

CHAPTER XLV.

AN ACT

TO FACILITATE THE ACQUIRING AND SETTLEMENT OF HOMESTEADS.

WHEREAS, There are many persons of small means in the Kingdom who are without permanent homes and are desirous of procuring homesteads.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. That the Minister of the Interior is hereby authorized and instructed to cause portions of the public lands which are suitable for the purpose and not at the time held by any person under lease from the Government, to be surveyed and laid out in lots not over twenty and not less than two acres in extent in dry or kula land, and not over two acres in extent in wet or kalo land, with convenient roads in connection therewith. +

SECTION 2. Upon the completion of any such survey the Minister of the Interior shall appoint three appraisers, one of whom shall be the surveyor who has laid out the land, and the other two residents of the district in which such land is situated, who shall examine the lots so laid out and appraise the same in their discretion at reasonable market rates, and shall report their appraisements to the Minister of the Interior by a written statement signed by at least two of the said appraisers. The Minister of the Interior shall thereupon publish a notice in the Hawaiian language, and if he deem advisable, in any other language in which newspapers in the Kingdom are published, which notice shall be in substance as follows:

HOMESTEAD NOTICE.

_____ lots have been set apart at _____ in the District of _____ Island of _____ for the purpose of conveying to such persons as may wish to acquire homesteads upon which to live. The surveys can be examined at the office of the Interior Department by intending purchasers, who may also examine the lots as laid out on the ground, upon application to _____ or _____ of said district, appraisers, who will point them out, and who shall be entitled to a fee of one dollar for such service from the party or parties applying. Any person of full age who may desire to acquire any of the said lots shall apply in writing to the Minister of Interior, stating the number of the lot chosen, and shall thereupon attend at the office of the Minister of Interior, bringing a fee of ten dollars, which shall be paid to the Minister of the Interior if such application is accepted and the proper papers signed and delivered. No one will be allowed to acquire more than one lot, provided, however, that persons will be allowed to acquire two lots where one of them is kula land only and one is wet or kalo land only.

Minister of Interior.

SECTION 3. Upon receiving written applications for any of the said lots, the same shall be filed with the date of their receipt. In case two or more persons apply for the same lot, the one whose application is first received shall have the precedence; provided, however, that if he should not attend in person or by attorney at the office of the Minister of Interior within one week from the time of the receipt of his application, the second one applying shall have the precedence of all others in the same manner, and so on as to other applicants. Upon considering the respective applications the Minister of the Interior shall grant the same upon the payment by the applicant of ten dollars for the expense of the papers, the quarter-yearly rent or interest in advance, as

provided by the written agreement between the Minister of the Interior and the applicant, as hereinafter set forth, and the execution by the applicant together with the Minister of the Interior of such written agreement in duplicate, and shall deliver to such applicant one of such duplicates, duly stamped, which shall entitle him to the immediate possession of the lot or lots of land therein described, according to the covenants and stipulations thereof, and which shall be admitted as evidence without further proof in all Courts of the Kingdom. Such agreements shall be in substance as follows:

_____ Minister of the Interior in behalf of the Hawaiian Government, the party of the first part, and _____ of the Island of _____ the party of the second part, agree as follows:

The party of the first part agrees to sell, and the party of the second part agrees to purchase the lot numbered _____ upon the survey of land under the Homestead Act number _____ in the District of _____ Island of _____ including an area of _____ acres, in five years from this date, at the price of _____ dollars.

It is further agreed that the party of the second part may take immediate possession of the said premises and hold the same, as hereinafter provided, for the term of five years, without being subject to the payment of taxes therefor, and shall within one year from this date build a dwelling house upon the said lot (in case two lots are taken, describe the lot of kula land by number) and begin to occupy the same, and shall continue to use the same as his residence for the remainder of the said term of five years, and shall within two years from this date enclose the said lot (in case two lots are taken, describe the lot of kula land by number) with a substantial fence, and shall pay quarterly in advance _____ dollars (a sum representing the quarterly interest of the said purchase price at the rate of ten per cent. per annum) to

the party of the first part, and at the end of the said term shall pay in full the said _____ dollars (the purchase price) or any part of the same that shall at that time remain unpaid or shall deliver a mortgage of premises to secure the said sum or such unpaid balance at _____ own expense, for a term not less than one year or more than five years, as the party of the first part shall decide, with interest at the rate of ten per cent. per annum, payable semi-annually in advance.

Upon the receipt of such sum of money, or unpaid balance thereof, or such mortgage, the party of the first part shall deliver to the party of the second part, or his heirs a Royal Patent for the said premises.

Provided, however, if the party of the second part shall not place a dwelling house upon the said premises, and begin to use the same as a dwelling house within one year from this date, or shall not continue to live upon the said premises for the rest of the said term of five years, or shall not fence the said lot (in case two lots are taken, describe the lot of kula land by number) within two years from this date with a substantial fence, or shall fail to pay the said interest as the same shall become due, or shall not pay the said sum of _____ dollars (purchase price) or the unpaid balance thereof at the end of the said five years, or in lieu thereof deliver a mortgage as aforesaid, to the party of the first part, these presents shall thereby become void, and the party of the first part, may thereupon without notice, demand or legal process, take possession of the said premises, with all improvements that may be thereon, and remove the party of the second part, and all persons claiming under him, and their effects.

It is hereby further agreed that the party of the second part, or his heirs, shall not assign this agreement, and any such assignment shall cause this agreement to become void as hereinbefore set forth.

The party of the second part may under this agreement,

pay the whole or any part of the said purchase price at any time at his option, before the termination of the said five years, and upon any such payments shall be allowed a corresponding reduction of the amount of the interest money hereinbefore stipulated, but he shall in no case be entitled to a Royal Patent of the said premises until after the end of the said term of five years, and his substantial performance of the stipulations of this agreement to be performed by him.

In case of the death of the party of the second part before the expiration of the said five years, all the rights and benefits of this agreement shall vest in his heirs according to law, subject to their completion of the performance of the stipulations thereof to be performed by the party of the second part. 7

SECTION 4. The charges and fees of the surveyors and appraisers, and other expenses required under this Act shall be paid from moneys in the Treasury not otherwise appropriated. The fees of the said appraisers shall be five dollars a day a piece.

SECTION 5. This Act shall take effect from and after the date of its publication, the requirements of an Act approved the 25th day of September, A. D. 1876, as amended by an Act approved the 30th day of July, A. D. 1878, to the contrary notwithstanding.

Approved this 29th day of August, A. D. 1884.

KALAKAUA, REX.

CHAPTER XLVI.

THE HAWAIIAN POSTAL SAVINGS BANK ACT.

Being an Act, to encourage the deposit of small savings at interest, with the security of the Government for repayment thereof.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. There shall be established in the General Post Office at Honolulu, as a part of the Bureau of the Hawaiian Postal Service, a Savings Bank, to be known as the "Hawaiian Postal Savings Bank," of which the Postmaster General shall be ex-officio manager.

SECTION 2. It shall be lawful for the Postmaster General to authorize and direct such of his officers, as he shall think fit, to receive deposits and to repay the same, together with the interest accruing thereon, under such regulations as may be prescribed under the authority of this Act; provided always, that such deposits shall not be of less amount than quarter of a dollar, or a multiple thereof.

SECTION 3. Every deposit received by any officer so authorized by the Postmaster General, shall be entered by him at the time in the Depositor's Book, and the entry shall be attested by the said officer, and the dated stamp of his office, and the said officer shall, without delay, report the amount of such deposit to the Postmaster General, and the acknowledgment of the Postmaster General shall forthwith be transmitted to the depositor; and the said acknowledgment shall be conclusive evidence of the claim of the depositor to the repayment of such deposit with the interest thereon, on demand made by him in the manner hereinafter provided.

SECTION 4. On demand, by notice upon the Postmaster