

We have looked through this volume with a good deal of curiosity. The officers of the Supreme Court of the Hawaiian Islands, as now constituted, are Hon. Albert Francis Judd, Chief Justice and Chancellor; Hon. Lawrence McCully, First Associate Justice and Vice Chancellor; Hon. Benjamin Hale Austin, Second Associate Justice. The opinions are well written. It is evident that the court is composed of good lawyers, and that they have tolerably fair assistance from their bar. The law which is administered appears to be substantially the common law, the system of equity, and the rules of admiralty as they exist in the United States. The decisions which are cited as precedents are, for the most part, decisions of American courts, largely those of New England and New York.

We have not space to note special decisions, which are curious more from the subject-matter than from the principles of law administered. In *The King v. Mann*,<sup>1</sup> it appeared that on the mountain range of the island of Oahu, back of Waialua, called the Waianae Mountains, are numbers of turkeys. These birds were brought to the country so long ago that no one remembers the time when, or by whom, they were imported. They are now in a wild state, afraid of man (as discreet turkeys ought to be), breeding in the unfrequented parts of the mountain and bush country, and are hunted and caught by various devices, precisely as if they were *feræ naturæ*. It was held that these turkeys do not belong to the man on whose land they may accidentally be caught, and are not the subjects of larceny. In the matter of *J. A. Nahaku, Esq.*, an attorney at law,<sup>2</sup> the proceeding was against an attorney, charged with misconduct, which misconduct consisted in forging a deed. The court held that in such a proceeding he was entitled to the benefit of reasonable doubts, and did not credit the testimony of two subscribing witnesses, whose testimony, charging him with forgery, at the same time confessed that they themselves were accessory to the fraud. In *Tenoire v. Brown*,<sup>3</sup> a police justice having resigned his office, thereafter entered his *nunc pro tunc* judgment in a case which had previously been submitted to him. It was held, on doubtful grounds, that he had power to do this.

It seems that the kingdom of Hawaii is a constitutional monarchy, in a stricter sense than Great Britain is. They have a written constitution, and the judiciary exercise the same power which is exercised by the judiciary of the United States, of declaring acts of the Legislature void, when they are in conflict with the constitution. In *The King v. Tong Lee*,<sup>4</sup> it was held that an act of the Legislature providing for the erection of public laundries, and forbidding the carrying on of the business of laundry-keeping or washing for hire within a circuit of three miles from the junction of Nuuanu and King Streets, in Honolulu, is an exercise of the police power of the State, with regard to the comfort, welfare and safety of society, and is not unconstitutional. In like manner, certain acts of the Legislature conferring upon the King in his Privy Council authority to make rules and regulations for the good government and control of immigrants, and constituting a board of immigration to superintend the introduc-

<sup>1</sup> p. 409.

<sup>2</sup> p. 50.

<sup>3</sup> p. 665.

<sup>4</sup> p. 335.

tion of immigrants, are constitutional. So held in *Re Chow Bick Gilt*.<sup>1</sup> We are glad to find in the index of this volume no such titles as *Murder*, *Manslaughter*, and *Assault and Battery*; from which we infer that violent crimes are infrequent in those Islands. One case, however, is reported on the subject of malicious arrest, and one on the subject of malicious prosecution; and, although the names of the parties are of European origin, the inference is perhaps justifiable that the inhabitants of those Islands find it better to settle their differences in the courts than by the strong hand. Several cases, however, are found which indicate that offences against chastity are still frequent; and it would seem from what appears that this is one of the most difficult matters with which the Legislature and the courts have to deal.

On the whole, there is much more in this volume than food for curiosity, although there is a good deal in it that will repay the inquiry of the curious. It contains a good many well adjudged and well written opinions, and we think His Majesty, the King of those Islands, is to be congratulated on the good sense with which he has selected his Judiciary, and in the upright and orderly manner with which justice is administered in his kingdom.