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Of course, proof of the exact authorship of the Declaration had little place in the life of Washington but the volumes came from the press at the time Jefferson was president and this slap at his literary fame was only one of a number of sly digs taken at him by the eminent jurist.

If Marshall had revealed to us in the biography the foibles and vanities of Washington, in little things, as clearly as he betrayed his own, in the appendix, he would have excelled Boswell.

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## HAWAIIAN JUSTICE 100 YEARS AGO

By FRANK L. GRANT *of the Denver Bar*

The following account of the method of administering justice in the Hawaiian Islands one hundred years ago may interest some of the readers of DICTA. It is an excerpt from a diary in the possession of Mrs. Grant kept by her maternal grandfather, an English surgeon, who visited the Islands in December, 1831.

"Behind the Queen's house were two or three magnificent large and widespreading trees (called by the natives "Tow" trees). Their branches were covered with carnation-colored flowers and dark green foliage. Beneath the ample shade of these trees, justice often swayed their sceptre. Here all trials were conducted from those of a serious nature to that of petty dispute or minor litigation. Having on several occasions been an eye-witness to a native trial the following remarks may tend in some measure to illustrate the mode of proceedings as adopted by the parties concerned therein. If the trial proved to be one of any particular importance due notice would be given to the people overnight by certain worthies in office termed constables. At sunset, moreover, it was customary for one of these preservers of the peace to station himself on one of the stone wharves in his district and with stentorian voice to bawl out a word or two of advice and caution to the inhabitants of 'Fare,' such as to betake themselves home, to keep a sharp lookout for thieves, with diverse other admonitions. The constable in the next district on hearing the well known sounds of his brother officer took up the tale and in like manner passed the word to his neighbors. The necessary intelligence by these means was speedily conveyed throughout the settlement from one extremity to the other. During the quietude of the evening, we were often

entertained with these loud vociferations of solos especially when any visitors chanced to come over from the adjacent island, the natives of Bollabolla having obtained the well merited characters of being arrogant thieves.

"One evening we were apprized by these news-circulators that a native had lost his wife and his canoe carried off by one of these unprincipled marauders—perhaps the latter was the greater loss to the Huahinian. The constables who are annually installed into office conducted the offender to be tried to the station at dawn of day, for everything pertaining to business of this nature, if possible, is transacted at an early hour in the morning, and the witnesses assembled to give evidence either in behalf of or against the prisoner. The native judge arrayed in his robe of state presided to pass judgment. This dress assumed by him for the occasion conveyed neither a very solemn or commanding effect, but savored strongly of the ludicrous. It consisted chiefly of a white mat, which is usually made by the females of the island. In the center of the mat was an oval shaped opening bound round with some trimming and through which the black and closely cropt cranium of the judge protruded, the dress covering the shoulders, extending down before and behind as far as the knees.

"If the case to be investigated savored of importance then the chief, the deacons of the church in their state dresses, the constables of the different districts, usually attended with a large concourse of natives of both sexes, who either in a standing or squatting position formed a circle around the principal performers of the piece. The witnesses assembled then stood forward and stated the particulars of the case in question against the prisoner, and were attentively heard. Then the defenders in behalf of the prisoner were heard in their turn and the culprit himself was afterwards allowed to plead. Finally when the case was made out the judge referred to his book he brought with him, containing the established code of laws of the Island, and either acquitted or passed sentence which the constable of the district had to see put into effect. Punishments consisted either in transportation to another island, confiscation of property, hard labor, or fines in money, hogs, or cloth according to the nature of the crime. I believe from what I have witnessed these trials were conducted with impartiality and justice to all parties."