

ation or incorporated company, availing itself of the provisions of this Act, the sum of fifty dollars.

**Act**  
1882,  
b. XXXVIII.

SECTION 1. That Section 5 of the said Act be and the same is hereby amended so as to read as follows:

“SECTION 5. This Act shall not be deemed or construed to affect or be at variance with the provisions of an Act approved on the thirtieth day of July, A. D. 1878, entitled ‘An Act providing for the service of process on foreign corporations.’ ”

**Act**  
1882,  
i. XXXVIII.

SECTION 2. Provided however that any foreign corporation subject to the provisions of the said last mentioned Act which has failed to fill the designations required by such Act may do so within a period of six months from the time of the commencement of this Act on payment to the Minister of the Interior for and on behalf of the Hawaiian Government of the sum of ten dollars, and thereupon such foreign corporation shall be deemed to all intents and purposes to have fully complied with the provisions of the said Act.

SECTION 3. This Act shall take effect and become law on the first day of September next.

Approved this 7th day of August, A. D. 1883.

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## CHAPTER XXXII.

### OF THE DESCENT OF PROPERTY, BOTH REAL AND PERSONAL.

§1447. Whenever any person shall die intestate within this Kingdom, his property, both real and personal, of every kind and description, shall descend to and be divided among his heirs, as hereinafter prescribed.

§1448. The property shall be divided equally among the intestate's children, and the issue of any deceased child by right of representation, and if there is no child of the intestate living at his death, his estate shall descend to all his other lineal descend-

ants; and if all the said descendants are in the same degree of kindred to the intestate, they shall share the estate *per capita*, that is, equally; otherwise they shall inherit *per stirpes*, that is, by each of the children taking a share, and the grandchildren, the children of a deceased child taking a share, to be afterwards divided among themselves: as for example, if A dies, leaving P and E sons, and K a daughter, then the estate will be divided equally between the three children, they being all of one degree of kindred to the intestate; or, if A dies leaving no children, but P, E and K, grandchildren, then the estate will be equally divided between these three, they being all of one degree of kindred to the intestate; again, if A dies leaving P, a son, and K and I the children of his deceased child E, then P will inherit one half of the estate and K and I will take the other half between them, that being the share to which their father E would have been entitled had he been living:

If the intestate shall leave no issue, his estate shall descend one half to his widow, and the other half to his father and mother as tenants in common; and if he leave no widow, nor issue, the whole shall descend to his father and mother, or to either of them if only one be alive:

If he shall leave no issue, nor father nor mother, his estate shall descend one half to his widow, and the other half to his brothers and sisters, and to the children of any deceased brother or sister by right of representation:

If he shall leave no issue, nor father or mother, and no brother or sister, his estate shall descend one half to his widow, if any, and one half to the brothers and sisters of his father and mother, and to their children and heirs by right of representation; and if he leave no widow, then such collateral heirs shall inherit the whole estate: provided, always, that if the estate come through either parent, the brothers and sisters of that parent shall be preferred to the others:

If the intestate be a woman, and leave no issue, her estate shall descend one half to her husband, and the other half to her father and mother as tenants in common, and if she leave no husband nor issue, the whole shall descend to her father and mother, or to

Amendment by  
Act of 1872,  
Chapter I.

either of them if only one be alive ; if she shall leave no issue, nor father, nor mother, her estate shall descend one half to her husband and the other half to her brothers and sisters, and to the children of any brother or sister by right of representation :

If she shall leave no issue, nor father or mother, and no brother or sister, her estate shall descend one half to her husband, if any, and one half to the brothers and sisters of her father and mother, and to their children and heirs by right of representation : and if she leave no husband, then such collateral heirs shall inherit the whole estate : provided, always, that if the estate shall come through either parent, the brothers and sisters of that parent shall be preferred to the others.

If the intestate shall have been married, and leave no kindred but a widow, then she shall inherit all his estate ; and if the intestate be a woman, and leave no kindred but her husband, then he shall inherit all her estate.

§1449. If the intestate shall die leaving several children, or leaving one child, and the issue of one or more others, and any such surviving child shall die under age, and not have been married, all the estate that came to the deceased child by inheritance from such deceased parent, shall descend in equal shares to the other children of the same parent, and to the issue of any such other deceased children, who shall have died, by right of representation.

§1450. If at the death of such child who shall die under age, and not having been married, all the other children of his said parent shall be also dead, and any of them shall have left issue, the estate that came to such child by inheritance from his said parent, shall descend to all the issue of the other children of the same parent : and if all the said issue are in the same degree of kindred to the said child, they shall share the said estate equally : otherwise they shall take according to the right of representation.

§1451. If the intestate leave no kindred, his estate shall escheat to the Hawaiian Government.

## RELATING TO ESCHEATS OF KULEANAS.

Upon the decease of any person owning, possessed of, or entitled to any estate of inheritance or kuleana in any land or lands in this Kingdom, leaving no kindred surviving, all such land and lands shall thereupon escheat and revert to the owner of the Ahupuaa, Ili or other denomination of land, of which such escheated kuleana had originally formed a part.

Act  
1866.

§1452. Every illegitimate child shall be considered as an heir to his mother, and shall inherit her estate, in whole or in part, as the case may be, in like manner as if he had been born in lawful wedlock.

§1453. If any illegitimate person shall die intestate, without leaving lawful issue or a widow, his estate shall descend to his mother; but if he leave a widow, she shall inherit one half, and his mother the other half, and if his mother be not living, but his widow is, then the widow shall take the whole; otherwise, his estate shall escheat to the Hawaiian Government.

§1454. The kindred of the half blood shall inherit equally with those of the whole blood in the same degree: provided, however, that where the inheritance came to the intestate by descent, devise, or gift, of some one of his ancestors, all those who are not of the blood of such ancestor, shall be excluded from such inheritance.

§1455. When any part of the property left by the intestate, consists of real estate, and the same is to be divided among several children, and in the opinion of the probate court, it is desirable that such real estate or any particular piece thereof, be not divided, then the eldest son, and in succession of age after him, the other sons, or if he or they shall renounce or decline the privilege, then the daughters in like succession may, after the property, or piece of property has been duly appraised by a court of probate, elect to pay to the others the amount of their shares in money, in order that the land may not be divided. And the same rule shall

As amended,  
1878,  
Chapter I.

NOTE.—Sections 1452 and 1453 amended by Act of 1874, Chapter L, but the amending statute repealed and the original sections re-enacted by Act of 1876, Chapter IX.

apply where a part of the claimants are children, and the rest are issue of deceased children of the intestate.

§1456. Posthumous children shall, in all cases, inherit the same as if they had been born during their father's lifetime.

§1457. If any child of an intestate shall have been advanced by him, by settlement or portion of real or personal estate, or of both of them, the value thereof shall be reckoned for the purposes of this section only, as part of the real and personal estate of such intestate, descendible to his heirs, and to be distributed to his next of kin, according to law. And if such advancement be equal or superior to the amount or share which such child would be entitled to receive, of the real and personal estate of the deceased, as above reckoned, then such child and his descendants shall be excluded from any share in the real and personal estate of the intestate.

§1458. But if such advancement be not equal to such share, such child and his descendants shall be entitled to receive so much only, of the personal estate, and to inherit so much only of the real estate of the intestate, as shall be sufficient to make all the shares of the children, in such real and personal estate and advancement, to be equal as near as can be estimated.

§1459. The value of any real or personal estate so advanced, shall be deemed to be that, if any, which was acknowledged by the child by an instrument in writing; otherwise, such value shall be estimated according to the worth of the property when given.

§1460. The maintaining or educating, or the giving money to a child, without a view to a portion or settlement in life, shall not be deemed an advancement.

§1461. It shall not be requisite that the intestate shall have been in actual possession of the property; it is sufficient if he had a good claim to it at the time of his death.

§1462. The word "issue," as used in this chapter, includes all the lawful lineal descendants of the ancestor.