents was accomplished concurrently with refolding and boxing of the paper records. Many of the leather bound volumes were damaged by chemical fumigation. Some insect damage, principally boreholes, exists, as does some water damage; however, these conditions required no preservation actions at this time.

Subject files of the Chief Justice (Series 240) were weeded of routine administrative documents such as requests for sick and vacation leaves, routine correspondence between the Chief Justice and other branches of government, correspondence from inmates, invitations, travel requests and approvals, personnel documents such as job descriptions and position classifications, budget requests, furniture inventories, and conference materials.

Other weeded material include warrant record books, court costs account books, blank receipt books, draft court calendars, and court clerk draft minutes to proceedings. A draft naturalization index volume which contained names of individuals naturalized between 1894 to 1904 was weeded. The record copy of this index and its related case files are in the custody of the First Circuit Court.

Microfilm of Judiciary records, with the exception of the Second Circuit Court probate case files and minute books, were selectively filmed by the Church of the Jesus Christ of Latter Day Saints (Mormon Church) ca. 1970. Records were selected for microfilming based on the genealogical information content of each document. The Judiciary records microfilmed by the Mormon Church include Divorce Case Files of the First Circuit Court - MFL 51, Probate Case Files of the First Circuit Court - MFL 52, Wills - MFL 53, Divorce Case Files of the Second Circuit Court - MFL 54, Divorce Case Files of the Third Circuit Court - MFL 56, Probate Case Files of the Third Circuit Court - MFL 57, Divorce Case Files of the Fourth Circuit Court - MFL 58, Probate Case Files of the Fourth Circuit Court - MFL 59, Divorce Case Files of the Fifth Circuit Court - MFL 60, and Probate Case Files of the Fifth Circuit Court - MFL 61. Because individual documents within case files were selected for genealogical information, the above listed microfilms may not provide complete documentation relating to each case file.

See also:

INDEXES TO COURT RECORDS:

First Circuit Court Criminal Index, 1847-1900

REF 348.048 H31

First Circuit Court Divorce Index, 1851-1908

REF 348.048 H36 pt.2

First Circuit Court Equity Index, 1848-1900

REF 348.048 H32

First Circuit Court Law Index, 1848-1900

REF 348.048 H33

First Circuit Court Probate Index, 1845-1900

REF 348.048 H35

First Circuit Court Probate Index, 1901-1908

REF 348.048 H36 pt.5

First Circuit Court Probate Index, 1901-1908 (REF 348.048 H36 pt.5) is a compilation of five separate indexes to case files for the Criminal Division 1901-1908, Divorce Division 1851-1908, Equity Division 1901-1908, Law Division 1905-1908, Probate Division 1901-1908.

Wills of the First Circuit and other Circuits Index

REF 929.3 H31

Second Circuit Court Maui, Molokai and Lanai Index. Civil, Divorce, Probate case files, and Wills. (REF 348.048 H37)

Third and Fourth Circuit Court Hawaii Index. Civil, Divorce, Probate case files, Probate minute books, and Wills. (REF 348.048 H38)

Fifth Circuit Court Kauai and Niihau Index. Divorce, Law, Probate, Probate Minute Books, and Wills. (REF 348.048 H39)

Law (Civil) Case Indexes. (REF 348.048 S6 v.1)

Criminal Case Indexes. (REF 348.048 S6 v.2)

Divorce Case and Remarriage Petitions Index. (REF 348.048 S6 v.2)

Naturalization Index: 1844-1894. (REF 351.817 H29)

MICROFORM RECORDS:

First Circuit Court Equity case file no. 2048 - Bernice Pauahi Bishop.

First Circuit Court Probates, Case Files 3275-4064.

Marriage Certificates, Fifth Circuit Court, 1905-1949. MFL 72.

Marriage Certificates, First Circuit Court, 1900-1949. MFL 70.

Marriage Certificates, Third Circuit Court, 1905-1950. MFL 71.

Naturalization Record Books. MFL 79.

RELATED RECORDS:

Series 234: Naturalization Records, 1838-1898, in the Interior Department finding aid.

Records of the Attorney General, 1843-1958.

Alfred Stedman Hartwell Papers, M-56.

Sanford Ballard Dole Papers, M-43.

William Little Lee Papers, M-92.

SUPREME COURT AND FIRST CIRCUIT COURT SERIES DESCRIPTIONS

- 001 ADMIRALTY RECORDS OF THE FIRST CIRCUIT COURT. 1848-1900.**
88 linear inches in 16 5-inch boxes, and 4 oversize volumes.

Arranged in the following order: case files, index, and minute books. Case files are arranged numerically.

Contains cases 1 through 225. Case numbers 146 through 174 were not used by the court. The index to case files is arranged alphabetically by names of plaintiffs and defendants and provides the case file number. The minute books are arranged chronologically. Minute book indexes by name of plaintiff and libellee are located at the beginning of each volume.

Case files generally contain libel complaints, warrants, bonds, petitions, monitions (summons), bill of costs, motions, subpoenas, notices of motion for hearing, statements of claim, claims, accounts, affidavits, appeals, testimony, proceedings, judgments, satisfactions of judgment, decisions of the court, briefs, agreements between parties, depositions, exhibits which may include report of survey on a vessel, cargo lists, passenger lists, crew member rosters, maps, and drawings depicting locations of vessels in port. Appeals from the district or police court contain the lower court records relating to the case.

Cases involve violations of port regulations, claims against vessels for damages and lost cargo in collisions, claims by businesses and shipping agents against vessels to recoup cargo losses, claims for wages by the crew of a vessel, claims for lost personal property, smuggling, and libel for salvage.

Cases were heard by a First Circuit Court judge or Supreme Court justice in chambers. The minute books document the admiralty proceedings heard in chambers and contain holograph copies of claims, complaints, affidavits, orders, judgments, decrees, petitions, lists of property, and court costs. Disputes between merchants and shipping agents against vessel owners, disputes between the ship's crew and vessel owners, and disputes between vessel owners are commonly found throughout the records.

Admiralty cases were not heard in the circuit court after 1900, when the Hawaiian islands became a territory of the United States. Jurisdiction over maritime cases resides in federal district courts.

- 002 CRIMINAL CASE FILES OF THE FIRST CIRCUIT COURT. 1848-1892.**
290 linear inches in 58 5-inch boxes.

Arranged numerically. Contains cases 1 through 1700. Files for cases 17, 91, 142, 191, 285, 299, 228, 383, 416, 420, 553-584, 588, 612, 622, 633, 1056 through 1074, 1146, and 1648 were not transferred to the Archives.

RECORDS OF THE JUDICIARY BRANCH

SUPREME COURT AND FIRST CIRCUIT COURT SERIES DESCRIPTIONS

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Case files generally contain libel complaints, warrants, bonds, petitions, monitions (summons), bill of costs, motions, subpoenas, notices of motion for hearing, statements of claim, claims, accounts, affidavits, appeals, testimony, proceedings, judgments, satisfactions of judgment, decisions of the court, briefs, agreements between parties, depositions, exhibits which may include report of survey on a vessel, cargo lists, passenger lists, crew member rosters, maps, and drawings depicting locations of vessels in port. Appeals from the district or police court contain the lower court records relating to the case.

Cases involve violations of port regulations, claims against vessels for damages and lost cargo in collisions, claims by businesses and shipping agents against vessels to recoup cargo losses, claims for wages by the crew of a vessel, claims for lost personal property, smuggling, and libel for salvage.

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Admiralty cases were not heard in the circuit court after 1900, when the Hawaiian islands became a territory of the United States. Jurisdiction over maritime cases resides in federal district courts.

- 002 CRIMINAL CASE FILES OF THE FIRST CIRCUIT COURT. 1848-1892.** 290 linear inches in 58 5-inch boxes. Arranged numerically. Contains cases 1 through 1700. Files for cases 17, 91, 142, 191, 285, 299, 338, 383, 416, 420, 553-584, 588, 612, 622, 633, 1056 through 1074, 1146, and 1648 were not transferred to the Archives.

A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it. Criminal proceedings were taken in the courts against persons charged with some violation of the criminal law. Criminal offenses include the following: murder, manslaughter, treason, duelling, assault and battery, kidnapping, unlawful imprisonment, child stealing, rape, abortion, polygamy, adultery, fornication, incest, sodomy, burglary, embezzlement, extortion, receiving stolen goods, arson, forgery, counterfeiting of coins, libel, obstructing justice, drunkenness, affray, violating Sabbath, vagrancy, riot, unlawful assembly, gaming, sale of intoxicating drinks, prostitution, and cruelty to animals.

Case files generally contain arrest warrants, criminal complaints, specifications of the charges against the defendant, writs, indictments, subpoenas, depositions, coroner reports, physician reports, bills of costs, arraignment documents, jury selection proceedings, defendant's pleadings, clerk's minutes, trial proceedings, instructions for the defendant, instructions to the jury, judgments, and mittimus. Appeals from the district or police court contain the lower court records relating to the case. Case files contain information about the crimes committed, defendant's pleadings, verdict of the jury, and sentencing by the judge. May contain personal information about the defendant such as age, marital status, occupation, and place of residence. Minutes to cases are in the Civil and Criminal Minute Books of the First Circuit Court (Series 198).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

003 DIVORCE CASE FILES OF THE FIRST CIRCUIT COURT. 1848-1892.
247 linear inches in 11 cubic foot and 23 5-inch boxes.

Arranged numerically. Contains cases 1 through 2415. Case file 2147 was not transferred to the Archives.

In order to dissolve the marriage contract and obtain a divorce decree, a plaintiff filed for divorce in the First Circuit Court or the Supreme Court. Case files generally contain an application for divorce, summons, affidavit of publication of the divorce notice, divorce decree, statements by the husband or wife, and divorce proceedings. Information found in the records includes date of marriage, residence, circumstances and reasons which led to filing for divorce, custody of children involved, and fees paid to the court. Minutes to cases are in the Civil and Criminal Minute Books of the First Circuit Court (Series 198).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

All divorce case files have been microfilmed and cataloged as MFL 51.

004 EQUITY CASE FILES OF THE FIRST CIRCUIT COURT. 1847-1899. 410 linear inches in 82 5-inch boxes.

Arranged numerically. Contains cases 1 through 396 and 500 through 1114. Files for cases 397 through 499 were not transferred to the Archives.

In order to seek abatement of public or private nuisance, to recover damages, to settle disputes which may include property claims, a plaintiff petitioned the First Circuit Court and after 1852, the Supreme Court to make and award a judgment, decree, order or injunction.

Case files generally contain petitions, summons, affidavits, subpoenas, pleas, proceedings, orders, masters reports, decrees, motions, bills, receipts, judgments, decisions, and appeals. If a case involved property claims, the file may contain information on land titles and family history of plaintiffs and defendants. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Civil and Criminal Minute Books of the First Circuit Court (Series 198).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

005 INTERMEDIARY RECORDS OF THE FIRST CIRCUIT. 1874-1892. 103 linear inches in 8 cubic foot and 1 5-inch boxes, and 1 oversize volume.

Arranged in the following order: case files and one minute book. Case files arranged numerically. Contains cases 1 through 889. Files for cases 11, 12, 19, 20, 31, 39, 57, 58, 64, 68, 79, 80, 85, 124, 125, 126, 127, 132, 135, 136, 140, 142, 151, 154, 155, 157, 160, 161, 162, 163, 166, 167, 170, 171, 174, 175, 179, 181, 182, 186, 190, 194, 206, 207, 216, 217, 243, 247, 256, 257, 259, 260, 261, 264, 270, 287, 290, 305, 319, 322, 323, 352, 354, 357, 358, 369, 437, 438, 445, 446, 465, 466, 487, 490, 493, 507, 511, 575, 587, 602, 666, 680, 682, 700, 702, 703, 729, 739, 740, 757, 764, 765, 795, 810, 811, 812, 824, 840, 856, 860, and 866 were not transferred to the Archives. Minute book entries are arranged chronologically.

Intermediary records are appeals from the District and Police Courts of the First Circuit. Case files generally contain plaintiff's briefs, complaints, summons, subpoenas, depositions, certificates of appeal, amendments to declaration, motions for hearing, notices to set case for hearing, bills of court costs, stipulations, judgments, decisions, notices of appeal to the Supreme Court, evidence, and clerk's minutes. Evidence contains supporting documents such as agreements, contracts, financial receipts, land leases, inventories of real property, and inventories of personal property. Appeals from the district or police court contain the lower court records relating to the case.

RECORDS OF THE JUDICIARY BRANCH

004 EQUITY CASE FILES OF THE FIRST CIRCUIT COURT. 1847-1899.
410 linear inches in 82 5-inch boxes.

Arranged numerically. Contains cases 1 through 396 and 500 through 1114. Files for cases 397 through 499 were not transferred to the Archives.

In order to seek abatement of public or private nuisance, to recover damages, to settle disputes which may include property claims, a plaintiff petitioned the First Circuit Court and after 1852, the Supreme Court to make and award a judgment, decree, order or injunction.

Case files generally contain petitions, summons, affidavits, subpoenas, pleas, proceedings, orders, masters reports, decrees, motions, bills, receipts, judgments, decisions, and appeals. If a case involved property claims, the file may contain information on land titles and family history of plaintiffs and defendants. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Civil and Criminal Minute Books of the First Circuit Court (Series 198).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

005 INTERMEDIARY RECORDS OF THE FIRST CIRCUIT COURT. 1874-1892.
103 linear inches in 8 cubic foot and 1 5-inch boxes, and 1 oversize volume.

Arranged in the following order: case files and one minute book. Case files arranged numerically. Contains cases 1 through 889. Files for cases 11, 12, 19, 20, 31, 39, 57, 58, 64, 68, 79, 80, 85, 124, 125, 126, 127, 132, 135, 136, 140, 142, 151, 154, 155, 157, 160, 161, 162, 163, 166, 167, 170, 171, 174, 175, 179, 181, 182, 186, 190, 194, 206, 207, 216, 217, 243, 247, 256, 257, 259, 260, 261, 264, 270, 287, 290, 305, 319, 322, 323, 352, 354, 357, 358, 369, 437, 438, 445, 446, 465, 466, 487, 490, 493, 507, 511, 575, 587, 602, 666, 680, 682, 700, 702, 703, 729, 739, 740, 757, 764, 765, 795, 810, 811, 812, 824, 840, 856, 860, and 866 were not transferred to the Archives. Minute book entries are arranged chronologically.

Intermediary records are appeals from the District and Police Courts of the First Circuit. Case files generally contain plaintiff's briefs, complaints, summons, subpoenas, depositions, certificates of appeal, amendments to declaration, motions for hearing, notices to set case for hearing, bills of court costs, stipulations, judgments, decisions, notices of appeal to the Supreme Court, evidence, and clerk's minutes. Evidence contains supporting documents such as agreements, contracts, financial receipts, land leases, inventories of real property, and inventories of personal property. Appeals from the district or police court contain the lower court records relating to the case.

RECORDS OF THE JUDICIARY BRANCH

The minute book contains court clerk entries documenting actions of the judge in the appeals cases.

Cases heard before the intermediary court are civil and criminal appeals from District and Police Courts relating to adultery, assault and battery, assumpsit, breaches of contracts, claims to recover financial losses from theft, claims to recover possession of land, claims to recover possession of personal property, claims to recover rent due, larceny, replevin, and trover. If a case involved property claims, the file may contain information on land titles and family history of plaintiffs and defendants. Occasional cases relating to fishing rights and water rights can be found.

Documents are in Hawaiian and English. None have been translated.

- 006 LAW CASE FILES OF THE FIRST CIRCUIT COURT. 1848-1896. 757 linear inches in 35 cubic foot and 67 5-inch boxes.**

Arranged numerically. Contains case numbers 1 through 3808. Files for cases 2043 through 2099 were not transferred to the Archives.

In order to adjudicate property claims and to seek monetary compensation in disputes, a plaintiff filed a law case in the circuit court.

Case files generally contain petitions, proceedings, receipts, plaintiff statements, summons, defendant's briefs, evidence, bills of court and attorney costs, decisions, judgments and appeals. Cases involve lower court appeals; claims for monetary compensation in disputes over property damage, wages, loan payments, leases, and rents; disputes over land ownership; ejectment; fishing and water rights. If a case involved property claims, the file may contain information on land titles and family history of plaintiffs and defendants. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Civil and Criminal Minute Books of the First Circuit Court (Series 198).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

- 198 CIVIL AND CRIMINAL MINUTE BOOKS OF THE FIRST CIRCUIT COURT. 1844-1900. 57.25 linear inches in 1 5-inch box, and 34 oversize volumes.**

Arranged in the following order: Supreme Court minutes, Court of Oahu, Superior Court, circuit judges', appeals, bankruptcy, criminal, divorce, equity, and law record books, then chronologically thereunder. Manuscript index volumes to criminal, divorce, equity, and law cases are arranged alphabetically.

The Supreme Court minutes are dated 1844 to 1848 and contain appeals from the island courts. The Court of Oahu

record book dates from 1846 to 1848 and contains appeals, civil, criminal, divorce, and probate proceedings.

Other record books contains minutes of appeals, bankruptcy, criminal, divorce, equity, and law proceedings. Minute book entries contain court date, defendant and plaintiff names, names of attorneys representing the defendant and plaintiff, court proceedings, judgments, sentencing in criminal cases, and appeals. Civil cases were filed in circuit court to adjudicate property claims and to seek monetary compensation in disputes. Criminal proceedings were taken in the courts against persons charged with some violation of the criminal laws. Divorce minute books contain divorce, separation and permission to marry again proceedings.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by Archives translators.

- 007 **PROBATE RECORDS OF THE FIRST CIRCUIT COURT. 1847-1900.**
807.5 linear inches in 61 cubic foot and 2 5-inch boxes, and 24 oversize volumes.

Arranged in the following order: case files and minute books. Case files are arranged numerically. Contains cases 1 through 3274. The minute books are arranged starting with probate minute books followed by inheritance tax record books in chronological order.

In order to divide the estate of a deceased person, probate proceedings were initiated and the division of property and wealth were adjudicated in the circuit courts and the Supreme Court.

Case files generally contain the following documents: petition for letters of administration; order of notice of petition for administration; affidavit of publication; clerk's minutes; order of administration; inventory of property; wills; petition for allowance of accounts and discharge in deceased estates; executors, administrators, guardians or trustee's accounts; inventory of final settlement; order of notice of petition for allowance of final accounts and discharge in deceased estates; master's report; and order approving accounts and discharge. Case files usually provide death date and place of death and inventories of personal possessions. Files frequently list the names of surviving family members such as the husband, wife, children, father, mother, brothers or sisters, and other relatives of the deceased.

Adoptions and guardianships were filed with probate cases starting in 1859 when judges were authorized to legalize adoptions.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

Case files have been microfilmed and cataloged as MFL

52. Files # 1-3274 on MFL # 152

File # 3275-4084 on MFL # 126 originals at Circuit Court

Minute books provide chronological documentation of the probate proceedings held in the judge's chambers. The minute books generally contain holographic copies of wills, petitions, inventories, orders, and judgments. Record books of inheritance tax are arranged chronologically and provide the date and amount of inheritance tax paid.

The Archives has physical possession of case files 3589, 3905, 4064, 4319, 5322, 5323, 5324, and 5363 as artifacts. The record copy of these records is in the custody of the First Circuit Court.

008 WILLS. 1852-1916. 48 linear inches in 4 cubic foot boxes.

Arranged in the following order: Wills of the First Circuit and Wills of Other Circuits. Wills of the First Circuit are arranged numerically and contains will numbers 1 through 615. The Wills of Other Circuits are arranged numerically and contains will numbers 1 through 678.

The Wills of the First Circuit date from 1893 to 1916 and total two cubic feet. The Wills of Other Circuits date from 1852 to 1916 and total two cubic feet.

Information provided in wills are names of heirs, financial successors, appointed executor or guardians, and possessions inventory. Included are witness signatures and circuit judge certification proving will to be correct.

The 1859 Civil Code provided that wills be filed and certified in the circuit courts. The 1880 Act To Provide For The Safe Custody Of Wills And Testamentary Papers mandated that all wills in the custody of the Circuit courts be transferred to the Supreme Court for filing and safekeeping. Wills admitted to probate may be located within probate case files. Many of the wills are in Hawaiian, and have been translated into English by Archives translators.

The wills have been microfilmed and cataloged as MFL 53.

240 RECORDS OF THE CHIEF JUSTICE AND FIRST CIRCUIT COURT JUDGES. 1847-1967. 25 linear inches in 5 5-inch boxes.

Arranged in the following order: letter books of the Chief Justice and First Circuit Court judges and subject files of the Chief Justice. Letter books are arranged by individual judges, then chronologically. Subject files of the Chief Justice are arranged alphabetically, then chronologically thereunder. There is gap in the records from 1917 to 1958.

Judges' letter books date from 1847 to 1916 and contain outgoing letters from the judges/justices to government officials, the Legislature, foreign consuls, and outlying missionary stations. Subjects of the letters include codification of laws, provisions of the constitution, District and Circuit courts appointments, trial preparation, and jury selection.

The subject files of the Chief Justice date from 1959 to 1967 and contain administrative records documenting appointments of district court judges and revisions of judicial policies and procedures, rules of court and rules of criminal procedure.

241 RECORDS OF THE CLERKS OF THE SUPREME COURT AND FIRST CIRCUIT COURT. 1839-1926. 140 linear inches in 24 5-inch boxes, and 8 oversize volumes.

Arranged in the following order: administrative records; miscellaneous subjects; correspondence; records relating to estates, bankruptcies and civil cases; miscellaneous records; various court journals; and notary public books.

The administrative records include reports from court appointed administrators, daily journals, calendars, dockets, ledgers, day books, account books, notary public books, and Supreme Court decisions. Oaths of district court judges, jury commissioners, and attorneys may also be found. Miscellaneous subjects contain documents relating to adoptions, genealogies, and land documents. Correspondence includes letters between district magistrates, other circuit judges and court officers relating to cases and administrative issues. Also includes letters from individuals to the court complaining about district magistrates' conduct and rulings. Records relating to estates, bankruptcies, and civil cases are arranged alphabetically by the name of the estate or plaintiff. Files contain reports from court appointed administrators, correspondence, financial documents, and orders. Miscellaneous records contain records filed with the clerk such as summons, writs, warrants, petitions, depositions, naturalization petitions dated 1894 to 1904, proceedings, transcripts, briefs and juvenile court petitions. Various court journals are arranged by settlements, petitions, jury lists, daily journal, decisions, day books, account books, and cash books; then chronologically. The notary public books are arranged chronologically.

Documents are in Hawaiian and English. None have been translated.

RECORDS OF THE JUDICIARY

Series No. : 469

Series Title: First Circuit Court Minute Books

Date Range: 1900-1963

Quantity: 115.83 linear feet. 421 oversize volumes.

Creator: First Circuit Court

Physical Characteristics: Handwritten and typescript leaves in bound, acco-fastened and three-ring books in fair to good condition. Many of the older volumes have insect damage. Several have water damage and a few have separated covers or deteriorated binding. A few have tipped-in pages.

Content Description: Minute books were kept by the clerks of the several divisions of First Circuit Court and contain summaries of court proceedings. Entries contain court date; court orders; names of attorneys, defendants, plaintiffs, and other parties involved; judgments; and sentences in criminal cases. The records include minutes of cases heard both in open court and in the judge's chambers. Open court matters include accident (workers compensation), annulment, civil, criminal, divorce, equity, law, probate and small estate cases as well as grand jury reports. Closed proceedings (matters heard in chambers) include adoption, probate (guardianship), paternity (bastardy) and special proceedings cases (which involve such things as habeas corpus applications, mandamus, petitions to initiate judicial actions, and water rights cases). Some of the cases are appeals from District Court or Land Court.

The volumes also contain administrative matters such as applications for licenses to practice law, appointments of judges to the bench, appointments of court clerks, trial jury drawings, orders for official mourning for deceased government officials, and for continuation and adjournment of court terms.

Adoption, guardianship, and paternity cases may provide names of biological parents, adoptive parents, and guardians, as well as background information. Annulment, desertion and marital separation cases were sometimes filed as divorce or equity cases. In the early 1950's, most law cases were redesignated as civil cases. Divorce cases sometimes include indication of the ethnicity of the parties.

Civil, equity, and law minutes note court actions to adjudicate property claims and provide legal remedies in disputes. Issues include actions for injunctions, adverse possession, partition of land parcels, breach of contract, damages, contested deeds and wills, disputes over land titles, ejectments and evictions from property, quiet title actions, tax appeals, and water rights. For example, the law cases include breach of contract civil lawsuits resulting from the inability of businesses to collect from insurance companies for damages incurred during the Chinatown fires of 1900-1901; the equity cases include matters regarding large estates and trusts such as Bishop, Campbell, Queen Emma, Lunalilo, McInerney and others. Probate and Small Estate cases contain proceedings dealing with distribution of property and wealth of the deceased.

Criminal proceedings contain charges filed by the government against the defendant, defendant's pleading, minutes of the trial, verdict, and sentence. Criminal cases of gambling, work stoppages, riots and bigamy among Chinese immigrants are a source of local history and social customs in the Territory of Hawaii. Volume 27 contains minutes of a 1909 trial of agricultural workers involved in a Waipahu labor riot (Criminal case 4611). Minutes of the 1932 trial (Criminal case 11891/"the Massie Case") of Grace Fortescue, Thomas H. Massie, Edward J. Lord, and Albert O. Jones are in volume 116.

Arrangement: The volumes are arranged chronologically by annual court term and thereunder by numbered court division. There is some overlap in earlier volumes because they were often kept for more than a year, and sometimes for shorter periods. Minutes in earlier volumes are in chronological order by hearing date. In later volumes, other arrangements exist. When it is not chronological, the Container List provides arrangement information. "Arranged alphabetically," indicates that arrangement is alphabetical by name of: the defendant in criminal and bastardy (paternity) cases; the libelant in divorce cases; the plaintiff in law cases; the applicant or petitioner in adoption, accident (workmen's compensation), annulment, equity, separate maintenance/marital separation and special proceedings cases; the deceased in probate and small estate cases; and the incompetent, insane, minor, non compos mentis or spendthrift in guardianship cases. Exceptions to the above, including errors when the volumes were assembled and bound, are provided in detail on the Container List.

Access: Access to some volumes containing minutes of adoption, guardianship, and paternity cases is restricted by law.

1. Adoption records shall not be inspected by any person, including the parties to the proceedings, except by order of the family court. HRS 578-15(b)(1).
2. Court records in paternity proceedings, formerly referred to as bastardy, shall be withheld from public inspection. HRS 571-84.
3. Court records in guardianship proceedings shall be withheld from public inspection. HRS 571-11(3); HRS 571-84.
4. **Restrictions on access to records in the State Archives whether, confidential, classified, or private, shall be lifted and removed 80 years after creation of the record. HRS 94-7.**

Notes

1. For preservation purposes, oversize volumes may not be photocopied.
2. Availability of indexes to individual minute books is noted in the container list.

Sources

Hawaii Revised Statutes, 1993 Replacement.

Title 8 - Public Proceedings and Records, Chapter 94 - Public Archives, Disposal of Records.

Title 31 Family. Chapter 571 - Family Courts. Chapter 578 - Adoption.

RECORDS OF THE JUDICIARY

Series Title: Applications to Practice Law

Series No. : 513

Date Range: no date, 1870; 1876, 1878-1890, 1895-1898.

Quantity: 0.5 cubic foot.

Creator: Supreme Court

Physical Characteristics: Holograph and typewritten paper records in fair condition.

Content Description:

The Chief Justice of the Supreme Court was authorized by the 1859 Civil Code to admit attorneys to practice law in the District and Circuit Courts of the Hawaiian Kingdom. Attorneys were required to be Hawaiian subjects of good moral character and to submit an application to the Chief Justice soliciting permission to practice law along with supporting affidavits attesting to his good character, recommendations and letters of support. Upon acceptance of the applicant to practice law in the courts, the Chief Justice issued a license and required an oath of office.

Contains letters from applicants to the Chief Justice of the Hawaiian Supreme Court soliciting permission to practice law before the local circuit judge and the Police and District court justices on a particular island. In addition to the letters of application there may also be affidavits attesting to the good character of the applicant, recommendations from other attorneys and judges, and letters in support of the applicant from friends. Personal and professional information regarding the applicant may include age, education, names of associates and length of time spent in the practice of law. A license granted to the successful applicant is filed with the letters of application and supporting references. Applications of unsuccessful candidates are also included.

Oaths were administered by the Aha Hookolokolo Kiekie, or the Supreme Court and documented on certificates with the name of the licensed attorney, date of oath, jurisdiction of practice and signed by the attorney and Chief Justice.

The applications and oaths are from all circuits. Applications are dated 1870, 1876, 1878-1890, 1895-1898. Oaths are dated 1878-1881 and 1883.

Approximately 90% of the records are in Hawaiian. None have been translated.

RECORDS OF THE JUDICIARY

Arrangement: Applications followed by oaths. Applications are arranged chronologically, therein alphabetical by name of applicant. The oaths are arranged chronologically, therein alphabetical by name of the practicing attorney.

Source

Civil Code of the Hawaiian Islands passed in the year of our Lord 1859.
Chapter XXI. Of Attorneys and Counsellors at Law, Sections 1065 - 1074.

Related Judiciary Records

Records of the Chief Justice and First Circuit Court Judges [Series 240].

Records of the Clerks of the Supreme Court and First Circuit Court [Series 241].

SECOND CIRCUIT COURT SERIES DESCRIPTIONS

- 028 INCOMING LETTERS OF THE SECOND CIRCUIT COURT. 1849-1916.**
20 linear inches in 4 5-inch boxes.

Arranged chronologically. There are gaps for 1908, 1910 and 1911.

Consists of letters regarding court expenses, fines, sentencing, administrative procedures, summons, applications to practice law, appeals from the police and district courts, appeals to the Superior Court and Supreme Court, jury duty excuses, transmittals of court documents, jury lists, court payments and receipts. Also includes miscellaneous items such as Oaths of Loyalty to Republic (1894), Petitions to Practice Law in the District and Police Courts, Court examinations for clerks and lawyers, Court Permission to Marry, Petitions to Impeach District and Police Court judges, and Court Calendar announcements.

Correspondents include district judges, police judges, marshals, sheriffs, practicing attorneys, Supreme Court justices, Superior Court judges, Judiciary Department clerks, island governors, government officials mainly from the Department of Finance, Interior Department, Education Department, Auditor General, and local businessmen.

Approximately 40 percent of the series contains materials in the Hawaiian language. This material is concentrated from 1849 to 1869 and from the 1880's to 1895.

- 009 CIVIL CASE FILES OF THE SECOND CIRCUIT COURT. 1848-1916.**
116 linear inches in 3 cubic foot and 16 5-inch boxes.

Arranged numerically. Contains cases A1 through A1204.

In order to adjudicate property claims and to seek monetary compensation in disputes, a plaintiff filed a civil case in circuit court. Case files generally contain petitions, proceedings, receipts, plaintiff statements, summons, defendant brief, evidence, bill of court and attorney costs, decisions, judgments and appeals. If a case involved property claims, the file may contain information on land titles and family history of plaintiffs and defendants. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Civil and Criminal Minute Books of the Second Circuit Court (Series 242).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

010 CRIMINAL CASE FILES OF THE SECOND CIRCUIT COURT. 1848-1914. 212 linear inches in 11 cubic foot and 16 5-inch boxes.

Arranged numerically. Contains cases A1 through A2035 and A2443 through A2783. Files for cases A38, A114, A1658, A2036 through A2442 were not transferred to the Archives.

A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it. Criminal proceedings were taken in the courts against persons charged with some violation of the criminal law. Criminal offenses include the following: murder, manslaughter, treason, duelling, assault and battery, kidnapping, unlawful imprisonment, child stealing, rape, abortion, polygamy, adultery, fornication, incest, sodomy, burglary, housebreaking, robbery, larceny, violation of postal laws, embezzlement, extortion, receiving stolen goods, arson, gross cheats, malicious injuries, perjury, conspiracy, forgery, counterfeiting of coins, libel, obstructing justice, drunkenness, affray, violating Sabbath, vagrancy, riot, unlawful assembly, gaming, sale of intoxicating drinks, prostitution and cruelty to animals.

Case files generally contain arrest warrants, criminal complaints, specifications of the charges against the defendant, writs, indictments, subpoenas, depositions, coroners' reports, physician's reports, bill of costs, arraignment documents, jury selection proceedings, defendant's pleadings, clerk's minutes, trial proceedings, instructions for the defendant, instructions to the jury, judgements and mittimus. Case files contain information about the crimes committed, defendants pleadings, verdict of the jury, and sentencing by judge. May contain personal information about the defendant such as place of residence and occupation. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Civil and Criminal Minute Books of the Second Circuit Court (Series 242).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

011 DIVORCE CASE FILES OF THE SECOND CIRCUIT COURT. 1848-1900; 1915. 36 linear inches in 3 cubic foot boxes.

Arranged numerically. Contains cases A1 through A319.

In order to dissolve a marriage contract and obtain a divorce decree, a plaintiff filed for divorce in the circuit courts. Case files generally contain an application for divorce, summons, affidavit of publication of the divorce notice, divorce decree, statements by the husband or wife, and divorce proceedings. Information found in the records includes date of marriage, residence, circumstances and reasons which led to filing for divorce, children involved and fees paid to the court. Minutes to cases are in the Civil and Criminal Minute Books of the Second Circuit Court (Series 242).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

Case files have been microfilmed and cataloged as MFL 54.

242 CIVIL AND CRIMINAL MINUTE BOOKS OF THE SECOND CIRCUIT COURT. 1848-1913. 25.5 linear inches in 2 5-inch boxes, and 13 oversize volumes.

Arranged chronologically.

Contains minutes of adoptions, appeals, bankruptcy, civil, criminal, divorce, equity, and law proceedings. Minute book entries contain court date, defendant and plaintiff names, names of attorneys representing the defendant and plaintiff, court proceedings, judgments, sentencing in criminal cases, and appeals. Civil cases were filed in circuit court to adjudicate property claims and to seek monetary compensation in disputes. Criminal proceedings were taken in the courts against persons charged with a violation of the criminal laws. Divorce minute books contain divorce, separation and permission to marry again proceedings.

Documents are in Hawaiian and English. None have been translated.

012 PROBATE RECORDS OF THE SECOND CIRCUIT COURT. 1849-1917. 278 linear inches in 21 cubic foot and 2 5-inch boxes, and 15 oversize volumes. 36 microfilm reels: 33 16 mm and 3 35 mm reels.

Arranged in the following order: case files, index, and minute books. Case files are arranged in two numerical systems: 1849-1916 contains case numbers 1 through 1761; and 1851-1917 contains A1 through A149. Files for case numbers 533, 1425, 1672, and 1745 were not transferred the Archives. The index to case files is arranged alphabetically. Minute books are arranged chronologically. Microfilmed case files are arranged in two numerical systems; case numbers 1 through 1761 and A1 through A149. Probate minute books, volumes A through J, 1860-1902 are on microfilm and arranged in alphabetical order.

In order to divide the estate of a deceased person, probate proceedings were initiated and the division of property and wealth were adjudicated in Circuit Court. Case files generally contain petition for letters of administration; order of notice of petition for administration; affidavit of publication; clerk's minutes; order of administration; inventory of property; petition for allowance of accounts and discharge in deceased estates; executors, administrators, guardians or trustee's accounts; inventory of final settlement; order of notice of petition for allowance of final accounts and discharge in deceased estates; master's report; and order approving accounts and

discharge. Case files usually provide death date, place of death, and inventories of personal possessions. Files frequently list the names of surviving family members such as the husband, wife, children, father, mother, brothers or sisters, and other relatives of the deceased.

Adoptions and guardianships were filed with probate cases starting in 1859 when judges were authorized to legalize adoptions.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

All probate case files have been microfilmed and cataloged as MFL 55.

Probate minute books provide chronological documentation of the probate proceedings held in the judge's chambers. The minute books may contain holographic copies of wills, petitions, inventories, orders, and judgments. Probate minute books, volumes A through J, 1860-1902 have been microfilmed and cataloged as MFL 80.

243 RECORDS OF THE SECOND CIRCUIT COURT CLERK. 1848-1907. 30 linear inches in 6 5-inch boxes.

Arranged in the following order: reports to the clerk, correspondence, calendar, and notary book.

Contains quarterly reports from district magistrates of the Second Circuit filed with the Second Circuit Court clerk. Documents court activities concerning civil and criminal cases for the reporting period. Criminal reports include name, sex, race of the defendant, crime committed, judgment, date of judgment, fines and court costs. Civil reports lists name of the plaintiff, name, sex, race of the defendant, judgment, judgment date, fines, and court costs. Many of the civil cases list sugar plantations as plaintiffs and indentured laborers as defendants. The plaintiffs were suing the defendants for not fulfilling labor contracts. Also contains warrants, correspondence, criminal calendars, and one notary public book. Oaths of district court judges, jury commissioners, and attorneys may also be found.

Documents are in Hawaiian and English. None have been translated.

THIRD CIRCUIT COURT SERIES DESCRIPTIONS

- 013 CIVIL CASE FILES OF THE THIRD CIRCUIT COURT. 1850-1896.
12.08 linear feet in 29 5-inch boxes.

Arranged numerically. Contains cases 1 through 1475.

In order to adjudicate property claims and to seek monetary compensation in disputes, a plaintiff filed a civil case in circuit court. Case files generally contain petitions, proceedings, receipts, plaintiff statements, summons, defendant briefs, evidence, bills of court and attorney costs, decisions, judgments and appeals. If a case involved property claims, the file may contain information on land titles and family history of plaintiffs and defendants. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Civil and Criminal Minute Books of the Third Circuit Court (Series 244).

Cases for the districts of Hamakua, Hilo and Puna on the island of Hawaii from 1894 to 1914 are filed in the Civil Case Files of the Fourth Circuit Court (Series 021), Equity Case Files of the Fourth Circuit Court (Series 018), Fishing Rights Case Files of the Fourth Circuit Court (Series 023), and Law Case Files of the Fourth Circuit Court (Series 019).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

- 014 CRIMINAL CASE FILES OF THE THIRD CIRCUIT COURT. 1853-1900.
18.75 linear feet in 10 cubic foot and 21 5-inch boxes.

Arranged numerically. Contains cases 1 through 2919.

A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it. Criminal proceedings were taken in the courts against persons charged with some violation of the criminal law. Criminal offenses include the following: murder, manslaughter, treason, duelling, assault and battery, kidnapping, unlawful imprisonment, child stealing, rape, abortion, polygamy, adultery, fornication, incest, sodomy, burglary, housebreaking, robbery, larceny, violation of postal laws, embezzlement, extortion, receiving stolen goods, arson, gross cheats, malicious injuries, perjury, conspiracy, forgery, counterfeiting of coins, libel, obstructing justice, drunkenness, affray, violating Sabbath, vagrancy, riot, unlawful assembly, gaming, sale of intoxicating drinks, prostitution and cruelty to animals.

Case files generally contain arrest warrants, criminal complaints, specifications of the charges against the defendants, writs, indictments, subpoenas, depositions, coroners' reports, physician's reports, bills of costs,

arraignment documents, jury selection proceedings, defendants' pleadings, clerk's minutes, trial proceedings, instructions for the defendant, instructions to the jury, judgments and mittimus. Case files contain information about the crimes committed, defendants' pleadings, verdict of the jury, and sentencing by judge. They may also contain personal information about the defendant such as place of residence and occupation. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Civil and Criminal Minute Books of the Third Circuit Court (Series 244).

Case files from 1893 to 1904 for the districts of Hamakua, Hilo and Puna are filed in the Criminal Case Files of the Fourth Circuit Court (Series 022).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

015 DIVORCE CASE FILES OF THE THIRD CIRCUIT COURT. 1854-1899.
36 linear inches in 3 cubic foot boxes.

Arranged numerically. Contains cases 1 through 424.

In order to dissolve the marriage contract and obtain a divorce decree, a plaintiff filed for divorce in circuit court. Case files generally contain application for divorce, summons, affidavit of publication of the divorce notice, divorce decree, statements by the husband or wife, and divorce proceedings. Information found in the records includes date of marriage, residence, circumstances and reasons which led to filing for divorce, children involved and fees paid to the court. Minutes to cases are in the Civil and Criminal Minute Books of the Third Circuit Court (Series 244).

Case files dated 1890 to 1899 from the districts of Hamakua, Hilo, and Puna on the island of Hawaii are filed in Divorce Case Files of the Fourth Circuit Court (Series 017).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

Case files have been microfilmed and cataloged as MFL 56.

016 PROBATE RECORDS OF THE THIRD CIRCUIT COURT. 1854-1897.
92.25 linear inches in 6 cubic foot and 1 5-inch boxes, and 9 oversize volumes.

Arranged in the following order: case files and minute books. Case files are arranged numerically. Contains cases 1 through 679. Minute books are arranged chronologically.

In order to divide the estate of a deceased person, probate proceedings were initiated and the division of property and wealth were adjudicated in the Circuit Courts. Case files generally contain petition for letters of administration; order of notice of petition for

administration; affidavit of publication; clerk's minutes; order of administration; inventory of property; petition for allowance of accounts and discharge in deceased estates; executors, administrator's, guardian's or trustee's accounts; inventory of final settlement; order of notice of petition for allowance of final accounts and discharge in deceased estates; master's report; and order approving accounts and discharge. Case files usually provide date and place of death and inventories of personal possessions. Files frequently list the names of surviving family members such as the husband, wife, children, father, mother, brothers or sisters, and other relatives of the deceased.

Adoptions and guardianships were filed with probate cases starting in 1859 when judges were authorized to legalize adoptions.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

Case files have been microfilmed and cataloged as MFL 57.

Minute books provide chronological documentation of the probate proceedings held in the judge's chambers. The minute books generally contain holographic copies of wills, petitions, inventories, orders and judgments.

Case files from 1881 to 1904 for the districts of Hamakua, Hilo and Puna on the island of Hawaii are filed in Probate Case Files of the Fourth Circuit Court (Series 020).

244 CIVIL AND CRIMINAL MINUTE BOOKS OF THE THIRD CIRCUIT COURT. 1850-1943. 54.25 linear inches in 2 5-inch boxes, and 28 oversize volumes.

Arranged chronologically.

Minute books document adoption, appeals, bankruptcy, criminal, divorce, equity, guardianship, law, naturalization, probate, and tax appeals proceedings. Entries include court date, defendant and plaintiff names, names of attorneys representing the defendant and plaintiff, court proceedings, judgments and awards, sentencing in criminal cases, and appeals. Adoption and guardianship proceedings may provide names of biological parents, background information, and circumstances involved with the case, and names of guardians and adoptive parents. Civil, equity and law cases were filed in circuit court to adjudicate property claims and to seek monetary compensation in disputes. Criminal proceedings were taken in the courts against persons charged with violation of the criminal laws. Divorce entries may also contain separation and permission to marry again proceedings.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by Archives translators.

RECORDS OF THE JUDICIARY BRANCH

Access to adoption records may be restricted by HRS 578-15.
Access to guardianship records may be restricted by HRS 571-11.

245 RECORDS OF THE THIRD CIRCUIT COURT CLERK. n.d., 1849-1912. 65 linear inches in 13 5-inch boxes.

Arranged in the following order: incoming correspondence, miscellaneous records, jury lists, and mittimus.

Correspondence is arranged chronologically. Correspondence files date from 1849 to 1905 and contain incoming letters from district magistrates and other circuit judges forwarding court activity and expenditures reports. Miscellaneous records are arranged chronologically. Miscellaneous records date from 1863 to 1912 contain documents relating to bonds, bankruptcy, and habeas corpus filed with the court clerk. Jury lists are arranged chronologically. Jury lists date from 1859 to 1900 and contain names of native Hawaiian and foreign men eligible for jury duty. Mittimus is arranged chronologically. Mittimus date from 1881 to 1893 and contain the judge's order to the sheriff or marshal to take convicted individuals to the custody of the prison.

Documents are in Hawaiian and English. A few documents have been translated.

FOURTH CIRCUIT COURT SERIES DESCRIPTIONS

- 021 CIVIL CASE FILES OF THE FOURTH CIRCUIT COURT. 1893-1899.**
24 linear inches in 2 cubic foot boxes.

Arranged numerically. Contains cases 1 through 285.

In order to adjudicate property claims and to seek monetary compensation in disputes, the plaintiff filed a civil case in the circuit court. Case files generally contain petitions, proceedings, receipts, plaintiff statements, summons, defendant brief, evidence, bill of court and attorney costs, decisions, judgments and appeals. If a case involved property claims, the file may contain information on land titles and family history of plaintiffs and defendants. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Minute Books of the Fourth Circuit Court (Series 247).

Case files from 1850 to 1893 for the districts of Hamakua, Hilo, and Puna on the island of Hawaii are filed in Civil Case Files of the Third Circuit Court (Series 013).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

- 022 CRIMINAL CASE FILES OF THE FOURTH CIRCUIT COURT. 1893-1904.**
129 linear inches in 11 cubic foot boxes.

Arranged numerically in two numbering systems: 1893 to 1899 contains 1 through 1097; 1896 to 1904 contains 1 through 384 (Old series). It appears that the numbering systems were established by the Archives in conjunction with the creation of an index to case files 1 through 1097. Case files 1 through 384 (Old series) have not been indexed.

Criminal proceedings document the function of the circuit court to dispense justice to individuals accused of committing offenses against the government. A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it. Criminal proceedings were taken in the courts against persons charged with some violation of the criminal law. Criminal offenses include the following: murder, manslaughter, treason, duelling, assault and battery, kidnapping, unlawful imprisonment, child stealing, rape, abortion, polygamy, adultery, fornication, incest, sodomy, burglary, housebreaking, robbery, larceny, violation of postal laws, embezzlement, extortion, receiving stolen goods, arson, gross cheats, malicious injuries, perjury, conspiracy, forgery, counterfeiting of coins, libel, obstructing justice, drunkenness, affray, violating Sabbath, vagrancy, riot, unlawful assembly, gaming, sale of intoxicating drinks, prostitution and cruelty to animals.

Case files may contain arrest warrants, criminal complaints, specification of the charges against the defendants, writs, indictments, subpoenas, depositions, coroner's reports, physician's reports, bills of costs, arraignment documents, jury selection proceedings, defendant briefs, clerk's minutes, trial proceedings, instructions for the defendant, instructions to the jury, judgments and mittimus. Case files contain information about the crimes committed, defendants' pleadings, verdict of the jury, and sentencing by judge. They may also contain personal information about the defendant such as place of residence and occupation. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Minute Books of the Fourth Circuit Court (Series 247).

Case files from 1853 to 1900 for the districts of Hamakua, Hilo, and Puna on the island of Hawaii are filed in Series 014.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

017 DIVORCE CASE FILES OF THE FOURTH CIRCUIT COURT. 1890-1899.
17 linear inches in 1 cubic foot and 1 5-inch boxes.

Arranged in two numerical systems: 1890 to 1899 contain cases 1 through 121 (Old Series); 1893 to 1899 contain cases A1 through A45 (A Series). File numbering systems were established by the Archives in conjunction with the creation of an index to these case files.

In order to dissolve the marriage contract and obtain a divorce decree, a plaintiff filed for divorce in circuit court. Case files generally contain an application for divorce, summons, affidavit of publication of the divorce notice, divorce decree, statements by the husband or wife, and divorce proceedings. Information found in the records includes date of marriage, residence, circumstances and reasons which led to filing for divorce, children involved and fees paid to the court. Pre 1890 divorces for the districts of Hamakua, Hilo and Puna on the island of Hawaii are filed with Series 015. Minutes to cases are in the Minute Books of the Fourth Circuit Court (Series 247).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

Case files have been microfilmed and cataloged as MFL 58.

018 EQUITY CASE FILES OF THE FOURTH CIRCUIT COURT. 1898-1914.
24 linear inches in 2 cubic foot boxes.

Arranged numerically. Contains cases 1 through 84.

In order to seek abatement of public or private nuisance, to recover damages, to settle disputes, a

plaintiff petitioned the circuit court to make and award a judgment, decree, order or injunction. Case files generally contain petitions, summons, affidavits, subpoenas, pleas, proceedings, orders, masters reports, decrees, motions, bills, receipts, judgments, decisions, and appeals. If a case involved property claims, the file may contain information on land titles and family history of plaintiffs and defendants. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Minute Books of the Fourth Circuit Court (Series 247).

Civil cases from 1850-1894 for the districts of Hamakua, Hilo, and Puna on the island of Hawaii are filed in Series 013.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

019 LAW CASE FILES OF THE FOURTH CIRCUIT COURT. 1894-1904. 60 linear inches in 5 cubic foot boxes.

Arranged numerically. Contains cases 1 through 283. Files for cases 31, 111, 164, 212, and 233 were not transferred to the Archives.

In order to adjudicate property claims and to seek monetary compensation in disputes, a plaintiff filed a law case in circuit court. Case files generally contain petitions, proceedings, receipts, plaintiff statements, summons, defendant briefs, evidence, bills of court and attorney costs, decisions, judgments and appeals. If a case involved property claims, the file may contain information on land titles and family history of plaintiffs and defendants. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Minute Books of the Fourth Circuit Court (Series 247).

Case files from 1850 to 1896 for the districts of Hamakua, Hilo, and Puna on the island of Hawaii are filed in Civil Case Files of the Third Circuit Court (Series 013).

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

023 FISHING RIGHTS CASE FILES OF THE FOURTH CIRCUIT COURT. 1902-1907. 3 linear inches in 1 cubic foot box.

Arranged numerically. Contains cases 1 to 7.

These case files were created as a result of judicial proceedings initiated by plaintiffs claiming fishing rights based on traditional Hawaiian practice. Such plaintiffs petitioned the court to rule that they had sole and exclusive fee simple ownership of sea fisheries extending into the ocean from the shoreline of their properties.

Shoreline areas of Hilo, Puna and Waipio Valley are covered in the case files.

Case files contain the petition of the plaintiff, amendments to complaints and petitions, receipts for exhibits, stipulation by attorneys for the plaintiffs and defendants, defendant's answer to plaintiff's petition or complaint, summons, judgments, decisions and orders of the presiding judge, and related court documents such as orders to sell real estate and divide proceeds among the heirs. Minutes to cases are in the Minute Books of the Fourth Circuit Court (Series 247).

Earlier civil cases relating to fishing rights from 1850 to 1896 for the districts of Hamakua, Hilo, and Puna may be filed in Civil Case Files of the Third Circuit Court (Series 013).

Documents are in Hawaiian and English. None have been translated.

246 MISCELLANEOUS CASE FILES OF THE FOURTH CIRCUIT. 1898-1904.
50 inches in 10 5-inch boxes.

Arranged numerically. Contains cases 1 through 137.

Miscellaneous cases were heard before a circuit court judge in chambers. Case files generally contain affidavits, applications to practice law in the Courts, bench warrants, legal briefs, complaints, summons, subpoenas, depositions, judgments, decisions, evidence, oaths of practicing attorneys, reports supporting attorney applications to practice law, orders of execution, and clerk's minutes. Evidence contains supporting documents such as agreements, contracts, financial receipts, land leases, inventories of real property, and inventories of personal property.

Cases relate to arbitrations, bankruptcy, contempt of court, writs of habeas corpus, writs of mandamus, bench warrants, appointments of district court magistrates, applications to practice law in the district courts, and occasionally relating to water rights. For example, case 82 deals with the Hilo Water Rights Case, 1915.

Documents are in Hawaiian and English. None have been translated.

020 PROBATE CASE FILES OF THE FOURTH CIRCUIT COURT. 1881-1904.
94 linear inches in 7 cubic foot and 2 5-inch boxes.

Arranged numerically in two numbering systems.

Contains cases 1 through 273 (Old Series) and A1 through A28 (A Series). Files for cases 7, 69, 142, 165, 172, 211, 228, and 263 (Old Series) were not transferred to the Archives. File numbering systems were established by the Archives in conjunction with the creation of an index to these case files.

In order to divide the estate of a deceased person, probate proceedings were initiated and the division of property and wealth were adjudicated in the circuit courts.

Case files generally contain petition for letters of administration; order of notice of petition for administration; affidavit of publication; clerk's minutes; order of administration; inventory of property; petition for allowance of accounts and discharge in deceased estates; executor's, administrator's, guardian's or trustee's accounts; inventory of final settlement; order of notice of petition for allowance of final accounts and discharge in deceased estates; master's report; and order approving accounts and discharge. Case files usually provide date and place of death and inventories of personal possessions. Files frequently list the names of surviving family members such as the husband, wife, children, father, mother, brothers or sisters, and other relatives of the deceased. Probate cases from 1854 to 1897 for the districts of Hamakua, Hilo, and Puna on the island of Hawaii are filed in Series 016. Minutes to cases are in the Minute Books of the Fourth Circuit Court (Series 247).

Adoptions and guardianships were filed with probate cases starting in 1859 when judges were authorized to legalize adoptions.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

Case files have been microfilmed and cataloged as MFL 59.

247 MINUTE BOOKS OF THE FOURTH CIRCUIT COURT. 1894-1943. 85.5 linear inches, 33 oversize volumes.

Arranged chronologically by court date.

Contains court minutes to adoptions, appeals, bankruptcy, civil, criminal, divorce, guardianship, miscellaneous, naturalization, and probate proceedings. Volumes 12 through 34 contain indexes to the proceedings. Minute book entries contain court date, defendant and plaintiff names, names of attorneys representing defendants and plaintiffs, court proceedings, judgments, sentencing in criminal cases, and appeals. Civil cases were filed in circuit court to adjudicate property claims and to seek monetary compensation in disputes. Criminal proceedings were taken in the courts against persons charged with some violation of the criminal laws. Divorce entries may also contain separation and permission to marry again proceedings.

Access to guardianship records is restricted by HRS 571-84. Access to adoption records is restricted by HRS 578-15.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

248 RECORDS OF THE FOURTH CIRCUIT COURT CLERK. 1896-1913. 5
linear inches in 1 5-inch box.

Arranged chronologically.

Contains documents filed with the court clerk relating to appeals from district court, bankruptcies, estates, civil cases, criminal cases, administration of assets, habeas corpus, and other court proceedings. Includes depositions, orders, petitions, receipts, statements, summons, and warrants. In addition, includes administrative records such as court calendars and jury lists.

Documents are in Hawaiian and English. None have been translated.

FIFTH CIRCUIT COURT SERIES DESCRIPTIONS**024 CRIMINAL CASE FILES OF THE FIFTH CIRCUIT COURT. 1851-1899.**
144 linear inches in 12 cubic foot boxes.

Arranged numerically. Contains cases 1 through 1520.

A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it. Criminal proceedings were taken in the courts against persons charged with some violation of the criminal law. Criminal offenses include the following: murder, manslaughter, treason, duelling, assault and battery, kidnapping, unlawful imprisonment, child stealing, rape, abortion, polygamy, adultery, fornication, incest, sodomy, burglary, housebreaking, robbery, larceny, violation of postal laws, embezzlement, extortion, receiving stolen goods, arson, gross cheats, malicious injuries, perjury, conspiracy, forgery, counterfeiting of coins, libel, obstructing justice, drunkenness, affray, violating Sabbath, vagrancy, riot, unlawful assembly, gaming, sale of intoxicating drinks, prostitution and cruelty to animals.

Case files may contain arrest warrants, criminal complaints, specifications of the charges against the defendants, writs, indictments, subpoenas, depositions, coroners' reports, physician's reports, bills of costs, arraignment documents, jury selection proceedings, defendants' pleadings, clerk's minutes, trial proceedings, instructions for the defendant, instructions to the jury, judgments and mittimus. Case files contain information about the crimes committed, defendants' pleadings, verdict of the jury, and sentencing by the judge. May contain personal information about the defendant such as place of residence and occupation. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Civil and Criminal Minute Books of the Fifth Circuit Court (Series 251).

Records in this series dated before 1892 may be identified as Fourth Circuit Court documents. Kauai and Niihau were designated as the Fourth Circuit prior to 1892.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

025 DIVORCE CASE FILES OF THE FIFTH CIRCUIT COURT. 1852-1899.
24 linear inches in 2 cubic foot boxes.

Arranged numerically. Contains cases 1 through 206. Files for cases 190 and 191 were not transferred to the Archives.

In order to dissolve the marriage contract and obtain a divorce decree, a plaintiff filed for divorce in the circuit courts. Case files generally contain an application for

divorce, summons, affidavit of publication of the divorce notice, divorce decree, statements by the husband or wife, and divorce proceedings. Information found in the records includes date of marriage, residence, circumstances and reasons which led to filing for divorce, children involved and fees paid to the court. Minutes to cases are in the Civil and Criminal Minute Books of the Fifth Circuit Court (Series 251).

Records in this series dated before 1892 may be identified as Fourth Circuit Court documents. Kauai and Niihau were designated as the Fourth Circuit prior to 1892.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

Divorce case files have been microfilmed and cataloged as MFL 60.

026 LAW CASE FILES OF THE FIFTH CIRCUIT COURT. 1851-1899. 72 linear inches in 6 cubic foot boxes.

Arranged numerically. Contains cases 1 through 737. Files for cases 10, 16, 87, 330, 331, 332, 352, 388, 458, 630, 689, and 719 were not transferred to the Archives.

In order to adjudicate property claims and to seek monetary compensation in disputes, a plaintiff initiated a law case in circuit court. Case files generally contain petitions, proceedings, receipts, plaintiff statements, summons, defendant briefs, evidence, bills of court and attorney costs, decisions, judgments and appeals. If a case involved property claims, the file may contain information on land titles and family history of plaintiffs and defendants. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Civil and Criminal Minute Books of the Fifth Circuit Court (Series 251).

Records in this series dated before 1892 may be identified as Fourth Circuit Court documents. Kauai and Niihau were designated as the Fourth Circuit prior to 1892.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

027 PROBATE RECORDS OF THE FIFTH CIRCUIT COURT. 1851-1914. 160 linear inches in 11 cubic foot and 2 5-inch boxes, and 13 oversize volumes.

Arranged in the following order: case files and minute books. Case files are arranged numerically. Contains cases 1 through 700. Minute books are arranged chronologically.

In order to divide the estate of a deceased person, probate proceedings were initiated and the division of property and wealth were adjudicated in circuit court. Case files generally contain petition for letters of administration; order of notice of petition for

administration; affidavit of publication; clerk's minutes; order of administration; inventory of property; petition for allowance of accounts and discharge in deceased estates; executors, administrators, guardians or trustee's accounts; inventory of final settlement; order of notice of petition for allowance of final accounts and discharge in deceased estates; master's report; and order approving accounts and discharge. Case files usually provide date and place of death and inventories of personal possessions. Files frequently list the names of surviving family members such as the husband, wife, children, father, mother, brothers or sisters, and other relatives of the deceased.

Adoptions and guardianships were filed with probate cases starting in 1859 when judges were authorized to legalize adoptions.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

Case files have been microfilmed and cataloged as MFL 61.

Minute books provide chronological documentation of the probate proceedings held in the judge's chambers. The minute books may contain holographic copies of wills, petitions, inventories, orders, and judgments.

Records in this series dated before 1892 may be identified as Fourth Circuit Court documents. Kauai and Niihau were designated as the Fourth Circuit prior to 1892.

249 MISCELLANEOUS CASE FILES OF THE FIFTH CIRCUIT COURT. 1861-1897. 20 linear inches in 4 5-inch boxes.

Arranged numerically. Contains cases 1 through 115. Files for cases 52 through 80 were not transferred to the Archives.

The bulk of the records are administrative court documents which were jacketed and assigned miscellaneous case file numbers by the Fifth Circuit Court. Miscellaneous cases are civil in nature and include arbitrations, bankruptcies, disputes over land, money, and water rights, insolvencies, and labor contract enforcement. Administrative records include appointments of magistrates to district court, commissions of district court magistrates, court financial reports, criminal and civil calendars, jury lists, minutes to chamber proceedings, prison reports to the court, and summons. If a case involved property claims, the file may contain information on land titles and family history of plaintiffs and defendants. Case file jackets contain citations to circuit court minute book entries to individual miscellaneous cases. Also contains occasional correspondence between the Fifth Circuit Court judge, district judges and judges of other circuits, the marshal, sheriff, and plantation owners. Case file 10 contains census, school, and tax collection records of Edward P. Bond, who served as both a circuit court judge

and Kauai school treasurer. The native and foreign jury lists, jury pay records, and prisoner lists found throughout the records contain names and places of residence of people from Kauai and Niihau. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Civil and Criminal Minute Books of the Fifth Circuit Court (Series 251).

Documents are in Hawaiian and English. None have been translated.

Records in this series dated before 1892 may be identified as Fourth Circuit Court documents. Kauai and Niihau were designated as the Fourth Circuit prior to 1892.

250 SPECIAL PROCEEDINGS CASE FILES OF THE FIFTH CIRCUIT COURT. 1851-1897. 20 linear inches in 4 5-inch boxes.

Arranged numerically. Contains cases 1 through 190. File for case 166 was not transferred to the Archives. Case file jackets provide the case number, names of the plaintiff(s) and defendant(s), subject of the case, date, and cite the minute book volume and page numbers of the court proceedings.

Special proceedings cases were heard before a circuit court judge in chambers. Case files generally contain appeals, bills, complaints, court costs, defendant's response to complaint, depositions, judgments, minutes, petitions, receipts, subpoenas, summons, warrants, and writs. Special proceedings cases concern civil matters such as arbitrations, attorney malpractices, claims for road damages, contempts of court, disputes over labor contracts, impeachments of district court judges, insanity commitments, licenses to practice law, and police malfeasance. Labor contract disputes constitute the bulk of the case files. Nineteenth century contract disputes between indentured agricultural workers and plantations are documented in the case files. Appeals from the district or police court contain the lower court records relating to the case. Minutes to cases are in the Civil and Criminal Minute Books of the Fifth Circuit Court (Series 251).

Documents are in Hawaiian and English. None have been translated.

Records in this series dated before 1892 may be identified as Fourth Circuit Court documents. Kauai and Niihau were designated as the Fourth Circuit prior to 1892.

251 CIVIL AND CRIMINAL MINUTE BOOKS OF THE FIFTH CIRCUIT COURT. 1848-1970. 135 linear inches in 2 5-inch boxes, and 37 oversize volumes.

Arranged chronologically by court date.

Contains minutes of adoptions, appeals, civil, criminal, divorce, equity, guardianship, law, naturalization, and probate proceedings. Minute book entries contain court date, defendant and plaintiff names,

names of attorneys representing the defendant and plaintiff, court proceedings, judgments, sentencing in criminal cases, and appeals. Civil cases were filed in circuit court to adjudicate property claims and to seek monetary compensation in disputes. Criminal proceedings were taken in the courts against persons charged with some violation of the criminal laws. Divorce entries may also contain separation and permission to marry again proceedings.

Access to adoption records is restricted by HRS 578-15. Access to guardianship records and juvenile court proceedings is restricted by HRS 571-84.

Documents are in Hawaiian and English. None have been translated.

Records in this series dated before 1892 may be identified as Fourth Circuit Court documents. Kauai and Niihau were designated as the Fourth Circuit prior to 1892.

252 RECORDS OF THE FIFTH CIRCUIT COURT CLERK. 1894-1908. 10 linear inches in 2 5-inch boxes.

Arranged by subject then chronologically.

Contains correspondence, documents filed with the court clerk, financial records, fines, jury lists, notary records, receipts, summons and warrants.

Contains minutes of court proceedings, transcripts, correspondence between the court and attorneys, documents filed with the court clerk relating to appeals from District Court, circuit court cases, financial reports, district court reports, fines, jury lists, receipts, summons, and warrants. Many of the documents relate to appeals, bankruptcies, estates, civil cases, administration of assets, receiverships, and other court proceedings. The administrative records include reports from court appointed administrators, daily journals, calendars, dockets, ledgers, day books, account books, notary public books, and Supreme Court decisions. Oaths of district court judges, jury commissioners, and attorneys may also be found.

Documents are in Hawaiian and English. None have been translated.

Records in this series dated before 1892 may be identified as Fourth Circuit Court documents. Kauai and Niihau were designated as the Fourth Circuit prior to 1892.

DISTRICT COURT SERIES DESCRIPTIONS

- 253 DISTRICT COURT OF THE FIRST CIRCUIT MINUTE BOOKS. 1844-1954.** 123 linear inches in 2 5-inch boxes, and 57 oversize volumes.

Arranged by districts in the following order: Ewa, Honolulu, Koolaupoko, Koolauloa, Waialua, and Waianae; and chronologically thereunder.

Contains proceedings relating to minor civil suits, criminal arraignments, and criminal cases. Criminal cases requiring juries were tried in the circuit court, with initial arraignments in the district court. Minute book entries provide date of court hearing, name of presiding magistrate, minutes to cases heard before the district court magistrate, judgments, fines and sentences. Criminal cases involve public nuisance, drunkenness, gambling, polygamy, adultery, sale of intoxicating drinks, breaking Sabbath, and theft. Also contains "haalele hana" cases where indentured agricultural laborers were brought before the district magistrate by plantations for not fulfilling the terms of labor contracts.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

- 254 RECORDS OF THE HONOLULU DISTRICT COURT CLERK. 1847-1966.** 12 linear inches in 1 5-inch box, and 5 oversize volumes.

Arranged in the following order: police justice incoming letters, registers, and indexes. Police justice incoming letters are arranged chronologically. Registers are arranged chronologically. Indexes are arranged alphabetically. The bulk of the records are dated before 1900.

Police justice incoming letters date from 1855 to 1857 and 1861 transmit sheriff's reports, complaints, depositions, receipts of payments, and prison reports. Registers list date, name of defendant, offense, judgment, court costs, and fines in civil and criminal proceedings. The indexes cover 1900 to 1966 and contain names of individuals involved in insanity or mental commitment cases and liquor violation cases.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

RECORDS OF THE JUDICIARY

DISTRICT COURT SERIES DESCRIPTIONS

253 DISTRICT COURT OF THE FIRST CIRCUIT MINUTE BOOKS. 1844 - 1954.

15.25 linear feet. 80 oversize volumes and 2 5-inch boxes.

Arranged by district: 'Ewa, Honolulu, Ko'olaupoko, Ko'olauloa, Waialua, and Wai'anae. Chronologically thereunder.

Contains proceedings relating to minor civil suits, criminal arraignments, and minor criminal cases. Minute book entries provide date of court hearing, name of presiding magistrate, judgments, fines, and sentences. Civil cases involve disputes over property; nonpayment of bills, promissory notes, poll tax, and other taxes; property damage claims; and water rights disputes. Criminal cases involve adultery, assault, breaking Sabbath, disorderly conduct, drunkenness, fishery violations such as operating fish traps without a license, fornication, gambling, polygamy, public nuisance, reckless driving of motorized vehicles, reckless riding of horses, sale of intoxicating drinks, theft, trespass, use of profane language, and vagrancy. Also contains *haalele hana* cases where indentured agricultural laborers were brought before the district magistrate by plantations for not fulfilling the terms of labor contracts.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

254 RECORDS OF THE HONOLULU DISTRICT COURT CLERK. 1847 - 1966. 1 linear foot in 1 5-inch box, and 5 oversize volumes.

Arranged in the following order: police justice incoming letters, registers, and indexes. Police justice incoming letters and registers are arranged chronologically. Indexes are arranged alphabetically. The bulk of the records are dated before 1900.

Police justice incoming letters date from 1855 - 1857 and 1861 transmit sheriff's reports, complaints, depositions, receipts of payments, and prison reports. Registers list date, name of defendant, offense, judgment, court costs, and fines in civil and criminal proceedings. The indexes cover 1900 to 1966 and contain names of individuals involved in insanity or mental commitment cases and liquor violation cases.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

RECORDS OF THE JUDICIARY BRANCH

- 255 DISTRICT COURT OF THE SECOND CIRCUIT MINUTE BOOKS. 1859-1931. 185 linear inches, 86 oversize volumes.**

Arranged by districts in the following order: Hana, Kipahulu, Lahaina, Makawao, Wailuku, and Molokai; and chronologically thereunder.

Contains proceedings relating to minor civil suits, criminal arraignments, and criminal cases. Criminal cases requiring juries were tried in the circuit court, with initial arraignments in the district court. Minute book entries provide date of court hearing, name of presiding magistrate, minutes to cases heard before the district court magistrate, judgments, fines and sentences. Criminal cases involve public nuisance, drunkenness, gambling, polygamy, adultery, sale of intoxicating drinks, breaking Sabbath, and theft. Also contains "haalele hana" cases where indentured agricultural laborers were brought before the district magistrate by plantations for not fulfilling the terms of labor contracts.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

- 257 DISTRICT COURT OF THE THIRD CIRCUIT MINUTE BOOKS. 1852-1913. 213.25 linear inches, 107 oversize volumes.**

Arranged by districts in the following order: North Hilo, South Hilo, Puna, Kau, South Kona, North Kona, South Kohala, and North Kohala; and chronologically thereunder.

Contains proceedings relating to minor civil suits, criminal arraignments, and criminal cases. Criminal cases requiring juries were tried in the circuit court, with initial arraignments in the district court. Minute book entries provide date of court hearing, name of presiding magistrate, minutes to cases heard before the district court magistrate, judgments, fines and sentences. Criminal cases involve public nuisance, drunkenness, gambling, polygamy, adultery, sale of intoxicating drinks, breaking Sabbath, and theft. Also contains "haalele hana" cases where indentured agricultural laborers were brought before the district magistrate by plantations for not fulfilling the terms of labor contracts.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.

- 258 DISTRICT COURT OF THE FIFTH CIRCUIT MINUTE BOOKS. 1867-1954. 235 linear inches, 86 oversize volumes.**

Arranged by districts in the following order: Hanalei, Kawaihau, Koloa, Lihue, and Waimea; and chronologically thereunder.

Contains proceedings relating to minor civil suits, criminal arraignments, and criminal cases. Criminal cases requiring juries were tried in the circuit court, with

RECORDS OF THE JUDICIARY BRANCH

initial arraignments in the district court. Minute book entries provide date of court hearing, name of presiding magistrate, minutes to cases heard before the district court magistrate, judgments, fines and sentences. Criminal cases involve public nuisance, drunkenness, gambling, polygamy, adultery, sale of intoxicating drinks, breaking Sabbath, and theft. Contains "haalele hana" cases where indentured agricultural laborers were brought before the district magistrate by plantations for not fulfilling the terms of labor contracts.

Documents are in Hawaiian and English. Some Hawaiian documents have been translated to English by the courts and Archives translators.