

HARBOR BOARD TO RESTORE BEACH TO LAWFUL OWNER

Commissioners Hope To See Public Once More In Possession of Beach Front

MEMBER CALLS EXISTING CONDITION MOST ILLEGAL

Body Will Ask Legislators For Funds To Establish Patrol and People's Rights

Property owners of Waikiki who have usurped the beach and barred the public from the enjoyment of the greater part of it are to be forced by the harbor board to return to the people what belongs to the people, according to statements made yesterday by members of the board.

Included in the budget being prepared by the harbor board for presentation to the legislature is an item for a beach patrol. The establishment of this patrol, harbor commissioners said yesterday, will be the first step toward returning to the public the right of access to all of the beach instead of merely a little strip in front of two of the hotels as at present.

For years there have been complaints, steadily gaining in volume and insistence, that property owners along Waikiki beach have taken from the public the right to use most of the beach. Illegally, it is claimed, but by common consent, property owners have built retaining walls to prevent the sea from washing away their land.

Few, if any, of the people of Honolulu objected to that, thinking, in fact, that it was a good thing to have the encroachments of the tide curbed.

Everybody Kapu

But a few years ago some of the property owners began objecting to persons passing along the tops of the retaining walls. Some went to the extent of building wire or wooden fences out over the walls, notwithstanding the fact that since the walls were built the water, especially at high tide, comes far up on them and it is impossible for pedestrians to pass along the beach under the wall, as there is no beach left.

Several instances have been reported of Waikiki beach property owners driving off with threats persons who attempted to go up or down the beach by walking on the walls.

"We have had this matter in mind a long time," said one member of the harbor board yesterday. There is no question but that the public has a right to the entire beach and that persons who have property bordering on the beach and who prevent or try to prevent the public from traversing the beach, whether on the walls or below, are acting illegally.

Beach Patrol Needed

"But we have been able to take no action for the reason that we have had no funds to provide for a beach patrol as we are required by law to do. We are including in our budget for the legislature, however, a request for an appropriation sufficient to enable us to establish such a patrol, and when we get it, we will start the patrol at once, and we'll see to it that every part of the beach is accessible to the general public as it once was, and as the law intends it shall be.

"The Supreme Court of the United States has recently rendered a decision which seems to make it plain that those property owners who have built retaining walls the bases of which are below high tide have no legal right to prevent people passing along the beach from walking on the tops of the walls, though, of course, no one has a right to cross private property in order to get to the beach."

There are several places along the beach where buildings have been constructed out over the water and it is impossible for pedestrians to pass by without swimming. A person who tried recently to go from the Outrigger Club to Brown's channel at about half tide was obliged to swim for more than a hundred yards and wade thigh deep for a considerably greater distance. In places it was even impossible to get upon the retaining walls except from the land side, which is private property.