

**A Sketch of Ke-Kua-Nohu, 1845-1850,
with Notes of Other Times Before and After**

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It was just six days until Christmas. At sunrise on this 19th of December, 1815, two musket shots cracked aboard the ship in Honolulu Harbor. Here was the signal, the call to action: The town maidens rose from the beds of their seafaring hosts, slipped over the side, and presently disappeared among the some 300 grass houses, large and small, that made up the future capital of the Hawaiian Islands. For the sailors it was the start of another day of work. But there was the warming thought that at sundown another volley would bring back the savory wahines.¹

This regimen of alternate lubricity and labor continued; Christ's birthday came and went. As the new year slipped in, the ship glided out—away from the flat shoreline with its inner reef, through the narrow channel, and hence to open sea.

Ten months passed, and more. In mid-November of 1816 another vessel, this time a dignified man-of-war, the Russian *Rurick*, anchored off the beach. Hawaiian hospitality remained much the same: In a twinkling the ladies were on their way, some swimming and others in boats. But much to their surprise, the "amiable nymphs" were not allowed aboard. Though temporarily repulsed they rallied, and thereafter "From the morning [the] ship was surrounded by the fair sex. . . ." Indeed, cordial relations were a prominent feature of this interlude; on the eve of sailing (December 14) "The women swam the whole day round the vessel, bidding a tender farewell to their friends."²

Very good; but over there on the waterfront, beyond the amorous mermaids, less ingratiating business was afoot. The Hawaiians were building a fort. During the summer of 1816 the German Dr. Georg Anton Scheffer, working for Alexander Baranov, governor of the Russian American Company, had erected a blockhouse at Honolulu and raised the Russian flag. Kamehameha I, alarmed, sent several chiefs (including Kalanimoku) along with John Young to squelch the threat. This maneuver succeeded; the overawed Russians withdrew.³ Scheffer is said to have laid out the ground plan for a fort; however this may be, the Hawaiians under Young actually got construction going. During the *Rurick's* visit it was still proceeding. Strangers, especially

Europeans, were forbidden to enter the project; Kalanimoku was constantly inside to spur activity.⁴

But the result did not impress. Von Kotzebue, the Russian commander, called it nothing more than a square supplied with loopholes, the coral stone walls being some two fathoms (about 12 feet) high.⁵

Shortly afterward Ship Number One—she of the concupiscent crew—reappeared off Diamond Head. Reactions proved that on their former visit the sailors had seen something besides those wahines, after all; they were astonished to view a “very fine battery” of some 60 guns on the southeastern flat, or point, in the harbor. Peter Corney, the writing tar, described it thus: Area, about 8 acres; height of walls, faced with stone, about 18 feet; top breadth of walls, same; breadth of walls at base, about 30 feet; construction material, hard clay and dry grass and sand well cemented together; embrasures on top of walls, built of the same materials, but without stone; guns mounted all around, from 4 to 18-pounders, with the heaviest guns facing the sea; magazine, underground and well seaward; in the fort’s middle, a flagstaff; around the flagstaff, chiefs’ houses and soldiers’ barracks.⁶

This was in February, 1817; in September of the same year the *Rurick* was back. Her second look at the fort was even more critical than the first. A. von Chamisso accused Young of building without judgment; his product was only a square of dry brick wall, without bastions, towers or ditches.⁷

Another Russian officer, Golovnin, was in Honolulu in October, 1818. His short notes add little: The fort was ashore, built of coral, with a 7-foot wall, embrasures on the sea side, and a battery of 52 guns.⁸

Its original purpose was of course to protect Honolulu by keeping enemy or otherwise undesirable ships out. But it could also be used to keep things in, a conception which soon bore fruit. On March 8, 1822, Kamehameha II made it official: Recent breaches of etiquette by ship crews on liberty had proved disturbing. Therefore, in future riotous or disorderly sailors would be lodged in the fort pending redemption at \$30 a head. Peace-shattering or stranger-molesting resident foreigners would be conveyed to the same quarters, there to await passage by the first departing vessel.⁹

Candidates were not lacking. Even in pre-whaling days seamen were being projected from ships onto the Honolulu waterfront for bad conduct, and their subsequent doings ashore were not exemplary.¹⁰ There were, to be sure, honest settlers of good breeding, Europeans classified as “respectable” under a popular nineteenth-century category. “But,” wrote Golovnin, “the majority of them cannot boast of high morals, and they are all uneducated, lacking in scientific knowledge; such people can only teach the natives what they themselves know, and their knowledge consists merely of various crafts and trades, of sailing ships and using firearms.”¹¹

Good or bad, foreigners were on the increase. By 1838 there were 350–400 of them in Honolulu—some 200–250 Americans, 75–100 English, 30–40 Chinese, and a scattering of French, Spanish and Portuguese.¹² They lived among an estimated 6,000 Hawaiian townsmen.

Five years later, according to *The Friend*, the American, part-American and affiliated residents totaled 576, classified as¹³

Males married to American wives	-	-	-	-	61
Males married to native wives	-	-	-	-	57
Males unmarried	-	-	-	-	74
Females married	-	-	-	-	61
Females unmarried	-	-	-	-	4
Native wives	-	-	-	-	57
White children	-	-	-	-	143
Half-caste children	-	-	-	-	119

And in January, 1847 the *Polynesian* counted a permanent foreign population in Honolulu of 517, adding some 100 floaters for an average of 600, in round numbers:¹⁴

Names in the Register	-	-	-	-	353
Ladies, not there mentioned	-	-	-	-	52
Children	-	-	-	-	112

One hundred and forty-six were naturalized subjects of His Hawaiian Majesty. The register included 26 American families, 7 English, and 1 Belgian; 38 American women and 13 English. Of the 421 foreigners naturalized between March 8, 1844 and December 10, 1846, about half were American citizens, a quarter were British, and another quarter French, German, Portuguese, Chinese, Tahitians, etc.¹⁵ And by the latter date Honolulu contained—often uncomfortably—consuls representing the U.S., Britain, France, Bremen, Denmark and Peru. The minister of the interior, noting a yearly increase in the number of foreigners, as also of those taking the oath of allegiance, reported in May, 1847, 627 foreigners in Honolulu: 453 males, 60 females, and 114 children.¹⁶

The great gold rush era, referred to by the kingdom's marshal as "these *California Times*", brought a swelling influx of newcomers. In the seven months from September 1, 1849 to April 1, 1850, 503 passengers got permits at the custom house. Many of these the marshal described unlovingly as ". . . lawless & unprincipled characters, requiring the utmost police vigilance."¹⁷ It proved to be an irreversible process. The gold rush eventually petered out, but Honolulu drew more and more foreigners, transient or otherwise—many destined at one time or another to inhabit the cells of Ke-Kua-Nohu.

More in evidence than these immigrants, however, were the hordes of sailors who periodically glutted Honolulu. The first whaler plowed into the Pacific in 1819—pioneer of a vast fleet that each year funneled hundreds of ships into the ports, and thousands of seamen into the grogshops and brothels, of hitherto quiet islands. From October 1, 1823 to January 1, 1838, 1,672 vessels of all types visited Honolulu.¹⁸ But the heyday of whaling was still in the future; when it came, its impact rocked the town: In 1844, an estimated

14,905 foreign sailors stopped over; in 1845, the figure was 19,190.¹⁹ In 1847 the *Polynesian* reckoned that 18,000 assembled at the chief Hawaiian ports yearly, and another source put the average stay at three or four weeks.²⁰ During the fall season in October and November of the same year, from 200 to 500 sailors daily paraded the streets of Honolulu on shore leave.²¹ And so it went through the forties and fifties—another rich field of prospective customers for the prison down at the fort.

What of the Hawaiians? Honolulu drew them like a magnet with the age-old, irresistible pull of Fun Town and Bright Lights. By the early 1850's the 6,000 of 1838 had grown to more than 10,000.²² Government tried countermeasures: Late in 1846 Governor of Oahu Mataio Kekuanaoa was laboring to pry Hawaiians out of Honolulu and back to their neighbor-island farms. But it was a lost cause.²³

Diversions around town ranged, then as now, from peering over the Pali through good-natured rowdiness to hard-core criminality. Without the presence of the whaler there would have been enough, probably, to occupy Honolulu constables as a developing government sought to tighten its grip. As it was, the situation occasionally degenerated into chaos.

By the time whaling got a good foothold, American missionaries had established themselves. Unfortunately, the river of good precept that flowed down King Street from Kawaiahao dwindled to a trickle by the time it reached Fort, and disappeared entirely beneath the iniquitous earth of the Nuuanu-Maunakea district, a moral desert inhabited by predatory species, notably the barkeep and the harlot. Early in 1838, the Rev. John Diell wrote of the eight or ten "houses of refreshment" which dispensed 5,000 or 6,000 gallons of rum yearly—a product which, he observed, seamen craved with an avidity which led them to pawn clothes, chests, and other chattels in order to raise the necessary cash.²⁴

Quite naturally, commercial recreation flourished under the stimulus provided by the early-day version of the visitor industry. Indeed it is surprising that government was able to hold the line (through licensing regulations) as firmly as it did. Some nine years after Diell's remarks—and at a high point in whalerdom—Honolulu offered the pleasure-minded 15 victualling (sailors' boarding) houses, 7 grog shops, 6 bowling alleys, and 3 billiard tables.²⁵

The Honolulu liquor traffic was a many-faceted operation; suffice it to note here that, after legal discouragement in the late thirties, there was always enough of the stuff around in the forties and fifties to spark deplorable activities. Indeed, the quantity available was depressingly large for a town whose chief population element, the "natives", were forbidden to buy alcohol (they could, however, drink *awa* for medicinal purposes under a special permit from the island governor).²⁶ Actually, the Hawaiians' abstinence seems to have been in many cases more a matter of opportunity than of principle, as two examples will illustrate: Late in 1846 Peter Le Gueval of the French Hotel was fined \$500 for selling liquor twice to a native chief, and almost simultaneously early Sunday risers were treated to the sight of a drunken wahine sleeping it off in the streets.²⁷

William Paty, the collector of customs, calculated the importation of spirits and wines as follows:²⁸

1843 (the year of the British Commission)	-	\$ 7,108.92
1844	- - - - -	26,862.05
1845 (January 1 to May 15)	- - -	4,258.12

"Ah, well, not too bad," one may say, doing a little mental arithmetic with 1968 dollars. But the detailed breakdown for those first four and a half months of 1845 shows what a staggering supply of drinkables \$4,260 would buy 123 years ago.

This, of course, refers only to the goods that went through the custom house. Smuggling was not unknown by any means; for example, on November 10, 1846, the Honolulu prefect of police was authorized to visit and search every licensed hotel and victualling house and every wholesale and retail spirit dealer's store, to discover contraband liquor and bring the smugglers to justice.²⁹ Three days earlier the police had made a 3 a.m. seizure of five barrels of brandy being wafted ashore from the *Hamburg*. Her supercargo was fined \$2,500, and the brandy poured into the street in front of the custom house at high noon.³⁰ Still other dimensions were the sale of spirits undercover by unlicensed purveyors and the equally illegal concoction of moonshine from various flora.

R. C. Wylie, the argus-eyed observer who, judging from his output, must have been able to write coherently at nearly every stage of consciousness short of dead slumber, blamed most of Honolulu's disorders on drunken seamen. "It is impossible," he scribbled, "to walk the streets of Honolulu, and contrast the conduct of sailors about the public houses, with the orderly conduct of the natives without being impressed with an idea, that the latter are the real civilized men, and that the white sailors are the real savages."³¹ The "real savages" were, of course, the ones with lawful access to liquor.

With firewater went commercial love. While ladies of strong moral fiber performed household rites and sipped tea at decorous gatherings, their opposite numbers on downtown streets pursued more colorful careers, abetted by the controversial beverages which formed a staple of the locale, and by seamen inconceivable on liberty and dedicated to the proposition. These women were at once the sailor's delight, the missionary's despair, and the merchant's bonanza. They also, according to "Quidam" in the *Sandwich Islands News*, furnished the chief support of interisland vessels.³²

The *News*, a clenched-teeth critic of government, estimated the situation in 1847: Not a native craft touched Honolulu during the shipping season that was not crowded with Hawaiian women from other islands; hundreds and thousands were semi-annually gathered for well-known purposes, only to return to their "polluted kennels" after a few weeks of "bestial vice" to spread disease.³³

By a conservative estimate, 12,000 sailors, spending \$10 in cash (" . . . saying nothing of the fact of their frequently selling their clothes . . ."), poured \$120,000 into the economy. At least nine-tenths went to prostitutes and grog-

shop keepers, and of this \$108,000, the former got eight or nine tenths (or from \$86,400 to \$98,100).³⁴

But the fraction devoted to alcohol bought enough of that commodity to inspire uninhibited conduct. Most of the shenanigans resulted in nothing more serious than a fine. Of course, those luckless ones unable to raise the required coin had to stay in limbo until a redeemer appeared, or until the fine was served out.³⁵

Charge: drunk, disorderly, assaulting police.

Fine: \$6.00.³⁶

Charge: drunk, stabbing with a knife.

Sentence: \$56 and 100 lashes. When the defendant's captain protested that the flogging would make the man nearly useless, the punishment was set at a fine of \$100.³⁷

Charge: drunk.

Fine: \$1.³⁸

Charge: ashore after hours.

Fine: \$2.³⁹

Charge: drunk and fighting.

Fine: \$7.⁴⁰

Charge: after hours, rioting, resisting officers in an attempt to arrest, using sticks and brandishing knives.

Fine: \$10 per head. This was too much: The 11 Frenchmen involved ended their spree in the fort.⁴¹

In addition to the lapses directly related to the entertainment of seamen ashore was the usual criminal activity around town. As far as the authorities were concerned, theft and fornication were the biggest problems. On September 5, 1840, the *Polynesian* reported that thieves and toppers were becoming as plentiful as swine in the streets, and mentioned several recent housebreaking attempts. The latter crime persisted; the villains, though often seen, were never taken up.⁴² In July, 1841, the same newspaper referred to six late housebreakings, four successful. Scarcely a dwelling in Honolulu had escaped the attentions of the gang of robbers infesting the place.⁴³ In no part of town was property considered safe.⁴⁴ This assumes a pretty low rate of apprehension; those unlucky enough to get caught had to face the music, of course. Such was Kuaalu, who robbed Joseph Carter of \$28. He drew four months in close confinement, plus a fine of \$112, \$28 of which went to the victim.⁴⁵ Judge William L. Lee himself received a visit. But the Hawaiian lad who stole his money and clothes was nailed. His sentence: A fine of \$350, equal to about seven years' labor on the roads.⁴⁶ Shocked townsmen learned at the same time that a policeman had been involved in a series of thefts. And so it went, with the *Sandwich Islands News* joining the *Polynesian* in bemoaning the metropolitan crime wave. But apparently the picture changed little. In 1847 Marshal Henry Sea put fornication and thievery at the top of his list. Within the past few months, he wrote, the latter had been prevalent to "a fearful extent" on

Oahu. Petty theft was rife among the Hawaiians, chiefly at the expense of foreign residents.⁴⁷ But some of the haoles were at it, too. An example: Four of them were held in the fort for investigation of a \$740 burglary at Tailor Thomas Campbell's shortly after Sea's report appeared.⁴⁸ Theophilus Metcalf, Sea's successor, again named theft and fornication in 1850 as the "predominant evils" of Honolulu. Of the 505 fined in the city's police court from September 1, 1849 to April 1, 1850, nearly all were charged with these offenses.⁴⁹

All this was, of course, a routine development of urban life. One of the town's last really colorful roundups took place in July, 1844, when Kekuanaoa sent a gaggle of prisoners through the streets escorted by a file of soldiers and a crier. These unfortunates were in custody for knocking out teeth, tattooing, and other "practices of heathenism"; their benighted ways were thus exposed to public ridicule.⁵⁰

Less spectacular, but still showing certain original features, were a handful of cases that spilled over into government correspondence files during the early and middle forties—and that landed the defendants in Ke-Kua-Nohu:

August, 1841: A dog almost bit a man. One William Perry, a British subject, was convicted of sicking some mutt onto a Hawaiian. Sentence: Pay \$3 or be put in irons. Perry was, however, sprung from jail by a ruse. In subsequent developments Charlton, then British consul, threatened to have the jailer's head cut off and have him hanged [headless?] when "the" British man-of-war materialized. Another episode found Perry besieged at home by a howling mob of Hawaiians intent on dragging him back to the fort.⁵¹

June, 1843: A soldier of the standing army had been in the fort for some time, accused of adultery. But the woman's friends had lodged no complaint. This was during Paulet's British Commission times; therefore, a simple letter from Secretary Henry Sea ordered the man freed.⁵²

July, 1843: Another case of adultery. In this one, the wife made a midnight apprehension of her haole husband sleeping in a native house "alongside of a female". The head constable, routed from his slumbers, told everybody to go back to bed and show up at the fort in the morning. At that time the defendant drew a fine of \$5, immediately cancelled. Thereupon the incensed wife called for a divorce, which was delivered on the spot from Kekuanaoa's office. This ended the morning's ceremonies, and all departed. On the same afternoon the (now) ex-husband was arrested, jailed, and told to get a ship or be banished to "Towrowie" (Kahoolawe), then the kingdom's penal colony. But, the fort being a poor place to find a ship, after six days' confinement the prisoner was allowed to spend the sunshine hours scouting the waterfront, returning to jail at night.⁵³

June-July, 1843: Paalua was in disgrace again. He had been drunk; but worse, over a period of three months he had embezzled \$700 from the government treasury. This earned him quarters in the fort. From there, nothing abashed, he applied for a job with the British Commission—doubtless hoping to profit from this providential turn of the worm.⁵⁴

June-July, 1845: John Wiley, already tried on charges of rape—then "except under circumstances of particular aggravation" a simple police offense punish-

able by a \$50 fine—was accused of concealing property to evade payment of the court judgment against him. Thereupon Sheriff R. Boyd peeled Wiley from his sickbed at the Canton Hotel and conveyed him to jail. This was on June 28. Within 48 hours the “concealed” property was located. Wiley now charged false arrest, impairment of health, etc., and demanded \$10,000 damages. U.S. Commissioner George Brown leaped to Wiley’s aid. The case dragged on through weeks of time and reams of paper, generating mighty opuses of 50 to 60 pages.⁵⁵

December, 1845: Joseph Holland lay in durance for alleged larceny. U.S. Consul Alexander G. Abell sent a list of persons nominated by him to sit on Holland’s jury. But he directed it to Governor Kekuanooa, not Justice Charles Hopkins. Irked, G. P. Judd and Attorney General John Ricord at once began to brew a steamy reply. R. C. Wyllie put a damper on this operation, but the U.S. official tried to disAbell the stately craft of Hawaiian jurisprudence with accusations of oppression and discrimination—charges politely ignored by Wyllie.⁵⁶

There were of course the appeals, the complaints of excessive punishment, and other heartburnings.⁵⁷ And mingled with these were the cries of those professing ignorance of any wrongdoing, or picturing themselves the victims of no due process. One remembers here the enigmatic and Kafkaesque William E. Connor, apparently always in jail and always wondering why.⁵⁸

R. C. Wyllie, as minister of foreign affairs from 1845 to 1865, was actively involved in much of this pulling and hauling. After less than a year on the job he wrote in disgust:

It is no less true than intolerable that the King is obliged to employ so many foreign officers, waste his scanty revenue on their salaries and office expenses, devote the whole time of his Legislature to prove laws, and multiply his Tribunals for the good government of a few hundreds of foreigners, residing, under his jurisdiction, for their own enrichment. As for his native subjects, they are easily governed, require few laws, few courts, and no legal subtleties to adjudicate their cases.⁵⁹

Aside from what went on in town, there was one “crime” which only sailors could commit: desertion. “In the routine of the whaling industry,” wrote Kuykendall, “desertions of seamen were exceedingly common in spite of the severe penalties attached to that means of escaping the hardships of life on a whaleship. In the early years,” he added, “there were many desertions at the Hawaiian islands but with the better organization of the government this evil was greatly lessened.”⁶⁰

Various observers described in some detail the “severe penalties attached”, both to desertion and other derelictions. In the 1820’s whipping posts were put up at the four corners near where the Seamen’s Bethel later stood. Here sailors charged with “faults” were flogged by order of the American and British consuls. The practice continued until some English whale captains interfered; the posts were then taken down.⁶¹

About this time a law directed that all stragglers and runaways be sent to the fort and sentenced to hard labor. This consisted of cutting and drawing coral stone or adobes in an ox cart, or in loading and unloading native vessels.

A Hawaiian taskmaster wielding a cat-o'-nine-tails presided over their toils; he drove men, chained to their cart, through the streets.⁶²

In 1833 one A. B. Thompson appealed to the mercy of Kamehameha III. He had watched deserters—thirsty, hungry, and bound with ropes—being paraded around town, followed by a “multitude of noisy [*sic*], insolent [*sic*] boys”. The unfortunate sailors, under the heel of “an unfeeling, overbearing mad man”, complained of near starvation.⁶³

Three years later Commander Kennedy of the U.S.S. *Peacock* found 11 Americans condemned to hard labor; he advised “Kaukeauli” (Kauikeaouli)—a much-fractured given name of Kamehameha III—that U.S. citizens remanded to custody should be well treated, and not made to work for the government.⁶⁴

But hard labor continued to be the prescription for some time. A law approved in May, 1841 forbade ship captains to discharge or leave men ashore without the written consent of the island governor or his agent. Sailors unlawfully ashore had to pay \$60 and depart by the first suitable vessel. If they failed to go, they were to be treated as deserters—and deserters were put to hard labor as long as they stayed in Hawaii; furthermore, the House of Nobles could confiscate all their property or substitute flogging (not over 30 stripes) for such dispossession. The law made hunting runaways a worthwhile activity: The harbormaster got \$6 a head for those caught near the harbor, \$12 for those found in the mountains or 10 or more miles away from the port, and \$24 for those apprehended on another island. And cooperating citizens received half the reward when they turned in deserters.⁶⁵

This law was sharpened up a bit when the government's executive departments were organized some five years later. The act of April 27, 1846 made it illegal for consuls to consent to seamen's discharges without the previous written agreement of the island governor. And to prevent indiscriminate discharging, the consuls were made responsible for the support of discharged sailors until they reshipped, or were required to post a \$100 bond for each man. Deserters not returned to their vessels would be placed at their consuls' disposal; if the latter would not receive them, they were to be put at hard labor until they left the country.⁶⁶

But enforcement could be a headache. Sometimes consuls refused to pay for the apprehension and keep (at 50¢ a day) of deserters.⁶⁷ And shipmasters occasionally complained that desertion was easy, the authorities being slack in rounding up offenders. The rebuttal to this was that it was the captains' own fault; more than once Hawaiians had brought deserters to the fort for delivery in anticipation of a promised reward, whereupon the captain involved had put to sea without paying up.⁶⁸ Too, there had been instances in which helpful citizens, as well as police, had reaped recriminations when they dragged in foreigners who proved *not* to be deserters.

Here are examples of these and other complexities:

July 22, 1843: William Butler complained that he had been confined four months in the forts of Hawaii, Maui and Honolulu for deserting an American

whaleship. But he was a British subject. He volunteered for service on any of H.B.M.'s vessels.⁶⁹

May 28, 1845: Peter Jordan, a Negro from Halifax, had been deserted by his ship—the American whaler *Mancar*—at Hilo two and a half years previously. Now Hilo officials demanded \$60 to let him stay in Hawaii. This morning of May 28 he had arrived at Honolulu to get permission to remain without paying. But the same cash request was made, Jordan was arrested, and at the time of writing was in the fort. G. P. Judd's memo on this case: If we allow this sort of thing, desertion will increase. Jordan is a deserter, and he had better ship out. He can be freed if the British consul will be responsible for him until he gets a ship.⁷⁰

November, 1845: Christopher Jacobus was brought to the fort on November 15 as a deserter, Capt. Kelly of the *Columbia* having declared him such. But Kelly sailed away, leaving Jacobus a prisoner. Now the government billed Consul Abell \$6 for apprehending the man, 25¢ a day for board, and \$60 damages assessed against the captain. No reply from Abell.⁷¹

December, 1845-June, 1846: In this case, Abell developed acute consularitis when one John Thaland (Phaland, Pheland, Holland) was propelled into the fort for what Attorney General Ricord described as "statutory" desertion. The central issue was this: Abell claimed the right to give certificates of discharge to American seamen, who could then stay ashore without further ado. But the Hawaiian government demanded that, according to its laws, permission to live on the islands be got beforehand from the island governor; hence the so-called discharge was illegal until this requirement had been met. A bitter dispute it was: The blasts and counterblasts eventually filled some 35 documents. Naturally, each side fired every sort of ammunition it could lay hands on. Among Abell's salvos was the charge that it cost American seamen \$6 to stay ashore the legal 60-day limit: The sheriff (acting as the governor's delegate) wanted \$1 for his permission, and another \$5 went to the sailor boarding-house keepers and others who usually gave surety for the \$60 bond required.⁷²

Thaland himself appears not to have been a bad sort; on occasion he was let out of the fort to browse around town ". . . a privilege sometimes extended towards prisoners of good behavior."⁷³ But he was a victim of the bullheaded controversy, and it took the U.S. Navy to extract him. In June Commodore B. F. Stockton visited Hawaii in the U.S.S. *Congress*. Thaland's case came to his notice; the commodore's reaction was a friendly demand for immediate release. Wyllie admitted that the sailor ". . . could easily have been enlarged long ago . . .", and offered himself as bondsman to the attorney general.⁷⁴

January, 1846: British Consul William Miller (not to be confused with "Crazy" Miller, an earlier correspondent of Kamehameha III) asked why Mathew Page was in the fort. The reply: Abell had discharged him illegally, and Page wouldn't give the stipulated bond for leaving within 60 days. In this case Miller maintained that the Hawaiian government could not prevent respectable British subjects' settling in the islands.⁷⁵

June 11, 1846: One Thomas Henderson languished in the fort; this seaman was, according to government, actually a deserter when Abell gave him a "certificate of protection"—a type of document to which the Hawaiian authorities assigned low specific gravity. Abell came up with a second (and also questionable) certificate, but Henderson was freed.⁷⁶

April 17, 1846: Marsh, a deserter, had fallen sick in the fort. Abell asked for his release in the name of humanity, and promised care in the U.S. Hospital. Granted.⁷⁷

Desertion was, of course, never completely eliminated during the whaling era; nevertheless, by mid-1847 official reports noted a decrease resulting from police vigilance and captains' cooperation.⁷⁸

There were other routes that led Jack Tar to Ke-Kua-Nohu. Raising a rhubarb in the sailors' hospital was one.⁷⁹ More important was the power of skippers and consuls to have troublemakers confined indefinitely without judicial process.⁸⁰ And mutiny, maritime crime par excellence, certainly merited a stay in the fort. In 1835 Governor Adams refused to take custody of two mutinous seamen from the Hudson Bay Company's *Ganymede*, but the next year Kennedy of the U.S. flagship *Peacock* found 10 sailors off the whaler *Osprey* at hard labor for the same offense.⁸¹ Fourteen years later another H.B.C. vessel, the *Cowlitz*, was having trouble with crewmen who refused to put to sea. This time the marshal got orders to board the *Cowlitz*, arrest the malefactors, and confine them at Consul Miller's pleasure.⁸²

But unrivaled in power to furnish large batches of prison fodder were the riots which periodically enlivened Honolulu. Pleasure-bent—if not hell-bent—seamen earned their share of the blame; nevertheless, it is easy to forget that, as Ricord wrote in reference to ". . . the mob of boys along our wharves . . .": "It is the fate of almost all seaports to be infested with idlers and wharf rangers."⁸³ Unfortunately, these were not always intent on constructive use of the leisure with which their lives were so copiously blessed.

A sampling will suffice:

In October, 1840, during the visit of the United States Exploring Expedition under Lt. Charles Wilkes, that officer cast a critical eye on Honolulu; he noted its "worthless population": The lower class of foreigners formed a serious bar to improvement, most being keepers of dubious taverns, sailors' boarding-houses and grogshops.⁸⁴ Licentiousness and vice abounded; however, an efficient police and an energetic magistrate (Kekuanaoa) were alert to imprison rioting sailors.

Unmentioned in Wilkes' account was his own experience of the police efficiency he praised. On October 3 Kekuanaoa sent an urgent message to P. A. Brinsmade, then U.S. Consul: He had a rumor that during the evening a body of the ubiquitous "lower-class foreigners" would try to break into the fort.⁸⁵ And so it happened. But the l.c.f. turned out to be Wilkes' own crew, armed with clubs and marching to liberate comrades who had fallen afoul of the law. Brinsmade, Wilkes, and the latter's subordinate, Hudson, rushed to the scene. This turned the trick: The sailors, cowed, gave up their arms and

retired peaceably to their boarding houses.⁸⁶ This wrapped up another Saturday night in town.

The early part of the U.S. Ex. Ex. visit corresponded with the fall whaling season. By October 10 whalers had been ashore some two weeks, spending many months' hard-earned wages in fun and frolic. Streets echoed day and night with the noise of several hundred sailors riding, dancing, reeling, shouting, and parading with drums, fifes and flags. Sometimes there was humor: A drunken sailor found himself pitching forward constantly on his horse. Swearing that the front legs of his mount were shorter than the hind, he got off and measured them. Again, a party of sailors made up a race, and placed the bets in the hands of a nearby Hawaiian. When the race started, the stakesholder took off in the opposite direction, and it required an extra heat to capture him.⁸⁷ It was a rowdy time in Honolulu.

Apparently the several years following were relatively peaceful; at least, official correspondence and the press reported nothing spectacular. There was, of course, the case of one Capt. Rogers of an American whaleship who made himself notorious by heading a company of officers and seamen who marched through the streets while the native police, overawed, fled.⁸⁸ But 1846 was beastly. The constables rocketed from one fracas to another, sometimes hopelessly outnumbered in situations where superior force decided the issue.

Hawaiian authorities were lucky in the affair of the U.S.S. *Cyane*. Her captain, William Mervine, offered to mete out summary punishment to crewmen involved in a riot on the night of March 13. Indeed, Mervine invited the prefect of police to board his ship and identify offenders—a novel and refreshing experience.⁸⁹

Less than two weeks later it was a different story. On March 27 police had a "severe" run-in with seamen off the whaleships. They had to do it the hard way, but managed to get the ringleaders to jail.⁹⁰

One Alexander Turpin and friend inspired the next battle. The evening of May 16 found them in town, drunk. After the second gun (at which time all sailors were to be off the streets), the constables took the two in tow and headed for the fort. They had almost made it when up roared a pride of man-of-war's-men. These wasted no time. They fired a barrage of rocks, most of which went over the policemen's heads. The law officers, this time in the minority, lost one prisoner to the mob, but got the other inside Ke-Kua-Nohu. The constables then routed out A. P. Brickwood, their prefect, and all hot-footed it to the wharf. The sailors were there, armed with sticks and knives and with shirts full of stones. Brickwood told them to break it up, and everybody was turning away when a hurled rock caught Brickwood on the head. The sailors thereupon retired to their shore quarters in Robinson and Company's shipyard, just ewa of the fort walls. A Dr. Hunter dressed Brickwood's poll, and so another day ended. At the ensuing trial Turpin denied being drunk—he had had only two glasses of grog at Joe Booth's, he said—but he drew a \$3 fine, anyhow.⁹¹

Robinson's yard, the site of a sailors' boarding house operated by its owners in conjunction with their shipbuilding and repair business, figured even more prominently in a different kind of encounter four days later. The same crew—from the U.S. Schooner *Shark*—were involved. Wyllie had already asked Brickwood to give *Shark's* men the widest possible latitude, but that rock in the head motivated a visit to Capt. Howison. The captain was not unprepared for such a call, having “. . . apprehended, from the well known propensities of seamen, after long confinement on board, that he should hear complaints of their boisterous jollity, and other acts at variance with the strict construction of the police regulations of the town.”⁹² This philosophical mood evaporated within 48 hours; on the night of May 20, three of *Shark's* men were returning to Robinson's. As they passed by the fort, four rocks and an empty bottle sailed toward them from its walls, and one man was winged in the shoulder.⁹³ The very next evening two more sailors were hurt by missiles aimed at them in the streets, while another man, sitting quietly in Robinson's yard, received a stone—again from the overlooking fort wall. Howison complained that a crowd of Hawaiians had been milling around the market place armed with clubs and rocks, taunting and stoning the seamen as they passed.⁹⁴

Next morning Brickwood produced a woman, 15 boys and four men in court. According to him, the night before he had heard the sailors calling out “Shark! Shark!”, in reply to which a Hawaiian lad shrieked, “Come on, you bloody man-o'-war's-man; come on, you cusser. I want to fight you!” Brickwood advanced and drove the Hawaiian party along in front of him. This unpopular move the natives had greeted with jeers: “You will get your head broke again by and by in the same place where you got it broke on Saturday night!” As the concourse passed Skinner and Robson's house, 10 or 12 *Shark* men, primed for a rescue mission, issued forth to see if any of their colleagues were being dragged to the fort. Two *Shark* officers ran up and herded their sailors back into Robinson's; meanwhile Brickwood eased the Hawaiians into the adjoining stronghold. In court the police knew nothing of stone-throwing. And “As for the Boys being impudent to the man of Wars Men, it was no more than they were to [the prefect of police]. The Boys he put into the Fort merely for the satisfaction of the Shark's men.” They were released next day with reprimands.⁹⁵ Wyllie suspected some “malevolent persons” of inciting disorders to create bad feeling between Hawaiians and American sailors.⁹⁶

The British could get into hot water without anybody's help, as they soon demonstrated—and on Sunday to boot. Men from H.M.S. *Collingwood*, Rear Admiral Sir George Seymour, did the honors. About 7 a.m. on August 9 a gang of them went to Ricord's house and asked for an order to get liquor. It was not forthcoming. As soon as the disgruntled sailors left, the attorney general sped over to High Sheriff Henry Sea's. He asked Sea to contact Brickwood, raise a force, and apprehend the whole crowd. But Brickwood couldn't be found. Meanwhile Sea noticed the seamen going in pairs down to Skinner & Co.'s wharf, where a boat and two midshipmen waited. Returning, Sea met Ricord and told him he hoped no force would be needed. But just

then Brickwood steamed up with the news that one bunch of sailors had broken into the Canton Hotel, while another had taken possession of McDuff's tavern. Sea reported all this to Consul Miller at once, and proposed going aboard the *Collingwood* to inform Seymour. Miller thought it would be better to contact first some of the ship's officers living ashore. But the officers had gone to their vessel.

Sea went to the Canton Hotel. Sure enough, the sailors were there, drinking and talking with the volume up. McDuff's was the next stop; there the owner told how seamen had jumped his wall, entered the house and turned him out with clubs.

By this time the streets were filling with residents and sailors; the latter, ripe for a riot, rushed to the scene of action.⁹⁷ Here were the makings of a bloody melee. What to do? Sailors were now on hand in such numbers that an attempt to disperse them forcibly might cost lives.

Sea went to Judd and told him he was boarding the *Collingwood*. Approved. A second call on Miller produced a consular offer to face the sailors, if it would do any good. The high sheriff then jumped into a hire-boat and rowed off to the man-of-war. Seymour ordered two boats manned, and a detachment of marines and officers ashore to round up the entire show. They did. Sea had the streets cleared, and everybody breathed easily again.⁹⁸

Also in harbor was another British naval ship, the *Grampus*. Her crew, too, suffered from thirst, and in this condition a squad forced their way into William Gill's bar after closing time on August 20. As usual, the cry went out for Brickwood. He showed up about 10:30, but the men inside had bolted windows and doors. Brickwood, repelled, hollered through the wall to Gill to allow the business, and departed, having thus informally legalized the proceedings. But at 2 a.m. Gill—who had gone to bed, leaving the sailors at their cups—wakened and found money and brandy missing. He roused out owner Manuel Antone, and together they set out on the culprits' trail, dredging the Black Sea by lantern's light (the Black Sea was that part of Honolulu lying back of King and Maunakea Streets, toward Nuuanu Stream).⁹⁹ On the way they picked up two or three constables, who admitted having seen strangers. The first solid clue turned up at the fish market, where a Hawaiian proffered the stopper from one of the brandy bottles. Finally the delinquents were run to earth in a native house at Achuck's; but the constables, intimidated, wouldn't go in to make the arrest. So it was back to the weary Brickwood again. With reinforcements thus mustered, the house was entered and five sailors collared. They spent the butt of the night in jail. Next day in court they were found guilty of trespass and robbery, and fined \$15 each—a judgment which failed to satisfy Gill, who had asked for \$90 in damages, although the five bottles of brandy consumed were worth, at \$3.50 each, only \$17. To the commander of the *Grampus* went the news that five of his men were in the fort, awaiting payment of their fines.¹⁰⁰

All of these bouts were preliminaries. The main event occupied several days, beginning on Monday, September 28. Just who did what subsequently

occupied much time and paper devoted to heated argument. But piecing together the various accounts gives this picture:

A Scotch carpenter named McLellan, belonging to the brig *Euphemia*, but living ashore, had petted the little son of a Mrs. Brash, a bootmaker's wife. On the 28th the child went to McLellan, who, then irritable from drink, "rudely repulsed" him (beat and abused, said Mrs. Brash later). McLellan was staying at Grant's boarding house, and Mrs. Brash, enraged, tracked him there to follow up the matter. High words ensued, during which the child was referred to as a bastard, among other things. Mrs. B. called the police, but McLellan fled to a loft and beat off the constables as they approached. They finally secured him, and, inflamed by his resistance, used "unnecessary severity" in taking him to the fort. Some sailors interfered, and a riot flared. One of the crew of H.B.M. *Juno*, then in port, was standing quietly in the street; nevertheless, he got a brutal roughing-up from a law officer. The seaman at last managed to get the policeman's stick, and, helped by another sailor, pinned him. Brickwood now appeared, and the sailors told him they were taking the constable to the fort to see justice done. At this Brickwood introduced himself as prefect of police, adding that he would be responsible for the constable's presence in court next morning. But the sailors regarded this as a trick to get their captive away; they proposed taking the man to Consul Miller. Brickwood said he would force them to let the constable go. A Hawaiian standing by rescued the policeman, but just then more sailors came up. Infuriated by a report that one of their shipmates had been killed, they chased the constable, knocked him down, beat and kicked him.

Now a report raced through the streets that the sailors had killed a Hawaiian. Natives flew in from all quarters. Stones sailed, clubs flailed in a general mixup. Three *Juno* men were badly hurt, plus several others either in the row or in its path. Among the latter was one George Graham, an employee of Makee and Anthon, who was "most barbarously treated" by a Hawaiian. Brickwood called on Kekuanaoa for help, but got the reply that the 9:30 bell would soon ring, whereupon the natives would retire to their homes. And so they did.

This was not the end. *Juno* was in an ungracious mood; next day her crew, armed with staves and boathooks, launched a general attack on the Hawaiians, chasing them into stores and elsewhere. Brickwood, a magnet for violence, was assaulted and just managed to duck a haymaker aimed at his head. Justice Charles Hopkins had a similar experience. During the evening of this second day, armed sailors asked for Brickwood's house, with a view to cremating it. As late as Friday, October 2, a party of young seamen seized passersby. Kekuanaoa for several nights ordered the Hawaiians to stay indoors, and turned out a couple of hundred soldiers on 24-hour patrol of the streets.

Captain Blake of the *Juno* preferred a complaint against Brickwood, the Hawaiian police, and the rioters. On October 1 he made an inflammatory speech to his men—an address which he profanely repeated in court at the hearing the same day. This gave the sailors the idea that they could take the law into their own hands. Thus, for three or four days and nights afterward

they paraded the streets, sometimes provided with clubs, threatening to kill Brickwood, beat all the police, burn the town, etc.¹⁰¹

Many were the oxen gored in the aftermath. The Hawaiian government maintained that Blake himself was indirectly responsible, by giving his men shore leave without Kekuanaoa's permission and without advising them of port regulations or anything else. His rabble-rousing harangue prolonged trouble, and he had not bothered to make any inquiry into the conduct of his own crew.¹⁰²

Nevertheless, the government did admit guilt, at least tacitly. The Hawaiian who hurt Graham and beat a *Juno* man was identified and fined \$80—a judgment he was soon employed in working out in jail. Kani, the captain of police, was dismissed and fined \$20. One George Brown, a Hawaiian, was proved to have been operating a stick during the riot; he lost \$5, and so did one of his countrymen apprehended throwing rocks.¹⁰³

More to the point was the case of scrawny James McLean, 20, a *Juno* man wounded in the head. He afterward developed increasingly frequent convulsions (attributed by British naval surgeons to the injury), and this led to an official demand for over \$2,000 in damages on behalf of McLean. The affair dragged on until late September, 1847, complicated by confusion over the names McLean and McLellan; it disappeared from view only after the Hawaiian government agreed to negotiate a settlement in London.¹⁰⁴

And the *Sandwich Islands News*, carping as ever, jumped at the chance to score the brutal native police.¹⁰⁵ Unfortunately, it did have some ammunition. Even before things had been sifted through, the *Polynesian* conceded:

How far the police are to blame, has not yet appeared. Enough has been shown, however, to suggest the necessity of remodeling [*sic*] the corps, giving them certain fixed rules known to the public, and from which they are not to depart, and of making them in every way more efficient in action and humane in deportment. But it is impossible, with the means the government have at command, to establish a police comparable with that of European cities. It has not the materials to take them from, and can only supply their places with a selection from the common natives, who alone will consent to so disagreeable a service.¹⁰⁶

In his 1846–1847 report, Marshal Sea called for 50 strong and *good* men, who should be paid \$6 a month, free of all taxes and labor days. This corps would be divided into four groups, each headed by a reliable officer. One cause of police inefficiency he cited: In so many cases constables had been hailed into police court by foreigners charging overstepping of authority that most were afraid to do what they should.¹⁰⁷

It has been a long ramble around town, tracing the sewers of crime and vice that drained into the fort. They captured considerable runoff, but just how much during the 1840's it is hard to say. On January 15, 1846, as we shall see, visitors reported 31 foreigners as having spent the previous night in jail. Three months later a batch of 16 deserters caught at Hilo the past whaling season occupied the same quarters, awaiting ships.¹⁰⁸ Sea's accounting for April 1, 1846–April 1, 1847 noted over 300 Hawaiians working out fines at 12½¢ a day, and 221 foreigners confined in the fort.¹⁰⁹ The last-mentioned owed their detention to a number of causes:

Order of various consuls	-	-	-	-	80
Desertion	-	-	-	-	74
Refusal of duty	-	-	-	-	6
Housebreaking	-	-	-	-	5
Cutting and maiming	-	-	-	-	2
Fornication	-	-	-	-	8
Theft	-	-	-	-	2
Being out after hours	-	-	-	-	20
Fast riding through the streets	-	-	-	-	5
Drunkenness	-	-	-	-	17
Assault and battery	-	-	-	-	2

It was only during Ke-Kua-Nohu's latter years that a daily record of the inmates' disposition was kept. A mislabeled "Seamen's Shipping Book from 1851 to 1859" has just been correctly identified by State Archivist Agnes Conrad as in reality a journal of prisoners' work assignments and of seamen incarcerated for non-payment of fines (together with accounts of payment and release). The opening entry is for September 1, 1851. Another book, "Daily Report of Prisoners at the Fort of Honolulu," Vol. I, August 9, 1853–November 10, 1854, has until now been thought the earliest such record. Together these journals—written in Hawaiian—make possible a day-to-day calculation of the numbers and racial origin of convicts. A cursory examination shows the daily total to have been in the 100–125 range, with 6–20 of these being haoles or haoles and Chinese.

By the early 1850's, Hawaiians' labor was no longer primarily devoted to the roads, as Henry Sea had noted to be the case before and through 1847. Indeed, the pent natives performed a wide spectrum of services:

- Work at court house, fort, Mauna Kilika, and other government buildings
- Carry stones at Kalia, and cut stones
- Cut grass for cattle, horses and goats
- Work on the wharves at Waikiki and Ewa
- Cook for guards and prisoners
- Secure bundles of hard poi and fish
- Carry timber at Kalihi
- Herd cattle and goats
- Build metal troughs for cesspool
- Gather maile for King's birthday
- Perform medicinal services
- Dive for rum (presumably sunk in kegs or earthen jars).¹¹⁰

Now we are ready to approach—respectfully—the *papu* (fort), that nerve center of early Honolulu. It was indeed such. As Governor Mataiao Kekuanaoa's

headquarters, it cast an encompassing shadow over the whaling port. The prison was but one feature of this symbol of authority—a feature, however, worthy of note.

“Bad in the extreme until a very late period,” were the words used by Marshal Henry Sea to describe it in 1847.¹¹¹ It was a just verdict. Blacksmith John Colcord documented the situation: About 1834 or 1836, he wrote, a small schooner of Capt. Hinckley’s left Oahu on a shelling voyage. A Malay one dark night cut off Skipper Rogers’ head with an axe, and was thrown overboard only after a bloody battle. It was said that the Malay had been ill-treated on Oahu, put in the fort and flogged, and that he had been heard to swear revenge.¹¹² Colcord continued: “I have seen and heard much of the ill-treatment of seamen in that Fort.” Some were locked up for months,

The two photographs reproduced here are of paintings by Paul Emmert. Marshal W. C. Parke’s daughter presented the original oils to the Hawaiian Historical Society.

In the exterior view, the marshal surveys his domain from the back of a spirited mount. Of special interest are: (1) the gallows house; (2) the marshal’s house; (3) the governor’s residence, built by John Adams Kuakini.

The date is apparently about 1853. In September, 1849, the privy council authorized Governor Kekuanaoa to finish the arch over the gate on the inland side (PCR, IIIA, 363-364).

N. B. Emerson, whose personal recollections of the fort extended from 1849 to its demolition in 1857, gave this description: “The material was mostly adobe, faced without and within with thick walls of coral rock, of that porous kind which abounds in the reefs immediately about the harbor of Honolulu, the same as was in later years used in the construction of the ‘Stone Church’ at Kawaiahae. The fort was a rectangular structure, about three hundred and forty feet long by three hundred feet wide, with walls twelve feet high and twenty feet thick at the base. In curious disregard of sound military principles, its longest face, which was quite straight, fronted the inner cul-de-sac of the harbor, that namely which lay opposite to Robinson’s wharf. The consequent narrowness of its sea front, that which looked toward the channel, the quarter whence the real danger might be expected, was in part compensated for by the fact that at this end its wall, following the line of the shore, whose waters at high tide or in storm dashed against its base, was curved slightly outward, giving it a battle frontage of about three hundred and thirty-six feet from western to southern corner. Its Waikiki, or southeastern, wall was straight and placed parallel with its harbor wall, having a length of about two hundred and seventy-seven feet. The main entrance looked up Fort Street, and during at least the last years of its existence was closed by heavy wooden gates hung on massive iron hinges. There was also a lesser entrance that pierced the sea wall near the southern corner. The armament consisted of about forty guns of different calibre, six, eight, twelve and probably a few thirty-two pounders.” (N. B. Emerson, M.D., “The Honolulu Fort,” Eighth Annual Report of the Hawaiian Historical Society . . . [Honolulu: The Robert Grieve Publishing Company, Ltd., 1900], pp. 17-18.)

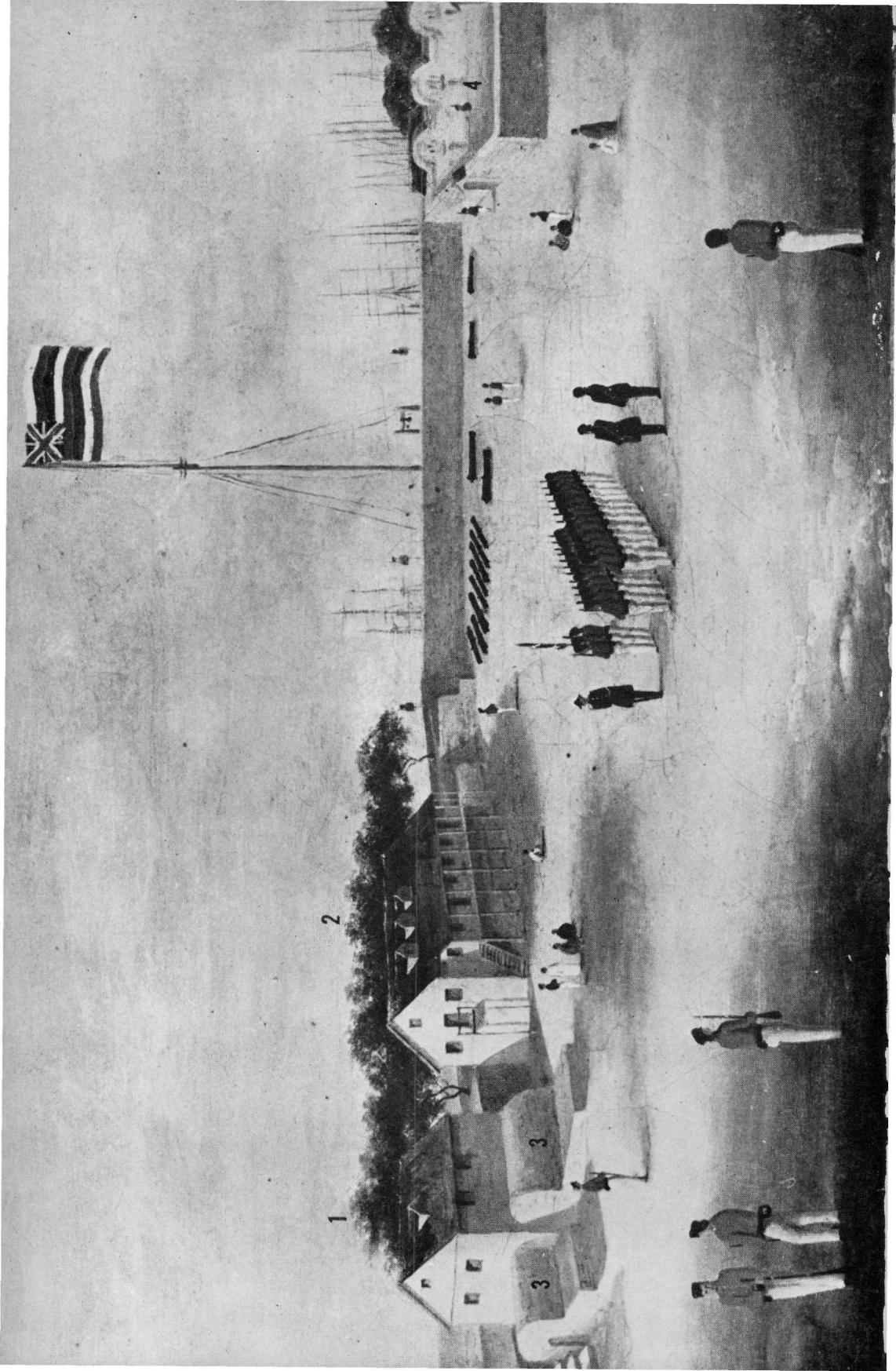
Apparently a coral slab sheathing was applied in 1832. In December of that year Levi Chamberlain, writing to James Hunnewell, noted that “The old Fort you would perceive to have received some improvement; a new course of stone regularly laid around the walls presenting a smooth and respectable appearance, guns mounted on new carriages pointing in all directions. A new stone building has been erected in the Fort on a line with the house built by Manuia.” (Quoted in Josephine Sullivan, A History of C. Brewer & Company . . . [Boston: Walton Advertising & Printing Company, 1926], pp. 42-43.)

The matter of embrasures is a much-argued subject. Several early pictures of the fort (including the Belcher engraving reproduced on the cover) show them. But Emerson flatly states that none existed during the forties, and the Emmert painting depicts a perfectly smooth parapet.



2

3



existing on a little taro and brackish, dirty water. A Negro was accused while aboard a whaler of trying to set fire to the ship. He was flogged until he falsely admitted guilt, according to his later protests. Nevertheless, he was put into the fort and chained lying on the ground. Colcord, being told of the prisoner's pitiable condition of near starvation, ". . . sent the poor creature food from [his] table . . ." when he could. But he was often refused permission to visit or carry in victuals, and heard from others that this was usually the case. The Negro eventually fell sick and died.¹¹³

And the problem remained. Early in 1843 Seamen's Chaplain S. C. Damon asked the British Commission, then in power, if there was foundation for the report that all were forbidden to supply food to one John Cummin and others in the fort. Damon had been accustomed to aid prisoners as part of his chaplain's duties. In a few days the Commission heard from Cummin himself: Several times he had been without food; besides, that provided was so putrid as to be inedible. The very day of writing (March 23) there was nothing to eat for Cummin or the two other white men in captivity. His request: Please order meals to be provided regularly, ". . . as it is not verry [*sic*] pleasant to go without for a day and a half."¹¹⁴

The Commission was trying to better the prison. It ordered that no one should be put in irons excepting in cases of felony or for riotous behavior in jail, and it directed that male and female prisoners should be kept in separate cells and not allowed to mix together as before.¹¹⁵ It also tried to curtail the

The fort's interior was pictured by Emmert at the same time. Here we see: (1) the marshal's house; (2) the governor's (former) residence (see text); (3) powder magazines; (4) the prison enclosure. Number (4) was a latter-day feature recommended after the investigation of 1848. In November, 1849, the privy council resolved that Kekuanaoa and A. B. Bates be a committee to confer with the marshal regarding improvements to be made in the fort (PCR, IIIA, 400).

Emerson's words: "A description of the fort's interior must be based partly on personal recollection and partly on the testimony of kama-ainas, none of which reach farther back than the forties. Admitted by the armed sentry through the gate at the foot of Fort Street . . . one found himself standing on a level parade ground of nearly two acres in area, that afforded room for the evolutions of a regiment. Facing the visitor was a row of stone cells built up against the sea-wall at the makai end of the fort, which were used for the confinement of prisoners. . . . Turning to the left and facing the Waikiki wall, one looked upon the powder magazine, the whitewashed stone arches of which fortunately were never put to the test of bombardment. A substantial flight of stone steps in the eastern corner led to the parapet. Mounting these and expanding his lungs to the delicious breeze. . . one found himself on an elevated promenade. . . . The crooked and angular forms of the hau were to be seen growing directly out of the parapet. . . . In another part of the rampart, cheek by jowl with the rusty guns, stood rude shanties put up by the native soldiery as a shelter against the elements. Altogether we find the fort to be a curious medley of the emblems of peace and war. . . ."

"Built up alongside of this Waikiki rampart, with upper floor flush with and resting upon it, stood two nondescript framed houses, soldiers' quarters and barracks, perhaps in the lower story, but in the upper story of one the Police Court at the time under consideration held its session." (Emerson, pp. 22-23)

Working from this and other descriptions, Bruce Cartwright generated a detailed sketch of Ke-Kua-Nohu's interior. This can be found in HAA, 1932, p. 57.

tendency of the fort to become a social center: Prisoners were having too many visitors, and Kekuaaoa was advised to decree that nobody be admitted without his or Sea's permission.¹¹⁶

About a year after the Commission's demise, Kamehameha III received another installment of the counsel to which he was constantly treated by transients and residents alike. This notified him that the fort was unhealthy, ill-built and ill-situated—certainly a judgment that left scant room for praise. Tear down the disfiguring edifice at once, and put up a roomy and airy prison with the stones (explicit directions for this were supplied). Then erect a good fort of 12 guns on the reef; after all, its only function would be to prevent vessels' leaving without permission and to fire salutes.¹¹⁷

The indefatigable Wyllie, in his 1844 notes on everything under the sun in Hawaii, said that confinement in the Honolulu fort compared favorably with that in countries older in civilization; nevertheless he too recommended improvements in case a new jail should be built: complete separation of Hawaiians and foreigners, male and female, venial and grave offenders; space, cleanliness, recreation and ventilation; comfortable rooms for those detained for debt, contempt of court, etc. And the treatment accorded sailors calaboosed “. . . for those excesses to which they are prone in all countries . . .” should not smack of unnecessary cruelty.¹¹⁸

Through all this the fort's clientele remained critical. None seemed more so than John Wiley, whose doings have already received some attention. Specifically, he charged that he had been deprived of food for over 24 hours; the one meal given him—some cooked meat—had been in such a state, and offered in so offensive a way, that he could not choke it down.¹¹⁹

The Wiley case and its complications stirred up bitter relations between the Hawaiian government and U.S. representatives in Honolulu. As an outgrowth of this, and possibly also of several alleged incidents of police “brutality”, interesting developments occurred.

On December 19, 1845, Acting U.S. Commercial Agent William Hooper called on Wyllie. The reason: To protest neglect of foreign prisoners' food, cleanliness, beds, health and morals. Hooper proposed that he and Wyllie make an inspection tour of the prison, but Wyllie declined on the ground that the business belonged to another department. Wyllie then sent a memo to Ricord, who in turn asked Judge Lorrin Andrews to name three “judicious and respectable” unnaturalized foreigners to visit the jail and report.¹²⁰

Ricord was an able public servant, but likely to be cantankerous when crossed. In this case he stated government's attitude toward such foolishness as prison investigations: Jail conditions were no concern of criminals; if the lockup was unpleasant, it could be avoided easily enough by good conduct.¹²¹ Incidentally, the same sentiment was reiterated nearly eight months later by the *Polynesian*, long after the fort's imperfections had been aired.¹²²

The three chosen by Andrews were G. T. Allan, a British merchant; Stephen Reynolds, an eccentric and crotchety American businessman of many talents; and Capt. S. C. LeTellier, “senior captain” of the French whaling fleet in port, who had just emerged victorious from the series of cases

involving police brutality mentioned above. It was an inept selection: Reynolds sulked, believing himself to have been treated discourteously by his colleagues, while LeTellier's English was so poor he couldn't communicate well.

The trio made their visit at 10 a.m. on December 27, accompanied by Justice Hopkins. In the first room they found four Hawaiians (two in stocks), all convicted of theft. Two or three dirty old mats, without covering, were on the ground which formed the apartment's floor.

The second room, about 18 × 21 feet, was dedicated to foreign prisoners, most if not all of them deserters. It was a fine day, and everything looked dry; in rainy weather, though, the roof leaked and water seeped in from outside. The floor was tolerably clean. The prisoners' bed, one very dirty common rush mat, was rolled up along the wall. In earlier days there had been a platform of planks on which inmates could sleep; however, the convicts had torn it up so they could use the timbers to force the cell's ceiling and thus escape.

Victuals consisted of taro boiled with salt, and fish when available (apparently at long intervals). The stuff was wretchedly cooked, but the prisoners had been repeatedly denied the privilege of preparing their own.

Most impressive was the Hawaiian women's cell. "Dirty, loathsome, offensive—unhealthy," were Reynolds' reactions. In one place was a puddle ". . . where the water, or other fluid, which decency forbids naming—was emitting an offensive stench so strong we were compelled to retire." The women furnished their own food through friends or "endured the utmost hunger." Several prisoners, said Reynolds, alleged that more than one female without friends had died of starvation. If the prisoners were sick, nature took its course.¹²³

Ricord sneered at Reynolds' report as ". . . wholly confined to a dismal detail of squalor and wretchedness"; nevertheless, he directed Andrews to examine convicts on oath regarding the starvation charge.¹²⁴

So presently there appeared for interrogation.¹²⁵

	<i>Kahula</i>	<i>Kalama</i>	<i>Beke</i>
Offense?	Sleeping with a foreigner	Same	Fornication
How long in jail?	Eight months	Same	Same
What are you given to eat?	Nothing. Friends provide.	Nothing. Parents provide.	Same
What is your cell's condition?	Dirty, bad-smelling. Ground is wet with urine.	Very bad. Prisoners urinate in room.	Women urinate at head and foot of sleeping places.
Are women ever let out at night for vicious purposes?	No.	No. Days, men sometimes come into our room and sit or lie down, but there is never improper intercourse. Cells are shut at night.	Possibly. I never saw it. Men are sent out of our room about 6 p.m.

<p>Have your ever known a female prisoner to die in confinement?</p>	<p>Not during my time in the fort.</p>	<p>Same. I did hear that two women died before, one of hunger and of one disease.</p>	<p>Not in the past 8 months. But about a year ago, when I was in jail before, two did fall sick in the fort and stayed from one to three weeks afterward. Then they were let out and died some two weeks after leaving. One died of VD, the other from what I cannot say.</p>
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Allan and LeTellier made detailed recommendations for improving the jail. These Ricord collated; he came up with the following, which deserved attention as cheap and easy to effect “. . . without rendering the prison which should be at all times an object of repugnance to offenders, a lure to the idle and vagrant population . . .”:¹²⁶

1. Rooms needed new plastering, cleansing, and whitewashing;
2. A platform of brick, etc. should be raised a few inches above the ground, which was often wet in rainy weather;
3. Prisoners should be compelled to keep rooms in order and sweep them daily;
4. Two rooms—the women’s and the foreigners’—should be thrown into one, to give the foreigners more space;
5. Hawaiian females should be kept as segregated as possible from the males, both native and foreign;
6. Those jailed for felonies should be kept in separate rooms;
7. More water should be supplied;
8. Taro, the principal diet, should be better prepared.

One who found the prison—and indeed everything connected with the Hawaiian regime—an “object of repugnance” we have already met: Alexander G. Abell. His low opinion of Honolulu’s jail he shared with his British counterpart, Consul General William Miller. The latter held himself to a reference to “. . . the present deplorable state of the Prison in the Fort . . .”:¹²⁷ But Abell, deeply embroiled in a running battle with the kingdom’s authorities, wanted action.

On January 15, 1846—the very day that Ricord wrote his recommendations to Andrews—Abell appointed his own commission of inquiry, having just had (as he wrote) his attention called to the treatment of Americans incarcerated on account of being ashore without the governor’s written permission. Abell’s nominees were Richard Charlton, former British consul, Ezra G. Porter, and—not unnaturally—Stephen Reynolds. No time was lost: The inspection took place and the report was rendered the same day. The foreigners’ chamber

was of course still the same 18 × 20 feet or so, with one 2 × 3 window. The previous night it had accommodated 31 people. The ground was dirty, "even for the ground". Outside, drying and airing, lay three or four broken, filthy mats, along with three smaller, newer ones. It was past 10:30 a.m., but no food had been brought in yet, although a uniformed Hawaiian said some would be soon.¹²⁸

As might have been foreseen, Abell's course drew angry criticism. "You call our prison filthy," snarled Acting Governor John Ii, but it was just as dirty before; then all sorts of ship captains and consuls requested confinement of their men without this sanctimonious palavering about grime.¹²⁹ Wyllie had already accused Abell of overstepping his rights. Now he seconded Ii, and concluded on a familiar theme:

You complain to the Governor, of the Fort as a filthy prison; no doubt, it is less clean and comfortable than it might & perhaps it ought to be; but I question if you can rightfully claim for your fellow citizens a better place of confinement than what the Country affords for other foreigners or for the natives themselves. But allow it to be filthy and uncomfortable to the utmost extent you can suppose, it only ought to make you the more careful to allow nothing to be done that will subject your fellow citizens to confinement. . . .¹³⁰

So much for the foreigners. What of Kahula, Kalama, Beke and company? The winds of change fanned their desperation. June found Hawaiian prisoners writing to Judd: Their jailer was oppressive; life was hard; no food, no fish; too much work—bulrushes three fathoms long and elbow high; one woman to a mat, it took four days to braid; baskets; fresh-water sea weed; shrimps; mud fish; cattle feed; goat feed; sewing clothes for wives of judge and jailer; washing. A sick man lay in jail; the guards saw them lying in the dark cells and cared not; ". . . and we were like pigs being poked in the anus with sticks."¹³¹

Meanwhile bureaucracy ground along. Andrews prudently adopted Ricord's suggestions for bettering the prison, but Ii, though in agreement, preferred to postpone any "decided modifications of the prison building" until Kekua-naoa returned from Hawaii to give his blessing.¹³² Eventually this occurred, and by August 8, 1846, one of the jail houses had been rebuilt "of the best materials" and made fireproof.¹³³

But even officials had to admit that much remained to be done. Marshal Henry Sea reported many shortcomings: (1) Persons hired to look after prisoners were not watchful enough of confinement, food, or cleanliness; (2) as in the past, prisoners were set free without the court's knowledge; (3) keepers and sentinels at the gates were of little or no use; (4) numbers of convicts—many in for serious offenses—escaped; (5) ship captains complained that sailors put in the fort for desertion or refusal of duty were not made to work. Sea suggested a wall separating the prison from the fort's parade grounds, and another to divide men's and women's areas.¹³⁴

The minister of the interior summarized this in his presentation, adding that many of the misdemeanors committed around Honolulu were the work of roaming prisoners.¹³⁵

Where the government noted a scratch, the *Sandwich Islands News* could be counted on to see a chasm. It worked over the prison with glee: Escapes continued, the jail was a place of idleness, there was “no watch on deck” day or night, and half of the ships’ crews would prefer the fort to their own vessels if given a choice.¹³⁶ In a neat double play the *News* suggested confinement in the “Nuuanu Aqueduct”, then delivering a pusillanimous dribble to the waterfront; if it took prisoners as long to get out as it did the water, they would be safe enough.¹³⁷

More trouble was brewing. It exploded on January 3, 1848, in the form of a note from French Consul Jules Dudoit: “Grave disorders” rocked French whalers because sailors couldn’t be punished. Men confined in the fort sortied out daily to stroll about town or board ships. Just a few days before, a prisoner had visited the *Asia* to preach insubordination.¹³⁸ Dudoit had a good record of cooperation in enforcing laws, and Wyllie thought his complaints justified. So the whole prison mess came before the privy council on January 5. Judd blamed Kekuanaoa, but admitted that convicts were committed to the fort without due notice to the governor. Police guarded prisoners; soldiers guarded the fort gates. In this situation, complicated by “lamentable” discipline, inmates could and did leave at will. No one knew who was responsible. The meticulous Wyllie had always thought, he said, “. . . that the Fort was the worst managed Fort in the whole World,” and the “searching inquiry” he demanded subsequently revealed much to justify his opinion. This investigation the privy council charged to G. P. Judd, Wm. L. Lee, and Premier John Young.¹³⁹

The commission met at 10 a.m. on January 11 to quiz a string of witnesses. These soon confirmed a most disagreeable suspicion: The prison was, indeed, a drifting derelict.¹⁴⁰

Dudoit: I commit prisoners to Mr. Potter (the prefect of police).

Judd: When the subject came up in privy council, Kekuanaoa denied responsibility, as Marshal Henry Sea has charge of prisons and prisoners.

Sea: This is the first time I ever heard I am in charge of the prison. Prisoners are under my general care, but the direct keeping of them, especially at night, has always been in the hands of men appointed by Kekuanaoa. I have no control over sentinels and direct keepers, and they have never owned my authority. I hire William Smith, but he is only to furnish prisoners’ food and report to me. We have no complaints about food; I don’t know who had this duty before Smith. I didn’t fire Kaipuaa, the Hawaiian jailer; I consider that he has entire charge of prisoners, excepting for food.

Judd: I drew up a letter for Kekuanaoa’s signature; this letter gave Sea charge of the prison.

Sea: I don’t remember such a letter. I did get a letter for Kekuanaoa to sign, but it related to food only.

Judd: I’m not positive about the letter’s contents, but I know that when Smith was appointed, Kaipuaa lost all responsibility for prisoners.

Sea: I told Smith to take charge of (prisoner) Morgan and see that the sailors are all put in their cells at night, and the doors fastened—not that I considered it a special part of my duty, but I dared not trust the other men in the fort, and I had a court order to keep Morgan in custody.

Judd: Kaipuaa had charge of the keys before William Smith's appointment. Since then they have been in the hands of a common constable. How come?

Sea: I don't know. The keys were never delivered to me. I thought Kaipuaa had them.

By now one thing was clear: Somehow, at least a little information would have to be transfused into this part of the hearing, or it was a goner. The donors chosen were Kekuanaoa and William Smith. They appeared on January 15, and the dialogue continued:

Kekuanaoa: On May 17, 1847, I wrote to Sea to come down and take charge of foreign prisoners in the fort.

Sea: I don't remember such a letter.

Kekuanaoa: The same day Sea and Smith came. I told Sea, through Smith, to care for and feed foreign prisoners. They agreed, and started at once. I gave up all charge of foreign prisoners at that time. I told Smith to take the keys; he reported to Sea, who refused to take them. I told Kaipuaa to deliver the keys to Smith, as Sea's agent, because there has always been great wrong resulting from Kaipuaa's having the keys. I was determined that I would not keep the keys. Smith told me if I would write a letter to Sea formally delivering the keys, he would take them. But I said there was no use in writing, as Sea was already in charge, and I delivered the keys to Smith. Since then I have taken no interest in the matter, considering that foreign prisoners were in Sea's charge. I have put Kaipuaa, who commands the soldiers, under Sea.

Judd: I have sometimes taken the responsibility, without authority, to order some things to be done in the fort, such as airing Morgan's cell, etc.

Smith: Last May 17, Sea gave me charge of prisoners' food. Four days later I got the keys from Kaipuaa, but only to see to furnishing food. Kekuanaoa gave orders for me to have the keys, and told me to take entire charge of prisoners. Sea told me to return the keys. Kekuanaoa wouldn't take them. Sea said he would accept the keys if Kekuanaoa would write a formal letter asking him to do so. Kekuanaoa said he would write, and, supposing he had done so, I have held the keys ever since. But Kekuanaoa didn't write.¹⁴¹

Such was the administration of Ke-Kua-Nohu. The investigation did not limit itself to plumbing this bog, of course. It touched on other concerns, among them.

FOOD. By January, 1848, sweet potatoes had replaced taro as the prison staple. This was popular fare with one Joles, who testified that they only gave him three daily, whereas he could eat six. And his countryman Maria Clemin also called for more than the single large vegetable proffered at each meal. But Sea showed up at the hearing with half a potato rejected by a more discriminating client. The marshal deposed his belief that before he took charge of food service,

most of the victuals furnished for prisoners had been detoured through the alimentary canals of Hawaiian servants working in the fort. Prisoners always said that they had enough sweet potatoes (not difficult to believe); however, they also said that they would gladly give up half the potatoes if they could have meat—and there was that abandoned tuber to prove it. William Smith confirmed his boss' testimony: At first he had given out all the potatoes asked for, but as the sailors began to throw them away and howl for beef, he cut the ration to three or four a day. Anyhow, ship captains complained that their prisoners were fed too well. And although some inmates pretended to sicken on a diet of potatoes alone, they were in fact—said Smith—fat and hearty.¹⁴²

RELEASES AND ESCAPES. Releases from jail for one reason or another were not too uncommon; we have already met Sailor Theland and the faithless husband plodding about town. There was also Mr. Manuel, who asked for a spell outside to earn money to pay his fine.¹⁴³ And Charley Adams, tapped for \$20 for swindling and perjury, got a three-day leave to raise the twenty; his alternative: hard labor for four months.¹⁴⁴ We remember, too, that the whole investigation was powered by Dudoit's complaint that "confined" men were not kept in the pumpkin shell.¹⁴⁵ Marshal Sea put his finger on the most frustrating aspect of this situation: "More than once" the authorities had come up short on a sailors' nose-count, only to find that the missing one had been let out at the mere request of his captain. Nobody had bothered to inform the marshal or the prefect of police.¹⁴⁶

Escape was likewise a time-honored practice. In the summer of 1841, for example, the *Polynesian* complained of lax guards at the fort: Thieves and burglars were being caught and jailed, but as soon as night fell the "depredators" took off and were back in business.¹⁴⁷ Four years later Capt. Coggeshall of the *Stephania* turned mean when one of three men he put in the fort was "allowed" to escape; he balked at paying the bill for the other two until the runaway was retaken.¹⁴⁸ Even Kekuanaoa admitted that foreigners were circulating through sieve-like Ke-Kua-Nohu entirely too freely, and he spotted the cause: literally breaking down the jail. For this reason he began "thinking of putting up new boards."¹⁴⁹

Well, there were other ways to get out. An arsonist secured a file, which did an efficient job on both his personal set of irons and the bars of his cell.¹⁵⁰ The notorious George Morgan (later the object of Sea's special attention), operated with a chum outside who cut through 15 feet of wall just under the eaves, in the rear of the cells. The canny Morgan hung a black cloth over his door to hide what was going on, and made his exit via a rope tossed in by his liberator.¹⁵¹

This last caper took place only a couple of months before the investigation. That inquest siphoned off other examples. Apparently a favorite ruse was to bolt for freedom on the way to a "job of necessity" at the "back house". This could be a solo flight; at other times it was a group effort engineered on (preferably) dark nights.¹⁵² It could be even simpler, of course: The jailer forgot to lock the door; since prisoners had the liberty of the yard, and the

sentinels didn't know them from visitors, a bold man could just walk out. This was during the day; at night the guards were generally either asleep or off duty. If someone really had to be kept in, the marshal would hire a special officer. Under these conditions one wonders why a certain prisoner took the trouble—as he did—to dig around the door frame, reach out, and pick the lock.¹⁵³ Surely there was some ground for Sea's gripe in April, 1847, that confinement in the fort was no punishment at all—and that insubordination of jailed foreigners was a continuing problem.¹⁵⁴ Parenthetically, we may note the same official's remark that treatment of Hawaiians in jail was anything but severe, and their labor on the roads anything but laborious. Sea prescribed flogging and solitary confinement.

SEX. Here again we have a subject with a history—but an equivocal one. In April, 1843, Sea (then secretary of the British Commission) wrote Acting Governor Kanoa that his employers had heard "from undoubted authority" that women confined for fornication had been let out at night in the streets and aboard whalships to raise their fines by professional practice. Therefore, the commission ordered that no male or female would henceforth be imprisoned for fornication unless the act was committed in open public thoroughfares—though rape and adultery would continue to be punished as formerly "when complained of".¹⁵⁵ Understandably, giant shock waves battered various sections of the "village", a term transplanted New Englanders persisted in applying to the outlandish hodgepodge of grass, adobe, wooden and coral buildings.

This was just a start. In May Joseph Slater, chief constable, wrote breathlessly: "I learn such things as will make the blood to boil with indignation, at the outrages committed on the prisoners confined in the fort heretofore; particularly foreigners."¹⁵⁶ Slater had a witness ready to testify on oath that he had seen convicted fornicators let down by rope over the fort's ramparts to swim to and board ships at night. The constable continued with sensational charges of gross immorality at night on these very ramparts. If, he concluded, the commission should call a meeting of British citizens ". . . who have been confined in that sink of iniquity, you would learn such truths, as would make the hair of your heads to stand up with horror and indignation."¹⁵⁷ Slater's letter may be presumed to have had some blood-boiling and hair-standing properties of its own, but what factual evidence, if any, lay behind it the writer cannot say. The chief constable himself soon passed from history's notice.

Kahula, Kalama and Beke provided the next available information in January, 1846. Answering the question, "Are women ever let out at night for vicious purposes?" Kahula and Kalama responded with a flat "No", while the more jail-wise Beke said "Possibly".

Two years later Marshal Sea testified that although he had often heard that women were taken into the fort at different times in the night for the use of prisoners, he had never been able to garner concrete evidence of it. Prisoner Maria Clemin had never heard of any woman's being offered to a convict. And Joles, the sweet potato lover, said that certainly none had ever been

presented to him. Judd knew of no such thing as illicit sex in the fort. Hawaiian males were at once sent to work on the roads, while the women were dispatched to Ewa. Kaipuaa, the captain of the fort, and William Smith both came up with absolute denials; if any such activities had been in progress, they would know.¹⁵⁸

The 1848 investigation did not touch on the matters of clothing and medical care, but independent evidence shows that they were not available through official channels. In 1850 Marshal Metcalf wrote that prisoners depended for habiliment on the generosity of friends, or on what they could themselves steal “. . . to which crime,” he added bitterly, “there is no obstacle, as it is impossible to confine them.”¹⁵⁹ As late as 1846–1847 government furnished neither doctors nor medicines for sick or wounded prisoners. Many “small cases of sickness” often broke out among confined Hawaiians and sailors alike; and these, when neglected, frequently proved fatal.¹⁶⁰ Three years later Metcalf reported that as marshal he had taken the liberty to hire needed medical aid at government expense.¹⁶¹

Ke-Kua-Nohu had now been through its second official investigation. Testimony and the committee’s report came before the privy council on January 27, 1848. After some discussion it was resolved to leave the whole matter in the hands of Premier John Young, he to inform the council what had been done to carry out recommendations.

The report itself had a familiar ring; it catalogued the prison’s enduring faults: idleness, filth, frequent escapes, complete lack of discipline, insecure cells with only dirt floors, no responsible officer in charge—an awesome list.¹⁶² Appended recommendations advised authorities to: (1) Employ an “active, energetic, vigilant” man as superintendent of the prison department, and make him responsible for food, labor, cleanliness and security. This official would receive all incoming prisoners and enter their names and other pertinent information in a prison register; (2) draw up a thorough code of prison discipline and make the superintendent accountable for its enforcement; (3) tear down the old prison cells, now wholly insecure, and build new ones with substantial wooden floors; (4) fence off that part of the fort’s open ground adjoining the cells with a high stone wall, and permit no one to enter unless accompanied by the superintendent or with his written permission.¹⁶³

What resulted? A prime consideration here was finances. The government, hard pressed during this time when the new machinery of government was being assembled, had to keep a discriminating eye on outgo. And prisoners, the least deserving of Hawaii’s inhabitants, could expect no lavish treatment. In 1846–1847, when \$800 were appropriated for road maintenance, convicts’ keep cost all this and \$462 more.¹⁶⁴ But in the seven months from September 1, 1849 to April 1, 1850, the fort cleared \$511 over expenses—not, however, including the cost of improvements.¹⁶⁵ Marshal Metcalf managed this coup by taking the liberty of charging \$1 a day for all persons confined for reasons other than penal sentence by the courts. Seventy-five cents a day just covered food and official services. Metcalf pointed out, though, that the period bracketed by his account took in the whaling season—the only time of year when receipts amounted to anything.¹⁶⁶

When the matter of paying for one George Micklefield's 100 days in the pokey came up about midway in 1852, government noted that the \$1 fee had become law; it also remarked that, while formerly the governor had been accustomed to charge 50¢ a day for sailors jailed at consular request, this sum had proved inadequate to meet expenses. Hence for some months the legal rate had been levied.¹⁶⁷

In August of the same year the privy council took action to whittle down the millstone of prisoner care. It resolved that Kekuanaoa and Marshal Parke should hoist out of the fort such convicts as they thought proper, and relocate them elsewhere. This economy move was completed within a few weeks.¹⁶⁸

A tempting chance to clean out the whole prison population arose in December, 1854, at the king's death. On this occasion it was proposed to celebrate Kamehameha IV's accession with a general pardon. But on Christmas Day a conscientious council turned thumbs down on the amnesty.¹⁶⁹

It was against this impecunious background that efforts to better Ke-Kua-Nohu continued. The recommended superintendent's job was created. Our old acquaintance, Arthur Peter Brickwood, received his commission on March 1, 1848. He served at Kekuanaoa's pleasure.¹⁷⁰ And in November island governors were instructed to order jailers to keep male and female prisoners apart at work and provide separate quarters at some distance from each other.¹⁷¹

A discouraging setback came in 1849 during the French intercession, which resulted in a partial dismantling of the fort. After this episode the damaged prison had to be repaired.¹⁷² In November, Kekuanaoa and A. B. Bates were appointed to confer with the marshal regarding improvements.¹⁷³

If anybody imagined that real progress was being made, however, all he had to do was to read Marshal Theophilus Metcalf's report of March, 1850. This document—penned in a mood compounded of frustration, revulsion and outrage—dissected the prison system without discovering a single healthy organ.

Some time previously Metcalf had given the privy council a plan for lockups in Honolulu, with estimated costs. This had been approved and the necessary appropriation made, but nothing was done. There was not one prison on the islands worthy of the name. The marshal had not a single place where convicts could be kept with any degree of security. Desertion from the fort was an everyday occurrence. Other highlights:

The whole Prison System, as it now exists is simply a means of congregating all the worst characters of both sexes, thus furnishing them facilities for concerting plans of villainy and crime, and carrying them into execution: as little or no obstacle is placed in the way of going abroad at will. With the exception of the prisons where Foreigners have control, prisoners can purchase their liberty from the keepers at the rate of one Rial [12½¢] per day—which receipts, I will venture to say, are never accounted for to Government.

A woman of "any modesty and good feeling" sent to jail was sure to come out a confirmed criminal.

Convicts found in prison neither punishment nor reformation, but “ . . . a desirable home . . . congenial spirits and perfect liberty to communicate with one another and with the opposite sex.”

Metcalf knew of no single instance of a prisoner’s becoming a reformed and useful member of society.

Order and discipline were impossible. Felons and misdemeanants were treated alike. The only way to hold prisoners, especially foreigners, was to give them better sustenance than their means would afford them outside. Metcalf had tried force once, and there were a dozen escapes within 24 hours.

A law passed on June 7, 1848 had set aside 52 lands in Honolulu, Kalihi and Waikiki for the use of the fort, to be cultivated by soldiers and other tenants under the governor of Oahu.¹⁷⁴ Notwithstanding this, all the prisoners’ food was being purchased “ . . . and generally from the Fort Lands themselves . . . ” at exorbitant cost.

No laws would end theft and fornication. There would have to be “ . . . an entire change in the Prisons & Prison Discipline [*sic*].”

Not surprisingly, Metcalf resigned two months later. Under W. C. Parke, his successor, the patching up went on. In October, 1850, Kekuanaoa was authorized to hire 24 armed police and put them under the marshal’s direction. Twelve were to be constantly on duty in the fort. The 22 guards drew \$10 a month, and their two officers \$14.¹⁷⁵ That this move failed to bring complete security Parke himself testified much later. On December 28, 1856 a prisoner confined by order of the U.S. consul escaped over the walls in broad daylight. Not a single sentinel was at his post; all had retreated into their quarters during a rainstorm.¹⁷⁶

Just when, how and by whom rules were instituted is not entirely clear. The *Advertiser* said flatly—but in 1858—that there was no regulatory law before 1851, everything until then having been entrusted to the island governors.¹⁷⁷ There is an undated set of prison rules in the Archives of Hawaii. These may or may not have been drawn up by Brickwood when he became superintendent.

An “Act relating to prisons, their Government and Discipline” was approved on August 4, 1851. Its 114 sections set up a regular—and somewhat elaborate—prison system. Unfortunately it remained, according to the *Advertiser*, a “perfectly dead letter” for several years. Indeed, as late as 1858 criminals had not yet been classified and segregated.¹⁷⁸ At least one morsel of progress had been enjoyed, however; as the daily record shows, by the autumn of 1851 foreign prisoners were getting work assignments.

In less than two years six of them proved to be a Godsend. In November, 1852 a spectacular sailors’ riot convulsed the island capital. There is no need to rehash here this event, so often exploited in the “gee whiz” manner of the Sunday supplement. It is enough to say that the denouement found selected participants in the fort. The six mentioned shared a priceless virtue: they had lived through smallpox. When that virus ailment devastated Honolulu during

the latter half of 1853, those prisoners did heroes' work. Marshal Parke himself bore witness to their worth.

As administration evolved, Parke became not only marshal but also superintendent of prisoners at \$50 a month—later raised to \$70.¹⁷⁹ And by the end of 1854, if not before, he had under him jailer N. Murray (also at \$70) and turnkey L. H. Wing (at \$30).¹⁸⁰ It appears that Parke, a faithful and capable man, considerably improved the lot of prisoners. For one thing, he kept careful accounts, and his record for the support of convicts from August 1, 1852 to January 1, 1853, for example, shows that he patronized leading merchants. Most bills are not itemized, but poi, salt, vegetables, medicines, and mats, oil and firewood, and a coffin are identifiable. During the period the marshal received \$1,992.50 from different ships on account of men confined; Hawaiian prisoners, though, paid in only \$6.50. The government treasury balanced the budget with a contribution of \$187.58.¹⁸¹

But a change of personnel came in 1855 when the marshal ceased to act as superintendent. The new incumbents performed before a critical audience, as the letter of one J. W. P. Nakilaku and eight others vividly demonstrated. This was a petition of Hawaiians and Chinese being held in jail awaiting trial, addressed to Lot Kamehameha, Wyllie, Alani, and the governors—apparently on the theory that such widely scattered shot would be sure to find a mark somewhere.

The prisoners were famished; pieces of crackers were not suited to either islanders or Celestials. They had been made to work in order to eat. Nakilaku had gone to see about getting some poi, but the answer was “no more money”. Parke had furnished plenty of poi and other comestibles to those held for investigation, but the new man was unapproachable. Then there was this foreign prison guard, a man of vile temper and language to match; “God damn nigger” was a typical salutation. He had already assaulted one man in detention for questioning, and (allegedly) caused the death of Kaona's son. This monster should be dismissed, and a Hawaiian appointed in his stead. And the venerable Ke-Kua-Nohu, with less than two years of life remaining, drew a late-hour curse: “this very stinking fire-hole.”¹⁸²

The end was beginning in January, 1857. As the walls started to tumble, the *Advertiser* rubbed its hands with glee: Here went a real eyesore, whose stones had served as foundations for obscene structures of tin, mud and poles for a decade past.¹⁸³ By October 1 the old stone house inside the ramparts was on its way down. This, built in 1831 by John Adams Kuakini, had been Kekuanaoa's residence until the French troubles of 1849—after which he disdained to live in it. Since his departure, the building had been used as a barracks and partly as a jail until—just the other day, said the *Advertiser*—it had been evacuated for the new Oahu Prison at Leleo (in Iwilei).¹⁸⁴

Soon gone forever was the *papu*, Ke-Kua-Nohu, once Honolulu's pride, often a storm center, and lately an anachronism and a bar to progress. Its stones filled in the shallow reef seaward. The growing city thus gained 16 acres of new land and 2,000 more feet of waterfront. So enhanced, it greeted new times.

NOTES

- ¹ Peter Corney, *Voyages in the Northern Pacific . . . 1813 to 1818 . . .* (Honolulu: Thomas G. Thrum, 1896), pp. 49, 98-101.
- ² Otto von Kotzebue, *Voyage of Discovery in the South Seas . . . 1815, 16, 17, and 18 . . .* (London: Richard Phillips and Co., 1821), pp. 96, 101, 108.
- ³ R. S. Kuykendall, *The Hawaiian Kingdom, 1778-1854* (Honolulu: University of Hawaii Press, 1957), pp. 57-58.
- ⁴ Kotzebue, p. 99.
- ⁵ *Ibid.*
- ⁶ Corney, pp. 71, 72, 98.
- ⁷ F, Feb. 1, 1862, p. 11.
- ⁸ *Tour Around the World . . . 1817, 1818, 1819* (St. Petersburg: Naval Printing House, 1822), Part I. Typescript translation in AH.
- ⁹ Reproduced in F, May, 1935, p. 503.
- ¹⁰ Kotzebue.
- ¹¹ p. 68.
- ¹² SIG, May 19, 1838.
- ¹³ April, 1843, p. 18.
- ¹⁴ Jan. 9.
- ¹⁵ *Ibid.*
- ¹⁶ P, May 29, 1847.
- ¹⁷ T. Metcalf, Marshal's Report Ending March, 1850. ID.
- ¹⁸ SIG, May 19, 1838.
- ¹⁹ R. C. Wyllie's Comments on HBM Consul General Miller's Commercial Report, May 25, 1846. FO & Ex.
- ²⁰ SIN, April 7, 1847
- ²¹ F, Dec. 2, 1847, p. 181.
- ²² R. C. Schmitt, "Birth and Death Rates in Hawaii, 1848-1962," *Hawaii Historical Review*, I, No. 6 (January, 1964), p. 123.
- ²³ P, Jan. P. 1847.
- ²⁴ SIG, May 19, 1838.
- ²⁵ P, Jan. 9, 1847.
- ²⁶ Kekuanaoa to Hooleia, July 23, 1846. FO & Ex.
- ²⁷ P, Dec. 5, 1846.
- ²⁸ R. C. Wyllie to J. Dudoit, Aug. 6, 1845. FO & Ex.
- ²⁹ Instructions to A. P. Brickwood, Nov. 10, 1846. FO & Ex.
- ³⁰ P, Nov. 14, 1846.
- ³¹ Wyllie's Comments on Miller's Commercial Report.
- ³² April 7, 1847.
- ³³ Mar. 10.
- ³⁴ April 7.
- ³⁵ Lawrence Kearny to Kekuanaoa, July 14, 1843; Henry Sea to Kekuanaoa, July 13, 1843. FO & Ex.

- ³⁶ May 20, 1846. FO & Ex.
- ³⁷ J. W. Fordham to John Young, Dec. 13, 1847. FO & Ex.
- ³⁸ Joseph Slater, Chief Constable, Weekly Return of Fines . . . , April 24, 1843. FO & Ex.
- ³⁹ *Ibid.*
- ⁴⁰ *Ibid.*
- ⁴¹ *Ibid.*
- ⁴² P, June 26, 1841.
- ⁴³ July 17.
- ⁴⁴ July 24.
- ⁴⁵ H. Sea to Acting Governor of Honolulu, April 18, 1843. FO & Ex.
- ⁴⁶ P, July 24, 1847.
- ⁴⁷ P, July 3, 1847.
- ⁴⁸ Charles Hopkins, police justice, to John Young, Sept. 29, 1847. ID; P, Sept. 25, 1847.
- ⁴⁹ Marshal's Report Ending March, 1850.
- ⁵⁰ P, July 13, 1844.
- ⁵¹ Documents, dated Aug. 17-20, filed in FO & Ex.
- ⁵² Sea to Kekuanaoa, June 20, 1843. FO & Ex.
- ⁵³ Thomas Murche to the British Commission, July 22, 1843. FO & Ex.
- ⁵⁴ Jonah Kapena to Kekuanaoa, June 26, 1843; John William L. Paalua to the British Commission, July 13, 1843. FO & Ex.
- ⁵⁵ Documents dated through June and July, 1845, filed in FO & Ex, AH. For the nature of rape as a crime, see R. C. Wyllie to E. Perrin, April 1, 1846. FO & Ex.
- ⁵⁶ Documents dated Dec. 4-10 filed in FO & Ex. The whole question of jury selection was a hotly-debated issue during the early 1840's.
- ⁵⁷ See, for example, A. Charles Davis to the British Commission, June 2, 1843, and the correspondence between William Hooper and Kekuanaoa in the case of Anthony Jenkins, Sept. 19 and 20, 1844. All in FO & Ex.
- ⁵⁸ R. Charlton to Kekuanaoa, Mar. 22, 1839; Aug. 10 and 18, 1842; Connor to Kamehameha III, Sept. 10, 1841; P. A. Brinsmade to Kekauluohi, Sept. 29, 1841; William Hooper, Acting U.S. Consular Agent, to Kekuanaoa, July 6, 1844. All in FO & Ex.
- ⁵⁹ Wyllie to Abell, Jan. 28, 1846. FO & Ex.
- ⁶⁰ *Op. cit.*, p. 311.
- ⁶¹ Typescript Journal of John N. Colcord, p. 12. AH.
- ⁶² *Ibid.*, pp. 10, 11.
- ⁶³ July 12, 1833. FO & Ex.
- ⁶⁴ October 7, 1836. FO & Ex.
- ⁶⁵ Lorrin A. Thurston, ed. *The Fundamental Law of Hawaii* (Honolulu: The Hawaiian Gazette Co., Ltd., 1904), pp. 82-83.
- ⁶⁶ *Statute Laws . . . 1845 and 1846*, Vol. I (Honolulu: Government Press, 1846), 151-154.
- ⁶⁷ Kekuanaoa to Consul General William Miller, May 30, 1846. FO & Ex.
- ⁶⁸ P, Nov. 15, 1845.

- ⁶⁹ William Butler to My Lord and Gentlemen. FO & Ex.
- ⁷⁰ Miller to Wyllie; Wyllie to Miller; Jordan to Judd (written by Henry Sea, as Jordan was illiterate). FO & Ex.
- ⁷¹ Correspondence filed by date in FO & Ex, AH includes a memo summarizing the case, and letters between Abell and Charles Hopkins, then provisional judge of the Court of Oahu.
- ⁷² Abell to Wyllie, Dec. 29, 1845. FO & Ex.
- ⁷³ Lorrin Andrews to John Ricord, Dec. 26, 1845. FO & Ex.
- ⁷⁴ Exchange of letters between Stockton and Wyllie, June 19, 1846. FO & Ex.
- ⁷⁵ Wyllie to Miller, Jan. 19, 1846. FO & Ex.
- ⁷⁶ Ricord to Wyllie; Wyllie to Abell, June 11, 1846. FO & Ex.
- ⁷⁷ FO & Ex.
- ⁷⁸ P, May 8 and July 3, 1847.
- ⁷⁹ William Miller to Officer at Fort, Jan. 21, 1846. FO & Ex.
- ⁸⁰ John Manuel to G. P. Judd, April 30, 1844; Memo, C. Hopkins, Jan. 31, 1846. FO & Ex.
- ⁸¹ R. Charlton to "Keaukiaouli", 1835; P. Kennedy to Governor of Honolulu, Sept. 12, 1836. FO & Ex.
- ⁸² PCR, IIIB, 463-464 (Feb. 2, 1850). AH.
- ⁸³ To Wyllie, May 22, 1846. FO & Ex.
- ⁸⁴ Charles Wilkes, *Narrative of the United States Exploring Expedition* (Philadelphia: Lea and Blanchard, 1845), III, 393; IV, 52.
- ⁸⁵ FO & Ex.
- ⁸⁶ P, Oct. 10, 1840.
- ⁸⁷ *Ibid.*
- ⁸⁸ F, Dec. 1, 1846, p. 183.
- ⁸⁹ Mervine to Wyllie, Mar. 14; Wyllie to Mervine, Mar. 16, 1846. FO & Ex.
- ⁹⁰ P, Mar. 28, 1846.
- ⁹¹ May 18, 1846. FO & Ex.
- ⁹² Howison to Wyllie, May 19, 1846. FO & Ex.
- ⁹³ Howison to Governor of Oahu, May 21, 1846. FO & Ex.
- ⁹⁴ Same to same, May 22, 1846. FO & Ex.
- ⁹⁵ Inquest, May 22, 1846. FO & Ex.
- ⁹⁶ Wyllie to Howison, May 23, 1846. FO & Ex.
- ⁹⁷ P, July 3, 1847.
- ⁹⁸ Deposition of H. Sea before Judge L. Andrews, Aug. 11, 1846. FO & Ex.
- ⁹⁹ "Odd Named Localities," HAA, 1906, p. 108.
- ¹⁰⁰ Ricord to Wyllie, Aug. 22; Wm. Gill to L. Andrews, Aug. 21; depositions, police court, Aug. 21, 1846. FO & Ex.
- ¹⁰¹ The account of the *Juno* riots is based on P, Oct. 10, 1846 and July 3, 1847; PCR, II, 107-111; and memo of Wyllie, Sept. 24, 1847 in FO & Ex.
- ¹⁰² PCR, II, 107-111. AH.
- ¹⁰³ P, Oct. 17, 1846.
- ¹⁰⁴ Correspondence covering the period July 15-Sept. 25, 1847, in FO & Ex.

- ¹⁰⁵ Oct. 14, Nov. 4, 1846.
- ¹⁰⁶ P, Oct. 10, 1846.
- ¹⁰⁷ P, July 3, 1847.
- ¹⁰⁸ P, April 18, 1846.
- ¹⁰⁹ P, July 3, 1847, and appendix to marshal's report included in attorney general's report, 1847. AH.
- ¹¹⁰ Translations from various sections of the 1851-1852 daily record by Mr. Jack Mathews of the Archives of Hawaii.
- ¹¹¹ P, July 3.
- ¹¹² Typescript of Colcord's Journal, pp. 27-28. AH.
- ¹¹³ *Ibid.*
- ¹¹⁴ Damon to British Commission, Mar. 18; John R. Cummin to same. FO & Ex.
- ¹¹⁵ Henry Sea to Kekuanaoa, May 27, 1843. FO & Ex.
- ¹¹⁶ Same to same, June 7, 1843. FO & Ex.
- ¹¹⁷ July 19, 1844. FO & Ex.
- ¹¹⁸ F, Sept. 4, 1844, p. 78.
- ¹¹⁹ Wiley's Protest, June 30, 1845; George Brown to Wyllie, July 2, 1845. FO & Ex.
- ¹²⁰ Wyllie to Hooper, Dec. 19, 1845; Wyllie to Ricord, same date; Ricord to Wyllie, same date; Ricord to Andrews, same date. FO & Ex.
- ¹²¹ Ricord to Andrews, Dec. 19, 1845.
- ¹²² Aug. 8, 1846.
- ¹²³ Reports of visiting commission in FO & Ex. Dec., 1845.
- ¹²⁴ January 15, 1846. FO & Ex.
- ¹²⁵ In FO & Ex, with documents covering the investigation.
- ¹²⁶ Ricord to Andrews, Jan. 15, 1846. FO & Ex.
- ¹²⁷ Miller to L. Andrews, Jan. 19, 1846. FO & Ex.
- ¹²⁸ Abell to Charlton, Reynolds and Porter; Committee to Abell, Jan. 15, 1846. FO & Ex.
- ¹²⁹ To Abell, Jan. 26, 1846. FO & Ex.
- ¹³⁰ To Abell, Jan. 28, 1846. FO & Ex.
- ¹³¹ ID, June 27, 1846.
- ¹³² Ricord to Wyllie, Jan. 31, 1846. FO & Ex.
- ¹³³ P, Aug. 8, 1846.
- ¹³⁴ P, July 3, 1847.
- ¹³⁵ P, May 29, 1847.
- ¹³⁶ Dec. 9, 1847.
- ¹³⁷ Dec. 16, 1847.
- ¹³⁸ FO & Ex.
- ¹³⁹ PCR, IV, 328-334.
- ¹⁴⁰ *Ibid.*, 366.
- ¹⁴¹ *Ibid.*, 378-386.
- ¹⁴² *Ibid.*, 370, 374-378, 388.
- ¹⁴³ Document No. 135, FO & Ex.
- ¹⁴⁴ Document No. 126, FO & Ex.

- 145 PCR, IV, 368.
- 146 *Ibid.*, 372.
- 147 July 24.
- 148 Abell to Kekuanaoa, Oct. 20, 1845. FO & Ex.
- 149 Kekuanaoa to Judd, Oct. 21, 1845. ID.
- 150 P, May 15, 1847.
- 151 P, Nov. 13, 1847.
- 152 PCR, IV, 386, 374, 390.
- 153 *Ibid.*, 370, 374, 376, 388, 390.
- 154 P, July 3, 1847.
- 155 April 27, 1843. FO & Ex.
- 156 To British Commission, May 10, 1843. FO & Ex.
- 157 *Ibid.*
- 158 PCR, IV, 370, 376, 386, 390.
- 159 Marshal's Report, March, 1850.
- 160 P, July 3, 1847.
- 161 Marshal's Report, March, 1850.
- 162 PCR, IV, 356-364.
- 163 *Ibid.*, 356-366.
- 164 P, July 3, 1847.
- 165 Marshal's Report, March, 1850.
- 166 *Ibid.*
- 167 A. B. Bates to Wyllie, May 22, 1852. FOLB, Foreign Officials in Hawaii, Vol. 13A
New Series, 803.
- 168 PCR, VIB, 697, 699, 719.
- 169 PCR, VIII, 345; IX, 33.
- 170 In W. L. Giffard Collection. AH.
- 171 PCR, IIIA, 143.
- 172 *Ibid.*, 350.
- 173 *Ibid.*, 400.
- 174 *Statute Laws . . . 1848* (Honolulu: Government Press, 1848), pp. 41-43.
- 175 PCR, VIA, 68.
- 176 Parke to Minister of Interior, Dec. 29, 1856. IDM.
- 177 May 13, 1858.
- 178 *Ibid.*
- 179 Parke to John Young, April 30, 1853. ID.
- 180 Parke's account sheet, Dec. 31, 1854. ID.
- 181 Attorney General. AH.
- 182 June 21, 1855. ID.
- 183 Jan. 15, 1857.
- 184 Oct. 1, 1857.

APPENDIX

EXECUTIVE AND JUDICIAL OFFICERS

Secretary of State for Foreign Affairs

G. P. Judd, May 15, 1842

Minister of Foreign Affairs

R. C. Wyllie, Mar. 26, 1845 to his death in 1865

Minister of the Interior

G. P. Judd, Mar. 26, 1845

John Young, 2nd (Keoni Ana), March, 1846 to his death

Attorney General

John Ricord, Mar. 9, 1844 to his departure from Hawaii in the spring of 1847. No successor was appointed, and the organic act was amended to make the office unnecessary.

Minister of Finance

G. P. Judd, April 13, 1846

Supreme Court, created by the Constitution of 1840

King, kuhina-nui, and 4 assistant judges. The latter—Paki, Kanaina, Kaauwai, and Kapena, were first appointed in 1842.

Court of Oahu, created in the early 1840's

Kekuanaoa was the first judge, later assisted by Judd, and then by Judd plus Ricord. Late in 1845 Charles Hopkins was serving as provisional judge. (FO & Ex, Nov., 1845)

Inferior Courts of Honolulu

These were in existence by 1844. At that time judges were Kalai, Honokaupu, Kuhia, Waolani, and Halali. (Calendar, FO & Ex, 1844, no month)

Judge in Foreigners' Cases

Lorrin Andrews was appointed by Kekuanaoa to act as his agent in such cases on Sept. 19, 1845.

Judge of Court of Original and Appellate Jurisdiction at Honolulu

Lorrin Andrews was appointed to this position on June 24, 1846. W. L. Lee joined him in this court on Dec. 1, 1846.

Superior Court of Law and Equity

This began to function on January 10, 1848, under the 1847 act to organize the judiciary. It consisted of three judges, one of whom was chief justice. Original appointees were W. L. Lee (c.j.), John Ii and Lorrin Andrews.

Circuit Courts

Four of these were set up by the act mentioned above. Each circuit court consisted of one superior court judge and two local circuit court judges appointed by the governor.

District Justice Courts

The judiciary act provided for 24 districts, each with one or more justice courts presided over by a district justice appointed by the island governor. The courts at Honolulu and Lahaina had greater powers than the others. Charles Hopkins was serving as police justice in Honolulu in the fall of 1847. (ID, Sept. 29, 1847)

Marshal

The act to organize the executive departments of April 27, 1846, provided for a marshal to be appointed by the king in privy council. He was to supervise and control sheriffs appointed by the island governors on the marshal's recommendation. Sheriffs were provided for Oahu, Maui, Hawaii and Kauai. They were to have charge of jails and prisoners. The sheriffs at Honolulu and Lahaina were to

serve *ex officio* as prefects of police, and as such to supervise and direct constables. The marshal was authorized to call on island governors (with the king's approval) for military forces if necessary. (*Statute Laws . . . 1845 and 1846* (Honolulu: Government Press, 1846), Title II, Chap. I)

Henry Sea, Aug. 20, 1846–May 2, 1849 (PCR, II, 415; IIIA, 269; P, July 3, 1847)

Warren Goodale, May 2, 1849–Sept. 1, 1849 (PCR, IIIA, 269, 334)

Theophilus Metcalf, Sept. 3, 1849–June 1, 1850 (PCR, IIIA, 334; IDM, Sept. 3, 1849)

William C. Parke, June 1, 1850–Sept. 30, 1884 (Office Holders by Office, AH. This file must be used with discretion and merits double-checking)

High Sheriff

This office antedated that of marshal.

F. W. Thompson, Sept. 7, 1842–July (?), 1843 (Agreement, Thompson and Judd, Sept. 7, 1842; Thompson to British Commission, May 31, 1843; Thompson to Henry Sea, June 16, 1843. FO & Ex)

Robert Boyd, July (?), 1843–Oct. 6, 1845 (W. C. Parke to F. W. Hutchison, Nov. 3, 1869. IDM)

Henry Sea, Oct. 6, 1845–Aug. 20, 1846 (*Ibid.*) Deputy was Francis Funk (PCR, I, 104c)

Chief Constable

Joseph Slater, Feb. 1, 1843–late July (?) 1843 (Slater to British Commission, May 25, 1843; to Henry Sea, July 16, 1843. FO & Ex)

Constables

Effective January 1, 1841, island governors were to appoint constables and peace officers, who should be paid one-fourth of the fines assessed against persons convicted (L. A. Thurston, ed., *The Fundamental Law of Hawaii* (Honolulu: Hawaiian Gazette Co., Ltd., 1904), p. 35). Abuses having been charged, the law was changed on May 31, 1841, to provide that at the end of the year the governor would look into each constable's record of efficiency and reward him accordingly (*Ibid.*, p. 110). By January, 1847, the police corps consisted of 2 officers and 34 men, whose distinguishing mark was a scarlet crown worn on the arm, with the initials K.III, and a red band on the cap (P, Jan. 9, 1847)

Sheriff of Oahu

A. P. Brickwood, Sept. 2, 1846–? (SIN, Sept. 9, 1846) Served at least to July 3, 1847 (P, July 3, 1847)

Theophilus Metcalf, acting, Sept. 3, 1849–June 1, 1850 (?) (Marshal mentioned himself as acting sheriff in Marshal's Report Ending March, 1850)

Deputy Sheriff of Oahu

Andrew Potter, May 18, 1847–? (P, May 27, 1847) Served at least to mid-January, 1848 (PRC, IV, 378)

Prefect of Police, Honolulu

According to the act of April 27, 1846, the sheriff of Oahu was *ex officio* prefect of police for Honolulu.

Lewis (Louis) Gravier, 1844 (Calendar, 1844, FO & Ex, no month)

Francis Funk and A. P. Brickwood, acting under High Sheriff Boyd (Wm. Hooper to Kekuaanoa, July 3, 1845. FO & Ex; Parke to Hutchison, Nov. 3, 1869). Funk served as "deputy prefect" until December 17, 1845, when he was fired following an investigation of "police brutality". Funk was found guilty of assaulting Capt. S. C. LeTellier of the French ship *Ajax* (LeTellier to Wyllie, Dec. 16, 1845. FO & Ex). As we have seen, Brickwood was appointed sheriff of Oahu and *ex officio* prefect of police on September 2, 1846.

Andrew Potter, May 18, 1847, became deputy prefect under Brickwood.

William Smith, May 2, 1849–Sept. 1, 1849 (Parke to Hutchison, Nov. 3, 1869)

John T. Baker and Oral R. Wood, served during Metcalf's term as marshal. Baker resigned and Wood succeeded him (Marshal's Report Ending March, 1850).

According to Parke, Wood served until 1853, being replaced by H. S. Swinton, who held office until 1858 (Parke to Hutchison, Nov. 3, 1869)

Supervisor of Food for Foreign Prisoners (no official title is known)

William Smith, May 17, 1847 to at least mid-January, 1848, and probably until Brickwood's appointment as superintendent (PCR, IV, 378-386)

Superintendent of Prison in Fort

A. P. Brickwood, Mar. 1, 1848-? (W. L. Giffard Collection, AH)

W. C. Parke, ?-to sometime in 1855. Known to be serving in 1853 (Parke to John Young, April 30, 1853. IDM)

The purpose of this appendix—obviously suggestive rather than definitive—is to provide at least some measure of identification of people named in the text. Much further study would be needed to frame a really satisfactory accounting.