

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
TERRITORY OF HAWAII

At Chambers

In Equity

BALDWIN PACKERS, LIMITED

Petitioners

-vs-

KAPAHU AFONG et als,

Respondents

.....

Equity No. 235

DECREE

*December 30
1955
G. M. [unclear]*

SMITH, WARREN, STANLEY & VITOUSEK
Attorneys for Petitioner

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DECREE

Whereas in the above entitled matter Aalona Koahou, Abraham Koahou, Jacob Koahou, Julia Hanawahine, Elizabeth Gilman Keith, Julia K. Chilton, David M. Keliiaa, Robert P. Keliiaa, Johah K. Keliiaa, Mrs. Esther Joseph and Jonah Kumalae filed an answer claiming the ownership of the share of Makaike in the Hui of Mailepai and in the lands sought to be partitioned in this suit and whereas said respondents were represented in said matter by Eugene K. Aiu as their attorney; and

Whereas Mrs. Ella Victor, William Kuheleloa, Mikaele Kuhele Charles Kookoo and Victor Kulanihokoi filed an answer in said matter in which they claimed the ownership of the shares of Malawaia, Keawe, Kealoha and Kuheleloa in the said Hui and in the said lands and whereas said respondents were represented in said matter by Eugene K. Aiu as their attorney; and

Whereas Elizabeth Gilman Keith, Julia K. Chilton, David L. Keliiaa, Robert P. Keliiaa and Jonah M. Keliiaa filed an answer in said matter in which they claimed the ownership of the share of Paki in the said Hui and in the said lands and whereas said respondents were represented in said matter by Eugene K. Aiu as their attorney; and

Whereas Jonah Kumalae filed an answer in said matter in which he claimed ownership of the share of Upai in the said Hui and said lands and whereas said respondent is represented in said matter by Eugene K. Aiu as his attorney; and

Whereas the above named court, upon the motion of petitioner, set the contests brought about by the above named answers for trial before the undersigned judge of the said court at his courtroom in the Courthouse at Wailuku, Maui, on Monday the 1st day of December, A. D. 1930, at the hour of ten o'clock A. M.; and

Whereas due notice of the time and place of said trial was given to the said Eugene K. Aiu; and

Whereas at the time and place above mentioned and on the hearing of said answers; neither the said Eugene K. Aiu nor any of said respondents appeared; and

Whereas evidence was adduced showing to the satisfaction of the court the present ownership of the original said Paki share.

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the respondents above named are in default and that by reason of their failure to appear at the time and place set

for the said trial they shall be deemed to confess the truth of the allegations of the petition set forth on file herein and to consent to the prayer of the said petition; and

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the following parties were, as of the date of filing said petition, the owners in fee simple of undivided shares and/or portions of shares in said Hui and said lands in addition to the ownership as set forth in the decree of this Court dated July 29, 1930, that is to say:

Baldwin Packers, Limited 3.046

(being the following shares or fractions of shares of the following named original owners, to-wit:

Makaiki	1.
Keawe	1.
Kealoha	.852
Paki	.194)
Noah Smythe (alias Noah Smith)	.074
(being portion of the original share of Kealoha) and	
George K. Hasegawa	.074
(being part of the original share of Kealoha)	
Mrs. Kapahu Afong	.167
Amoy Aki (w)	.076
Heirs of Kahili Kalawaia	.033
Keaki Kalaipaa	.083
Kualani Kalaipaa or her heirs	.084
Laikupuliilii	.033
Elizabeth Lumsdon	.028
Mrs. Kaonohi Johnson or heirs	.055
Palau Paki or heirs	.055

Joseph Pua	.033
Charles N, Vieira	.021
Mrs. Annie Vieira (Mrs. C.N.Vieira)	.042
Ah Tim Young	.028
Mrs. Nonaina Afat	.017
Mrs. Mary Koe	.017
Daniel Mahoe Kalawaia	.034

(All of the above listed parties from Kapahu Afong to Daniel Mahoe Kalawaia having parts of the original share of Paki.); and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the respondent Jonah Kumalae has no interest whatsoever in said Hui and said lands and particularly in the original share of one Upai, but that there is still a controversy between respondent Kaluna Lunning and petitioner, Baldwin Packers Limited, as to the ownership in the interest in said land and said Hui originally owned by said Upai and that as to such contest same is transferred to the separate portion of the land or the share of the proceeds allotted therefore in the general partitions to be had as provided by the said decree of July 29, 1930; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all the terms of said decree of July 29, 1930, except as the same may be changed by the specific provisions, are hereby made a part hereof and made to apply to the interest and ownership as herein determined.

Dated at Wailuku, Maui, T. H. this 22nd day of December, A. D. 1930.

J. H. Cannon

 Judge of the above entitled court