

FEASIBILITY STUDY: STATE ACQUISITION
OF BISHOP MUSEUM

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*Where is the life we have lost in the living,
Where is the wisdom we have lost in knowledge,
And where is the knowledge we have lost in
information?*

-- T. S. Eliot
"The Rock I", 1934

FOREWORD

This report on the feasibility of converting the Bishop Museum into a State museum was undertaken pursuant to Senate Resolution 31 adopted by the Sixth State Legislature in the 1971 session.

While the research was an effort on the part of several members of the Bureau staff, the contributions of the Bishop Museum and its director, Roland Force, the Hawaii Foundation for History and the Humanities and the State Foundation on Culture and the Arts, cannot be overlooked. To these organizations, we gratefully acknowledge their co-operation and assistance.

Henry N. Kitamura
Director

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TABLE OF CONTENTS

	<u>Page</u>
FOREWORD	ii
TABLE OF CONTENTS	iii
INTRODUCTION	v
I. A BRIEF HISTORY OF THE BERNICE P. BISHOP MUSEUM .	1
The Museum's Physical Facilities	1
Educational Practices	4
Exhibition Policy	4
Popular and Scientific Publications	8
Other Educational Activities	8
Finances	12
II. A SURVEY OF BISHOP MUSEUM AND A SELECTED NUMBER OF MAINLAND MUSEUMS	20
III. BISHOP MUSEUM - LEGAL ASPECTS	41
Establishment of Bishop Museum	41
Governmental Acquisition of the Bishop Museum .	44
Negotiated Purchase	45
Exercise of Eminent Domain Powers	49
IV. CONCLUSION AND RECOMMENDATIONS	55

Appendices

A.	Senate Resolution No. 31, S.D. 2	62
B.	Survey of Museums	63
C.	Transactions and Legislative Acts Subsequent to the Establishment of the Bishop Museum Relevant to Government Acquisition of the Bishop Museum . .	68
D.	Bill for Reformation of Trust	69
E.	Deed of Trust	78
F.	Act 45 (To define the procedure in actions of condemnation under the right of eminent domain)	86
	Act 62 (An Act to amend Section 3 of Act 45 of the Session Laws of 1896, entitled "AN ACT TO DEFINE THE PROCEDURE IN ACTIONS OF CONDEMNATION UNDER THE RIGHT OF EMINENT DOMAIN".	94
G.	Statement of Assets - Unrestricted Funds	95

INTRODUCTION

Senate Resolution 31, S.D. 2, the text of which is contained in Appendix A of this report, requested the Legislative Reference Bureau, with the cooperation of the Hawaii Foundation for History and the Humanities, the State Foundation on Culture and the Arts and the Bishop Museum, "to conduct a feasibility study on state ownership of the Bishop Museum and converting the Bishop Museum into a state repository for Hawaiian artifacts". This report, the result of a collaboration of the Bureau's research staff, is in response to said Senate Resolution. The major portion of this work has been done by Miss Jean Funatsu, Research Associate. Mr. Kenneth Mihata, Research Associate, was responsible for Chapter I and Mr. Samuel Chang, Assistant Director, wrote the chapter on Bishop Museum's legal aspects.

In brief, the report is divided into four parts. Chapter I traces the development of the Bishop Museum, in particular, and treats aspects of its growth in such areas as physical facilities, museum programs and financial status. Chapter II presents a survey of institutions comparable to the Bishop Museum. Chapter III discusses legal considerations relevant to a State takeover of the Bishop Museum beginning with the legal basis of the creation of the Museum to a discussion of the legal problems which will be confronted if State acquisition is contemplated. Finally, Chapter IV contains the conclusion and recommendations drawn from an analysis of the data gathered.

CHAPTER I

A BRIEF HISTORY OF THE BERNICE P. BISHOP MUSEUM

This chapter presents a brief history of the Bernice P. Bishop Museum from 1889 through 1970 by describing the growth and development of the Museum's physical facilities, educational practices, and finances over the years.

The Museum's Physical Facilities

The Museum was established in 1889 as a memorial to Princess Bernice Pauahi Bishop, wife of Charles Reed Bishop. Construction of the Museum's first building, named the Bernice Pauahi Bishop Museum, was completed in 1890, and was intended originally to house the heirlooms of the Kamehameha family. In 1891, Charles R. Bishop donated to the Museum all of his personal collections in addition to those of his late wife, Bernice Pauahi, and Dowager Queen Emma Kaleleonalani. During this same year, collections from Hawaii's first national museum, established under the reign of Kamehameha V, were transferred to the Museum. The original building consisted of a lanai and entrance hall in addition to three rooms: the Picture Gallery, the Kahili Room, and the Hawaiian Vestibule. Exhibits ranged from items such as surfboards which belonged to Mrs. Bishop's father to feather leis of chieftesses. In addition to other

ethnological materials, a natural history collection in the Hawaiian Vestibule consisted of herbarium specimens, birds, marine and land shells, preserved fish, and marine invertebrates.¹

An overflow of Hawaiian and other Pacific island specimens resulted in the construction of the Polynesian Hall and Gallery in 1894, which was annexed to the rear of the Museum's original structure. The first floor of this three-story annex consisted of an office, a print shop, and a storage area. The second floor's exhibits were devoted to the ethnology of the Polynesian islands, excluding Hawaii, and to the cultures of Micronesia and Melanesia. The Polynesian Gallery, located on the third floor, exhibited zoological specimens of Polynesia, except Hawaii.²

Hawaiian and Pacific island specimens continued to augment the Museum's collections from loans, gifts, purchases, and exchanges, and in 1900 another three-story annex, Hawaiian Hall, was built. The exhibits on the ground floor and the first gallery were devoted to specimens of Hawaiian ethnology and natural history. The second gallery housed the Museum's research library.³

The Museum's first laboratory was built in 1911 and for the first time in the history of the Museum, suitable space was provided for work and study in all the different departments. Each department now had a separate room for work, storage of specimens, and a place where a scientific visitor could examine the reserve collections in comfort and without interruptions.⁴

A companion three-story structure, Konia Hall, was added in 1925, and the original laboratory was re-dedicated as Paki Hall. Konia Hall was built to provide needed space for the entomologists,

marine biologists, and the preparators and also for additional storage space for the study collections.⁵

No additional structures were added to this complex of laboratory and exhibit halls until 1957, when the ten acres of land on which the original building stood was acquired from the Bernice P. Bishop Estate. Included in this acquisition was the two-story Bishop Hall, which was later used to house the Museum's maintenance shop and artists' studio.⁶

The Museum's planetarium-observatory, Kilolani, was constructed four years later in 1961. This new educational facility was designed specifically for youth and adult instruction and appreciation of astronomy, astrophysics, and space explorations. An exhibit gallery was also included in this new structure.⁷

The completion of Pauahi Hall in 1964 was the last addition to the Museum's physical facilities. This four-story structure provided additional laboratory and storage space for the Museum's entomology and botany departments and at the same time relinquished additional space in the other buildings for the rest of the departments.⁸

Thus, over the 81-year period from 1899 through 1970, the Museum's total floor space used for its laboratories, exhibit halls, offices, and library, increased from a mere 4,500 square feet⁹ to 100,000 square feet.¹⁰

Educational Practices

Concomitant with the increase in the Museum's physical facilities over the years has been the increasing scope of the Museum's educational practices. This section briefly traces the growth and development of these practices in three general areas: (1) exhibition policy, (2) popular and scientific publications, and (3) other educational activities.

Exhibition Policy

The Museum's exhibition policy over the years are summarized by briefly describing the types of exhibits that have been presented for the general public and the Museum's visitor admissions policy.

Although the original Museum building housed collections which were mainly of Hawaiian ethnology and natural history, with the addition in 1893 of Polynesian Hall and Gallery to the Museum's exhibit area, the collections were expanded to include items representing the cultures of Polynesia, Micronesia, and Melanesia.¹¹

During the first eight years that the Museum was in operation, visitors were admitted to the exhibits only by written permission from the office of the President of the Museum's Board of Trustees. By 1899, the exhibit halls were open to the general public on Fridays, Saturdays, and holidays.¹²

From 1919 to 1952, very few changes or improvements were made in the exhibits. A few special exhibits were presented and some of the existing exhibits were re-arranged, re-labeled, or reduced to improve the presentation of an item or an idea.

In 1952, visiting hours were extended and the Museum exhibit halls were open each weekday and on Sundays. In this same year, new policies were formulated which inaugurated a new era in exhibition without jeopardizing the Museum's program of research and publication.¹³

Between 1953 and 1962, many changes were instituted to make the Museum's exhibits more attractive and informative. Artificial illumination was introduced for the first time in 1953 and an exhibition designer was added to the permanent staff in 1954. During this nine-year period, the Museum continued to present a variety of special exhibits. The Hawaiian Vestibule was completely remodeled in 1953 so that it would be easily adaptable to changing exhibits. One of the most noteworthy of the new exhibits, in addition to the planetarium-observatory built in 1961, was the Hall of Pacific Life. This hall, formerly the Polynesian Hall, presented exhibits on the physical geography and the story of the plants and animals of the entire Pacific area.¹⁴

The "Museums in Miniature", completed in 1955, represented the Museum's first program to extend its educational services to the neighbor islands. This program consisted of twelve portable cases, built by the Lanai Community Association and prepared by the Museum, and contained exhibits on Hawaiian culture and and natural history, geology, and geography. In 1959, a series of traveling exhibits, smaller and designed for classroom use in geology and biology, were added to the "Museums in Miniature".¹⁵

From 1962 through 1970, the Museum's exhibits reached larger audiences than any other comparable period in the past. Total annual visits to the Museum's exhibits averaged 142,698 over this nine-year period,¹⁶ compared with 90,249 over the previous nine years from 1953 through 1961.¹⁷ Further, the latter nine-year period also showed a slightly higher proportion of school visits when twenty-two per cent of visits were from schools.¹⁸ This compares with nineteen per cent over the 1953-1962 period.¹⁹ The addition of the planetarium-observatory to the Museum's physical facilities in 1961 was a significant factor in raising attendance figures. In addition, increased communication with the general public via the television and radio media fostered new interests in the Museum's exhibits. A weekly television series in 1962 and 1963 familiarized the viewers with the Museum's work in areas such as astronomy, entomology, ethno-musicology, scientific illustration and documentation, and conservation. The Museum's astronomer also presented a series of seven monthly radio shows in 1964.²⁰

Although the "Museums in Miniature" was discontinued in 1962 due to a lack of funds, the Museum has periodically presented special exhibits on the neighbor islands over the last nine years through 1970. In 1966, the Museum hosted twenty tour groups from these islands.²¹

In addition to reaching larger audiences, the Museum has presented exhibits in new areas. An emphasis on health education began with the exhibition in 1962 of Valeda, the "talking glass

lady", who provided brief lectures on human anatomy and physiology through a synchronized tape recording. Development of an aerospace museum of Hawaii began under the Department of History, a new department created in 1966. In 1968, the title to the Falls of Clyde ship was transferred to the Museum and restoration of the world's only surviving full-rigged four-masted ship continued into 1970.²²

The effectiveness of existing and new exhibits was enhanced when in 1968 artificial lighting was installed in all exhibit cases in Hawaiian Hall and newly created positions of Docent and Conservator were added to the Museum's permanent staff.²³

Visitor admissions policy has also changed significantly over the last nine years. In 1962, for the first time since the opening of the Museum's exhibit halls to the public, an admission charge of 50 cents for adults and 25 cents for children between ages 13-16 was instituted. Children 12 and under were still admitted free. The admission fee was only for weekdays and free admissions continued on weekends.²⁴

A separate admission was charged for the Planetarium shows since its opening in 1961, and when a single admission fee for both the exhibit halls and the Planetarium was incorporated in 1965, the Museum terminated its free admissions policy on weekends. The Museum, however, has always maintained a free admissions policy for school groups. In 1969, the Museum instituted a "Manuahi Sunday" and the exhibit halls and the Planetarium are now open, free of charge, to the public on the third Sunday of each month.²⁵

Popular and Scientific Publications

Unlike the Museum's exhibition policy, which had become an important concern of the Museum only since the early 1950's, popular and scientific publications on the Museum's collections and research have been the chief responsibility of the Museum since its founding. Although Charles R. Bishop's plans for the Museum did not include research and publication, the Deed of Trust of 1896, which placed the Museum in the hands of its own Board of Trustees, specifically authorized such activities.²⁶

From the Museum's publication on Hawaiian featherwork in 1899 through 1970, the Museum's geographic scope of its publications has increased from the Hawaiian Islands throughout virtually the entire Pacific Basin, parts of which include Polynesia, Micronesia, Melanesia, and Malaysia. These publications have covered general fields of study such as: art, architecture, archaeology, botany, entomology, ethnology, folklore, geography, geology, history, language, malacology, music, physical anthropology, religion, and zoology.²⁷

Other Educational Activities

Much of the Bishop Museum's educational activities are not directly reflected in its exhibits or research publications. One such activity has been the Museum's reciprocal agreements with educational institutions locally, on the Mainland, and throughout the Pacific region. The Museum's first agreement was with Yale University in 1919. Under this agreement, Yale contributed funds, a museum director, and an advisory aide, while the Bishop Museum

made available its equipment, collections, and library to the advanced students of Yale. In addition, Yale-Bishop Museum Fellowships were established for Pacific island research. As early as 1920, the Museum and the University of Hawaii have had a reciprocal agreement concerning the use of their laboratories, collections, libraries, and other research facilities. In 1953, these three institutions, Yale, University of Hawaii, and the Bishop Museum, initiated a five-year program, the Tri-Institutional Pacific Program. This program was funded by the Carnegie Corporation of New York for the purpose of studying the cultural change in the Pacific islands.²⁸ Within the last ten years, the Museum has had an Exchange Visitor Program which has brought visiting scholars from the Pacific Basin area and beyond. In 1967, a personnel exchange relationship began between the Smithsonian Institution and the Bishop Museum. Under this program, visiting personnel are provided with facilities, resources, and transportation costs by the host institution while salary is continued by the parent institution.²⁹

Over the years, the Museum has also been involved in training programs funded by both public and private organizations. Under one of the first of these programs, the Survival Training Program during World War II, the Museum provided training in survival techniques to approximately 250,000 soldiers, sailors, and marines engaged in the Pacific theater.³⁰ Programs more closely related to Museum work include a 1962 National Science Foundation grant for establishing a museological training program at the Museum. In 1963, the Museum received a five-year training grant

which offered predoctoral students to pursue their studies in systematic entomology. Two new teaching programs were initiated at the Museum in 1967, one sponsored by the National Foundation for the Arts and Humanities, and another supported by the John D. Rockefeller III Fund and UNESCO. This latter program was a collaborative effort between the Honolulu Academy of Arts, the East-West Center, and the Bishop Museum. The program was established for trainees in museum work from Asia and the Pacific. Trainees in this first year represented Japan, Indonesia, and Malaysia.³¹

In 1960, the Museum established, under a grant from the National Science Foundation, the Pacific Scientific Information Center. The purpose of this Center is to serve as a clearinghouse for scientific information about the natural and social sciences and the geography of the Pacific and closely related areas.³²

The Museum presently offers, on a tuition basis, courses on arts and crafts. Classes are open to the general public during the day and evening hours.

Over the past nine years through 1970, the Bishop Museum has also provided its services, either on a contractual, consulting or advisory basis, to various public and private agencies. The following federal, state, and private agencies have been the recipients of these services in recent years:

Federal Agencies

U.S. Army Medical Research
and Development Command

U.S. Fish and Wildlife
Service

U.S. Food and Drug
Administration

U.S. National Park Service

Private Agencies

Hawaiian Sugar Planters
Association

Foster Botanical Gardens

State Agencies

Department of Agriculture

Department of Health

Department of Land and Natural
Resources - State Parks
Division

State Foundation on Culture
and the Arts

University of Hawaii
- Committee for the
Preservation of Hawaiian
Language, Art, and Culture

- Pineapple Research Institute

These services have covered areas such as archaeology, botany, entomology, history, and medical malacology. In addition to these services, the Museum has served as the official state depository since 1921.³³

The Museum's resource materials and physical facilities have also been available over the years to the general public, student, and researcher. The 50,000 volume research library specializes in the anthropology, botany, and zoology of the Pacific world.³⁴ The Museum's systematic biological collections with over 10,000,000 specimens are one of the largest in the United States.³⁵ Since 1950, the Museum has provided office space for the Pacific Science Association, an international, regional, nongovernmental organization, which sponsors the Pacific Science Congresses every three to five years. The members of this association represent 53 countries and areas throughout the Pacific world.³⁶

The University of Hawaii Committee for the Preservation and Study of Hawaiian Language, Art, and Culture has been housed at the Museum since it was founded by the State Legislature in 1959. In the same year, the Department of Public Instruction assigned a liaison teacher to the Museum to develop a program for the more effective use of the Museum by the public schools, primarily at the elementary level and with the principal emphasis on Hawaiian history. Office space has been provided for this position since it was established. The Museum has also provided office space for the Hawaiian Academy of Science.³⁷

Over the years, the Museum's physical facilities have been made available for meetings to many local non-profit organizations such as: the Anthropological Society of Hawaii, Conservation Council for Hawaii, Hawaiian Astronomical Society, and Hawaii Entomological Society.³⁸

Finances

This section describes the Museum's financing of its physical facilities over the years. A brief analysis is then presented on the Museum's sources of revenues between 1952 and 1969.

Except in the case of the last addition to the Museum's physical facilities, all of the Museum's buildings have been financed by private individuals and organizations. The current exhibit halls, which consist of the original building constructed in 1899 and two additions, Polynesian Hall and Gallery in 1894 and Hawaiian Hall in 1900, were all financed by the Museum's founder, Charles R. Bishop. In 1911, Mr. Bishop also financed the Museum's

first laboratory, which is now Paki Hall. The Trustees of the Museum raised the necessary capital for the construction of a companion laboratory, Konia Hall, in 1925. Title to the land on which the first building stood and Bishop Hall, originally the property of the Kamehameha Schools under the Bishop Estate, were transferred to the Museum Trustees in 1957.³⁹

Local individuals, business firms, foundations, and other private organizations financed the construction of the planetarium-observatory, Kilolani, in 1961 at a cost of approximately \$280,000.⁴⁰ A grant of \$300,000 from the National Science Foundation and an additional \$100,000 raised from private local sources provided enough funds for the construction in 1964 of the Museum's last building, Pauahi Hall.⁴¹ The value of the Museum's land and buildings as of June 30, 1971, is estimated at \$1,416,750.⁴²

Table I presents the sources of the Museum's annual revenues at five-year intervals for the calendar years 1954, 1959, 1964, and 1969. Beginning in 1970, the Museum changed from a calendar to a fiscal year basis of accounting and 1969 was chosen as the latest year to permit a consistent basis of comparison with earlier years.

Of the Museum's operating revenues, "Admissions" include collection of fees charged for admission to the exhibit halls and the planetarium-observatory shows. As an earlier section indicated, admission charges were not instituted until 1962. The purpose of an admission charge was to provide necessary financing for the proper maintenance of essential Museum facilities.⁴³

TABLE I

REVENUES	1954		1959		1964		1969	
	AMOUNT	PER CENT OF TOTAL	AMOUNT	PER CENT OF TOTAL	AMOUNT	PER CENT OF TOTAL	AMOUNT	PER CENT OF TOTAL
OPERATING REVENUES:								
Admissions.....	\$ 0	0%	\$ 0	0%	\$ 32,064	3.1%	\$ 92,148	5.4%
Publication and Book Shop Sales.....	17,584	9.3%	23,177	7.0%	38,935	3.8%	66,971	3.9%
NON-OPERATING REVENUES:								
Museum Trust.....	78,290	41.6%	114,143	34.7%	296,233	29.2%	284,703	16.8%
C.R. Bishop Trust....	20,318	10.7%	31,500	9.5%	31,500	3.1%	75,000	4.4%
L. Allen Bishop Trust	0	0%	0	0%	16,351	1.6%	17,407	1.0%
Contributions.....	71,943	38.2%	159,740	48.5%	599,050	59.0%	1,157,911	68.3%
TOTAL REVENUES.....	\$188,134	100.0%	\$328,560	100.0%	\$1,014,133	100.0%	\$1,694,140	100.0%

SOURCE: Bernice P. Bishop Museum Annual Report 1954, 1959, 1964, 1969 (unpublished) and the Bishop Museum, "The American Association of Museum Accreditation Questionnaire", 1971.

The "Museum Trust" revenues include rents, dividends, and interest income from the Museum's investments in real estate, stocks, and bonds. The Museum's endowment does not permit basic research programs or field work and much of the increases in this source of the Museum's income has been used for salaries and increased employee benefits, such as retirement, group life and health plans.⁴⁴

"Contributions" include to a very large extent federal grants and contracts from agencies such as the National Science Foundation, National Institutes of Health, Office of Naval Research, and Army Medical Research and Development Command. Also included in this category are contributions from private foundations and trusts such as the Carnegie Corporation of New York, Guggenheim Foundation, National Geographic Society, McInerney Foundation, Wilcox Trust, Charles M. and Anna C. Cooke Trust, S.N. and Mary Castle Foundation, and other private sources.⁴⁵ All of these contributions are for restricted uses. In addition to research and field work, these grants have also financed such Museum expenses as the transfer of specimens, rehabilitation of research facilities, reactivation of collections, and publications. It should be noted here that all contributions received in a given year are not totally expended during the same year. In most cases, grants and contracts extend over a period of years, and these funds are disbursed over the grant or contract period. Funds have been transferred periodically to the Museum's operating budget to cover direct grant or contract costs as they were incurred.

Over the years, the Museum has received three legislative appropriations, one by the Territory of Hawaii in 1953 for an amount of \$25,000 to improve facilities for the care and maintenance of collections, and another by the State of Hawaii in 1961 of \$30,000 for the repair of Museum buildings.⁴⁶ Recently, in 1970, the State Legislature appropriated \$200,000 to the Museum.

Table I indicates nearly a ten-fold increase in the Museum's total revenues over the fifteen-year period, from \$188,134 in 1954 to \$1,694,140 in 1969. The growth of contributions over the years emphasizes the importance of contributions to the Museum's operations and also offers a good indication of the growing confidence of the various foundations and federal agencies in the Museum's programs.

FOOTNOTES

1. Donald D. Mitchell, "Educational Practices of the Bernice P. Bishop Museum, Honolulu, Hawaii" (unpublished doctoral dissertation, University of California, Berkeley, 1963), pp. 24, 79, 26, 21-22, 25, 76-79, 28, 76, 78.
2. Ibid., pp. 80-84 and "Bishop Museum Minute Book", Volume I, page 16.
3. Ibid., pp. 84-91.
4. Ibid., pp. 39, 34-35.
5. Ibid., p. 39.
6. Ibid., p. 53.
7. Ibid., p. 56.
8. From Bishop Museum annual report for 1964 (p. 9).
9. Mitchell, p. 28.
10. The Bishop Museum, "The American Association of Museums Accreditation Questionnaire", 1971, p. 13.
11. Mitchell, pp. 75-84.
12. Ibid., p. 93.
13. Ibid., pp. 95-106.
14. Ibid., pp. 107-141.
15. Ibid., pp. 112, 131.
16. From Bishop Museum annual reports for 1962 (p. 70), 1963 (p.75), 1964 (p. 84), and unpublished annual reports for 1965-1970.
17. Mitchell, p. 320.
18. From Bishop Museum annual reports for 1962 (p. 70), 1963 (p.75), 1964 (p. 84), and unpublished annual reports for 1965-1970.
19. Mitchell, p. 320.
20. From Bishop Museum annual reports for 1962 (p. 23), 1963 (p. 22), 1964 (p. 71).

21. From Bishop Museum, unpublished annual report for 1966.
22. From Bishop Museum annual report for 1962 (p. 59) and unpublished annual reports for 1967-1970.
23. From Bishop Museum, unpublished annual report for 1968.
24. From Bishop Museum annual report for 1962 (p. 22) and from an interview with Mrs. Eleanor Anderson, Assistant to the Director, January 25, 1972. During the same year, visiting hours were extended by adding back Tuesday to the open weekdays (Tuesday was closed to the public in 1960) and increasing visiting hours on Saturdays from three to seven and one-half hours.
25. From Bishop Museum unpublished annual report for 1965 and from an interview with Mrs. Eleanor Anderson, January 25, 1972.
26. Mitchell, p. 101.
27. Mitchell, pp. 174-204 and Catalogue of Publications, (Honolulu, Bishop Museum Press, July, 1970). Publications over the years total 892 under the titles of Memoirs (1899-1949), Occasional Papers (1898-1970), Bulletins (1922-1970), Special Publications (1892-1970), Insects of Micronesia (1954-1970), Pacific Insects (1959-1970), Pacific Insects Monographs (1961-1970), Journal of Medical Entomology (1964-1970), Pacific Anthropological Records (1968-1970).
28. Mitchell, pp. 37, 38, 51-52.
29. Bishop Museum annual reports for 1961-1964 and unpublished reports for 1965-1970.
30. Mitchell, pp. 252-260.
31. From Bishop Museum annual reports for 1962 (p. 45), 1963 (p. 42), and unpublished annual report for 1967.
32. Mitchell, p. 274.
33. From Bishop Museum annual reports for 1962-1964 and unpublished annual reports for 1965-1970, and Mitchell, p. 38.
34. From Bishop Museum unpublished annual report for 1967.
35. The Systematic Biology Collections of the United States: An Essential Resource. A report to the National Science Foundation by the Conference of Directors of Systematic Collections, February, 1971.

36. Mitchell, p. 48 and Bishop Museum unpublished annual report for 1970.
37. From Bishop Museum annual reports for 1960 (pp. 6, 12) and 1964 (p. 81).
38. From Bishop Museum annual reports for 1962 (p. 67), 1963 (p. 73), and 1964 (p. 47).
39. Mitchell, pp. 24, 27, 34, 53.
40. From Bishop Museum annual report for 1960 (p. 4).
41. From Bishop Museum annual report for 1964 (p. 21).
42. Bishop Museum statement of unrestricted assets of June 30, 1971, (unpublished). See Appendix G.
43. From Bishop Museum annual report for 1962 (p. 24).
44. From Bishop Museum annual reports for 1963 (p. 24) and 1964 (p. 24).
45. From Bishop Museum annual report for 1964 (p. 42).
46. From Bishop Museum annual reports for 1953 (p. 9) and 1961 (p. 26).

CHAPTER II

A SURVEY OF BISHOP MUSEUM AND A SELECTED NUMBER OF MAINLAND MUSEUMS

A review of the services and facilities of Bishop Museum in comparison with a selected number of mainland museums is one of the considerations of this study. For this purpose, questionnaires were sent to twelve selected mainland museums. The questionnaire was primarily based on the questionnaire that was compiled by the Department of Health, Education, and Welfare for a survey on museums conducted in 1967. A copy of our questionnaire is set forth in Appendix B of this study.

The following criteria were used in selecting the mainland museums: (1) that the museum was classified as a "natural history" museum by the Official Museum Directory since the Bishop Museum is classified as such; (2) that the museum is located in a metropolitan area, in consideration of the Bishop Museum's location; (3) that the description of the facilities and exhibits given by the Official Museum Directory were fairly similar to that of the Bishop Museum; and (4) that the museum is engaged in some form of research because research is the primary activity of Bishop Museum. More specifically, museums on the mainland were selected because they were thought to be comparable to the Bishop Museum in as many respects as possible. An equal number of government owned; i.e., county, municipal, or state owned museums, and privately owned museums were selected in order

to provide some guidelines for the comparison. In presenting this comparison, there are various factors which are incapable of assessment, such as solidarity of public financial support during fund and membership drives and the cultural tenor of the museum's environment, that would inevitably affect the kind of services and facilities offered by the museum.

The following government owned museums were selected for this study: Illinois State Museum (Springfield), Indiana State Museum (Indianapolis), Los Angeles County Museum of Natural History, Milwaukee Public Museum, New York State Museum and Science Service (Albany), and Western Washington State Historical Society--Cheney Cowles Memorial Museum (Spokane). Of these six museums, only Illinois State Museum did not respond to the questionnaire. In addition to the Bishop Museum, the non-profit museums were: Academy of Natural Sciences of Philadelphia, American Museum of Natural History (New York), Cleveland Museum of Natural History, Field Museum of Natural History (Chicago), Museum of Science (Miami), and Rochester Museum and Science Center. Two museums, Cleveland Museum and Museum of Science, did not respond to the questionnaire.

The objectives of this survey were to study the different types of services offered and the accessibility of the museum to the public in relation to its operating costs and financial support. Data for the fiscal year of 1970 was requested.

Nearly all the data presented in this chapter have been tabulated from the questionnaire. Where information has been

gathered from sources other than the questionnaire, it has been footnoted. A primary source of information was the Official Museum Directory, published by the American Association of Museums in 1971. This work supersedes the Museums Directory of the United States and Canada.

Tables IIa and IIb indicate the size of the area that the institution serves, the kinds of facilities and the types of exhibitions the institution has.

(See pp. 23-24.)

Tables IIIa and IIIb give brief descriptions of the types of activities the museums offer to the public as a part of their services. An effort was made to focus on the educational and special services of the museums in order to further clarify the public services of the museums.

(See pp. 25-26.)

TABLE IIa

<u>INSTITUTION</u>	<u>METROPOLITAN AREA POPULATION*</u>	<u>KINDS OF FACILITIES</u>	<u>TYPES OF EXHIBITIONS</u>
<u>NON-PROFIT:</u>			
Academy of Natural Sciences of Philadelphia	more than 3,000,000	150,000 volume library open to public; 185,000 items of manuscript and archival collection; research collections; 3 field research stations; exhibition area	zoology, entomology, herbarium, paleontology, mineralogy, herpetology, geology **
American Museum of Natural History	more than 3,000,000	275,000 volume library for inter-library loan; exhibition area; historic site; field research station; planetarium; separate laboratory operation; complex of 19 inter-connecting buildings designated as a landmark	anatomy, anthropology, archaeology, astronomy, Indian artifacts, entomology, geology, herpetology, marine, mineralogy, paleontology, historic buildings **
Cleveland Museum of Natural History	no response	50,000 volume library for inter-library loan; exhibition area **	paleontology, entomology, geology, mineralogy, zoology, herbarium, ethnology, archaeology, anthropology, medical, arboretum, astronomy, botany, decorative arts, herpetology, planetarium, preservation project, aviary **
Field Museum of Natural History	1,000,000 to 3,000,000	170,000 volume library for inter-library loan; exhibition area	anatomy, anthropology, archaeology, archives, botany, costumes, entomology, ethnology, geology, herbarium, herpetology, Indian, mineralogy, natural history, paleontology, science, textiles, zoology **
Museum of Science	no response	5,000 volume library available for reference; planetarium; exhibition area; nature center **	anthropology, archaeology, astronomy, entomology, ethnology, geology, Florida Indians, marine mineralogy, S. Florida birds **
Rochester Museum and Science Center	less than 1,000,000	30,000 volume library for inter-library loan; exhibition area; planetarium	anthropology, archaeology, natural history, history, technology, Indian artifacts, costumes, ethnology, folklore, textiles, military, geology, glass, anatomy, mineralogy, medical, industry, music, paleontology, theater entomology, transportation **
Bernice P. Bishop Museum	less than 1,000,000	50,500 volume library available for reference; 22,000 pamphlets and 320 serial publications; planetarium; exhibition area; historic ship; field research station	natural history, zoology, entomology, anthropology, botany, archives, history, geology, Hawaiian philatelic; aerospace museum program **

* Population estimated within fifty miles of the institution

** American Association of Museums, Official Museum Directory, New York 1971, pp. 500, 387, 448, 448, 130, 141, 112, 112, 409.

TABLE IIB

INSTITUTION	METROPOLITAN AREA POPULATION	KINDS OF FACILITIES	TYPES OF EXHIBITIONS
GOVERNMENT OWNED:			
Cheney Cowles Memorial Museum (State)	less than 1,000,000	3,441 volume library for inter- library loan; historic house; exhibition area	history, Indian artifacts, geology, archives, paintings, sculpture, graphics, anthropology, archae- ology, aviary, music, philatelic **
Illinois State Museum (State)	no response	10,000 volume library for inter- library loan; exhibition area; historic sites **	anthropology, archaeology, botany, entomology, geology, glass, herbarium, paleontology, zoology, art gallery
Indiana State Museum (State)	more than 3,000,000	500 volume library available for reference; historic site; exhibition area	history, anthropology, paintings, decorative arts, geology, miner- alogy, natural history, paleontology **
Los Angeles County Museum of Natural History (County)	more than 3,000,000	50,000 volume library open to public; exhibition area	entomology, paleontology, marine zoology, herpetology, botany, herbarium, Indian artifacts, mineralogy, ornithology, mili- tary, natural history, anthropo- logy, mammalogy, archaeology, historical archives, ethnology, geology, industrial technology, invertebrate zoology
Milwaukee Public Museum (Municipal)	1,000,000 to 3,000,000	75,000 volume library for inter- library loan; exhibition area	anthropology; archaeology; ethnology; botany; entomology; herbarium; zoology; geology; paleontology; mineralogy; animals; reptiles; and marine life of North, Central, and South America, Africa, Oceania, Asia, and Europe **
New York State Museum and Science Service (State)	less than 1,000,000	9,000 volume library for inter- library loan; exhibition area	entomology, Devonian paleon- tology, botany, history, archae- ology, geology, mineralogy, ** zoology, Indian artifacts

** American Association of Museums, Official Museum Directory, New York 1971, pp. 603, 152, 159, 34, 624, 361.

TABLE IIIa

INSTITUTION	GENERAL ACTIVITIES	SPECIAL ACTIVITIES
Academy of Natural Sciences of Philadelphia	guided tours for school classes, presentations at schools; special lectures and/or demonstrations for school classes of the institution; guided tours and gallery talks for general groups; classes, clubs, and study groups for children; lecture series for general audience; film series	handicapped children, pre-school children, disadvantaged children,* excursions for community groups, families, and members
American Museum of Natural History	guided tours for school classes; presentations at schools; special lectures and demonstrations; organized school loan service; guided tours and gallery talks for general audience; classes, clubs, study groups for children and adults, lecture series for general audience; drama events; dance events; film series; planetarium programs	programs for talented children, handicapped persons, disadvantaged children, excursions for school classes, museum classes, and adults
Cleveland Museum of Natural History	guided tours for school classes; lectures; films; gallery talks for general audience; concerts; study clubs; hobby workshops; formally organized educational programs for children, adults, and undergraduate and graduate students; inter-museum loan exhibitions; permanent and temporary exhibitions**	no response
Field Museum of Natural History	guided tours for school classes; special lectures and demonstrations; organized school loan service; classes, clubs, and study groups for children; lecture series for general audience; film series	programs for talented children and pre-school children; excursions for members only
Museum of Science	guided tours for school classes; lectures; films; gallery talks for general audience; drama; study clubs; hobby workshops; formally organized educational programs for children, adults, and undergraduate college students; permanent, temporary, and traveling exhibitions; nature trails; Latin-oriented programs; observatory**	no response
Rochester Museum and Science Center	guided tours for school classes; presentations at schools; special lectures and demonstrations; classes, clubs, and study groups for children and adults; lecture series; radio and television programs; live musicals; drama events; dance events; film series; speaker's bureau; planetarium programs	programs for talented children, handicapped persons, pre-school children, senior citizens, disadvantaged children and adults; excursions for school and museum classes; community groups, families and members
Bernice P. Bishop Museum	guided tours for school classes; presentations at schools; special lectures and/or demonstrations for school classes; organized school loan service of special materials; classes, clubs, and study groups for adults; planetarium programs	handicapped persons; disadvantaged adults and children; excursions for museum classes and community groups

* low socio-economic level

** American Association of Museums, Official Museum Directory, New York, 1971, pp. 449 and 141.

TABLE IIIb

SPECIAL ACTIVITIESGENERAL ACTIVITIESINSTITUTIONGOVERNMENT OWNED:

Cheney Cowles Memorial Museum	guided tours for school classes; organized school loan service; guided tours and gallery talks for general audience; classes, clubs, and study groups for children and adults; lecture series; live musical events	program for talented children; excursions for members only.
Illinois State Museum	Guided tours for school classes; films; formally organized education programs for children and adults; inter-museum loan exhibitions; permanent and traveling exhibitions**	no response
Indiana State Museum	guided tours for school classes; guided tours and gallery talks for general audience; lecture series	none
Los Angeles County Museum of Natural History	guided tours for school classes; special lectures and demonstrations for school classes; organized school loan service; guided tours and gallery talks for general audience; classes, clubs, and study groups for children and adults; lecture series; radio programs	program for talented children and handicapped persons; excursions for museum classes and members
Milwaukee Public Museum	guided tours for school classes; organized school loan service; guided tours and gallery talks for general audience; classes, clubs, and study groups for children and adults; lecture series; radio and television programs	program for handicapped persons; excursions for members only
New York State Museum and Science Service	guided tours for school classes; special lectures and demonstrations for school classes; organized school loan service; classes, clubs, and study groups for children; film series	program for disadvantaged children; excursions for museum classes and local natural science groups

** American Association of Museums, Official Museum Directory, p. 152.

On the whole, the non-profit institutions had a greater number of student visitors. Of this total, the private museums escorted a higher percentage of their student groups than the government owned museum.¹

The following Table list the number of professional and non-professional staff employed by the museums and the various salary ranges of the respective staff. The following interpretation was used for "professional": paid employees doing work that required education, training, and skill in the academic or scholarly aspects of the institution's program, as distinct from the merely mechanical and clerical aspects. Such employees would usually have at least a bachelor's degree in a relevant subject, or post high school education and appropriate experience equivalent to a bachelor's degree.

(See p. 28.)

TABLE IV

<u>INSTITUTION</u>	<u>NUMBER OF STAFF</u>	<u>SALARY RANGES</u>
<u>NON-PROFIT:</u>		
Academy of Natural Sciences of Philadelphia	Professional : 68 Non-Professional: 110	Professional : \$9,000 to \$25,000 Non-Professional: \$3,500 to \$9,000
American Museum of Natural History	Professional : 150 Non-Professional: 450	Professional : \$12,000 to \$28,000 Non-Professional: \$6,000 to \$15,000
Cleveland Museum of Natural History	no response	no response
Field Museum of Natural History	Professional : 60 Non-Professional: 210	Professional : \$8,000 to \$26,000 Non-Professional: \$4,000 to \$15,000 (Above figures exclude administration)
Museum of Science	no response	no response
Rochester Museum and Science Center	Professional : 40 Non-Professional: 25	not available
Bernice P. Bishop Museum	Professional : 68 Non-Professional: 18	Professional : \$5,900 to \$25,000 Non-Professional: \$4,000 to \$9,500
<u>GOVERNMENT OWNED:</u>		
Cheney Cowles Memorial Museum	no numbers given for either category	Professional : \$8,880 to \$16,000 Non-Professional: \$5,448 to \$9,336
Illinois State Museum	no response	no response
Indiana State Museum	Professional : 7 Non-Professional: 12	Professional : \$8,000 to \$12,000 Non-Professional: \$6,000 to \$10,000
Los Angeles County Museum of Natural History	Professional : 48 Non-Professional: 117	Professional : \$10,968 to \$26,424 Non-Professional: \$5,928 to \$19,368
Milwaukee Public Museum	Professional : 50 Non-Professional: 75	Professional : \$8,058 to \$27,074 Non-Professional: \$6,209 to \$9,482
New York State Museum and Science Service	no numbers given for either category	Professional : \$9,167 to \$25,000 Non-Professional: \$4,480 to \$15,000

Tables Va and Vb present data concerning the sources of income, contributions in kind, and expenditures of the respective museums. Contributions in kind refers to contributions for institutional operation made not in money, but through the use of premises, provision of staff, provision of utilities, regular custodial or professional services, etc.

(See p. 30.)

Among the privately owned museums that were surveyed, a majority charges an admission fee. The charges ranged from as little as 50 cents for adults and 25 cents for children to as much as \$2 for adults and 50 cents for children. Most non-profit museums that do charge an admission fee, however, have set aside a day when visitors are admitted free.² All the government owned museums surveyed in the study do not charge any admission.³

TABLE Vb

<u>INSTITUTION</u>	<u>SOURCE OF INCOME</u>	<u>CONTRIBUTIONS IN KIND</u>	<u>EXPENDITURES</u>
<u>GOVERNMENT OWNED:</u>			
Cheney Cowles Memorial Museum	State: \$ 88,000 Federal: 3,500 Endowment: 14,500 TOTAL: \$ 106,000	\$11,000	TOTAL: \$ 106,000 (no breakdown given)
Illinois State Museum	no response	no response	no response
Indiana State Museum	State: \$ 300,000 (no other source listed)	none	Exhibitions: \$ 25,000 Administration: 100,000 General Operating Cost: 175,000 TOTAL: \$ 300,000
Los Angeles County Museum of Natural History	Local: \$2,068,200 Federal: 60,100 Endowment: 227,000 Dues: 95,400 Publication: 24,700 Other: 34,000 TOTAL: \$2,509,300	\$551,700	Research: \$ 793,800 School Programs: 77,800 Adult Education Program: 45,000 Exhibitions: 244,800 Administration: 118,300 General Operating Cost: 391,200 Publication: 105,500 Other: 725,700 TOTAL: \$2,502,100
Milwaukee Public Museum	Local: \$1,500,000 Other: 335,000 (Capital improvement for constructing exhibits) TOTAL: \$1,835,000	none	TOTAL: \$1,437,413 (no breakdown given)
New York Museum and Science Service	State: appropriation as adjusted; for reporting year listed as \$1,500,000	\$35,000	Research: \$ 500,000 School Programs: 55,000 Exhibition: 750,000 General Operating Cost: 50,000 Other: 100,000 TOTAL: \$1,455,000

TABLE Va

INSTITUTION	SOURCES OF INCOME		CONTRIBUTIONS IN KIND	EXPENDITURES	
	NON-PROFIT:				
Academy of Natural Sciences of Philadelphia	Local: \$ 120,000 Federal: 331,684 Endowment: 1,549,000 Dues and Admission: 117,000 Publication: 5,000 Other: 61,000 TOTAL: \$2,183,684	none	Research: School Programs and Exhibition: \$1,460,000 Administration: 176,000 General Operating Cost: 154,000 Publication: 223,076 Other: 34,068 TOTAL: 316,000 \$2,363,144		
American Museum of Natural History	Local: \$2,600,000 Federal: 600,000 Endowment: 2,100,000 Publication: 100,000 (net) Other: 550,000 TOTAL: \$5,950,000	\$300,000	Research: School and Adult Education Programs: \$2,000,000 Exhibitions: 250,000 Administration: 600,000 General Operating Cost: 1,000,000 Publication: 1,800,000 Other (Pension and Social Security): 2,000,000 TOTAL: 650,000 \$8,300,000		
Cleveland Museum of Natural History	no response	no response	no response		
Field Museum of Natural History	Local: \$ 960,000 Federal: 300,000 Endowment: 1,225,000 Contributions: 400,000 Dues and Admission: 575,000 Other: 180,000 TOTAL: \$3,640,000	none	General Operating Costs Allocated to: Science 40% Exhibition 47% Education 9% Other 4% TOTAL: \$3,700,000 (no other form of breakdown given)		
Museum of Science	no response	no response	no response		
Rochester Museum and Science Center	Membership: \$ 128,237 Special Gift: 25,504 TOTAL: \$ 153,741 Assets: Current Funds: \$ 534,386 Endowment Funds: 427,794 Plant Funds: 3,519,362 TOTAL: \$4,481,542 Above figures were the only ones revealed; all others were considered "confidential".	none listed	Current Fund Liabilities: \$ 534,386 Endowment Liabilities: 427,794 Plant Liabilities: 3,519,362 TOTAL: \$4,481,542 Planetarium: \$2,775,664 Museum: 148,391 Columbia School: 532,745 Office and Maintenance: 29,577 TOTAL: \$3,486,377		
Bernice P. Bishop Museum	Local: \$ 26,715.68 Federal: 503,957.00 Endowment: 118,372.00 Dues and Admission: 92,148.00 Publication: 107,013.00 Other: 845,933.32 TOTAL: \$1,694,139.00	none	Research: \$1,087,859.00 School Programs: 7,397.51 Exhibitions: 19,872.00 Administration: 150,607.20 General Operating Cost: 234,693.91 Publication: 53,994.00 Other: 44,110.42 TOTAL: \$1,618,534.04		

The hours of all the museums are quite similar; they are usually open all day Monday through Saturday, and a half day on Sundays. Among the privately owned museums, the Museum of Science, the Field Museum, and the Bishop Museum are open on some evenings. None of the government owned museums surveyed were open on evenings.⁴

Among the projected needs for the next five years of all the museums surveyed, new facilities and rehabilitation of present space were estimated to be the most costly and crucial in meeting the demands of the public. Increased attendance of museums has been a major factor in the rise of operating costs of museums. More visitors require more guides, more professional and administrative staff and more expenditures for maintaining and rehabilitating buildings, exhibits, and equipment. The salaries of the staff also need to be increased in order to keep the experienced employees and to attract new members.⁵ Thus, the estimated cost of personnel is also high on the list of estimated future needs. The following tables present the responses received from the respective museums regarding their estimated future needs.

(See pp. 33-34.)

TABLE VIA

<u>INSTITUTION</u>	<u>ESTIMATED FUTURE NEEDS*</u>	
<u>NON-PROFIT:</u>		
Academy of Natural Sciences of Philadelphia	For a new building; no other figures given:	\$20,000,000
American Museum of Natural History	New facilities:	30,000,000
	Rehabilitation of present space:	7,500,000
	New equipment:	600,000
	Personnel	
	Professional and Non-Professional:	200,000/year
	Other:	70,000/year
Cleveland Museum of Natural History	No response	
Field Museum of Natural History	Rehabilitation of present space (Capital fund program now in progress):	25,000,000
Museum of Science	No response	
Rochester Museum and Science Center	figures undisclosed	
Bernice P. Bishop Museum**	New facilities:	1,500,000
	Rehabilitation of present space:	500,000
	New equipment:	250,000
	Personnel	
	Professional:	350,000
	Non-Professional:	200,000

* Projected for the next five years

** According to Roland Force, Director of Bishop Museum, these figures are preliminary

TABLE VIb

<u>INSTITUTION</u>	<u>ESTIMATED FUTURE NEEDS*</u>
<u>GOVERNMENT OWNED:</u>	
Cheney Cowles Memorial Museum	New facilities: \$ 500,000 Rehabilitation of present space: 10,000 New equipment: 5,000 Personnel Non-Professional: 6,000/year (New wing is being discussed, but its reality will depend upon con- tributions; state is not involved.)
Illinois State Museum	No response
Indiana State Museum	New facilities: 9,000,000 Rehabilitation of present space: 800,000 New Equipment: 800,000
Los Angeles County Museum of Natural History	New facilities: 5,000,000 Rehabilitation of present space: 500,000 New equipment: 150,000 Personnel Professional: 900,000 Non-Professional: 600,000
Milwaukee Public Museum	No estimate available
New York Museum and Science Service	New facilities: 70,000,000 (cost of building now under construction) Rehabilitation of present space: 10,000 New equipment: 2,000,000 Personnel Professional: 100,000/year Non-Professional: 300,000/year

* Projected for the next five years

A publication entitled, America's Museums: The Belmont Report, published in 1969 by the American Association of Museums, states that most museums rely on a combination of private and public funds for support. Most of the museums which adhere to the tradition of free admission do so because they receive governmental support--municipal, county, or state, and occasionally federal. In general, less than one per cent of the income of a museum is provided by the federal government; ninety-nine per cent of it is supported by state and local government and private sources. Very few museums are wholly supported by private funds. Though some museums are financed largely or wholly by the states and municipalities, the vast majority of the 6,000 museums in the United States rely on a mixture of sources.⁶

The opinions we have received, in addition to the questionnaire, from three of the non-profit museums are essentially in agreement with the financial situation of most American museums that was presented in the Belmont Report. Mr. G. Carroll Lindsay, Director of Museum Services of the New York State Museum and Science Service, states that "for the future only those museums with enormous endowments or heavy tax support can continue to operate effectively".

The American Museum of Natural History is operated in partnership between a private corporation owned by its Board of Trustees and the City of New York. This partnership dates back to over a century and under the arrangement, the City of New York is responsible for the construction, maintenance, and renovation

of the physical plant, while the private corporation is responsible for the museum program. Mr. Thomas D. Nicholson, Director of the Museum states: "Through such an arrangement, we have a broad base of fiscal support, including support from tax sources through the City, and a strong position from which to appeal for private funds. In some ways, an arrangement such as ours offers the best of both worlds."

Mr. H. Radclyffe Roberts, Director of the Academy of Natural Sciences, states that as far as the actual ownership of the museum is concerned, it would make little difference whether it is owned by the state or a private organization as long as community leaders are involved in running and supporting the institution. But if the institution becomes dependent on only one source of support, whether it is a few wealthy individuals or a government body, there are dangers for the future.

From the information and data gathered an analysis thereof, the following observations can be made:

The facilities and types of exhibitions of Bishop Museum are comparable to a non-profit museum of its size and location. Government owned museums, on the whole, have more limited facilities and exhibitions than non-profit museums, and even those in large metropolitan areas, such as Los Angeles and Milwaukee, do not compare favorably with the non-profit museums in a metropolitan area of their size.

General activities of all the museums are basically the same, such as: guided tours, presentations at schools, organized school

loan service, classes, clubs, and study groups for children and adults. Judging from the number of student visitors, the non-profit museums, on the whole, served a larger percentage of the student population than the government owned museums. Compared with the government owned museums in a metropolitan area of similar size, Bishop Museum drew a comparable number of students.

In the category of special activities, the non-profit museums had more programs than the government owned museums. Of the non-profit museums which responded, each had some kind of special activity--programs for talented children, handicapped persons, disadvantaged persons--while the government owned museums had fewer programs and one museum (Indiana State Museum) had none. Among the non-profit museums, Bishop Museum had fewer special activities than most of the other museums. Assessment of such special activities, however, must take into account public support of such programs, financially and otherwise.

Government owned museums generally had higher salary ranges for their non-professional staff, while the salary ranges for their professional staff were comparable to those of the non-profit museums. The median professional salary range was \$8,000 to \$25,000. Figures for the non-professional salary range vary widely. Of all the museums, Bishop Museum had the lowest starting salary (\$5,900) for the professional staff, but its highest salary (\$25,000) for the professional staff was comparable to the other museums. Although Bishop Museum had the least number of non-professional staff of all the non-profit

museums, its number of professional staff was higher than the other non-profit museums of comparable size and financial support. Of the government owned museums which responded to the question concerning the number of staff, all ranked lower than the private museums in the number of professional and non-professional staffs.

As a whole, the non-profit museums, except the Bishop Museum, operate on a larger budget than the government owned museums. Bishop Museum has the lowest income of all the non-profit museums which responded to the questionnaire. Although Bishop Museum concentrates heavily on research, it is difficult to assess the amount it expends on research in comparison to the other museums since some of the museums did not list a breakdown of their expenditures. However, it would be safe to say that, in general, non-profit museums invest a larger portion of their budget into research than the government owned museums.

The estimated future needs of the museums represent a tenuous financial situation which most museums must face. In comparison to the estimated future needs of the other museums, however, Bishop Museum's figures are comparably modest. But whether the projected needs of the museums will actually be met will depend, as indicated by the Cheney Cowles Memorial Museum, on the financial support that museums manage to solicit.

FOOTNOTES

1. The Cheney Cowles Memorial Museum reported a total of 15,802 escorted students, of which 14,834 were from the elementary and secondary grades and 968 were from the college level. No information concerning unescorted groups was given. The Indiana State Museum reported that it escorts only elementary school students, but gave no figures. Los Angeles County Museum of Natural History listed a total of 123,000 escorted students from the elementary, secondary, and college levels, but gave no further breakdown of figures. The Milwaukee Public Museum escorted only elementary school students who numbered a total of 26,149; it also listed a total of 68,937 unescorted school groups. New York State Museum and Science Service reported a total of 30,000 escorted students, mainly from the elementary grades, and it estimated that a total of 40,000 students from all grade levels went through the museum unescorted.

The Academy of Natural Sciences reported a total of 150,000 students from all grade levels who were escorted during their visits to the museum and a total of 50,000 students from all grade levels who went through the museum unescorted. The American Museum of Natural History reported the following breakdown among its escorted student groups: 60,000 elementary; 5,000 secondary; and 400 college (total: 65,400). Unescorted student groups were as follows: 500,000 elementary; 20,000 secondary; and 2,000 college (total: 522,000). The Field Museum of Natural History reported that approximately twenty per cent of the 400,000 students who were primarily from the elementary grades were escorted. Rochester Museum did not give any figures. Bishop Museum listed a total of 40,114 students from all grade levels who were escorted through the museum. No figures were given for unescorted student groups.

2. The Academy of Natural Sciences charges 75¢ for adults, 35¢ for children, and has special rates for groups (Official Museum Directory, p. 500). The Cleveland Museum of Natural History has free admission on Tuesdays and charges 50¢ for adults, and 25¢ for children on all other days (Official Museum Directory, p. 449). Field Museum of Natural History has admission fees of \$1 for adults and 35¢ for children, but has free admission on Fridays (Official Museum Directory, p. 141). The Museum of Science charges no admission to its museum but charges

a fee of \$1 for adults, 50¢ for students (evenings: \$1.50 for adults, 75¢ for students) to its planetarium. (Official Museum Directory, p. 113). The Rochester Museum and Science Center charges no admission for the residents and schools of Monroe County since the county helps to support it, but for all other visitors charges a fee of \$1.50 for adults, 75¢ for students, grade seven through college, and 50¢ for children. The American Museum of Natural History charges no admission at all. (Official Museum Directory, p. 387). Bishop Museum has a fee of \$2 for adults and \$1 for all military personnel. Children up to the age of seventeen are admitted free to the museum. Evening charges for the planetarium are \$1.50 for adults, 75¢ for all military personnel, and no charge for children up to the age of seventeen. No admission is charged to either the museum or the planetarium on every third Sunday of the month.

3. Official Museum Directory, pp. 608, 152, 159, 34, 624, 362.
4. Ibid.
5. American Association of Museums, America's Museums: The Belmont Report, Washington, D.C. 1969, p. 26.
6. Ibid., p. 43.

CHAPTER III

BISHOP MUSEUM - LEGAL ASPECTS

This chapter discusses legal considerations with respect to the Bishop Museum beginning with the basis of its establishment to problems associated with a government take-over of that facility.

Establishment of Bishop Museum

The real property upon which Bishop Museum is presently located was originally intended as the site of "two schools each for boarding and day scholars, one for boys and one for girls to be known as and to be called the Kamehameha Schools". After the death of Bernice Pauahi Bishop on October 16, 1884, she, by her will dated October 31, 1883, gave and devised most of her real property in fee simple to five trustees¹ to erect and maintain in the Hawaiian Islands two (the Kamehameha) schools. To carry out this purpose, Bernice Pauahi Bishop provided for the following:²

"I direct my trustees to expend such amount as they may deem best, not to exceed however one-half of the fund which may come into their hands, in the purchase of suitable premises, the erection of school buildings, and in furnishing the same with the necessary and appropriate fixtures furniture and apparatus. I direct my trustees to invest the remainder of my estate in such manner as they may think best, and to expend the annual income in the maintenance of said schools; meaning thereby the salaries of teachers, the repairing buildings and other incidental expenses; and to devote a portion of each years income to the support and education of orphans, and others in indigent circumstances, giving the preference to Hawaiians of pure or part aboriginal blood;

the proportion in which said annual income is to be divided among the various objects above mentioned to be determined solely by my said trustees they to have full discretion. I desire my trustees to provide first and chiefly a good education in the common English branches, and also instruction in morals and in such useful knowledge as may tend to make good and industrious men and women; and I desire instruction in the higher branches to be subsidiary to the foregoing objects. For the purposes aforesaid I grant unto my said trustees full power to lease or sell any portion of my real estate, and to reinvest the proceeds and the balance of my estate in real estate, or in such other manner as to my said trustees may seem best. I also give unto my said trustees full power to make all such rules and regulations as they may deem necessary for the government of said schools and to regulate the admission of pupils, and the same to alter, amend and publish upon a vote of a majority of said trustees. I also direct that my said trustees shall annually make a full and complete report of all receipts and expenditures, and of the condition of said schools to the Chief Justice of the Supreme Court, or other highest judicial officer in this country; and shall also file before him annually an inventory of the property in their hands and how invested, and to publish the same in some Newspaper published in said Honolulu; I also direct my said trustees to keep said school buildings insured in good Companies, and in case of loss to expend the amounts recovered in replacing or repairing said buildings. I also direct that the teachers of said schools shall forever be persons of the Protestant religion, but I do not intend that the choice should be restricted to persons of any particular sect of Protestants."

No provision was made in the Bishop Will for the establishment of a Museum.

On August 30, 1886, Alexander J. Cartwright, Executor and Trustee under the Will of Emma Kaleleonalani, Dowager Queen of the Hawaiian Islands, transferred to Charles R. Bishop "certain native and other curiosities" to be devoted to the use or benefit of an institution or museum for the preservation of curiosities.³

Subsequently, in 1890, Charles R. Bishop, with the consent of the other four trustees of the Bishop Estate, caused to be

built on the original Kamehameha School site a building known as the Bernice P. Bishop Museum. Additions to that building were made later. The total cost of these facilities, paid for by Charles R. Bishop personally, amounted to \$143,900. On March 23, 1891, Charles R. Bishop conveyed to the Trustees of the Bishop Estate certain real property not relevant to the Bishop Museum and also:

"...all articles and collections of every description belonging to...(him)...now in the Bernice P. Bishop Museum at the Kamehameha School for Boys in Honolulu; and also everything which may be added thereto by...(him)..., or at his expenses, including everything received from the estate of the Queen Dowager Emma Kaleleonalani."⁴

Further gifts from Charles R. Bishop to the trustees of the Bishop Estate included land at Waipio on the island of Hawaii in trust to apply the income therefrom for the maintenance of the Bishop Museum⁵ and the sum of \$30,000 for the same purpose.⁶ The income from these two sources amounted in July of 1896 to \$5,800 annually.

Approximately three years after the foregoing events, the trustees of the Bernice Pauahi Bishop Estate realized that all of their actions with respect to the establishment and operation of the Bishop Museum was not legally provided for under the Will of Bernice Pauahi Bishop. Accordingly, a petition, by way of a Bill for Reformation of Trust,⁷ was presented to A. W. Carter, First Judge of the Circuit Court of the First Circuit. The petition alleged that, on advice of Counsel, the trustees discovered that they had no power to "accept of, so as to graft on, orally

with, the trusts of the said will, such a trust as has been created on behalf of the said museum and that the management and conduct on such museum is foreign to the purposes and objects of the trusts of the said will". The petition also alleged that it would be to the best interests of both the Museum and the Kamehameha Schools that separate and distinct trusts be created with the Museum trust to be administered by a board of trustees to be composed of the Bishop Estate Trustees and two others. The trustees asked that they be authorized to convey to the new board of trustees of the Museum the land at Waipio, the \$30,000 and the artifacts of Charles R. Bishop and Queen Emma.

On October 5, 1896, a decree (Equity 890) was entered granting the relief prayed for in the Petition and authorizing the conveyance of the assets and artifacts legally held by the Bishop Estate trustees to the trustees of the Bishop Museum.⁸ The legal foundation of the Bishop Museum dates back to this Decree in Equity entered on October 5, 1896.

Governmental Acquisition of the Bishop Museum

Acquisition of the Bishop Museum by the State raises certain legal problems inherent in the mode of acquisition. There are basically two methods by which the Bishop Museum can be acquired--through negotiated purchase or, by the exercise of the government's power of eminent domain.

Negotiated Purchase

Assuming that the trustees of the Bishop Museum are willing to sell, and that an agreed price can be established for the sale of the Museum, the legal issue to be resolved is whether the trustees would have the power to dispose of the Museum and its assets.

The Bishop Museum was created under a deed of trust. A "trust" has been defined by Black's Law Dictionary as "a confidence reposed in one person, who is termed trustee, for the benefit of another, who is called the cestui que trust, respecting property which is held by the trustee for the benefit of the cestui que trust".⁹ The elements of a valid trust as stated by the Hawaii Supreme Court include, "a person competent to create it, sufficient words to create it, a person capable of holding as trustee, a specified or ascertainable object, a definite subject, and a declaration of the term of the trust".¹⁰ In the case of the Bishop Museum, it constitutes a special kind of trust--a charitable trust.¹¹

A charitable trust differs from a private trust in three important respects. Firstly, the assets of the trust, or corpus, are to be used for a charitable purpose.¹² Secondly, there is ordinarily no definite beneficiary, the beneficiaries being the general public or community.¹³ Thirdly, the charitable trust may be valid although it is to continue indefinitely.¹⁴ However the principle that a trust will not be terminated, even though all of the beneficiaries wish to terminate it, where such termination would

be contrary to the intention of the settlor, is applicable to charitable as well as to private trusts.¹⁵

It has been generally held that where property is given in trust for a particular charitable purpose and it is legal and possible and practicable to carry out that purpose, courts will not ordinarily permit the property to be applied to other purposes, although the other purposes appear to the court to be more useful and desirable than the purpose designated by the testator.¹⁶ A charitable trust is terminable, therefore, only if the termination would not be contrary to the material purpose of the settlor in creating the trust.¹⁷

The purpose of the Bishop Museum Trust as stated in Charles R. Bishop's deed of trust executed after the Decree in Equity to reform the Bernice P. Bishop Trust was granted, reads in material part:

"To have and to hold unto the said parties of the second part, their successors and assigns, upon trust to hold, use and occupy the said building, with its appurtenances, and all extensions thereof, as the Bernice P. Bishop Museum of Polynesian Antiquities, Ethnology and Natural History, and to hold such of all the said articles and things, the property in which was absolutely vested in the said parties of the first part immediately before the execution of these presents, for the purpose of a Museum of Polynesian and Kindred Antiquities, Ethnology and Natural History, and to hold the remainder of such articles and things upon the trusts and subject to the terms and conditions declared or contained in any deed or deeds of trust and instruments in writing relating to the same."

. . .

"It is hereby agreed and declared that the said parties of the second part, and their successors in the trust herein declared or contained, shall hold

the said tract of land, and the thirty Hawaiian Government six percent bonds, of the value of one thousand dollars each, this day delivered to them by the said parties of the first part, upon the following trusts, and subject to the following terms and conditions, that is to say:

Upon trust to receive the income thereof, and after paying thereout all costs, charges and expenses, including commissions incurred in the management of the property, and in the collection of the same income, or otherwise, however, to apply the balance thereof, or the net income (a) in and towards the maintenance, conduct and (to such extent as they shall in their absolute discretion, think fit) further equipment and development of the said Bernice P. Bishop Museum as a scientific institution for collecting, preserving, storing and exhibiting specimens of Polynesian and Kindred Antiquities, Ethnology and Natural History, and books treating of, and pictures illustrating the same, and for the examination, investigation, treatment and study of said specimens, and the publication of pictures thereof, and of the results of such investigation and study, and (b) if the said trustees, or their successors in the trust, shall in their absolute discretion think fit, in the purchase or lease of a suitable site or suitable sites for and in the erection, furnishing, equipping and conducting also as a scientific institution, on the Island of Oahu, Republic of Hawaii, a Marine Aquarium and Biological Laboratory, but the trust in favor of the Bernice P. Bishop Museum shall always, and in all things, have precedence, and be paramount over the trust in favor of the said Marine Aquarium and Biological Laboratory."

It appears clear that the primary intent of the settlor, Charles R. Bishop, in creating the Museum trust was that the Museum of Polynesian Antiquities, Ethnology and Natural History shall have precedence and be paramount in the dealings of the trustees appointed to oversee its affairs. Accordingly, in view of the rules governing the termination of charitable trusts, it seems that the trustees of the Bishop Museum, even if they were personally so inclined, would not have the power under the terms of the trust to dispose of what would amount to a substantial

portion of the trust assets.¹⁸ Therefore, except as discussed infra, a negotiated purchase would not be a feasible method of government acquisition of the Bishop Museum.

As has been previously discussed, the Bishop Museum Trust was spun off, so to speak, from the Bernice P. Bishop Trust establishing the Kamehameha Schools. While it appears that had the Bishop Museum Trust been established under less unusual circumstances, the law of charitable trusts would hardly permit any alternatives in terminating the trust so created. However, in this specific instance, there may be the possibility that given the proper conditions, the Bishop Museum Trust could conceivably be brought under governmental control and operation. These conditions would include: a willingness on the part of the Bishop Museum trustees to either sell or give the trust assets to the government, concurrence in the plan of transfer by the Attorney General¹⁹ and approval of the plan by the Circuit, and ultimately the Hawaii Supreme, Court, and the existence of circumstances making the transfer necessary to effectuate either the purpose of the Bishop Museum Trust or the Kamehameha Schools Trust.

Thus, hypothetically, if circumstances were such that because of economic inability,²⁰ the revenue sources of the Bishop Museum were inadequate to keep the Bishop Museum viable, and a feasible alternative in maintaining the Museum's viability was a transfer of that facility to the government so that the expenses of the operation could then be borne by the State, the transfer could conceivably be approved by the courts.²¹ The proceeds, if the

transfer were by way of sale, would inure to the benefit of the Kamehameha Schools Trust.²²

A second hypothetical situation would also lead to the same result. That is, if circumstances were such that it could be shown to the courts that conversion of the assets of the Bishop Museum Trust into money would substantially assist the carrying out of the purposes of the Kamehameha Schools Trust, while at the same time, continue in operation the Museum facility although under the aegis of the government, the transfer of the Museum's assets could conceivably be approved by the courts.²³

Exercise of Eminent Domain Powers

Since a voluntary as distinguished from a "forced" sale by the trustees is not permissible under the law of charitable trusts, the only alternative remaining for governmental acquisition of the Bishop Museum would be through the exercise of the State's power of eminent domain.

The power of eminent domain is an inherent political right belonging to the State by virtue of its sovereignty.²⁴ It rests in the legislative branch of government but the exercise of the power may be delegated to others such as state agencies, municipalities, public corporations, and even private corporations engaged in public business. The Federal²⁵ and State²⁶ Constitutions, however, require that before property may be taken, a person must be accorded due process of law and in the event property is taken and, in the case of the State, if property is taken or damaged, that just compensation must be made. A further

requirement is that private property cannot be condemned except for a public use.

This power of eminent domain extends to both real and personal property.²⁷ The exercise of this power, however, may be restricted by the legislature. It has been said that in Hawaii, by statute, personal property is not authorized to be condemned, the property which may be taken being "all real estate belonging to any person, together with all structures and improvements thereon, franchises or appurtenances thereunto belonging, water, water rights, and easements of every nature".²⁸ The conclusion that in Hawaii the power of eminent domain has not been extended to personal property is derived from a study of the development of the existing statutory language as contained in Section 101-6, Hawaii Revised Statutes. The present language is substantially identical to Section 1(e) of Act 12, Session Laws of Hawaii, Regular Session of 1951. This language in turn was adopted from Section 3 of Act 45 of the 1896 Session Laws of the Republic of Hawaii as amended by Act 62 of the 1898 Session Laws of the Republic of Hawaii.²⁹ The tenor of the existing provisions on condemnation, i.e. Chapter 101, Hawaii Revised Statutes, relate to the procedure and valuation methods involved in the taking of real, as contrasted with personal property. For example, much detail is given with respect to acquisition of remnant land, improvements on land, disposition of remnant lands to abutting landowners,³⁰ authority to enter private lands for purposes of surveying,³¹ furnishing of a description and map of the land sought to be condemned,³² ascertainment of severance

damages as to lands not taken but severed from a larger tract by a condemnation,³³ possession of real property by the condemnor prior to final disposition of the condemnation action³⁴ and the real property tax consequences of a condemnation action.³⁵ Moreover, there is no reported Hawaii Supreme Court opinion relating to a condemnation action solely involving the acquisition through eminent domain of personal property. Neither do the committee reports³⁶ on the acts cited touch upon the specific point as to whether the statute by its reference to land and interests in land is meant to include personal property. Further, from a reading of the statute, taken as a whole, there is support for a conclusion that the legislature has not extended the power of eminent domain to the acquisition of personal property.³⁷

It appears that Chapter 101 does not authorize property to be taken under the power of eminent domain. There is no bar to the exercise of the eminent domain power to take the land on which the Bishop Museum is located and the structure itself. However it appears advisable to clarify the condemnation statute with respect to the authority to condemn personal property if the artifacts and other museum personal properties are to be acquired by forced sale to the government.

FOOTNOTES

1. The first trustees were Charles R. Bishop, husband of Bernice P. Bishop, Samuel M. Damon, Charles M. Hyde, Charles M. Cooke, and William O. Smith. Vacancies in the membership of the trustees were to be filled by the choice of a majority of the Justices of the Supreme Court, the selection to be made from persons of the Protestant religion.
2. Will of Bernice Pauahi Bishop.
3. Queen Emma by a codicil to her will signed on November 19, 1884, made such a gift but because there was only one witness to her signature, the codicil was not admitted to probate.
4. Deed of March 23, 1891, by and between Charles R. Bishop and the Trustees under the Will of Bernice Pauahi Bishop. See also Appendix C for other relevant transactions relating to Bishop Museum artifacts.
5. Deed of May 19, 1892.
6. On or about March 16, 1893.
7. See Appendix D.
8. See Appendix E.
9. Black's Law Dictionary, 4th ed., 1951 at page 1680.
10. Kinney v. Robinson, 30 H. 246, 253 (1927).
11. The Restatement of Trusts, Section 348: "A charitable trust is a fiduciary relationship with respect to property arising as a result of a manifestation of an intention to create it, and subjecting the person by whom the property is held to equitable duties to deal with the property for a charitable purpose."
12. While no fixed standards were set as to what constitutes a charitable purpose, it has been said by the Restatement of Trusts that "a purpose is charitable if its accomplishment is of such social interest to the community as to justify permitting property to be devoted to the purpose in perpetuity". It has been generally held that trusts for the advancement of education and specifically, trusts to establish or maintain public libraries, art museums, botanical and zoological or similar institutions are charitable.
IV Scott on Trusts 3rd ed., 1967, at pages 2853, 2858, 2866 and 2640.

13. Op. cit., p. 2839.
14. Ibid.
15. Op. cit., p. 2847.
16. Op. cit., p. 3119.
17. Op. cit., p. 2851. Some of the conditions under which a charitable trust has been terminated include termination as provided by the terms of the trust, insufficient funds to carry out trust purpose, accomplishment of trust purpose, impossibility of accomplishing the trust purpose and illegality of trust purpose. Op. cit., pages 3095, 3099, 3103, 3104, and 3119.
18. The trust by its provisions does provide authority to the trustees to sell portions of the Museum's assets and thereafter use the proceeds therefrom for the carrying out of trust purposes.
19. Op. cit., p. 2839. See also Section 554-8, Hawaii Revised Statutes, and Damon v. Hyde, 11 H. 153 (1897) at p. 158.
20. See footnote 17.
21. "Where property is given in trust for a particular charitable purpose, the trust will not ordinarily fail even though it is impossible to carry out the particular purpose. In such a case the court will ordinarily direct that the property be applied to a similar charitable purpose. The theory is that the testator would have desired that the property be so applied if he had realized that it would be impossible to carry out the particular purpose.... The principle under which the courts thus attempt to save a charitable trust from failure from carrying out the more general purpose of the testator and carrying out approximately though not exactly his more specific intent is called the doctrine of cy pres. The phrase is in the Anglo-French and is equivalent to the modern French *si pres*, meaning so near or as near. The intention of the testator is carried out as nearly as may be." IV Scott on Trusts 3rd ed., 1967 at p. 3084. See also p. 3099. It appears that the doctrine of cy pres is recognized in Hawaii. See Collins v. Hodgson, 36 H. 334 (1943) and Haw'n Trust Co. v. Breault, 42 H. 268 (1957).
22. IV Scott on Trusts, p. 3133.
23. Again, by the application of the cy pres doctrine. It should be recalled that the only trust created by the Will of Bernice P. Bishop was for the establishment and operation of the Kamehameha Schools.

24. See generally, Chinen, Just Compensation in Eminent Domain Proceedings, Chapter I.
25. Fifth and Fourteenth Amendments, U.S. Constitution.
26. Article I, Sections 4 and 18, Hawaii Constitution.
27. I Nichols' The Law of Eminent Domain, p. 163, Rev. 3rd ed.; Chinen, Op. cit. p. 9.
28. Section 101-6, Hawaii Revised Statutes; Chinen, Op. Cit. p. 10.
29. The text of these Acts are set forth in Appendix F.
30. Section 101-2, H.R.S.
31. Section 101-8, H.R.S.
32. Section 101-16, H.R.S.
33. Section 101-23, H.R.S.
34. Sections 101-28 through 101-33, H.R.S.
35. Sections 101-35 through 101-39, H.R.S.
36. See, for example, Standing Committee Report No. 177 recommending passage of S.B. 540 (Act 12, 1951) at page 541, Senate Journal, 1951 and with reference to Act 45, 1896, Session Laws of the Republic of Hawaii, Report dated May 21, 1896, in Volume 2, Senate Journal, Regular Session, 1896, Republic of Hawaii at p. 459, State Archives, and House Judiciary Committee Report No. 105 re H.B. 33 dated May 16, 1896, State Archives.
37. The Attorney General in an opinion, dated January 3, 1972, rendered to Lieutenant Governor George R. Ariyoshi ruled that Sections 101-2 and 101-6, Hawaii Revised Statutes, do not authorize the condemnation of equipment of Kohala Sugar Company classified as personal property.

CHAPTER IV

CONCLUSION AND RECOMMENDATIONS

The purpose of this study, as indicated in Senate Resolution 31, S.D. 2, is to investigate the feasibility of converting Bishop Museum into a state museum and to assess, at the same time, whether such a conversion would best serve the interests of the public. In other words, would government acquisition of Bishop Museum make it a better institution for repositing Hawaiian artifacts, for educating the communities and school children, and for exhibiting the cultural heritage of the people of Hawaii?

In consideration of its size, location, and finances, Bishop Museum has compared favorably with other mainland museums that were surveyed for this study. Generally speaking, the non-profit museums including Bishop Museum, appear to be reaching a larger segment of their communities and to be performing the functions of a museum more adequately.

The effectiveness of a museum's program is partially reflected in its operating budget and financial support. The operating budgets of the private museums ranged from a little over one and a half million to almost six million dollars, with a mean of about four million dollars. Of the government owned museums, figures ranged from one hundred and six thousand to two and a half million dollars, averaging a little less than one and a half million dollars.

The mainland and non-profit museum surveyed for this study were all supported to some extent by their respective states, municipalities, or counties. Amounts varied from as little as five per cent to as much as forty per cent of their total operating budget. However, with the exception of the American Museum of Natural History which operates as a partnership between a private organization and the City of New York, it is not known whether these subsidies are granted on a regular basis.

In view of the purpose of this study, various factors involved in government acquisition of Bishop Museum must be considered. The cost of acquisition would be one of the main considerations. The Museum's statement of unrestricted assets dated June 30, 1971, shows that the Museum's assets total \$4,434,490 (includes in addition to its land, buildings, and equipment, investments in real estate, stocks and bonds; see Appendix G). This figure, however, does not include the artifacts of the Museum. The Bishop Museum presently has over thirteen million artifacts and specimens, of which two to three million are historical and ethnological artifacts. Biological specimens number in excess of ten million. It is difficult to assess the value of these artifacts and specimens in monetary terms, since many of these artifacts are considered "priceless". Individual items such as the Hawaiian godstick, recently acquired by the Museum with funds from a private contribution, was bought for \$12,500.¹ A helmet and a feather cloak from Scotland cost \$30,000.² The Museum has paid as much as \$1,600 for a single helmet. The Museum also has the deed to the historic ship, the "Falls of Clyde" which is valued at \$386,868.

The total value of the Museum's artifacts and specimens would run in the hundreds of millions of dollars.

There is also the legal aspect to consider in government acquisition of Bishop Museum. Excepting the two hypothetical circumstances related in Chapter III (p. 48) that would permit state acquisition of Bishop Museum through negotiated purchase, the only other alternative for government acquisition of Bishop Museum would be through the exercise of the power of eminent domain. The difficulty in acquiring the Museum through this means is the ambiguity with reference to the extent of eminent domain powers, as pointed out in Chapter III. The present statute does not appear to authorize personal property to be taken under the power of eminent domain. If the artifacts and other Museum personal properties are to be acquired through the power of eminent domain, then Chapter 101, Hawaii Revised Statutes, must be amended to permit such a taking.

From the data we have gathered in our survey which indicates that non-profit museums better serve the functions of a museum than government owned museums and in view of the difficulties involved in government acquisition of Bishop Museum, it appears that state acquisition of the Museum is not a viable option at this time. A more feasible alternative to a state supported museum system would be financial assistance of some kind. In the past, the legislature has rendered financial assistance to Bishop Museum. The first appropriation of \$20,000 made by the Territorial

Legislature in 1953 was for the purposes of improving the Museum's facilities for the care and maintenance of its collections. The \$30,000 appropriated in 1961 was also for repairs of the Museum's buildings.³ Then in 1970, the legislature appropriated \$200,000 to the Museum for the purpose of defraying part of its operating expenditures. According to Standing Committee Report No. 51-70, this subsidy was conditioned on the continuance of the Museum's free student admission policy and upon compliance with Section 22 of Act 175.⁴

Bishop Museum does play an important role in preserving, exhibiting, and researching the culture of Hawaii as well as the Pacific Basin. The Museum is by law, Section 6-4, Hawaii Revised Statutes, the official depository for state agencies for specimens of natural history, archaeology, and ethnology. Bishop Museum has also sponsored and continues to sponsor state-wide programs.

One such service is the "Museums in Miniature" program which was established in 1955. The initial expenditures for this program were financed by the Bishop Museum Association and the Museum took over the expenses subsequently. The "Museums in Miniature" comprised fifty small exhibits that were circulated among the neighbor islands schools for a period of about ten years before it was discontinued due to lack of funds. By 1960, over 50,000 public school students had made use of this program.⁵ According to the many phone calls the Museum received from the teachers involved, this program was very effective. But the Museum did not have the necessary funds to refurbish the fifty

exhibits that had become worn and shabby through many years of use. Following the pattern of most patronage organizations, the Bishop Museum Association preferred to initiate and finance new projects rather than continuing an old one.

Bishop Museum also has exhibits on some of the other islands. An example is the kimono exhibit at the State Visitor Information Center in Hilo, Hawaii. This exhibit was specially organized for Hilo where there is a heavy concentration of Japanese culture. Although this exhibit is administered by the Hawaii County Parks and Recreation Department, it is completely financed by the Museum.⁶

Financial assistance rendered will enable a museum to expand and improve its services. A museum such as Bishop Museum, which is already recognized as one of the outstanding museums in the nation in the area of systematic biology collections⁷ and which compares favorably with the other mainland museums surveyed, could better serve the interests of the public if financial support were given. For example, Bishop Museum could be more readily accessible to a larger segment of the public through the lowering of admission fees or the tuition fees for its classes, or in escorting more school children through the museum, or in having more state-wide programs.

Financial assistance, rather than government acquisition of Bishop Museum, appears to be a practical and feasible method by which the State of Hawaii could support a part of its responsibility in the area of providing museum services. Section 6-16.3, Hawaii

Revised Statutes, states: "The Hawaii Foundation [for History and the Humanities] shall develop a continuing comprehensive museum and museum activities support program which shall include, but not be limited to: (1) providing matching grants-in-aid to governmental or private agencies for projects which fulfill the purposes of this subchapter [see Section 6-16]; (2) providing technical assistance and staff development and training opportunities; and (3) assisting in the training of competent museum personnel and in the development of employment and career opportunities in museum and related fields." Financial assistance to Bishop Museum could enable it to play a greater role as the institution for the learning, preservation, and presentation of the unique culture and heritage of the children of Hawaii.

FOOTNOTES

1. "Museum Acquires a \$12,500 God", Honolulu Star-Bulletin, December 8, 1971, p. B-6.
2. Unless otherwise noted, all figures presented in this study are quoted from conversations with Dr. Roland Force, Museum Director.
3. A report submitted to the Senate Ways and Means Committee by Alexander Spoehr, the director at that time, emphasizes the fact that the Museum was not able to raise the funds to meet the need for a backlog of repairs that amounted to \$32,000.
4. Section 22, Act 175, Session Laws of Hawaii, 1970: "All subsidies made to non-public organizations in this Act shall, as a condition of receiving such money, (1) comply with the allotment system as provided in Chapter 37, Hawaii Revised Statutes, (2) allow the expending or other related agency full access to their records, files, reports, and other related areas in order to assist and improve their management and fiscal practices, and (3) submit all future budget requests on a form prescribed by the director of finance."
5. Alexander Spoehr, "Report to Senate Ways and Means Committee", February 27, 1961, p. 1.
6. Other state-wide programs of the Museum include: "Hawaiian Historic Architecture" which toured all the islands in 1965, the American Indian exhibit held at the Lihue Museum on Kauai during May through June 1971, the "Artmobile" sponsored by the Department of Education, and the community museum in Nanakuli. In addition, the Museum is working with various private organizations, such as the Maui Cultural Association and Castle & Cooke, Inc. in Lanai. Bishop Museum also has an educational loan collection that is in use throughout the State.
7. Conference of Directors of Systematic Collections, The Systematic Biology Collections of the United States: An Essential Resource, Part II, February 1971.

(To be made one and twelve copies)

SIXTH LEGISLATURE, 1971 1

STATE OF HAWAII

S.R. NO.

31
S.D. 2

SENATE RESOLUTION

REQUESTING A FEASIBILITY STUDY ON CONVERTING THE BISHOP
MUSEUM INTO A STATE MUSEUM.

1 WHEREAS, the Bishop Museum in Honolulu is a privately
2 owned repository of valuable Hawaiian artifacts; and

3
4 WHEREAS, the State, realizing the importance of Hawaii's
5 cultural past, has consistently supported and encouraged the
6 preservation and promotion of Hawaiian culture for the benefit
7 of and enjoyment by all of the people of Hawaii; and

8
9 WHEREAS, the State of Hawaii presently subsidized the
10 operation of the Bishop Museum; and

11
12 WHEREAS, there is, presently, no public repository for
13 the disposition of Hawaiian artifacts; now, therefore,

14
15 BE IT RESOLVED by the Senate of the Sixth Legislature of
16 the State of Hawaii, Regular Session of 1971, that the Legis-
17 lative Reference Bureau is hereby requested to conduct a
18 feasibility study on state ownership of the Bishop Museum
19 and converting the Bishop Museum into a state repository for
20 Hawaiian artifacts, and to submit a report of its findings
21 and recommendations to the Legislature prior to the convening
22 of the Regular Session of 1972; and

23
24 BE IT FURTHER RESOLVED that the Hawaii Foundation for
25 History and the Humanities, the State Foundation on Culture
26 and the Arts, the Bishop Museum, be, and are hereby, requested
27 to cooperate with the Legislative Reference Bureau in conducting
28 this study; and

29
30 BE IT FURTHER RESOLVED that duly certified copies of this
31 Resolution be transmitted to the Legislative Reference Bureau,
32 the State Foundation on Culture and the Arts, the Hawaii Foundation
33 on History and the Humanities, and the Bishop Museum.

APPENDIX B

SURVEY ON MUSEUMS

1. What is the population within 50 miles of your institution?
☐ (a) Less than 1,000,000
☐ (b) 1,000,000 to 3,000,000
☐ (c) More than 3,000,000

2. What kinds of institutional facilities do you have?
Check one or more.
☐ (a) Building or space chiefly for the preservation and/or exhibition of collections
☐ (b) Historic structure or site
☐ (c) Preservation, authentic restoration or reconstruction of an earlier period
☐ (d) Botanic garden
☐ (e) Field research station
☐ (f) Separate laboratory operation
☐ (g) Planetarium
☐ (h) Other (specify) _____

3. What types of educational-cultural activities does the institution or organization regularly schedule under the direction of the staff, paid or volunteer?
☐ (a) Guided tours for school classes
☐ (b) Presentations at schools
☐ (c) Special lectures and/or demonstrations for school classes at the institution
☐ (d) Organized school loan service of special materials and collections
☐ (e) Guided tours and gallery talks for general groups
☐ (f) Classes, clubs, and study groups for children
☐ (g) Classes, clubs, and study groups for adults
☐ (h) Lecture series for general audience
☐ (i) Radio programs produced by the institution
☐ (j) TV programs produced by the institution
☐ (k) Live musical events
☐ (l) Drama events
☐ (m) Dance events

- ☐ (n) Film series
 - ☐ (o) Speaker's bureau
 - ☐ (p) Planetarium programs
 - ☐ (q) Other (specify) _____
-

4. How many students participated in your education programs for the reporting year?

(a) Escorted groups (guided tours by a staff member)

- ☐ Elementary
- ☐ Secondary
- ☐ College

(b) Unescorted groups

- ☐ Elementary
- ☐ Secondary
- ☐ College

5. Toward which age groups are the majority of your regularly scheduled activities directed? Check one or more.

- ☐ (a) Children (through 6th grade)
- ☐ (b) Youth (junior-senior high school)
- ☐ (c) All ages (no priority for a specific group)
- ☐ (d) Children and youth
- ☐ (e) Adult

6. Do you have any special activities for the following groups? Check one or more.

- ☐ (a) Talented/gifted children
- ☐ (b) Handicapped persons
- ☐ (c) Pre-school children
- ☐ (d) Older adult (senior citizens)
- ☐ (e) Disadvantaged adults (low socio-economic level)
- ☐ (f) Disadvantaged children (low socio-economic level)

7. Did you conduct any field excursions for the public to the sites of historical, scientific, or artistic interest during the reporting (last fiscal year) year?

☐ Yes
☐ No

If yes, for what kinds of groups were excursions led?

- ☐ (a) School classes
☐ (b) Museum classes
☐ (c) Community groups
☐ (d) Families
☐ (e) Membership
☐ (f) Other (specify) _____

8. Is research the primary function and activity of your organization or institution?

☐ Yes
☐ No

If yes, what kind of research does your institution engage in?

- ☐ (a) Applied research
☐ (b) Academic research

If no, specify what is the primary activity.

9. What is the number of your staff?

- ☐ (a) Professional (Meaning of professional: paid employees doing work that requires education, training, and skill in the academic or scholarly aspects of the institution's program, as distinct from the merely mechanical and clerical aspects. Such employees would usually have at least a bachelor's degree in a relevant subject, or post high school education and appropriate experience equivalent to a bachelor's degree.)
- ☐ (b) Non-Professional

10. What are the salary ranges of your staff?

- (a) Professional \$ _____ to \$ _____
(b) Non-Professional \$ _____ to \$ _____

11. What were the sources and amounts of your income during the reporting year:

- (a) Local (city, county, and state levels) \$ _____
(b) Federal \$ _____
(c) Endowment and contributions (includes grants from foundations and contracts with industry) \$ _____
(d) Dues and admissions \$ _____
(e) Publications \$ _____
(f) Other \$ _____

12. What were the total operating expenditures (for the year reported in item 10) excluding contributions rendered in kind?

\$ _____

What was the estimated total value of contributions in kind, provided (during the year reported in item 10), by outside agencies or organizations but not included in the operating expenditures?

\$ _____

13. What was the distribution of expenditures during the reporting year?

- (a) Research \$ _____
(b) School programs \$ _____
(c) Adult education programs \$ _____
(d) Exhibitions \$ _____
(e) Administration \$ _____
(f) General operating costs \$ _____
(g) Publications \$ _____
(h) Other \$ _____

14. What are the estimated costs of your future needs in the next five years?

(a) New facilities	\$ _____
(b) Rehabilitation of present space	\$ _____
(c) New equipment	\$ _____
(d) Personnel	
Professional	\$ _____
Non-Professional	\$ _____
(e) Other	\$ _____

APPENDIX C

TRANSACTIONS AND LEGISLATIVE ACTS SUBSEQUENT TO THE ESTABLISHMENT OF THE BISHOP MUSEUM RELEVANT TO GOVERNMENT ACQUISITION OF THE BISHOP MUSEUM

- August 9, 1946 The circuit court entered a decree authorizing the Museum to keep its entomological collection at the HSPA Building on Keeaumoku Street, Honolulu. The trust deed contemplated that the items in the collection should be kept in the museum building on the Kamehameha School grounds and directed the trustees "not to loan except for scientific investigation...any of the articles or things in said Museum".
- July 7, 1898 A joint resolution of the Republic of Hawaii (S.L. 1898, p. 189) authorized the transfer to the Bishop Museum of certain articles of anti-quarian and historic interest.¹ Deed recorded in Book 178, pp. 188, 189, State Bureau of Conveyances.
- April 26, 1921 Established the Bishop Museum an official depository of Hawaiiana. (Act 196, S.L. 1921). Vested title in trust in Bishop Museum trustees to "any specimens and objects of natural history and of ethnology or archaeological value or interest now in the possession of the University of Hawaii, or any territorial department, bureau or board, or which may hereafter come into the possession of said university or any such department, bureau or board, if and when the same are no longer needed for scientific investigation, for study, or for any other purpose by said university or such department, bureau or board, and historical flags now in the archives building...." See also Section 6-4, Hawaii Revised Statutes.

¹ I.e., "cocoanut drum, four fish hooks, wooden bowl inlaid with human teeth, malo, two feather capes, feather helmet and feather lei".

APPENDIX D

BILL FOR REFORMATION OF TRUST.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT.

S.M. Damon, Charles M. Hyde, Charles)	
M. Cooke, and Joseph O. Carter of)	
the trustees under the will of Bernice)	Bill for the
Pauahi Bishop)	reformation
)	of Trust.
vs)	Equity 890
)	
Charles R. Bishop and William O.)	
Smith, Attorney General.)	

BILL OF COMPLAINT.

To the Honorable A. W. Carter, First Judge of the Circuit
Court of the First Circuit.

Your petitioners S. M. Damon, Charles M. Hyde, Charles M.
Cooke and Joseph O. Carter, of the Trustees under the will of
Bernice Pauahi Bishop respectfully represent:

First. That Mrs. Bernice Pauahi Bishop died in Honolulu on
the 16th day of October 1884. That the said Mrs. Bishop by her will
which is dated October 31, 1883 and which was duly admitted to
probate in the Probate Court of Honolulu December 2, 1884, gave
devised and bequeathed all the rest, residue and remainder of her
real estate (being the whole subject to certain life interests)
unto certain trustees to hold upon the following trust, namely, to
erect and maintain in the Hawaiian Islands two schools each for
boarding and day scholars, one for boys and one for girls to be

known as and to be called the Kamehameha Schools. And the said Mrs. Bishop by her will aforesaid gave particular directions concerning the erection, care and management of said schools all of which more particularly appear by a copy of her will marked exhibit "A" hereto annexed and made a part hereof.

Second. That your petitioners together with the above named defendant Charles R. Bishop, now residing in San Francisco U. S. A., are the duly authorized and acting Trustees under the said will of Mrs. Bernice Pauahi Bishop; that they have caused to be erected at Kalihi in said Honolulu the schools therein specified which are called or known as the Kamehameha School for boys and the Kamehameha School for girls respectively and have done all other acts and things to carry out the directions of said will in respect to said schools.

Third. That by indenture dated August 30th 1888, Alexander J. Cartwright of Honolulu, Oahu, Executor of the Estate of Emma Kaleleonalani, Queen Dowager of the Hawaiian Islands with the consent of the cestuis que trustent and others having interest in the property therein mentioned, assigned to defendant Charles R. Bishop certain native and other curiosities therein specified in trust to be used, applied and devoted to the use or benefit or promotion or foundation of an institution or museum for the preservation of curiosities and to be transferred, assigned, set over and conveyed to such persons as the said Charles R. Bishop might thereafter name as Trustee of such institution or museum to be hereinafter named by said Charles R. Bishop, as he might deem

fit, upon such trusts and under such rules and regulations as the said Charles R. Bishop and said Trustees should declare and direct; all of which more fully appears by a copy of said Indenture marked Exhibit "B" hereto attached and made part hereof.

Four. That thereafter to wit, in the year 1890 the said Charles R. Bishop by and with the consent of your petitioners caused to be erected on the school lot of the Kamehameha School for boys at Kalihi aforesaid, the original building known as the Bernice P. Bishop museum; and at a later period the addition thereto. That such buildings were wholly built furnished and equipped by and at the sole expense of Charles R. Bishop at a cost of \$143,900.

Five. That by Indenture made the 23 day of March A. D. 1891 by and between Charles R. Bishop, party of the first part and your petitioners and Charles R. Bishop as Trustees under the will of Bernice Pauahi Bishop, parties of the second part the said Charles R. Bishop, granted, bargained, sold and conveyed unto your petitioners and Charles R. Bishop, Trustees as aforesaid (inter alia) all articles and collections of every description then belonging to the said Charles R. Bishop, then in the Bernice Pauahi Bishop museum at the Kamehameha school for boys in Honolulu and also everything which might be added thereto by the said Charles R. Bishop or at his expense including everything received from the estate of the Queen Dowager Emma Kaleleonalani upon trust "for the use and benefit of the Kamehameha school for boys and the Kamehameha school for girls established by the late

Bernice Pauahi Bishop by her will and to hold together with all the powers and subject to all the restrictions set forth in the will of the said Bernice Pauahi Bishop and the codicils thereto in the paragraphs relating to said schools", as more particularly appears by a copy of the said Indenture marked Exhibit "C" hereto and made part hereof.

Six. That by Indenture dated May 19th 1892 said Charles R. Bishop for a nominal consideration sold and conveyed to your petitioners "as Trustees under the will of Bernice Pauahi Bishop late of Honolulu deceased", a tract of land situate at Waipio, Island of Hawaii, upon trusts to apply the rent, income and profits thereof" to the maintenance and improvements of the Bernice Pauahi Bishop Museum on the premises of the Kamehameha School for boys at Kapalama, Honolulu, Oahu, paying first the salary of curator and his assistants and applying the remainder of the income towards repairs and improvements to the said museum building and for addition to the contents of said museum; a copy of which Indenture marked Exhibit "D" is hereto attached and made part hereof.

Seven. That on or about March 16, 1893 your petitioners as trustees aforesaid received from said Charles R. Bishop the sum of thirty thousand dollars upon trusts to invest said amount and use the income for the purposes of the Bernice Pauahi Bishop museum as more fully appears by the receipt signed by your petitioners marked Exhibit "E" hereto attached and made part hereof.

Eight. That the Bernice Pauahi Bishop museum is at the present time a large and well equipped scientific Institution devoted to Polynesian Ethnology and natural history and is the depository of an unequalled collection of Polynesian antiquities and Natural History specimens. That it has been conducted from its inception independently of the Kamehameha Schools--as a perfectly distinct trust--although the museum is located on the school grounds of the Kamehameha school for boys; and all expenses in connection therewith have been discharged by the said Charles R. Bishop personally or out of the income derived from the said land of Waipio and the investments of the said \$30,000.

Nine. That the said Trustees are now in receipt of an annual income of \$5,800 from the said two sources for the purposes of the said museum. That said sum has not been sufficient to meet more than the ordinary current expenses of the museum and that without the assistance of the said C. R. Bishop much of the most important work of the museum could not have been undertaken.

Ten. That the said Charles R. Bishop is prepared and, provided that the prayers of your petitioners be granted, will convey to the Trustees of the Bernice Pauahi Bishop museum other property for the further endowment of the said museum and to provide for the establishment maintenance and support on the Island of Oahu (in connection with the said museum) of a Marine Aquarium and Biological Laboratory. And your petitioners further allege that if the contemplated plans are carried out the Bernice Pauahi Bishop museum will become a scientific institution

for the acquisition and dissemination of knowledge ranking in completeness of equipment and the importance of the work that it will undertake with the museums of the world.

Eleven. That your petitioners now believe and are advised by Counsel in the law that they as Trustees under the will of the late Mrs. B. P. Bishop had no power to accept of, so as to graft on, or ally with, the trusts of the said will, such a trust as has been created on behalf of the said museum and that the management and conduct of such museum is foreign to the purposes and objects of the trusts of the said will.

Twelve. That it is advisable and in the best interests of the museum that the Board of Trustees having the control and management of the museum should be increased and that all such trustees should not be drawn from any particular class.

Thirteen. That it is inconvenient and impracticable to keep the rents from the tract of land at Waipio, Hawaii, as a separate and distinct fund for certain of the expenses of the Museum; that the whole of the income of the Museum should be appropriated generally for meeting the expenses of the museum and for adding to the contents thereof.

Fourteen. That your petitioners are informed by those learned in the law and believe, and upon such information and belief allege the truth to be that the deed of trust marked Exhibit "C" by which said Charles R. Bishop conveyed to the Trustees under the will of the late Mrs. B. P. Bishop those curiosities and other articles received from the estate of the

Queen Dowager Emma Kaleleonalani for the use and benefit of the Kamehameha Schools is not in conformity with the deed of trust marked Exhibit "B" by virtue of which the said Charles R. Bishop received said articles upon trust to convey them to the Trustees of "an institution or museum for the preservation of curiosities."

Fifteen. That your petitioners allege that it would be for the best interests both of the Bernice Pauahi Bishop museum and of the Kamehameha schools that they should be held under separate and distinct trusts, even though, as is desired, the Trustees of the Kamehameha schools shall form a majority of the board of trustees of the Bernice Pauahi Bishop Museum.

Sixteen. That your petitioners desire to have the lands of Waipio, the said sum of \$30,000., the said Museum Building and the contents thereof, all of which are now vested in the Trustees under the will of the late Mrs. Bernice Pauahi Bishop upon the several trusts mentioned in Exhibits "C" "D" and "E" conveyed to seven Trustees (of whom the trustees under the will of the said Mrs. Bernice Pauahi Bishop shall be five) upon the following trusts namely: First, as to the said land of Waipio, the said sum of \$30,000., the said Museum Building, and such of the contents thereof as belonged to the said Charles R. Bishop absolutely, upon trust for the Bernice P. Bishop Museum and for a Marine Aquarium and Biological Laboratory. Second. as to the contents of the said Museum not the property of the said Charles R. Bishop upon the trusts or subject to the conditions contained in the respective instruments under which they were

held by or delivered to the said Charles R. Bishop or the said Trustees under the will of the late Mrs. Bernice Pauahi Bishop.

Eighteen. And your petitioners further exhibit a proposed deed of trust which they are desirous of executing by reason of the premises and for the purposes aforesaid which proposed deed of trust marked Exhibit "F" is hereto attached and made part hereof.

Wherefore your petitioners pray: First, that the said Charles R. Bishop as donor of the property aforesaid, and Honorable W. O. Smith, Attorney General as representing the public interest of the Republic and the interests of all cestuis que trustent and other persons interested in the trusts aforesaid, may be duly summoned to appear before this Honorable Court and be bound by the proceedings herein. Second, that this court may decree that your petitioners as trustees of the Kamehameha Schools may convey unto the persons mentioned and for the uses and trusts declared in the proposed deed of trust marked Exhibit "F" hereto attached with such alterations, modifications, additions as may seem desirable to this court all the property therein mentioned. And for such other and further relief as to this court seems best.

S. M. DAMON
J. O. CARTER
C. M. HYDE
CHARLES M. COOKE
By his attorneys
Kinney & Ballou

Honolulu, Oahu SS. Samuel M. Damon, being duly sworn deposes and says, for himself and his co-complainants, that he is one of the complainants herein, that he has read the above bill of complaint and that all and singular the matters therein contained are true, except such matters as are alleged on information and belief and as to such matters he believes them to be true.

S. M. DAMON

Subscribed and sworn to
before me this 21st day of July
A. D. 1896.

HENRY HOLMES
Notary Public

APPENDIX E

Bernice P. Bishop Museum

DEED OF TRUST.

THIS INDENTURE, Made this Thirteenth day of October, A. D. 1896, by and between CHARLES R. BISHOP, of the City and County of San Francisco, State of California, and SAMUEL M. DAMON, CHARLES M. HYDE, CHARLES M. COOKE and JOSEPH O. CARTER, all of Honolulu, Republic of Hawaii, as Trustees under the Will of the late Mrs. Bernice Pauahi Bishop, the parties of the first part, and CHARLES R. BISHOP, SAMUEL M. DAMON, CHARLES M. HYDE, CHARLES M. COOKE, JOSEPH O. CARTER, SANFORD B. DOLE and HENRY HOLMES, the parties of the second part, WITNESSETH:

WHEREAS, by an order or decree of the Circuit Court of the first Judicial Circuit of the Hawaiian Islands, made in the suit in equity numbered 890, and entitled Samuel M. Damon and others vs. Charles R. Bishop and W. O. Smith, attorney general, the parties of the first part were directed and ordered to convey unto the said parties of the second part, as the trustees of the Bernice P. Bishop Museum, the real and personal property herein-after more particularly mentioned and described, upon the trusts and subject to the powers and conditions hereinafter mentioned and declared of and concerning the same respectively.

NOW, THIS INDENTURE WITNESSETH, that the said parties of the first part, in pursuance of the said order, and by virtue thereof, and of every other power them hereunto enabling, and also in consideration of the sum of One Dollar to them paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do hereby assign, transfer, set over and deliver unto the said parties of the second part, their successors and assigns, the building, with its appurtenances, situate within the grounds of the Kamehameha School for Boys at Palama, near Honolulu aforesaid, known as the "Bernice P. Bishop Museum", and also the articles and things in the said building belonging or appertaining to the said Museum, and all other articles and things belonging or appertaining to the said Museum, wheresoever the same may be.

To have and to hold unto the said parties of the second part, their successors and assigns, upon trust to hold, use and occupy the said building, with its appurtenances, and all extensions thereof, as the Bernice P. Bishop Museum of Polynesian Antiquities, Ethnology and Natural History, and to hold such of all the said articles and things, the property in which was absolutely vested in the said parties of the first part immediately before the execution of these presents, for the purpose of a Museum of Polynesian and Kindred Antiquities, Ethnology and Natural History, and to hold the remainder of such articles and things upon the trusts and subject to the terms and conditions declared or contained in any deed or deeds of trust and instruments in writing relating to the same.

And this Indenture also witnesseth, that the said parties of the first part, also in pursuance of the said order, and by virtue thereof, and of every other power and authority them thereunto enabling, and in consideration of the premises, do hereby grant and convey unto the said parties of the second part, their heirs, successors and assigns, all that tract of land situate at Waipio, in the District of Hamakua, Island of Hawaii, known as the Ahupuaa of Waipio, and being the tract or parcel of land described in Royal Patent 7529, Land Commission award 4452, to H. Kalama, except that portion thereof conveyed by Charles R. Bishop to Kapiolani by deed dated June thirtieth, A. D. 1881, and recorded in Liber 70, on page 91.

To have and to hold, together with all rights, easements, privileges and appurtenances to the same belonging, unto the said parties of the second part, their heirs, successors and assigns forever.

It is hereby agreed and declared that the said parties of the second part, and their successors in the trust herein declared or contained, shall hold the said tract of land, and the thirty Hawaiian Government six percent bonds, of the value of one thousand dollars each, this day delivered to them by the said parties of the first part, upon the following trusts, and subject to the following terms and conditions, that is to say:

Upon trust to receive the income thereof, and after paying thereout all costs, charges and expenses, including commissions incurred in the management of the property, and in the collection

of the same income, or otherwise, however, to apply the balance thereof, or the net income (a) in and towards the maintenance conduct and (to such extent as they shall in their absolute discretion, think fit) further equipment and development of the said Bernice P. Bishop Museum as a scientific institution for collecting, preserving, storing and exhibiting specimens of Polynesian and Kindred Antiquities, Ethnology and Natural History, and books treating of, and pictures illustrating the same, and for the examination, investigation, treatment and study of said specimens, and the publication of pictures thereof, and of the results of such investigation and study, and (b) if the said trustees, or their successors in the trust, shall in their absolute discretion think fit, in the purchase or lease of a suitable site or suitable sites for and in the erection, furnishing, equipping and conducting also as a scientific institution, on the Island of Oahu, Republic of Hawaii, a Marine Aquarium and Biological Laboratory, but the trust in favor of the Bernice P. Bishop Museum shall always, and in all things, have precedence, and be paramount over the trust in favor of the said Marine Aquarium and Biological Laboratory.

It is hereby agreed and declared as follows, that, in the interests of the said Museum and the said Aquarium and Laboratory, it shall be lawful and competent for the said parties of the second part, and their successors in the trust, without any further or other authority, to sell or exchange, but not to loan except for scientific investigation or examination, any of the

articles and things in the said Museum, or appertaining thereto, the property in which was immediately before the execution hereof, vested in the said parties of the first part, and any that may hereafter be added thereto, and any articles or things that may be acquired for the said Aquarium and Laboratory, and to hold the proceeds of any sale or exchange upon the trusts herein declared and contained of and concerning the net income to be derived from the said tract of land and bonds.

That it shall be lawful and competent for the said parties of the second part, and their successors in trust, without any further or other authority, to sell the said tract of land and bonds, and any other property of any quality or kind that may at any time be conveyed or assigned to or be held by them upon any of the trusts herein declared, or that may be acquired by them however, or any part thereof, the sale of which is not expressly forbidden by the instrument conveying the same to the parties of the second part, or their successors in the trust, either by private or public sale, or to exchange the same for any other property of any quality, receiving or paying money for equality of exchange, and shall invest the proceeds of any sale, and any unused surplus or accumulated income, either in the purchase of freehold lands in the Hawaiian Islands, or in the State of California, U. S. A., or in investments for trust funds authorized by the laws of the Government for the time being of the Hawaiian Islands, or of the State of California, U. S. A., and the income of such investments shall be held upon the trusts

herein declared of and concerning the net income from the said tract of land and bonds.

That it shall be lawful and competent for the said parties of the second part, and their successors in trust to accept of a lease or leases for any term of years at such rent or rentals and upon and subject to such terms and conditions as they may think proper, of any lands or buildings that they, in their absolute discretion, shall think necessary or proper for the purposes of the said Bernice P. Bishop Museum, or of the said Marine Aquarium and Biological Laboratory, or of any of the trusts herein declared or contained, and also to lease the said tract of land, or any other lands that may become vested in them, or any part thereof, for any term of years at such rentals and upon such terms and conditions as they may think fit.

That the number of the trustees of the trust herein declared or contained shall always be seven, and that on the death or on the resignation or removal from office of the said Charles R. Bishop, S. M. Damon, C. M. Hyde, C. M. Cooke or J. O. Carter, (who are the five trustees of the will of the late Mrs. Bernice P. Bishop) or of any trustee of the trusts herein declared or contained, appointed in succession to them, and being also a trustee for the time being of the said will, the person appointed as his successor in the trusts of the said will shall, ipso facto, be his successor in the trusts herein declared or contained, and if either the said Sanford B. Dole or Henry Holmes, or any trustee in succession to him shall die or shall resign, or

be removed from the office of trustee of the trusts herein contained or declared, it shall be lawful and competent for the trustees for the time being of the said will to appoint a new trustee in the place of the said Sanford B. Dole or Henry Holmes, or any trustee in succession to him so dying, resigning or being removed from the office of trustee of the trusts herein declared or contained, such appointment to be subject to the approval of the Chief Justice for the time being of the Supreme court of the Hawaiian Islands.

That in all matters relating to the administration of the trusts herein declared or contained the assent of at least four of the parties of the second part, or their successors in the trust, shall be necessary to any action, and a majority of them may act in all cases, and may convey real estate or personal property, and perform all of the duties, and execute all the powers, conferred hereunto upon the said parties of the second part; Provided, always, that at least four trustees must join in any act.

That the said parties of the second part, and their successors in the trust shall have the power to employ any necessary help in carrying out the provisions of the trusts herein declared or contained, and shall also be entitled to such compensation out of the trust funds as shall from time to time be fixed by the court having jurisdiction in the Hawaiian Islands over trust estates.

That the said parties of the second part, and their successors in trust, shall not be required to give bonds as trustees of the trusts herein declared.

That from time to time as often as the Court having equitable jurisdiction in Honolulu shall direct, and at least once in each year, the said parties of the second part and their successors in the trusts, shall make a report to said court of their administration of the affairs of the trusts herein declared or contained, showing the way in which the trust funds are invested, and of the disposition of the funds that have come into their hands since rendering their last report, and a general statement of the condition of said trust.

In witness whereof the said parties have hereunto set their hands and seals the day and year first above written.

CHAS. R. BISHOP
CHARLES M. HYDE
S. M. DAMON
CHARLES M. COOKE
J. O. CARTER

Trustees under the Will of B. P. Bishop

We the undersigned hereby accept the Trust created and declared by this instrument and agree to abide by the terms and conditions hereof

In witness whereof we have hereunto set our hands and seals this 20th day of October 1896

SANFORD B. DOLE
CHARLES M. COOKE
HENRY HOLMES
Trustee
CHARLES M. HYDE
J. O. CARTER
S. M. DAMON
CHAS. R. BISHOP
Trustee.

APPENDIX F

ACT 45

TO DEFINE THE PROCEDURE IN ACTIONS OF CONDEMNATION UNDER
THE RIGHT OF EMINENT DOMAIN.

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Private property may be taken for the following purposes, which are declared to be public uses, to wit: sites for public buildings, fortifications, magazines, arsenals, navyyards, navy and army stations, light houses, range and beacon lights, cemeteries, quarantine stations, pest-houses, hospitals, dumping places for garbage and refuse material, wharves, docks, piers, dams, reservoirs and bridges, also all necessary land over which to construct roads, canals, ditches, flumes, aqueducts, pipe lines and sewers; also all necessary land for the growth and protection of forests, public squares and pleasure grounds; also all necessary land for improving any harbor, river or stream, removing obstructions therefrom, widening, deepening or straightening their channels; also all necessary land from which to obtain earth, gravel, stones, trees, timber, and all necessary material for the construction of any public work.

SECTION 2. A fee simple estate may be acquired for all the purposes mentioned in Section 1.

SECTION 3. Property which may be taken by virtue of this Act includes: all real estate belonging to any person or persons, or corporations, together with all structures and improvements thereon, franchises or appurtenances thereunto belonging, and all property heretofore appropriated to some public use; provided, however, that in such case it must appear that the use to which said property is sought to be put is a more necessary public use than that to which it has already been appropriated.

SECTION 4. The Minister of the Interior acting in his official capacity may institute proceedings on behalf of the Republic of Hawaii for the condemnation of property as provided for in this Act and the Minister of the Interior may be referred to in this Act as the Plaintiff.

SECTION 5. The Circuit Courts shall have power to try and determine all actions arising under this Act, subject only to an appeal to the Supreme Court in accordance with law.

SECTION 6. No property shall be taken by virtue of this Act, unless it shall appear that it is to be put to some public use, and that the taking is necessary to such use.

SECTION 7. Any agent or servant of the Government may, for the purpose of locating or surveying land to be condemned in accordance with the provisions of this Act, enter upon the same and make examinations and surveys, and such entry shall not constitute a cause of action in favor of the owner of the land, except for damages resulting from negligence on the part of such agent.

SECTION 8. Actions under and by virtue of this Act, must be commenced by filing a petition and issuing a summons thereon. All persons who are owners or claimants of the property sought to be condemned must be joined as defendants; provided, however, that in case the owner or claimant is unknown to plaintiff, it shall be sufficient if the petition includes a statement of that fact, and such defendant may be joined in the petition under a fictitious name. The petition must also contain a statement of the use to which the land sought to be condemned is to be put, a description of each and every piece of land sought to be condemned, and whether the same includes the whole or only a part of an entire tract or parcel. A map must accompany the complaint which shall correctly delineate the land sought to be condemned and its location.

SECTION 9. When the defendant or claimant of the land sought to be condemned, is known, the summons shall be served by delivering to him a certified copy thereof, together with a copy of the plaintiff's petition. In case the defendant or claimant, although known, cannot be found it shall be sufficient to leave said certified copy with some agent or person transacting the business of the defendant or claimant, or by leaving the same at his last known place of business or residence. In case the defendant, although known, was never a resident of the Hawaiian Islands or has removed therefrom, or if the defendant or claimant is unknown, then the service of the summons upon such defendant or claimant may be made by publication thereof, in some newspaper published in the Hawaiian Islands, for

such time as may be ordered by the Court, not less than three months. The service of summons, as provided for in this Section, shall be sufficient to give the Court jurisdiction to proceed with and finally determine the case.

SECTION 10. All property necessary for any public use may be united in one action.

SECTION 11. Any person in occupation of or having any claim or interest in any property sought to be condemned or in the damages for the taking thereof though not named in the complaint, may appear, plead, and defend in respect to his own property or interest, in like manner as if named in the complaint.

SECTION 12. The Court shall have power to determine all adverse or conflicting claims to the property sought to be condemned and to the compensation or damages to be awarded for the taking of the same.

SECTION 13. In fixing the compensation or damages to be paid for the condemnation of any property, the value of the property sought to be condemned and all improvements thereon, shall be separately assessed; and if the property sought to be condemned constitutes only a portion of a larger tract, the damages which will accrue to the portion not sought to be condemned by reason of its severance from the portion sought to be condemned, and the construction of the improvements in the manner proposed by the plaintiff shall also be assessed; and also how much the portion not sought to be condemned will be benefited, if at all, by the construction of the improvement

proposed by the plaintiff; and if the benefit shall be equal to the amount of compensation assessed for the property taken, and for damages by reason of its severance from another portion of the same tract, then the owner shall be allowed no compensation, but if the benefits shall be less than the amount so assessed as damages or compensation, then the former shall be deducted from the latter and the remainder shall be the amount awarded as such compensation or damages. But in no case shall the compensation or damages to be paid for the land sought to be condemned exceed its assessed value, for the payment of taxes and twenty per cent (20%) additional; and in no case shall the compensation or damages, if any, to be paid on account of the severance of the portion sought to be condemned from an entire tract, exceed ten per cent. (10%) of the assessed value, for the payment of taxes of such remaining portion.

SECTION 14. The assessed value of land for the payment of taxes as referred to in the preceding Section, shall be determined by a reference to the returns made by the owner or claimant thereof, for the two years next preceding the commencement of the proceeding for the condemnation of the land; and in case no returns shall have been so made by the owner or claimant of the land, then to the assessed value of the land as fixed by the Assessor for the corresponding period. The average of such returns or amount as fixed by the Assessor, shall be considered the assessed value of the land, for the purpose of computing compensation or damages to be paid by the plaintiff. And in

the case the land sought to be condemned shall be a part of an entire tract assessed as a whole, then the assessed value of the part taken, shall be in the proportion of its value to the value of the entire tract.

SECTION 15. For the purpose of assessing compensation and damages, the right thereto shall be deemed to have accrued at the date of the summons, and its actual value at that date shall be the measure of valuation of all property to be condemned, and the basis of damage to property by reason of its severance from the portion not sought to be condemned, subject, however, to the provisions of Section 12 of this Act.

SECTION 16. If an order to be made letting the plaintiff into possession, as provided for in Section 19 of this Act, compensation and damages awarded shall draw lawful interest from the date of such order. No improvement put on the property subsequent to the date of the service of the summons shall be included in the assessment of compensation or damages.

SECTION 17. The plaintiff must within two years after final judgment pay the amount assessed as compensation or damages; and upon failure so to do all rights which may have been obtained by such judgment shall be lost to the plaintiff; and if such payment shall be delayed more than thirty days after final judgment, then interest shall be added at the rate of seven per cent (7%) per annum. Such payment shall be made to the clerk of the Court rendering the judgment, who shall distribute the same in accordance with the order of the Court. If the plaintiff shall fail to make such payment as aforesaid, the

defendant shall be entitled to recover his costs of Court, reasonable expenses and such damage as may have been sustained by him by reason of the bringing of the action.

SECTION 18. When all payments required by the final judgment have been made, the Court shall make a final order of condemnation, which must describe the property condemned and the purposes of such condemnation, a certified copy of which must be filed and recorded in the office of the Registrar of Conveyances; and thereupon the property described shall vest in the plaintiff.

SECTION 19. At any time after judgment has been rendered in the Circuit Court for or in favor of the plaintiff, or pending an appeal to the Supreme Court by either plaintiff or defendant, the plaintiff may be put into possession of the land sought to be condemned upon the payment into the Court of the amount assessed as compensation or damages; subject, however, to the payment of such further compensation or damages as may be subsequently awarded. Upon the payment of the money assessed as compensation or damages as aforesaid, the Court shall make an order putting plaintiff into possession of the property sought to be condemned with the right to use the same during pendency of and until the final conclusion of the litigation.

The defendant who is entitled to the money paid into the Court as aforesaid shall have the right to demand and receive payment of the same at any time thereafter, upon filing a receipt therefor, to the satisfaction of all claims on the lands sought to be condemned. Upon such payment being made to the

defendant, the Court shall make the final order of condemnation as provided for in Section 16 of this Act.

SECTION 20. Where not expressly provided in this Act, the procedure shall be the same as in other civil actions.

SECTION 21. This Act shall take effect from the date of its publication.

Approved this 27th day of May, A. D. 1896.

SANFORD B. DOLE,
President of the Republic of Hawaii.

ACT 62.

AN ACT TO AMEND SECTION 3 OF ACT 45 OF THE SESSION LAWS
OF 1896, ENTITLED "AN ACT TO DEFINE THE PROCEDURE
IN ACTIONS OF CONDEMNATION UNDER THE RIGHT OF
EMINENT DOMAIN."

Be it enacted by the Legislature of the Republic of Hawaii:

SECTION 1. Section 3 of Act 45 of the Session Laws of 1896
is hereby amended so as to read as follows:

"Section 3. Property which may be taken by virtue of this
Act includes: All real estate belonging to any person or persons,
or corporations, together with all structures and improvements
thereon, franchises or appurtenances thereunto belonging, water,
water rights and easements, also all property heretofore
appropriated to some public use; provided, however, that in such
case it must appear that the use to which said property is
sought to be put is a more necessary public use than that to
which it has already been appropriated."

SECTION 2. This Act shall take effect from the date of its
publication.

Approved this 7th day of July, A. D. 1898.

SANFORD B. DOLE,
President of the Republic of Hawaii.

APPENDIX G

BERNICE P. BISHOP MUSEUM

Statement of Assets - Unrestricted Funds

June 30, 1971

CURRENT ASSETS:

Cash.....		\$ 116,315
Investments in marketable securities - at cost or values established by the Trustees at dates of receipt (quoted market value, \$3,047,428) (Schedule).....		2,001,875
Receivables:		
Accounts - principally tenants rentals and interest (less allowance for doubtful accounts, \$200)		
Promissory note, 8-1/2%, due in 1971		
Current portion of instalments on land sales		
Total Receivables.....	52,867	
Inventories of books, yarn and gift shop items - at latest invoice cost, which approximates first-in, first-out cost.....		48,091
Total current assets.....		<u>\$2,219,148</u>

PROPERTY - At tax assessor's 1958 values with subsequent additions at cost:

Museum:			
Land.....	\$ 227,965		
Buildings and equipment.....	1,188,785		
Exhibit - Falls of Clyde.....	<u>386,868</u>	\$1,803,618	
Other:			
Land.....	337,967		
Buildings.....	<u>41,443</u>	379,410	
Total property.....		<u>\$2,183,028</u>	

OTHER ASSETS:

Instalments on land sales, due semiannually to 1987 (less current portion).....	\$ 31,344
Deposits.....	<u>1,420</u>
Total other assets.....	<u>\$ 32,764</u>
TOTAL.....	<u><u>\$4,434,940</u></u>