

IN THE SUPREME COURT OF THE TERRITORY OF HAWAII.

OCTOBER TERM, 1942.

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In the Matter of the Will of
WILLIAM CHARLES LUNALILO,
King of the Hawaiian Islands,
deceased.

CERTIFIED COPY OF WILL AND
CODICIL

(Dated June 7, 1871, and
January 31, 1874, respec-
tively.)

Know all men by these presents That I,
William Charles Lunalilo, of Honolulu, Island of Oahu,
one of the Hawaiian Islands, being of sound and disposing
mind and memory, and well knowing the uncertainties of
human life, do hereby make, publish and declare this to
be my Last Will and Testament in manner following, that is
to say:

First: I give, devise and bequeath to my
Father Charles Kanaina, of Honolulu, Island of Oahu afore-
said, all of the estate both real and personal, of which
I may die seized and possessed, wheresoever situated, the
personal estate absolutely, and To Hold and possess the
real estate aforesaid for and during the term of his natural
life; and from and after his decease I give and devise the
real estate aforesaid, to my cousin His Majesty Kamehameha
the Fifth, to be held and possessed by him for and during
the term of his natural life, in case he should be alive
at my Father's decease.

Second, In case I should marry and have issue,
then I do hereby give and devise all of my estate both real
and personal to my said child or children, their heirs and
assigns forever, from and after the decease of my Father
Charles Kanaina, aforesaid; as, in any event, I desire my
beloved Father to have the use of my property during his
life time, in case he shall survive me.

Third:
From and after the decease of my devisees
above named, to wit: Charles Kanaina my Father, and His
Majesty Kamehameha the Fifth, and in case I shall die

without issue lawfully begotten, I give and devise all of the real estate of which I may die seized and possessed, to three persons to be nominated and appointed by a majority of the Justices of the Supreme Court or the Court of the highest jurisdiction in these Hawaiian Islands, to be held by them in Trust, for the following purpose, to wit; to sell and dispose of the said real estate to the best advantage at public or private sale, and to invest the proceeds in some secure manner until the aggregate sum shall amount to Twentyfive Thousand Dollars, or until the sum realized by the said Trustees shall, with donations or contributions from other sources, amount to the said sum of Twentyfive Thousand Dollars, then I order the Trustees (to be appointed as aforesaid) to expend the whole amount in the purchase of land and in the erection of a building or buildings on the Island of Oahu, of iron, stone, brick or other fire-proof material, for the use and accomodation of poor, destitute and infirm people of Hawaiian (aboriginal) blood or extraction, giving preference to old people; upon such terms, rents or charges, as to the said majority of the Justices of the Supreme Court, or Court of highest jurisdiction in these Hawaiian Islands, shall seem proper; And I hereby authorize any two of the said Trustees (to be appointed as aforesaid), to act in all matters connected with this Trust, and I also authorize a majority of the said Justices as aforesaid, to require accounts from the said Trustees, to remove them from the said Trust, and their places to fill, at pleasure: But, in case, sufficient buildings shall have been provided for

the use and accomodation of poor, destitute and infirm Hawaiians as aforesaid, then I hereby order and direct that the said Trustees shall apply the net rents, issues and profits arising from the principal sum realized from the said real estate, when sold as aforesaid, towards maintaining the said buildings in repair, in their improvement and towards the support and maintenance of the inmates aforesaid, as in the opinion of the said Trustees shall seem best.

Fourth: It is my Will that my remains be deposited in the same Tomb with my Father Charles Kanaina, wherever he may be entombed or interred, and I desire my Executor to see the foregoing provision carried out.

Fifth: I hereby nominate and appoint Charles R. Bishop of Honolulu aforesaid, to be Executor of this my Last Will and Testament, hereby revoking all former Wills by me at any time made.

In Witness Whereof I have hereunto
set my hand and seal this June
day of June A. D., One Thousand
Eight Hundred and Seventyone.

/s/ WILLIAM .C. LUNALILO.

The above written instrument, consisting of one sheet was, on the 7th day of June A. D., 1871, signed, sealed, published and declared by the said William Charles Lunalilo, as and for his Last Will and Testament, in

the presence of us, who, at his request and in his presence and in the presence of each other have signed our names as witnesses thereunto.

A. FRANCIS JUDD /s/

JOHN H. PATY /s/

Whereas, I Lunalilo, now King of the Hawaiian Islands, have made my Last Will and Testament in writing bearing date the Seventh day of June in the year of our Lord one thousand eight hundred and Seventyone,

Now therefore I do by this my writing which I hereby declare to be a codicil to my said Last Will and Testament and to be taken as a part thereof, alter and amend the said Last Will and Testament, as follows:

First: The articles of silver ware inherited by me from my Mother, I hereby devise and bequeath, after the decease of my father, to

Second: After the decease of my father I devise the premises at Waikiki, Oahu, known as my Marine Residence, to Queen Emma, her heirs and assigns forever.

Third: I hereby direct that my Executor cause to be erected in the Kawaiahao Church Yard, in Honolulu, a suitable tomb in which I order that my remains be deposited, desiring also that upon the decease of my father his remains be placed there.

Fourth: My Will is that Article Third of my said Will be modified as follows: if the avails of the real estate when sold, after the decease of my father, shall amount to more than Twentyfive Thousand Dollars, then and in that case, I direct my Trustees as aforesaid to be

appointed, to invest the excess of the avails of the real estate over and above the said sum of Twentyfive Thousand Dollars, and to apply the net issues and income arising therefrom towards maintaining the said buildings, to be erected as in my Will directed, in repair, and in the support and maintenance of the inmates thereof, as in the opinion of the Trustees aforesaid shall seem best.

In Witness Whereof I have
hereunto set my hand and seal
this thirty-first day
of January A. D. One Thousand
Eight Hundred and Seventyfour.

LUNALILO

by A. F. Judd /s/

Signed by A. F. Judd
in the presence of
Lunalilo and by His
express direction.

Richard Oliver /s/

Robert Stirling /s/

(ENDORSED ON BACK: "Will of His Majesty
King Lunalilo

Filed 6th Feby 1874. J. W. E. Barnard, Deputy Clerk.")

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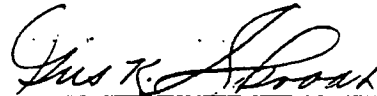
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In the Matter of the Will of)
WILLIAM CHARLES LUNALILO,)
King of the Hawaiian Islands,)
deceased.)

CLERK'S CERTIFICATE

I, GUS K. SPROAT, Clerk of the Supreme Court of the Territory of Hawaii, hereby certify that the foregoing is a true and correct copy of the original will of WILLIAM CHARLES LUNALILO, King of the Hawaiian Islands, deceased, dated June 7, 1871, and of the codicil thereto dated January 31, 1874, now on file in the office of the Clerk of the Supreme Court of the Territory of Hawaii.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Supreme Court of the Territory of Hawaii this 16th day of October, 1942, at Honolulu, City and County of Honolulu, Territory of Hawaii.


Clerk, Supreme Court, Territory of Hawaii.