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Land tenure in Kahana, Hawai'i, 1846–1920

Stauffer, Robert Hammond, Ph.D.
University of Hawaii, 1990

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Land Tenure In Kahana,
Hawai‘i, 1846-1920

A DISSERTATION SUBMITTED TO THE GRADUATE DIVISION OF THE UNIVERSITY OF HAWAI‘I IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

IN AMERICAN STUDIES

MAY 1990

By

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Full acknowledgement for assistance and support from the members of my PhD Committee exists without further comment. Don Worster, who began and served as Chair of my committee until his appointment at the University of Texas, also needs to be acknowledged. As does Howard McKaughan, the Graduate Dean when this undertaking began.

The greatest living expert on Hawaiian land tenure is Marion Kelly. Her personal support, extra assistance over many years of work, her skills as a teacher to me, her advice and suggested additions to this dissertation need to be singled out here, particularly as I have dropped references to her advices from the text and footnotes at her request.

The subject of this dissertation is people, particularly the people of Kahana who lived and worked a century ago. I acknowledge their contribution, together with those who preserved their story, right down to the official archivists and descendants of today.

To set aside the thousands of hours necessary for this dissertation required patience on the parts of family, friends and employers. I acknowledge their forbearance.

This work is dedicated to my parents Joan H. & Robert B. Stauffer, and their parents, Ruth & Robert B. Stauffer and Helen & John Hammond.
Abstract

Kahana Valley, used as a case-study in this dissertation, is located about 25 miles by car from urban Honolulu. The cultivation sequence in Kahana was taro, rice, ranching and finally sugar, complete with a narrow-gauge railroad and depot. A previously unstudied, though uniquely-complete, set of native land-tenure records have recently become available.

I find, first, that the Kahana Hawaiians strongly resisted the onslaught of western control of their land. Second, that land alienation and population decline played a major role in the final defeat of this resistance. Third, that lessons from this history can assist in proposals for a Hawaiian land claims settlement.

The resistance included the refusal by the residents of Kahana Valley to alienate their homesteads (kuleana) for at least a generation after receiving their awards in the 1850s. Resistance also included the formation in 1875 of a native co-operative (hui) to buy out, own, and manage the substantial non-homestead lands in Kahana.

With the conversion of traditional land-use rights into private property in 1850, land became a commodity, thus alienable. This and continued population decline proved disastrous for the Kahana Hawaiians. While an 1874 non-judicial mortgage system was the technical method, alienability and population decline underlay the loss of the homesteads.
Despite residents' resistance to land alienation, Kahana shows a consolidation of landholdings among a dwindling number of Hawaiian heirs. Following this, westerners foreclosed mortgages or bought out surviving Hawaiians. A final phase witnessed a consolidation among the westerners, resulting in a single investor having near total ownership and control by 1920.

Thus we see that the policy permitting land alienation was anathema to continued Hawaiian control over land, or, by extension, other indigenous peoples in similar situations. Had alienation not been an option, ownership of the lands and resources of Kahana would have been preserved until Hawaiians' population numbers later—after 1920—increased. This would have preserved a land base upon which to continue a cooperative social system of use-rights. Hawaiians would have remained in control and evolved their system, vis-a-vis western culture, as they saw fit.
# Table of Contents

Acknowledgements ................................................. iv
Abstract ............................................................. v
List of Figures ..................................................... xi
Preface ............................................................... xv

Chapter 1. Introduction .............................................. 1
   A New Story ...................................................... 3
   Hawaiian Versus Western Culture ............................... 6
   A Native View ................................................... 7

Chapter 2. The *Maka’ainana* Land ................................ 14
   The Land Commission .......................................... 16
   Land Politics .................................................. 21
   Land Commission Claims In Kahana ........................... 23
   The Question of Non-Claimants ................................. 31
   The *Kuleana* Act ............................................. 34
   The Land-Claim Testimony Process ............................. 37
   Analysis of the Testimonies .................................. 47
   Surveys ........................................................ 55
   The Land Awards .............................................. 60
   Analysis of the Awards: The Number of Lots Awarded ...... 61
   Analysis of the Awards: The Claimants ....................... 65
   Analysis of the Awards: Tenure ................................ 66
   Analysis of the Awards: The Land .............................. 68
   Analysis of the Awards: Claim Success Rates ................ 70
   Analysis of the Awards: Land-Use ............................. 77
   Analysis of the Awards: An Introduction To Claim Locations 79
   Analysis of the Awards: Concentrations of Claims .......... 83
   Analysis of the Awards: The 'Ili .............................. 89
   Analysis of the Awards: Types of Parcels .................... 92
   Analysis of the Awards: The *Konohiki* And The *Konohiki* Agent 97
   Conclusion ...................................................... 99
Appendix D. Summary of All Awards .............................................. 299
Appendix E. The Maka‘ainana Families ........................................... 305
Appendix F. Kuleana Land Conveyances Through 1887 ..................... 310
Appendix G. The Maka‘ainana Relations ......................................... 316
Appendix H. Membership Lists .................................................... 321
  The First 1881 Hui Membership List ........................................ 322
  The Second List ............................................................................ 325
Appendix I. The Hui System ......................................................... 330
  The Hui Bylaws: The New Ali‘i .................................................. 333
  The Hui Bylaws: Maka‘ainana Rights ......................................... 337
  The Hui Bylaws: Other Rules ..................................................... 338
Appendix J. Diverging Title Histories .............................................. 341
Appendix K. A Castle Foreclosure .................................................. 348
Appendix L. Hawaiian Kuleana In 1903 ......................................... 350
Appendix M. Title Summaries ....................................................... 353
Appendix N. Photographs ............................................................. 406
Appendix O. Abstracts ................................................................. 423
Glossary ....................................................................................... 439
Selected Bibliography .................................................................. 444
List of Figures

Figure 1. Kahana makaʻainana claimants, Land Commission numbers given, and dates on the written claims. .............................. 26

Figure 2. Sample claim. ............................................................. 28

Figure 3. Sample testimony. ...................................................... 39

Figure 4. Dates of hearings at which testimony was taken on Kahana claims. ................................................................. 41

Figure 5. Claimants who provided testimony on other claims. .......... 48

Figure 6. Claimants who did not provide any testimony. ................ 49

Figure 7. Non-claimants who provided testimony. .......................... 50

Figure 8. Adjoining lands mentioned which are identified with claimants. ... 52

Figure 9. Non-claimant names identified with lands in Kahana. .......... 53

Figure 10. Claims for dry (kula) agricultural land. .......................... 76

Figure 11. Crops being raised in Kahana around 1850. .................... 78

Figure 12. Map of Oʻahu, showing traditional districts (UH cartography). 80

Figure 13. Map of the central Koʻolau Coast, Island of Oʻahu, including ahupuʻa (Kamehameha Schools, UH cartography). ............... 81

Figure 14. Map of Kahana (UH cartography). ............................... 82

Figure 15. Map of Kahana, showing makaʻainana concentration areas (UH cartography). ......................................................... 84

Figure 16. Statistics on awards. .................................................... 94

Figure 17. Statistics on categories of land parcels (ʻāpana) awarded. .... 96
Figure 18. Alphabetical list of kuleana awardees and disposition of their lands through 1873; part 1. ........................................ 122

Figure 19. Alphabetical list of kuleana awardees and disposition of their lands through 1873; part 2. ........................................ 123

Figure 20. Summary of kuleana conveyances by family, 1846-73; part 1. .... 127

Figure 21. Summary of kuleana conveyances by family, 1846-73; part 2. .... 128

Figure 22. Breakdown of acreage awarded to the four classes of the mahele. ......................................................... 132

Figure 23. Breakdown of estimated market values of land awarded to the four classes of the mahele. ........................................ 133

Figure 24. Map of Kahana (UH cartography). ........................................ 169

Figure 25. Kahana census results, 1831-32, 1835-36. ............................. 172

Figure 26. Population figures, 1778-1920. ........................................ 173

Figure 27. United Church of Christ statistics, 1868-81. ............................. 175

Figure 28. Statistical breakdown of shareholders, part 1. .......................... 185

Figure 29. Statistical breakdown of shareholders, part 2. .......................... 186

Figure 30. Shares bought by King Kalakaua by 1887. .............................. 197

Figure 31. Hui shareholders related in some way to kuleana owners. .......... 201

Figure 32. Founders of the Iosepa Colony in Utah. ................................. 224

Figure 33. Summary of land-use by shares, 1903. ................................. 229

Figure 34. Summary of ownership of Hui shares as of 1903. ..................... 248

Figure 35. Map of the period (Bishop Museum). ................................. 254

Figure 36. Alphabetical listing of persons named in claims and testimony; part 1. ......................................................... 280
Figure 37. Alphabetical listing of persons named in claims and testimony; part 2. 281

Figure 38. Numerical listing of all claimants; part 1. 282

Figure 39. Numerical listing of all claimants; part 2. 283

Figure 40. Summary of all awards; part 1. 300

Figure 41. Summary of all awards; part 2. 301

Figure 42. Summary of all awards; part 3. 302

Figure 43. Summary of all awards; part 4. 303

Figure 44. Summary of all awards; part 5. 304

Figure 45. Summary of kuleana land transactions through 1887; part 1. 311

Figure 46. Summary of kuleana land transactions through 1887; part 2. 312

Figure 47. Summary of kuleana land transactions through 1887; part 3. 313

Figure 48. Summary of kuleana land transactions through 1887; part 4. 314

Figure 49. Summary of kuleana land transactions through 1887; part 5. 315

Figure 50. 1881 Hui members, part 1. 326

Figure 51. 1881 Hui members, part 2. 327

Figure 52. 1881 Hui members, part 3. 328

Figure 53. 1881 Hui members, part 4. 329

Figure 54. Photograph; Kahana Bay, c.1880 (Bishop Museum). 407

Figure 55. Photograph; North-east coast of Kahana Bay, 1927 (Bishop Museum). 409

Figure 56. Photograph; Kahana Bay, looking west, c.1900-12 (Bishop Museum). 411
Figure 57. Photograph; Kahana Bay, looking west, c.1895 (Bishop Museum). .................................................. 413

Figure 58. Photograph; Kahana, looking south-east, c.1900-10 (Bishop Museum). ........................................ 415

Figure 59. Photograph; Kahana, looking east, c.1900-12 (Bishop Museum). . . 417

Figure 60. Photograph; Kahana Bay, looking east, 1926 (Bishop Museum). . . 419

Figure 61. Photograph; Kahana Bay, looking east, 1927 (Bishop Museum). . 421
The Great Mahele (Division), 1846-50, consisted of four stages. First came the filing of claims by the maka'ainana (people). Then came the "greater" mahele (division between the King and high ali'i [rulers]). Third was the "lesser" mahele (division between King and Government). Finally came the Kuleana (Allotment) Act of 1850 (divisions between the King, high ali'i and Government with the people).

In simple terms, two types of land interests were created by this process. On the one hand were the maka'ainana parcels. Numbering over 8,000, each of these allotments included both prime agricultural land that was developed and cultivated, as well as a house lot. Each allotment had a total size of about two or three acres. The second type of land interest was the ahupua'a parcel (land sub-district, or division). There were 253 recipients of these awards (i.e., the Government, King, and 251 high ali'i), some of which received several dozen ahupua'a. Each ahupua'a parcel contained much undeveloped or uncultivated land, much of which was often unsuitable for any type of development. Each varied in size from perhaps a hundred to several thousand acres.

The area of Kahana on the island of O'ahu represents about 1/300ths of the land and lots involved in the mahele process. In the 70 years after the Great Mahele, however, Kahana witnessed some 2,500 conveyances of land. Many of these were
not recorded with the government and would not normally be available for study. The rest, while recorded, have gaps in their title trails. These gaps are normally unsolvable as the informants who could have filled them in have long since died. The original claims and testimony for the Great *Mahele* have been translated, somewhat indexed, and are generally available. The land conveyance documents, besides being incomplete, have not been translated and are not well indexed.

This explains how it is that before this dissertation no serious work has been published which systematically attempted to show how Hawaiians lost their land after the Great *Mahele*. Previous writers, myself included, have suggested probable causes of the playing out of the evil of land alienation, or have shared anecdotes or fragments of oral or written history (e.g. Lydgate 1915; Lyons 1875; Stauffer Ms.(b)).

For the first time, then, a systematic attempt is made here to wrestle with the problem. This attempt is made possible, first, by the recent availability of the Foster Collection at the Archives of Hawai‘i (FCAH). This collection, equalling a stack of mostly loose paper documents 14 feet high, contains within it the unrecorded conveyances and informants’ testimonies necessary to undertake this post-*mahele* land-tenure study.

The second factor making this dissertation possible was the advent of the computer as a research tool. A database of electronic note cards was set up which included the 2,500 conveyances and 2,000 other items of importance. These were electronically indexed. Sorts were undertaken by date, name of parcel, number of
parcel, name and home of conveyor, name of receiver, book and page numbers where
the document or conveyance was officially filed, sum of the conveyance, acreage
involved, etc.

It took about 750 hours to go through the Foster Collection, and another 500
tedious hours to transfer it to the database. Once created and sorted into proper
order, the database amounted to some 20,000 pages of material. Another 750 hours
went into editing this down to a workable size. Final editing then lopped off 75%
of this narrative to focus solely on the land-tenure history. Such painstaking work,
literally impossible without a computer, exposed key data such as the 1874 Mortgage
Act, which Kuykendall and the rest of us had missed.

Beyond the unique resource of the previously-unstudied Foster Collection,
Kahana ranks as an excellent case study in its own right. It has a well-defined bay
and fishery, a large valley, and a perennial river. Kahana is located on the Ko'olau
(Windward), i.e., North-east, Coast of O'ahu and is about 25 miles by car from urban
Honolulu. It annually records upwards of 250 inches of rain in its rear, but the relatively
small coastal plain is sunny, and well suited for agriculture and habitation. Kahana
is a representative wet ahupua'a which apparently had a significant traditional
population. It went through the classic stages of taro to rice to ranching to sugar.
Major names were involved in its transformation from diversified Native Hawaiian
tenure to a single owner aligned with the Haole (Caucasian) oligarchy.
Chapter 2 also provides an analysis of the Kahana maka‘ainana awards. This gives an insight into the traditional land-use practices of the area. Through such an understanding, the land-based traditional culture is therefore examined.

Chapter 4 reviews land changes amongst both the maka‘ainana and ahupua‘a lands between 1856-73. That there was insufficient material for a separate chapter of each of these categories is significant. Against the dominant conventional wisdom that the maka‘ainana grants were quickly lost, this dissertation found just the opposite. No maka‘ainana land in Kahana was lost during the 25 years following the mahele.

In contrast, the ahupua‘a was quickly lost. The loss is analyzed in chapter 4. The role of Pākē (Chinese) capital is also explored as the land was owned by a secession of wealthy Pākē for nearly two decades.

Chapter 5 reviews the maka‘ainana holdings from 1874 until 1887. The heretofore unacknowledged role of the Mortgage Act of 1874 is exposed as the primary tool by which the people’s land was lost. By 1887, foreclosures were beginning and the stage was set for the loss of the parcels held by the maka‘ainana.

Normally, chapters 2-5 would form the story of how most Hawaiians lost their land. Kahana, however, was the site of one of the many native groups (hui) which bought out ahupua‘a owners. This story, 1874-77, is told in chapter 6.

The hui movement, throughout the Islands, was an attempt to retain or re-establish part of the old system which predated private landholdings and the Great Mahele. History has not adequately acknowledged this significant movement. The
movement involved the purchase of perhaps a quarter or more of available ahupua'a by Native Hawaiian co-operatives.

Surviving hui organizational papers are very rare, even in the case of Kahana. In an analysis of the bylaws of the Kahana Hui, appendix I follows from chapter 6 and draws a picture of the attempt on the part of the Hui to re-establish the traditional Hawaiian social system.

Chapter 7 covers the loss of most of the maka'aiaina parcels, 1888-1903. This period also witnessed the razing of the traditional Kahana village to make way for a wealthy landlord's country plantation home. Chapter 8 covers the same years for the Hui-owned ahupua'a. It describes the forces and reasons which led to the loss of the Hui, including the policy of allowing the alienation of native land.

Chapter 9 summarizes the denouement of the process, 1904-1920. At the end of that period, approximately 97% of Kahana was owned by a single wealthy individual. Chapter 10 provides the conclusions arrived at during the course of the dissertation.

The dates for the five periods covered by the chapters are primarily dictated by events centered in the Kahana land titles, though they also reflect important eras in Hawaiian history.

Throughout this dissertation there are references to the “loss” of Hawaiian land. In traditional Hawaiian society there were use-rights but no ownership of land. Strictly speaking, therefore, there was no owned land to lose.
However, at the start of the period of this dissertation—the mahele in 1846—the traditional use-rights were largely converted to land ownership. The loss of use-rights (and the spiritual injury that entailed), the failure to adequately compensate the people who lost their traditional use-rights, the subsequent outright loss of the land parcels of those who had been awarded land, and the loss of the land and use-rights acquired by the Hui are the topics of this dissertation.
Chapter 1. Introduction

My thesis falls into three related arguments, which presented themselves as my research unfolded. First, that the Kahana Hawaiians strongly resisted the onslaught of western control of their land through many innovative and surprising ways.¹ Second, that land alienation and population decline played a major role in the final defeat of this resistance. Third, that lessons from this history can be drawn by modern policy-makers concerning proposals for a Hawaiian land claims settlement.

The resistance included the refusal by the residents of Kahana Valley to alienate their kuleana (homesteads) for at least a generation after receiving their land awards in the 1850s. Resistance also included the formation in 1875 of a hui (native cooperative) to buy out, own, and manage the substantial non-kuleana lands in Kahana. The Hawaiian hui movement, 1880-1920, is little known. It used a modicum of western

¹ This dissertation uses the ahupua'a (land division) of Kahana Valley, including its bay and offshore fishery, as a case study. See the Preface, page xvii.
legal structure to establish cooperative land-tenure social systems in *ahupua'a* (land divisions) throughout the Islands.

Within the bylaws, bookkeeping records, and other surviving documents of the Kahana *Hui* is a story of the lives of Hawaiian men and women who had been born before private property existed in the Islands. The system established by them gave each family exclusive use-rights to a homestead and undivided use-rights to the remainder of the valley. This system was similar to traditional Hawaiian land-use rights, and was an attempt to provide an alternative to the western market economy. As with the 1850 *kuleana*, however, "shares" in the *Hui* could be alienated.

With the conversion of traditional land-use rights into private property in 1850, land became a commodity; thus, land became alienable. This and continued population decline proved disastrous for the Kahana Hawaiians. While the 1874 "Mortgage" Act (see chapter 5, starting from page 145) might have triggered the loss of a large number of *kuleana*, alienability and population decline were the underlying reasons for land loss.

Despite residents' resistance to land alienation, Kahana shows a consolidation of landholdings among a dwindling number of Hawaiian heirs. Following this, western speculators—including such notable names as Castle, McCandless and Wilcox—foreclosed "mortgages" or bought out (often with reserved life estates) surviving Hawaiians whose numbers were continually being reduced. A final phase witnessed
a consolidation among the various speculators. This resulted in a single investor having near total ownership and control by 1920.

The primary lesson here is that a policy permitting land alienability was anathema to continued Hawaiian control over land, or, by extension, other indigenous peoples in similar situations. Had alienation not been an option, the lands and resources of Kahana may well have been leased out by Hawaiians as their population dwindled, but ownership would have been preserved until their population numbers later—after 1920—increased. This would have preserved a land base upon which to continue a cooperative social system of use-rights. Hawaiians would have remained in control of their land and evolved their system, vis-a-vis western culture, as they saw fit.

A New Story

Beyond my concrete thesis described above is my proposition that this story, even as a case-study, has not been told before. By telling it, I provide a detailed argument showing why and how our thinking on the issue of the loss of Hawaiian land should be clarified. As recently as April 1989, one writer commented that,

No sufficiently conclusive study of the agrarian turmoil of the time has been published to date. Such a study could, for example, draw separate profiles for each of the ahupua'a, to see how many tenants lived in each, how many filed [land] claims, and how many received them. Reliable patterns of behavior, and the reasons for them, might then emerge (Lâm 1989:262 n.189).
The purpose when I began the research for this dissertation was to investigate Kahana, which was a demonstrative case study that had a uniquely complete set of land-tenure documents. I began by showing the particular patterns inherent in the 1850 division of land in Hawai‘i, when the undivided cooperative use-rights in natural resources were converted to private ownership.

Others have done similar studies, some of which point to land losses that occurred during the land division process. What is new in my dissertation is to take off from 1850 and trace land-use and land-ownership patterns through 1920, in a single ahupua‘a.

One finding was that the kuleana remained unencumbered for a generation after being awarded. Another finding was that most losses of kuleana occurred only through the nefarious use of a non-judicial mortgage and foreclosure law passed in 1874 and carried out in Kahana from the late 1880s. A third finding was the strength

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2 As for how Kahana had such data sources, see the Preface, page xvi. It should be noted, of course, that further case studies need to be undertaken to expand upon the patterns uncovered in this dissertation. For why even such limited case studies are so difficult—much less trying to study all land conveyances of the era for all the ahupua‘a—see pages xv-xvi of the Preface.

3 See particularly the works of Marion Kelly (e.g., Ms.(a), 1980, 1980a, 1983, Ms.(b)).

4 Lawyers differentiate between judicial and non-judicial foreclosures. The former is most known to modern borrowers. Under this system, the lender can foreclose only through a judicial procedure guaranteeing due process to the borrower. The latter system is almost unknown in modern societies. It allows lenders to seize properties without judicial oversight.
and role of the *hui* movement. My *hui* finding has been inadequately described in the literature. My other two findings refute common wisdom.\(^5\)

I have presented this story as a practical resource of data instead of as a theoretical piece. As such, I have included a wealth of organized primary materials in the text and appendices. This material supports the findings above and also provides a basis for further research.

In making the assertion that I am presenting practical data I imply value-free work that is, of course, impossible. Why, for example, does this dissertation

---

\(^5\) Common wisdom is that the *kuleana* quickly passed from the people, due to their childlike nature and ignorance, or through the sharp practice of “adverse possession” or other non-mortgage legal methods.

Jean Hobbs writes that “the original ownership grouping of the *kuleana* land unit changed rapidly, losing its identity as such within a few years” (Hobbs 1935:61).

Andrew Lind carefully stated in 1938 that “the rapidity of the [alienation] process is somewhat difficult to gauge in the absence of exhaustive researches” (Lind 1938:48). More recently, he adopted the prevalent view, writing of “the loss by many Hawaiians at a fairly early date of title to their lands” (Lind 1969:87-8).

Gavan Daws refers to the “dilatory” “commoners,” and that “they chose to uproot themselves” (Daws 1968:127,128). He concludes that “most of them found more interesting things to do than grow taro, which required a long time and a lot of hard work” (Daws 1968:128).

Jocelyn Linnekin writes that “in the years immediately following the *Mahele* [1850], many Hawaiians sold their lands” (Linnekin 1987:18; see also 28,33).

Maivân Lám, writing in 1985, reviewed “the legal process by which commoners were deprived of their rights in land” (Lám 1985:104). She concluded that it was “the adverse possession law which . . . set up the uneven contest,” and that “of the total [land] that has thus passed out [of the people’s ownership], a significant, if not principal, portion is thought to have been lost through the process of adverse possession” (Lám 1985:120,104). Four years later, upon further review, she wrote that “only . . . when the court got involved, would . . . [the people’s land] rights be whittled away” (Lám 1989:270). It was these “resulting [court] decisions,” she concluded, “rather than specific statutory language, [like the adverse possession law, that] became the means by which commoners were dispossessed of their land” (Lám 1989:270).

All of these academic myths, and a good many others, are directly refuted by the data found in this dissertation. Finally, after 52 years, the “exhaustive research” Lind looked in vain for has been done, if only for one case study.
use western-based land tenure as a focus? Why not a native-based focus using oral poetry and the changing native metaphors that occurred during this era?

Clearly, this dissertation is value-based and culturally based. It nevertheless contains clues to explain how the Hawaiians lost their land through the machinations of western private property laws adopted in the mid-nineteenth century. It also contains lessons that are useful for the future. But these are western-based clues, and the lessons are those useful when dealing with the larger western economy and governmental structure. This should not belittle the accomplishments of this dissertation. It does, however, clarify the context within which these accomplishments were achieved.

**Hawaiian Versus Western Culture**

As with many non-capitalist, cooperative cultures with subsistence economies, Hawaiians held a close, spiritual connection with the land. We might imagine a graph showing a native land-tenure system still in place and controlling 100% of the land in 1778 and continuing until the early 1800s. At the start of the 1840s, Hawaiian control over land began to decline. By 1920 Hawaiian control was 10% or less.

This decline in the control over land by Hawaiians reflects the broader relationship between Europeans (including their American descendants) and Hawaiians. The graph should therefore have a second, converse, line showing a rapid increase, on the part of the west, in its influence, ownership, and control over Hawaiian land and the lives of the Hawaiian people.
Yet this confrontation was more than one of competing economic, political or military systems. Underlying it all was a fundamental difference in cultural view.

**A Native View**

Dr. Lilikalā Kameʻeleihiwa is a Hawaiian who has personal ties to Kahana. Unlike myself, she reads, speaks and composes in Hawaiian. In her doctoral dissertation she has analyzed what land and the contest with the west meant for Hawaiians from the Hawaiian point of view (Kameʻeleihiwa Ms.). As the loss of Hawaiian land is a theme of this dissertation, it is important to recognize that one cannot hope to understand completely what happened unless one has an understanding of the cultural dimensions in which these events unfolded (Kameʻeleihiwa Ms.:6).

In short, as the traditional Hawaiian polity was religious, Hawaiian religion, as carried out at the state level, was political (Kameʻeleihiwa Ms.:17). The two were intertwined, and both religion and state were built upon a foundation of the land. Thus, the universe had a correct order or pono. Those Haole (Caucasians) that wanted land therefore had to assault the native religion. Likewise, those that wanted to convert the Hawaiians to Christianity had to overthrow the communal land system. But to

---

6 Some legal sources that contain material on Hawaiian culture are:

(a) The Hawai'i Supreme Court *hui* cases, described in chapter 6, footnote 10, on page 165, and chapter 8, footnote 2, on page 219; and

(b) The Hawai'i Supreme Court land cases, described in Stauffer Ms.(a)[1980] and Lām 1989.
overthrow the religious and land-tenure orders meant subverting the government as well.\(^7\)

In the depopulation and confusion after western contact, the high ali'i (rulers) eventually left off dealing with the religious practice of old. In its stead, they adopted Christianity, and its decreed policy of private land ownership, as the basis for a new pono (Kame'elehiwa Ms.:18).

To traditional Hawaiians, genealogies are history. Within them are the lessons that create the dimensions of Hawaiian culture and life (Kame'elehiwa Ms.:23-30). Looking at a major genealogy, Kame'elehiwa draws forth two fundamental elements of Hawaiians' traditional relationship to the land. She then describes two methods of gaining mana (spiritual power) that had an impact on relations with the land.

The first fundamental element was mālama āina, or caring for the land. Hawaiians believed themselves to be the younger siblings of the islands as they and the islands shared the same godly parents. The younger siblings (humans) loved, honored and served their older siblings (the islands). In return, the land provided for humans' physical needs. Through such a balance came pono (Kame'elehiwa Ms.:33-4).

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\(^7\) The Rev. William Richards, an advisor to the high ali'i (rulers), saw as clearly as anyone this connection between traditional politics, land tenure and religion. Asked in 1841 about the traditional political system in Hawai'i, he responded:

As far as there was any real system to the [traditional] government, it was deeply interwoven with their religious tabus, as well as with their feodal tenures, and a full account of the government therefore, would embrace an entire history of the tabu & also of the feudal system (Richards 1973:21).
As the ali’i represented gods on earth, they could intercede to interpret and ensure that the land was properly served by the people. Therefore the reciprocal balance reflecting pono also existed between the ali’i and the people and between the ali’i and the land. By extension, mālama ʻāina meant not only to care for the land, but also to care for the ali’i and for the ali’i to care for the people. This three-way reciprocity, in Hawaiian culture, was spiritually the same (Kameʻeleihiwa Ms.:34-43).

From the Hawaiian view, the western idea of buying and selling land was most inappropriate behavior, akin to buying and selling one’s respected elder brother. Also, when high ali’i claimed private ownership of land in the late 1840s, it was not necessarily within the western idea of greed or accumulation of wealth. Often it was to continue to exercise a caring (mālama) for the land (Kameʻeleihiwa Ms.:45-7). In these and other ways, a Hawaiian understanding expands our view of the land-tenure events described later in this dissertation.

On the other hand was the rejection by many of the high ali’i of traditional reciprocal values and responsibilities, and their apparent adoption of the worst characteristics of the west. Wrote one Hawaiian of the period:

... from Liholiho’s time to the present [1824 to 1839], the chiefs seem to have left caring for the people. Their attention had been turned more to themselves and their own aggrandizement and they do not seek the welfare of the people ... and therefore they [the people] are more oppressed at the present time than they ever were in ancient times (Malo 1839:125).

Complicating the mix further, the traditional Hawaiian concepts of reciprocity and caring are closer to what I would call true Christian values than they are to the rationalized exploitation we see in an unbridled market economy. This fact did not escape the understanding of the new priests in 19th century Hawai‘i, the missionaries of the United Church of Christ. From the beginning, they had been opposed by the Haole traders (Kuykendall 1938:123-4).
The second fundamental element is the 'aikapu or eating taboo. This was the mandate for mature males to eat separately from females and boys. It also separated the ali'i from the people. It was an enforced system of behavior that decreed an orderliness, pono, to the traditional society (Kame'eleihiwa Ms.:47-55).

If the people had their spiritual beliefs and gods, the ali'i had their state religion, based on the 'aikapu and administered by the priests (kāhuna). A fourth reciprocal relationship therefore existed. The ali'i supported the priests and provided for them. In return, the priesthood acted to reassure any doubters that the gods were pleased with their earthly representatives, the ali'i (Kame'eleihiwa Ms.:51-3). By extension, the four-way reciprocity played itself out—relations between the land, people, ali'i and kāhuna.9

The Haole did not respect the 'aikapu. Yet the gods did not punish them. Instead, Hawaiian high ali'i often considered Haole leaders as having ali'i or high ali'i rank. Or, where they were not considered ali'i, the Haole served as professionals (kāhuna).10 The Haole ministers finally replaced the traditional priests. If Jehovah

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9 By further extension, any number of additional relations can be seen. For example, within the ali'i was a reciprocal relationship between the paramount ruler, the mōʻī, and the high ali'i immediately below (Kame'eleihiwa Ms.:84-8). Likewise, relations existed between the mōʻī, the high ali'i, and the remaining ali'i.

It can also be said that the relations established with western leaders, who were viewed as ali'i, and western workers, who were viewed as kāhuna (professionals), were thought by Hawaiians to be reciprocal.

10 Kāhuna is the singular, kāhuna the plural. It is often translated as “priest,” but should more properly be “professional.” It can both be said that the professions included priests, and that spirituality pervaded all professional work.

Traditional “classes” in Hawai'i included the people, the kāhuna, and the ali'i. Haole replaced native kāhuna, both as priests and for many other professions. Haole leaders were accepted into the (continued...)
was the true god, then the old gods must be false. Also, as His ministers must speak for this true god, the traditional teachings from the old gods must be false (Kameʻeleihiwa Ms.:57).

The old state religion was crumbling, but many of its precepts simply shifted to new players. As the ʻaikapu separated aliʻi from the people, the new religion separated the pious from the damned. Just as the old priests had sanctioned the ʻaikapu and political decisions stemming from it, the new ministers took on exceptional political influence. If a promised well-ordered Christian universe was the new pono, then the aliʻi had to struggle through the existing death and chaos of the era by seeking the advice of their new priestly kāhuna (Kameʻeleihiwa Ms.:57-9). The advice of key missionary advisors, as witnessed later in this dissertation, must be understood within the context of the role the aliʻi viewed them as having.

Within the structure established by the two fundamental elements of mālama ʻaina and the ʻaikapu came two methods of gaining mana. The first method was through niʻaupiʻo, the offspring from the mating of closely related high aliʻi. While prohibited to lesser ranks, the high aliʻi practiced this in order to produce niʻaupiʻo. In this way the high aliʻi might further elevate an heir (Kameʻeleihiwa Ms.:59-69).

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10(...continued)

aliʻi class. This substituting of Haole groups for their native counterparts helped speed the disintegration of the traditional pono.

Western gods likewise replaced the Hawaiian. Kāne became the Father, Lono the Son, Kū the Holy Spirit, and Kanaloa became Satan.
The other method of acquiring *mana* was through war. To victors would come glory and fame. Such a means to get *mana* could be construed as the way of Kū, the great god associated with war and conquest (Kame'eleihiwa Ms.:65-71).

Efforts made by high *aliʻi* to acquire *mana* occurred during the difficult times after the death of Kamehameha I in 1819. Normally this would have been accompanied by a traditional search for a new leader, ʻimihaku, and a traditional redistribution of lands among the high *aliʻi*, kālaiʻaina. But things were changing. The ruling council of *aliʻi* installed the King's ranking son in an emerging western-style dynasty. Kamehameha II lived until 1824, when he died in Great Britain. The ruling council then installed a young boy, brother to the dead king, as Kamehameha III, and one of the former wives of Kamehameha, Kaʻahumanu, as his guardian.

No traditional ʻimihaku or kālaiʻaina were undertaken. And the old ways of seeking *mana*—nīʻaupiʻo and war—were cut off for the *aliʻi*, on the advice of the new kāhuna. How then could just order be gotten? How could the continued horror of death be averted?11 Who could bring a new and proper *pono* to a universe turned upside down (Kameʻeleihiwa Ms.:71-6)?

Perhaps Kamehameha III could secure heightened *mana* by setting order to land tenure, while also responding to requests for land parcels from the Haole. Perhaps by addressing land matters he would become a *pono* King after all (Kameʻeleihiwa

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11 Severe population decline, instituted by western disease, tore apart the traditional oral-based society from Cook's contact and for a century and a half afterwards. Hawaiian health statistics continue in the present to be relatively low.
With his people dying around him, the ministers assured him that his people would survive through such a system of private ownership of land (Kameʻeleihiwa Ms.:254-5). For these and other reasons his Haole advisors counseled him toward such a decision. In their later praises to him for dividing and privatizing the land, they did their best to heap upon him their view of mana and to reassure him of the rightness of the pono he had imposed.

This dissertation tells the story of one group of Hawaiians during the dividing and privatizing of their cooperative community and its land and resources, and of the decades thereafter.

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12 At the ascent of a traditional new mōʻī came the redistribution of lands, kālaiʻaina. In traditional Hawaiian terms, this reflects the central power of the sovereign. Yet Kamehameha III had been prevented from engaging in a kālaiʻaina. Perhaps, by agreeing to divide the lands under the Haole-advised kālaiʻaina of 1846-50, as discussed in chapters 2-3, he was attempting to obtain for himself traditional powers of sovereignty (Kameʻeleihiwa Ms.:79-89).

13 I deleted a discussion of capitalist culture and its economic impact on Kahana that did not directly apply to this dissertation. It is on deposit at the UH Archives.
Chapter 2. The Makaʻāinana Land

(A History of the Kuleana, 1846-55)

The “long decade” of the 1840s commenced with the Declaration of Rights in 1839 and concluded in 1850 with the Kuleana Act and Alien Land Ownership Act. Those years witnessed in Hawai‘i an overturning of traditional economic, legal, political, and social orders. Perhaps the greatest part of this revolution came with changes in land ownership practices. The Hawaiians were Polynesians, and Polynesian civilization—like the cultures of indigenous subsistence peoples elsewhere—was rooted in the land.

American missionaries from Boston and their Hawaiian students produced the June 7, 1839, Declaration of Rights, also called “the Hawaiian Magna Charta.” The Declaration noted principally that “protection is hereby secured to the persons of all the people, together with their lands, their building lots and all their property, while they conform to the laws of the kingdom, and nothing whatever shall be taken from any individual except by express provision of the laws” (Kuykendall 1938:160-1).

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1 The glossary on page 440 contains definitions of common terms like makaʻāinana or kuleana. The terms will be explained in more detail during the course of this dissertation.
The same authors produced the first written Constitution for the Islands a year later. Its Preamble repeated the 1839 Declaration:

Kamehameha I [d. 1819] was the founder of the kingdom, and to him belonged all the land from one end of the islands to the other, though it was not his own private property. It belonged to the chiefs and people in common, of whom Kamehameha I was the head, and had the management of the landed property (Thurston 1904:1-9).

The British then dealt a setback to the deliberative actions of the Americans and their native allies. On February 27, 1843, Great Britain forced a provisional cession of the Kingdom over the question of British citizens’ land claims. Among other things, the British set up a Land Commission to hear claims on 345 parcels of land from 188 foreign residents, many of whom were British (British Commissioners Mss.).

The Americans had wanted the lands divided, but under their own good offices. Luckily for them—and unluckily for cultural Hawaiians—these intentions corresponded to the diplomatic circumstances of the British in the Pacific. Great Britain had the first of the notorious Opium War: to contend with as she humbled China. Three decades of Maori resistance in New Zealand was commencing. Talk of war was simmering with the Americans over the Oregon Territory. The United States had just included Hawai‘i within her sphere of influence by extending the Monroe

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Doctrine to the Islands. If anything, the Americans had set the stage for effecting a *de facto* protectorate of its own. The British eventually backed down. On July 31, 1843, they relinquished their Queen’s claims to the Islands.

Some might argue that the United States simply replaced Great Britain as protector. Be that as it may, at least the American-fostered Constitution of 1840 was back in full force. American-born advisors to the Kingdom wrote “Organic Acts” to create the three branches of government in 1845 and 1846.

Of particular interest is the Executive Organic Act, passed in late 1845 and affirmed on April 27, 1846. It stipulated that “His Majesty shall appoint . . . five commissioners . . . to be a board for the investigation and final ascertainment or rejection of all claims of private individuals, whether natives or foreigners, to any landed property” (Thurston 1904:137).

**The Land Commission**

Thus came about this “board of commissioners to quiet [resolve] land titles,” more commonly known as the Land Commission. Two Americans were appointed, including the Reverend William Richards as Chairman. Missionary teachers at their seminary had educated at least two of the three Native Hawaiians making up the

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3 Perhaps speaking to the relative priorities of the American-led government, the quoted portion of the Act was separately passed on December 10, 1845. It became law on February 7, 1846 (Keykendall 1938:280).
rest of the membership. Together, this commission had the job of effecting the new pono (right order). This process took years of argument and struggle against traditional cultural Hawaiians (Kame'eleihiwa Ms.).

The Land Commission adopted a written document of its Principles on August 20, 1846. Largely written by an American on the Commission, Ricord, its basic premise was that land should be viewed in a western market economy context, and that all the lands in the Kingdom were of common ownership. Various people and social classes held undivided interests in these common lands. The classes, according to this concept, each having vested rights to "one-third" of the total, were "1st, the [King and] Government, 2nd, the landlord [i.e., ali'i or rulers], and 3rd, the tenant [i.e., maka'āinana or people]" (Thurston 1904:142).5

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4 Initial membership of the Americans' Land Commission was Richards, John Ricord, James Young Kanehoa, Zorobabel Ka'auwai, and John Papa 'Ī 'Ī, with the American Joseph Henry Smith the appointed Secretary. Kanehoa was half Hawaiian, being the eldest son of John Young (Olohana), who had been detained in the Islands by Kamehameha I at the time of the Fair American incident in 1790 (Kuykendall 1938:25).

The American William Lee was the first Chief Justice of the Supreme Court in the Islands and in charge of establishing the judicial branch of the new government. His Court was responsible for any appeals from the decisions of the Land Commission.

Despite sitting in this appellate role, Lee was appointed to replace Richards as chair of the Land Commission in August 1847. Commissioner 'Ī 'Ī also sat on the three-member Supreme Court. Ricord and Richards also served as members of the Executive Cabinet.

Between its establishment in February 1846 and its deadline for accepting claims in February 1848, two other members were replaced. Secretary Smith replaced Ricord, and S.M. Kamakau ultimately replaced Kanehoa.

5 This was notable as it gave such an important proportion to the maka'āinana. Kuykendall cautions however that "no very serious consideration was given to that idea as a practical solution" (1938:284). See also his discussion at 282.

A careful reading of the Principles suggests that the concept of a rough division between classes was based on the value of land rather than acreage. While the final awards to the maka'āinana were unequal for acreage, Figure 23 on page 133 suggests the values were roughly similar, with the high ali'i the class hurt most by the division.
The policies of the Land Commission were straightforward enough. Traditional concepts of land were ignored. With few exceptions, no land ownership claims before June 7, 1839—the date of the Declaration of Rights—would be allowed as no private ownership of land existed before that date. Claims before that date would be allowed only if an unchallenged occupancy existed.

The Land Commission based its decisions on written documents, wherever such existed, and the Commission alone ruled on disputes involving counter-claims. The Commission assessed a commutation tax equal to one-third the value of the unimproved awarded land (one-quarter the value of town lots), payable to the Government. The Government, the Principles stated, would automatically receive all unclaimed lands of any nature on February 14, 1848, the closing date for claims.

On review, the peculiar position of the new, American-dominated Government becomes clear in these and the other policies adopted by the Land Commission. Who was to say if written documents existed? Who was to rule on counter-claims? Who was to set the value of the commutation? Who was to decide if lands went unclaimed? In all these cases, it was the Commission. A potential beneficiary in all of these decisions, according to the Principles, was the government, of which the Commission was a part.

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6 The commutation tax for the makaʻainana claims were later dropped. See page 35.

7 For a discussion on why Americans played such a strong role in this process, see pages 10-12 from chapter 1.
All claimants who had the Commission rule against them would likewise see their claimed lands going to the government. All lands not occupied continuously since at least June 7, 1839, would go to the government. Again, the Commission would decide the question of continuous tenure.

The Commission reserved the right to rule on all claims—even the King’s—and to construe the meaning of all legal documents involved. The Commission took for itself all traditional rights and procedures of the King and the indigenous society that dealt with deciding land ownership. Even successful claimants still lost to the government: they'd still have the commutation tax to pay.

Finally, the Commission allowed only two years’ time for people to step forward and make their claims. The inalienable right to land promised by the Declaration of 1839 and the Constitution of 1840 devolved to this great taking by the American-dominated government. Worse, fundamental Hawaiian cultural beliefs and practices were ignored. The struggle became one of gaining western ownership of land. Attention was therefore placed on who would succeed in these ownership battles. Missed was the point that the contest had left one playing field all together and settled in another (a shift of context, if you will). By “winning” the new struggle at securing western deeds, traditional Hawaiians still lost their culture.

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8 These traditions were construed to be “feudal rights” or procedures by the Commission (Thurston 1904:144).
But even in this new, western cultural arena of conflict, the Land Commission policies tended to favor, *vis-a-vis* the land, the new government at the net expense of the Native Hawaiians. And this new government would, in its nearly fifty-year history, have *Haole* control its three branches. All but one of the 16 men who eventually served as Supreme Court Justices for this government were *Haole*. The same was true for all but 10 of the 56 members of the Executive Cabinets, and for a great number of the Chairs of the government's key Legislative committees. Nearly all of these *Haole* were American, many the sons and grandsons of missionary families.9

In dissecting the struggle for land within the western playing field, many researchers new to these materials put emphasis on the Land Commission *Principles*.10 That document spells out a magnificent attempted land grab by the newly-created American-led government. It is an impressive document and purports to be a blueprint for subsequent events.

This view of emphasizing the *Principles* should be tempered with realism, however. I would be surprised if more than a few of the high *ali'i* ever read it. As a class, they certainly rejected what the document contemplated.11

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9 As a case in point, chapter 5 of this dissertation recounts the sorry history of the Mortgage Act of 1874. This Act led to the loss of most of the *makaʻainana* lots in Kahana.

That session of the Hawaiian legislature had Charles R. Bishop as chair, R.H. Stanley and H. MacFarlane as secretaries, and W.T. Martin as chair of the special committee which reported out the bill. The proceedings of the legislature were in English.

10 Note, for example, Stauffer Ms.(a):23-7.

11 See Kameʻeleihiwa Ms.:270-80 and Kuykendall 1938:284-7. The “views of the land commission” were only one point of view in the extensive debate within the Privy Council. The high *ali'i* participants in that debate did not apparently share such views (Kuykendall 1938:286).

(continued...)
The high ali'i did not agree with the novel idea of giving a major role and the bulk of the lands to the so-called "government." If they thought about the government at all, it was as a figment of the King. Any assets given to it could come out of his holdings.

The high ali'i also made short shrift of the idea of "their tenants" breaking away and gaining separate title to any land. The ali'i essentially boycotted the process spelled out by the Principles. Ricord, its author, eventually resigned from the Land Commission in May 1847, the outcome of the whole scheme apparently very much in doubt.12

**Land Politics**

The Principles of the Commission were ostensibly designed to weaken the land-controlling ali'i for the benefit of the American-dominated government and the perceived benefit of the makaʻainana. The early beneficiaries, however, were almost exclusively Haole. Few makaʻainana and almost no ali'i were participating in the process (Kuykendall 1938:280-81; Kelly 1980:62; Kameʻeleihiwa Ms.:269-70).

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11(...continued)
While the Principles contemplated all parties—including the ali'i—filing claims, the King and the high ali'i demurred. Why? Certainly they did not want foreigners to get the land. Perhaps, as well, they could foresee some of the changes that the new land system would bring.

12 Ricord was also the primary author of the three Organic Acts establishing the Executive Ministry, Executive and Judiciary (Kuykendall 1938:262-3). Lee, Dr. Gerrit Judd, and Richards were the primary authors of the land division (Kuykendall 1938:278-9).
Richards, an important leader in the revolution, was in failing health and near death. In August 1847, with less than six months remaining before the filing deadline, Lee was brought in to salvage the process.

Lee's major task was to convince the high ali'i to surrender their claims on the people's labor and abrogate traditional Hawaiian society in return for receiving fee simple titles to large tracts of largely uncultivated land. This he accomplished by instituting a new claim-and-award process parallel and antecedent to the Land Commission's system. Lee's new scheme eventually became known as the mahele (division). It lasted until March 8, 1848, i.e., a month after the close of the Land Commission's claim process. This scheme is discussed in more detail in chapter 3, pages 103-109.

Lee's other major job was to get the maka'ainana claims into the Commission in time. As late as December 9, 1847—just two months before the deadline—Lee found only a dozen maka'ainana claims from the whole Big Island, where a third of the population lived (Kelly 1980:64).

Lee's solution was to appeal to missionaries and others to assist with getting claims sent in. It appears that the bulk of the 13,500 claims were literally made during these last few weeks.

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13 Some would say it was not parallel to the land commission process but replaced it. It would be another two years before the high ali'i finally agreed to go along with the land commission process of making land awards to the maka'ainana (Kuykendall 1938:289-94).
J.S. Emerson, the missionary responsible for the northern districts of O'ahu from Ka'ena Point to Kahana, was particularly strong in supporting the maka'ainana claims. This undoubtedly helped get the Kahana claims prepared. Before Lee's appeals and Emerson's work, there was perhaps a single Kahana claim. In January 1848 another 35 were prepared.

**Land Commission Claims In Kahana**

With only minor exceptions, all the Kahana claims registered with the Land Commission were handwritten in Hawaiian. All stated their residence to be in the ahupua'a (land division) of Kahana at the time they made their claims. At least two people drew up these claims. They were not of Kahana, and may have been

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14 Kalauawa (240-L) has no surviving claim, and hence no known date for his claim. He did receive a very low Commission number, however. Such numbers are usually associated with the early Haole claims. Perhaps he was a church assistant or otherwise was taken up early. Most of the claimants in the 240 series were from Moloka'i. Perhaps Kalauawa was visiting Moloka'i at the time. Some of the claimants in the series were from the Big Island and even Kaua'i. Perhaps a small church aha 'aina (convention) was being held, and all of their claims were sent together in one envelope.
government or church agents.\textsuperscript{15} The Land Commission recorded the claims in its "register" books.\textsuperscript{16}

The Commission received something around 13,500 claims.\textsuperscript{17} The Kahana case study, with 37 total claims, represents something like a third of one percent of the total. The Kahana claims are strewn through the larger total.

The Commission's complete list has little order to it after the early Haole claims which apparently were roughly in chronological order. The package of Kahana claims, for example, were all from one ahupua'a. A small number of scribe/messengers apparently drew them up. They were made over just a three-day period. Yet the package were given claim numbers ranging from 3,946 to 10,978. Why was this neat little package apparently taken apart and scattered throughout the full list? Neither a loose alphabetical listing scheme, nor a chronological system based on the date of receipt of the claim adequately addresses the question.

\textsuperscript{15} We know from later testimony that three Kahana makaʻāinana claimants had their claims drawn up by Kalili and Naiwiaha. These two not only drew up the claims, but were supposed to carry them to the Land Commission.

Normally this information of the existence of scribe/messengers would not exist. The three Kahana claims in question, however, were not entered by the Land Commission. The three claimants later testified on the work of Kalili and Naiwiaha in a successful effort to get their claims registered with the Commission after the deadline.

\textsuperscript{16} As all of the Kahana claims were in Hawaiian, they exist in the "native register" books of the Land Commission. This compares with the "foreign register" books that were for those claimants who submitted claims in English or some other non-Hawaiian language.

\textsuperscript{17} According to the numerical list in the official indices of land awards, 11,309 claims were registered. However, extra claims were inserted into this list through the use of alphabetical letters such as the early Kahana claim 240-L or the three Kahana after-the-fact inclusions 8164-N, 8164-O, and 8464-P. See footnote 20 on page 25.

With the inclusion of all such inserted claims, there are over 13,500 recorded land claims (Kelly 1980:65).
The answer apparently lies in the deluge of claims which greeted the Commission clerks as the deadline approached. The piles of claims may well have gotten scattered and were recorded over succeeding months.\(^{18}\)

There were originally 33 maka 'āinana and one high ali'i agent claim recorded. The scribe/messengers apparently lost in transit three more of the maka 'āinana claims in January 1848.\(^{19}\) These had to be “grandfathered in” during testimony in September 1850. These three received contrived Land Commission numbers (i.e., 8464-N, -O, and -P).\(^{20}\)

The surviving Kahana claims were signed on January 7, 8, and 10, 1848 (the 9th was the Sabbath). Of the two years allowed for registering claims, there were only 34 days remaining before the deadline of February 14, 1848. Figure 1 lists the claimants and their claim dates as recorded by the Land Commission.\(^{21}\)

\(^{18}\) It might be suggested that the dates given to the claims were written in by the Commission’s clerks. They may not, therefore, reflect the actual claim dates.

A review of a representative sample of surviving original claims, however, shows them to have the dates recorded in the Commission’s register books (Royal Patent Files Mss.).

\(^{19}\) Kalili drew up and was to carry the claims for claimants Pune’e (k) 8164-N and Keakua (k) 8164-O (Foreign Testimony Mss. 10:132,134). Naiwiaha was to do the same for Hua (k) 8164-P (Foreign Testimony Mss. 10:136).

\(^{20}\) The Land Commission’s numbering system reached 11,309. Another 2,500 were included along the way with alphabet additions. See footnote 17 on page 24. In Kahana, these letters were used to insert grandfathered-in claims.

Elsewhere, the alphabet claim additions may have occurred by claims arriving in envelopes and Commissions affixed a claim number to each envelope. Later, when the many claims were found within, these were given the envelope’s claim number with letters added for each additional claim.

\(^{21}\) Only 32 of the 37 Kahana claims have dates listed in Figure 1. The three lost claims have no surviving claim dates. Additionally, for reasons explained later in the dissertation, two of the remaining claims have no surviving written record of when their claims were made.

In the list Kaualua (w) 5709 is dated January 11, 1848, but it is probably a clerical error and really occurred on January 10, 1848.
Figure 1. Kahana makaʻaina claimants, Land Commission numbers given, and dates on the written claims.

**Claim-dates of January 7, 1848; 9 in all.**
- Kaiakahi (k) 5221
- Kamakuku (k) 5318
- Kapapa (k) 5220
- Kapena (k) 5231
- Kuiaio (k) 5704
- Maunui (k) 5976
- Napela (k) 6122
- Paleua (w) 5339
- Ula (k) 5413

**Claim-dates of January 8, 1848; 10 in all.**
- Aiohi (k) 6043
- Haumu (k) 6069 (claim was later denied)
- Kaiaiawahi (k) 5807
- Kamakalaʻahia (k) 5321 (claim was later denied)
- Kaopuʻu (k) 5319
- Kapua (k) 5708
- Kukuholalahola (k) 5702
- Nahoa (k) 6125 (claim was later denied)
- Ohokau (?) 10555
- Pine (k) 5941

**Claim-dates of January 10, 1848; 13 in all.**
- Hohoiea (k) 8185
- Kalaoa (k) 7651
- Kalimaoni (k) 7653
- Kaʻōpae (k) 4363
- Kauaialua (w) 5709
- Kekui (k) 4367
- Kuamoʻo (k) 5706, high aliʻi agent
- Kuapuʻu (k) 4433
- Lilipi (k) 9961
- Naumu (w) 10394
- Nuhi (k) 3948
- Nunu (k) 3946
- Nawahine Wahea (k) 10978
The Hawai‘i State Archives has translated the record of claims into English in recent years. The record follows a general form. While the form may differ district to district or scribe/messenger to scribe/messenger—or perhaps recording clerk to recording clerk—they are reasonably consistent in content. All are most notable for their conciseness, amounting to perhaps 50 to 100 words. Within such a brief statement were the basics of identifying the land, the source of the claim, and the fact of uninterrupted occupancy on it. Figure 2 contains a representative sample (Native Register Mss. 5:422-3).²²

²² For Figure 2 and throughout this dissertation, geographical names and other Hawaiian words have been converted to modern spellings where appropriate. Hence, lo‘i for loi, or Ko‘olau Loa for Koolauloa. Place and people’s names are not italicized. Hawaiian words are.
The claim process in Kahana included various anomalies which characterized the difficulties inherent in the larger process occurring across the Islands. First, as previously mentioned, of the 37 claims, scribe/messengers lost three (8%). No study exists on a system-wide basis which addresses this topic of lost claims.

The 8% loss rate in Kahana may be low. We know of the losses only because the three claimants were still pursuing the matter. There is a possibility that the scribe/messengers lost other Kahana claims in 1848. If so, these other claimants may have died or otherwise were unable to renew their claims in 1850.

In this regard, we know of three other Kahana people (another 8% of the total) who made claims in 1848. They were either dead (with no heirs), no longer
living in Kahana, or unwilling or unable to pursue their claims by September 1850.\textsuperscript{23} It is likely that the scribe/messengers lost additional claims in transit and these were not followed up on.

A second Kahana anomaly existed where the Land Commission had denied a recorded claim from Waialua on O'ahu. The Commission then re-used the claim number by giving it to a Kahana claimant. No written claim or explanation survives for the Kahana individual, Ho'oliliamanu (k) 6167. Similarly, no written claim survives for Kalauawa (k) 240-L. Therefore, while we know that scribe/messengers had lost at least 8\% of the written claims in transit, another 5\% have none at all that survive.

The Ho'oliliamanu case is interesting as it raises a question over the total number of claims reported. The result was that Hawaiians made two claims but the Commission used only one number. Without a careful comparison between all the system's written claims/testimony and the final awardee's name, this type of under-reporting remains completely hidden.\textsuperscript{24}

\textsuperscript{23} The three in question were Kamakala'ahia (k) 5321, Naumu (k) 6069, and Nahoa (k) 6125. It is noted that large numbers of deaths occurred between 1848 and 1850 because of several epidemics (Schmitt:1968:37).

\textsuperscript{24} This case involved two claims with one number. On the other hand, some 808 known cases exist where a single claim was erroneously given two numbers.

The Ho'oliliamanu case involved a Waialua claim which had both a recorded claim and testimony. For some reason—possibly the death of the claimant—the claim was, however, never awarded. The claim number was then re-used for Kahana.

Ho'oliliamanu therefore has a claim number. But the recorded claim and testimony which accompany that number do not refer to Kahana at all. No surviving claim or testimony refers to Ho'oliliamanu.

Researchers with long experience with the Land Commission claim records agree that this occurrence was rare if not unique.

On the other hand, experienced researchers agree that the Kalauawa case—an award with a number but no claim or testimony—was very common.
Two other parcels in Kahana were set aside, a school lot and the government road. The former involved a numbered award, known as School Grant 35, ‘āpana [piece] 3, and consists of several acres at the far western side of the bay along the traditional coastal trail. Missionary reports mention a school existing in this area from the earliest times (Chamberlain Ms.(a):17-8), though the mission had abandoned it before the end of the century. The other parcel was awarded by tradition rather than a claim number. This was the coastal trail itself, Kamehameha Highway today, which ran along the coastline in an east-west alignment.

Besides the 33 awards to maka‘ainana, the one to the high ali‘i agent, and the school and road lots, one final award should be noted. This award for everything else in the valley, including water rights, fishponds, and the fishery offshore, was to high ali‘i Annie Keohokālole (8452). It is described in detail in chapter 3.

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25 Refer to the map on page 82. People familiar with Kahana often refer to the westerly direction as towards Punalu‘u, the easterly as towards Kāne‘ohe, the northerly as makai and the southerly as mauka.

For purposes of this dissertation, however, the compass directions will be used unless the usage clearly warrants otherwise.

26 Little exists to explain this land award. Arthur C. Alexander makes mention of land grants “issued in 1883 to the Board of Education on various school and church lots throughout the islands.” This may refer as well to the Kahana parcel, indicating it was awarded formally three decades after the other lots (Alexander 1920:71).

In the first cabinet of the new American-dominated government (1846), there were only four portfolios. Demonstrating the revolutionists’ special interest, one was for Public Instruction. Richards took this ministry.

The church minister for the Kahana area, Emerson, reported on the government schools in his area. There was one at Kahana from the earliest days of the government. See, for example, the government records on the school at the Archives of Hawai‘i (Kingdom of Hawai‘i Doc.(b)).

The Jackson map of Kahana (1884) shows a school house to the east of the land award (Survey Map(b)).
The Question of Non-Claimants

Ralph S. Kuykendall viewed his role as a chronicler rather than an interpreter of events (Kuykendall 1938:vii-ix). In his chronicle of the maka‘ainana claims, however, he inserted an interpretive footnote. It does not follow the normal footnote numbering system and is probably unique in Kuykendall by providing a quote from an unidentified source (Kuykendall 1938:293 n.97a):

Criticism is also directed against the requirement about presentation of claims to the land commission . . . . “This requirement that, in a society so little used to fee simple tenure of land, claimants must present their claims to a commission, was at the bottom of much of the miscarriage of justice. The commission should have gone in the field to investigate who were in fact the occupiers of kuleanas [i.e., maka‘ainana homesteads], not claimants, and heard their claims in the open. This mistaken policy resulted in many natives not submitting claims, because of lack of knowledge as to how to proceed.”

The Hawaiian population in 1850 was about 80,000, with some 29,000 adult males. Less than 9,000 awards to maka‘ainana apparently provided for only 30% of the adult male population. This rendered the other 70%, with their wives and children, landless (Kelly 1980:66; Schmitt 1968:72).27

This data suggests that the primary reason behind the loss of land by Hawaiians was the failure to obtain awards in the first place.28 From a western cultural

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27 The male bias from the text is because the land claim system was structured towards males.

28 Here and elsewhere this dissertation refers to the “loss of land.” Traditional Hawaiian society utilized use-rights in land and did not “own” it in the western sense. To talk about “losing” something never owned is therefore a problem.
perspective therefore, apparently the promise of land in the 1840 Constitution was unfulfilled by the failure of Richards and Lee to secure claims from all eligible claimants.29

For a Hawaiian cultural perspective, see Kelly 1980 and Kame'eleihiwa Ms.

Notes the latter:

As for the kuleana lands, here too many maka'ainana did not apply. Some of them may have been reluctant to claim land which heretofore had been controled by the Ali'i Nui [high ali'i], as traditionally that would have been very rude and dangerous behavior. Some of them may not have wished to relinquish their dependency upon the Ali'i and that tenuous bond of aloha with someone more powerful. Still others may not have wanted to bother with the filing of papers, presentation of witnesses and surveying of the land. The claiming of lands was a very Haole idea, generally outside of the common Hawaiian's reality. In Hawaiian thinking emphasis was on the proper use of land. Ownership of land was an idea as bizarre as the ownership of the air one breathes or of the water one drinks. All people need air, water and land to live. Ownership of these basics implies denial of them to others and this was not the Hawaiian way (Kame'eleihiwa Ms.:318-9).

The Kahana data are largely quiet on this important point of non-claimants.

There were an estimated 125 people in Kahana in 1850, including an estimated 45

28(...continued)

In the land commission process, the maka'ainana largely lost their use-rights. Where they got a land award, they gained ownership of some land. This then was lost over succeeding years, the story of which is played out in this dissertation. See also the Preface, page xx.

29 It can be argued that not only was the promise of the 1840 Constitution not kept, but that it is still alive. How, for example, can land be lost or a promise extinguished, if the promise was inadequately carried out and the full land-rights promised never given?

Chapter 5 discusses the reluctance on the part of the maka'ainana for many years to mortgage their land. An additional part of this reluctance may have been a maka'ainana view that to participate in a mortgage might have been viewed as an implicit agreement with the modern market and the division of land-rights of 1846-50. See also Lâm 1989.
adult males. Thirty-seven adult males filed claims. Eleven additional adult non-claimant males, presumably of Kahana, participated in the 1850 Land Commission hearings on the claims (see Figure 7 on page 50). Evidence suggests, however, that some or most of these were family members who shared in other’s awards.

For example, seven of the eleven non-claimant witnesses were said to have land, suggesting some landowners may not have filed claims. Nothing is known of five of these people. Each of the two that are known, however, later acquired lands through family members.30

No evidence exists of any coercion against Kahana maka'ainana making claims. The 34 awards contrasted with a population of about 125, or less than four people per family granted an award. A grant averaged nine taro lo'i of about .2 acre each. These were capable of feeding about 30 people per award.31

I conclude that all or nearly all the people of Kahana were given land or were in families who received land. The landlessness suggested earlier by Kuykendall and Kelly does not appear to have been a major problem in Kahana.

While Kahana is a useful case study in many other respects, it may fail in this instance. Our “failure,” however, was the Kahana people’s gain. Their success

30 The two were Poeakua (k) and Maulua (k). A further discussion of the matter of the non-claimant witnesses is included on pages 54-55.

31 The population figure of 125 is an estimate contained in chapter 6, Figure 26, page 172. The adult male population of 45, estimated earlier in the text, is extrapolated from other gender-specific censuses (see chapter 6, Figure 25, page 171). The size and number of lo'i awarded is from pages 68-6, 70. The productivity of lo'i taro land is estimated to be anywhere from 15 to 25 people per acre (Wyllie 1848).
at getting land traces probably to Emerson—who was perhaps the most conscien-
tious of the missionaries in getting claims in—because Kahana was within his mission
area.

The Kuleana Act\textsuperscript{32}

The claims made, life seemingly returned to normal in Kahana and the people
waited for the Land Commission to act. Months, no doubt, were spent by the
Commission recording the mountains of claim slips. The Commission was hampered,
however, by more than clerical logjams. The high ali'i, once again, threatened to
undo the process.

The ali'i had largely disregarded the Land Commission process, preferring
instead the mahele process described in chapter 3. Under this parallel scheme, the
251 high ali'i were awarded hundreds of thousands of acres of uncultivated land in
the form of whole or partial ahupua'a. The Kahana ahupua'a award to a single high
ali'i, for example, was for 5,050 acres. A total of under 200 acres was awarded to
the other Kahana claimants.

\textsuperscript{32} The term \textit{kuleana} has come to refer most commonly to the homestead allotments, usually
of 2-3 acres each, that were awarded to the people through the \textit{Kuleana} Act of 1850.
Such fee-simple allotments had not previously existed on any large scale in traditional Hawaiian
society. A Hawaiian word, \textit{kuleana}, was chosen to refer to them. It originally had a connotation meaning
a right, privilege, interest, claim, jurisdiction, or similar authority over or in something. From an
intangible right in something—land in this case—the term evolved to refer to the land itself. See
the use of the term in the Kuykendall quote on page 31. The term is used interchangeably with
\textit{maka‘ainana lots} in this dissertation.
But the mahele awards, Kahana included, did not identify specifically the maka‘ainana lands within the ahupua’a. Instead, they referred to the respective ahupua’a as a whole, subject only to the “rights of native tenants.” To the leaders of the American-instigated revolution, such a scheme, without specifically identifying such rights, simply continued the old “feudal” relationships. As the Americans’ Land Commission clerks fiddled with their books and papers, the high ali‘i ignored the maka‘ainana claims and went about business as usual.

Nearly two years elapsed before the American-led government was able to convince the King and high ali‘i to begin to act. The Scottish Foreign Minister of the government, Robert C. Wyllie, traditionally a proponent of maka‘ainana rights, argued strenuously for making good on the promise of the Land Commission (Kuykendall 1938:290-1).

A set of four new principles calling for the people’s claims to be heard and awarded were prepared by Lee in late 1849. Lee used this occasion to suggest dropping the need for a commutation tax on such lands.

33 To keep the mahele system and to jettison the Land Commission system would support the high ali‘i. Such an act, within the context of the new American-dominated legal system, would let the ali‘i remain as “landlords” and the people as “tenants,” with all the legal and cultural baggage western society had accumulated for these terms.

34 See Laws 1850, sections 1&2:202. The Land Commission’s Principles, now largely abandoned, had called for a commutation tax (see page 18).
It took eight long months before this simple proposal was adopted. Two additional sections favoring the high ali'i were added. A limited counterbalance was added in the form of a seventh section securing the people's subsistence gathering rights in the ahupua'a and access and water rights for their lands.

The legislation, though watered down, was a small victory for the people. The high ali'i finally agreed to the Americans' land scheme. The Kuleana Act, however, severely limited the land awards that could be given to the people. Worst of all, it did not provide against the alienation of the land awarded. Combined with the Alien Land Ownership Act passed a month earlier, these resulted in the loss of some 90% of the maka'ainana lots over the next seventy years, including nearly all those of Kahana.

To continue with Kuykendall's curious footnote with its rare interpretation of events and unique noncited quotation (Kuykendall 1938:293 n.97a):

It is on this point that the change in the land system has been most severely criticized. It is contended that when the lands were given to the native occupiers the title papers should have contained a non-alienation clause. One commentator remarks, “It was this failure of

35 See Laws 1850, sections 5&6:203. Section 5 decreed that house lots (pûhale) were not to exceed one-quarter acre. Section 6 said that only actual cultivated lands not in a scattered configuration could be awarded.

36 See Laws 1850, section 7:203.

37 A small victory, perhaps, with a western context. Kame’eleihiwa dismisses the “maka'ainana land scheme as a failure” (1986:319). As the whole process was the total victory of western over Hawaiian culture, anything legalistically salvaged must be culturally viewed, at best, as minor pyrrhic victories.

38 Note the discussion commencing on page 31.
the government and its advisers to provide against alienation of the land, a provision thoroughly feasible, that was responsible for the present largely landless condition of the native Hawaiian.

Kuykeydall's own comment on the lack of an inalienability provision is that, "the door was thus left open for the evil that afterwards crept in" (Kuykendall 1938:293).

The Land-Claim Testimony Process

Two and a half years had now elapsed since the deadline for the people's claims. J. Kekaulaheo had by this time replaced Ka‘auwai on the Land Commission and Kamakau had been replaced by George M. Robertson. Only after passage of the Kuleana Act did the Commission dare to actually act on its thousands of maka‘āina-\-na claims.

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39 Robertson, a Scotsman, began his service on the Land Commission on August 5, 1850 (Kuykendall 1938:280 n.37).

In 1856 Robertson and the Reverend Richard Armstrong were appointed to codify and revise all of the laws of the Kingdom. Their resulting Civil Code (Laws 1859) was all in English and abounded with such western legal concepts as corporate law, wills, probate, and matters relating to private land management. The hereditary accumulation of wealth, ownership, and power—as well as private control and ownership of natural resources and means of production—was now legalized and codified.

Armstrong and Robertson kept the pro-maka‘āina seventh section of the Act of August 6, 1850, the “Kuleana Act,” in their compilation. This law had guaranteed certain traditional rights to the people. But the two of them viewed this section of the Code not as a part of the broader prior set of native rights, but as an exclusive group “of certain specific rights [remaining] of the people” (Laws 1859:356).

Robertson, as Chief Justice of the Supreme Court, was responsible for Opinions which replaced Hawaiian with English as the language of law in the Kingdom, replaced traditional terms with feudal ones, and nullified laws and traditional rights of the people (Stauffer Ms.(a):40-45).

40 In contrast, the Commission had already been acting on Haole and high ali‘i claims.
The Commission worked out a system of sending individual members out to the *ahupua'a* to serve as hearing officers. These Commissioners collected testimony and adjudicated the various claims. Robertson was the hearing officer for the Kahana cases.\footnote{The hearing officer is often anonymous in the records, and it was only through a single reference to Robertson that he is identified for the Kahana hearings. This was during the testimony regarding the claim of Kuamo'o (k) 5706, high ali'i agent, when Robertson ruled against part of the claim (Foreign Testimony Mss. 10:128-9).}

It was now September 1850. This was just a month after passage of the *Kuleana* Act, but two and a half years after the deadline for making claims had passed and 32 months after the Hawaiians of Kahana made their claims. There is some evidence that the testimony process began in Kahana informally. Robertson made some effort at re-arranging the claims to match his criteria of what should be testified to and what should be awarded.\footnote{See, particularly, the testimony for Kapena (k) 5231 (Foreign Testimony Mss. 10:118).} Judging from the testimony record, he then held hearings to receive the formal testimony on each of the claims, and had prepared very *pro forma* minutes of that testimony. See Figure 3 (Foreign Testimony Mss. 10:120).
Claim 9961. Lilipi [(k)] [September 12, 1850.]

Pu'uné'e [sic, Pune'e (k) 8164-N], sworn, says he knows the land claimed by Lilipi in Kahana. It consists of one kalo [taro] patch [lo'i], bounded on [the] Kāne‘ohe [east] side by the Konohiki,- Mauka [south] by Kekuahaue's land [no such claimant, not a witness],- on [the] Punalu‘u [west] side by Kaopu's [sic, Kaopu‘u (k) 5319's] land,- Makai [north] by the [i.e., his] kula [dry agricultural] land.

Claimant has lived here since the time of Kam. I.

Keakua [(k) 8164-O], sworn, says he knows the kalo patch of Lilipi. It is bounded as stated by the last witness. The kula land has not been cultivated for several years.

Kuamo'o [(k) 5706], Agent of the Konohiki [Keohokālole], had no objections to this claim.

Figure 3. Sample testimony.
The hearings began on September 12, 1850, with high ali'i agent Kuamo'o (k) 5706 sitting in. Robertson completed the hearings on September 17 and 18, with Kapa'akea, cousin and husband of Keohokalole sitting as konohiki.43

Robertson did not address three of the 37 claims at the hearings, yet the Land Commission later granted their claims. This 8% rate of successful claims without supporting testimony is not uncommon in the Land Commission records. Equally common, there appears to be no record of how or why such a deficiency exists.44 Figure 4 lists the dates of the hearings and which claims Robertson addressed at each hearing.

43 References to a "high ali'i" and "high ali'i agent" exist in the text and in Figure 1 and Figure 2 on pages 26 and 28. These are more usually referred to as the konohiki and konohiki agent.

To clarify, as explained in chapter 3, the ownership of non-claimed lands in each ahupua'a was awarded in the mahele to either the Government, the King (as an individual), or to one of 251 other high ali'i.

Any of the three technically were the overseer (konohiki) of their specific ahupua'a. The term, however, was used in the land award process to refer to just the high ali'i konohiki. The term was also often used for their agents when the high ali'i was a non-resident. All this resulted in considerable confusion.

The agent in Kahana was the probable ali'i Kuamo'o (k) 5706. His powers of administration over the ahupua'a, however, rested upon the rights of the konohiki. The konohiki rights are those of the high ali'i of the ahupua'a, and adhere to the agent only as a representative.

The award for the non-claimed land in Kahana happened to be a konohiki award, to the high ali'i Keohokalole. In Land Commission documents, she (or her husband Ceasar Kapa'akea) are therefore recorded as the "konohiki."

44 Two of the 37 claims, Ho'olililamanu (k) 6167 and Kalauawa (k) 240-L, were awarded despite having neither recorded claims nor testimony. The claim of Naumu (w) 10394 was also awarded. No record of the testimony on this recorded claim survived.

Three of the claims were denied, Kamakala'ahia (k) 5321, Naumu (k) 6069, and Nahoa (k) 6125. All of these, however, had testimony, which was used as a basis for their denial. The three persons without recorded claims, due to their claims having been lost in transit to the Land Commission—Hua (k) 8164-P, Keakua (k) 8164-O, and Pune'e (k) 8164-N—likewise had testimony and this was used as a basis for their land awards.
September 12, 1850: 10 testimonies recorded.
Hohoia (k) 8185
Kalimaoni (k) 7653
Kapapae (k) 4363
Kapena (k) 5231
Kekui (k) 4367
Kuapu'u (k) 4433
Kukuiholahola (k) 5702
Lili'i (k) 9961
Nuhi (k) 3948
Nunu (k) 3946

September 17, 1850: 8 testimonies recorded.
Kaiakahi (k) 5221
Kamakala'ahia (k) 5321 (denied)
Kamakuku (k) 5318
Kaopu'u (k) 5319
Kapapa (k) 5220
Kualua (w) 5709
Napela (k) 6122
Paleua (w) 5339

September 18, 1850: 16 testimonies recorded.
Aiohi (k) 6043
Hua (k) 8164-P
Kaaiawahia (k) 5807
Kalaauhina (k) 7651
Kapua (k) 5708
Keakua (k) 8164-O
Kuaio (k) 5704
Kuamo'o (k) 5706, konohiki agent
Maunui (k) 5946
Naumu (k) 6069 (denied)
Nahoa (k) 6125 (denied)
Ohekau (10555)
Pine (k) 5941
Pune'e (k) 8164-N
Ula (k) 5413
Nāwahine Wahea (k) 10978

Figure 4. Dates of hearings at which testimony was taken on Kahana claims.
The Land Commission recorded all the Kahana testimonies in English. They therefore appear in the “foreign testimony” books of the Commission. As with the claims, the testimonies were compact and followed a set form. Figure 3 on page 39 gives an example.

The format used for these hearings was simple enough. One, and usually two, witnesses would agree that the claimant occupied and cultivated the claimed parcels (āpana) of land. Length of tenure would be confirmed. The acquiescence of the konohiki or agent would be noted.

For Lilipi’s land, referred to in Figure 3, government maps today show a single piece (āpana) of land. The testimony contains a location reference to Kekuahaue, someone who made no claim in Kahana, got no award, and was not even a witness. Was “Kekuahaue’s land” a reference to a landmark? Or a reference to land owned by a memorable resident now deceased? Or was Kekuahaue an 1848-era maka‘ainana?

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45 Testimony from Native Hawaiians in areas besides Kahana often appears in the Hawaiian language and therefore is written in the “native testimony” books. The use of English in recording testimony, as was the case in Kahana, is somewhat unusual.

Indeed, it has been a universally, if erroneously, held belief that the “foreign testimony” books contain information given exclusively in non-Hawaiian tongues. The Kahana information should disabuse us of this belief. In Kahana only one person probably spoke in English at the hearings, a foreigner named John Halborn.

A translator must therefore have been present, even if it was Robertson.

This recording of native testimony in English—nothing survives as to the actual Hawaiian language testimony given—underscores Robertson’s determination to replace Hawaiian with English in the courts, including land-tenure and land-rights law (refer to footnote 39, on page 37).

Since the Kahana testimony was recorded in such a pro forma style, it can also be supposed that it was written later from notes taken at the hearings. The same can be said for much of the Commission’s maka‘ainana testimony.

46 Note that all these elements were required by law, i.e., two witnesses who “knew” the land, two-year occupation prior to registration of the claim, permission of the konohiki or agent.
If so, does the lack of such a claim suggest that the system was somehow preventing some Kahana residents from getting land? We do not know. We don't even know Kekuahaue's gender.

Another reference to location in the sample is to the land of Kaopu'u, but Kaopu'u (k) 5319 ended up with two ʻapana of awarded land, quite far apart. We don't know for sure whether the testimony referred to one of these awarded ʻapana of Kaopu'u, or some other land associated with him.47

We do know generally that each of the Hawaiians who participated in the Land Commission process had a recorded claim, recorded testimony, and a recorded land award. In theory, the Commission needed both of the former to make its determination and be able to award the latter. As was characteristic of the general system, however, many exceptions to this rule existed in Kahana.

First there were the non-awardees, the rejected claims. Of the 37 claimants in Kahana, three (8%) had their claims rejected.48 All have written claims which have survived, all have recorded testimonies. The thing missing in each case is an actual award of land.49

47 Current tax maps do show, however, one of Kaopu'u's awarded ʻapana to be near to Lilipi's award, on the west.

48 I.e., Kamakala'ahia (k) 5321, Haumu (k) 6069, and Nahoa (k) 6125.

49 Perhaps coincidentally, or perhaps by design, the three denied claims—all of which required key testimony or counter-claims by the konohiki—were not addressed at the first days' hearing, where only the konohiki agent had been present. Robertson, who was arranging so much else with the hearings, may have held off on these claims until the konohiki had come to the valley.
Haumu (k) 6069 had died with no direct heirs (widow or children). The konohiki claimed the land and Robertson’s transcript notes no dissenters. The Commission denied the original claim and the land went to the konohiki.

The other two had left to live elsewhere. They each apparently understood that this meant losing their claim. Testimony even stated that Nahoa (k) 6125 had given his land to the konohiki agent when he left. All of this was despite Nahoa having an average-sized claim and Kamakala'ahia (k) 5321 an above-average one.

The konohiki claimed the lands of both Nahoa and Kamakala'ahia. The Land Commission denied both of the original claims and the land contained in them therefore reverted to the konohiki.

While the three denied claims each held a Land Commission number, the Commission did not include them in any of its compilation of awards. Lists of successful claimants by ahupua'a exist. These are, in turn, cross-referenced with any recorded claims and testimony. Such lists of claims by ahupua'a do not, however, include denied claimants (i.e., non-awarded claims). Researchers have done little work on totalling these numbers and analyzing them. One review found a 38% denial rate. We must

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50 In the compilation of the numerical list of Land Commission Awards, the phrase used is “Not Awarded.” A review of the list found 4,287 such denied claims out of the total of about 13,500 claims.

Another 808 were listed with the phrase “See Award No. xxxx.” For example, claimant “A” would have the phrase “See Award ‘B’.” This meant that the first claim (i.e., “A”) was not awarded and the award was instead made under another number (i.e., “B”). The implication is that more than one claim had been made or recorded, involving the same person or same land, and a single award was made to settle them.

A problem with the existing numerical list is that it does not identify the ahupua'a from which these 5,096 denied claims came. No further analysis has been made of them (Kelly 1980:65).

(continued...)
therefore view the Kahana total of just an 8% denial rate as low. Even the 38% rate may be low. It ignores claimants whose claims were lost in transit by scribe/messengers and who then died or did not pursue their claims during the testimony process.

Against the common rule of a claimant having a claim, testimony, and an award, a second class of exceptions were those who had the latter two of the three. Of the 37 claims, three (another 8%) had testimonies and awards but no recorded claims.51 The hearing officer grandfathered them in during the hearings. All therefore got their claims, which incidently tended to be larger than the average.52

A third class of exceptions were those with awards but no testimony. Another three claims (8%) fall into this category.

50(…continued)

Kuykendall notes: “In regard to the claims not awarded, the commission said that at least 1500 were duplicates, perhaps 1500 were rejected as bad, and of the balance, many were not prosecuted before the commission, many were relinquished to the konohikis by the claimants, and in hundreds of cases, the claimants died, leaving no legal representatives” (Kuykendall 1938:293 n.100).

51 I.e., Hua (k) 8164-P, Keakua (k) 8164-O, and Pune'e (k) 8164-N.

52 Probably by design, Robertson arranged to have the konohiki present for the testimony and de facto decision-making on these three cases. All were heard during the last day’s hearing.
For Kalauawa (k) 240-L, the Commission made no record of any claim or testimony, but he got his award. In effect there was no recorded data on him other than the award itself and a claim number given to it.

Naumu (w) 10394, had a recorded claim but had no recorded testimony. Still, she got her land award.

Ho'oliliamanu (k) 6167 was the case where the Commission “re-used” the claim number. A completely different person from Waialua, O'ahu, had filed a claim, accumulated a recorded claim and testimony on it, and apparently the Commission then dropped the case. The Commission then re-used the claim number in Kahana for Ho'oliliamanu. The claim and testimony associated with the LCA number are therefore irrelevant. Ho'oliliamanu therefore has neither recorded claim nor testimony, but he did get his land award.

The remaining 28 cases (76%) in Kahana have surviving records for all three stages of the process: claims, testimony, and land award.

53 He also had a very low Land Commission Award number (240-L). A second number, tied to the actual award of the land and described later in the dissertation, was the Royal Patent (RP) number. Kalauawa's RP was also quite low (911).

An informal review of the LCA and RP numbering system indicates that despite any other form to the numbering of claims, the low numbers tended to be influential persons, Haole, or related to Haole. Chronologically, Kalauawa (k) 240-L got his land award prior to other Kahana claimants. The reasons behind these events, as with other anomalies in the award system, remain unknown. See also footnote 14 on page 23.

54 The lack of recorded testimony for Naumu appears not to be based on any planned discrimination against female claimants.

While Robertson did not accept any testimony from women, he did hold hearings on the claims from Kaualua (w) 5709 and Paleua (w) 5339. Apparently acting on Robertson's findings, the Land Commission awarded the claims of these two as well as Naumu. Kaualua's and Naumu's awards were only slightly below average in size. Paleua got the largest of the Kahana awards. Taken together, the three female awardees got larger awards on average than the 31 male awardees.
Analysis of the Testimonies

Figure 5 includes the 16 claimants who provided testimony to the Land Commission. The other 21 claimants, listed in Figure 6 did not testify at all. On the other hand, 11 non-claimants provided testimony, as listed in Figure 7.
The 16 claimants who provided testimony on other claims:

<table>
<thead>
<tr>
<th>Claimant</th>
<th>Testified on</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hua (k)</td>
<td>8164-P, 5706 and 5807</td>
</tr>
<tr>
<td>Kaaiawahia (k)</td>
<td>5807, 4367, 5220, 5318, 5702, and 5706</td>
</tr>
<tr>
<td>Kajakahai (k)</td>
<td>5221, 3946 and 5941</td>
</tr>
<tr>
<td>Kalauawa (k)</td>
<td>240-L, 8164-P</td>
</tr>
<tr>
<td>Kalimaoni (k)</td>
<td>7653, 3948, 5704, 5706, 8164-N, and 8164-O</td>
</tr>
<tr>
<td>Kamakuku (k)</td>
<td>5318, 4367, 5220, 5704, 5706, 5709, and 5807</td>
</tr>
<tr>
<td>Kaopu'u (k)</td>
<td>5319, 5321 (a denied one)</td>
</tr>
<tr>
<td>Kapapa (k)</td>
<td>5220, 5339</td>
</tr>
<tr>
<td>Kapena (k)</td>
<td>5231, 5704</td>
</tr>
<tr>
<td>Keakua (k)</td>
<td>8164O, 4433, 5704, 6069 (a denied one), 7653 and 9961</td>
</tr>
<tr>
<td>Kuamo'o (k)</td>
<td>5706, konohiki agent, 4363, 5231, 5321 (a denied one), 5976, and 6125 (a denied one)</td>
</tr>
<tr>
<td>Kukuiholahola (k)</td>
<td>5702, 5706, 10978</td>
</tr>
<tr>
<td>Liliipu (k)</td>
<td>9961, 5221</td>
</tr>
<tr>
<td>Nuhi (k)</td>
<td>3948, 5709</td>
</tr>
<tr>
<td>Nunu (k)</td>
<td>3946, 5221</td>
</tr>
<tr>
<td>Pune'e (k)</td>
<td>8164-N, 7653 and 9961</td>
</tr>
</tbody>
</table>

**Figure 5.** Claimants who provided testimony on other claims.
The 21 claimants who did not testify at all:

Aiohi (k) 6043  
Haumu (k) 6069 (a non-awardee)  
Hohoiea (k) 8185  
Ho‘oliliamanu (k) 6167  
Kalaauhina (k) 7651  
Kamakala‘ahia (k) 5321 (a non-awardee)  
Ka‘ōpae (k) 4363  
Kapua (k) 5708  
Kualua (w) 5709  
Kekui (k) 4367  
Kuaio (k) 5704  
Kuapu‘u (k) 4433  
Maunui (k) 5976  
Nahoa (k) 6125 (a non-awardee)  
Napela (k) 6122  
Naumu (w) 10394  
Ohekau (10555).  
Paleua (w) 5339  
Pine (k) 5941  
Ula (k) 5413  
Nawahine Wahea (k) 10978.

Figure 6. Claimants who did not provide any testimony.
The 11 non-claimants who provided testimony:

John Halborn, who testified on 8164-P.
Kahae (k), who testified on 3948 and 5413.
Kahulimoku (k), who testified on 8164-P.
Kaiaowai (k), who testified on 5976 and 10555.
Kalimalu (k), who testified on 5339, 5702 and 6122.
Kaluaele (k), who testified on 3946.
Kapu (k), who testified on 7651 and 8185.
Makia (k), who testified on 5319 and 6043.
Maulua (k), who testified on 6122.
Poeakua, husband of Kualua (w) 5709, who testified on 5413.
Puahiki (k), who testified on 4363.

Figure 7. Non-claimants who provided testimony.
Some of the claimants providing testimony were doing so for neighbors.\textsuperscript{55} Kuamo'o (k) 5706, the konohiki agent, had his testimony recorded the most often.\textsuperscript{56}

The claims and testimony refer to others' lands. This is usually for location purposes. For example, “Person X’s land is next to Person Y’s land.”

Figure 8 lists the 25 lands which witnesses said belonged to identified claimants. Figure 9 contains the 13 lands connected with non-claimants.

\textsuperscript{55} For example, Pune'e (k) 8164-N and Kalimaoni (k) 7653 were neighbors. Kalimaoni testified for Pune'e and vice versa (Foreign Testimony Mss. 10:115,132).

On a cultural note, the testimony contains references which equate ʻloʻi to “the land.” Pune'e referred to his neighbor Kalimaoni as having his ʻpāhale “separate from the land.” Kalimaoni in turn testified for Pune'e, saying that Pune'e's ʻpāhale was “makai of the land” (Foreign Testimony Mss. 10:115,132).

\textsuperscript{56} Besides sitting as konohiki during the first day of hearings, Kuamo'o played a major role as a witness at all of the hearings.

For the hearing on the claims of Kapena (k) 5231, he actually wore three hats. First, he was recorded as a witness to the claim. Second, he was a participant in the compromise on the claim, which resulted in the trade of land between Kapena and the holdings of the konohiki. Third, as the konohiki was not present, he spoke on behalf of the konohiki to have no objections to the final compromise claim.

For Ka'Opae (k) 4363, he was witness and also, on behalf of the konohiki, had no objections (Foreign Testimony Mss. 10:120a).

For Maunui (k) 5976, he served as a witness and actually testified for a second ʻāpana for the claim. By then the konohiki, Kapa'akea (k), was attending the hearings. It was Kapa'akea who indicated no objections.

For the denied claim of Kamakala'ahia (k) 5321, Kuamo'o testified for the forfeiture of the land to the konohiki on the basis that Kamakala'ahia had moved from Kahana, and Kapa'akea claimed the land. Kaopu'u (k) 5319, a neighbor, also testified for abandonment of the claim (Foreign Testimony Mss. 10:123).

Kuamo'o did not testify on the denied claim of Haumu (k) 6069. Haumu had died, and the land was claimed by Kapa'akea. The sole witness in this hearing was Keakua (k) 8164-O, who supported the denial of the claim.

Kuamo'o was the only witness, however, for the denied claim for Nahoa (k) 6125. The record, however, said that his testimony was confirmed by “several others.” He testified that the claimant had left and had given up land the him as the konohiki agent (Foreign Testimony Mss. 10:133).
The 25 lands mentioned who are identified with claimants:

Ho'oliliamanu (k) 6167
Hua (k) 8164-P
Kaiaiwahia (k) 5807
Kaiakahi (k) 5221
Kalauawa (k) 240-L
Kalimaoni (k) 7653
Kamakala'ahia (k) 5321 (claim denied)
Kamakuku (k) 5318
Ka'ōpae (k) 4363
Kaopu'u (k) 5319
Kapapa (k) 5220
Kapena (k) 5231
Keakua (k) 8164-O
Kekui (k) 4367
Kuamo'o (k) 5706, konohiki agent
Kuapu'u (k) 4433
Kukuiholahola (k) 5702
Lilipii (k) 9961
Napela (k) 6122
Ohekau (10555)
Paleua (w) 5339
Pine (k) 5941
Pune'e (k) 8164-N
Ula (k) 5413
Nawaihine Wahea (k) 10978

Figure 8. Adjoining lands mentioned which are identified with claimants.
The 13 lands identified with non-claimants:

<table>
<thead>
<tr>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Halborn, a foreigner</td>
</tr>
<tr>
<td>Kahae</td>
</tr>
<tr>
<td>Kahulimoku</td>
</tr>
<tr>
<td>Kalimalu</td>
</tr>
<tr>
<td>Kaluanui</td>
</tr>
<tr>
<td>Kanaina</td>
</tr>
<tr>
<td>Kekuahau</td>
</tr>
<tr>
<td>Laau</td>
</tr>
<tr>
<td>Makia</td>
</tr>
<tr>
<td>Manu</td>
</tr>
<tr>
<td>Maulua</td>
</tr>
<tr>
<td>Poeakua, husband of Kualua (5709)</td>
</tr>
<tr>
<td>Pohina</td>
</tr>
</tbody>
</table>

Figure 9. Non-claimant names identified with lands in Kahana.
Usually, witnesses were themselves claimants to other Kahana land. Of interest were the 11 people from Figure 7, however, who were non-claimant witnesses. All were male, as was true of all witnesses.

The witness Poeakua was the husband of claimant Kaualua (5709). Other witnesses from this list might have likewise been relatives or in-laws of claimants.

In Poeakua’s case, other testimony referred to the “land of Poeakua” for location purposes (see Figure 9). This reference probably is to the land he farmed which was awarded to his wife. In most of the other Kahana cases, however, the claim was in the husband’s name, as provided by law. Still, the Commission recorded this claim in Kaualua’s name. While the precise reason behind having the claim in Kaualua’s name remains unknown, the testimony says the land had descended to Kaualua rather than to Poeakua. This suggests the land may have been inherited by the wife from her parents and Poeakua may have been a new-comer to Kahana.

Another of the witnesses was Maulua. Years later he received land from other awardees. He may therefore have been a younger man and therefore, like Poeakua, a family member of an awardee.

A third witness was John Halborn. One witness said he had a house in Kahana. During the claims process (1846-8), aliens could not own land. While some naturalized

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57 The Commission recorded her as a kāne (male). This may, however, have just been a clerical error in recording the claim.

58 See appendix E, page 308.
foreigners did file Land Commission claims, it is conceivable that Halborn would have not done so.59

Altogether, witnesses said that seven of the eleven non-claimant witnesses had land in Kahana.60 Other than having their land awarded through relatives—or the unique case of Halborn—the reason for their not making claims is not definitively known. In any event, the evidence suggests that any family living in the *ahupua'a* had a right to file a claim, and that most, if not all, did so.61

**Surveys**

Record books exist which report the three major steps for the claimants: filing the claim, giving the testimony, and receiving the award.62 An intermediary step, between the second and third and consisting of surveying the land, is often overlooked as no separate numbering or book system exists for it.63 The surveying of awards supposedly

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59 From the earliest days, the Islands had also been haven for *Haole* fugitives, often sailors who jumped ship. These men would frequently take off to the hinterlands and live out their lives. If Halborn was such a person, it is conceivable that he preferred not to go out of his way in identifying himself before the authorities.

60 I.e., all except Kaiaowai (k), Kaluaele (k), Kapu (k), and Puahiki (k).

61 See also the discussion on this matter on pages 31-34.

62 Claims exist in the Native and Foreign Register books. The hearing testimony is recorded in the Native and Foreign Testimony books. The awards, as described later in the text, are recorded in the awards books. These Royal Patent (RP) books record those who paid their fee to the government for their title (RP).

63 Survey results are recorded in the award books, signed by the surveyor.
was a purely technical job. At times, however, it ranked with the claim and testimony processes in deciding the size of the final award.

Much of what we know of the survey process comes from two men. Curtis J. Lyons, son of a missionary, worked on the government surveys. Two and a half decades later he wrote a series of articles in a weekly newspaper. They cast light on the truly "hap-hazard or lack of uniform rule" which characterized the survey process (Lyons 1875:No.6).

He described one example where three different surveyors, all surveying claimed dry-land areas on the Big Island, came in with radically varying averages. In each case the claims and testimony process had been completed and the average size of a resulting award in each of the three areas could be expected to be roughly the same.

One surveyor, however, took only land in cultivation and ignored fields lying fallow, resulting in 2-3 acre awards. A second took a more militant view of the right of maka‘āinana to the land and included fallow fields, and probably more, to give out 15-30 acre awards. The third operated under the watchful eye of a konohiki who would get all lands except those surveyed. He was still able to include fallow lands and give out an average of 6-12 acre awards (Lyons 1875:No.6).  

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64 Both Hāole and Hawaiian surveyors took part in the process. The "militant" surveyor giving 15-30 acre awards was probably Hāole, and likely was Lyons. Undoubtedly, the whole idea of "acres" and "metes and bounds" that differed from obvious natural boundaries was alien to Hawaiians and was a Hāole-cultural way of understanding land.
Directions were scanty, often little more than to survey and "include what the claimant has cultivated and improved," and a reassuring, "Do the best you can."

"In defence of the above inconsistency," concluded Lyons, "the plea may be urged, that the [Land] Commissioners had such a mountain of business to dispose of that 'Any way to get through' might well . . . [have been] their motto" (Lyons 1875:No.6).

Dry land areas require more land to sustain a family. Kahana is a wet land area. The surveys done in Kahana gave an average of a bit under three acres to the claim. They must be considered in the league of the third surveyor in Lyons example.

Arthur C. Alexander, descendant of missionaries,65 presented a paper to the Honolulu Social Science Association in 1920 which described his understanding of the survey process. He was manager of the land and survey department of a major sugar company, AmFac. As such, he also spoke on the skills of the various surveyors and their compasses, as ascertained by later verifications.

Besides the latitude given to individual surveyors described by Lyons, Alexander pointed out the differences inherent in the varying skills of the surveyors. Modern government parcel maps available to researchers today actually contain changes in lot size that were made years after the original award when new surveyors verified the old boundaries.

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65 His grandfather, the Reverend William P. Alexander, had trained most if not all of the ten native surveyors who participated in the mahele surveys.
Alexander judged the 33 surveyors involved and rated Lyons as “perhaps the most careful and conscientious surveyor of that time” (Alexander 1920:76). Alexander regarded A.F. Turner, who apparently did all the Kahana surveys, as moderate in skill.66 “His surveys as a rule fit together and close well, but are not easy to rerun, many of them bearing strong evidence of having been ‘doctored’” (Alexander 1920:77).

In Kahana Robertson had settled much that might otherwise have fallen to a surveyor’s discretion. He had denied most of the uncultivated kula land. He had also settled on a certain amount of consolidation of scattered lots, as described later in this dissertation.

On the other hand, Turner made the clear attempt at further adjusting the lots to create parcels (āpana) which abutted one another. This simplified the survey work as a boundary line served two claimants instead of one. It also reduced the existence of small remnant parcels which might have otherwise existed between the makaʻāinana awards.67

66 A review of a sample of the Kahana surveys shows Turner doing all of them between August 20 and September 1, 1851 (Royal Patent Files Mss.).

Turner gave his title as Luna ana ʻāina. The term is usually translated as “surveyor general,” with the more formal title being Luna ana ʻāina nui. A regular surveyor is a mea ana ʻāina.

67 Complicating the process in some valleys was the existence of so-called kōʻeʻele loʻi. The term referred to the land farmed by the people on behalf of the konohiki or konohiki agent. This practice apparently had descended from traditional reciprocal relationships to a legislated social contract with the development of the new American-dominated government and its laws in the 1840s. As the required labor on these lands was done usually on Fridays, that day took the name as well.

In some valleys, as Kahana or the Big Island’s Waipiʻo, the kōʻele land was farmed communally by the people. In others, like Kailua, Oʻahu, Waiheʻe, Maui, or Pelekunu, Molokaʻi, individual portions of each person’s kuleana was set aside as the “kōʻele.” Complicating the surveying,
The people benefited as well. The adjusting of lots to abut one another had the result of giving the claimants slightly larger agricultural ʻāpana than they had originally claimed. For example, testimony exists for parcels of land which, by the descriptions and locations given, must have been just a fraction of the ʻāpana eventually surveyed and awarded. In one of many examples, Kalimaoni (k) 7653 had claimed land under cultivation which originally consisted of small parts of land. Robertson and Turner consolidated these into one agricultural ʻāpana which encompassed the original claimed parts and the lands between them (Foreign Testimony Mss. 10:115).

Further evidence of the attempt by Turner to adjust the claims to reflect a "simpler" mapping scheme comes from the case of Kapena (k) 5231. Robertson had worked out a compromise whereby Kapena gave up his widely scattered lands for a single agricultural ʻāpana. Turner then surveyed this newly created lot so that it ended up to be cheek and jowl on all four sides with other surveyed lots (Foreign Testimony Mss. 10:118).

Observations elsewhere support this evidence from Kahana. The pattern was no accident. The missionary Richard Armstrong openly advised claimants at the time that pieces of land should be united. This would allow the pieces to be enclosed in the same award. He asked claimants to work this out informally even before the

67(...continued)
these tiny portions were then cut out from the kuleana award. Some were even cut out from the middle of awarded loʻi (Kelly and Nakamura Ms.:27-29; Kelly Ms.(b):22).

In Kahana the job was apparently simplified by the existence of communal kōʻele land that was claimed by the konohiki or the konohiki agent.
surveyor came on the scene. The intent, he said, was to lessen the work of the Land Commission (Armstrong 1850:157).68

**The Land Awards**

With the completion of the surveys, the Commission made the 34 awards. It did this through a series of steps. First, the Land Commission sustained the claim and a Land Commission Award (LCA) was made. These LCAs bore the same numbers as the Commission had given to the claim from the beginning. For Kahana, the Commission made the LCAs around 1851.69

*Makaʻainana* costs, other than time, at this point had been perhaps a dollar to hire the scribe/messenger to take the original claim to the government. Surveys, at the expense of the claimant, had been another two or three dollars (Lyons 1875: No.5). The Land Commission’s policies had called for a commutation tax equal to one-third the value of the awarded land. For the *makaʻainana*, however, the government later modified this to a simple charge for expenses.70

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68 While the Kahana evidence points towards this process resulting in larger awards, it could just have easily gone the other way elsewhere. Wrote Armstrong, “Be not obstinate in insisting upon every little crook and corner in your land, but consult together, and unite one piece with another, so that several may be enclosed in the same patent [i.e., award], so as to accommodate yourselves.”

The rule of consolidating lots comes from the *Kuleana* Act (Laws 1859, portion of sections 3 & 6:202-3). See footnote 75 on page 63.

69 Of a review of a dozen Kahana LCA dates, ten were in 1851 and two in 1853. The Land Commission completed its award process in 1855.

70 While the 1846 *Principles* of the Land Commission had called for a commutation to be paid by non-ʻaliʻi awardees, the *Kuleana* Act of August 6, 1850, amended this law by stating that “fee-simple titles, free of commutation, be and are hereby granted to all native tenants” (Laws 1850, portion of sections 1&2:202). Sections 1-4 of the Act had been proposed by William Lee (Kuykendall 1938:291). (continued...)
Upon payment of that fee, the next step was getting the actual land award from the government. This deed is the Royal Patent (RP) for the land, and has a separate numbering system in the RP books.

Each RP contained the metes and bounds of the awarded land ʻāpana and a sketch map of the land taken directly from the survey. The reigning monarchs signed them. In an RP award from 1853, Kaaiaawahia (k) 5807 received his land. Kauikeoauli, known as Kamehameha III, signed the deed. Co-signing was the reigning kuhina nui (premier), Victoria Kamāmalu, known as Kaʻahumanu II. Kaaiaawahia’s land therefore has a LCA number, 5807, and also an RP number, 2059 (Abstract 5807).

In a sample of 18 Kahana RPs, issuance dates varied from 1852 to possibly 1862. Such a broad result occurred throughout the Islands. For Kahana, the bulk were in 1853 and 1855 (seven and five RP awards out of the sample, respectively).

Analysis of the Awards: The Number of Lots Awarded

The primary theme of this dissertation is showing the changes going on with land tenure in Kahana. The secondary theme is showing the changes going on with land use. The previous sections of this chapter have described how western land

70(...continued)

There was, however, a fee which had to be paid. This covered the Commission’s costs, including the surveyor’s fee. A review of some Kahana awards shows this fee ranged from $5 to $9 (Royal Patent Files Mss.).

71 Two reference lists are included in appendix A on page 280. The first gives an alphabetical listing of people connected with Kahana at the time and the second a numerical listing. While the latter includes just those with claim numbers, the former includes all claimants as well as all others who testified or were mentioned in testimony.
tenure began. The following sections describe the traditional land-use pattern in place at that time.\textsuperscript{72}

There had been 37 claims in Kahana and 34 awards. These awardees got a total of 96.182 acres (4.2 million square feet). This works out to a bit under three acres per awardee (i.e., 125,000 square feet). This area was in turn awarded in a total of 66 pieces (\textit{apana}) or a bit under two \textit{apana} per awardee.\textsuperscript{73}

The Kahana pattern consists of each successful claimant receiving an agricultural parcel and a house site (\textit{pāhale}). Claims had often begun with a \textit{pāhale} and several claimed agricultural sites, however.

Some of Robertson and Turner's consolidation attempts to reduce the number of \textit{apana} were straightforward enough. Often the original claim differentiated between wet (\textit{lo'i}) and dry (\textit{kula}) agricultural land even though the two were adjoining. The award would join them into a single surveyed lot.

As described on pages 58-60, if the claimed agricultural parcels were reasonably close, the surveyor would lump them together with the remnant \textit{konohiki} land in-between, to the claimant's benefit. On the other hand, the goal of consolidation of lots may have acted to suppress at least one traditional Hawaiian practice. This was the occasional instance of having "\textit{ile lo'i}." Literally "jump \textit{lo'i}," these were

\textsuperscript{72} For someone interested in following only the land-tenure story of Kahana, the remainder of this chapter may be skipped over.

\textsuperscript{73} This compared, say, with the nearby \textit{ahupua'a} of Ka'a'awa, where the average number of \textit{apana} was three rather than two.
discontinuous gardens, sometimes widely separate from a planter's other lands. While lo'i claims were almost always awarded in Kahana, Nuhi (k) 3948, who claimed two lele lo'i, evidently had that part of his claim denied.\textsuperscript{74}

Kapena (k) 5231 had a similar situation. His lands were so widely dispersed that Robertson had worked out a trade with the konohiki to give him other lo'i land, in a consolidated lot, in exchange.\textsuperscript{75}

In any event, of the 34 awards, only five cases exist where two agricultural ʻāpana were necessary. The final awards veered away from the "consolidate or trade" policy, however, when they came to the awarding of pāhale. Here the policy of consolidation ran into conflict with the law fixing pāhale at a quarter acre.\textsuperscript{76}

Hence, while consolidated agricultural ʻāpana included remnant intervening parcels, no such effort occurred for the pāhale. Where the quarter-acre could be stretched to include adjoining agricultural land, a consolidation occurred. Otherwise, slivers of konohiki remnant land remained between the lots.

\textsuperscript{74} On the other hand, the two lele lo'i of ʻāpana 2 of Ka'ōpae (k) 4363 evidently were awarded (Native Register Mss. 4:288-9).

\textsuperscript{75} The Kuleana Act of August 6, 1850, explicitly called on Robertson to, "define and separate the portions of lands belonging to different individuals; and to provide for an equitable exchange of such different portions, where it can be done, so that each man's land may be by itself."

It also said that claims for lo'i land "such as the people may have cultivated in different spots, with the seeming intention of enlarging their lots" should be denied (Laws 1850, portion of sections 3&6:202-3).

\textsuperscript{76} The Kuleana Act stated that, "the amount of land in each of said house lots shall not exceed one quarter of an acre" (Laws 1850, portion of section 5:203).
The contrast is most clear on the west side of the bay, between the pāhale lots along the coast and their loʻi lands immediately to the south. The pāhale, which formed the Kahana village, had slivers of konohiki land between nearly all of them. Just to the south, however, the loʻi awards are all cheek and jowl in perfect symmetry with all konohiki slivers liquidated by the surveyor.

Five awards had two agricultural ʻāpana (i.e., three lots in all, with the pāhale). A handful of other awards were able to consolidate the agricultural land with the house lot (i.e., one lot in all). Thus these balanced one another out to give the final average of two ʻāpana per award in Kahana.

There was only one exception in Kahana to the above law and practice relating to minimizing the number of awarded ʻāpana. This was the konohiki agent Kuamoʻo (k) 5706. Robertson allowed him to claim four agricultural ʻāpana besides his pāhale.

The number of ʻāpana awarded a claimant did not have a bearing on the area (acreage) of land awarded. The konohiki agent, Kuamoʻo (k) 5706, for example, got a total of under two acres of land or just two-thirds the average award. The largest award, to Paleua (w) 5339, was for over seven acres and consisted of only a single ʻāpana. The acreage included in an award primarily hinged not on the number of ʻāpana but on the existence of kula land in the claim, and its degree of cultivation.\footnote{Kula land tended to involve less intensive forms of agriculture and therefore were relatively larger plots of land as compared to the intensively-work loʻi parcels. Parts or all of several kula claims were denied, however, as they were not consistently cultivated. See Figure 10 on page 76.}
Analysis of the Awards: The Claimants

All claimants were Hawaiians, as were all but one of the non-claimants mentioned as living in Kahana. As was characteristic of the time, the records show only a single name for each of the Hawaiians.\(^78\)

The recorded names for the Kahana claimants could be variously spelled in the claim, the testimony, as a witness for other claims, or in later documents or genealogies. For example, the prefix "Ka-" (singular "The-"), or even "Na-" (plural "The-"), could be interchangeably added or deleted. Hence Kamakuku (k) or Makuku (5318); Kaho'oliliamanu (k) or Ho'oliliamanu (6167); or even Kaaiaawahia (k) or Nāaiawahia (5807). I have chosen and used the prevalent name for consistency.\(^79\)

Of the 36 claimants with known gender, 33 (92%) were male and 3 (8%) were female. All three females got their claims. At least one was married, Kauaua (w) 5709. Her husband Poeakua was a witness before Robertson, but was not a claimant, although testimony said he had land. The konohiki agent, Kuamo'o (k) 5706, was male.

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\(^78\) An exception was Nāawahine Wahea (k) 10978. Only his primary name was listed in the 1848 and 1850 documents. The second name was recorded in later documents.

\(^79\) Alternate spellings caused by the difficulty in deciphering the original handwriting also exists. Judgment has been used in selecting the final version utilized in the text.

Obvious errors in the records, such as calling the second day of hearings September 12, 1852, instead of 1850, have been corrected. Likewise, the government's long-time error in referring to Napela (k) as 6123, which was adjusted in the 1920s to 6122, has been corrected.
Of the 37 claimants, we have no evidence that two ever submitted claims\(^{80}\) and three others had their claims lost.\(^{81}\) Hence 32 signed claims survive. Only 12 of these claimants could sign their names, and one of the 12, Lilipi (k) 9961, later signed "X" on the deed when he sold his land. This suggests a low rate (no more than 38%) of even minimal literacy. This is borne out by review of signatures on Kahana deeds through the rest of the 19th century. It modifies graphically the unsubstantiated claims of near universal literacy made by mission educators of the time.\(^{82}\)

**Analysis of the Awards: Tenure**

The claim system required a statement on the length of tenure on the land, or at least a statement of how long the claimant's family had held it. As land titles for the purposes of the government could go back no further than the conquest of Kamehameha I, no claim mentions an earlier tenure than his reign.

Of the 37 claims, 23 listed the length of familial tenure. The data point to a stable population. Nineteen (82%) said their tenure traced to Kamehameha I

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\(^{80}\) I.e., Ho'oliliamanu (k) 6167 and Kalauawa (k) 240-L.

\(^{81}\) I.e., Hua (k) 8164-P, Keakua (k) 8164-O, and Pune'e (k) 8164-N.

\(^{82}\) Women tended to be more literate: of the three women, two could sign their names. The konohiki agent could not sign his.

The second list, contained in appendix B on page 288, has specific data upon which the above conclusions are based.

Note also that the "near universal literacy" referred to by mission educators of the time may apply to the ability to read rather than write.
y(d. 1819). The remainder were split evenly (9% each) between Kamehameha II (d. 1824) and Kamehameha III, the ruling monarch of the time.

The hearings added to the claims’ information on tenure. Nineteen of the testimonies gave length of occupancy of the land by the claimant. Again the data pointed to a stable population. The average was over 20 years. Five had been there 30 years or more. Two others had been there either their “whole life,” or “since [their] youth.” Three more had been there 20 or more years, and two had been there 18 years. Another one had some land for 20 and the rest for 10 years, another had been there 15 years, and three had been there 10. Only two had been there for less than ten years, one for seven and the other for five.

One clear implication is that the claimants had lived on the land all their adult lives, the difference in longevity apparently having to do with their respective ages. Another implication is that little expansion of individual land holdings occurred after each claimant’s initial acquisition.

Only one claimant, Kapena (k) 5231, noted having had some land for one time period (i.e., 20 years) and other land acquired afterwards (i.e., 10 years later). Even this exception may have been due to inheriting land from a second relative rather than acquiring it by clearing or bartering for more land.\(^3\) This suggests that a traditional lack of a “market” for land existed.

\(^3\) Kapena was the one claimant with land so scattered that Robinson effectuated a trade in order to consolidate the award. This buttresses the conclusion that Kapena had inherited two sets of lands at different times and in different locations.
Additional data about the source of the people's land adds to this conclusion that the system involved a stable land tenure. Twelve of the claims had supporting testimony which spoke of how the claimant had derived the land. All of these said the derivation was either from the claimant's ancestors (25%) or parents (75%).

**Analysis of the Awards: The Land**

Information from both claims and testimony exist regarding the number of *lo'i* (irrigated terraces) awarded. Ninety-two awarded *lo'i* were in areas where their acreage can be ascertained. These, with appurtenant lands, contain 17.8 acres, for an average size of 9,000 square feet (0.2 acre) per *lo'i*.

Eleven *kula* parcels were in specified locations totalling 10 acres. This works out to an average size of slightly under one acre per *kula* or roughly 43,000 square feet each.

Of 16 claimants whose *pāhale* we have acreage data on, only three (19%) were one-half acre (21,000 square feet) and only one (6%) was one-third acre (14,000 square feet). All the rest (75%) were a precise one-quarter acre (11,000 square feet). This does not appear to be due to some traditional subdivision scheme. Rather, the 1850 *Kuleana* Act prescribed a quarter-acre survey and award.

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84 The second list, contained in appendix B on page 288, has specific data upon which the above conclusions are based.

85 See footnote 76 on page 63.
I conclude that the anomaly of non-quarter acre pāhale came from whether the house lots were enclosed. If the claim was for an unenclosed pāhale, Turner and perhaps Robertson gave a precise quarter acre. If it was for an enclosed house lot, however, they evidently awarded and surveyed the boundaries of the enclosure and gave the claimant a larger award. The only pāhale in Kahana identified as having fencing were the ones awarded more than one-quarter acre. The unenclosed lots got the standard one-quarter award.

It can be concluded that lo‘i averaged a fifth of an acre, kula one acre, and awarded pāhale a quarter of an acre. A good many of the āpana, however, had mixed use (e.g., lo‘i and kula and a pāhale). While we know the total acreage of these mixed-use lands, we do not know the division between the uses.

This lack of precision, interestingly, strengthens our averages. The mixed-use lots in Kahana contained 181 lo‘i, one of them used as a “fishpond,” 23-25 kula, and ten pāhale. Using our averages, we would guess at a total of 62.7 acres for such a mix. The actual total was exactly 61.8 acres.

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86 As the enclosed house lots apparently were all in excess of a quarter acre, it would appear that Hawaiian pāhale were traditionally larger than the quarter-acre specified in the Kuleana Act. Claimants without rock or wooden fencing therefore lost any traditional pāhale land over a quarter acre.

It will be recalled that the limitation of pāhale to one-quarter acre was an anti-maka‘aina- na addition to Lee’s original version of the Kuleana Act (Laws 1850, section 5:203).

87 Of the four pāhale which were enclosed, three gave descriptions of the fencing material. One was stone, the other two wooden fencing.

Of the ten awards which gave the data, seven had one house on their pāhale and three had two houses. The enclosed pāhale tended to have two houses.
Additional support for our averages comes from the case of Lilipi (k) 9961. He had one “big loʻi.” This is the only reference in the Kahana materials to the size of a loʻi. This “big loʻi” was 0.85 acre, about 36,000 square feet, or about four times our average.

That our average figures are strong should not imply that all loʻi or kula were similar in size. Sizes varied from lot to lot. This was particularly true with the kula. The term refers to land-use (i.e., non-irrigated agriculture) rather than a type or size of land parcel. The Kahana kula varied widely in size. Paleua (w) 5339 had one kula which was probably about five acres in size. A few were half that size. Many were down to apparently 0.1 acre (4,000 square feet) each, or even less.

Unlike kula, the term loʻi implies both land-use (i.e., irrigated agriculture) and also a type of land parcel, a terrace. As such, we might assume loʻi to be relatively uniform in size. However, they also varied in area. In Kahana they ranged from the 0.85-acre Lilipi case, a couple of half an acre each, down to many which were 0.1 acre (4,000 square feet) or even less.88

Analysis of the Awards: Claim Success Rates

There was a high degree of success by the claimants when it came to their claims for loʻi. This is probably best explained because the loʻi land was the lifeblood

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88 Both lists contained in appendix B on page 285 have specific data upon which the above conclusions are based.
of the family and hence remained in uninterrupted cultivation and occupation by the families concerned. Most important, these taro lands were apparently not lying fallow when Robertson had come to call.\textsuperscript{89}

Some 248-251 lo'i were claimed in Kahana. Awards were given for 244 lo'i (98\%). Such a high percentage is especially notable as the Commission denied 8\% of the total claims because of abandonment by claimants. We would therefore conclude that no more than 92\% of the claims for lo'i could possibly succeed. The discrepancy is due to some instances where more lo'i were awarded than claimed.

The odds for claims' success dropped quite a bit when it came to "weed-covered lo'i." Claims for these apparently uncultivated areas went counter to Land Commission policy and the law. These lands may have been lo'i needing to lie fallow to regenerate, or perhaps they had fallen into disuse because of a decline in family population. Whatever the reason, of the 120-124 weed lo'i claimed, only 25 (20\%) were awarded.

\textit{Kula} claims did not do as well as the cultivated lo'i.\textsuperscript{90} Of 47-51 claimed kula, only 35-37 (73\%) were awarded.\textsuperscript{91} The reason was that testimony often exposed the

\textsuperscript{89} The \textit{Kuleana} Act of 1850 stated, in an added-on anti-\textit{maka'ainana} section: "In granting to the people their cultivated grounds, or \textit{kalo} [taro] lands, they shall only be entitled to what they have really cultivated, and which lie in the form of cultivated lands" (Laws 1850, portion of section 6:203).

\textsuperscript{90} On the other hand, many \textit{kula} were awarded in Kahana. In Kona, most if not all of the \textit{kula} claims were denied and went to the \textit{konohiki} (Kelly 1983:52-3).

\textsuperscript{91} Moreover, at least one \textit{kula} which was awarded was reduced in size from the original claim. See Kekui (k) 4367.
claimed *kula* as being a dry-land area with scattered, sporadic, or non-existent cultivation occurring on it. Such testimony led to a rejection of that part of the claim.\(^\text{92}\)

The compilation of claim success rates also suggests the diversity in land-use practices in the valley and Robertson's policies regarding them. Several other types of *kula* were claimed, including one weed *kula*. As with the weed *lo'i*, it was not awarded. Ten "*māla*" (dry gardens) of *awa* (*kava*) were claimed. As cultivation was apparently occurring, this claim stood a good chance of acceptance. None of these *māla* were awarded. This rejection, however, was due to the claim's abandonment as the claimant, Kamakala'ahia (k) 5321, left Kahana.

Two "*lo'i kula*" (dry *lo'i*), on the other hand, were claimed and both were awarded. A "*kula wauke*" was, however, claimed and not awarded.\(^\text{93}\)

Several types of mountain areas were claimed. A "cultivated gulch," two "mountain *kula*," a "wooded *kula*," two "wooded uplands," and a "wooded gulch" were claimed. None were awarded. It appears that woods or forest areas were not considered to be cultivated lands and were generally rejected.\(^\text{94}\) The exception here would be the cultivated gulch area. It arguably had a chance of being awarded, but was denied as the claim was abandoned due to the death of the claimant.

\(^{92}\) See Figure 10 on page 76.

\(^{93}\) *Wauke* is the paper mulberry, the bark of which is made into *kapa* (tapa) cloth.

\(^{94}\) The *Kuleana* Act noted, "nor shall they [i.e., the people] be entitled to the waste lands" (Laws 1850, portion of section 6:203).
Some water areas were claimed, including one “wai ‘o’opu” (freshwater area for cultivating ‘o’opu [goby fish]), one “fishpond,” and one “muliwai” (meaning a river or estuary, here being a stream course). Neither the “wai ‘o’opu” nor the “muliwai” were awarded. The “fishpond” was awarded. It was simply a lo‘i which was called a fishpond.

While some of the 37 claimants did not specifically mention a pāhale, I have inferred such for all except Kuapu‘u (k) 4433, who apparently had no house of his own and lived with someone else. Thirty-one (86%) of the remaining pāhale claims were awarded.

Three pāhale claims (8%) were rejected as they were part of claims which were abandoned due to the death or leaving of the claimant. An additional claimant, Kapua (k) 5708, was rebuffed by testimony that he did not have a pāhale. His pāhale claim was therefore rejected. Kuaio (k) 5704 had a pāhale at the time of the claim (1848). This he abandoned in 1849, following the death of his wife, when he moved in with someone else. By not occupying the claimed pāhale at the time of Robertson’s hearing in 1850, the pāhale portion of his claim was denied.

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95 The latter had been claimed by the agent to the konohiki. Robertson, with the support and possibly at the request of the konohiki, ruled against the claim.

96 See Kekui (k) 4367.

97 I.e., Haumu (k) 6069, Kamakala‘ahia (k) 5321, and Nahoa (k) 6125.
Several partially-rejected agricultural claims were due to the non-cultivation of the land or because testimony did not reflect what had been claimed. On the other hand, some awards contained more than had been originally claimed.

A case in point is claimant Paleua (w) 5339. She asked for just three lo‘i and a pāhale, an area of probably less than an acre. Testimony, however, showed that she had seven lo‘i in two groups, one of five and the other of two. She also had an adjoining cultivated kula with the pāhale existing within it. Apparently on this basis she was awarded a single āpana of over seven acres, the largest of any of the Kahana awards. That award apparently included the seven lo‘i, the pāhale, and what must have been a large kula.98

Apparently, more than just the many weed lo‘i and the one claimed weed kula were not cultivated. Testimony exists that much open or dry (kula) land had not been cultivated for some time. This led, like the weed lands, to the rejection of a good many of these claims. Figure 10 gives examples of these cases.

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98 All of the totals presented in this sub-chapter regarding the success rates of the claims reflect quite a bit of inference.

A claim, for example, might have been for two adjoining kula. Testimony might have confirmed only that “a kula” existed. This was then awarded.

The inference I make in such a case is that the kula awarded included the two adjoining claimed kula. On the other hand, it might be argued that while two kula had been claimed, perhaps only one had been awarded. As the term kula is not one of size but of use, a precise reading is therefore impossible. Inference and judgment must therefore be relied upon to generate the basic data needed to draw the conclusions in the text.

This matter of so many identified units of land being adjoining, incidently, explains how the hundreds of awarded lo‘i and kula could make up less than fifty awarded agricultural āpana.

The second list, contained in appendix B on page 288, lists specific information upon which the data in the text are based.
Beyond its relevance to figuring success rates for the claimants, this information supports the argument that the general decline in population might have contributed to the withdrawal of *kula* lands from cultivation. I.e., the population decline in Kahana from c.700 in 1778 to c.125 in 1850\(^99\) must have led to reduced cultivation. Many early descriptions of *kula* cultivation in Hawai'i mention intensively farmed, well-kept dry gardens and orchards. Yet the testimony from Figure 10 suggests much fallow land by 1850 within the families’ traditional gardens and orchards.

\(^{99}\) See Figure 26 on page 172 of chapter 6.
Kula Claims In Kahana

- Aiohi (k) 6043, who claimed one kula. Testimony from the non-awardee Makia (k) rejected the claim.
- Hoholea (k) 8185, who claimed five or six kula. The non-awardee Kapu (k) testified against the kula claim, saying it was not cultivated.
- Hua (k) 8164-P, whose written claim was lost. Testimony was given by Kalauawa (k) 240-L, who said that Hua had a kula. Non-awardee John Halborn generally confirmed Kalauawa’s testimony, but qualified this by saying the kula was only planted in spots. Non-awardee Kahulimoku (k) said that the kula was not well cultivated at all, with maybe only one-half acre being cultivated. The konohiiki objected to the kula land, but one kula land parcel was indeed awarded, which evidently included at least some of the original kula claim.
- Kaalawahia (k) 5807, who claimed four kula. Testimony from Hua (k) 8164-P and Kamakuku (k) 5318, limited the claim to just two kula.
- Kamakala’ahia (k) 5321, whose claim was denied not simply because he had left for Kane’ohe and did not attend the hearing to defend his claim, but also because the land claimed was not cultivated and the pāhāle was falling into disrepair.
- Kapua (k) 5708, who claimed one or two kula. Kamakuku (k) 5318 and Keakua (k) 8164-O both testified that the kula had not been cultivated for some years, and no kula land was awarded.
- Kekui (k) 4367, who claimed one kula. Kaalawahia (k) 5807 said the kula was uncultivated. Kamakuku (k) 5318 said that only part of the kula was cultivated, and apparently that part was awarded.
- Kuapu’u (k) 4433, who claimed a wooded gulch. Keakua (k) 8164-O testified that the claimed “kula” has not been cultivated for a number of years, and it was denied.
- Kukuiholahola (k) 5702, who claimed one kula. Kalimalu (k) testified only for scattered kula cultivation; some kula land was awarded as a result.
- Lilipi (k) 9961, claimed one kula and one mountain kula. Pune’e (k) 8164-N was doubtful about a kula. Keakua (k) 8164-O said specifically that the kula hadn’t been cultivated for several years. No kula was awarded.
- Ula (k) 5413, who claimed one kula. Poeakua (k), who was not an awardee but husband to Kaualua (5709), testified that the kula was not cultivated. The claim for it was denied.

Figure 10. Claims for dry (kula) agricultural land.
Analysis of the Awards: Land-Use

All claimants raised taro. Additional crops included 'awa, banana, beans, a "fish pond" (a lo'i used to raise fish in), oranges, potatoes, a wai 'o'opu (a place for catching goby fish), wauke, "etc." Figure 11 lists more details about the crops and farmers of Kahana at the time.
Crops and Farmers in Kahana

- Everyone raised taro.
- Kaaiaawahia (k) 5807 claimed a wai o'opu (place for catching goby fish). A kula was planted in potatoes.
- Kamakala'ahia (k) 5321 claimed 10 māla (dry gardens) of 'awa.
- Keakua (k) 8164-O had a kula that was planted with wauke, banana and beans.
- Kekui (k) 4367 claimed a "fish pond" (a lo'i used to raise fish in). Some of his kula was cultivated with potatoes.
- Kuaio (k) 5704 claimed a "kula wauke."
- Kukuholahola (k) 5702 had kula land planted with a few scattered groups of banana.
- Maunui (k) 5976 had a kula which was planted "with wauke, banana, beans, etc." It was "supposed to contain about an Acre."
- Ohekau (10555) had a cultivated kula that was "planted in several things."
- Pune'e (k) 8164-N had cultivated land which bordered the nahelehele (weeds, undergrowth). He also had some kula which was planted with "wauke, oranges, etc etc."

Figure 11. Crops being raised in Kahana around 1850.
Analysis of the Awards: An Introduction To Claim Locations

A classic *ahupua‘a* is shaped like a pie-slice. A classic Hawaiian-subdivided island would therefore be circular with valley *ahupua‘a* rotating out from the hub of a central mountain peak. Instead of such a scheme, however, along the north-east coast of O‘ahu a long mountain range parallels the coast. Valley *ahupua‘a* do not therefore rotate outward, but rather stretch down to the sea, bordered by parallel side ridges which occur at regular intervals.

Kahana is one of these Ko‘olau valleys. It stretches from the beach to the top of the Ko‘olau mountain range. In its *makai*, northern, reaches it is carved by Kahana River. Up *mauka*, towards the south, however, it splits into Kawa and Kahana Streams which in turn form twin sub-valleys. Figure 12, Figure 13, and Figure 14, give maps of the area.
Figure 12. Map of O'ahu, showing traditional districts (UH cartography).
Figure 13. Map of the central Ko‘olau Coast, Island of O‘ahu, including *ahupua‘a* (Kamehameha Schools, UH cartography).
Figure 14. Map of Kahana (UH cartography).
Analysis of the Awards: Concentrations of Claims

Archaeological evidence suggests that farm sites existed along Kawa Stream (Hommon 1971). These were not as desirable sites as others in the valley. They had probably been abandoned due to population decline between the time of western contact and the filing of the claims. In any event, no claims were made for sites within the south-eastern Kawa Stream sub-valley.

A few scattered claimants filed for agricultural and pāhale lands far back to the south within the south-western Kahana Stream sub-valley. I describe them as the "Uplands" concentration of awards. See Figure 15.
Figure 15. Map of Kahana, showing maka'a'inana concentration areas (UH cartography).
Another small group lived and farmed down towards the north, yet still a mile and a half from the shore. This group existed roughly where the Kahana and Kawa Streams meet to form Kahana River. They are described as the “Midlands” concentration of awards.

Kahana beach is bisected by the river in uneven parts. A small group of claimants had their pāhale along the limited eastern beach. Their loʻi land were behind their pāhale, about a half-mile to the south. This concentration of awards is described as the “Eastern Village.”

Most claimants existed along the western beach. Their pāhale formed Kahana village and their loʻi and kula lands stretched southward behind the village for about a mile. I describe this as the “Western Village” concentration of awards.

The claims and awards made within each concentration area were similar in type. For example, western village agricultural claims were mainly for loʻi and kula. Because this concentration area was in the northern lowlands, almost no “mountain kula” or “wooden uplands” were claimed.

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100 The western village was close to the beach, about where Kamehameha Highway and the coconut grove is today. The current cluster of homes on that side of the valley are to the south of the original village.

The existing houses were constructed after the turn of the century when natives were relocated from the traditional village site to make way for the large estate house and grounds of a wealthy family from Honolulu.

101 A United Church of Christ cemetery exists in this western village area. The United Church of Christ chapel, described in chapter 6, was also apparently in this area. The school lot today exists on maps at the western side of the village area. The Jackson map of Kahana (1884) shows the school house inside of the village area, near the chapel (Survey Map(b)).
Completing this description of the Land Commission-era valley were the pathways and the water courses (‘auwai). A major trail paralleled the coastline. It entered from the ahupua’a of Ka‘a’awa and Makaua to the east, ran along the beach, and exited towards Punalu‘u to the west. The river was apparently not bridged at that time. Two trails, on either side of the river, ran inland to the south and allowed access to farming and housing sites.

The ‘auwai permitted controlled irrigation for everyone’s lo‘i lands. The smaller number of farmers to the east of the river were irrigated with an ‘auwai about a mile long. The greater number of farmers to the west relied on the two-mile-long

102 Because of steep ridges to the east and west of Kahana, the only easy access to Punalu‘u or Makaua was by sea or the coastal trail.

103 While no bridge apparently existed over the river mouth as part of the coastal trail, at least one small bridge existed elsewhere in the valley. It was either over Wailea ‘Auwai or over a thinner portion of the river. Its location appears to have been about a quarter or half mile up the Old Kahana Road trail (descriptions of the ‘auwai and road follow in the text).

Kuamo‘o (k) 5706, konohiki agent, claimed two lo‘i which were to the south of his western village beach-side pāhale. In testimony concerning these two lo‘i, Kamakuku (k) 5318 said that the lo‘i were “near the Bridge” (Foreign Testimony Mss. 10:128-9). As the pāhale and the two lo‘i were each awarded—as Īpuna 4 and 5 of Kuamo‘o, respectively—a general location for the bridge can be made.

104 The coastal trail, now known as Kamehameha Highway, was described from the earliest written records (e.g., Chamberlain Ms.(a)).

The eastern trail was known for many decades as Rice Mill Road, and is now known as Trout Farm Road. It may well have been improved for access to the Tai Lee Wai rice mill in 1898-99, but most probably existed previous to that. (The Tai Lee Wai rice plantation and mill is described in chapters 7 and 8. See, specifically, chapter 8’s footnote 50 on page 244.)

The western inland trail is known as Old Kahana Road, and is now abandoned. Testimony for Kapena (k) 5231 refers to “a path” in this location (Foreign Testimony Mss. 10:118). The modern Kahana Valley Road runs on a parallel course to the east of Old Kahana Road. Much of it was evidently put in by the U.S. military during its tenure in Kahana during World War II.

105 Taro requires constantly running water in order to survive. To lose water cuts off the taro’s sustenance. To let the water stand under sunlight “cooks” the submerged roots and kills the plant.
Wailoa ‘Auwai (Hommon 1971:50). Kahana River at its mouth carried about 23 million gallons of water a day. The eastern ‘auwai carried 2 million and Wailoa carried about 8 million gallons a day.106

The inland trails were associated with the ‘auwai. The Old Kahana Road trail apparently paralleled, on the higher or western bank, the Wailoa ‘Auwai. The Rice Mill Road trail also apparently paralleled the eastern ‘auwai.107

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106 These two major ‘auwai survive on maps made in 1901. These are major waterways with rock-lined walls. Portions exist today.

An even more extensive irrigation system may once have existed, however. Kaaikahi (k) 5221 testified for Nunu (k) 3946’s claim. Nunu’s land was farthest up Kahana Stream, even above the fork with Kawa Stream. Yet in Kaaikahi’s testimony, Nunu’s land was said to have had an ‘auwai as a boundary (Foreign Testimony Mss. 10:122). No such ‘auwai exists today.

File 118 of the Foster Collection, Archives of Hawai’i, contains early water studies in Kahana. A 1910 letter to a sugar planter interested in Kahana’s water contained early studies secretly carried out apparently as part of McCandless’ water plans (Hall Ltr. to Hackfelt, October 25, 1910). (A discussion of McCandless’ plan is contained in chapter 9, pages 257-265.)

That letter noted about 13 million gallons at the 780-foot elevation (McCandless’ tunnels would draw water above that height). A flow of 17 million gallons existed at the 450-foot elevation, and about 23 million gallons at the 90-foot elevation.

The letter also noted the eastern ‘auwai began at an elevation of 75 feet with 2 million gallons which flowed back into the River. The Wailoa ‘Auwai began at 95 feet and had 8 million gallons, with one-third flowing back into the River.

The letter concluded that at the 10-foot elevation a total flow from the River and Wailoa ‘Auwai was about 28 million gallons.

A second letter, from 1911, gave the results of a secret study carried out for Mary Foster, a major Kahana landowner of the time (Jorgenson Ltr. to Wodehouse, December 12-14, 1911).

This letter showed nine flowing streams in the valley at the 780-foot elevation level. These had a total flow, at that level, of 16.25 million gallons. (East to west they had flows of 0.25, 1.0, 1.0, 7.0, 1.0, 0.5, 4.5, 0.5, and 0.5 million gallons, respectively.)

The letter also noted 28 million gallons at the 300-foot elevation level.

We are lucky to have such figures. Today’s daily flow reaches a minimum of 7 million gallons. Most of Jorgenson’s nine streams are dried up today and no water flows in the two ‘auwai. These reductions are largely due to the water tunnels constructed by McCandless (c.1913-8) and expanded in the later 1920s.

107 We know from previous discussions, see pages 58-60, 62-63, that the hearing and survey process resulted in consolidated lots in Kahana. These consolidations often awarded claimants some appurtenant, non-cultivated lands which were beyond the land originally claimed.

Further proof of this is that most of the western village awards also included portions of the Wailoa ‘Auwai and the Old Kahana Road, neither of which were cultivated land. Indeed, it can be argued that each were public lands.
The descriptions of land from the claimants' records, supported by later photographs (see appendix N on page 407), show the lower (northern) valley as being quite open. The ironwood trees along the beach had not yet been planted. The *hau* (a lowland tree) had been successfully cut back and did not cover large areas along the river and lowlands as is true today. In recent decades much of the lower valley has become overgrown, nearly exclusively by introduced species.

The lowlands were made up primarily of *pāhale* and *lo'i* at the time of the Land Commission with some other crops and grass land. “Mountain *kula*” were not encountered in the lowlands. The first such claims were made by Kalimaoni (k) 7653 and Lilipi (k) 9961. These are, respectively, at the extreme southern end of the western village area and to the south of the eastern village beach *pāhale* (Native Register Mss. 5:423, 4:499-500). The “*kula wauke*” of Kuaio (k) 5704 is likewise at the extreme southern end of the western village (Native Register Mss. 5:113-4).

Kapu (k), who was not a claimant, testified for Hohoiea (k) 8185. Though the land in question was far up Kahana Stream, beyond the fork, the River and Stream had apparently been kept clear—in contrast to today—of *hau* trees, which were mentioned as existing elsewhere in this upland and generally unoccupied area (Foreign Testimony Mss. 10:120).

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108 They may well have been added as part of a Depression-era project of the WPA (Work Projects Administration).
Many western village neighbors had adjoining pāhale at the beach and adjoining agricultural lots further inland. For example, Napela (k) 6122, Ohekau (10555), Pune'e (k) 8164-N and Nāwahine Wahea (k) 10978 were neighbors first with their pāhale and then with their agricultural lots.

The lo'i, kula, and homes of the western village area represented the center of the land-use and human settlement in Kahana at the time. It can also be inferred that this was the most valuable land in pre-contact times, as the declining population before 1848 had abandoned other parts of the ahupua'a but had kept and maintained these lands.

Analysis of the Awards: The 'ili

Americans have created their own listing of Hawaiian land parcel and district names. These include 'ili, 'ili ʻāina, and 'ili kūpono. Under this usage, an 'ili was a subdivision of land, the next in sequence after an ahupua'a. 'Ili came in two categories. The 'ili ʻāina were simple divisions of the valley for identification purposes. The 'ili kūpono, on the other hand, were subdivisions of the valley under independent ownership and control. They were usually controlled by an ali'i other than the ali'i controlling the rest of the ahupua'a.

109 See the Glossary's footnote 1 on page 440.
Or, so the story went. The term 'ili kūpono, as defined by the American-dominated Supreme Court in 1877, may not be particularly traditional.\textsuperscript{110} There were none in Kahana. On the other hand, the idea of sub-districts within an ahupua'a, called simply 'ili, were traditional enough. In Kahana about 80\% of the awarded parcels were in areas called 'ili.\textsuperscript{111}

It is common around the Islands for all land not awarded to the claimants to be designated as "the 'ili of the ahupua'a."\textsuperscript{112} This was a convenience to identify the land as belonging to the ali'i of the ahupua'a—the ali'i who was awarded the entire ahupua'a minus the claimants' awards.

The data from Kahana generally support this conclusion. Most had lands in an identified 'ili. Kapua (k) 5708, for example, had land in an 'ili although it bordered "the 'ili of the ahupua'a" (Native Register Mss. 5:114). Nuhi (k) 3948 had his house and some lele (jump) lo'i in regular 'ili, but had other land "in the 'ili of the ahupua'a." This "'ili of the ahupua'a" land was a parcel far to the south, however. It even had its own independent name, Waihi (Native Register Mss. 4:197).\textsuperscript{113} On

\begin{footnotes}
\footnote{In a private communication (1989), Marion Kelly concurs, suggesting the term may have grown out of westerners being granted control over portions of ahupua'a. Refer also to Lyons 1875:No.3.}
\footnote{This is true of claims generally in the Islands.}
\footnote{See the Glossary's footnote 2 on page 441.}
\footnote{Claims and testimony of persons living at the northern, makai part of the valley would presumably be those most exposed to western influences. These use more traditional directional references, however, in their claims: "makai," "mauka," "Kāne'ohe," and "Punalu'u" (north, south, east, and west, respectively). Several persons living in the secluded upland, mauka end of the valley, however, used compass headings in either or both their claims and testimony.}
\end{footnotes}
the other hand, Kekui (k) 4367 openly held “land in the ‘ili of the ahupua’a,” and “a house in the ahupua’a” (Native Register Mss. 4:289). Such exceptions as Kekui were few, however. For nearly all the claimants, their land was in identified ‘ili and the remainder was the land of the ahupua’a or the “‘ili of the ahupua’a.”

Evidently because the ‘ili around the Islands served traditional purposes and were not needed for the new land-ownership scheme, no surveying or mapping of them occurred. Their locations are therefore largely lost. Even their names would have passed from the scene had it not been for references to them in the land claims.

An attempt to recreate the ‘ili of Kahana and their locations is contained in appendix C on page 293. This appendix contains detailed descriptions of the identifiable ‘ili in Kahana and the claimants within each ‘ili.

113(...continued)

Nuhi (k) 3948, his land up Kahana Stream, used the compass directions, as did Ka‘ōpae (k) 4363 and Kuapu‘u (k) 4433, both near the fork with Kawa Stream, and Nunu (k) 3946, farthest up Kahana Stream. The makai claimants used almost exclusively the traditional terms. An exception was testimony from the uplander Hua (k) 8164-P for his neighbor Kalauawā (k) 240-L (Foreign Testimony Mss. 10:136), who used the traditional terms. Kekui (k) 4367 is the sole makai claim which used compass bearings.

This may, however, be due to the preferences of the officials recording the documents rather than of the individuals involved, it being harder to ascertain directions further back in the valley without resorting to a compass.

The mauka claimants also tended to be able to refer to distinct non-‘ili subdistricts of land by given names. E.g., Nunu (k) 3946, farthest up Kahana Stream, Ka‘ōpae (k) 4363, and Kuapu‘u (k) 4433. This may be, however, due to the makai claimants being bunched together and therefore having other claimants’ lands to use for identification purposes.
Analysis of the Awards: Types of Parcels

Figure 16 follows and gives other statistics dealing with the awards. As seen, there were 66 ʻāpana of land awarded to 34 successful claimants. Of these, 35 (53%) were solely agricultural lots, 12 more (18%) were mixed lots with both some agricultural land and a pāhale, and the other 19 ʻāpana (29%) were solely pāhale lots.

Handy, Handy and Pukui (1972) make the point that Hawaiians were primarily a planter or gardening people. This is borne out in Kahana. All awardees got land used for planting (i.e., all got lo'i land), all raised taro in gardens, yet not everyone got kula land and not everyone even got a house lot.

A typical award in Kahana began with the one agricultural lot and a separate pāhale. Fourteen (41%) of the 34 awards were of this model. Eight others (24%) had their agricultural lands close by their pāhale and so got a single ʻāpana which encompassed both. Two others (6%) had a single agricultural lot, but no pāhale. In all, therefore, 24 (71%) of the 34 awards had one agricultural lot.

Nearly all the others (with two exceptions) had two agricultural lots. Specifically, four had two agricultural ʻāpana with a pāhale. Three had two agricultural ʻāpana with the pāhale included in one of them. The last one had two agricultural lots but no pāhale.

114 The ahupua'a award, discussed in chapter 3, is not included in these statistics.
The two exceptions were Kalaauhina (k) 7651, who had three agricultural lots with his pāhale in one of them, and Kuamoʻo (k) 5807, the konohiki agent, who had four agricultural lots besides his pāhale lot.¹¹⁵

¹¹⁵ Neither of these got a total area out of the ordinary, despite their large number of awarded ʻapana. Kuamoʻo (k) 5807, the konohiki agent, got about two-thirds the average area of award, and Kalaauhina (k) 7651 got an average total area.
Total claims awarded: 34.

Total ʻapana awarded: 66.

Types of use:
- 35 ʻapana were ag only.
- 12 ʻapana were mixed ag/pāhale.
- 19 ʻapana were pāhale only.

Number of awards with a single agricultural ʻapana and a pāhale ʻapana: 14.

- 8 others had just a single mixed ʻapana that consisted of their ag land plus their pāhale.
- 2 others had a single ag ʻapana but no pāhale.

Number of awards with a two (or more) agricultural ʻapana and a pāhale ʻapana: 5.

- 3 others had one ag ʻapana plus a mixed ag/pāhale ʻapana.
- 1 other had two ag ʻapana but no pāhale.
- 1 other had two ag ʻapana plus one mixed ʻapana.

Figure 16. Statistics on awards.
In all categories of ʻapana, a western village ratio of two-thirds is repeated. Of the 35 purely agricultural lots, 22 were in the western village.\textsuperscript{116}

There were 12 lots which had both agricultural land and ʻāhale. Eight were in the western village area.\textsuperscript{117} Nineteen ʻapana awarded in the valley were purely house lots. Thirteen were in the western village area, and only two were in each of the other three concentration areas.\textsuperscript{118}

Of all 66 parcels awarded, 46 were owned by persons from the western village, only five from the eastern, nine from the midlands and six from the uplands concentration areas.\textsuperscript{119} Figure 17 gives the statistical breakdown.\textsuperscript{120}

\textsuperscript{116} The western village had 22 exclusively-agricultural lots. Eighteen belonged to claimants who lived at the beach village. The other four were owned by claimants who lived southward in that concentration area.

Western village claimants also owned three agricultural lots elsewhere in the valley, two in the midlands and one in the uplands area.

\textsuperscript{117} Of the mixed ag/house lots, three were with the beach housing of the western village area, and five more were inland within that concentration.

The one with the eastern village area was inland from the beach.

\textsuperscript{118} Of the 13 house lots in the western village area, nine were in the beach village. These had their ag lands exclusively within the western village concentration area (i.e., immediately inland). Three more house lots were in the beach village but had ag lands not exclusively in the western village area. The other house lot was in the western village area, but away from the beach.

\textsuperscript{119} These totals take into account the fact that two of the midlands total and one of the uplands total were actually owned by claimants living in the western village area.

\textsuperscript{120} Appendix D on page 300 contains specific information upon which the above statistics have been drawn.
<table>
<thead>
<tr>
<th>Area Name</th>
<th>Ag Only Pāhale</th>
<th>Pāhale Only</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ʻāpama</td>
<td>ʻāpama</td>
<td>ʻāpama</td>
</tr>
<tr>
<td>Eastern Village</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Midlands</td>
<td>+ 8</td>
<td>+ 1</td>
<td>+ 2</td>
</tr>
<tr>
<td>Uplands</td>
<td>+ 3</td>
<td>+ 2</td>
<td>+ 2</td>
</tr>
<tr>
<td>Sub-total:</td>
<td>= 13</td>
<td>= 4</td>
<td>= 6</td>
</tr>
<tr>
<td>Western Village</td>
<td>+ 22</td>
<td>+ 8</td>
<td>+ 13</td>
</tr>
<tr>
<td>Grant total:</td>
<td>= 35</td>
<td>= 12</td>
<td>= 19</td>
</tr>
</tbody>
</table>

Figure 17. Statistics on categories of land parcels (ʻāpama) awarded.
Analysis of the Awards: The Konohiki And The Konohiki Agent

The konohiki agent, Kuamo'o (k) 5706, was awarded five land parcels, the largest number of any of the awardees. He was also able to amass a large number of witnesses to support his claims. These facts attest to the special position of power enjoyed by the agent. He was also able to claim—and apparently was awarded—some lands which even his carefully sculpted testimony attested had not been well cultivated.

It is therefore surprising that Kuamo'o enjoyed a general lack of success in the total process. The total area of land which he was awarded was under two acres (about two-thirds of the average award). He was directly rebuffed by the konohiki on his claim for a streambed and adjacent lands. This defeat was all the more noteworthy as it was the primary instance of the hearing officer deciding an issue in the testimony, and it was one of only a few instances where the konohiki had opposed a part of a claim.

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121 He had the most witnesses and the longest recorded testimony of any of the claims.

122 Kuamo'o (k) 5706 claimed two lo'i which were mauka (south) of his beach-side pāhale, and evidently got them (āpana 5), despite clear testimony that they were not cultivated:
   (a) Kamakuku (k) 5318, who was next door to the two claimed lo'i, said that they had not been planted for 8 or 10 years; and
   (b) Kukuholalahola (k) 5702, who was also next door to the two claimed lo'i, knew of them and that they were mauka of the claimed pāhale—but they were in bad order, having no water.

While winning on that claim, Kuamo'o lost when he claimed a streambed and adjacent lands, which were denied by the hearing officer.

He also made a claim for a sixth āpana of land, an allegedly cultivated kula. While Kaaijawahi (k) 5807, who was a neighbor of this kula, testified he knew of it as cultivated land, the claim was apparently denied (Foreign Testimony Mss. 10:128-9).
The _konohiki_ never opposed an entire claim, and in only two cases out of 34 awards (6%) had he objected to a portion of a claim.\textsuperscript{123} One was to his own agent, described above and in more detail following. The other partial objection involved Hua (k) 8164-P.

Amongst his other lands, Hua had claimed a _kula_. One witness, Kalauawa (k) 240-L, said the _kula_ existed. Another witness, the non-claimant John Halborn confirmed this but said the _kula_ was planted only in spots. Yet another testifier, the non-claimant Kahulimoku (k) testified that the _kula_ was not well cultivated, with perhaps only a half acre under cultivation. While the _konohiki_ did not object to Hua’s other claims, he did object altogether to this _kula_ award. Despite this objection, it appears that Robertson did award at least some of the _kula_ to Hua.

The second objection by the _konohiki_ was for agent Kuamo'o’s “_muliwai._”\textsuperscript{124} Kaaiaawahia (k) 5807 testified on the claimed streambed. Then this part of Kuamo’o’s

\textsuperscript{123} The two partial objections to claims came from the _konohiki_ when he was present during the last two days of hearings.

Kuamo'o, when sitting as _konohiki_ during the first day of hearings, or when sitting as agent during the last two days, made no objections to any part of any claim.

Upon review of the reasonably outrageous claims that Kuamo'o was making—and his need for supporting testimony from the Kahana _maka'ainana_—it might be supposed that he had arranged an at least tacit _quid pro quo_ from them.

\textsuperscript{124} The term _muliwai_ can mean an estuary. In this case, testimony clarified that what was being claimed was a small streambed, probably on the western side of the valley, and the non-_maka'ainana_ lands adjoining it.
claim was objected to by the *konohiki* and the objection sustained by the hearing officer.125

**Conclusion**

This chapter has explored the land-use and land-tenure history in the case study of Kahana *ahupua'a*, starting with the filing of *maka‘ainana* and lower *ali'i* land claims that begin in 1846. None of these awards, once made, were formally sold or transferred through the rough date of 1855.126

In summary, the 1846-55 period saw the *maka‘ainana* of Kahana—and the lesser *ali'i* Kuamo'o (k) 5706, the *konohiki* agent—make their claims and then go through the hearing/testimony process. They then had their surveys done, got their awards, and finally their Royal Patents.127

125 Only two formal rulings were explicitly made by the hearing officer, Land Commissioner George M. Robertson, and recorded in the testimony of the hearings.

One was this denial of the streambed claim by Kuamo'o. The second was the trade or exchange of land of Kapena (k) 5231, done to prevent having too many scattered ʻāpana in Kapena’s land award (see earlier references to this, including footnote 83 on page 67).

126 There were a couple of informal transfers, apparently inheritances. These are included within the discussion of the *maka‘ainana* lands in chapter 4.

127 Most of the claimants had their RPs by 1855. Some had not yet completed the paperwork and paid the fee, however, and so got their RPs after that.

This should not suggest, however, that the late RPs could not have been alienated by 1855. In practice, once the surveys and LCA award had been completed, apparently by 1853 in Kahana, the lands were known and *could* have been formally sold or otherwise transferred.

Therefore, while none of the Kahana claimants formally transferred their lands by 1855, all of them could have.

Chinen notes that the Act of August 10, 1854, specified that the LCA awards had the semblence of deeds (Chinen 1858:14, noting Laws 1854).
That the people even got any land remained in doubt for some time. The people's awards, and the extinguishment of ali'i claims on their labor, represented a radical change. Their victory was tempered by four setbacks. Major defeats for the makaʻainana occurred with regard to: (a) lack of claims being filed (for ahupua'a other than Kahana); (b) the anti-makaʻainana sections of the Kuleana Act; (c) the lack of a prohibition against alienation; and (d) the passage of the Alien Land Ownership Act (Laws 1850:146).128

Also, while the awarded land described in this chapter was of great importance, it still had a total area of under 200 acres. The balance of land in Kahana totalled over 5,000 acres of uncultivated land. While nearly all of this remainder was inaccessible, perhaps 200-300 acres of it was capable of development.

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128 Where Native Americans have held onto land, it has primarily been due to prohibitions on alienation.

Where Pacific peoples have held onto lands it has often been accompanied with some form of prohibitions on alien ownership. For an introduction to this topic, see Crocombe 1971:1-24.

Aliens could not own land through most of the mahele period. This fact was used to defend the American-dominated government against Hawaiian criticism that the whole exercise was a cover for Haole purchase of land. When the mahele had been largely completed, the Alien Land Ownership Act of 1850 was passed, which changed the previous policy.

Perhaps showing the priorities of the American-dominated government, this alien ownership bill became law a month before passage of the Kuleana Act, which completed the mahele process by guaranteeing minimal rights to the makaʻainana.
This 5,000+ acres of land, together with valuable freshwater rights, fishpond ownership, and offshore fishing rights, was awarded to the high ali'i, Keohokalole.\textsuperscript{129} The story of that award, and the role of the mahele and related events, is contained in the following chapter 3.

\textsuperscript{129} See footnote 43 on page 40.

Note the accepted view that the high ali'i awards included so many more acres than the maka'ainana awards and that this land must have therefore included much that was developed or capable of development. The Kahana data contradict this conventional belief—the high ali'i land was undeveloped and nearly all of it was inaccessible and undevelopable.

I would also suggest that the Kahana data, in this regard, are often replicated across the Islands.
Chapter 3. The Mahele
(A History of the Ahupua'a, 1846-55)

On February 5, 1848, Zorobabel Ka'auwai, attorney/agent for high ali'i Annie Keohokālole (8452), submitted her kuleana land claims to the Land Commission.¹

Only nine days remained before the deadline for filing such claims. After boycotting the Land Commission for two years, Keohokālole was now ready to participate. Ka'auwai ensured his client asked for everything possible under the terms of the Land Commission's Principles.²

The claim document was quite a bit longer than those of the maka'ainana described in chapter 2. Ka'auwai exhibited an expertise worthy of members of our bar today. It was true that the Principles excluded un-cultivated lands. His client cultivated very little land herself, Ka'auwai knew. But couldn't he argue that fruit trees were, by their very existence, evidence of cultivation? And if the Land Commission

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¹ Born in Kailua, Kona, she was mother to chiefs: King David Kalākaua (ruled 1874-91), Queen Lili'uokalani (ruled 1891-93), Princess Likelike (Miriam Cleghorn), and Prince Leleiohoku (William Pitt II) (Indices 1929:14). She died in Hilo on April 6, 1869.
Her husband was Cesar Kapā'akea, born at Kuiaha, Maui, about 1817. He married Keohokālole in 1835. He died at Honolulu on November 13, 1866.
See also Kame'elehiwa Ms.:291,295,309-10,330.
For the term "kuleana," see chapter 2, footnote 32 on page 34.

² The fact that Ka'auwai was a member of the Land Commission undoubtedly increased his marketability as an agent preparing claims before it.
allowed a claim for a *pāhale*, who was to deny claims for multiple *pāhale*, particularly enclosed ones?

Keohokālole wrote from Waikīkī, an area of aliʻi. She claimed *pāhale* and lands allegedly under her own cultivation. Her claim included lands on the four islands of Hawaiʻi, Molokaʻi, Maui, and Oʻahu. She claimed five orange trees (in four areas) and five coconut trees (in two areas). She also claimed two areas of coffee, three areas of lauhala (pandanus), one area of *kou* trees, and three separate *pāhale*. Also claimed were ten *loʻi*, in four areas, three small areas of sweet potatoes, and one *kula*. “These are things done by my own hands,” her statement assured the Commissioners, “made by our own hands, not by the [people of the] land” (Native Register Mss. 5:567-8).

**The Mahele**

If that had been the extent of high aliʻi claims, and of Keohokālole’s in particular, the matter would have been of little consequence. As she made no claims in Kahana, it would have been of even less consequence there. Things were not, however, quite so simple.

The people who instigated and directed the upheavals of the 1840s were few. They faced strong traditions against the changes being proposed. The resistance of the high aliʻi, in particular, had to be addressed (Kameʻeleihiwa Ms.:253-89). So our
story backtracks to the period immediately following the issuance of the Land Commission *Principles* in 1846.³

The Reverend William Richards, a leader of the effort to change Hawaiian land tenure and a member of the Land Commission, was in failing health and near death. Far too few maka‘ainana were filing claims. William Lee, the 26-year-old American Chief Justice, stepped in to head the Commission in August 1847 and address the imminent unraveling of the American's land revolution.

The Land Commission had primarily received claims from Haole. Lee's frantic attempts to get maka‘ainana claimants to come forward was discussed in chapter 2, pages 21-23. This was not, however, the only question vexing the Commission.

The Commission's *Principles* had purported to have all non-claimed or unsuccessfully-claimed lands revert to government ownership. Nevertheless, it was increasingly clear that the high ali‘i, the King included, were not going to go along. While they were content to let some foreigners have their land claims, they were not about to easily assent to the abrogation of the traditional social system or give up their claims to the people's labor. If these views were not overturned, however, the Americans' revolt against "feudalism" would fail. To allow the old system to survive meant western culture and its private ownership of property would fail.⁴

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³ I.e., we backtrack to the period discussed in the sub-chapter "Land Politics" of chapter 2, page 21.

⁴ One way that the traditional ali‘i wished to continue the old system, as modified by western contact, was by bringing in some Haole as ali‘i. In the 1848 division of lands known as the mahele, six of the 251 high ali‘i participants were Haole, and some of the others were part-Haole.

(continued...)
On December 18, 1847, less than two months before the deadline for filing Land Commission claims, the Privy Council approved a resolution prepared by Lee. It reshuffled the cards and dealt out a new strategy. It began by respecting what had already been done by the Commission, i.e., the awarding of small land claims involving foreigners who were citizens of the Kingdom. Most importantly, however, it called for a four-way division of all the lands that had not been awarded. Recipients would be the King, the other high ali'i, the government, and the maka'aiinana (Kuykendall 1938:287). It was a master stroke that saved the clique's revolution and meant the death of local culture (Kame'eleihiwa Ms.:273-89). Lee had been in the Islands a total of 13 months.5

A committee with the American Gerrit P. Judd as de facto chair worked for forty days and came up with a plan for carrying out the four-way division. Two hundred and forty-five high native ali'i and six high foreign ali'i then came forward.

4(...continued)

In opposition to the traditionalists were, amongst others, those who represented a "non-feudal" class of merchants and businessmen. Western culture, fee-simple ownership of land, and a doing away with the old ruling class and old system was in their best interest.

5 The text stresses Lee's involvement as he appears to have been the crucial voice which overcame the high ali'i opposition to honoring the whole maka'aiinana claim process.

This does not mean, of course, that other voices did not exist. Wyllie, for one, supported Lee's proposals. Nor does it mean that no discussion or debate had occurred on the issue before late 1847. Such debate had apparently gone on for the two years of the Commission's existence. What was important about Lee's direct involvement after Richards had passed from the scene was that Lee was able to finally overcome the strong opposition of the high ali'i. As discussed on pages 34-37, he later was also able to get the initial, and more liberal, version of the Kuleana Act approved by the privy council in December 1849 (Kuykendall 1938:289-294; Kame'eleihiwa Ms.:253-88).
They got their traditional *ahupua'a* in return for signing quit-claims for any other lands in the Kingdom.

This process went on for six weeks as the high *ali'i* journeyed to Honolulu to sign for their *ahupua'a* and give up their claims to other lands. The claim process lasted until March 7, 1848, and occurred parallel to the claims for cultivated lands and *pāhale* described in chapter 2 and on pages 102-103 of this chapter.

These claim/awards and quitclaims were recorded in the *Mahele* ("Division") Book, much as the Domesday Book was used by William the Conqueror about 1086. (Keohokālole's claims are on *Mahele* Book Ms.:10).

The process is sometimes called the "greater mahele" due to the large number of high *ali'i* involved. A second or "lesser mahele" followed it on March 8, when the King quit-claimed much of the remaining land to the American-dominated government, holding the remainder for himself. The result was about one-third of the acreage of the Kingdom's lands going each to the King, the high *ali'i*, and the government.6

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6 The result of the *mahele* was a division between these three interests. As this has some parallel to the *Principles* of the Land Commission, it is easy to see a cause-and-effect relation between the two.

I would suggest, instead, that little more than a general similarity of subject matter existed between the two. It was obvious to all that the King and high *ali'i* would get some benefit in any division. It was also clear that the American-led government would demand something. In this sense, the *mahele* evolved from axiomatic truths.

The Land Commission *Principles*, however, had argued for a claim, hearing, and award system. This was ignored in the *mahele*. Moreover, the *Principles* had discussed giving a major (i.e., one-third) interest to the people, but they were largely left out of the *mahele*. 
The incentives to the ali‘i to participate in the mahele were strong. First were all the temptations of a western consumption economy. To refuse to shift the struggle from the playing field of Hawaiian culture to that of the west meant turning their backs on all the modern accoutrements that many of the ali‘i had come to expect.

But even within the western playing field, the temptations were seductive. The Land Commission’s Principles had said the people had a one-third claim as a class upon all land. Lee’s 1847 resolution had reserved to the people one-quarter of all lands. Nevertheless, in final sum, the mahele process in 1848 left the maka‘ainana out of the settlement. In their place, the high ali‘i and King got the bulk of all lands.

In return for these incentives, Keohokālole and the other ali‘i agreed to a process of deciding what all their traditional lands were. As there were overlaps where the same land was thought to traditionally fall under more than one ali‘i, this involved some give and take. Judd seems to have officiated over this process.

Then the ali‘i quit-claimed all those lands which were now ascertained to have not been under them traditionally. As they had no claims to these under the old system, this second step cost nothing. In return, they were allowed private ownership of their now-ascertained traditional lands.

True, all these mahele awards of ahupua‘a to Keohokālole and the other ali‘i reserved the rights of maka‘ainana residing in them. These rights, however, remained largely undefined in the spring of 1848. True, thousands of maka‘ainana claims had come into the Land Commission before its February 14, 1848, deadline. But what
did these mean? Would these lands be awarded? What of other traditional rights such as access to water or the existence of subsistence gathering rights or traditional labor obligations? These questions remained unanswered.

As recounted in chapter 2, pages 34-37, the completion of the west’s victory occurred with the high ali‘i finally giving up the traditional system (and their “feudal” claims to the people’s labor) in 1850 with approval of the Kuleana Act. This act represented a third mahele, the division between ahupua‘a landlords and their former tenants. The three divisions between 1846 and 1850—the greater and lesser mahele, and the Kuleana Act—are jointly known as “The Great Mahele” (Kelly 1980:61-2).

Particularly amongst those new to the topic, there is a tendency to view the Hawaiian land-tenure events of the era as if they were part of some pre-arranged plan. Hence the classic progression of the Organic Act establishing the Land

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7 The people seeking to overthrow the traditional systems in Hawai‘i in the 1840s justified their actions in part by saying that traditional Hawai‘i was “feudal.” Their efforts at change were therefore “liberal” and “progressive.” That the proposition of Hawaiian “feudalism” was self-serving by these people goes without saying. More importantly, the proposition is false. This is explored in detail and the proposition is refuted in Stauffer:1980.

8 The ahupua‘a could have been awarded through the mahele to either a high ali‘i, as was the case in Kahana, or to the King or the American-dominated government. The people’s “ahupua‘a landlords” were therefore either a high ali‘i, the King, or the government.

The third and final step of the Great Mahele was the Kuleana Act of 1850, which divided off the people’s lands, as recounted in chapter 2, pages 34-37. The maka‘ūnana lots were divided off whether the ahupua‘a landlord was a high ali‘i, the King, or the government.

Note that this final step was needed to completely free up land for fee-simple ownership, a major goal of the merchant class. Without this step, all land titles would have been clouded by the undefined land rights of the “tenants.”

9 I suggest that the Kuleana Act was made possible by the Land Commission claims received from the maka‘ūnana. This claims process could be considered as a fourth step of the Great Mahele, preceeding the other three.
Commission, the publication of its *Principles*, the filing of claims, and then the three stages of the Great *Mahele*. The *Principles*, probably because they purport to be a blueprint and because they have survived in a readily-available form, have particularly been given a greater due than events would warrant.

I suggest that this sense of logical progression be tempered with an understanding that the final outcome of civic struggles, while apparently of a pre-planned nature, often result fragmentally. First, as with so much in the arena of political economy, much, if not all, of history is the result of the pieces of innumerable discussions, struggles and compromises. Second, often the tension underlying history comes from fundamental differences between social classes. Both of these judgments were no less true in the momentous land decisions in the Islands during the latter half of the 1840s.

The price for gaining ali'i support had been high. It was paid largely by the *makaʻainana*, as the American-controlled government gave up little in the process. That government had not even existed a decade earlier. Now it got a third of all *ahupua'a* lands outright. It also got a one-third "commutation tax" fee paid by most of the high ali'i, a tax that was often paid in land.

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10 Note, however, that a separate argument can be made for a pre-arranged plan, not in legalities but in the cultural insistence of the west for the overturning of the Hawaiian system of land tenure. See chapter 1, and subchapter "cultural conflict," on page 110.

11 In Hawai'i the conflicting class interests of the people, the high ali'i, and the commercial class was clear enough. I would suggest the struggle for clear fee titles on the part of the latter class defined the contest.
Cultural Conflict

Beyond the social class struggle was the conflict of cultures (see chapter 1). How does one reconcile malama aina with private ownership of land and the individual profit from it? One does not—the two cultural contexts are mutually exclusive. And so the two cultures carried on their contest, a compromise here, a shift of focus there.

But for the proponents of the new land-tenure system, there could be no turning from the ultimate goal. And that goal—to gain private individual ownership of land—was anathema to the survival of native culture. Such was the stark outline of the matter in cultural terms, such was the gravity of the somewhat arcane, legalistic deliberations.

Beyond this, what was the Hawaiian understanding of the process? In the Mahele Book, King Kamehameha III closed the division of land by stating that it had been done “in order that my Chiefs and my Hawaiian people may dwell and establish themselves firmly upon the lands forever” (Kameʻeleihiwa Ms.:262, emphasis added). Land Commissioner and Supreme Court Justice John ʻIʻi said that the King had “divided the lands in the Great Mahele of 1848, believing the division would be permanent. [Therefore] it was said that he was the greatest of the Kings, a royal parent who loved his Hawaiian people more than any other chief before him” (Kameʻeleihiwa Ms.:264).
Thus it seems that the *mahele* was viewed as a traditional *kalai'aina* (land division, see chapter 1, pages 12-3),

... made modern and acceptable to Westerners by the recording of land titles on paper, in ... legal document[s]. Moreover, this would be the means by which Hawaiian lands would be forever secured to them because Westerners respected legal documents. ... This was certainly not the *Haole* understanding of the *Mahele*, since it was clear to them that land held in fee could be bought and sold and thus alienated (Kame'eleihiwa Ms.:263-4).

**Ali'i Kuleana Testimony and Award**

The high *ali'i* had boycotted the Land Commission process until the *mahele* was agreed upon. Only after that did Keohokalole file her *kuleana* claim for fruit trees and *pāhale*.

The Commission held off hearings on the *maka'ainana* claims until after passage of the *Kuleana Act* for fear of the high *ali'i*. No reason evidently existed not to hear Keohokalole's *kuleana* claim.12

One native, Awahua (k), was a neighbor to a stone-fenced, shoreline *pāhale* that Keohokalole had claimed near Kailua, Kona on the Big Island. This lot contained a stone house, several grass houses, and a tomb. A second claimed *pāhale* was inland, though fenced. Both, he said, had descended to Keohokalole from ancient times.

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12 For an earlier discussion on this, see page 37 and footnote 40 in chapter 2. Besides the high *ali'i*, the Commission was also holding hearings on *Haole* claims.
Keohokālole claimed three more pāhale at nearby Kealakekua. The first was a fenced lot along the shore. The second was likewise, and next to an old heiau (temple), as was the case with the third. A Haole, T. Cummings, owned a lot next to two of these. The three, Awahua said, descended from Keohokālole’s maternal side since ancient times. All five lots, he said, had individual names. A second native, Keka’alua (k), confirmed Awahua’s testimony (Foreign Testimony Mss. 3:573-4).

Keohokālole and the Commission did not even bother to arrange testimony for her other sundry fruit tree claims. Her major dealing with the Land Commission by this time was to have it certify the ahupua‘a awarded to her through the mahele. This matter the Commission lumped together with her original kuleana claim. At issue, however, was the matter of the commutation tax.13

In written testimony presented to the Commission in January 1850, Keohokālole offered a settlement for the tax. She wanted to give parts of 19 ahupua‘a (eight on Maui and 11 on Hawai‘i) to the American-dominated government (Native Testimony Mss. 10:326). In return, she requested certification to the remaining lands claimed by her in the mahele book. This included parts of ten ahupua‘a on Hawai‘i, eight on Maui, and one ‘ili and two ahupua‘a, including Kahana, on O‘ahu (Native Testimony Mss. 10:327; Indices 1929:15-6).

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13 The high ali‘i were a powerful class, but there were limits to that power. Ultimately, they had to submit to the American’s Land Commission before they could get title to their lands. They also had to pay the American-dominated government a third of their lands as commutation. Kame‘elehiwa:1986 contains a thorough analysis of the weakened state of the high ali‘i and the sorry scene they were presented with.
On August 27th, 1850, the government accepted the offered division (Native Testimony Mss. 10:327-8). Her final Land Commission Award consisted of a mixture of her original Land Commission claim, the testimony which supported it, and the mahele claims. It consisted of the 21 ahupua'a and 'ili, four pāhale in Kona, and a lot in Honolulu town (Indices 1929:14-15). The Kahana ahupua'a, alone, was some 5200 acres (Indices 1929:365-6), although early estimates were considerably smaller in size.

The Market

Keohokālole and her husband, like many of the high ali'i, quickly found themselves land-rich but cash-poor. In June 1851 they borrowed $700 from the mahele architect, William Lee, giving as collateral the Kahana ahupua'a, said to be just 3,000 acres more or less (Conveyance 5:36-7). No evidence has been found that this loan was ever repaid or its claim on the land released.

14 Also, by government action in December 1850, she was awarded two more ahupua'a because one of her holdings was sold by Ceasar Kapa'akea, her husband, through a mistake (Native Testimony Mss. 10:327; Indices 1929:15).

15 The maka'ainana lots had to be surveyed (chapter 2, pages 55-60). It could be argued that this was necessary as the boundaries to each awardee's lot may not have been widely known.

On the other hand, the boundaries for entire ahupua'a, it could be argued, were agreed upon. As such, the ahupua'a awards through the mahele and the Land Commission did not require surveys.

In Kahana's case, the governmental survey, at government expense, apparently established the ahupua'a boundaries and found its correct size in the 1880s (Survey Map(a)).

16 In general, deeds are recorded in the government's Bureau of Conveyances in the order they were signed. There are exceptions, however. This mortgage document, for example, bears a relatively late book/page number (5:36-7) as it was apparently filed with the government many years after the mortgage was made.
A year and a half later, on December 9, 1853, the couple again used Kahana to secure a loan. This time the financing was from the firm of a British ship-builder and businessman in Honolulu town, James Robinson. The loan was for $1,400 (Conveyance 1:766). Without releasing this mortgage, they took out another one, again secured with Kahana, for $500 from L. Richardson, in July 1854 (Conveyance 5:223-4). Hence, a market for land had begun to be established. The total principle of the latter two mortgages is $1,900. This is a good estimate of the market value of the Kahana ahupua’a award in the first half of the 1850s. This is explored further in chapter 4, starting on page 131.

The Mahele Claim

The Kahana mahele claim of Keohokalole, now useful for little more than securing loans, was more than just several thousands of acres of uncultivated land. The award also contained the rich freshwater rights in the ahupua’a, the major Huilua fishpond, and certain fishing rights in the bay.

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17 Robinson is discussed in an historical essay prepared by me and filed with the UH Archives. His daughter, Mary E. Foster, later gained control the Kahana ahupua’a and nearly all of its maka’ainana lots.

18 Less only the minimal irrigation rights attached to the maka’ainana awards.

19 The seawall of Huilua fishpond, on the east side of Kahana bay, remains to this day. Old maps also show a second fishpond, probably primarily freshwater, in a bend in the River near the western village area. Tradition (Beirne Personal communication) also speaks of a possible third small, probably freshwater, pond immediately to the west of that village. Hence, Keohokalole’s award included two and perhaps three fishponds.
What exactly comprised the traditional off-shore fishing rights of the *ahupua'a ali'i* at the time remains in doubt. One tradition has it that the owner of the *ahupua'a* had a claim to one-half of the catch of any single fish species.\textsuperscript{20} Whether Keohokalole or her mortgage-holders exercised such claims to the fishing rights in the early days is doubtful, however. A surviving government document from 1852 mentions an annual lease for "the Government fish" of Kahana. This suggests that in the early days the American-led government held what we consider today to be *konohiki* fishing rights (Kingdom of Hawai'i Doc.(a)).

In any case, we know from modern sources that Kahana was famous for its runs of *Akule* (big-eyed scad). The 1852 document said that the leased fish were *Akule* (Kingdom of Hawai'i Doc.(a)). The *ahupua'a* owner actively claimed the legal *konohiki* fishing rights during the first half of the Twentieth Century. At that time as well the claimed fish was the *Akule*. Surviving records of the Kahana fishing village suggest a rich fishery with harvests of up to 10,850 pounds a month (Wodehouse Ms.(g)).\textsuperscript{21}

\textsuperscript{20} But note that this later tradition is based apparently on an American-written law which survives today as Part II, "Fishing Rights," Chapter 187A, H.R.S. (See also Sections 387-92, 394-5, Laws 1859:83-5).

\textsuperscript{21} For the year of 1925: 17,200 pounds (Wodehouse Ms.(g)). For 1935: 38,950 pounds (Wodehouse Ms.(f)). For 1936 (partial information): 17,850 pounds (Wodehouse Ms.(i)). Figuring the average, 25,000 pounds, and about 35 families in the valley with a population of 125 or so in the 1850s, this works out to 200 pounds of fish per person per year. Handy, Handy, and Pukui describe Kahana Bay as "a famous haven for akule" and describe akule fishing there (1972:438).
It appears that an organized fishing village existed in Kahana, regardless of who got any first claim to the Akule. A surviving 1905 letter in Hawaiian (Makanoa Ltr. to Kaulahea, April 12, 1905) came from a person identified with coordinating the fishery. In it, he tells another resident not to go fishing without consulting him. Oral testimony describing the native fishery in the 1930s supports the existence of an organized native system (Soga 1983).

**Conclusion**

This and the last chapter describe the Great Mahale. After a struggle, the west won out over Hawaiian culture. The makaʻainana, after a further struggle described in chapter 2, gained their lands. The aliʻi, however, often were forced to encumber their land awards.

But what of this division, this mahele? What is our judgment of it as it relates to the loss of Hawaiian land?

Many of us—Hawaiian and non-Hawaiian—who are concerned about the current state of Native Hawaiians have, in recent years, looked earlier than the current day for answers. We often skip over the first half of the Twentieth Century, when
Hawaiians did relatively well. We instead focus our attention on the events of the 1890s when the Kingdom fell and the United States took over the Islands.

Yet what changed at that time? Haole owned, leased, or controlled ninety percent of the land before the overthrow. It can be argued that the government overthrown had, for fifty years, been little more than a de facto unincorporated territory of the United States. The Kingdom’s government was American-dominated and often American-run. The changing of the flag on January 17, 1893, it can be concluded, was simply the acknowledgement of an already-accomplished fact.

These data lead us back to the “long decade” of the 1840s. At that time Hawaiians began to significantly lose control over land and political power. Hence, it is popular to say that the mahele was responsible for the loss of native land.

How so? The facts, at first blush, appear to contradict the very idea of the Great Mahele as culprit. Not a single acre of land went to any alien foreigner.

The answer is four-fold. First, the mahele was part of a broader effort to exert American suzerainty over the Islands. Had Great Britain been the suzerain, for

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22 During this period Hawaiians were important in government and some of the professions, particularly law. For the same work in the public or private sector, they often received higher wages than Portuguese, Kepani, Pākehā, or any other ethnic group except for the Haole (Fuchs 1961:54,55,69,116).

This is not to say, of course, that losing one’s land, government, and culture, in return for being a step above an imported laborer class was the best historical occurrence for the Hawaiians.

23 A number of foreign-born people filed small land claims before the February 14, 1848, deadline. Six of the 251 high aliʻi who filed mahele claims were foreign-born (others had Haole fathers). Still, all of these apparently had taken out Hawaiian citizenship. Foreigners did not gain the right to own land until the Alien Land Ownership Act of 1850 (Laws 1850:146; Kuykendall 1938:294-8).

24 The majority opinion of the U.S. government with regard to the military takeover in 1893 is contained in the so-called “Morgan Report” from the U.S. Senate in 1894.
example, it is arguable that the indigenous Hawaiians might hold greater land rights today.

Second, the *mahele* and its new political system granted to the United States and to U.S. citizens the privilege of territory without its responsibility. Had the United States at the time formally acknowledged the Islands as U.S. territory, it would have had to extend its legal protections. Such as these were, they could have served as a foundation to hold onto, or re-form, a productive native land base. In effect, a U.S. suzerain was bad enough, but it did not even provide its limited protections until 1898, after nearly all the prime lands had been lost.

Third, the *mahele* and the American-dominated government did not set aside any inalienable commonly-held land as a reservation for the indigenous people. In contrast, both the United States and Great Britain had policies at the time of reserving lands for native peoples. The United States additionally had the judicial policy of aboriginal title for native lands. The *mahele* government purported to extinguish aboriginal title within the Hawaiian Islands.

Fourth, the individually-held lands given to the high *ali'i* and the *maka'āinana* were alienable. The record of giving allotments of fee land to indigenous people

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\[24(\text{...continued})\]

"Hawai'i is an American state, and is embraced in the American commercial and military system" (Senate 1894:2).

"The United States has assumed and deliberately maintained toward Hawai'i a relation which is entirely exceptional, and has no parallel in our dealings with any other people" (Senate 1894:20).

It noted "the recognized fact that Hawai'i has been all the time a virtual suzerainty of the United States," that the "United States . . . [had] paramount authority" over Hawai'i, and that it was a "recognized fact . . . [that the United States had] de facto supremacy over the country," a supremacy or suzerainty which had existed for fifty years (Senate 1894:21; Stauffer Ms.(a):106-13).
in the continental United States and other countries is dismal. People or agencies interested in preserving a native land base have decidedly evolved a policy of inalienability of indigenous land.25

So it is correct to say that the *mahele* did not directly lose a single acre to aliens.26 Rather, it produced a set of circumstances which predisposed the almost complete loss of indigenous land. A case study of how this predisposition or potentiality played out is the topic of the balance of this dissertation.27

25 For a review of legal traditions regarding native lands and how these apply to Hawai‘i, see Stauffer Ms.(c).

26 This is not to say that no Hawaiians lost land because of the *mahele* process. As discussed in chapter 2, particularly the sub-chapter “The Question of Non-Claimants” on pages 31-34, many Hawaiians were not awarded land through the process and emerged from it landless.

27 This dissertation primarily addresses the years after the *mahele*, when western culture and institutions had already subplanted the Hawaiian. From a Hawaiian cultural perspective (see chapter 1), therefore, it can be argued that the four *mahele* conclusions given above are irrelevant western legalisms. Culturally, it can be argued that the *mahele* represented a complete defeat and dismemberment of the very foundation of Hawaiian culture, and the victory of the west. Therefore, there would be no need for the niceties of defining how much was lost—it was all lost.
Chapter 4. A Second Generation
And China Men

(A History of the Kuleana and Ahupua'a, 1856-73)

The previous two chapters looked at the initial kuleana and konohiki awards within Kahana.¹ These chapters included a review of any land transactions through 1855.² We now move forward through 1873. This is over a quarter-century since the commencement of the mahele and the filing of the Kahana land claims.

Maka'ainana Conveyances

Of prime interest during this period with the kuleana is what did not occur: they were not sold off to foreigners. Despite the commonly held academic opinion of kuleana rapidly passing to foreign hands, the evidence is that little if any market existed which involved these rural holdings. Conveyances that did occur seem to have

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¹ The awards to the maka'ainana are often referred to as kuleana. See chapter 2, footnote 32 on page 34.
² I.e., the few mortgages of the ali'i award.

No maka'ainana lands, however, were mortgaged through 1855.
There were no formal deeds and no leases in Kahana during this period.
involved relatives. Figure 18 and Figure 19 list the kuleana awardees and the disposition of their lands through the year 1873.³

³ Most of the 34 awardees in these Figures had their ʻiipana in just one of the four concentration areas described in chapter 2, pages 83-85. Three exceptions, however, existed.

Kaialawahia (k) 5807 is listed as being in the western village as his pāhale and one agricultural ʻiipana were located there. He did, however, have a second agricultural ʻiipana in the midlands.

Kuamo'o (k) 5706, konohiki agent, is also listed as being in the western village as his pāhale and three other agricultural ʻiipana were located there. He did have a fifth ʻiipana, in agriculture, located in the midlands.

Nuhi (k) 3946 had his pāhale in the western village and his single agricultural ʻiipana in the uplands.
<table>
<thead>
<tr>
<th>Awardee</th>
<th>Number of</th>
<th>Location</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>ʻapana</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aiʻoli (k) 6043</td>
<td>2</td>
<td>Eastern village</td>
<td>Inferentially to heirs.</td>
</tr>
<tr>
<td>Hohoʻea (k) 8185</td>
<td>1</td>
<td>Uplands</td>
<td>Held.</td>
</tr>
<tr>
<td>Hoʻōliiliamanu (k) 6167</td>
<td>2</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Hua (k) 8164-P</td>
<td>3</td>
<td>Midlands</td>
<td>Held.</td>
</tr>
<tr>
<td>Kaaʻiawahia (k) 5807</td>
<td>3</td>
<td>Western village</td>
<td>Held.</td>
</tr>
<tr>
<td>Kaiakahi (k) 5221</td>
<td>2</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Kalaʻauhina (k) 7651</td>
<td>3</td>
<td>Western village</td>
<td>Sold to Pakē.</td>
</tr>
<tr>
<td>Kalauawa (k) 240-L</td>
<td>1</td>
<td>Midlands</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Kalimaoni (k) 7653</td>
<td>2</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Kamakuku (k) 5318</td>
<td>1</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Kaʻōpae (k) 4363</td>
<td>2</td>
<td>Midlands</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Kaʻopuʻu (k) 5319</td>
<td>2</td>
<td>Eastern village</td>
<td>Held.</td>
</tr>
<tr>
<td>Kapapa (k) 5220</td>
<td>2</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Kapena (k) 5231</td>
<td>2</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Kapua (k) 5708</td>
<td>1</td>
<td>Midlands</td>
<td>Held.</td>
</tr>
<tr>
<td>Kualua (w) 5709</td>
<td>2</td>
<td>Uplands</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Keakua (k) 8164-O</td>
<td>1</td>
<td>Western village</td>
<td>Held.</td>
</tr>
<tr>
<td>Kekui (k) 4367</td>
<td>3</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Kuaio (k) 5704</td>
<td>1</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Kuamoʻo (k) 5706</td>
<td>5</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>[Konoʻhiki agent.] [ʻapana 2 later sold to native.]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kuapuʻu (k) 4433</td>
<td>2</td>
<td>Midlands</td>
<td>Inferentially to heirs.</td>
</tr>
<tr>
<td>Kukuiholahola (k) 5702</td>
<td>2</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
</tbody>
</table>

**Figure 18.** Alphabetical list of *kuleana* awardees and disposition of their lands through 1873; part 1.
<table>
<thead>
<tr>
<th>Awardee Name</th>
<th>Number of ʻapana</th>
<th>Location</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liliʻi (k) 9961</td>
<td>1</td>
<td>Eastern village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Maunui (k) 5976</td>
<td>2</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Napela (k) 6122</td>
<td>3</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Naumu (w) 10394</td>
<td>2</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Nuhi (k) 3948</td>
<td>2</td>
<td>W.vlg &amp; Uplands</td>
<td>Held.</td>
</tr>
<tr>
<td>Nunu (k) 3946</td>
<td>1</td>
<td>Uplands</td>
<td>Held.</td>
</tr>
<tr>
<td>Ohekau (10555)</td>
<td>2</td>
<td>Western village</td>
<td>Inferentially to heirs.</td>
</tr>
<tr>
<td>Paleua (w) 5339</td>
<td>1</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Pine (k) 5941</td>
<td>1</td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Puneʻe (k) 8164-N</td>
<td>2</td>
<td>Western village</td>
<td>Held.</td>
</tr>
<tr>
<td>Ula (k) 5413</td>
<td>2</td>
<td>Uplands</td>
<td>To heirs.</td>
</tr>
<tr>
<td>Nāwahine</td>
<td></td>
<td>Western village</td>
<td>To heirs.</td>
</tr>
</tbody>
</table>

Figure 19. Alphabetical list of kuleana awardees and disposition of their lands through 1873; part 2.

[Different heirs got each ʻapana.]
The data refute the common wisdom. But why did the makaʻainana not sell?

The high aliʻi, after all, were selling their land or risking it to secure loans. We can only guess. One intriguing answer traces to the privy council, which had approved Lee’s proposals that became the basis for the Kuleana Act on December 21, 1849. A day earlier the council had debated methods to prevent the alienation of the kuleana.

The King’s view was that his makaʻainana subjects would hold onto their lands if they knew that was his wish. The fact that the kuleana land titles (RPs) were signed by the King personally may have proceeded from this discussion (Kuykendall 1938:292).

Armstrong from the missionaries and Lee from the new government each wrote stirring essays addressed to the makaʻainana in 1850. They stressed the need for the people to be happy through holding onto their land rather than selling it and dying (Kuykendall 1938:293).

The evidence from Kahana is that this first generation acted as if they took the advice of their King and leaders to heart. As a class, they did not lose their land. It was only after the lands passed to heirs that they began to be lost. And even then, the loss was indirect and through mischievous ways, as explained in chapter 5.

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4 For a discussion on the exceptional political influence of people like Armstrong or Lee, see chapter 1, page 11.
Ultimately the reasons why the makaʻainana and aliʻi held on or lost their lands at different periods of time is beyond this dissertation. The aliʻi lands were not subsistence lands, as were the makaʻainana lands. That may also explain why they were initially lost faster. But finally perhaps 90% of all the makaʻainana lands in the Islands were lost, while much more of all the aliʻi land was kept (if we include the various Hawaiian aliʻi land trusts).

Makaʻainana Families

A quarter-century is a rough estimate of a generation, and it is not surprising to find that most of the first generation of awardees passed from the scene by 1873, their lands conveyed to a second generation. Only nine of the 34 awardees (26%)

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5 Conveyance to the second generation was done in one of three ways. It could be done through an actual probate process, although this was rare and complicated. E.g., Kalauawa (k) 240-L.

A second method was an informal inheritance not sanctioned by the normal process of law. E.g., Kapapa (k) 5220.

An 1866 law (formerly H.R.S., Sec. 523-15) did away with this traditional practice. Under its terms any kuleana owners who died without legally acknowledged heirs would find the land being given to the owner of the surrounding ahupuaʻa. No Kahana kuleana was lost under the terms of this law. Instead, the third system of conveyance to heirs became prevalent.

Under this third method, a deed of sale was executed by the awardee before his or her death. These deeds usually contained a clause giving the original awardee a life interest in the property. E.g., Paleua (w) 5339 (Conveyance 26:322-3).

Note the sophistication of the makaʻainana. In a time of limited communication channels, they learned of the new law and carried out the legal steps necessary to keep their lands. Appendix E on page 306 provides the extensive list of the special deeds utilized by the people to keep their lands under the third method discussed above. This is in contrast with the lack of financial sophistication demonstrated by Keohokalole later in this chapter.

As for literacy, all the known makaʻainana deeds of this period have people signing “X.” Kamakuku (k) 5318's deed had two heirs sign “X” (Conveyance 45:376). Lilipi (k) 9961 signed his deed to apparently his heir with an “X” (Conveyance 234:217).

(The old law on kuleana owners dying instate and their land going to the konohiki was apparently abolished by Act 37 of the 1983 legislature (Laws 1983). A later amendment, now known as Section 560:2-105.5, H.R.S., provided relief so as to attempt to find heirs or otherwise hold onto the land on behalf of Hawaiians.)
were still living by the end of 1873. None of these had sold, leased, mortgaged, or otherwise conveyed their lands. Instead, all still held their lands in their own names and apparently still lived on their parcels (Thayer Ltr. to Wodehouse, March 19, 1912; Abstracts 8185, 10555, 5807, 5319, 5708, 8164-O, 3948, 71, 10394).

First-generation awardees still alive in 1873 were, however, the exception. Most (71%) of the kuleana were kept in the family through some form of inheritance. Figure 20 and Figure 21 show this pattern. Appendix E on page 306 provides a narrative.

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6 I.e., Hohoiea (k) 8185, Hua (k) 8164-P, Kaaiauhia (k) 5807, Kaopu'u (k) 5319, Kapua (k) 5708, Keakua (k) 8164-O, Nuhi (k) 3948, Nunu (k) 3946, and Pune'e (k) 8164-N.

7 See footnote 5 above.

The percentages do not total 100 as, in two cases, the land or a part of it was conveyed away. These special cases are discussed later in the chapter.
1. Pune'e (8164-N), his wife Kuanea, and family inherited/controlled:
   • Their own *kuleana* in the western village.
   • His father's *kuleana*, Ho'oliiilamanu (6167), in the western village.
   • Kalimaoni (k) 7653's in the western village.
   • Maunui (k) 5976's in the western village.
   • Naumu (w) 10394's in the western village.
   • Paleua (w) 5339's in the western village.

2. Kalima Kapena (40) and husband Kapena (5231) inherited/controlled:
   • Their own *kuleana* in the western village.
   • Her father's *kuleana*, Kaaikahehi (5221), in the western village.

3. Lois and husband Kaulahea inherited:
   • Her father/*hānai* father's *kuleana*, Kamakuku (5318), in the western village.
   • Her father/*hānai* father's *kuleana*, Kukuholahola (5702), in the western village.

4. The widow, Lia, and children of Kapapa (k) 5220 inherited/controlled:
   • The Kapapa (5220) *kuleana*, in the western village.
   • Part of Kalauawa (k) 240-L's in the midlands.
   • Kaualua (w) 5709's in the uplands.
   • Nawahine Wahea (k) 10978's, *āpāna* 2, in the western village.

5. Rachel and husband William L. Holokahiki, inherited:
   • Her father/*hānai* father's *kuleana*, Kuamo'o (5706), in the western village.
   • Her father/*hānai* father's *kuleana*, Kapena (5231), in the western village.
   • Ka'ōpae (k) 4363's in the midlands.
   • Kuai (k) 5704's in the western village.

6. E. Kekoa (k) inherited:
   • Kekai (k) 4367's in the western village.

Figure 20. Summary of *kuleana* conveyances by family, 1846-73; part 1.
7. Samuel Kapuhiuaniani his brother Joseph Kalanaumoku inherited:
   • Their father/hānai father’s kuleana, Napela (6122) in the western village.
   • Their grandfather/hānai grandfather’s kuleana, Nawahine Wahea (10978), ʻāpana 1, in the western village.

8. Kalimalu (k) inherited:
   • His father’s kuleana, Liliip (9961), in the eastern village.

9. The widow, Kaauhauhula, and children of Kalauawa (240-L) inherited:
   • The Kalauawa kuleana, in the midlands.

10. Nuhi (3948) and his wife Wahineino inherited/controlled:
    • Their own kuleana, with the pāhale in the western village and the agricultural land in the uplands.
    • Ula (k) 5413’s in the uplands.

11. Kahai Kenoi (k) 66/67 inherited:
    • Pine (k) 5941’s in the western village.

Figure 21. Summary of kuleana conveyances by family, 1846-73; part 2.
The Market

In the 23 years after the mahele apparently only one of the 34 kuleana, and a small part of a second, were sold to non-relatives.

Kuamo'o (k) 5706, konohiki agent, had passed his five-āpana kuleana to his daughter Rachel and son-in-law, William L. Holokahiki. They later sold the second āpana, a .55-acre piece of agricultural land in the western village, to Samuel Kapahuaniani for $15 in 1873 (Conveyance 47:422).

Kapahuaniani was a Kahana farmer who inherited, with his brother, two other kuleana, Napela (k) 6122's and an āpana of Nāwahine Wahea (k) 10978's. The inherited Napela kuleana has two agricultural āpana near the mauka (southern) end of the western village concentration area. These two agricultural lots were separated by the second Kuamo'o āpana. As such, the sale appears to have been a logical one to consolidate Kapahuaniani's landholdings.

The deed therefore does not appear to be one of inheritance, but rather a trade of convenience. In traditional society this might have occurred through some agreed-upon method of barter. A money economy and market existed sufficiently by 1873, however, to permit the transfer for the $15 in cash. Assuming a fair market price was paid, this would indicate cultivated land by 1873 was worth $30 an acre.

The single clear example of an emerging market for rural kuleana land involved Kala'auhina (k) 7651 in the western village. He was a step-son of Kuamo'o (k)
5706, the konohiki agent. Kala'auhina died early on and his widow Malo sold the kuleana to AhSing (Apakana) (k) in June 1858 for $50.8

We are lucky to have evidence of such an early sale. A sale of a kuleana at such a date was apparently so unusual that the deed was filed with miscellaneous government Department of Interior papers (Kingdom of Hawai‘i Doc.(c)) and was never entered in the standard land conveyance books.9 It remained unknown in all the later decades of land transactions and land title research on Kahana.

The Kala'auhina kuleana was an average-sized one, about 2.7 acres. Its sale in 1858 is useful as it gives a market-based value for the cultivated land in Kahana at about the time that the kuleana award process was completed.10 The 34 Kahana kuleana, at $50 each, would have had a gross value of $1,700. This value should be discounted by the estimated $340 cost of securing title.11 This suggests the net value of all the Kahana kuleana in the mid-1850s was $1,360.

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8 AhSing bought the ahupua'a in 1857. See page 138.

9 Registered mortgages and deeds in the standard conveyance books are noted for mortgages and sales involving the ahupua'a. See chapter 3, beginning on page 113 or the discussion beginning on page 133 of this chapter.

10 The sale is also interesting as it shows the early impact of Pakē land buyers, a point reinforced by the land transactions involving the ahupua'a itself, described later in the text. This kuleana by 1873 appears to have reverted to Kala'auhina's widow, Malo (Abstract 7651). This was probably due to AhSing leaving around 1868 and the misplacing of the record of the sale. No evidence exists that AhSing's title was ever again acknowledged.

11 It is estimated that $3 was spent by each awardee for his or her survey (Lyons 1875:No.4). Another $5 or so went for other government expenses (see chapter 2, footnote 70, on page 60). Another $2 or so went for miscellaneous expenses, including the scribe/messengers who wrote out and carried the claims to Honolulu (see page 60). At about $10 of expenses per kuleana, this means a total cost of $340 for the securing of title for the 34 awardees.
As commented on in chapter 3, page 114, the gross value of the non-kuleana portion of Kahana around this time was $1,900. This value should be discounted, however, by the estimated $645 cost of securing title. This shows a net value for the konohiki award of $1,255.

These figures are important as they shed new light on the mahele process. Writers of the time talked of four divisions of awards: to the King, the other high ali'i, the government, and the kuleana claimants. They stressed the great value of the land given to the fourth class. This position has since been largely dismissed, if not ridiculed, by many modern writers, myself included, through pointing at the figures involved (see Figure 22). Less than one percent of the total land in Hawai'i went to the kuleana claimants, hardly a fair division.

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12 Expenses to the ali'i for securing the ahupua'a title would be about $5 for government expenses (no survey had to be done), about $7 for agent/representative fees (see chapter 3, page 102 and footnote 2), and $633 for the government commutation tax. Keohokālole did not actually pay the $633 (i.e., one-third value) in cash. Instead, she conveyed to the government other lands which were equal to that amount.

13 It can be said that the kuleana lands were cultivated and worth much more, acre for acre, than the konohiki lands. But many of the konohiki, like Keohokālole, also made claims for cultivated kuleana lands.
Figure 22. Breakdown of acreage awarded to the four classes of the *mahele*.

Perhaps the events deserve another look. If the net value of a typical *ahupua'a* award is about equal to (or less than) the total value of the *kuleana* within it—as was the case in Kahana—then the values come out quite a bit differently (see Figure 23).\(^{14}\)

<table>
<thead>
<tr>
<th>Class</th>
<th>Acreage</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>King's lands</td>
<td>984,000 acres</td>
<td>(24%)</td>
</tr>
<tr>
<td>High <em>ali'i</em> lands</td>
<td>1,619,000 acres</td>
<td>(39%)</td>
</tr>
<tr>
<td>Government lands</td>
<td>1,495,000 acres</td>
<td>(36%)</td>
</tr>
<tr>
<td><em>Kuleana</em> lands</td>
<td>28,600 acres</td>
<td>(1%)</td>
</tr>
</tbody>
</table>

\(^{14}\) The numbers in Figure 23 are arrived at in the following fashion. First, the net value of the Kahana non-*kuleana* and *kuleana* awards are taken as a rough $1,300 each.

Totals are arrived at by extrapolating the Kahana data 300 times to apply to the whole *mahele*. The non-*kuleana* awards are then broken down between their three classes (King, high *ali'i*, and government). This division between the three *mahele* classes is done equally as evidence suggests that while the acreage awarded was not perfectly equal, the value was.

The government and the King's awards are then increased to reflect the fact that they did not have to pay the commutation tax on their awards.

The numbers in Figure 23 are not intended to be exact. Many variables could have produced different results, *ahupua'a* to *ahupua'a*, than those found in Kahana. The point is, rather, that the total value of the people's awards appears larger than currently thought.

Finally, I note that this exercise arises from western culture, i.e., valuing intrinsic things like home and land as a commodity in a money-based market economy. A cultural Hawaiian would approach the matter far differently. See chapter 1.
Figure 23. Breakdown of estimated market values of land awarded to the four classes of the mahele.

<table>
<thead>
<tr>
<th></th>
<th>Value</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>King's lands</td>
<td>$190,000</td>
<td>(21%)</td>
</tr>
<tr>
<td>High ali'i lands</td>
<td>$130,000</td>
<td>(14%)</td>
</tr>
<tr>
<td>Government lands</td>
<td>$190,000</td>
<td>(21%)</td>
</tr>
<tr>
<td>Kuleana lands</td>
<td>$390,000</td>
<td>(43%)</td>
</tr>
</tbody>
</table>

This is not to suggest that individual awards were equal in size. The individual value of the King’s award, the 251 high ali'i awards, and the 8,200 or so kuleana awards vary widely.

Using the rough figures from Figure 23, the people received individual awards worth just $50. The average high ali'i grant was worth $520, and the King’s was $190,000. Of course, the people who were non-awardees, discussed in chapter 2, pages 31-34, received nothing.

**The Ahupua‘a Conveyances**

As described in chapter 3, pages 113-114, Annie Keohokalole (8452) had pledged her land award of Kahana as collateral for loans.\(^{15}\) Lenders were William Lee (Conveyance 5:36-7), James Robinson’s company (Conveyance 1:766), and L. Richardson (Conveyance 5:223-4). No records exists of Lee’s loan being paid off and the pledge released, though it appears to have been. The other two constituted a first and second

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\(^{15}\) She had not yet received the deed for the ahupua‘a from the government, so all her dealings with the land pledged only her interest in the land, as certified by the Land Commission.
mortgage with a total principal of $1,900. Her other holdings and those of her husband Kapa'akea were undoubtedly also being mortgaged.

Keohokālole was accustomed to a life of royalty. The makaʻainana were no longer paying a share of their crops or other labor, however, and her holdings therefore no longer provided a source of steady income. In effect, her estate had been converted from claims on income-producing labor to ownership of static capital assets. While the static assets were potentially valuable, they produced little on their own.

Without retiring any of their mortgages, Keohokālole and Kapa'akea pooled their property in September 1856. The combined estate consisted of 28 properties, 6 horses, 400 goats, 12 bullocks and a herd of sheep. The properties were used to create something of a trust. This asset pool was then conveyed to their eldest child, David Kalākaua, for $1. The deed provided that the resulting trust estate would provide Keohokālole and Kapa'akea with a house and an income of $2,000 per year (Conveyance 9:105-7).

Had the trust succeeded, the history of Hawai'i may have been very different indeed. As it was, the trust evidently could not provide an adequate income to the beneficiaries Keohokālole and Kapa'akea. It was broken and the assets liquidated over time. The result was that when David Kalākaua assumed the throne less than twenty years later he had no great personal wealth. His lack of money and his attempts

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16 The 28 properties included the ahupua'a of Kahana. As no title (Royal Patent) had yet been awarded, Kahana was described by its Land Commission Award number. As it remained unsurveyed, it was described as having been "awarded by name."
at securing income commensurate with his view of his station in life influenced his reign.

In any case, on the same day in 1856 that the trust was established and their holdings deeded to Kalākaua, Keohokālole and Kapa'akea and their son entered into a large loan. They put the entire estate up as collateral. This loan was from the locally-born British businessman James I. Dowsett, for $8,500 (Conveyance 9:107-10).

**An Aside on Finances**

The lack of western financial sophistication of the aliʻi is apparent from the Keohokālole example. Her trust had a market value arguably equal to Dowsett’s loan, i.e., $8,500. Yet she expected it to be capable of producing income of $2,000 per year, or a net return of nearly 24% annually.
The trust assets were, however, non-productive from the perspective of the emerging western market economy. The only realistic method of producing income in a market economy from such assets would have been to rent them.

Developed lands in Kahana later leased for approximately 7-10% of value annually. Undeveloped land would return a fraction of that, perhaps 2-3% of value per year.

As such, the trust estate of Keohokālole and Kapaʻakea could be expected to generate between $170 and $255 annually. Even this income might be optimistic, however, as it assumes developer/lessees could be found to rent all the trust’s scattered landholdings.

The inability to reconcile an acquired lifestyle that consumed $2,000 per year (i.e., their desired income) with a reality of $170-255 of revenues led, within the framework of the market economy, to the loss of the estate. Keohokālole was not

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17 The lack of financial finesse of the aliʻi, the “non-productiveness” of the land, and the various other data included in this sub-chapter are all from a western cultural perspective. A culture based on mālama ʻaiina and reciprocal relations—see chapter 1—does not even think in the terms of a market economy.

But this is the point. Land, one’s elder sibling to a cultural Hawaiian, holds intrinsic value which is inestimable. A reciprocal relationship optimally takes care of all. And certainly the administrative aliʻi class in such a traditional society would have rejected the temptation of conspicuous consumption and expensive baubles.

But in a cultural perspective, the westerners had won completely with the mahele. Land could still be a cherished sibling to nourish, but it was now fundamentally a commodity or speculative asset. As such its control passed to those sophisticated in the culture of the market economy.

18 The other option, of course, would have been to borrow money and use it to construct productive assets on the land. This would have required an even tighter pull of the belt on Keohokālole’s personal consumption budget, however.

19 I.e., in the 1880s and 1890s a lease rent of $10-15 was collected annually on many of the Kahana kuleana. The kuleana were valued at that time, on average, at $150.
alone in this lack of financial reckoning. Nearly all other high aliʻi holdings similarly were lost. 20 The major exception to this rule were the lands of some heirs of Kamehameha I. These lands passed to Princess Bernice Pauahi Bishop, and thence to the financial control of her Haole husband Charles.

A review of the major private landowners in Hawai'i today shows that their lands came primarily from the high aliʻi class of the mahele. This example of Keohokālōle and Kahana helps paint an understanding of how this occurred.

Meanwhile, in the 1850s some 90% of the cultivatable lands in the Islands held by the government were sold off (Lyons 1875:No.8). Many of the large sales were to Haole (Kelly 1980:66-67). These lands are also part of the major landed estates of today. Finally, some of the King's lands were sold or claimed through adverse possession. 21 These lost King's lands, too, make up part of the large Haole landholding estates of the last century.

Most of the remaining King's lands were heavily mortgaged and would have been lost like Keohokālōle's had they not been taken away—seized?, confiscated?—by the American-dominated government in 1865, their debts retired with government

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20 Note that Keohokālōle might have been justified in demanding a 24% rate of return on her assets. Undoubtedly Haole businessmen of the time were making such rates of profit.

What she and the other high aliʻi did not fully appreciate was how the market economy they had sanctioned was so stacked against them. Commerce and the organization—exploitation?—of local or imported labor gave high rates of income and were controlled by businessmen. Large tracts of undeveloped land gave very low rates of income, and still do.

21 In 1850 the King sold Kualoa, to the east of Kahana, to the missionary doctor and governmental advisor Gerrit P. Judd. In 1877 the King lost lands in Kailua and Kāneʻohe to the rancher C.C. Harris through adverse possession (6 Haw 195).
bonds, and the estate renamed as Crown Lands.\footnote{In 1893, with the fall of the American-dominated constitutional monarchy, the Crown Lands were formally merged with the remaining government lands. Many of the surviving public lands capable of cultivation today apparently trace to these former crown holdings.} Within 17 years of the \textit{mahele}, the large incentive to the King to participate in it—see page 133—had been completely lost.

In their own way, the missionary-dominated revolutionists of the 1840s were therefore successful: they humbled the \textit{ali`i} class. In so doing, however, they lived to see the loss of large amounts of land capable of cultivation which formerly had been the common heritage of the Hawaiian people.\footnote{Note, however, that this loss rests upon broader claims of the people which were ignored through the \textit{mahele} but not forgotten (see chapter 2, footnote 29, page 32).}

\begin{center}
\textbf{More on the Kahana \textit{Ahupua`a}}
\end{center}

Perhaps using some of Dowsett’s money, Keohokalole and Kapa‘akea were able five months later, in February 1857, to pay off the previous loans from Robinson and Richardson. Those two claims on Kahana were therefore released (Abstract for Hui).

With Dowsett’s blanket mortgage still on the land, Keohokalole and Kapa‘akea, as the \textit{de facto} trustees of Kalākaua’s trust assets, sold Kahana to a Pākeh merchant in Honolulu, AhSing (Apakana) (k).\footnote{AhSing bought a Kahana \textit{kuleana} the next year. See page 130.} This was done in May 1857 for $2,500
The land still did not have any formal title or survey. It was estimated to be 3,000 acres, more or less, and was said to be, enclosed by its ancient and natural boundaries, viz: on the *makai* [i.e., northern] side by the Sea [i.e., the landed portion of Kahana was bounded by the sea (the title, however, also included ocean fishing rights, described below)], on the Ko'olau Poko [i.e., eastern] side by the *Ahupua'a* of Makaua[,] on the *mauka* [i.e., southern] side by the dividing ridge which separates Ko'olau Loa from Kona, and on the Waialua [i.e., western] side by the *Ahupua'a* of Punalu'u, together with all and singular, the Sea, the fishponds, the tenements [i.e., the land and any buildings on it,] hereditaments [any inheritable property there] and appurtenances [any adjunct property or property rights;] . . . excepting and reserving however from the above granted premises such portions as have been duly awarded to third parties [i.e., the *kuleana* awardees] by the Board of Land Commission[er]s [i.e., the Land Commission].

While Dowsett did not release his mortgage claim to the *ahupua'a*, he did sign, two weeks later, a document quit-claiming in favor of AhSing any alleged non-mortgage interest in the land (Conveyance 9:283-4).

The official title to the land (Royal Patent or *Palapala Sila* [Kila] Nui 4387) was finally awarded to Keohokalole by the government in 1858. At that time the

25 The dozens of *ahupua'a* on the Windward (Ko'olau) side of O'ahu are grouped in two broad districts. Ko'olau Loa to the north-west includes Kahana. Ko'olau Poko is to the south-east. A third broad district is that of Waialua, which was to the west beyond Ko'olau Loa.

The *mauka* (southern) boundary of both Ko'olau Loa and also Kahana was the crest of the Windward Ko'olau mountain range. The general lack of geographical knowledge about the *ahupua'a* is seen in the noted description that this mountain boundary abutted the broad district of Kona (today urban Honolulu). The abutting district at the time was actually a portion of the broad district of Wai'anae, now known as the broad district of Wahiawa. See the maps on pages 80-1 (Figures 12 and 13).

Another example of the lack of firm knowledge about Kahana was the deed's reference that the land area of the *ahupua'a* was about 3,000 acres, an area less than 60% of what it actually was.
ahupua'a was said to be 3280 acres (Wodehouse Ms.(a)). As was the case with many ahupua'a awards to the King or the high ali'i, the owner was no longer the person named on the original Land Commission Award.

AhSing automatically got the Royal Patent title. With that matter settled, in April 1859 he got Dowsett to release his claim on Kahana (Abstract for Hui).

The Pākē Konohiki

With a clear title to his Kahana land, AhSing began using the ahupua'a as collateral for his own mortgage loans. In May 1859 he borrowed $3,500 from Charles F. Guillon (Conveyance 11:555-6).

As with most mortgages through the remainder of the 19th century in Hawai'i, this one had a short term, here just one year. The mortgage was paid off and the claim released in May 1860.

Perhaps AhSing did not have sufficient funds to settle the loan, or perhaps he wished some new capital. Whatever the reason, on the day he settled the old note, he and his wife Mele took out a new mortgage from Guillon for just $200 (Conveyance 13:33-4).

This mortgage was, in turn, paid off a year later and replaced with yet another mortgage with Guillon, again for $200 (Conveyance 14:246-7). This mortgage was paid off a year later.
At this point, 1862, AhSing and his wife Mele took out a large loan of $3,000, using the *ahupua'a* as collateral, from H.K. Kapakuhaili (Conveyance 15:423-4).

This claim remained on the land for some six years. Finally, in October 1868, AhSing and Mele sold Kahana for $6,000 (Conveyance 26:374-5), evidently using some of the money to retire the Kapakuhaili mortgage. The *ahupua'a* had tripled in value in a decade and a half.

The buyer was another *Pākehā* businessman of Honolulu, J. Ahchuck (k)—also known as Achuck or J. Cheang Chuck—of the firm of Afong & Ahchuck. This company was involved in trading and merchandising, and operated a law office. It was one of the largest firms in Honolulu at the time. Its purchase of Kahana included the sea, the fish ponds, and all “tenements, hereditaments, and appurtenances.”

Achuck, in turn, used the valley to raise capital, taking out a mortgage loan of $3,000 in 1869 from the American businessman Alexander J. Cartwright (Conveyance 27:162-3).²⁶

A year later Ahchuck, having moved back to Asia, gave his power of attorney to his partnership Afong & Ahchuck (Achuck Ms.).²⁷ Then, in 1872, Kahana was again sold. Ahchuck, then of Macao, had his interest in the *ahupua'a* sold by his

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²⁶ Cartwright is said to have invented the game of baseball. This he did while living in New York, prior to landing in Honolulu in 1849. He remained a resident of Hawai'i for the rest of his life, some 45 years, and became a businessman.

²⁷ The document was signed at Hong Kong.
partner Chun Afong (k), who used the power of attorney. Ahchuck realized a slight loss at the sale. The selling price was $5,500, some of which was used to settle the outstanding Cartwright mortgage (Abstract for Hui). The buyer was the Pāke rice-planter H. Ahmee (k), also known as Ah Mee or Ahmi (Conveyance 35:15-16).

The deed made clear that there were no encumbrances on the land. Instead, the sale was a fee (simple) ownership, and included “the sea, [and all] fish ponds, rights, privileges, and improvements.”

Ahmee was not simply a trader/merchant as AhSing or Ahchuck had been. He lived in Ko‘olau Loa—the first owner of Kahana to do so—where he raised rice. He did not apparently have all the needed $5,500 in capital, as he borrowed $3,000 from Cartwright to effect the purchase (Conveyance 35:17-18).

The Ahmee ownership and Cartwright mortgage remained in effect through 1873, the period covered by this chapter.

**Oral Traditions**

The above data, supported by recorded deeds, gives the title history of the ahupua‘a from AhSing in 1857, to Ahchuck in 1868, and finally to Ahmee in 1872. Some additional oral history was recorded over 50 years later from Lois Kaulahea, the aged daughter (b. 1850) of kuleana awardee Kapapa (k) 5220 (Peterson Ltr. to Wodehouse, May 14, 1924). Talking about the kuleana of Napela (k) 6122, she
said that Napela had sold it to Ahakana (i.e., AhSing [Apakana]). When AhSing later “went to China, [he] left [the] place to [his] son, Ah Me [Ahmee].”

This is the only evidence of any relationship between AhSing and Ahmee. The oral history can be questioned, as the suggested purchase of the Napela kuleana by AhSing is not supported by any record. The story can be additionally questioned as it says that the title to AhSing’s holdings passed directly to Ahmee when AhSing left for China. After all, we know from the deeds that there was an intervening period of some four years between AhSing and Ahmee’s tenure.

On the other hand, we have no evidence to prove that AhSing was not the father of Ahmee. Ahmee, if he was the son of a Pākehā father and a Hawaiian mother like Mele, may well have offered to buy the valley his father once owned.

One other bit of oral tradition comes again from Kaulahea. She said that during the time of Ahmee she remembered being, “a big girl then, and I was working under Ahmee that time, was driving birds from the rice field” (Kaulahea Ms.).

**Conclusion**

For a generation after the *mahele*, the makaʻainana held onto their lands. In marked contrast, the high aliʻi had lost nearly all of their lands—and the King had lost his completely—within two decades.²⁸

²⁸ The makaʻainana record of tenaciously refusing to lose their land is even more remarkable when compared with the American-dominated government's tax policies. While beyond the topic of this dissertation, suffice it to say that the government levied high cash taxes and license fees on the makaʻainana, while granting very high subsidies to Haole businesses. Plantation owners, for example, (continued...)
The American-led government transferred nearly all its good lands during this period as well. The lands lost by the high ali‘i, King and government to private hands formed the large Haole estates of the past century.

We have also seen that, for some period of time during the latter 1800s, some of the Pākē of Hawai‘i were notable businessmen. They owned trading houses, landholdings, and controlled business dealings which rivalled the Haole.

28(...continued)

were granted a $500 annual subsidy (Laws 1859, Section 252:57).

Such government policies appear almost designed to dispossess the makaʻainana. None of the Kahana kuleana were lost because of tax or license leins, however.

The $500 annual subsidy to each Haole plantation company compares with the one-time payoff to the average high ali‘i in the mahele of approximately $520 (see page 133). It can be concluded, even within the cultural perspective of the market economy, that the high ali‘i won many battles during their struggle for land in the 1840s, but lost the war when control over the new government passed to the Americans.

The makaʻainana also suffered from the new government. There were poll taxes, horse taxes, mule and ass taxes, dog taxes, carriage taxes, wagon taxes, personal property taxes, real property taxes, school taxes, and road taxes that they had to pay (Laws 1859, Sections 480-489:105-107). These were cash taxes, forcing the makaʻainana to participate in the cash economy. Conversion from subsistence agriculture to cash crops, however, meant additional cash payments, this time for business and related license fees (Laws 1859).
Chapter 5. The Twilight of the Kuleana

(A History of the Kuleana, 1874-87)

We have thus far described the difficult maka‘ainana struggle to secure land. We have also seen how the high ali‘i began losing their substantial though more easily acquired landholdings almost immediately, the Kahana ahupua‘a being lost seven years after the Great Mahele. The maka‘ainana, despite this example and everything else to the contrary, held onto their lands for a generation thereafter. This was despite passage of oppressive forms of regressive taxation and license fees.\(^1\) It was also despite passage of a law to permit seizure of their kuleana by adverse possession, and a law to permit seizure in cases of intestate death.\(^2\)

\(^1\) See chapter 4, footnote 28, on page 143.

\(^2\) See appendix E, footnote 7 (on page 309) and chapter 4, footnote 5 (on page 125), respectively.
This data from Kahana flies in the face of convention. Kuykendall is largely silent on how the Hawaiians lost their land. He stumbled badly by passing over the role of the 1874 legislature in the whole process (Kuykendall 1967:194). Likewise, no other researcher has seriously attempted a study of the matter. How, then, did Kuykendall's "evil" creep in?4

The "Mortgage" Act of 1874

We know that the mahele established a potentiality for the loss of Hawaiian land. Any effort at discovering what fulfilled that predisposition, however, could do no worse than to start with a review of Act 33 of the American-dominated 1874 Legislature. That was "An Act to Provide for the Sale of Mortgaged Property Without Suit and Decree of Sale." It streamlined the mortgage process and made speculating

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3 See, for example, Stauffer Ms.(b):80-1, which contains a discussion of the likely means by which the maka‘ainana of Kahana lost their lands.

The fact that this and other earlier discussions took aim at different pressures on the maka‘ainana and missed the 1874 mortgage act described in this chapter is understandable. The hardship from the taxes, license fees and the like could, at times, certainly have been horrific. But the 1846-73 period in Kahana belies this argument: the kuleana were not lost during these times when taxes were, relatively speaking, more costly.

This survival rate also speaks to the well-knit social structure of the Kahana people. The maka‘ainana knowledge of taxes, while showing some embedding of Haole land tenure principles, nevertheless shows how smoothly the people were continuing to operate.

The use of the 1874 mortgage act described in this chapter probably occurred after a social disintegration and cultural loss of the traditional communities of Kahana and those across much of the Islands.

4 See page 37 (Kuykendall 1938:293).

5 See the discussion on this in chapter 3, pages 116-119.
or acquiring land through loans an easy procedure. By doing this it led to the loss of the Kahana kuleana and Hawaiian lands across the Islands (Laws 1874, Act 33:31-32).

Investment capital was available in the Islands, but little if any of it was being lent to the maka'ainana. The people were unwilling to sell their land, and they had little means of repaying loans. Investors, on the other hand, wanted to buy land or give out high-interest loans secured with real property that could be foreclosed.

The Act made readily available personal debt capital to kuleana owners for the first time. Further research is needed to fully explore this sorry chapter in the history of Hawaiian land tenure. However, it appears that few lenders had previously been willing to make loans to kuleana owners because lenders felt foreclosure actions before native juries would not be sustained. Only by removing the judicial safeguard, as the Act did, was this fear removed and lenders decided the risk could be taken.

For all the bother, there were few socially-responsible motivations for the maka'ainana to seek or accept mortgage loans. The people did not need money to buy a home as they already had their land. They did not need a commercial mortgage loan to start up a business as they already had their farming infrastructure in place. They were undoubtedly strapped for money to pay the many taxes and license fees charged by the government. But they had financially survived for 24 years and surely did not need loans to continue to meet these needs.

The British had used opium to solve their quandary of what to sell to China. Western speculators used equally socially irresponsible lures in Hawai'i. Whatever
the lure, however, we can conclude that the makaʻainana loans were for personal purposes and could not, under normal circumstances, be made with a person's home put up as collateral. The 1874 law changed all that.

The 1874 Act uses "mortgage" in a manner that bears almost no resemblance to the modern meaning of the term. Homes were put up as collateral for large loans for purely personal purposes. It permitted very high interest rates, and very short terms (often 2-3 years). It permitted a lender to unilaterally auction off a borrower's deed without judicial review. The only notice required could be placed in a paper's legal notices' section. The Act apparently permitted auction bidders to conspire with the lender to secure the deed. It ordered the government to respect

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6 I.e., the 1874 Act differed from modern usage by removing judicial control. Modern laws would have additionally forbid such loans on the basis that the mortgagor had inadequate income on which to risk his/her home or that the reasons for the loan were not justifiable.

7 Payments were usually for interest only, with the full principal amount coming due at the end of the loan term.

8 Modern laws require due process for something as important as a foreclosure of a person's home. Several judicial steps are involved, designed to slow the process and prevent the loss.

9 A lender had already put up the loan money which was secured with the property. Modern laws are designed to pay the lender back and give the net foreclosure proceeds, if any, to the defaulting borrower. Laws today therefore exist to seek maximum return, under the circumstances, at the foreclosure auction. It is generally considered unethical and illegal for a lender, or foreclosure trustee even, to use the foreclosure auction process to personally secure title to the collateralized real property.

Modern laws are designed to prevent the situation which the 1874 Act explicitly condoned. By allowing the lender to conspire with bidders at the auction, the lender could have his/her own agents bid low. The lender would then use his/her own money, via the agent, to pay off the bid and get the land.

For example, let's say Castle lent $150 to a Native Hawaiian for a loan secured by the Hawaiian's kuleana under terms of the 1874 law. Upon default, Castle would hold a poorly-advertised and attended auction and have his agent, Brown, bid $25. The $25 would be Castle's money, which he would get back from Brown as payment for the auctioned property. Brown would then turn over the land to Castle. The Hawaiian would get nothing from the auction.

(continued...)
and record the deed bought by the bidder and to dishonor the original deed held by the borrower (Laws 1874, section 2:31-2). “Mortgages” of the form allowed under the 1874 Act are illegal today, as they are prone to result in the loss of the borrower’s home and land, a fact that occurred with deadening regularity in Hawai‘i in the latter 19th century.10

The Effects on Kahana

For the first 23 years after the mahele, the kuleana land in Kahana remained in Hawaiian hands. As discussed last chapter, pages 129-130, of 34 kuleana, apparently only the Kala‘auhina (k) 7651 land was sold on the open market during these two and a half decades. Kala‘auhina’s land was returned to Hawaiian hands because of inadequate early record-keeping of land titles.

The next era, 1874-87, while half as long, shows a marked change in land tenure as mortgaging began. Foreclosures continued in earnest thereafter. No mortgages occurred for Kahana kuleana through 1873. Between 1874 and 1887 there were 18 mortgages amongst the 34 Kahana kuleana.11

9(...continued)

Worse, say the Hawaiian or friends got together and made bids at the auction to get the land back. Brown would bid higher and higher to force the Hawaiians out or into bankruptcy. Brown’s money would actually be Castle’s, which would come back to him in any event.

10 Note also the deadening regularity of homestead foreclosures on the U.S. Mainland during this period. The stereotypical villain in popular novels and silent movies was the mortgagee taking the family farm.

11 Isabella Bird visited the Islands in 1873 and included an appendix with statistics some years later which noted of the kuleana that “many of these are heavily mortgaged” (Bird 1966:268). She
Four of these mortgages were repaid and the claims on the land released, at least temporarily until new mortgage loans were made. Four more were foreclosed and the land passed to speculator-investors mortgagees. The other 10 had not yet been released, pending foreclosure in the next period, 1888-1903, as discussed in chapter 7.

The "mortgage" loans in Kahana varied from $70 to $200 per kuleana, and averaged about $130.\textsuperscript{12} Interest rates appear reasonably high.\textsuperscript{13} Rates varied from 12 to 18 percent, and averaged over 13%. The loans were short, varying in their terms from one to four years with an average age of about two and a half years.

The significance of such figures is emphasized when a modern comparison is used. The average kuleana in Kahana consisted of a three-acre land holding. It included a 11,000-square-foot house lot by the ocean with one or more houses on it and some prime, well-developed agricultural land. The lands had access to water and roads, and were in a desireable if not outright exquisitely beautiful part of the island. The value of the land put up as collateral on the loans, if figured today, would

\textsuperscript{11}(...continued)

and other commentators of the time have not been adequately appreciated.

The Reverend John M. Lydgate in an 1915 essay on the passing of the kuleana also mentions mortgages (Lydgate 1915:108).

\textsuperscript{12} By using the values paid for the mortgage deeds, we can estimate the inflation in land costs. The ahupua'a had tripled in value since the mahele (Conveyance 39:490-2). The kuleana had nearly kept up, increasing an average of over two and a half times.

\textsuperscript{13} Then, as now, those most able to bear the burden of high interest rates apparently paid the lowest. I.e., well-heeled "good risks" get reasonably low interest rates, while those hard-strapped to pay are considered "high risks" and are given the high interest rates.
be something like $300,000-$400,000 or more. Interest payments, usually due every six months, would today be about $22,750.

A Kahana subsistence planter, if alive today, would need to have *monthly* income of something over $11,000 to qualify for such a loan. Subsistence farmers today make next to no income per month. The average wage-income job (in the dominant resort or retail industry) has a wage of less than $1,000 a month. If such a planter or wage-earner did not make the interest payments, as occurred regularly in Kahana, the total amount due in two and a half years would be something like $500,000. If the borrower did not have the money—who would?—the land would be lost.

**Major Players**

The speculator-investors who made use of the 1874 “Mortgage” Act were major actors in the alienation of Hawaiians from their land. They were of varying political stripes, from annexationist to Royalist.

Four Kahana *kuleana* were foreclosed during the 1874-87 period. Two of these, Kalimaoni (k) 7653 and Naumu (w) 10394, had passed down by inheritance to a grandson of Pune'e (k) 8164-N, William L. Holokahiki. Holokahiki got the land in 1877 and mortgaged both of the *kuleana* that year to Stephen Spencer, a British investor. In a more proper use of his wealth, Spencer played the role of lender and helped the Hawaiians of Kahana band together with others to buy the Kahana
ahupua'a, a story contained in chapter 6. Spencer's attorney was H.A. Widemann, who was a Commissioner to Washington, D.C., in 1894 for the deposed Queen.

A third foreclosed property, the Lilipi (k) 9961 kuleana, had already passed to an heir, Kalimalu (k). He mortgaged the land in 1882 to Francis Moss of Hawai‘i, Kohala, the Big Island, and later of Honolulu. This is one of what became several foreclosures involving the hidden hand of William R. Castle. Castle appears to have been actively prospecting for land in Kahana, and mortgages were the tool he used in acquiring land titles.¹⁴

The final foreclosed property of this period, 'iipana 1 of Ohekau (10555), had previously passed to some Native Hawaiians who were possibly heirs. It then passed to their relative, Kaiapa (k). In 1876 he mortgaged the property to Michael McInerny, a businessman, sometimes noted for his independent views at variance to the missionary families. This loan was repaid in 1883 through taking out a new mortgage, from Sandford B. Dole, a missionary son and leader of the 1887 and 1893

¹⁴ A surviving note of Castle's says, "A lot of Chinamen [sic, Pake] offer him [(i.e., Kalimalu) up] to $35 a year [for lease rent], but he denies to do it; Kalimalu is in possession of this land now: He wants [a mortgage loan of] $175 for 2 years. . . . His deed is not recorded. . . . Saw [at] office Oct. 13, 1882" (Abstract 9961).

Castle was the notary on the Moss mortgage to Kalimalu, and served as attorney for the foreclosure. Cecil Brown, an American businessman, conspired with Castle. Brown served as Castle's agent, and fronted for him. Brown had the winning bid at the 1886 foreclosure. Brown transferred this and many other foreclosed Kahana properties to Castle in 1890 (Conveyances 122:212-4, 477-9).

Castle also acted as notary for the sale of the Kalimaoni (k) 7653 kuleana to Piliula (w). He signed as a witness in the mortgage of the Kaiakah (k) 5221 and Kapena (k) 5231 kuleana. Castle was also attorney on the mortgage of Kamakuku (k) 5318 and Kukuholaha (k) 5702, the loan coming from Carrie D. Castle, his sister. He was notary in the mortgage for the Kalauawa (k) 240-L kuleana. He notarized the deed of the Kuao (k) 5704 and Kuapuu (k) 4433 kuleana to A.L. Moewa'a (k). Castle's agent, Cecil Brown, was notary on both the Kapena (k) 5231 and Kuao (k) 5704 sales to Kalima Kapena (w) 40.
coup against the throne. Dole appears to have been fronting for McInerny, as he immediately assigned the mortgage to him.

McInerny later assigned the mortgage to the Royalist Widemann, who was serving as trustee for an unidentified beneficiary. Following the 1885 foreclosure, Widemann made known the beneficiary by signing the deed over to King David L. Kalākaua.15

**“Mortgage” Examples**

An example of the “mortgage” process involved Paleua (w) 5339's land. She had deeded her land to her son, Kamai Kamō'ili'ilii in 1868 (Conveyance 26:322-23). Kamō'ili'ilii and his wife Kahinu Keali'imakaino were apparently the first *kuleana* owners to take speculators' money following the passing of the 1874 “Mortgage” Act.

The document signed, unlike nearly all the other documents dealt with thus far in this dissertation, was in English (Conveyance 46:246-248). It consisted of a single document claiming to be both a mortgage and a deed. It recited the property under question, “with the tenements thereon and the appurtenances thereunto belonging,” and how Kamō'ili'ilii had acquired it. Accompanying it was a promissory note. That note called for the principal of $160 to be repaid in four years, and an interest rate of 1.5% per month to be payable every six months.

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15 Appendix M on page 354 contains a land title summary for each *kuleana*, including this one.
The promissory and loan documents would be void if the required payments were made in full. If not paid, however, the loan document gave the lender McInerny the right to enter the property and foreclose and sell it in order to recover the monies owed. It also granted to McInerny the right to sign all deeds or other papers necessary for the foreclosure or sale of the property. All this was according to the powers allowable under the 1874 Act.

In this case, the Kahana planters were able to pay off the loan. This fact was noted in red ink over the original document, and any claim on the land was therefore released.16

A second example of the mortgage process involved William L. Holokahiki’s dealings with Stephen Spencer (Abstract 10394).

Holokahiki, a grandson of Pune’e (k) 8164-N, in 1877 got from his mother Pililua two kuleana, Kalimaoni (k) 7653 and Naumu (w) 10394. The two kuleana totalled about 4.25 acres. Holokahiki mortgaged the two kuleana, that same year, to Spencer in return for $220 (Conveyance 50:90-2).

16 The usual practice was to release the mortgage by the lender stating such by over-writing the original loan document. Occasionally separate release documents were signed and recorded (e.g., the mortgage of ʻapana 1 of Ohekau (10555) from Kaiapa (k) had a recorded release, Conveyance 85:229).
As with the McInerny case, the mortgage document was accompanied by a promissory note of the same date, in English. In it, Holokahiki agreed to pay Spencer the $220 principle in two years' time plus 1% interest per month.\footnote{17} 

No payments were made during the life of the mortgage, nor for a year afterwards. By the third anniversary of the loan in 1880 the amount of principal and interest owed, according to Spencer's notes, was $309.07.\footnote{18} During the fourth year a small payment of $5 was made. Offset by interest, the total IOU after four years was therefore figured at $341.96.

No evidence exists that Holokahiki did not intend to pay off the loan eventually. He made a further effort, $20, at paying the bill. However, after four and a half years the total IOU was still $341.27. A later payment of $100 may have come in—the notes are unclear—and the final default was said to be at least $198.

Near the tenth anniversary of the original two-year mortgage, Spencer's attorney, Widemann, advertised the breach of the mortgage in January-February 1887.\footnote{19} A noon auction was held on February 9, 1887. William C. Parke was an American who had apparently served as the Kingdom's Marshall from about 1849 until 1884.

\footnote{17} Taken literally, the resulting mortgage interest rate would have been 12.7%. Spencer's accounting, however, shows that he used a simple annual rate of 12%.

\footnote{18} Holokahiki saved a penny due to Spencer rounding off downwards any fractions of a cent. The total bill should more properly have been $309.08.

\footnote{19} Note that Spencer/Widemann and others waited a long time—eight years in this case—after the mortgage was to have been paid before foreclosing. The climate for taking the people's land through the non-judicial mortgage process may have improved around 1887 with the movement towards the "Reform" Cabinet and the Bayonet Constitution that summer.
and had protected the Kingdom from filibusters in 1851. He served as Spencer's agent at the auction, and was high bidder at $25 for each of the two *kuileana*.

Spencer, back in London, had his attorney Widemann take care of the details. Noting the default of $198 which had been due, Widemann transferred the two *kuileana* to Parke on March 4, 1887 (Conveyance 105:123-124). A Certificate of Foreclosure was then filed on March 5, 1887, for the two sales (Conveyance 104:84-86). Then Parke, for $1, sold the two *kuileana* back to Spencer on May 7, 1888 (Conveyance 110:280).

**Other Pressures and Responses**

Besides the advent of "mortgage" loans, the years after 1873 saw a general consolidation of *kuileana* lands amongst a declining number of Kahana heirs, some selling of land to non-relatives, the leasing of land, and a general tightening up of land documents. Through it all, however, there continued a dogged determinism by most native planters not to alienate their land.

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20 The consolidation was accompanied by a recurrence of the same names as inheritors of lands and by different parents claiming the same heirs as offspring.

21 The literacy rate remained low, however, as far as writing was concerned. A good many and probably most of the Kahana descendants still signed their land documents with an "X."

For example, Kalimalu (k), who inherited the Lilipi (k) 9961 *kuileana*, mortgaged it in 1882 and signed "X" (Conveyance 76:452). Nuhi (k) 3948 sold his *kuileana* in 1885 and signed "X" (Conveyance 340:487).

Some of the people did, however, begin to show signatures, as with William L. Holokahiki (Conveyance 50:90).

22 This period also introduced the occasional practice of a *kuileana* owner conveying the same land more than once, a practice which complicates the job of title searchers or academic researchers: (continued...)
The 1873-87 period also saw the passing of the first-generation awardees and, sometimes, the advent of a third generation. With the possible exception of Hua (k) 8164-P from the midlands, all nine of the kuleana still in claimants' hands in 1873 had passed to heirs or others by 1887.\(^{23}\)

Appendix F on page 310 summarizes the Kahana kuleana land transactions through 1887. The acceleration of conveyance activity is seen by comparing the number of transactions between the 27 years from 1846 through 1873 and the 14 later years to 1887. In the first period, described in chapters 2 and 4, there were only 29

\(^{22}\)(...continued)

* William L. Holokahiki, a grandson of Pune'e (k) 8164-N, inherited various lands, included Kuapu'u (k) 4433. In 1879 he transferred the Kuapu'u land to Kaauanui (k) 24, the first-generation inheritor of Kalauawa (k) 240-L (Conveyance 61:81). He tried to transfer the Kuapu'u land a second time later that year, but that deed carried no legal weight (Conveyance 62:21).

* The Kuaio (k) 5704 kuleana had been transferred twice to different heirs. First to William L. Holokahiki around 1865, though the transfer was of the traditional informal variety without formal deed (Abstract 5704). The second was to Manu (k) in 1876 by proper deed (Conveyance 44:483). By the end of 1887—the period covered by this chapter—the succeeding Native Hawaiian holders of each of these claims had received loans secured by them. While the monied holders of the two mortgages would have undoubtedly defended their respective claims in order to protect their collateral, the issue became moot as each mortgage was eventually assumed and foreclosed upon by William R. Castle.

* See a further discussion of this practice of multiple conveyances in appendix J on page 341.

\(^{23}\) Hohoia (k) 8185 (uplands), Kaopu'u (k) 5319 (eastern village area), Keakua (k) 8164-O (western village area), Nunu (k) 3946 (uplands), and Pune'e (k) 8164-N (western village area), had all died and had kept their lands within their families. Kaiaawaha (k) 5807 (western village area), Kapua (k) 5708 (midlands), and Nuhi (k) 3948 (western village and uplands), all sold their lands, possibly to relatives.

Hua had mortgaged his land by 1887 and may have still been alive.
transactions involving the 34 kuleana awardees. In the second, shorter period described in this chapter, there were 74 transactions.  

There were no leases of kuleana in the 1846-73 period. There were five between 1873 and 1887, two to Pāke and three to Kepani. This evidence adds to the apparent limited rice farming by the Pāke owners of the ahupuaʻa. Together, this data suggests some rice was being grown along with the taro and other crops discussed on pages 77-78 of chapter 2.

Pressures to leave the land continued to weigh on the native planters. The call of the city of Honolulu was undoubtedly strong, as was the pressure to pay cash taxes and other duties which made subsistence agriculture difficult. Heirs were few. Agricultural life was hard. The attraction of the “mortgage” loans was unmistakable, and would eventually lead to a loss of the kuleana.

Despite all this, the planters of Kahana still exhibited their determinism not to alienate their land. Not a single native sold their land to a Haole through 1887. Of the 25 kuleana or portions of kuleana which were unencumbered by 1887, 16 were still held by the families of the original awardees. Nine others were unencumbered by 1887.

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24 This and following totals include some transactions involving individual ʻapia of kuleana. The increase in conveyance activity between 1846-73 and 1874-87 was 356%.

25 See, for example, the Lois Kaulahea quote on page 143 about working in the rice fields.

26 An 1880 review of Kahana, however, speaks only of the taro production for the agricultural pursuits of the residents of the valley (Bowser 1880:486).
cumbered but apparently sold outside of the family, eight to Native Hawaiians and one to a Pākē.

Even in these sales, however, the intent not to lose the land is clear. Four of the eight sales to Native Hawaiians were to Kahana residents who may have been relatives. Some or all of the other four native sales may have also been to relatives.

The record suggests, moreover, that the maka'ainana tendency to keep their land under local control could have persisted for at least several more decades. If, that is, there had been a well-regulated mortgage system which lent because of an ability to repay and with an intent of improving borrowers' holdings rather than alienating them.

Besides being mutually-supportive in the desire to retain local ownership, the community had always apparently been inter-related. The land transactions of the 1874-87 period attest to this as they provide evidence that a good many of the awardees' descendants who held kuleana were related. See appendix G on pages 316-321, for a further description of these relations.

The one kuleana which had been sold in the market to non-relatives before 1874 belonged to Kala'auhina (7651). He was a step-son of Kuamo'o (k) 5706, the konohiki agent. He died early and his widow Malo sold the kuleana to AhSing (Apahana) (k), the ahupua'a owner, in June 1858. The sale was not well recorded,
and Malo later was able to regain the title. By 1887 it had subsequently gone to her heirs (Abstract 7651). 27

Conclusion

Maka‘ainana Hawaiians had lost the non-cultivated lands of Hawai‘i to the high ali‘i, King, and American-dominated government during the mahele. Nearly all this land was quickly bought up or otherwise controlled by Haole. 28

Hawaiians’ cultivated lands, however—the priceless kuleana holdings—seriously began to be lost only after the advent of the egregious Mortgage Act of 1874. These simple facts, described in more detail in this and the last three chapters, tell the core of the story of how Hawaiians lost their land. For most ahupua‘a, the years after 1887 contain only the sorry story of quickening foreclosures.

Kahana, however, holds one last lesson for us. This story of a short-lived counter-offensive against the alienation tide is recounted in chapter 6.

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27 Arguably AhSing still held title to the kuleana thereafter. Or it might be argued that he transferred it to Ahchuck when he sold his other Kahana land, i.e., the ahupua‘a, in 1868 (refer to chapter 4, page 141).

28 Remaining government lands were controlled by the American-led government’s Minister of the Interior, who by late 1887 was Lorrin Thurston. The remaining King’s lands, now taken by the government, were under the control of an exclusively-Haole “Crown Lands Commission.”
Chapter 6. True Churches, 'Awa, And Excommunication

(A History of the Ahupua'a, 1874-87)

The previous four chapters describe the land-tenure history of Kahana and, I suggest, many of the other ahupua'a of Hawai'i. The events of the Great Mahele, described in chapters 2-3, apply to all the Islands. I have embellished little on the previous work of Kuykendall and Kelly, as supplemented by the recent work of Kame'eleihiwa.¹ My contribution principally is in stressing the fluidity of the scene and in providing a case study to flesh out the particulars of the process.

The Great Mahele played out throughout the Kingdom, often with results more or less paralleling those of Kahana. Differences existed, to be sure. Perhaps the district was a dry one instead of wet. Far fewer maka'ainana families made claims in some areas. Perhaps a hearing officer was less harsh in others. Perhaps the survey process granted a larger or smaller average kuleana than in Kahana. Likewise, perhaps the ahupua'a land passed to Haole instead of Pāke, or went to the government.

The point however, as explained in chapters 2-3, is that there were only a finite number of variables that determined the outcome in each ahupua'a. The

¹ I.e., Kuykendall 1938:269-298, Kelly Ms.(a) and 1980, and Kame'eleihiwa Ms.
particulars could—and did—vary from one to another. The sum of the parts, however, existed within certain known boundaries.  

Two inter-related questions remain. First, what effect did the arbitrary division of *ahupua'a* and *kuleana* lots have upon the cooperatively-based *maka'ainana*? Second, did the *maka'ainana* ever undertake an organized offensive against the forces of dispossession?

The pro-*maka'ainana* final section of the *Kuleana* Act had guaranteed to the *maka'ainana* awardees subsistence gathering rights, access rights, and water use rights.  

This did not fully compensate them, however, for the sundering of their former cooperative rights to the resources of the *ahupua'a*.  

In one of many possible examples, who would force the *ahupua'a* owner to maintain the *'auwai* (irrigation water courses) over his or her property? For taro will die if it does not have constantly running

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2 I would like to be able to say where Kahana lies amongst this scope of possible outcomes. I can only hazard a guess, however, that Kahana lies roughly in the middle. That I can only make a guess reflects the lack of definitive work on this topic.

3 I.e., Laws 1859, section 7:203.

4 Leslie Watson, described later in this chapter, puts the situation and the native response very well (Watson Ms.:9):  

The communal ideas, which had been developed through the course of centuries, were so deeply a part of the life of the Hawaiians as to make it but natural that the urge to continue such ideas should manifest itself, so shortly after 1850 the Hawaiian land *hui* [co-operative] was born.  

Thus it is evident that the fundamental reason for the *huis* was that ownership of an undivided interest in a large tract of land was far more adaptable to the Hawaiians' needs and background than ownership in entirely of small parcels.
water over its fields. Without a well-maintained ‘auwai, therefore, the taro lo‘i will
die. With the death of the lo‘i will come the death of the kuleana and the maka‘ainana.  

A defensive posture based solely on preserving one’s position will ultimately
succumb. The best method for the maka‘ainana to survive would be to buy out
the ahupua‘a resources surrounding their kuleana.

They were unable to do this in most cases. The story of the previous four
chapters therefore remains as the explanation for how many Hawaiians lost their
land. But in a good many cases—perhaps a quarter involving ahupua‘a available
for purchase, Kahana included—the people did organize and buy their ahupua‘a.
This chapter describes the story of the organization and early years of the Kahana
Hui (co-operative).

The story of the Hawaiian Hui movement is not well known. Leslie Watson
in 1932 published a short essay on the subject.  

It will be recalled that the American-dominated government had gotten about half of all the
ahupua‘a in the Islands from the mahele and from the high ali‘i commutations. Some 90% of the government lands
capable of cultivation were then sold during the 1850s.

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5 The discussion of the ‘auwai is designed to give just one example of the disadvantage the
maka‘ainana found themselves at after the mahele. Note, however, the maka‘ainana were able for
some period of time after the mahele to maintain their ahupua‘a ‘auwai despite it having passed
in ownership to the ahupua‘a owner.

6 A civil engineer and superintendent of lands for Alexander & Baldwin, Watson had given
an informal talk on the hui movement to the Engineering Association. At the request of Territorial
Governor Wallace R. Farrington, Watson wrote up a short description of his talk. Farrington published
it in his Star-Bulletin newspaper. A typed version is available at the University of Hawai‘i (Watson:1932).
Much of this government land was sold in large parcels, with Haole the usual buyer. However, quite a bit of it was also subdivided into small strips and sold to dispossessed maka'āinana for fifty cents an acre. These strips, amounting up to fifty acres each, were not well surveyed nor individually suited for use.

The result, said Watson, was the ad hoc formation of “informal hui.” Say a hundred families bought strips in the ahupua'a “X.” They would pay their money, and jointly move into that ahupua'a and communally set up a social organization. They would then be called the “X hui” (Watson Ms.:9-11).

This informal organization led, around the 1870s, to the “formal hui.” These had bylaws and a legal organization. They were groups of people who organized to buy ahupua'a on a cooperative basis (Watson Ms.:12-13).

Watson noted that the term existed with slight variations in definition in Hawaiian, Maori, and Chinese. He concluded that the three definitions, and the English term “commune,” were jointly the best method of describing the word (Watson Ms.:4).

Several Hawai‘i Supreme Court decisions were made on the hui—some involving

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7 William Lee had proposed the first four of the seven sections of the Kuleana Act (Laws 1859:202-3). With the possible exception of the added seventh section, the Lee portions were the most pro-maka'āinana of the lot.

Lee’s first three sections confirmed the people’s right to own their claimed lands. His fourth decreed that “a certain portion of the government lands in each island shall be set apart ... [and given] to such natives as may not be otherwise furnished with sufficient land.”

8 Buyers could also have been maka'āinana families of the ahupua'a who were dispossessed by the mahele, had not gotten enough land from the mahele, or had come of age since the time of the Land Commission claims.

9 I.e., instead of each member owning a subdivided strip, in a formal hui each member commonly owned a share, with exclusive use-rights to a portion of the unsubdivided whole.
Kahana—and a great amount of legal theory went into discussing them. In short, they were not corporations although they had bylaws and shares. Likewise, they were not partnerships. In modern law, they were roughly analogous to a cooperative.

Watson discusses nine *hui* (Watson Ms.:19-32), mainly within his experience on Maui, and mentions that many more existed. The Reverend John M. Lydgate, on Kaua'i, published a short essay on the Wainiha *Hui*. A cursory review of the

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10 See material on this topic prepared by me and deposited at the UH Archives.


See also the Kahana Land Court case (Land Court No. 285 [1913]) and a Kahana IRS case, Wodehouse v. Tarleton (Civil No. 301, U.S. District Court, District of Hawai‘i [1934], pleadings at FCAH).

A related legal matter was the question whether a *hui* consisted of a “joint tenancy” in land. This is a feudal term which English common law supports. The idea is that the survivor of a joint tenancy inherits all of the estate. This concept is in contrast with the United States tradition, other than for married couples, of “tenancies in common.” The latter term indicates that the heirs of each interest inherit. Awa v. Horner (5 Haw 543 [1886]), a *Hamakahua* case, decided with the U.S. tradition. *Hui* groups were therefore regarded legally as “tenancies in common” with the shares of the original organizers being inherited by their heirs rather than the survivor of the original group.

11 Corporations vote on a basis of capital. It is illegal to vote on a basis of consensus or even one-shareholder-one-vote. Shareholders also rarely reserve to themselves the powers which were reserved by *hui* members.

12 General partners assume roughly equal management responsibilities. *Hui* members, however, delegated to elected officers most of the group’s management duties.

13 The “*Hui Ku‘ai ʻaina 'o Wainiha,*” a Kaua‘i *hui* very similar to its Kahana counterpart, had 71 members (Lydgate 1913). See footnote 35 on page 183.
central Ko'olau coast of O'ahu finds, besides the hui at Kahana, a lease-owning hui at Hau'ula to the west, and land-owning hui at Hakipu'u and WaiKāne to the east.¹⁴

Not all ahupua'a were even available for purchase or lease by a hui.¹⁵ I conclude that perhaps one-quarter of the available ahupua'a were purchased and operated by Hawaiian hui during this period.

To weld people together to undertake such an endeavor undoubtedly required special circumstances, skills and courage in each ahupua'a. In Kahana the fervor was religious in nature.

Early Western Religious Contacts

The American missionary official Levi Chamberlain first circled the island of O'ahu in 1826, inspecting the schools operated under the direction of the Mission. Moving down the Ko'olau coast from Waialua, Chamberlain noted sixty students at Lāʻie. It took two hours to travel on to Hau'ula where 108 people under the direction of a local ali'i prayed with him. At the small ahupua'a of Makao there were 12 students (Chamberlain Ms.(a):15-16).

¹⁴ There was also a lease-owning hui at Hālawa, Moloka'i.

The Hawai'i Supreme Court decisions listed in footnote 10 on page 165 give background information on the hui involved, as does the Supreme Court decision from chapter 8, footnote 2 on page 219.

¹⁵ The King's ahupua'a were taken by the government in 1865 and made inalienable. Government ahupua'a after 1860 became more and more inalienable.
He then passed through seven small settlements totalling 80 houses with about 500 inhabitants but no schools. Next he came to Punalu'u with 45 houses, and an hour later he was in Kahana, “a beautiful valley belonging to Naihe” (Chamberlain Ms.(a):16). The valley and bay must have been as striking then as now—he departed from his utilitarian narrative to describe the physical setting in some detail.

The upland mountains were a dark green, despite it being summer. They and the mountain tops of the ridges coming down on either side of the valley were covered with trees and verdure. The lower hills did not have trees and were brown with some bare earth at their bases. Some four or five feet above sea level, but below the path (possibly the trail up Old Kahana Road), were freshwater springs, taro, banana, and the like. He noted the trail up Old Kahana Road, and the sea lapping up against the sand beach (Chamberlain Ms.(a):16-17).

The River was not used to directly irrigate very much land, wrote Chamberlain. He did not notice much cultivation. Wauke and banana were being raised, as was taro toward the head of the valley, although most, he felt, was not flourishing. Quite a bit of wild sugar cane was all around the valley. He saw Lauhala (Pandanus) at the bottom of the mountains (Chamberlain Ms.(a):17).

16 This description of the valley agrees with photographs from the early 20th Century (see appendix N on page 407). The lower hills have in recent decades gotten more covering, particularly from introduced tree species. In addition, many of the view-planes from the former coastal trail, now Kamehameha Highway, have been blocked by overgrowth along the highway and the River. In general, however, much of the description and early photographs show little substantive change as compared with the current day.
He noted fifty students at the Kahana school. This school was probably located along the *mauka* side of the coastal trail, to the west of the western village houses (see Figure 24 for a map; Chamberlain Ms.(a):17-18).\textsuperscript{17}
Figure 24. Map of Kahana (UH cartography).
Chamberlain wrote that at the next school, in Kaʻaʻawa, there were 54 students. Forty-three of these students came over to Kahana to meet him. Makaliʻiʻiʻi (k) was the teacher, and Chamberlain noted that he gave an improper prayer. The next day was the Sabbath. Chamberlain and his companion Taomi (k) led services which were attended by 1,000 to 1,200 people, many of whom had journeyed from other distant villages to be present. The next day he continued, reaching Kualoa in three hours, where he noted a school there and another at adjoining Hakipuʻu with 48 and 36 students, respectively (Chamberlain Ms.(a):18-19).

Two years later he circled the island in the opposite direction. His party canoed past the Hakipuʻu fishpond, and reached Kaʻaʻawa where the school had 27 students. He noted a small school at the ahupuaʻa of Makaua, and then his party passed through Kahana where he noted a large school (Chamberlain Ms.(b):6).

In 1833 Chamberlain again circled the island. This time he was in the company of the pro-makaʻainana American missionary John S. Emerson, the newly-appointed mission station minister at Waialua. They visited the local aliʻi at Kahana, Wahine (w).18 Emerson examined students from the Kahana and Makaua schools, and spoke with the teacher from the Kaʻaʻawa school. The two of them ate with Wahine, and Emerson later performed four marriages (Chamberlain Ms.(c):5-6).

18 In 1826, as given on page 167, a local aliʻi who “owned” Kahana was Naihe (k). By 1833 a local aliʻi was mentioned to be Wahine (w). Around 1838 the apparent local konohiki was the aliʻi Pule, as stated in Kuamoʻo (k) 5706's Land Commission testimony (Foreign Testimony Mss. 10:128-9). These references are the only ones I know of on these individuals.
The United Church of Christ missions did more than set up schools and perform services. Their members also built churches. The one in Kahana appears to have been at the northern end of the western village area, between the house lots that were near the beach and the agricultural lots further inland (see map in Figure 24).  

The mission also conducted censuses. The 1831-32 and 1835-36 census results are given in Figure 25 (Schmitt 1973:19,24). Figure 26 shows an expanded set of population numbers.

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19 The evidence on location is somewhat circumstantial as no oral tradition survives of either the school or the church. Mission records indicate a church existed in Kahana, and a deed (Conveyance 75:145) refers to it. See the discussion in the text, page 180.  
An old cemetery exists in the northern part of the western village area and appears to be United Church of Christ; the church building was probably adjoining it. In the 1880s a nautical map of Kahana Bay was produced. It shows some landmarks, including a church in the area described (Survey Map(b)).

The contact population for the Islands of 400,000 is a guess. It is taken from the rough rule of thumb that an indigenous population will decline by 90% within 125 years of contact with western diseases (see Martin 1978:43-51). The Native Hawaiian population is known to be about 40,000 in 1900.  
For a reference that the contact population should be estimated at about 300,000, see Schmitt 1968:10. More recent work, by David Stannard, suggests a higher estimate, of 800,000 or more (Stannard 1989).  
The contact population for Kahana of 720 is an estimate based upon known data and a private discussion with Marion Kelly in 1989.  
For a discussion of an estimated contact population in Kahana of about 1,000—based on available archaeological work, amongst other factors, see Stauffer Ms.(b):51-79.
By 1848 Emerson, from his mission at Waialua, had two churches constructed in Ko'olau Loa, one each at Hau'ula and Kahuku. Two 1847 graduates from the Lahaina Luna Seminary, Kekela (k) and Nuiapaakai (k), helped staff the two chapels and were in turn helped by 40 native lay ministers for handling neighborhood “morning prayer meetings &c.” The average congregation size was 500 at Emerson’s Waialua church, and 200 and 450, respectively, at Kahuku and Hau'ula (Waialua Mss. 1848:5).

In 1853 Emerson made his first reference to members of the Church of Jesus Christ of Latter Day Saints, who he said had visited the district a year and a half previously. “It has been stated to me that an ex-Mormon has said, that it is or has been in the plans of the Mormons to take these Islands for themselves. We may yet find it true” (Waialua Mss. 1853:4-5).
Figure 26. Population figures, 1778-1920.

The United Church of Christ apparently reached its zenith for Kahana in the late 1860s and early 1870s. The Ko‘olau Loa district stretches down from Kahuku to Ka‘a‘awa, and Hau‘ula is about half way. An 1863 report noted that the Hau‘ula church had accepted 645 members since it began in 1848. There had been 177 child baptisms during its 15 years, nine of them in 1863. A total of 250 people had died, eight that year (Annual Reports:1863).

<table>
<thead>
<tr>
<th>Year</th>
<th>Total for Hwn Islands</th>
<th>Pop. and % of Hawaiian Islands, for Ko‘olau Loa, O‘ahu</th>
<th>Pop. and % of district, for Kahana</th>
</tr>
</thead>
<tbody>
<tr>
<td>1776</td>
<td>c.400,000</td>
<td>c.9200 (2.3)</td>
<td>c.720 (7.8)</td>
</tr>
<tr>
<td>1823</td>
<td>142,050</td>
<td>c.3300 (2.3)</td>
<td>c.260 (7.9)</td>
</tr>
<tr>
<td>1832</td>
<td>130,313</td>
<td>2891 (2.2)</td>
<td>233 (8.1)</td>
</tr>
<tr>
<td>1836</td>
<td>108,579</td>
<td>2681 (2.5)</td>
<td>203 (7.6)</td>
</tr>
<tr>
<td>1848</td>
<td>93,500</td>
<td>c.1900 (2.0)</td>
<td>c.150 (7.9)</td>
</tr>
<tr>
<td>1850</td>
<td>84,165</td>
<td>c.1600 (1.9)</td>
<td>c.125 (7.8)</td>
</tr>
<tr>
<td>1853</td>
<td>79,600</td>
<td>1345 (1.7)</td>
<td>c.105 (7.8)</td>
</tr>
<tr>
<td>1860</td>
<td>70,600</td>
<td>1187 (1.7)</td>
<td>c. 95 (8.0)</td>
</tr>
<tr>
<td>1866</td>
<td>64,300</td>
<td>1163 (1.8)</td>
<td>c. 90 (7.7)</td>
</tr>
<tr>
<td>1872</td>
<td>57,900</td>
<td>1269 (2.2)</td>
<td>c. 90 (7.1)</td>
</tr>
<tr>
<td>1878</td>
<td>55,800</td>
<td>1082 (1.9)</td>
<td>c.120 (11.1)</td>
</tr>
<tr>
<td>1884</td>
<td>78,500</td>
<td>1321 (1.7)</td>
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<td>1890</td>
<td>87,300</td>
<td>1444 (1.7)</td>
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<td>1896</td>
<td>103,700</td>
<td>1835 (1.8)</td>
<td>c.125 (6.8)</td>
</tr>
<tr>
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<td>149,100</td>
<td>2372 (1.6)</td>
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<tr>
<td>1910</td>
<td>188,300</td>
<td>3204 (1.7)</td>
<td>c.200 (6.2)</td>
</tr>
<tr>
<td>1920</td>
<td>251,500</td>
<td>4490 (1.8)</td>
<td>c.250 (5.5)</td>
</tr>
</tbody>
</table>

Note: The increase in the Hawaiian Islands' population after 1878 was largely from Asian immigrants. The Hawaiian and part-Hawaiian population declined, as a percentage of the total population, from 81.9% in 1878 to 24.4% in 1900 (Schmitt 1968:12).

The estimated increases in population in Kahana after 1872 reflect the addition of new Hui members and then Pākē and Kepani. Many of the Pākē lived at their rice mill site (see chapter 8, footnote 66 on page 248).
In 1866 the Reverend E. Kekoa assumed the altar at Hau'ula.\footnote{He apparently owned the Kekui (k) 4367 kuleana.} He gave some mixed statistics, and adjusted the reported figure for church membership down to 180. A year later he reduced it further, to 120, and left the rest of the statistics blank. The next year he was moved to Kahana, and the Reverend H. Kauaihilo received the Hau'ula station, possibly to build it up (Annual Reports:1866-68).

Whatever the reason for relieving Kekoa of his duties at Hau'ula, the 1868 move to Kahana made him the first official missionary there. Annual reports for that year and most of the succeeding ones exist through 1878.

Reports after 1878 were blank for Kahana, possibly signifying the death of Kekoa. The following year, in 1880, the Kahana and Hau'ula congregations merged once more at the Hau'ula chapel, and a separate United Church of Christ church for Kahana has not existed since then. Figure 27 gives statistics from the years for which reports were made on the Kahana congregation. It is noted that the Kahana figures undoubtedly include worshippers from Ka'a'awa and Makaua to the east and probably some from Punalu'u to the west (Annual Reports:1868-81).
<table>
<thead>
<tr>
<th>Statistical Type</th>
<th>'68</th>
<th>'69</th>
<th>'70</th>
<th>'71</th>
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<th>'75</th>
<th>'76</th>
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<th>'78</th>
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<th>'81</th>
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<td>7</td>
<td>6</td>
<td>3</td>
<td>6</td>
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<td>0</td>
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<tr>
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<td>74</td>
<td>80</td>
<td>83</td>
<td>89</td>
<td>94</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>1</td>
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<tr>
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<td>5</td>
<td>6</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>2</td>
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<td>5</td>
<td>3</td>
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<td>66</td>
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<td>3</td>
<td>3</td>
<td>18</td>
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<td>2</td>
<td>0</td>
<td>19</td>
<td>10</td>
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<td>6</td>
<td>4</td>
<td>10</td>
<td>2</td>
<td>7</td>
<td>1</td>
<td>6</td>
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<td>10</td>
</tr>
</tbody>
</table>

[See narrative, below, for description of categories.]

1868: 17 new people professed their membership, and four new people brought in papers of church membership. Forty-six others apparently already were members. This gave a total of 67 persons who had joined the church. A total of 10 baptisms for the parish were otherwise reported, six having occurred that year.

1873: While Kekoa stayed in Kahana, the Hau'ula station reported no statistics and Kauaihilo evidently died or otherwise left that position. The Rev. P.W. Kaawa is noted beginning that year at WaiKane.

1874: missing.

1875: No report, no minister at Hau'ula. WaiKane likewise had no minister. The Kahana mission was taken over by the Rev. D. Kekiokalani. (He was reported to have been at Waipi'o until then.)

1875-81: The earlier practice of reporting the cumulative total of all persons who had professed their faith or produced written confirmation of their church membership was discontinued from 1875 on.

1876: Kekiokalani is minister at both Kahana and Hau'ula.

1877-78: No minister at Hau'ula. Kekiokalani at Kahana.

1878: Expenses at Kahana were $130, of which $60 was the pastor's pay and $50 was for Church buildings. $10 was raised for foreign missions.

1879: No ministers at either Hau'ula or Kahana; no reports from either station.

1880: Kahana and Hau'ula merged into one joint congregation at the Hau'ula church (called formally "Hau'ula and Kahana"), under the newly-installed Rev. J.W. Kaapu.

1880-81: the statistics given for both years are for the joint church.

1882: In this year the joint church was renamed just Hau'ula.
The Hui Is Formed

The total value of the awarded Kahana kuleana was about equal to the ahupua'a award given the ali'i. An argument could therefore be made that the division between the two classes was fair. There is no ignoring, however, the losses to the people of their traditional lifestyle in Kahana and around the Islands when they were separated from their undivided interests in the resources of their ahupua'a.

Besides supporting schools and churches, the answer, obviously, was to band together and buy out the ahupua'a owner and re-establish a more traditional land-tenure and land-use system for the district. H. AhMee (k) had gotten the ahupua'a in 1872. Oral tradition had it that AhMee was the son of AhSing, who had earlier owned the valley and who had returned to China (Peterson Ltr. to Wodehouse, May 14, 1924). Perhaps, the maka`ainana reasoned, the son would follow the father home, and perhaps the indigenous people could get control once more over the ahupua'a.

Speaking in 1916, Miriam Kekuku, the former wife of AhMee, described him as “the owner of the land then, a rice planter.” Her parents lived with them, as did a cousin of her parents and the cousin’s wife. “We lived at Kahana until the land of Kahana was sold ... [in 1875] because of the desire of my husband (Ahmi) to return to China. ... I was well acquainted with all the people that was living at

\[22\] See the discussion on this in chapter 4, beginning at page 131.
Kahana [at] that time, because my husband with whom I was living then being Ahmi was the master over the people” (Kekuku Ms.). For a more complete story about Ahmee’s wife which gives some flavor for the time, refer to the UH Archives. Writing in 1918, William L. Whitney, a court-appointed arbitrator for settling certain Kahana land titles, commented that

[i]n the year 1875 there was started an agitation among certain members of the Church of Jesus Christ of the Latter Day Saints to form a Hui-ʔāina to take over the entire Ahupua’a (Whitney Ms.).

The story of the “agitation” has also been referred to by a Mormon leader of the time as the “most serious affaire that has transpired in the Hawaiian [Mormon] mission save that of Walter Gibson” (Cluff Mss.:145). A modern historian has concluded that “[i]t led to a separate gathering place for Mormons at Kahana [“which

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23 Kekuku refers to her husband as “Ahmi, who] was the master over the people.” The original statement was, “mamuli o ka noho haku ana o ka’u kāne e noho pu ana i wa oia hoi o Ahmi,” i.e., “mamuli (after) o ka hono (to act as) haku (master) ana o ka’u (my) kāne (man) e noho pu (observed living together—not formally married) ana i wa oia hoi o Ahmi” (Kekuku Ms.).

24 In an effort to provide histories beyond land-tenure in Kahana, I prepared several essays on items of interest. The story of Kekuku, culled from legal depositions made in 1916, makes fascinating reading and provides an insight into native life in the late 1800s.

Originally produced, with many other essays, as an appendix to this dissertation, I have deposited it at the UH Archives.

25 A “hui” is an organization, club, or company. A hui ʔāina was an institution which popularly existed in Hawai‘i from about the 1870s through the 1920s. Few exist today. As described in more detail on pages 163-166, they were native organizations designed to jointly purchase sections of land, often the entire non-kuleana or unawarded portion of an ahupua’a.

The term should not be confused with the “land hui” of the 1960s and later which were speculative, usually unregistered, land partnerships.

26 For a description of the Mormon debacle involving Walter M. Gibson, see Kuykendall 1967 and Adler 1986.
once threatened to rival Lāʻie in size"], caused a serious if temporary rift between the saints and resulted in the early release of the mission-plantation president. It widened the gap between Hawaiian and Haole and emphasized disagreements between the Utah missionaries” (Chase 1980:87).

The fascinating story of the Mormon “‘Awa Rebellion” of 1874 has been separately reported on by Chase (1980:87-97). The event involved the excommunication (“disfellowship”) of a large number of native members of the Church over a dispute regarding the raising of ‘awa.27

The group which made the offer to Ahmee in 1874 was a disparate group of Native Hawaiians. A large number were local Kahana residents and others living nearby—nearly all of whom were kuleana awardees or their heirs. These were people who undoubtedly wished to gain a broader say and influence over the use of the ahupuaʻa than had been granted them through the mahele.

Some of the group’s members were among those who had left Lāʻie and were interested in farming and establishing their own gathering place at Kahana. In addition, there were friends or family members from other districts on Oʻahu—and

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27 The Church of Jesus Christ of Latter Day Saints holds, as divine revelation, that the human body should be properly nourished and not abused through ingestion of non-medicinal drugs. A very strict LDS leader was sent to Lāʻie to head the plantation and mission there. He banned ‘awa, including the raising of it for sale, and ordered the people’s ‘awa fields plowed under. This action, together with his general attitude, led about half of the members of the faith at the Lāʻie colony to break away. My review of existing literature of the event, and its significance to Kahana, is available at the UH Archives.
Some from the Islands of Hawai‘i, Kaua‘i, and Maui—who joined to help finance the purchase of the land.28

There were no Haole or Pake in the group. It was organized and led by Hawaiians. Of some significance was the very decision to purchase the ahupua’a. If the Lā‘ie rebels had simply wanted to farm, and if kuleana owners were willing to sell, the rebels might have considered the purchase of the kuleana lands. The kuleana, after all, were made up of already developed, productive agricultural lands. They had good irrigation and might have been purchased more cheaply than the cost of buying out AhMee.29

We have seen in the last two chapters, however, that the kuleana owners were steadfast in refusing to alienate their land.30 Many of the kuleana owners were, however, interested in joining the break-away LDS members in regaining a cooperative interest in the rest of Kahana. So the partnership between Protestant and Mormon was forged. It was a partnership which incidently attempted to re-establish traditional land-tenure and land-use patterns. It therefore allows an exceptional view of what a traditional Hawaiian land system may have been like.

28 The following discussion in the text and appendix I on page 331, concerning the organization of the Kahana “Hui” and its bylaws, is from Stauffer:1987.

29 Ahmee was bought out for $6,000 (Conveyance 39:490-2). The 34 kuleana, at an average value of $130 each, would have been worth $4,420 (see chapter 5, page 150 and footnote 12).

30 A further possible reason why the Lā‘ie rebels would go for the ahupua‘a lands was that these lands, unlike the low-land kuleana, were well suited for ‘awa cultivation, as well as ʻi root cultivation (for ʻokolehao, ʻi-root liquor). The ‘Awa Rebellion had focused around the right to grow ‘awa, which was an important cash crop.
Many of the Kahana people had been members of the United Church of Christ. Over time, however, they converted to the Mormon faith and thereby hastened the decline of the Kahana Protestant Church. This church’s sanctuary had been built on *ahupua'a* land and so became the property of the Mormon-influenced *Hui* buying out AhMee’s interest in the valley. This delicate situation was resolved in 1880 when the *Hui* subdivided the land on which the protestant church stood and traded it apparently to two protestants, Hua (k) and Kepa’a (w), in exchange for a *kuleana* iōpana they owned (Conveyance 75:145).31

Meanwhile, with the concurrence of Brigham Young and the central Church authorities, the Mormon members of the previously unrecognized and unorthodox Kahana colony were quickly welcomed back into the fold as the *ʻAwa* Rebellion was settled. The colony’s Chapel, born in heresy to succor heretics, stands today as the oldest standing Mormon structure on O‘ahu.32

**The Organization Of The *Hui***

The administrative leader of the group wishing to buy the *ahupua’a* was George William Kamakaniau (4/25/62/112). On August 1, 1874, for his group’s membership,  

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31 In an additional reflection of the cautiousness with which Hawaiians alienated their land, this subdivision and trade of *ahupua’a* land was the only time any of its 5,000-plus acres were conveyed to anyone throughout the 1875-1920 period of this dissertation. No other Kahana *ahupua’a* land was ever voluntarily sold. In the late 1960s the entire landholding was condemned by the State of Hawai‘i, for park purposes, through its powers of eminent domain.

32 The Mormon Chapel in Kahana exists to this day on *ahupua’a* land along Old Rice Mill Road.
he signed an “intent to purchase” the *ahupua‘a* from Ahmee (Conveyance 39:490-2). A thousand dollars was paid down, with the balance of $5,000 to be paid within one year.

Inadequate funds were raised to consummate the sale. Money was therefore borrowed by the group in 1875 from Stephen Spencer, the British businessman who was involved with Kahana *kuleana* investments (Conveyance 43:53-5). This mortgage was in Kamakaniau’s name, as was the acquired title to the *ahupua‘a* (Conveyance 43:53), with Kamakaniau serving as trustee for the *Hui* membership until the Spencer mortgage of $3,000 could be repaid. At this point many of the members of the group—*kuleana* descendants and others—began farming the area. Rice farming which AhMee had coordinated was apparently carried on under leases to succeeding *Pāke* businessmen.

A separate 1875 contract established the trust relationship between Kamakaniau and the group members. As it was “not proper” for all the members to sign the purchase agreement with Ahmee, they expressed their “great confidence” in Kamakaniau to act on their behalf as he was a “good and conscientious person.” The trust document was in the form of a contract. It was agreed that it was Kamakaniau’s responsibility to collect members’ payments to the group and to use the funds to make payments

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33 He held mortgages on and then foreclosed the Kalimaoni (k) 7653 and Naumu (w) 10394 *kuleana*.

34 The deed was witnessed by A.J. Cartwright, who held the Ahmee mortgage on the *ahupua‘a* which was retired by some of the sale proceeds, and by J.O. Carter, a local *Haole* who was a Royalist and later served as a mediator in a *Hui*-related land dispute.
and settle accounts with Ahmee. Like prior-day ali‘i who had collected tribute for payment to higher ali‘i, Kamakaniau was also called upon to collect and pay each member’s share of the government land taxes (Trust Agreement Ms.).

The 5,000 acres were not legally subdivided but were rather held in common by the members. It would be incorrect, however, to assume these were purely communal lands. It is true that—as happened under traditional land-use patterns—the members expected things like the uplands to be a “commons” area. They also expected to have, however, divided and reserved kuleana ʻāpana to be set aside for each of them for a pāhale and for lo‘i. To that degree the division (mahele) which occurred within the Kahana Hui was similar to the Land Commission Awards made in 1850.

This mahele, however, was under indigenous control. Not surprisingly, it encompassed a more traditional integration of the individual lands of the makaʻainana with their cooperative rights and interests in the whole ahupuaʻa.

Again reminiscent of the role of ancient ali‘i, the 1875 contact between the members and Kamakaniau called upon him to settle this new mahele and make the assignment of lands to the member families. Recognizing the difficulties inherent in dealing with a mortgage holder, surveyors, and government land and tax officials, all members agreed to “try hard and be patient” with Kamakaniau. In return, he agreed to abide by the bylaws established by the group.
The final settlement of the mortgage and completion of the trust agreement between the members and Kamakaniau occurred on October 31, 1881 (Conveyance 70:268-70). Only then were hui members listed as holding co-operative shares in the 5,000-acre parcel and its associated water and fishing rights. The group (Hui) was now completely organized and recognized. The membership and their leaders had successfully taken back the land and established a modified land-ownership system, i.e., this modified system was a partial re-establishment of traditional relationships within the modern legal and economic context.

The Hui As A Traditional System

Watson, in his 1932 essay on the hui movement, spoke of these organizations representing an institutional intermediary between the traditional and western land tenure systems. He argued that the hui served as an adjustment to modernity.

There is no question that the hui contained elements of both the traditional and the modern. I would argue, however, that the hui movement was an offensive

35 The Hui was conceived as having members who held “shares.” Kamakaniau reserved four shares for himself, and the other 111 shares were reserved for the 94 other members. The proper name of the organization, as used on the 1881 deed, was Ka Hui Ku'ai, i ka 'aina 'o Kahana, often shortened to Hui Ku'ai 'aina 'o Kahana, also sometimes called the “Hui Ku'ai 'aina 'o Ke Ahupua'a 'o Kahana” (Abstract 8). I.e., “Ka Hui Ku'ai [The purchasing group], i ka 'aina 'o Kahana [for the land of Kahana].”

See also footnote 13 on page 165.

36 Copies of the various legal papers from Ahmee’s time to the 1881 Hui conveyance, lists of the Hui membership in 1875 and 1881, and a more detailed description of the mahele entered into by the Hui were prepared by me. They are available at the UH Archives.
by the maka'ainana to regain what was lost in the Great Mahele. To me, if the Mahele was a step backwards, the hui movement was two steps forward.

The hui movement serves more than a stage in the land tenure of post-mahele Hawai'i. It was a social movement, and within its rare surviving bylaws are perhaps the best blueprint we have to traditional native society. A discussion of this insight is discussed in appendix I on page 331.

The Hui Membership

Appendix H on page 322 gives two lists. The first is an alphabetical listing of the Hui membership. The second gives a slightly edited version of the original Hui deed. This second list contains the 1881 membership of the Hui, their place of residence, and the number of shares in the Hui conveyed to each of them by Kamakaniau (Conveyance 70:268-70). Figure 28 and Figure 29 give a statistical breakdown of the 1881 shareholders.

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37 Watson and I generally agree on what the hui were and how they operated. The fact that Watson worked for a major land-owner, who was able to buy up much partitioned hui lands following their liquidation in the 1920s, may speak towards his view that the hui were only an intermediary step and this dissolution a mark of progress.

38 Under such an analogy, the decline and final liquidation of the hui in the 1920s represented three steps backwards for the maka'ainana.

39 In the text of the dissertation and in appendix I, I discuss land-tenure and financial histories of the Hui. My discussions are often done within a western cultural context. This does not deny that a cultural study couldn't be done which would explore traditional versus western culture in the workings of the Hui.
Total number of *Hui* members: 95 [100%].

**Geographies:**
- a. Total number of members in Kahana: 47 [49%].
- b. Total number of members not in Kahana: 48 [51%].

The non-Kahana members are further broken down:
- (i). Total number on Windward O‘ahu: 21 [22%].
- (ii). Total for rest of rural O‘ahu: 3 [3%].
- (iii). Total for non-Honolulu O‘ahu: 24 [25%].
- (iv). Total for Honolulu: 13 [14%].
- (v). Total for O‘ahu: 37 [39%].
- (vi). Total for the Big Island: 6 [6%].
- (vii). Total for Maui: 2 [2%].
- (viii). Total for Kaua‘i: 3 [3%].
- (ix). Total for Neighbor Islands: 11 [12%].
- (x). Total for rural O‘ahu plus the Neighbor Islands: 48 [51%].

**Gender:**
- a. Total number of men: 75 [79%].
- b. Total number of women: 20 [21%].
- c. Gender breakdown in Kahana: 38/8 [81%/19%].
- d. Gender Xdown outside of Kahana: 37/11 [77%/23%].

(It is noted that the Neighbor Islands were heavily male: 10/1 [91%/9%]. The rest of the shareholders outside of Kahana registered a 27/10 [73%/27%] ratio.)

**Wealth:**
- a. Total number with 1 share: 84 [88%].
- b. Total number with more than 1 share: 11 [12%].
  - (i) Total with 2 shares: 6 [6%].
  - (ii) Total with 3 shares: 2 [2%].
  - (iii) Total with 4 shares: 2 [2%].
  - (iv) Total with 5 shares: 1 [1%].
- c. Wealth breakdown in Kahana: 40/7 [85%/15%].
- d. Wealth Xdown outside of Kahana: 44/4 [92%/8%].
- e. Wealth Xdown by gender: 66/18 [79%/21%] 1 share.
  - 9/2 [82%/18%] 2+ shares.

Figure 28. Statistical breakdown of shareholders, part 1.
<table>
<thead>
<tr>
<th>Total number of shares: 115 [100%].</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of shares in Kahana:</td>
</tr>
<tr>
<td>b. Number of shares not in Kahana:</td>
</tr>
<tr>
<td>c. Number of shares Windward O'ahu:</td>
</tr>
<tr>
<td>d. Number of shares Rural O'ahu:</td>
</tr>
<tr>
<td>e. Number of shares Honolulu:</td>
</tr>
<tr>
<td>f. Number of shares non-Kahana O'ahu:</td>
</tr>
<tr>
<td>g. Number of shares Neighbor Islands:</td>
</tr>
<tr>
<td>h. Number of shares not in Kahana:</td>
</tr>
<tr>
<td>i. Number of shares male:</td>
</tr>
<tr>
<td>j. Number of shares female:</td>
</tr>
<tr>
<td>k. Number of shares by 1-shr shareholder:</td>
</tr>
<tr>
<td>l. Number of shares by 2+ shareholder:</td>
</tr>
</tbody>
</table>

**Figure 29.** Statistical breakdown of shareholders, part 2.
There were a total of 95 members of the *Hui*, who all together held 115 shares. Roughly half were residing in Kahana by 1881 (49%), another quarter lived elsewhere on the Windward Coast of O‘ahu (21%), and the last quarter were split between Honolulu (13%) and the Neighbor Islands (12%). About four-fifths were male (79%), a ratio which held constant for the Kahana shareholders and those outside the *ahupua‘a*.

The preponderance of the shareholders were inferentially not wealthy as they owned just one share (88%). This ratio held reasonably steady for shareholders either in or outside of Kahana, and for shareholders of either gender.

Figure 29 shows an alternative breakdown of the geography, gender, and wealth of the 115 *shares* as opposed to the preceding data based on the 95 shareholders. Geographical location of the shares and gender were not particularly affected, showing an even distribution of shares and shareholders. The only divergence is the expected weighing of persons of wealth. On a “one shareholder, one vote” basis from Figure 28, persons of wealth represented just 12% of the shareholders. On a “one share, one vote” basis from Figure 29, they represented 27% of the shares.

A good number of the 47 shareholders living in Kahana in 1881 were *kuleana* owners or related to them.\(^{40}\)

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\(^{40}\) Shares 1-2, 12, 20-1, 24, 32-3, 39-40, 42-3, 48, 55, 58-9, 66-7, 69, 70-2, 75, 81, 86, 89, 97, 103-7, 110-1, and 113 were owned by *Hui* members who were *kuleana* owners or related to *kuleana* owners. See also chapter 7, Figure 31 on page 201, and the discussion on this topic on pages 201-203.

In addition, shares 14-5, 29-30, 102, and 115 were held by non-Kahana relatives of Miriam Kekuku, the wife of the former *ahupua‘a* owner Ahmee. All had apparently lived in Kahana prior to 1881.
The Operation Of The Hui

The surviving records of the Kahana Hui for the period through 1887 convey a message of a well-run, successful organization and social experiment. Minutes of meetings of the full membership were kept in organized minute books. Account books were kept, and the officers (luna) held custody of office supplies, a survey map of the land divisions, a seal, and blank share certificates should new members be brought into the Hui (Hui Journal 1885-1900).

As noted on pages 180-183, the purchase of the ahupua'a occurred in three phases. First, $1,000 in earnest money, evidently raised from members, was paid to Ahmee in 1874. The balance to Ahmee was paid a year later and consisted of $2,000 in cash and $3,000 in borrowed money. The borrowed money was paid off in 1881. Each share was assessed $50.25 for this final payment. Each shareholder had an envelope on which his payments towards this total was recorded. When all collected, Kamakaniau and J.W. Puoanui (k) 105/106/107 signed off and pre-printed share certificates were issued.

41 While the Hui's full books of account have apparently not survived, it appears that the $1,000 in 1874 and $2,000 in 1875 was collected from members. The $50.25 per member (about $5,800 total) apparently covered the $3,000 loan's principal and interest, and perhaps land tax assessments and other operational expenses for the 1875-81 period.

42 Puoanui was evidently Hui president (luna nui) at the time (Conveyance 70:268-70; Kekuku Ms.).

(continued...)
Raising the money may have been a struggle for some of the members. In one example, a nominal amount of $1 a year was collected for kuke'aina (land-duty tax) through the 1870s. Only towards the final settlement date did the balance of the $50.25 come through (Abstract 38).

Not all the members may have had their full amounts paid on time. One member apparently had his share certificate issued as late as 1888 (Abstract 80).

The Hui kept an adequate double-entry account system with verified trial balances. The organization attempted to ease the financial strain of its members by apparently leasing out some of the farmable common land. It also attempted to help non-resident members by pooling and then leasing out their Hui kuleana lands.

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42 (continued)

The envelopes are sometimes entitled "Kuleana Hui o ----," with the shareholder's name filled in. If the member was apparently living in Kahana, this fact was noted ("ma Kahana") (Kahakulani Ms.).

To give some idea of the time and effort put in by members in raising their assessments, Ka'ahanui (k) 19, had his money recorded in the following separate payments: $35, $5, $2, $1, $1, $1, $2.50, $2, $1, $2.50, and $1. These actually totalled $55, as opposed to the $50.25 needed from each shareholder, for reasons which are unclear (Ka'ahanui Ms.). Some of the other surviving payment statements, nearly all for exactly $50.50, are contained in Abstracts 29, 37-8, 41, 43-5, 49-51, 63, 68, 74, 77, 85, 88, 91, 102; Ka'ahanui Ms. and Ka'ina Ms.

43 A lease, consisting of "rice land" and some kula, was made by Kamakaniau on behalf of the Hui to the notable rice planter Akuna (k), for $260 a year, signed in 1876 with a term of seven years (Conveyance 45:393-4).

Akuna (also known as Ah Kuna) leased and eventually bought various lands in Kahana, where he evidently owned rice interests. Testimony to his wealth is noted that in 1885 he had loaned money to C.H. Judd, a notable Haole landowner and rancher in the area (Abstract 44).

See also page 203 in chapter 7 and pages 228-230 in chapter 8.

44 By 1887 a group of apparently non-resident members' lands were pooled, called the "Hui of Kapaloa," and rent was collected, probably from rice planters. The rental income, less any expenses, was then distributed to the affected members. Thus these affected non-resident members, having supported the effort of purchasing Kahana, had enough income from their shares to cover the annual real property tax assessment with a little left over (Thayer Ltr. to Wodehouse, January 8, 1917).
A review of surviving *Hui* account books from 1885-87 shows revenue sources as follows (*Hui* Journal 1885-1900):

1. Charges collected from *Pākeʻe* for gathering rights for *lauma* (meshnet), *wahia* (firewood), *poupa* (fenceposts), *hili kukui* (*kukui-*bark dye), and animals.

2. Charges collected from members for fishing rights for *akule* fish.

3. Land and grazing rent, primarily from members.

4. Rents collected from rice planters for pooled lands.

5. Trespassing fines collected.

6. Miscellaneous collections, including "private work."

7. Collections from members on the principal amounts still owed on their $50.50 assessments.

8. *Ukupaneʻe* (interest) collected from members for small loans (one charged 7% interest over a 5 month period), and possibly including interest charges on those members still delinquent with their $50.50 payments.

The first five, and probably the sixth, sources of revenue involve the raising of income from the natural resources controlled by the *Hui*. This was wise management, at least from a western perspective, and reflects the zenith of indigenous success in re-asserting an essentially traditional cooperative control over Kahana while successfully surviving within the context of western culture. Still, this also reflects a success of western assimilation: Native Hawaiians were now treating natural resources as capital assets and gaining monied income for renting them.
The greatest part of the gross income to the *Hui* was the apparent rent of pooled *Hui kuleana* lands to *Pākē* rice barons.\(^{45}\) *Akule* fishing income from a native might bring in a dime, or trespassing fines might bring in a dollar a year. The rice planter rents, however, apparently might total $175, $210, and $222 a year (for the Kapaloa, Kulanahoi, and Kahaihao pools of land, respectively) (*Hui Journal* 1885-1900).

Expenses for the same period were for salaries, some "committee work," surveying and mapping work, and office supplies and the like. Salaries to the *luna* might run $50 a year total, while the other expenses usually involved just a few dollars. The distribution of net income from the rice planter rents were, however, substantial. This "pass-through" income from the rice planters dwarfed the other *Hui* expenses. With very little overhead, the distributions totalled nearly the gross amount collected. Significantly, this surplus profit generated by the *ahupua'a* was not put in a reserve account, but was passed through to the *Hui* members for current consumption.

\(^{45}\) I.e., the rice-producing lands of the *ahupua’a* were contained in the 1850 *kuleana* or in the new *kuleana* awarded to each *Hui* member. The *lo‘i* land awarded to each *Hui* member, pooled, would be leased to the *Pākē*. 
"Internal" Conveyances Of Hui Shares

The preponderant number of shares (76) were kept by their original 1881 shareholders through to the end of 1887.\(^{46}\) Seventeen more shares were apparently kept by their respective families following the deaths of the original shareholders or sold by them to relatives during this period.\(^{47}\) This suggests that as many as 81% of the total shares were kept within the family through this period of Hui prosperity and effective management.

Reinforcing the lack of speculative sales, of the 13 shares sold (and listed in footnote 47), six were sold apparently to relatives living in Kahana, another six were sold apparently to relatives living near Kahana, and the last was sold to a non-

\(^{46}\) A special listing of the 1881 members in numerical order was prepared by me and is on deposit at the UH Archives. It lists whether each original member was still alive and holding his or her share at the end of 1887.

\(^{47}\) I.e., shares 1, 36, 47, 53-4, 58, 63, 67, 71, 92, 95, 106-7, 110-1, and 113.
Shareholder 1 sold apparently to a relative, the daughter of shareholder 33 (Conveyance 135:366-9).
Shareholder 36 sold apparently to a relative, the wife of shareholder 4/25/62/112 (Conveyance 70:433).
Shareholder 47 sold apparently to a relative, the wife/mother of two other shareholders (i.e., the wife of shareholder 78 and mother of shareholder 73) (Conveyance 96:104).
Shareholders 53, 89, and 92 sold apparently to relatives living near Kahana who were not shareholders (Conveyances 93:290, 106:175, 107:497).
Shareholders 54, 71, 106, and 107 died, and their heirs inherited.
Shareholders 58 and 67 sold apparently to relatives, both of whom where shareholders (39 and 59) (Conveyances 78:483, 78:475).
Shareholder 63 sold apparently to a relative, shareholder 37 (and 37 then sold it apparently to a relative living near to Kahana who was not a shareholder) (Conveyances 89:220, 89:220).
Shareholder 95 sold apparently to a relative, the son-in-law of shareholder 98/99/100 (Conveyance 104:318, with a second buyer).
Shareholder 110/111 sold apparently to relatives, shareholders 71 and 89, respectively (Conveyances 94:471, 74:181). Shareholder 71 then died and her heirs inherited share 110.
Shareholder 113 sold apparently to a relative, shareholder 33 (Conveyance 80:17).
Kahana shareholder (37) who then sold the share apparently to a relative living near Kahana. I conclude that these deeds reflect passing the land onto relatives who were on the land or who lived close by and could make use of it.

The record for land-use for the period reflects the strong relationship between, or among, the extended families of *kuleana* owners. A list of the known extended families and relations of the *Hui*, as of 1887, was prepared by me and is on deposit at the UH Archives.48

*Hui* Bylaw 13 required members wishing to sell their shares to sell them back to the *Hui* itself or to another *Hui* member.49 There were 10 shares sold back to the *Hui* through 1887.50

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48 One of these extended families was built around David Kauha'a (54). Kauha'a was of Kahana in 1881. His first wife was Maunahine, with whom he had no children. His second wife was Kaholehua, again with whom he had no children. His sister was Kaaiohelo, who married Kapoi. His niece was Lily Naone (Abstract 54).

He was originally from Maui. His first wife, Maunahine, probably also from Maui, was evidently the first person associated with Kahana to be afflicted with Hansen's disease. The record is not clear, but she apparently was sent to the Kalaupapa settlement on Moloka'i before 1880, which is when her husband remarried at Kahana. The presence of either Maunahine or her husband in Kahana could have been one cause of the eventual steady toll the disease took in later years. This was a toll which played its own role in the later conveyance and alienation of native land in Kahana which will be told in later chapters (Abstract 54).

49 A translation of the 1883 Bylaws was attached as an exhibit to a Federal civil case involving Kahana (Exhibit I, Wodehouse v. Tarleton, Civil No. 301, U.S. District Court, District of Hawai'i [1934]). It is available in the Foster Collection, Archives of Hawai'i, file 144.

I have also deposited a copy at the UH Archives.

50 These were:

11. Hapauea (k) 11, Kanewai, Waikīkī, Honolulu, 1883 (Conveyances 82:72, 102:61).

(continued...)

George William Kamakaniau (4/25/62/112), had originally received four shares of the Hui. By 1882, however, suit was brought against him by the Hui over his management of Hui trust funds over the years. Through an arbitration process it was determined that Kamakaniau owed the Hui not less than $994.50. The Hui was willing to cancel this debt in return for receiving his four shares and two pair of working cattle, three cows, four calves, and two wooden houses (Conveyance 75:255-6). Kamakaniau, his wife, and son left Kahana after the settlement, moving to Utah the following year (Makakao Ms.). Kamakaniau’s returned shares were absorbed back by the Hui, in a sense cancelling them and reducing the total number of shares to 111.

51 Pages 188-191 have already described the well-run nature of the Hui after 1881. This view is supported by the membership’s sophistication in suspecting malfeasance on the part of their trustee, Kamakaniau. They investigated, hired an attorney, went through an involved arbitration process, and reached an equitable settlement in 1882. The “surviving records” which “convey a message of a well-run” organization, noted on page 188, were for the period after Kamakaniau was dismissed.

52 D.B. Mahoe was attorney for Kamakaniau and John Russell was attorney for the Hui. Joseph O. Carter of Honolulu, who had been a witness to the 1881 Hui deed, was selected as arbitrator. The two attorneys and the arbitrator entered into a Memorandum of Agreement on July 31, 1882, whereby the two attorneys agreed “to enter upon an examination of accounts in dispute between the said Hui Ku’aiaina and its late President, and to report their conclusions to the said Arbitrator for his consideration and decision” (Abstract 11). This examination was done, the amount owing was arrived at, and a deed of trust and bill of sale was arranged for (Conveyance 75:255-6). By this action, Kamakaniau gave up his four original shares to Carter, acting as Trustee, together with the chattel and other assets. Carter then transferred these to the Hui (Conveyance 75:487-9).
The other six shares returned to the Hui were from shareholders who did not live in Kahana. The strong inference is that these shareholders had probably been amongst those who were members of the Hui more in name and through financial assistance than anything else. They helped with the purchase of the ahupua'a and then were repaid. Circumstances varied with the transfers back to the Hui, but a price of about $150 per share seemed to be the going rate for these types of purchases. This would mean a total value of the Hui's assets of something around $17,000, which might be unrealistically high. Rather, the $150 per share price paid probably reflected a built-in interest payment to these members who had put their money into making the Hui possible. With the re-absorption of these six shares, the Hui by 1887 consisted of 105 shares.

"External" Conveyances of Hui Shares

As described in the Kekuku essay on file at the UH Archives, a block of shares was held by the extended family of Ikeole (k) 14/15. He was a step-father-in-law to Ahmee (k), who was the ahupua'a owner before the Hui. Ikeole held two shares. His cousin Pelekane (k) 102 had one. His wife Kaheana (29/30) held two. They left Kahana soon after the sale by Ahmee, settling for a time in Lā'ie and then moving to Utah. On a return home, Ikeole arranged for their five shares to be sold

53 Bylaw 13 fixed the amount of returned shares at $150.

54 See footnote 24 on page 177.
to Harriet (Hattie) Parker, wife of Samuel Parker and daughter of the early Mormon

Parker had apparently visited Utah while Ikeole was there, and it is likely
that the discussion on the sale of the shares was arranged at that time. Whether
the Hui formally approved of the sale is not known. In effect Ikeole was returning
five shares to the Hui which was then re-issuing them to Parker. The Hui did, in
any event, tacitly approve of the conveyance as a surviving roll call record of an 1889
Hui meeting has Parker listed as having the shares (Kanuha Ms.). The sale to
Parker was in 1887 (Conveyance 104:246?). The sale price was $300 for the five shares,
meaning an individual value of $60. Such a value would produce a total worth of
all Hui assets at no more than $7,000, a figure which may be closer to the true value.
On the other hand, the $60 a share price might have been low because of separate
arrangements that may have been made between Parker and Ikeole. The last prices
of this period, discussed below, were higher, as were some of the sales to relatives
which were discussed above.

The final block of seven shares were owned by the man who in his youth
had owned all the ahupua'a, King David L. Kalākaua. See Figure 30. The sellers
were both from Kahana and outside of it. A principal inducement seemed to be the

55 The roll call record actually lists Parker with six. This was an error apparently involving Kaheana's
son Waioha (115). His share would have been the sixth family share. While apparently also in Utah
at the time, he did not actually participate in the sale to Parker.

56 For example, Ikeole may have owed Parker some money, and that debt may have been
cancelled in return for purchasing the shares at a discounted price.
amount offered by the King—which was usually $170.\textsuperscript{57} The offer, combined with the stature of the buyer's office, must have made it difficult for the Hui membership to have disallowed these sales, even had they wanted to.

The Hui had a cash-flow at the time that would have allowed it to purchase the shares which eventually went to Parker and Kalākaua. This fact would no longer be true within a few years. It is therefore important to recognize the special circumstances that allowed these sales to investors.\textsuperscript{58} While innocent enough, and

<table>
<thead>
<tr>
<th>Source</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. David (k) 2, Kahana, 1884</td>
<td>Conveyance 89:397.</td>
</tr>
<tr>
<td>18. Kaʻahanui 1 (k) 18, Kahana, 1884</td>
<td>Conveyance 88:259.</td>
</tr>
<tr>
<td>49. Kaninauliiʻi (k) 49, Kahana, 1885</td>
<td>Conveyance 96:279.</td>
</tr>
<tr>
<td>52. Kapela (k) 52, Kukuihale, Hāmākua, Big Island, 1885</td>
<td>Conveyance 94:209.</td>
</tr>
<tr>
<td>83. Mano (k) 83, Waikahalulu, Honolulu, first sold to inferred relatives</td>
<td>Conveyances 83:283,283,284, and by them to Kalākaua, 1885</td>
</tr>
<tr>
<td>105. First share, J.W. Puaomui (k) 105/106/107, Kahana, sold by his heirs in 1885</td>
<td>Conveyance 92:422.</td>
</tr>
</tbody>
</table>

Figure 30. Shares bought by King Kalākaua by 1887.

\textsuperscript{57} It might be asked whether these Hui members needed to raise money to settle the Hui mortgage. The mortgage was settled by 1881, however, and these sales were in 1884-87.

\textsuperscript{58} The Hui had apparently frowned on investors and non-Mormon members. Parker was apparently a Mormon, but Kalākaua and his family had only flirted with the faith. Again, special circumstances played the key role in tacitly sanctioning the transfers:

- The Ikeole clan had been from Hāmākua on the Big Island, near to Parker's Kamuela. There was the Mormon connection, and the probable consummation in Utah.
- The Kalākaua sales were undoubtedly influenced by the stature of the buyer's office.
justifiable, the precedents represented by these transfers—particularly the ones to Kalākaua—would allow for the unraveling of the Hui in the next period, covered in chapter 8.

The role of speculators (Kalākaua and Parker) still involved only a minority of shares. Still, the speculators were being felt. The cumulative effect of all transactions resulted, by 1887, in the remaining 105 shares being held by about 78 shareholders, down from 95 in 1881. This was an 18% decline in membership while the number of shares declined by only 9%. Thus the process of concentrating the ownership of shares among a small number of non-resident investors had begun.

Conclusion

The previous four chapters of this dissertation discuss the land-tenure history of Hawaiians losing their land in Kahana with some general comments about the larger land-tenure process. The present chapter discusses the significant counter-offensive against this history: the hui movement of the late 1800s. Investigating this movement pays the added dividend of providing additional evidence for understanding traditional social systems and how they differed from those of the west.

The Kahana Hui showed successful management through 1887. This success was tempered, however, with an opening of the door for the alienation of Hui shares and the accumulation of them by progressively fewer speculators. The iron-clad rule
of keeping indigenous lands inalienable was being proven once again. This will be conclusively shown for the Kahana *Hui* in chapter 8.\(^{59}\)

\(^{59}\) In order to streamline this chapter, certain materials which I had prepared were taken out. These have been deposited at the UH Archives.

These materials include:

(a) A discussion of the legal aspects of Hawaiian *Hui*.

(b) A story of Ahmee's wife Miriam and her family.

(c) A review of the 'awa rebellion and its impact on Kahana.

(d) Copies of various organization legal papers for the Kahana *Hui*.

(e) A special listing of 1881-87 members of the Kahana *Hui*.

(f) A list of the known extended families and their relations within the Kahana *Hui*.

(g) A translation of the 1883 Kahana *Hui* Bylaws.
Chapter 7. The *Kuleana* Are Lost

*(A History of the *Kuleana*, 1888-1903)*

Previous chapters have covered the history of Kahana to 1887. Chapter 4 discussed the loss of the *ahupua'a*. Chapter 5 set the stage for the loss of the *kuleana*.

Chapter 5’s era, 1874-87, overlapped the formation of the *Hui*, but I chose not to discuss it in order to allow a more detailed introduction in chapter 6. As the *kuleana* were being mortgaged in chapter 5—a decided defeat—the *makaʻainana* were advancing through acquiring the *ahupua'a* in chapter 6.

Chapters 5-6 both dealt with the 1874-87 era. The division between the two chapters has to do with the structure of this dissertation. The division does not imply that a significant overlap between the two groups of people—*kuleana* owners and *Hui* members—did not exist.

**Hui-Kuleana Relations**

Figure 31 gives a list of *Hui* shares that were directly owned by *kuleana* owners, their spouses, or their relatives or associates. It should be stressed that while extensive, the list in Figure 31 is undoubtedly understating the extent of the relations. Nevertheless, the list totals 30 *Hui* members who held 35 shares.
Of added interest is that only two of these shares were either sold back to the *Hui* or sold to the investors Parker and Kalākaua through 1887 as discussed on pages 195-198 of chapter 6. An expected percentage would have been over three times as high. Put a different way, the *Hui* shareholders who were also *kuleana* owners

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1 Le., David (2) and the first share of J.W. Puoanui (k) 105/106/107, both purchased by Kalākaua.
showed a tenacity towards holding onto their land interests that was even stronger than the strong showing by the *Hui* membership as a whole through 1887.

Disregarding the two speculative members from footnote 1, the remaining people in Figure 31 held some 37% of all *Hui* shares. This percentage increases when approached from the opposite side: no less than 91% of the *kuleana* holders were related to *Hui* shareholders, and most of the other 9% show a possible relationship.

A further overlap is seen in the person of the rice baron Akuna. He was the lone non-Hawaiian purchaser of a *kuleana* through 1887. He was also an early lessee of *Hui* land (Conveyance 45:393-4), the husband of shareholder Ka'āina (w) 21, and a major player in Kahana land transactions through the 1890s.

**Kuleana Conveyances**

In reviewing the *kuleana* conveyances for this era, we are first struck by the marked increase in their number. For the first 27 years (1846-73) there were 29

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2. They also represented 37% of all the non-speculative members.

3. Of the 34 *kuleana*, only three do not show a clear connection to the *Hui*: Hua (k) 8164-P, Kapua (k) 5708, and Lilipi (k) 9961.

But a Hua is recorded as acquiring the Apiki (k) 1 share early on and he could well be the *kuleana* owner. Also, the Kapua (k) 5708 *kuleana* was acquired prior to 1887 by Esther Kamakolu Kalapa, a possible relative of shareholder Kalapa (k) 33.

4. He purchased the Kaopu'u (k) 5319 *kuleana* (Conveyance 95:178).
*kuleana* land transactions. For the next 14 years there were 74. Now, in 15 years, a record 187 or so transactions occurred.\(^5\)

This number understates things as several competing claims arose for several of the *kuleana*. The 187 transactions do not include the paper trails of deed and mortgage documents which were generated by the additional claims. See appendix J on page 342 for a description of some of these parallel paper trails.

If the market in Kahana land was growing exponentially, what did these market transactions involve? The answer begins with the so-called "mortgages" described in chapter 5.

**Kuleana Mortgages**

There had been no mortgages through 1873. From 1873 until 1887 the 34 *kuleana* had witnessed 18 mortgages. For a similar period, 1888-1903, there were

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\(^5\) The 187 transactions are not wholly treated in appendix M because of some abbreviation for conciseness.

The various *kuleana* owned by William R. Castle, for example, had been leased to the Tai Lee Wai rice plantation. These then went through two mortgages, and an assignment to a bankruptcy trustee before foreclosure by the mortgagee Mary E. Foster. After foreclosure, Foster's agent arranged an amended lease of the Castle *kuleana* at a reduced rental rate. These six transactions for each Castle *kuleana*, for example, are abbreviated in that appendix.
now 40 new mortgages, not to mention the 10 that were not released—and largely past due—remaining from the earlier period.⁶

As detailed in chapter 5, the 1874 "mortgage" law had been the death knell for native kuleana landholdings in Kahana. The major case in point involved William R. Castle. A son of the lay missionary Samuel N. Castle, William’s family owned Kāne‘ohe Ranch Co. and were leading business figures on the Windward (Ko‘olau) coast. Acting directly or through his agent Cecil Brown, Castle tried for years to acquire prime ocean-front land at Kahana Bay. This probably involved a desire for a beach house for personal use, though Castle’s desire to acquire land extended inland and may have also involved the Ranch.

Castle was most successful in his goals by hunting down various mortgagees who held unreleased mortgage notes for Kahana kuleana.⁷ He would then arrange for foreclosure actions, letting his agent Brown front for him. Brown then would transfer the foreclosed land to Castle. Appendix K on page 349 gives an example and more information on this process.

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⁶ Chapter 5 mentioned 18 mortgages, four being repaid, ten remaining unreleased, and four being foreclosed upon by the end of 1887. The foreclosure proceedings on the four did indeed commence before 1888, though the actual foreclosure deeds and related legal papers often stretched on until 1891.

The four earlier foreclosures were Kalimaoni (k) 7653, Liliipi (k) 9961, Naumu (w) 10394, and 'iipana 1 of Ohekau (10555).

⁷ In the esoteric language of mortgage loans, a "mortgagee" is the lender and a "mortgagor" is the person taking out the loan.
Besides the Lilipi (k) 9961 kuleana acquired this way by 1888, Castle used the same system to acquire seven other kuleana by 1891. Most importantly, Castle concentrated on kuleana that had pāhale (house lots) along the beach. These were lots that made up the Kahana fishing village in the so-called “western village area” described in chapter 2, and were located roughly where the current “coconut grove” exists today. By acquiring these lots, Castle in effect razed the native village in Kahana that had existed since time immemorial.

William L. Wilcox, another notable missionary descendant/financier, was also a Kahana mortgagee. He was primarily involved with acquiring Hui shares during the 1888-1903 period, as described in chapter 8. He did, however, acquire ʻapana 1 of the Kaʻōpae (k) 4363 kuleana during this time, following a foreclosure.

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8 The acquired kuleana were: Kaiakah (k) 5221, Kalauawa (k) 240-L, Kamakuku (k) 5318, Kapena (k) 5231, Kuaio (k) 5704, Kuapuʻu (k) 4433, and Kukuiholahola (k) 5702. One kuleana which Castle did not get was Kalimaone (k) 7653. He was said to be checking in 1889 to see if he could buy it. In an 1889 note, he wrote: “belongs to HAW [Hawaiian], I will see if I can buy” (Abstracts 7653 and 10394).

9 The coconut grove was planted around 1906 by an agent of Mary E. Foster and consisted of where her large country house and grounds were located. This was not only the locale of the original Kahana village, of course. It was also where Castle planned to put his own country house and grounds. Foster was able to get those plans dropped and she later acquired the Castle holdings which formed the core of her own country house lot.

10 The ejectment of these people from the land put added pressure on the remaining, dwindling native population in Kahana. Such a landless class of people, represented by the ejectees of Kahana, played a major role in providing a wage-earning class for Honolulu and the other towns. The story of this dispossession and its role in the labor history of Hawaiʻi deserves to be told, though it is beyond the scope of this dissertation.

11 He was the son of missionary Abner Wilcox.
The other major actor was Mary E. Foster. Foster's primary role during this period involved a near take-over of the *Hui*, an acquisition that carried with it the ownership of the Kahana *ahupua'a*.

Foster was also directly or indirectly involved in a number of mortgage-related transactions involving the *kuleana*. Foster also made money available for outright purchases. Through these she acquired Kaaiawahia (k) 5807, Kala'auhina (k) 7651, and Ula (k) 5413.

One other *kuleana* mortgage occurred. This involved the Pune'e (k) 8164-N land, which was mortgaged in 1903 to a native mortgagee, Kahanaho'okahi (w) (Conveyance 251:488-9). This was the only unreleased mortgage involving the *kuleana* as of the close of 1903.

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12 She provided capital to Samuel Kapaliauweloa, nearly universally known as “Paili,” who served as her agent in the valley during most of the 1890s. Kapaliauweloa finally settled his accounts with Foster in 1903 when, as a older man and possibly suffering from blindness—and having possibly moved to Kau'ai—he sold his two *Hui* shares (Kʻaʻaina (w) 21 and Mahuka (k) 77) and two *kuleana* (Ho'oliliamanu (k) 6167 and Kaopuu (k) 5319) to his mortgagee Foster (Conveyance 249:138).

Foster also loaned funds to the owner of *ʻApana* 3 of Kuamo'o (k) 5706. As with Kapaliauweloa, this mortgage was later settled by the mortgagor selling the parcel to Foster in 1903 (Conveyance 250:418). The sale also included *ʻApana* 4 of that *kuleana*, which had previously been leased to Foster by the mortgagor/lessor.

A mortgage was also made by Foster to the owner of *ʻApana* 1 of Nāwahine Wahea (k) 10978 (Conveyance 200:195-60). This was later repaid and the mortgage released, but the parcel later was sold to Foster (Conveyances 248:414 and 253:312-3).

The Kapua (k) 5708 *kuleana* had passed to the Tai Lee Wai rice plantation. That business was largely financed by Foster, and when she eventually foreclosed following its bankruptcy in 1903, she acquired the *kuleana* which had been posted as collateral on her mortgage loan.

This last mortgage loan, incidently, is one of the few examples of the type known to modern readers. In this case, a group of Pākē formed a partnership, financed it through mortgage loans, and used the capital to set up the firm. Unlike the other foreclosures, this one was caused by normal market conditions.

The Maunui (k) 5976 parcel had passed to Kane'ohe Ranch Co. Following a major legal battle with Foster, the Ranch settled with her by selling all its holdings in Kahana. These involved mainly *Hui* shares, but also included this *kuleana*. 
Of 34 kuleana, 18 had been bought up in whole, three more in part, and one other whole kuleana had an unreleased mortgage on it by the end of 1903. This makes a total of roughly 65%.

**Kuleana Leases**

The 65% figure of sold or mortgaged kuleana by 1903 would have been even higher had it not been for an expansion in the number of leases. A lease encumbers but does not otherwise lose the land. Leases formed the second major portion of the Kahana land conveyances during the 1888-1903 period. For 27 years since the beginning of the mahele, i.e., from 1846 through 1873, there had been no leasing of kuleana. From 1874 through 1887 there were only five leases, as described in chapter 5. The 1888-1903 period saw at least 36 leases of the kuleana. By far the greatest number involved the Tai Lee Wai rice plantation.

Pākē influence on O‘ahu’s—or other Islands’—Ko‘olau coast was nothing new. An ahupua‘a to the west, Mākao, was considered a traditional land division by the time of the mahele. It had taken its name, however, from Macao, China, testifying to the very early China trade in the area. By the turn of the 20th century, the so-called “Punalu‘u Chinese” (Chun 1983) extended from Ka‘a‘awa to the east, and from Kahana through Punalu‘u and west to Hau‘ula. They were a major force in

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13 Two of those lessees were Pākē and three were Kepani.

One of the Pākē was at least somewhat assimilated into native society. Akuna was married to Hui member Ka‘ūīna (w) 21.
the local Pākeʻe community, and the area was a major rice production and milling center.

One of the mills and surrounding plantations was organized as the Tai Lee Wai partnership in Kahana. Rice Mill Road (now called Trout Farm Road), on the eastern side of the valley, covers the distance up to the former mill site. That site is about a mile and a half up the valley, near the “midlands” area described in chapter 2. The partnership purchased some kuleana and Hui shares, but for the most part used leased land. Capital was provided in large part through mortgage loans from Foster.

The partnership was organized in 1898. Several of the leases were acquired from Akuna, who may have been fronting for the company. The company had difficult times, and was reorganized under Lum Kin as Trustee. It still was unable to survive, and its assets were foreclosed by Foster in late 1903.

14 Kalimaone (7653) was a kuleana “lost” during the period covered by chapter 5. It had been mortgaged to Stephen Spencer in 1877 (Conveyance 50:90), and was foreclosed directly by him (Conveyances 105:123, 110:280). Spencer’s local agent, the Royalist Widemann, arranged to sell the property in 1897 to Sarah Waipā, the wife of Sheriff Robert Parker Waipā of Honolulu, who was in charge of the police during the failed 1895 counter-coup (Conveyance 173:61). They, apparently having no connection with Kahana, sold it to the Tai Lee Wai rice plantation in 1899 (Conveyance 198:152).

It was amongst the plantation’s assets which were pledged to Mary E. Foster as collateral on her business mortgages, and so was acquired by her through foreclosure in 1903 (Conveyance 250:474-8).

15 Examples of leases originally acquired by Akuna, and later sold to Tai Lee Wai rice plantation, include Maunui (k) 5976 (Conveyance 185:19), Pine (k) 5941 (Conveyance 190:358), and Puneʻe (k) 8164-N (Abstract 8164-N). The Maunui lease was transferred from Akuna to Tai Lee Wai with Conveyance 185:26.
Its leased *kuleana* included the eight Castle *kuleana,* less some of the ocean-front land he was reserving for a country home (Castle Ltr. to Wodehouse, December 23, 1907). The rice plantation leased six other *kuleana* that possibly would have otherwise been mortgaged or sold.

After Foster acquired the Tai Lee Wai leases by foreclosure, she re-negotiated their terms with the Castle family, in effect entering into new leases for these eight *kuleana* (Castle Ltr. to Wodehouse, December 23, 1907). She also evidently began entering into some informal leases to *Kepani.* One which is mentioned in the records is to Ishisaki (k) by late 1903 (Rankin Ms.(e)).

Two other *kuleana,* and part of a third, were leased to other *Pākehā.* These native holdings also would possibly have otherwise been sold or mortgaged.

Foster directly leased portions of two *kuleana,* but these seem to have been first steps in eventually purchasing them. Both were purchased by her by 1903.

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16 I.e., Kaiakahi (k) 5221, Kalauawa (k) 240-L., Kamakuku (k) 5318, Kapena (k) 5231, Kuaio (k) 5704, Kuapu'u (k) 4433, Kukuholahola (k) 5702, and Lilipi (k) 9961.

17 The Castle family eventually built their beach house near Hau'ula, at a large compound now known traditionally as “Kākela Beach,” few people today realizing “Kākela” is a transliteration of “Castle.”

18 I.e., Ho'oliliamanu (k) 6167, Keakua (k) 8164-O, Maunui (k) 5976, Napela (k) 6122, Pine (k) 5941, and Pune'e (k) 8164-N.

19 Kaualua (5709) was leased to Aiona (k) in 1888 (Conveyance 113:7). Paleua (w) 5339 was leased to Aiau Chung Moon (k) [Hung Moon] and AhCheong (k) in 1898 (Conveyance 357:132). Nāwahine Wahea (k) 10978, *āpana* 1, was evidently sub-leased to the same pair, Hung Moon and AhCheong, in 1900. Leases may have forestalled the sale of the Kaualua and Paleua *kuleana.* Foster was able, however, to mortgage and later purchase the Wahea *kuleana.*

20 Kaalawahia (5807), *āpana* 3, was leased to Foster in 1898. All three *āpana* of this *kuleana* (continued...
One other Kahana lease was made, to a native resident of Kahana who had other holdings. He quickly sub-leased it to a Pāke.\textsuperscript{21}

**Kuleana Encumbrances**

In 1887, ʻapana from 25 kuleana were unencumbered. Sixteen of these were owned by original families. Four more were sold, but the buyers were Kahana Hawaiians who might be relatives. Four more were sold to non-Kahana Hawaiians who might nevertheless have been relatives. Only one was sold to Pāke. None were sold to Haole.

In contrast, by 1903 there were only six whole kuleana, and a part of a seventh, which were not foreclosed, sold, or leased (i.e., less than 21% of the total). This relative handful are described in some detail in appendix L on page 350.

These meager holdings were owned by members of four families, who fall essentially into two categories: (a) those away from the Islands or otherwise not able to be located,\textsuperscript{22} and (b) those who held sufficient other lands in Kahana—that could

\textsuperscript{20}(...continued)

were evidently purchased by Foster in 1901 (Conveyance 223:282).

Kuamoʻo (k) 5706, ʻapana 4, was leased to Foster in 1898 (Conveyance 184:224). This parcel, together with ʻapana 3 which had previously been used to secure a mortgage from Foster, were sold to her in 1903 (Conveyance 250:418).

It appears Foster wanted both of these small leased parcels in order to consolidate land for her country home in 1898.

\textsuperscript{21} Nāwahine Wahea (k) 10978, ʻapana 1, was leased to Kenoi (Kahai) 66/67 in 1899 (Conveyance 118:381). Kenoi, besides having two Hui shares, owned Nuhi (k) 3948, Pine (k) 5941, and Maunui (k) 5976.

He sub-leased the Wahea parcel to Hung Moon (k) and AhCheong (k) in 1900.

\textsuperscript{22} In this category was Ruth Mihiole (72) and her husband William Kamekona Mihiole, who held two kuleana (Hohoiea (k) 8185 and Kekui (k) 4367, respectively). They may have been away from the Islands during this period.

(continued...)
be sold, leased or mortgaged—that permitted them to hold onto one or two unencumbered kuleana.\(^{23}\)

It might be argued that except for the aging Kahai, and the irrepressible Kalua and Kapapa clans, the native Kahana landholders’ former dogged determinism not to alienate land had evaporated.\(^{24}\) This is only partially true, however.

It is hard to remain dogged over anything when up against such an uneven playing field as that presented by the so-called “mortgage” law, not to mention the passing of many key lands, including Kahana village itself. Still, some of the old determinism remained.

Through 1887 not a single parcel had been sold to a Haole. Despite the general collapse of native ownership by 1903, only five (15\%) of the 34 kuleana were sold

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\(^{22}\)(...continued)

Also in this category was Hua (k) 8164-P or his heirs, any of whom Foster’s agents were unable to locate through 1903.

\(^{23}\) In this category was Ruth Mihiole (72)’s sister, Kaaikaula Kalua w (20), who together with Mihiole held an interest in their father’s unencumbered kuleana (Nunu (3946)).

Also in this category was Kahai Kenoi (k) 66/67, who had an unencumbered interest in one kuleana (Nuhi (k) 3948).

Also there were the five Kapapa (k) 5220 heirs—Moses Ka’anā’anā, Kalehua (w), Kalu (w), Lois Kaulahea, and Kawaiahau‘o (w)—who held unencumbered interests in parts of two kuleana. The five held equal interests in ʻāpana 1 of their parents’ kuleana (Kapapa (k) 5220). Kalu solely held ʻāpana two of that kuleana and also the second ʻāpana of Nāwahine Wahea (k) 10978.

\(^{24}\) Kalua’s descendants live in Kahana today and are leaders of the surviving community. The family held several Hui shares through 1903. See chapter 8, footnote 47, on page 242.

The ubiquitous Kapapa heirs also left a large number of descendants who are living in the valley and are leaders within the community today.
to *Haole*. Put another way, while most of the *kuleana* were lost, only 15% had been sold outright to *Haole*.25

**Kuleana Sales to *Haole***

The small number of sales to *Haole* reflects the non-alienation beliefs of the earlier *makaʻainana*. While small, however, the number still represents the very first such sales, and the matter bears further examination.

For starters, the sales were all to Foster, who was one-quarter Hawaiian.26 She was a staunch Royalist, born and raised locally, and a speaker of flawless Hawaiian who dealt during the period largely with Hawaiians and Royalists. In her autobiography,
Queen Lili'uokalani speaks of the support from Foster's family (Lili'uokalani 1984:290). Undoubtedly these factors mitigated native reservations against selling.  

An example of these sales involved the Kaaiawahia (k) 5807 kuleana. This parcel had been sold to a Native Hawaiian woman, Lucy Kekoa, in 1874. She passed away sometime before 1901. Her aged father inherited, there being no other heirs. He had no apparent ties to Kahana, and agreed to sell the land to Foster's agents when he was approached to make a sale (Conveyance 223:282?).  

Three other sales occurred to Foster during this period through relatively friendly foreclosures. For two of them, the single mortgagor agreed to sell his mortgaged properties to her when it became clear that he was getting on in age, had apparently moved from Kahana, and had no realistic method or reason to repay or release his mortgage. The two parcels were Aiohi (k) 6043 and Kaopu'u (k) 5319 (Conveyance 249:138).

The third parcel was Kuamo'o (k) 5706, 'apana 3 and 4. Kuamo'o had been the agent to the konohiki at the time of the mahele. His lands passed to his daughter, Rachel, and thence to her widower, William L. Holokahihi. On his death in 1898, his holdings went to his second wife Annie and a son (William H.), both of Honolulu. They agreed that year to a long-term lease of 'apana 4 to Foster so that she could use it for her country home and grounds (Conveyance 184:224). They also mortgaged 'apana 3 to Foster in 1899 (Conveyance 196:265). After his mother's death, the son quickly sold both encumbered 'apana to Foster (Conveyance 250:418). He apparently had little connection with Kahana.

Another sale involved Kala'auhina (k) 7651. He had no children, and upon his death his widow Malu had inherited the land. She died about 1880, leaving her second husband, Lohi, as sole heir. Upon his death, around 1889, his sister Mo'opuna inherited the land. Mo'opuna had no apparent connection with Kahana. On Mo'opuna's death, about 1895, her two sons inherited. They had apparently even less connection with Kahana. One son lived in Honolulu and the other at Koloa, Kaua'i. When Foster's agents hunted them down in 1901 and made generous offers for their respective undivided 1/2 interests in the kuleana, both agreed (Conveyance 229:178).

Another sale involved Maunui (k) 5976. This kuleana had passed in 1884 to Kamai (k) (Conveyance 92:317), who may not have had much of a connection with Kahana. He leased the property to the Tai Lee Wai rice plantation when it was established in 1898 (Conveyances 185:19,26). Later that year, when approached by Kane'ohe Ranch Co. to sell his encumbered property for a high price, he did so (Conveyance 189:92). While the Ranch had Haole owners, the Ranch's dealings with the natives were done by compatible staff. The Ranch then sold this kuleana to Foster when she bought out its interests in 1901 (Conveyance 111:13).

Another sale involved the Ula (k) 5413 kuleana. It appears that Kane'ohe Ranch also needed this parcel for their purposes of establishing a ranching concern in Kahana. Agents for the Ranch were evidently able to arrange for the aging Wahineino (w), holder of the property, to agree to transfer it in 1899 to an unmarried young man, Penake, who was possibly an heir (Conveyance 382:373-4).
It can be concluded that the people selling were those who had somehow acquired title to Kahana land but who did not live there or have any appreciable connection with the *ahupua'a*. This was particularly the case with the younger generation of non-Kahana owners, who showed a tendency to sell when given attractive offers.  

Thus was Kuykendall's evil of a lack of inalienability played out.

**Hansen's Disease**

A separate feature was the existence of Hansen's Disease. Parts of four *kuleana* (12%) were lost or in the process of being lost in 1903 because of Hansen's Disease.

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28 (continued)

Penake then quickly transferred the land to the Ranch (Conveyance 194:15). The parcel then passed to Foster in 1901 when she bought out the Ranch's interests (Conveyance 111:137).

The last of these sales involved *'ipana* 1 of the Nāwahine Wahea (k) 10978 *kuleana*. This parcel had passed down to the brothers Samuel Kapahuaniani and Joseph Kalanaaumoku. Both contracted Hansen's Disease and were sent to Kalaupapa, Moloka'i. Annie Holokahiki was able to gain ownership from them in 1899 and 1900, respectively (Conveyances 200:159, 208:137). Upon her death, the parcel went jointly to her son William H. Holokahiki and Ernest Ka'ai Kaleihoku, both of Honolulu and both evidently having little connection with Kahana. Kaleihoku quickly sold his one-half interest to Foster's agents in 1903 (Conveyance 253:312-3). William had already unloaded his one-half (Conveyance 216:33), but Foster's agents traced the buyer and got him to agree to sell in 1903 (Conveyance 248:414). This intermediary buyer, S.K. Kāne (k), was also of Honolulu and apparently had no connection with Kahana.

29 This tendency to have titles to *kuleana* go first to persons unconnected with Kahana, and thence to speculators, has its roots in the events of previous chapters.

30 See chapter 2, page 37 (Kuykendall 1938:293).

Note that the willingness to sell is tied to the general decline in population as shown in Figure 26 of chapter 6 on page 172. The legal mechanisms came into play after the diminishment of the traditional social structure.

31 Kuamo'o (5706), *'ipana* 2, had passed to Samuel Kapahuaniani by 1873.

By 1899 he was at the Hansen's Disease settlement at Kalaupapa, Moloka'i. With no hope of returning to Kahana, and no children to take over his land, he agreed to sell his interest in other Kahana land in 1899, but apparently through oversight the Kuamo'o parcel was not included in the sale.

(continued...)
The disease also symbolized the broader decline of the population: there simply weren't that many heirs left to maintain the land.

This is, of course, the point of inalienability. Had the land been inalienable, it would have been held until the people had regained some of their numbers.

Conclusion

Chapter 5, 1874-87, witnessed the consolidation of kuleana holdings into fewer hands because of the decline in population. This consolidation, however, had primarily been amongst the Hawaiians of Kahana. The 1888-1903 period saw the process hastened by ejectments and the further consolidation of ownership by holders of capital.32

The ejectments came about through the playing out of the mortgages allowed by the 1874 Act. Lands not foreclosed were often sold or leased. Only a handful

31(...continued)

Jointly with his similarly-afflicted brother, Joseph Kalanaumoku, he owned ʻOpana 1 of the Nawahine Wahea (k) kuleana. Annie N. Holokahiki hunted the brothers down at Kalaupapa and got deeds from each (Samuel in 1899, Conveyance 200:159, and Joseph in 1900, Conveyance 208:137, respectively). (Joseph had leased the property a year earlier, Conveyance 118:381.) The two brothers also owned Napela (k) 6122. Samuel's wife, Lily K., leased the parcel on behalf of her exiled husband and brother-in-law in 1899 to the Tai Lee Wai Rice plantation (Conveyance 190:317). Through 1903 Foster's agents attempted to identify and locate the owners of this kuleana so as to make an attractive offer for it, but were unable to ascertain the owners. The Aiohi (k) 6043 kuleana in 1885 had gone to Kahinauakea (k) and Kuapu'u (w) of Ka'a'awa (Conveyance 97:259). They both ended up at Kalaupapa. They agreed to sell to Samuel Kapaliauweloa in 1890 (Conveyance 127:499-500).

32 And, as might be expected, the land documents from this period had evolved to be more complete and legally tighter, strengthening the rights of the purchasers.
of kuleana-owning Native Hawaiian families remained by 1903. Kahana village itself had been razed.\textsuperscript{33}

A traditional ahupua‘a was a self-contained economic and social unit. It required, however, a certain minimal population and a minimal land base. All this had been lost amongst the kuleana of Kahana by 1903.\textsuperscript{34}

\textsuperscript{33} Note that much of the loss of the people's lands traced to Foster. She was part-Hawaiian, descended from ali‘i. If the ali‘i was as financial unsophisticated as we have seen, how was Foster able to be expanding her estate in this way?

The answer, of course, is because of intermarriage with financially sophisticated Haole, first her husband Thomas and then her nephew Wodehouse. The combination of high-born, culturally-assimilated part-Hawaiians and their sophisticated in-laws led often to a loss of maka‘āinana land.

This matter, together with the abandonment by traditional ali‘i of their reciprocal responsibilities (see Chapter 1), deserves further study.

\textsuperscript{34} To streamline this chapter, certain materials that I had prepared were removed and deposited at the UH Archives, including both a table and a narrative which summarized kuleana transactions for the 1888-1903 period.
Chapter 8. Taro, Rice, and then Cattle: The Land is Transformed

(A History of the Ahupua‘a, 1888-1903)

Chapters 2-5 of this dissertation, 1846-87, contain the general story of how Hawaiians lost their land. The later chapters describe the remaining details, 1888-1920, of how that loss was carried out.

The exception to this rough division is chapter 6, which discussed the hui movement of the late 1800s and its success, 1874-87, in Kahana. Leslie Watson, in his short 1932 essay, says that many of the hui later leased their lands out for plantation use.¹ This paralleled native land tenure history in parts of the South Pacific. While leased out, at least the land was native-owned (see Crocombe 1971:1-24).

For most hui, the movement’s “death knell,” to quote Watson (Ms.:15), was the Hawai‘i Supreme Court’s Maalo decision of 1921 (26 Haw 69). After decades of case law on hui, the Court eventually decreed that they should be dissolved.

¹ This view is supported by the Reverend John M. Lydgate in his essay on the Hui of Wainiha, Kaua‘i (Lydgate 1913:125-37). Several of the Hawai‘i Supreme Court cases on hui also support this view. See chapter 6, footnote 10, on page 165.
Territorial Act 178 of 1923 carried out this edict (Laws 1923). Once partitioned, the individual allotments given to each hui member were apparently quickly lost.²

² From its earliest decisions, the Hawai'i Supreme Court upheld and gave credence to the unusual legal entities called hui. This view began to change, most notably in the Kahana case of 1920 (Foster vs. Waiāhole Water Co. 25 Haw 726).

In that case the Court ruled that the Hui did not have the right to nullify leases independently entered into by its members, even if such leases violated the bylaws of the Hui. This view was taken to its logical end in the so-called Maalo decision of 1921 (Smythe vs. Takara 26 Haw 69).

In the Foster case, she had purchased the shares of corporate raider Lincoln L. McCandless in 1916 (Conveyance 438:220-5). Prior to selling, however, McCandless had purported to lease out the water rights from the shares to his Waiāhole Water Co. (Conveyance 386:355-66). The bylaws of the Hui had reserved to its officers the right of leasing the common property of the Hui (Bylaws 9 and 17). Foster, recognizing that 90% or so of the value of the shares was in their water rights, sued to nullify the lease once she had acquired the shares.

In the latter case, Maalo was a shareholder of a hui at Peahi, Maui. He independently leased some of the common lands of that hui to Takara. The hui, through its officers, Smythe et al, sued.

In both cases, the Court ruled that a hui was not a legal entity but simply a co-tenancy of individuals. Therefore, a shareholder had the right to directly lease out his undivided interest in the common property. The Maalo case went further, saying that hui officers did not have any legal standing. Furthermore, according to Maalo, for a hui to bring suit against any member for bylaw violation, all other co-tenancy owners had to appear as plaintiffs.

As the co-tenancy interests (shares) had passed down to innumerable heirs who were often difficult to locate, this final judgment essentially made it legally impossible to maintain order in any hui. Watson seems to have felt that the Court went too far in this pronouncement, though he admitted such an action was needed in order to liquidate the hui on Maui whose lands were needed for pineapple plantations.

Smythe and the Peahi Hui were represented by the same attorneys who had helped Foster in her hui work. The law firm went to the Legislature during its next term and steered through a bill to protect its clients' interests (Act 178, Laws 1923; Section 668-1 H.R.S.). Amongst other things, this law allowed any hui officer, or other member, to bring suit to partition the common land without having to bring in all the members as plaintiffs.

In this manner Smythe and the Peahi officers were able to cut off Maalo's interests and protect their own. They therefore "won." In so doing, however, the hui movement was destroyed, as nearly all hui had at least one investor member who wanted the common hui land partitioned. Once partitioned, the individual native-owned interests were evidently quickly alienated.

In Kahana, however, Foster had bought out the other investors. Because of her nearly complete ownership of the Kahana Hui by 1923, and her desire to keep the ahupua'a intact, Kahana was never partitioned. True, McCandless had gained one Kahana share, but he did not sue for partition as the share gave him membership access to the books of the hui, which interested him as his Waiāhole Water Company bought water from the Hui.
Previous chapters underscored the effects of immoral capital lending policies like the 1874 "Mortgage" Act. This chapter reviews the effects on Kahana of allowing the alienation of indigenous land interests, particularly hui shares.³

The Hui

The start of 1888 saw the Hui in able hands with a strong fiscal foundation. Of the 115 original shares, 10 had been returned to the organization, 76 were held by their original shareholders, and 17 others had passed down to heirs without evidence of speculative activity.

Two exceptions existed: a block of seven shares to King David L. Kalākaua and a second block, of five shares, to Harriet "Hattie" P. Parker.⁴ Unusual circumstances had led to these speculative accumulations. While they appeared reasonable at the time, this violation of the original policy against alienation of Hui shares provided the precedent for further sales.⁵

³ In this regard I wrote a philosophical discussion on why, generally, indigenous fee-simple lands are lost so quickly. The topic has policy implications as Hawaiians may soon gain lands through a political claims process. The subject does not, however, directly relate to this dissertation and so the essay has been placed on file at the UH Archives.

⁴ Kalākaua had shares 2, 18, 35, 49, 52, 83, and 105. Parker had shares 14, 15, 29, 30, and 102.

⁵ See chapter 6, pages 193, 195-198.
Thomas R. Foster

The seven Kalākaua shares were sold to Foster in 1888 (Conveyance 111:84). Foster accumulated 12 other shares during a year's time before his death in 1889. The five Parker shares eventually passed to the Foster family in 1901 (Conveyance 223:13).

Foster was a leading businessman of his day, a Canadian who married into the successful hapa-haole shipbuilding Robinson family. Amongst other investments, he was a founder of an inter-island shipping line which apparently grew to become Matson Navigation Company. At a time before roadways, these shipping concerns serviced the "Koʻolau trade" on Oʻahu and the other islands. The possibility exists that it was Foster's schooners which docked at Kahana and surrounding ahupuaʻa and provided their means of trade with the outside world.

Such a connection may have influenced the Hui members' aversion to selling shares to outsiders. Or perhaps the willingness to sell was because of Foster's

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6 The 12 shares were 16, 19, 38, 41, 51, 63, 68-9, 88, 92, and 106-7.

Essays on Foster and his wife, and how he accumulated his wealth were prepared by me and are on deposit at the UH Archives. Also included is a description of a legal case involving Foster which gives some insight in the commercial activities of the day and their relation to the ethnic rivalries between Hawaiians and Haole. Also included is some background information on Foster's death, his wealth at the time of his death, and his last will and testament.

7 The coastal trail was improved in stages. Along the Koʻolau coast, the need for bridges over the many streams was a major impediment to road construction. It was not until 1930 or so that the whole coast road was improved to modern standards for land transportation.

Before that date, around 1907, Kahana was connected to the Oʻahu railway system, which the valley relied on for its trade. See map on page 253 (Figure 35) and photographs in Appendix N (page 405).
spouse, the respected part-Hawaiian Mary Elizabeth, descended from ali'i. Or perhaps, once the exceptions had been made for Kalākaua and Parker, the old controls no longer mattered as much.

In any event, Foster’s twelve new acquisitions followed familiar patterns. First, like Kalākaua, he offered a good price, usually $150. Such a cash sum could arguably be invested at the time for a return of 12% ($18) or more a year, tax free. A Hui share as an investment could be leased out at the time to Pākē for only about $10 rent a year (minus land taxes of about $1 a year). As such, Foster was paying over the market value for each share.

The second feature that stands out about these early Foster sales is, once again, the fact that the members who were selling were predominantly not of Kahana. Two-thirds of the twelve shares were held by people outside of valley. Three of the eight outsiders may have been twice removed: living away from Kahana and being only a descendant or relative of the original Hui member.

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8 The following shareholders sold directly to Foster for $150: 16, 38 & 51 (husband and wife, selling together), 41, 68, and 88 (Conveyances 110:446; 110:362; 110:361; 110:458; 112:14).

The following shares passed to others, who then sold to Foster for $150: 63 and 92 (Conveyances 106:480; 110:300).

Share 19 was sold for just $110 (Conveyance 111:279), but it was already encumbered with a Pākē lease (Conveyance 113:7).

Sales prices aren’t known for shares 69 and 106-7 (Conveyances 111:278; 111:227).

9 Shareholder 38 and his wife 51 were of Makiki, Honolulu. Shareholder 63 was of Kānewai, Honolulu. The apparent descendants of shareholder 92 were of Honolulu. Shareholders 41 and 68 were of Lā'ie Wai. The home of the descendants holding shares 106-7 isn’t listed, but may have been Honolulu.

In the minority were the sales by shareholders 16, 19, 69, and 88. They were all originally of Kahana and apparently were still there when the sales were made.
The Religious Call

One fact influencing the alienation of *Hui* shares—once the public policy of alienability was adopted—was the generalized calling of the west. From the earliest days Hawaiians had been drawn into the adventure or excitement of the cities and, particularly for men, of going overseas on western ships or working in foreign lands.

A major aspect of the call of modern society in Kahana was the harking back to the traditional love of the people for religion. The people were once more in the fold of their Church following the events of the 'Awa Rebellion. The faithful of Kahana then responded to the call of central Church authorities in Salt Lake City to gather there during the construction of the first of the Latter Day Temples.

George William Kamakaniau (4/25/62/112) had gone to Salt Lake City in 1883 after he returned his shares to the *Hui* (Makakao Ms.). His wife Kealohanui went with him, and she held share 36. Records are spotty, but apparently at least Laea (w) 71 and Solomon 1 (k) 110/111 had also gone to Utah in the early 1880s (Hui Lists Mss.(a), Mss.(b)). To these early pioneers were added a great number of the Kahana Saints who responded to the Temple call in the late 1880s.

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10 See chapter 6, page 180.

11 See chapter 6, page 194.
These Hawaiians eventually moved outside of Salt Lake City, where they established the remarkable Iosepa ("Joseph") Colony. Figure 32 lists the initial adult Hawaiians who founded the Colony (Atkin Ms.:9-10,90-1).\textsuperscript{12}

\textsuperscript{12} An essay I prepared on Iosepa and its relation to Kahana is on deposit at the UH Archives. A separate George [Kamaka-] Niau is contained in the Utah records, which is probably a duplication. Joseph Kekuku is also duplicated in the Utah records. The list is not definitive, and does not indicate possible relatives of Kahana people.
Oliver Alapa (90).
Haiki [improbably Haili (w) 5/6/7/8/9].
W.K. Halemanu, husband of Ellen.
Kalawai, husband of Kapainui.
Moses Kalima.
George William Kamakanaiua (4/25/62/112), husband of Kealohanui [who held share 36].
Kapela [Probably Kapela (k) 52].
J.W. Kaulainamoku, husband of Kapukini.
Peter Kealakaihonua, also known as Ikeole (14/15); his later wife was present at the Colony, Kaheana Kealakaihonua, also known as Kaheana (29/30); their son is noted as being present, Peterʻopio Kealakaihonua, possibly also known as Waioha (115); he was also cousin to Pelekane.
Pelekane Kealakaihonua, also known as Pelekan (102), erroneously identified on the Utah records as Ikeole's son, really his cousin; he later married the widowed Kaheana.
Joseph Kekuku, husband of Miriam, who was the ex-wife of ahupuaʻa-owner Ahmee.
J.K.N. Mahoe [Possibly Kilioe Mahoe (76)], husband of Hannah.
John Mahunaliʻi, husband of Victoria.
John Makakao, husband of Lucy E. Makaopiopio, a widow.
John Makaualu, probable husband of Maria [possibly Maria (82)].
David Mokuilima, husband of Hoʻokaia.
Charles W. Naʻau, husband of Jane.
Napela, husband of Mochaho.
N. Pomaiakai.
Moses Solomon.
Pīpīrīlani Solomon (k), also known as Solomon 1 (110/111).

Figure 32. Founders of the Iosepa Colony in Utah.
Of the 22 people listed, five were *Hui* members, with two others either possible or probable members (32%). Two spouses and possibly a child were also *Hui* members, making 11 possible *Hui* shareholders involved. Another spouse held a share she had purchased. Altogether, the first Iosepa pioneers held as many as 22 *Hui* shares.\(^{13}\) Eleven *Hui* members with 17 shares are definitely known to have responded to the call. By 1903, all but three of these shares were lost, the losses mainly occurring in the 1880s.\(^{14}\)

\(^{13}\) A surviving Kahana *Hui* roll call from about 1889 lists various members who had gone to Utah (Kanuha Ms.). This includes shares 4, 29, 36, 90, 102, and 115.

At that roll call, Oliver Alapa (90) was counted as present and serving as agent for some of the other shareholders. His granddaughter reports that Alapa often returned to Kahana from Utah (Domingues Personal communication).

I prepared a more detailed description of the Kahana people who went to Utah and the remarkable Iosepa Colony. It is on file at the UH Archives.

\(^{14}\) Oliver Alapa (90) held onto his share for many years, and even was President of the *Hui* in 1891. Family tradition has it that he journeyed back and forth for many years between Kahana and the Iosepa Colony (Domingues Personal communication). He apparently finally settled in Utah, selling his share in 1897 (Conveyance 167:305). A surviving photograph of the Iosepa Band, c. 1915, shows ten members, including George and Moses Alapa (Atkin Ms.:67a). Alapa's descendants returned to O'ahu after the abandonment of Iosepa in 1917. A granddaughter lives in Kahana today as a tenant (Domingues Personal communication).

Waioha (115)'s mother was Kaheana (29/30) and his step-fathers were apparently first Ikeole (14/15) and then Pelekane (102). He may have held onto his share by accident: a 1889 *Hui* roll call shows six shares belonging to Parker (Kanuha Ms.). This would be Ikeole's two shares, Kaheana's two, and the two held by Pelekane and Waioha. For some reason, however, the actual deed to Parker listed only five shares (sans Waioha). The young man therefore stayed in Utah and legally held onto his share for some years. He finally sold it to Kāne'ohe Ranch Co., Ltd., who organized a cattle operation in the valley in 1897 (Conveyance 181:274). The Ranch probably learned that the Parker deed had left off Waioha after purchasing the Parker interests (Conveyance 177:353-4).

Kealohanui Kamakaniau (w) brought share 36 with her to Utah. She sold it early on, in 1889, to Minerva E. Fernandez, who may have been a converted Portuguese Mormon. Fernandez stayed in Utah for some years (see also Lilil'uokalani 1984:290). The sale was apparently unknown to the *Hui* until years later when Kāne'ohe Ranch was able to hunt Fernandez down and purchase the share (Conveyance 191:77).

George William Kamakaniau (4/25/62/112) returned his four shares to the *Hui* as a settlement for a debt (Conveyance 75:255-6).

The five shares of Ikeole (k) 14/15, Kaheana (w) 29/30, and Pelekane (k) 102, were sold to Parker and thence to Kāne'ohe Ranch (Conveyances 104:246, 177:353-4).

(continued...)
The Aiona Leases

Pāke rice farmers had been in Kahana for some years. Rice farming continued with a large lease to Aiona (k) in 1889 and a couple of smaller transactions in the next few years. All told, 22 shares held by 17 Hui members were involved with the Aiona leases.

By 1903 only two of these shares had not been lost. The reasons for...

14(...continued)
Shareholder 52 sold to King Kalākaua and thence to Foster (Conveyances 94:209, 111:84).
Shareholder 71 died in Utah and her heirs, living in Kahana, inherited.
Shareholder 76 sold to the Hui (Conveyance 84:351).
Solomon 1 (k) 110/111 gave his first share to Laea (w) 71, who also went to Utah (Conveyance 94:471). On Laea's death, this share went to her Kahana heirs. Solomon's second share was sold to shareholder 89 and thence to another Hawaiian (Conveyances 74:181, 106:175?).

Chapter 6, pages 189-191, discusses earlier Hui leases to Pāke.

15 Chapter 6, pages 189-191, discusses earlier Hui leases to Pāke.

16 L.e., shares 5-9, 13, 18-9, 21-2, 28, 43, 46, 48, 57, 59, 63, 65, 80, 97, and 108-9.

Ten of these shareholders (60%) were not of Kahana: 5/6/7/8/9, 13, 22, 28, 43, 46, 57, 59, 63, and 65. All but one (#59) had lost their shares by 1903, and the exception proves the rule. True, J.W.H. Keanu (k) 59 was not of Kahana. He would be expected to have sold. Actually, he did sell, but the buyer was someone living in Kahana who apparently worked the land (i.e., it was sold to Uka (k), Conveyance 133:280). Uka's heirs held the share as of 1903.

Seven of the Aiona lessors were originally of Kahana: 18-19, 21, 48, 80, 97, and 108/109. All but one had lost their shares by 1903. A review of these sales, however, again proves the rule of losses being done by absentee shareholders.

Shareholder 18 had moved from the valley before selling to King Kalākaua (Conveyance 88:259).

Shareholder 21 apparently moved to China with her Pāke husband. They sold to Aiona before leaving (Conveyance 114:485).

Shareholders 80 and 108/109 passed their shares to heirs who apparently left Kahana and sold them (Conveyances 165:368, 266:370).

Shareholder 97's heir was in Kahana, but apparently had other land holdings, and so sold this one (Conveyance 208:415).

Shareholder 48 passed his share to heirs (Conveyances 135:104,112). The heirs were of the valley, however, and still held the share in 1903.

Shareholder 19 was the only one who apparently was still in the valley when he sold. This was early on, in the late 1880s, however and data is limited on the sale. He first leased the share (continued...)
alienation appear to be similar to those found for the *kuleana* in chapter 7. Most of the shares were held by absentee shareholders who desired some return on their original payments. This return was gotten first from the lease rents and then later from a capital gain when they cashed out.

At one time the *Hui* would have directly provided the capital to buy out these people, thus preventing alienation. By the late 1890s, however, when most of these sales were made, the precedent was well established to allow direct sale to outside investors. In this manner—a few here, a few there—the *Hui* was lost.

**The Akuna Leases**

After the Aiona leases of 1889 came the Akuna/Tai Lee Wai leases of 1898. Akuna, of Kahalu‘u to the east, was one of the O‘ahu Ko‘olau rice barons. He accumulated a good number of Kahana leases around March 1898. Going into partnership with several other *Pāke*, Akuna established the Tai Lee Wai rice plantation partnership, and assigned the leases to that organization in August 1898. Tai Lee Wai raised substantial capital from mortgage loans from Mary E. Foster (Conveyances 180:347, 199:137), and accumulated some further leases and land purchases in its own name.

17(...continued)

to a *Pāke* (Aiona). Thus encumbered, he sold it to Thomas R. Foster, possibly explaining why the share fetched only $110 instead of the $150 that Foster paid to other sellers (Conveyance 111:279). It is likely that shareholder 19 had moved from the valley before making the sale.

18 For Akuna, see also chapter 6, footnote 43, on page 189, and chapter 7 page 203.
The plantation did not do well, however, and the partnership went into receivership with Lum Kin as Trustee (Conveyance 193:444). Lum Kin also failed, and Foster foreclosed all of the plantation’s assets in late 1903 (Conveyance 250:474-8).19

The scope of rice plantation activity was significant. Surviving records suggest that the plantation made use of 77 shares. This represents 73% of the outstanding shares of the Hui. In contrast, only nine shares (8.5%) were probably still in taro production in 1903. A summary of the outcome of the transformation of land-use by 1903 is given in Figure 33.21

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19 The typical share leased to Tai Lee Wai therefore had a lease to Akuna, an assignment of the lease to Tai Lee Wai, two mortgage encumbrances to Foster, one assignment to the Trustee Lum, and the final foreclosure deed to Foster.

I prepared a history of the rice plantation, and it is filed at the UH Archives.

The summary of land title histories for all the Hui shares, included in appendix M on page 353, refers to the Akuna/Tai Lee Wai leases.

These summaries of title histories attempt to include all of the known significant tenure actions. An exception was made, for simplicity, for these leases. Hence, “Leased to Pāke, lease to Pāke (Tai Lee Wai),” and “Lease mortgaged, foreclosed by Mary E. Foster,” in the summaries, refer to the above six legal documents involved with each such share.

Likewise, for simplicity, the expiration of the 10-year 1889 Aiona lease, other early leases, the 15-year Tai Lee Wai leases, and a share-cropping arrangement between Foster and her manager Pali, are not noted on the title histories.

20 I.e., shares 2, 5, 10, 14-20, two-thirds of 23, 24, 28-30, 33-8, 40-2, 44-9, 51-2, possibly 53, 54, 55 (the land of this share was sold rather than leased to Tai Lee Wai), 56, 58, 59 (except for the Pāhale land), 61, 63-4, 66, possibly 67, 68-9, 71-73, one-half of 74, 78-85, 88, 89 (except for the Pāhale land), 90-3, 96, possibly 97, 98-100, 102-3, 105-7, 110, and 114-115.

21 For this data, a lease to Tai Lee Wai or other Pāke can be assumed to be for rice cultivation.

The Tai Lee Wai shares are given in footnote 20 above.

The surrendered shares are 4, 11, 25-6, 32, 62, 76, 87, 94, and 112.

The other Foster shares are 3, 13, 21, 31, 50, 65, 77, 86, and 95.

The Wilcox shares are 6-9, 43, and 57. Castle’s are 108-9. The probable fallow shares are 22 and 101.

The probable taro-production shares are 1, 12, 27, 39, 70, 75, 104, 111, and 113.
Shares leased to Tai Lee Wai: 77.

Shares surrendered and not available to lease: 10.

Foster shares leased to other Pāke or possibly to Tai Lee Wai: 9.

Wilcox shares, with record of leases not clear: 6.

Castle shares, probably leased out to Pāke: 2.

Probable fallow shares: 2.

Shares probably still being used for taro, all by heirs: 9.

Figure 33. Summary of land-use by shares, 1903.
Investors' Attention is Elsewhere, 1889-97

Thomas R. Foster died in San Francisco in July 1889. He and his wife Mary had left the islands temporarily, possibly because of the sad events, from their perspective, of the previous month. This was the failure of the Wilcox rebellion to overthrow the radical American-dominated government installed by the 1887 coup.

Foster's death was unexpected. He had not had a chance to change his will, which named as chief executor of his estate a man intimately associated with the 1887 coup: Lorrin Andrews Thurston.

By 1891 the Probate had been settled, and Mary was able to remove Thurston. January 1893 saw yet another coup, with Thurston and his cohorts overthrowing the monarchy altogether and calling for annexation to the United States. Mary left her affairs to a nephew. Her accounts were bungled, however, and another nephew, Ernest W. Wodehouse, took over. He was to handle her affairs, and those of her widowed sister Victoria Ward, for the rest of their lives.²²

Wodehouse had a minor position with the government's post office, but left after the overthrow. Mary's brother-in-law left the Islands altogether. Wodehouse's

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²² I collected background information on the personal wealth, finances, and investments (including Kahana) of Mary E. Foster. This is on file at the UH Archives.

Also included there is a summary of Hui accounts (Foster quickly becoming the dominant shareholder), examples of Foster's use of her wealth, historical discussion on the "future" uses of Kahana other than pasturage, some history on the Kahana fishpond and fishery, and lists of Hui luna (officers).
father James H., the British ambassador (minister), protested the annexation plans vehemently. Ernest managed to secure a minor job with an insurance subsidiary of the British firm Theo. H. Davies & Co.

Over the years Wodehouse would rise to command Davies. He eventually reached an accommodation with the hated Americans and, about 1915, was elected president of the Hawaiian Sugar Planters' Association, the highest economic (if not political) position in the Islands.²³

Foster was undoubtedly deeply involved with the planned counter-coup of 1895.²⁴ After it failed, she spent some time consoling the imprisoned Queen and then left the Islands for an extended trip abroad.²⁵ When she finally returned to the Islands, she settled on some family land at Ho'ae'ae, 'Ewa, far from the hated Americans in Honolulu.

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²³ I prepared an essay on Wodehouse's life, character, and relation with Kahana and the FCAH, it is on file at the UH Archives.

²⁴ In her biography, Queen Lili'uokalani notes the support of Mary's family (Lili'uokalani 1984:290).

²⁵ It was during this trip that she apparently met a Buddhist leader in Sri Lanka with a flair for theatrics, a lifestyle that befitted his perceived station in life, and a knack for endearing himself to the wealthy in the west. She was to be a patron of his for decades afterwards.
These troubled but event-filled years helped keep Kahana far from Foster's—and other investors'—business concerns. The bloc of 19 shares which Foster's husband had built up over the last year of his life was not added to.

Few *Hui* shares were lost through 1897. Most of the *Hui* conveyances of this period involved the death of a shareholder, inheritance by heirs, and various encumbrances by mortgage or lease, but not the outright loss of shares.\(^{26}\)

Only 11 shares after Foster's acquisitions were lost during this period.\(^{27}\) Following previous patterns, most (64\%) were non-Kahana shareholders.\(^{28}\)

The four Kahana shares that were lost by their families were exceptions which prove the rule that it was primarily non-Kahana *Hui* members who were

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\(^{26}\) During the ten years 1888-98, there were 33 shares held by 32 *Hui* members which were conveyed without share loss. These were: 12, 22-24, 31, 33-4, 37, 39, 46, 48, 56, 58-9, 64, 67, 72, 74-5, 77, 84-6, 89, 91, 93, 96-7, 101, 104, 108-9, and 113.
Twenty-one went to heirs: 12, 22-4, 33-4 (#34 previous to 1888), 37, 46, 48, 56, 64, 72, 75, 85-6, 89, 91, 93, 96-7, and 104.


Seven were mortgaged: 58, 75, 77, 85, 91, and 108-9. Three of these mortgages were released: 75, 85, and 91.

Seventeen were leased: 22, 33-4, 46, 48, 59, 72, 74, 84-5, 89, 91, 93, 96-7, and 108-9.

\(^{27}\) I.e., 5, 10, 17, 21, 36, 43-4, 50, 53, 80, and 82.

\(^{28}\) I.e., shares 5, 10, 17, 36, 43-4, and 82.

Share 5 passed through heirs to William R. Castle and his wife (Conveyance 136:423).
Share 10 was inherited by his brother, shareholder 17. Shareholder 17 later sold both shares to a Royalist investor in Honolulu (Conveyance 176:457).
Share 36 was sold, in Utah, by the original shareholder to another Hawai'i-person who was there (Conveyance 191:76).
Share 43 was sold to Pākē and thence to William L. Wilcox and his wife (Conveyances 133:278, 148:453-4).
Share 44 was sold to an investor (Conveyance 167:229).
Share 82 went via an heir to an investor (Abstract 82).
selling their shares. One of these shares was sold to a rice farmer who farmed Kahana, and who then sold to a Kahana native, thus keeping the share in the valley.\textsuperscript{29} The three others apparently passed to non-Kahana heirs who were responsible for selling out to investors in Honolulu.\textsuperscript{30}

\textbf{The Kāneʻohe Ranch Episode}

As the rice farmers were establishing the Tai Lee Wai rice plantation in 1898, another major economic actor entered the stage: Kāneʻohe Ranch Co., Ltd. This firm, controlled by the Castle family, ran cattle over most of what is today Kailua and Kāneʻohe, and other areas along the Koʻolau Poko coast. Kahana was the Ranch’s most westerly expansion.

\textsuperscript{29} The Kahana native was Samuel Kapaliauweloa. “Pali,” as he was universally known, evidently moved into the valley around 1889. In that year he is listed as representing the five shares of Hāili (w) 5/7/189, who was evidently his sister (Kanuha Ms.; pleadings for 12 Haw 363 [1899] in FCAH file 105). He was the acknowledged manager of Foster’s holdings, and held an informal sharecropping arrangement for them (Foster Ltr. to Kapaliauweloa, 1895). He acquired two shares, including share 21, as well as two kuleana, apparently through money raised from Foster.

Share 21 was owned originally by Kaʻaina, the wife of the rice baron Akuna. They apparently left for China, selling her share to another Pākē, Aiona (Conveyance 114:485). Aiona sold it to Pali (Conveyance 142:210,133). This purchase by Pali, and his acquisition of share 77 (Conveyance 133:383?) came about by Pali using Foster’s money, that he had gotten with a mortgage from her. This is the only known time in Kahana where mortgage capital was actually used by a Hawaiian to acquire land, as in the modern usage, rather than lose it.

\textsuperscript{30} Share 50 passed through an heir to Prince David Kawānanakoa (Conveyance 135:160).

Share 53 passed through an heir to John ‘Ena and his wife Maria K. (Conveyance 93:290, 109:338).

Share 80 passed through heirs to Henry Smith (Conveyance 165:368).
The Ranch eventually purchased 18 Hui shares and leased one additional share. Of the 18 purchased shares, three were already leased to a rice farmer. Upon acquisition, the Ranch leased nearly all the rest to that farmer (Tai Lee Wai).

The Kāneʻohe Ranch buying spree nearly duplicated the earlier acquisitions by Foster's husband. At least one pattern from the earlier sales was repeated here. Most of the sellers (74%) were non-Kahana shareholders. For the first time, however, a significant number of Kahana people were beginning to directly sell out.

31 The Ranch interests included shares 3, 14–5, two-thirds of 23, 29–30, 36, 46, 58, the lease to the Pāhale land of 59, 67, 73, 80–1, one-half of 93, 98, 102, and 114–5.

Prior to purchase of the shares, the Ranch had given two mortgage loans secured by one-half of share 46, and possibly all of share 73 (Conveyance 180:126; Abstract 73).

A fellow rancher, Cecil Brown, played an intermediary role in helping the Ranch acquire the five shares held by yet another rancher, Parker (14–5, 29–30, and 102). Brown evidently owned the neighboring ahupua'a of Makaua. He had fronted for Castle in foreclosing Kahana kuleana (see chapter 5, footnote 14, page 152). He, either on his own or fronting for Castle, apparently gave a mortgage for share 91 in 1892 (Abstract 91).

The Fernandez share (36) was acquired by her in Utah but never recorded in Hawai'i. When the Ranch hunted Fernandez down, she agreed to sell the share. The Ranch then registered both the Fernandez acquisition and sale deeds. These therefore are recorded immediately after one another in the Hawai'i governmental records even though they occurred nearly a decade apart (Conveyances 191:76, 77).

32 Le., shares 81, 93, and 98.

33 I.e., all except shares 3 and 67. The records may be incomplete, however, and leases to these two may have been made.

34 Only 26% of the sellers to Kāneʻohe Ranch were Kahana shareholders. Of these five sellers, one (80) actually had already been lost to a Haole investor who made the sale to the Ranch (Conveyances 165:368, 172:304). Another (73) had already sold his pāhale, so it might be argued he had already abandoned the valley (Conveyances 208:141, 208:151). Another (81) had Hansen's Disease disintegrating the family, and the share had already been leased to Pākē (Abstract 81). Another (98) held other shares, and had already leased this one out to Pākē (Conveyance 185:8). The last (67) held other shares, and sold this one (and part of 59) to the Ranch (Conveyance 183:294).

(continued...)
Two facts explain this emergence of a willingness to sell by Kahana residents. First, a persistent buyer had come on the scene. Kāneʻohe Ranch was exhibiting a strong interest and was hunting down owners and giving them handsome offers.

The second fact was one of numbers. At one time Kahana people held a dominant position in the Hui. They held half the shares with the remainder scattered throughout the Islands in small holdings. Hui meetings had to be held at the Kahana Chapel. Representatives from non-Kahana shareholders had to be acceptable to the membership (Bylaw 12). In short, there was little chance of an organized putsch by the absentee shareholders.

Now the center was shifting towards ownership by Foster and the Ranch, and leasehold control by Tai Lee Wai. The large investor-owners had vested interests in blocking the Hui repurchasing shares and in promoting direct sales of shares to themselves.

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34(...continued)

On the other hand, shares 23, 58 and 59, were originally non-Kahana shares. Two-thirds of share 23, 58, and the pāhale of 59, passed to Kahana people, who sold them directly to the Ranch.

The evidence is mixed, but the pattern emerges that Kahana people were beginning to directly sell shares to investors.
Cattle Ranching

But what was the Ranch getting? Its shares were nearly all leased out to the Tai Lee Wai rice plantation. This represented a loss on the rate of return for its investment capital. What was up?

To understand the Ranch's involvement requires reviewing what the deeds represented. Each gave exclusive use to one acre of lo'i land and a quarter-acre pāhale. In addition, however, a share deed gave an undivided interest in, and a say in the use of, the remaining interests of the ahupua'a: (a) its remaining 5,000 or so common kula (pasture) and uka (upland) areas; (b) its freshwater rights; (c) its ocean fishing rights; and (d) its fishpond at Huilua. Of these interests, Kāneʻohe Ranch was principally interested in the first: the hundreds of acres of land on which cattle could be run.

The leases to the rice farmers were usually only for the one-acre lo'i lands. These were prime rice lands which often already had irrigation systems and retaining walls for paddies. The rice farmers had no interest in the upcountry areas, which were not suited for rice production.

The upcountry areas had been nearly economically worthless to the shareholders. The going price for a share (i.e., $150) was about identical to the

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35 To invest $150 or so in a Hui share and then get only $10 or $15 per year for it, from the Pākē leases, represents only a 7-10% rate of return. This was below what was available from other forms of investment.
price for an acre āpana of kuleana lo'i land. Until Kāne'ohe Ranch entered the picture, all share transactions had focused entirely on the acre and a quarter reserved to each share.

In 1897 the Ranch had approached the Hui and had gotten approval to lease all the upcountry lands for $400/year (Conveyance 169:270-1). Fencing was done, and Ranch personnel began an intensive program of burning off the indigenous trees and ground cover in order to create cattle pastures.

When Foster and her agent Wodehouse discovered the destruction being wreaked upon the land they were outraged. For the first time, investigative files were begun to figure out what the Hui was, how it was controlled, who controlled it, and how they could effect their own will upon it. A bitter economic and legal struggle ensued between the Ranch and Foster with the stakes being the control

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36 I.e., the value the market placed on the share was nearly exclusively based upon the value of the lowland parcels reserved to it.

37 From a report of September 5, 1899, to President Sandford B. Dole from his Secretary & Commissioner of Agriculture and Forestry David Haughs, both of the puppet Republic of Hawai'i:

"Kahana, O'ahu[:] . . . [The] valley is owned by a native Hui, and is well adapted to horticulture; it is one of the most picturesque and fertile valleys on the windward side of the Island. Most of the wet land is leased to Chinamen [sic, Pāke] who are cultivating rice. The native forest in this valley is in a good state of preservation, but, am sorry to say, will not remain so long. I am told that some enterprising Honolulu businessmen purchased a few shares of the native Hui, turned in a lot of cattle and deliberately set fire to the underbrush on the hill-side with a view of getting better pasture. If the cattle are not taken away soon, it will be a short time when this grand native forest will be destroyed" (FCAH file 176; Kingdom of Hawai'i Doc.(d)).
of Kahana itself. Foster adopted a two-pronged strategy: (a) pursuing the legal avenue with all available resources; while, (b) attempting to increase her equity standing within the *Hui* by purchasing more shares.

The Ranch responded accordingly. It had by this time an investment to protect and the potential of taking over the whole *ahupua'a*. The Ranch poured its own resources into the legal battle. At the time of the 1897 lease of the *uka* lands, the Ranch held just two shares in the *Hui*. It, too, began acquiring more shares to strengthen its own position, quickly getting the total of 18 shares described earlier.

Foster initially acquired 12 shares, bringing her holdings to 31. Significantly, these new acquisitions included, for the first time, a large number of Kahana shareholders (50%).

If Kane'ohe Ranch's acquisitions included a good portion of shares related to other ranching interests, Foster was helped by fellow Royalists, through whom she got shares 10 and 17, and her in-law, the part-Hawaiian John D. Holt, through whom she got shares 47, 78, and 82.

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38 I prepared a history of Foster's lawsuit against Kane'ohe Ranch and it is filed at the UH Archives. See also Foster *v.* Kane'ohe Ranch Co. 12 Haw 363 [1899]. The pleadings from the case are on file (FCAH file 105). As with the other Hawai'i Supreme Court cases dealing with *hui*, a certain amount of anthropologic information is contained in this case (see chapter 6, footnote 10, page 165). It is also the only known source of pre-1883 Kahana *Hui* Bylaws and early minutes.

39 *I.e.*, shares 10, 17, 24, 28, 37, 44, 47, 55-6, 78, 82, and 90.

40 Foster's six new shares from non-Kahana shareholders included four which had already passed to investors (shares 10, 17, 44, 82; Conveyances 176:457, 499, 167:229, 173:314, 165:499, 167:160; Abstract 82). The other two were purchased from the original non-Kahana shareholder or from a non-Kahana heir (shares 28 and 37; Conveyances 177:416, 176:418; Abstract 37).

(continued...)
Still, as with so many other areas around the Islands, the land passed to cattle ranching. A sometimes uneasy co-existence evolved between the remnants of taro production by Hawaiians, the rice farming of the Pāke, and the ranching of the Haole. This coexistence, too, was common throughout the Islands.

The evidence suggests that this additional revolution in land-use would have occurred even if the land had not legally been lost. After all, the leasing of the lowland lo'i for rice production was carried out by Native Hawaiians. The leasing of the uka upcountry acreage for cattle ranching was also carried out by Hawaiians. It was an outsider—Foster—who protested it.41

The struggle between Foster and the Ranch continued. More shares were purchased by Foster and her agents. While they had a weak case in the courts, their lawyers slowly wore down the Ranch. Finally an out-of-court settlement was reached in 1901 (Conveyance 223:13). The Hui lease to the upcountry lands was cancelled. Foster paid the Ranch for its investment. All the Ranch's remaining

40(...continued)

The six Kahana shares came through various ways. Holt helped acquire two of them (47 and 78; Conveyances 168:259, 168:259). Wodehouse got one in his own name (share 55; Conveyance 181:242). One came from non-Kahana heirs (share 56; Conveyance 176:417; Abstract 56). Another came from a shareholder living in Utah (share 90; Conveyance 167:305). The sixth came from Kahana-based heirs who had other holdings (share 24; Conveyance 165:369; Abstract 24).

41 Indeed, the evidence from the court case suggests that Kāne'ōhe Ranch occupied the native or “traditional” position. After all, the Ranch had gained its lease from the Hawaiians who controlled the Hui. The Ranch's case rested on native custom and belief.

Foster's attorneys were forced, in effect, to argue the non-native position: that the Hui was more like a western economic institution that required such things as proper legal notice of meetings where leases were to be voted on and a quorum based on capital (number of shares held) rather than people (number of members present).

I prepared an historical summary on the case, it is on file at the UH Archives.
assets in Kahana—principally its shareholdings—were transferred to Foster. This large accumulation of shares, coupled with new acquisitions and the foreclosure of the Tai Lee Wai rice plantation gave Foster a controlling interest over the ahupuaʻa.

**Final Non-Foster Conveyances, 1899-1903**

Before 1888, 10 Hui shares had been surrendered. One more was added in 1898.\(^\text{42}\)

The American missionary Wilcox family purchased six shares.\(^\text{43}\) The American missionary Castle family purchased four others (Kāne‘ohe Ranch and its Kahana holdings were also owned by the Castles).\(^\text{44}\)

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\(^{42}\) Previous surrendered shares were 4, 11, 25-6, 32, 62, 76, 87, 94, and 112.

J. Paul Kawakalani (98/99/100), a Kahana member with three shares, sold one of them back to the Hui (Conveyance 183:143-4). It had already been leased to Tai Lee Wai (Abstract 100).

\(^{43}\) I.e., shares 6-9, 43, and 57.

Shares 6-9, all held by Haili (w) 5/6/7/8/9 who was not of Kahana, were first leased to Aiona in 1889 and then sold to Elizabeth Kahului Wilcox (Conveyances 113:7, 242:96).

Elizabeth’s husband, William L., bought the other two shares. Share 57 followed the same sequence as Haili’s. The non-Kahana shareholder first leased his share to Aiona and then sold it to Wilcox (Conveyances 113:7, 250:376-7). Share 43 was sold by the non-Kahana shareholder to Pakē and thence to Wilcox (Conveyances 133:278, 148:453-4).

\(^{44}\) The Castle shares were 5, 85, and 108-9.

Share 5 was a non-Kahana share. It had been leased to Aiona in 1889 and later sold to a Hawaiian. It thence was bought by William R. Castle (Conveyances 113:7, 130:127, 136:423).

Share 85 was another non-Kahana share. It went to an heir, apparently also not of Kahana. It was mortgaged, the mortgage released, and then leased to Tai Lee Wai. Then it was sold to Castle (Conveyances 145:386, 382:372-3, 163:103; 185:20; 177:456).

Shares 108-9 began as Kahana shares. They were leased to Aiona in 1889 and then sold to a non-Kahana Hawaiian. They were then mortgaged, the mortgage released, and then re-mortgaged. This mortgage was apparently released by selling the shares to Ida B. Castle, William’s wife. These two shares were then sold to James B. Castle, William’s brother (Conveyances 113:7, 167:213, 115:458, 115:459, 180:61, 267:298, 266:370).
It is not clear why these two families were accumulating land in Kahana. The inference is that they may have planned a general accumulation of landholdings as they came on the market.\textsuperscript{45} Or perhaps the families wished to gain some land interests upon which to construct beach house estates.\textsuperscript{46}

In any case, the two families generally supported Foster in her dealings with the Hui. Still, with her Royalist leanings, having two prominent missionary families holding chunks of Kahana real estate must not have set well. After 1903 she resolved to gain possession of both blocs.

Not all the Hui shares were lost by 1903. The Kahana Kaiapa and Kalua families each had holdings, three and five shares, respectively.\textsuperscript{47} Perhaps the latter

\textsuperscript{45} Castle’s agent was Cecil Brown. When Brown turned over to Castle several lands he had accumulated on Castle’s behalf, the Kahana kuleana were only a fifth of the total. The other four-fifths were lands accumulated elsewhere, from Waimānalo to Hau‘ula (Conveyance 122:212-4).

Other reasons for Castle’s accumulation might have been for a country home, to supplement Kane'ohe Ranch holdings in the valley, or because of Castle plans to put a railway along the coast through Kahana.

\textsuperscript{46} The assumption about the beach estate was made on page 205 of chapter 7.

After Foster foreclosed on the Pākeʻe leases of Castle’s lands, her agent Wodehouse renegotiated the terms of the leases as he felt they were unfair. Interestingly, as late as this renegotiation, Castle still was excluding two pāhale lots by the beach, apparently still because of beachhouse plans (Castle Ltr. to Wodehouse, December 23, 1907).

\textsuperscript{47} Kaiapa (k) 33 had his own share and received share 113 (Conveyance 80:17). These two were leased by his widow and four children to Tai Lee Wai (Abstracts 33, 113).

Kaiapa’s daughter, Sarah Kaipa Mioikekua, got share 1 (Conveyance 135:366-9), and did not encumber it through 1903.

The Kalua holdings included the two shares of Poalomaka Kalua (k) 42/103, his wife’s share, Kaakaula Kalua (20), and shares 71 and 110 which his wife inherited (Conveyances 94:470,1). Although never mortgaged, all five shares were leased to Tai Lee Wai (Conveyance 185:11). Descendants of the Kalua family live in Kahana today and are community leaders. See also chapter 7, page 212.
family best epitomizes the old tenaciousness about holding onto the land. None of the five shares under their control had been sold or mortgaged as of 1903.

There were 11 other shares still in Hawaiian hands in 1903. Ownership was primarily in the hands of heirs. Most of these shares had been leased or otherwise encumbered.48

The Castle, Wilcox, Kāiapa, Kalua, and other non-Foster shares were nearly all leased to Tai Lee Wai. When Foster foreclosed that rice plantation in 1903, she gained these leases and thereby the use-rights to these lands (Conveyance 250:474-8).

**Final Foster Acquisitions, 1899-1903**

Foster already owned the 19 shares purchased by her husband in 1888-9. She got another 12 in 1897-8, apparently as an initial response to the struggle with Kāneʻohe Ranch.49

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48 I.e., shares 12, 27, 39, 59-60, 66, 70, 72, 79, 101, and 111.

The 11 were predominately Kahana people. Of the 11, five had originally been Kahana shareholders (i.e., 27, 66, 70, 101 and 111). One more passed to a Kahana heir (12). Two more were sold to Kahana people (39, 59). One stayed in the hands of a non-Kahana shareholder (79). The other two (60, 72) went to non-Kahana heirs.

Of the 11 shares, five had passed to heirs (12, 27, 60, 70, 72; Conveyances 135:456, 158:275, 229:485, 177:449; Abstracts 12, 27, 60). Four had been sold to other Kahana Hawaiians, some of whom may have been heirs (39, 59, 101, 111; Conveyances 133:280-1, 188:203, 136:166, 74:181, 106:1757; Abstract 101). The other two were still held by the original shareholders (66, 79). Only one had been mortgaged and released (70; Abstract 70). Only five had been leased (59-60, 66, 72, 79; Conveyances 175:18, 190:179, 190:358, 185:11, 26, 185:10; Abstracts 60, 66, 79).

49 The 19 acquisitions made by Thomas R. Foster in 1888-9 were: 2, 16, 18-9, 35, 38, 41, 49, 51-2, 63, 68-9, 83, 88, 92, and 105-7. See pages 221-222.

The 12 acquisitions made in 1897-8 were: 10, 17, 24, 28, 37, 44, 47, 55-6, 78, 82, and 90. See pages 239-239.
All 31 of these shares were leased to the Tai Lee Wai rice plantation. Foster therefore did not have use-rights to the *lo'i* lands connected to her 31 shares. These leases, however, came back to her through foreclosure (Conveyance 250:474-8). Hence, by 1903 she owned the shares and the leases to them. She was able, in succeeding years to re-lease the land to other rice farmers and, particularly in later years, to *Kepani*, who farmed truck crops, pineapple, and then sugar.

Foster acquired interests in 19 more shares in her settlement with Kane'ohe Ranch. The land from these shares were nearly all leased to the Tai Lee Wai plantation, either prior or subsequent to the Ranch's acquisition. These leases

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50 In the mid-1890s her shares were controlled by Pali through a share-cropping arrangement (Foster Ltr. to Kapalialuweloa, 1895).

For the Tai Lee Wai leases, share 55 was a bit of an exception. It was acquired by Foster's agents and placed in the name of her chief representative, Ernest W. Wodehouse and his wife May, who was Foster's niece (Conveyance 181:242). This transaction was apparently done as a reward to Wodehouse for his successful, if difficult, job managing Foster's finances and investments.

Wodehouse held onto the share, but sold its reserved land to the Tai Lee Wai plantation (Conveyance 181:473). This was the only *Hui* land actually purchased by Tai Lee Wai. Wodehouse apparently bargained away the land as the plantation wanted to construct its major asset, a rice mill, at the site.

Share 55's land was mortgaged and foreclosed with the other plantation assets, and so Foster acquired the land assigned to the share, while Wodehouse maintained ownership of the share itself.

51 i.e., interests in shares 3, 14-5, 23, 29-30, 36, 46, 58-9, 67, 73, 80-1, 93, 98, 102, and 114-5.

52 i.e., shares 81, 93, and 98. Share 93 had already had a one-third interest in its land leased to Tai Lee Wai when the Ranch was able to purchase the one-third interest (Conveyances 185:26, 210:167, 208:349?). Foster therefore got one-third interest in the share from the Ranch (Conveyance 223:13). The Tai Lee Wai foreclosure also got Foster the lease back for this one-third share (Conveyance 250:474-8).

Share 98 had been leased to Tai Lee Wai before the Ranch purchased the share (Conveyances 185:8,26, 209:115). After Foster acquired the share from the Ranch, she confirmed the lease by re-leasing to the rice plantation (Conveyance 223:13; Abstract 98). Upon foreclosure, of course, she then acquired the lease (Conveyance 250:484-8).

53 Shares which were leased to Tai Lee Wai by the Ranch included: 14-5, 23, 29-30, 36, 46, 58, possibly 67, 80-1, 102, and 114-115.

(continued...)
were then acquired by Foster through the Tai Lee Wai foreclosure in 1903 (Conveyance 250:484-8).\textsuperscript{54} As with her other shares, she later re-leased most if not all of this land to Pākē and Kepani.

Foster had meanwhile continued to acquire shares. This was first as part of her struggle with the Ranch. When that was settled in 1901, however, she continued her new-found interest in acquiring additional equity in the Hui. Altogether, interests in another 28 shares were purchased by her between 1899 and 1903.\textsuperscript{55}

\textsuperscript{53}(...continued)

The lease of share 23 actually involved just the two-thirds interest in that share which the Ranch owned.

\textsuperscript{54} Shares 3 and 73 apparently were not leased out by the Ranch. Foster therefore seems to have acquired them in an unencumbered form (Conveyance 223:13). She then leased them out to the Pākē Ahmoon (Abstract 3) and to Tai Lee Wai (Conveyance 280:141). She foreclosed the latter lease in 1903 (Conveyance 250:484-8).

The Ranch's only interest in share 59 was a lease for its pāhale (Conveyance 175:18). The native shareholder separately leased out its ʻloʻi land, to Tai Lee Wai (Conveyance 190:179). Foster got both these leases, the pāhale from her settlement with the Ranch and the ʻloʻi from her Tai Lee Wai foreclosure (Conveyances 223:13, 250:474-8). Share 59, however, remained in native hands.

The records for share 67 are a bit unclear. It was apparently leased out to Tai Lee Wai by the Ranch or by Foster. The lease was acquired by Foster through her Tai Lee Wai foreclosure in 1903 (Conveyance 250:484-8).

\textsuperscript{55} I.e., shares 13, 21-2, 31, 34, 40, 45, 48, 50, 53-5, 61, 64-5, 74-5, 77, 84, 86, 89, 91, 93, 95-7, 99, and 104.
By this time, nearly all the non-Kahana shares had already been lost. Now the purchases were mainly the remaining Kahana shares. Of the 28 purchased by Foster, two-thirds (19) were originally owned by Kahana shareholders.56

A major aspect of this change was the inversion of control. The Kahana members were no longer the dominant voice in the Hui, Foster was.

Other expected patterns were present. Non-Kahana heirs had gotten five of the 19 Kahana shares and sold these to Foster.57 Non-Kahana heirs had gotten five other shares and sold them to investors, who then sold to Foster.58 Two other Kahana shares passed to a Kahana resident who later left and sold them to Foster.59

56 I.e., 13, 21, 31, 40, 48, 50, 53-5, 64-5, 74-5, 77, 86, 89, 97, 99, and 104.

Besides the purchase of the Kahana shares, Foster gained non-ownership interests in four other Kahana shares. She gained just the land of share 55 and just the lease to the pāhāle of share 48 by foreclosing them from Tai Lee Wai in 1903 (Conveyance 250:474-8).

With share 74 she gained the lease to one-half of it (Tai Lee Wai foreclosure, Conveyance 250:474-8), and gained a lien on the other one-half through giving a mortgage (Conveyance 252:50). She also gave a mortgage for share 75 (Conveyance 243:452).

57 These five shares included shares 31, 40, 65, 86, and 99. In each case, the share went to a Kahana heir who moved to Honolulu and sold to Foster (Conveyances 250:95, 229:34,5, 242:257, 249:154, 229:20). In the share 31 case, the seller reserved the pāhāle for life.

The five shares also probably included share 40, where heirs with 5/8 interest sold to Foster (Conveyances 194:450, 198:252).


Only 2 1/4 Kahana shares were sold outright by Kahana owners to Foster, less than 10% of the 28 shares acquired. As usual, even these exceptions tended to prove the rule.60

Foster's newly-acquired nine non-Kahana shares followed similar patterns.61 One was conveyed directly to Foster after leases and mortgages were made by the original non-Kahana shareholder.62 Interests in seven other shares came through non-Kahana heirs.63 The last non-Kahana share had a lease which Foster controlled.64

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60 Share 13 was originally a Kahana resident. He evidently moved to Honolulu and then sold to Foster (Conveyance 229:36).
Share 89 went to heirs who may have not been of Kahana. They leased it to Tai Lee Wai and then sold it to Foster (Conveyances 185:24, 189:256).
Share 104 passed to heirs. One of them, a Kahana resident who controlled the 5-share Kalua family holdings, agreed to sell his newly-acquired 1/4 interest in share 104 to Foster, while holding his other five shares (Conveyance 296:33).

61 I.e., shares 22, 34, 45, 61, 84, 91, 93, and 95-6.

62 Share 61 was leased to Tai Lee Wai in 1898 (Conveyance 185:23). By 1903 it had been leased three more times, and mortgaged twice, before finally being sold to Foster (Conveyances 190:180, 226:61, 234:402, 234:402).

63 Share 93 went to non-Kahana heirs and was leased to Tai Lee Wai. Then one-half of the encumbered share was sold to Kaneohe Ranch and the other half to an investor. The first half was acquired by Foster when she bought out the Ranch in 1901 (Conveyance 223:13). The second half went through a second investor before Foster was able to buy it (Conveyances 127:90?, 185:26, 210:167, 208:349?, 209:229, 223:13; Abstract 93).


Foster also acquired one-half of shares 34 and 95. Share 34 had previously been leased to Tai Lee Wai. Other non-Kahana heirs still held half of each share at the end of 1903 (Conveyances 222:65, 104:318, 250:259).

64 Share 22 passed to non-Kahana heirs. It had been leased to Aiona in 1889 and later to a Kahana resident. The latter lease was apparently acquired by Foster (Conveyances 113:7, 146:379?, 300:426; Abstract 22).
Figure 34 summarizes the result by 1903 of land tenure changes within the 
Hui. The Hawaiians owned just 18% of the shares.

The results of Hui land-use changes by 1903 have already been summarized 
in Figure 33 on page 230. By 1903, a majority of Kahana resident adults may well 
have been Pāke rice farmers, with some Kepani beginning to enter the valley as 
well.

65 The Hui originally had 115 shares. The totals shown in Figure 34 add up to 118 due to 
three shares being counted in two categories each. In each case, a share was only partially acquired 
in each of two conveyances.

Share 55 appears on the list of shares Foster acquired between 1897 and 1898 and again 
on the list of acquisitions by Foster for 1899-1903.

Share 59 appears on the list of shares held by other Hawaiians and also on the list of 
acquisitions of Foster from Kane‘ohe Ranch.

Share 93 appears on the Foster acquisition list from Kane‘ohe Ranch, and on her acquisition 
list for 1899-1903.

66 In 1903 Foster foreclosed the Tai Lee Wai rice plantation. During the course of that 
foreclosure, her agents made two censuses of the valley, on May 7 and May 22 (Ranken Ms.(a), 
Ms.(b)).

The May 7 census listed 31 Hawaiians, 64 Pāke, and 28 children (apparently all at least 
part-Hawaiian, some part-Pāke).

The May 22 census listed 65 Hawaiians, 44 Pāke, 13 Kepani, and nine children (including 
possibly some part-Kepani). The reduction in Pāke from the first census may reflect a shutting down 
of some rice plantation operations—the number of Pāke at the mill site is said to have declined 
from 52 to 30. The increase in Hawaiians comes primarily from counting many of the children as 
adults. The second census is a bit unclear, however, and some Hawaiians may have been counted 
twice in my totals, i.e., both as children and adults.

The censuses and related demographic documents were collected by me and are on file at 
the UH Archives.
Returned to Hui: 11 shares as shown in footnote 42, page 240.

Held by Wilcox: 6 shares as shown in footnote 43, page 241.

Held by Castle: 4 shares as shown in footnote 44, page 241.

Held by Kaiapa: 3 shares as shown in footnote 47, page 242.

Held by Kalua: 5 shares as shown in footnote 47, page 242.

Held by other Hawaiians: 11 shares as shown in footnote 48, page 242.

Foster shares acquired by Thomas R. Foster: 19 shares as shown in footnote 49, page 243.

Foster shares from 1897-8: 12 shares as shown in footnote 49, page 243.

Foster shares from Kāneʻohe Ranch: 19 shares as shown in footnote 51, page 244.

Foster shares acquired in 1899-1903: 28 shares as shown in footnote 55, page 245.

Total Foster shares: 78 (75% of outstanding shares).

Figure 34. Summary of ownership of Hui shares as of 1903.
Conclusion

From an auspicious beginning in 1875, the Kahana Hui staggered badly through the 1888-1903 period. First the non-Kahana and then many of the Kahana shares were acquired by Foster and others.

There had been the seemingly innocent violations of the Hui bylaws to allow share acquisitions by Kalākaua and Parker through 1887. This tendency to alienate shares in favor of non-Kahana investors peaked during the succeeding period. By 1903, 75% of the Hui was controlled by Foster.

Analysis shows that mortgages played a limited role in these losses. The dominant problem was alienability. Had the sales-back-to-the-Hui rule been enforced, the land would have remained in Hawaiian hands for future generations.

In any event, Hawaiians were dying off, being exiled to Kalaupapa, or moving to the city. Pākeʻe leaving the sugar plantations were moving in to take their place, many to grow rice for the large Asian population in Hawaiʻi and, in doing so, land-use was transformed.67

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67 I prepared certain additional materials which have been deposited at the UH Archives. These include:
(a) A philosophical essay which deals with the relationship of the “culture of capitalism,” 1880-1940 (Worster 1979) and how it related to labor, the environment, and indigenous people.
(b) A related essay, mentioned in footnote 3 on page 220, which explored three existing, and a suggested fourth, theory about why indigenous peoples tend to lose their land in a free market economy and methods of dealing with this from a policy perspective.
(c) A theoretical description of non-capitalist native social systems.
Chapter 9. Denouement:  
A Landed Monopology  
And the Advent of Sugar  

(A History of the Kuleana and Ahupua’a, 1904-1920)

Chapters 2-5 of this dissertation provide the general explanation of how Hawaiians lost their land. The remaining chapters have provided the sequence of events as the forces aligned earlier were brought to bear.

Chapter 6 provided, however, a view of one method by which Native Hawaiian control over the land could have been preserved—through the hui movement. Chapter 8 buttressed this with a discussion of the results of the policy which defeated the hui: alienability of indigenous lands.

In the previous history of the kuleana (chapters 4, 5 and 7), we saw, first, a consolidation process of native to native as the population decreased and as their numbers in rural areas such as Kahana dwindled. Next came a consolidation of native to Haole (Castle, Wilcox, Foster).

In this chapter most of the remaining kuleana pass to Haole (Foster, McCandless). Overlapping the previous form of capital consolidation was a final stage: consolidations among Haole (Castle, Wilcox, and McCandless to Foster).
In the previous history of the *ahuπua'a* and *Hui* (chapters 3-4, 6 and 8), we saw the major accumulation by Foster occur through the struggle with and triumph over another *Haole* investor, Kane'ohe Ranch. The prize was control over the most lucrative of Kahana's natural resource of the time—land. The Ranch was finally bought out. Foster increased her holdings from 18 to 75 percent of the *Hui* in the meantime.

In this chapter, she carried on her toughest battle, with the street fighter McCandless. Like the *kuleana*, the consolidation of native to *Haole* (Castle, Wilcox, the Ranch, McCandless) culminated in a consolidation amongst *Haole* (all those to Foster).

**The Missionaries are Bought Out, 1904-1907**

Like the Castle family before her, Foster envisioned a large country home near the beach. It would be on the land which once held the Kahana village. The Castles did not succeed. Their beach house estate ended up in Hau'ula rather than Kahana. In 1901, their Kane'ohe Ranch interests in the valley were sold. Taken together, the remaining Castle holdings in Kahana held little purpose, and they were sold to Foster in 1907.¹

¹ The Castle country home was built several miles to the west of Kahana. It was along a beach in Hau'ula, in the area now known as Kākela (i.e., Castle) Beach.

William R. Castle and his brother, James B., formed the Hawaiian Development Company in 1905 and its associated firms the Ko'olau Agricultural Company and the Ko'olau Railroad Company. Lorrin A. Thurston, a key figure in the coups of 1887 and 1893, served as president of the firm. The company was interested in holding onto the Castle family's holdings in Kahana so as to facilitate their railroad's right-of-way.

William sold his Kahana holdings to his brother James, who apparently was a leading figure in the railroad endeavor (Conveyance 300:247). James then sold them to Foster, through the (continued...
The other Missionary-related landholding, a *kuleana* parcel and shares held by William L. Wilcox and his wife, was also acquired by Foster. Wilcox died, and Foster’s agents were the high bidder for the lands in the estate auction of 1904.  

Together, these holdings gave Foster ten more *Hui* shares (roughly a tenth of the total), and interest in nine more *kuleana* (roughly a fifth of the total). A bit of a setback occurred, however, when James B. Castle’s Ko’olau Railroad Co. ran its line into Kahana. Foster’s agents protested vehemently, but the company took

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1(...continued)

company, in an exchange that had Foster paying cash as well as trading some other Koʻolau lands (Conveyance 300:285-7).

All told, eight Kahana *kuleana* were thus acquired by Foster, i.e., 240-L, 4433, 5221, 5231, 5318, 5702, 5704, and 9961.

The trade with James not only allowed Foster to have the beach front land for her country home, it also got rid of a major Missionary-related landowner. A coincident result was an actual legal merging of pieces of *kuleana*.

Both *ʻapana* of 6167 in the western village area were legally consolidated at this time and remain so on maps today. The same was true of the two *ʻapana* of 5231. Also, *kuleana* 5318 in the midlands area was merged with *ʻapana* 1 of 240-L, and the first two *ʻapana* of 8164-P were consolidated. (These physical consolidations are different from the simple lumping of *kuleana* together in deeds. William Castle had also been doing that for some years.)

The Castle trade with Foster also included the family’s *Hui* shares. Shares 5 and 85 were William’s, shares 108-9 belonged to his wife Ida. All four went first to James and thence to Foster (Conveyances 300:247,285-7).

2 The *kuleana* parcel was *ʻapana* 1 of 4363 (Conveyance 258:311).

William held shares 43 & 57. His wife, Elizabeth, held shares 6-9.

Elizabeth’s four shares were sold to Ida B. Castle, William’s wife (Conveyance 261:194). Of these, shares 8-9 were then sold directly to Foster (Conveyance 292:16). The other two, shares 6-7, were sold to her brother-in-law James and thence to Foster (Conveyances 300:247,285-7).

William Wilcox’s two shares, 43 and 57, passed to Foster similarly to his *kuleana*, i.e., through his estate sale (Conveyances 258:310, 250:376-7, 258:310?).

After his death, the executor of Wilcox’s will was W.O. Smith, the former law partner of Lorrin A. Thurston who was a leader of the coups of 1887 and 1893. In her own way, therefore, the Royalist Foster was triumphing over her old enemies.

Judge John T. DeBolt approved the sale. He had heard one of the earlier Kahana cases, and he later oversaw the major land title case on Kahana which ended in 1919.

3 As covered in more detail in materials I have put on file at the UH Archives, a relatively narrow-gauge rail line of the O’ahu Railway & Land Company ran from Honolulu Harbor to Kahuku. The principal in this firm was Benjamin F. Dillingham.

(continued...)
some kuleana and Hui land for its right of way. See Figure 35 for a map of the period.

(...continued)

From Kahuku, an ever smaller line, owned by the Ko'olau Railroad Co., extended down the coast to Kahana. Apparently utilizing government powers of eminent domain granted to it, the company and its principal could be quite sharp with private landowners in gaining ownership of its right-of-way.

The Ko'olau Railroad line was supposed to traverse Kahana from west to east and continue down the coast towards Kāne'ohe. Primarily for economic reasons and secondarily because of Foster's protests, however, the line never got out of Kahana.

A bridge over the river was constructed as well as a spur line to the eastern side of the valley. These proved difficult to maintain, however, and they were abandoned after a sugar harvest in the early 1920s.

A depot was constructed on the western side of the valley, behind Foster's country home, near where the old Kahana village had once existed. This became the end of the line. The OR&L and Ko'olau Railway lines apparently were abandoned in 1946, after a tsunami destroyed parts of their tracks, although some of the Ko'olau Railway line may have been abandoned somewhat earlier.

The land acquired for the railroad right-of-way in Kahana included Hui land as well as kuleana 8164-N (Conveyances 290:166, 287:418). The railroad later found it had no need for the larger portion of the kuleana, and so sold ʻōpana 1 to Foster (Conveyance 302:40). The second ʻōpana to this kuleana, however, stayed with the railroad.

(When all private real property in Kahana was acquired by the State of Hawai'i in the later 1960s and 1970s for use as a park, Ko'olau Railroad Co. was the largest owner of Kahana land after the Hui and Foster's estate.)
The map shows Kamehameha Highway as a double line along
The Missionary-dominated Territorial government also received a portion of Foster's land for use in improving the old government coastal trail through the valley. What had been little more than a sand path was improved through this portion of Ko'olau Loa in 1911. The road was aligned and its right-of-way clarified. Small adjustments in land boundaries along the right-of-way through Kahana resulted.

Two other Kahana parcels were held, from Foster's point of view, in friendlier hands. By 1920, Stephen Spencer had returned to England and died. His Estate sold its remaining Kahana property to Foster in 1924. Another kuleana parcel, ʻiipana 2

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5 Today it is known as Kamehameha Highway.

6 Figure 35 shows the improved route of Kamehameha Highway. Note immediately inland from Huilua Fishpond, where a dashed double line shows the route of the previous road. See also the photographs in appendix N on page 406.

7 These adjustments mainly dealt with Hui land. However, a portion of ʻiipana 2 of kuleana 5702 was also needed, on the western side of the valley near the present boat ramp. A trade was worked out between the agents of the government and Foster. In return for the portion of the kuleana, the government would exchange a portion of its only Kahana landholding: the old abandoned school lot. Hence, a portion of what is technically called ʻiipana 3 of School Grant 35 was traded with Foster (Conveyance 335:479). This parcel was near the 5702 ʻiipana.

Signing for the government was then-Governor Walter F. Frear. He was the husband of Mary Emma Dillingham Frear, who was a daughter of Benjamin. Governor Frear was also a past law partner of Lorrin A. Thurston, and a leading judicial figure of the Missionary-led governments of the 1890s and the Territory thereafter.

In the late 1920s a major expansion of Kamehameha Highway in Kahana occurred, bringing the highway up to the general standards known today (see photographs in appendix N, page 406).

8 Spencer was arguably a Royalist. He probably was on friendly terms with Foster, her agent the fellow-Britisher Wodehouse, and Wodehouse's employer Theo. H. Davies. Spencer had financed the purchase of Kahana by the Hui, and had purchased through foreclosure two of the Kahana kuleana. One (7653) he had quickly been sold off. The other, possibly by oversight, had remained in his hands and thereby passed to his Estate. This land (10394), was sold to Foster in 1924 (Conveyance 740:6-8).
of 10555, had earlier been traded to the Hui in return for a small parcel of Hui land. As Foster owned nearly all the Hui by 1920, there was no need to purchase this kuleana parcel.9

The McCandless Episode

By 1912, Foster appeared to solidly control the Hui. Then a bruising fight ensued with Lincoln L. McCandless, supported by his agent James Armstrong, over the water rights of Kahana.

The southern back country of Kahana was and is the wettest spot on O'ahu and one of the wettest places on Earth. The water flows to the north, however, and nourishes Kahana rather than the broad sugar lands leeward of the Ko'olau mountains.

In the sugar wars of Hawai'i, control of water was paramount. The key was to buy low and sell high. Good sugar lands and the usual water sources could no longer be purchased cheaply. To enter that field in McCandless' day meant high capital start-up and little net return.

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9 The 10555 parcel had been acquired by the Hui during its Mormon-led days. It was accepted by the Hui in exchange for the Hui trading away a small portion of ahupua'a land upon which the old protestant United Church of Christ church had stood (Conveyance 75:145). The Mormons of the Hui were understandably happy to remove the non-Mormon church from their ownership. It was traded to a native couple, arguably members of the United Church of Christ, in exchange for the 10555 land. Research for this dissertation unearthed this exchange. While Foster knew the kuleana parcel was owned by the Hui, no evidence exists to suggest Foster knew of the subdivided parcel. No map showing the precise location and size of the church parcel exists today. Whether title to it was cancelled through the State's eminent domain proceedings of the 1960s and 1970s is open to question.
McCandless' genius—at the time some said his folly—was in searching for unusual water sources. He reasoned that great amounts of fresh water existed to be tapped *within* the Ko'olau mountain range. This was a time, it will be recalled, when the hydrology of the Island was not well understood. It was known that a water table existed below the Wahiawā plains. But the Ko'olau mountains? If the water table was a hundred feet or more under the ground of Wahiawā, why should there be any water several hundred feet *above* that in the mountains?

McCandless and his brothers had come to Hawai'i as artesian well drillers. After the turn of the century, McCandless apparently reasoned that many of the perennial streams along the Ko'olau Coast had their sources in springs high in the mountains. This suggested that, somehow, water rose up into those peaks. He concocted a scheme that eventually bored 32 *miles* of tunnels within the Ko'olau mountain range to collect spring water underground and divert it to Wahiawā. For its time, this was a world-class engineering feat, carried out largely by miners from Asia. Ultimately, the water produced made possible the creation of huge sugar plantations on the 'Ewa plains.

Under the water-rights law of the day, the control of this underground water went to the owner of the land above it. The tunnels were therefore carefully constructed between 1913 and 1916 on the windward side of the Ko'olau peaks, beneath the back lands of Waiahole, WaiKāne, and Kahana, where McCandless held land interests.
Only a transporting tunnel ran under the leeward half of the range, to discharge McCandless’ water near Wahiawā.

McCandless’ gamble paid off. “Dikes” were discovered, the vertical shields of impenetrable rock within which water is trapped. His tunnels tapped the dike water at tunnel level (790 feet), releasing water which had previously risen to nearly the crest of the mountain range at over 2,000 feet. Tens of millions of gallons a day of the clearest, freshest water imagineable was suddenly flowing to ‘Ewa. McCandless apparently then sold his “Waiahole-WaiKāne Water Co.” to AmFac (owners of O‘ahu Sugar Co. in ‘Ewa) at a huge profit. With it went any rights he owned to the water he had developed. He kept the land for himself and still made a fortune.

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10 Water was not the only connection Kahana had with sugar.
The “Kahana Agricultural Company” was organized around 1913. It established a small sugar plantation in Kahana which apparently operated until the Second World War.
The sugar raised was sold and milled by the Kahuku Sugar Company, whose own fields extended from Kahuku eastward down the coast to Punalu‘u.
The Kahana sugar plantation is interesting as it was organized and capitalized by Kapeni (Japanese) who leased the land.

11 McCandless began by buying up Hawaiian hui shares and other land interests in Kahana, WaiKāne and Waiahole cheaply in his own name. In December 1912 he leased the water rights from these interests to the Waiahole Water Company for $257,500 (Conveyance 386:355-66). He also held a substantial interest in this company.
As noted in the text, he then made a nice return when he apparently sold his interests in this company to AmFac.
In March 1916 he reached an out-of-court settlement with Foster over his Kahana holdings, following his bruising legal maneuvers in Land Court. He got $20,000 for selling his shares and kuleana to Foster (Conveyance 438:220-5).
The Land Court, in 1919, finally ascertained that McCandless had once had interests totalling about seven shares. Therefore, shares which previously sold for $150 now gave McCandless about $3,000. The principal reason for the increase was the water royalties being paid, which amounted to roughly $400 per share annually.
Foster naturally claimed the $2,800 annually accruing to the shares she had bought from McCandless. McCandless disagreed, citing his previous lease of the shares’ water rights. Foster noted that according to the bylaws of the Hui, individual shareholders could not lease commonly-held Hui assets like the water rights of the ahupua‘a. The Supreme Court ruled for McCandless (25 Haw 726 (continued...))
McCandless’ strategy, besides the extraordinary engineering feat, was to buy up any land titles available in the three ahupuaʻa. At least in Kahana, his conveyance documents were often of dubious if not scurrilous validity. His agent Armstrong’s deeds were often of worse legitimacy.

Still, the threat to Foster was real enough. In defense her agents filed for a Torrens land title for her Hui holdings. The case dragged on for many years until settled in 1919. For many of the shares, several counter-claims to Foster's were filed with the Court. These would include claims by McCandless, sometimes his agent Armstrong, and often one or more Hawaiians, some of them put up to it by McCandless.

11(continued)

[1920] (see chapter 8, footnote 2 on page 219).

McCandless still owned most of the land in WaiKane and Waiʻaʻhole. His heir, Loy McCandless Marks, was paid a substantial tax-free sum from the State through eminent domain proceedings for Waiʻaʻhole in the 1970s. She also apparently got substantial sums for a later private sale of WaiKane, where she may still hold some land.

12 The Torrens land title system evolved in Australia and was adopted in Hawai'i in the 1890s, where it is known as the “Land Court system.”

A holder of a land title can petition a special Land Court to ratify his or her ownership of the land in question. The court allows anyone contesting the deed to come forward for a hearing on the competing claims.

The finding of the Court, once finalized, gives the holder of the resulting deed a clear title to a specified interest in the land.

Apparently no one has ever succeeded in getting a Land Court title overthrown in Hawai‘i. In theory, if someone was able to successfully contest a Land Court title, the successful complainant would be compensated by the government so as to protect the deed guaranteed by the Land Court. In a sense, the government is thereby insuring the holder of any Land Court-certified deed.

Foster recognized that a Torrens title case for the kuleana would cost more in legal fees than the titles would be worth. It was quite a different matter, of course, for the Hui shares.

Therefore, when the Kahana Land Court certification was made in 1919, it applied only to the Hui land and excluded all of the kuleana (Land Court Application 285 [1913]).
What amounted to separate trials began, share by share, for those being contested. In nearly all of them the Court eventually decided in favor of the decades-old deeds held by Foster, but there were several exceptions. In 1916 Foster's agents were able to negotiate out-of-court settlements with both Armstrong and McCandless.

13 Foster's agent Wodehouse noted he had "won" about 17.3 contested shares and "lost" 1.75 (i.e., one-half of share 34, one-quarter of 82, and 116) (Wodehouse Ms.(e)). See footnote 23 on page 266 for a more complete accounting.
These settlements allowed Foster to purchase their Kahana *kuleana*\(^{14}\) and *Hui*\(^{15}\) interests

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\(^{14}\) McCandless purchased some of the remaining *kuleana* lands, including the major portion of 3946, and all of 4365, 5709, and *āpāna* 2 of 10978. In addition, Armstrong acquired 5339.

One factor in these sales was the relatively high prices being offered. Another factor was the continuing diminution of the native population. The sellers were primarily very old. Any heirs that they had appear to have not lived in Kahana. The primary remaining value in the land to such families was the income the agricultural land provided and the shelter the *pāhāle* provided to the old folks.

These native landowners could get a higher return on their land by reinvesting the substantial sums received from the sale. They also could ensure that they received life interests in the land, guaranteeing them a place to live out the remaining years of their lives.

Kā'ana'anā, a son of Kapapa (k) 5220, and his wife Kahaunaele, had held 5709 for upwards of forty years. After his death, his widow agreed to sell the land to McCandless with a life interest to herself (Conveyance 372:88).

William Mihiole and his wife Ruth (72) held 4367 and an interest in 3946. An elderly William, no longer even living in Kahana, sold 4367 to McCandless (Conveyance 352:25). An heir, likewise not of Kahana, sold the Interest in 3946 to Foster (Conveyance 348:93).

The elderly Kekuku and her husband sold 5339 to Armstrong, guaranteeing for themselves a life interest in the land (Conveyance 372:427).

Kalu, a daughter of Kapapa (k) 5220, and her husband Nāwahine, held the *pāhāle* land of 10978 for several decades. After Kalu's death, her widow sold the land to a possible heir, who then sold to McCandless with a reserved life share (Conveyances 234:401, 337:382, 343:211-2). This sale also apparently included an interest in *āpāna* 2 of 5220.

Nearly all of these *kuleana* were sold to Foster as part of the over-all settlement. Interests in the two *pāhāle*, *āpāna* 2 of 10978 and 5220, had been sold by McCandless to Foster earlier, apparently so she could complete consolidation of land for her country house (Conveyance 340:359-60).

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\(^{15}\) There are various versions of who held what interests in the Kahana *Hui* shares, particularly after they soared in value following the lease of much of the water rights of the *Hui* to the Waiāhole Water Company in 1912 in return for $40,000 a year.

McCandless felt he had an interest in 19 shares. Foster's agent Wodehouse allowed an interest, often of a fractional nature, in only 10. McCandless' claims for shares 24, 40, 48, 54, 82, 91, 94-95 and 111 were felt to be valueless (Wodehouse Ms.(b)).

Armstrong felt he had an interest in 25 shares. Wodehouse felt he had an interest in only seven. Armstrong's claims for shares 12, 24-5, 27, 37, 45, 62, 77, 85, 89, 98-9, 103, and 105-110 were felt to be valueless (Wodehouse Ms.(c)).

Wodehouse's views, besides differing with McCandless and Armstrong, occasionally differed with the Court. I generally prefer Wodehouse's careful and apparently fair title research over McCandless, Armstrong, or even the Court, but even I have had my differences (see chapter 6, footnote 1, page 321). The actual definitive truth to all these titles remains, of course, elusive to us all.

Figure 34 of chapter 8 on page 248 listed the ownership of *Hui* shares as of 1903. With the Wilcox and Castle shares acquired by Foster, the remaining shares not owned by her were those controlled by the Kailapa and Kalua families, and the other Hawaiians.

Foster was able to buy most of the Kalapa shares 1, 33, and 113. Two-fifths of shares 33 and 113, however, went to McCandless/Armstrong. Foster got most of these shares from an investor who bought from a non-Kahana heir (Conveyances 326:84-5, 338:360-1). She got a small other portion from an apparently non-Kahana heir (Conveyances 438:198, 420:226,482). The McCandless/Armstrong portion came from a mix of heirs (Conveyances 342:395,401, 345:191, 355:23).

(continued...)
McCandless/Armstrong were able to buy most of the Kalua shares 20, 42, 71, 103, and 110. The elderly widow owning share 20 sold directly to McCandless (Conveyance 337:479). A non-Kahana heir to share 42 sold it to Armstrong (Conveyances 327:239, 408:182?). The elderly widow who owned shares 71 and 110 gave them to her grandchildren and then leased them, apparently fearful that her own children would sell them. One of the grandchildren died, however, and the child's mother inherited and sold her half interest in the two shares to Armstrong and McCandless (Conveyances 348:38, 343:441, 405:188). The old woman, incidently, sold the two shares a second time, to McCandless/Armstrong, and title to the shares remained clouded and confused for years (Abstracts 71, 110).

Share 103 from the Kalua holdings passed to heirs. Many of these sold to Foster (Conveyances 296:153,161, 348:177,454, 350:78,298). The remaining interest, about a third of the share, went to a non-Kahana heir who sold to Armstrong (Conveyances 327:239, 408:182).

The other Hawaiian-owned shares included shares 12, 27, 39, 59-60, 66, 70, 72, 79, 101, and 111. These went primarily went to Foster.

Share 12 was factionalized amongst 20 or more heirs, apparently all not of Kahana. About half of the share was conveyed to Foster from many of these heirs (Conveyances 352:272, 355:251, 358:107, 380:322, 385:163, etc). The other half passed through heirs evidently to Armstrong (Conveyance 382:385).

Share 27 likewise appears to have factionalized. Following a consolidation amongst the heirs, three of them sold to Foster (Conveyances 380:45,66, 410:489). A group of five heirs, one from Foster's list, then sold interests to Armstrong (Conveyances 400:472, 422:61,197,198, 428:308). Two other heirs sold to McCandless (Conveyances 350:121,122).

The apparently Kahana owners of shares 39 and 59 sold directly to Foster (Conveyance 287:498; Abstract 59). Share 60 apparently factionalized amongst non-Kahana heirs, who sold to Foster (Conveyances 176:417, 345:1,111,217).

Share 70 was sold by its Kahana owners to McCandless and Armstrong (Conveyances 337:382, 340:359, 378:494). The Kahana owner supported McCandless in the various struggles with Foster. When he had sold to McCandless, he had reserved a life interest to himself, which Foster respected when she later bought McCandless out. The Kahana resident later attempted adverse possession and ejectment proceedings against the Hui, which were dismissed. In the 1920s when his fifth wife left him after a short time with his remaining money, he went to Foster seeking conciliation and some monetary support (Abstract 70).

Share 72 was sold by its elderly owner to a hānai granddaughter. The young woman died in childbirth at the age of 15. The marriage was evidently forced, the ceremony having been performed by a jailhouse minister. The baby also died and the ceremony passed to the young woman's husband and parents. These then sold to Foster (Conveyances 177:449, 337:216, 338:253-5).

Share 79 went to two Kahana heirs. They sold to McCandless, but reserved the land attached to the share. One of the heirs then sold his half-interest in the reserved land to McCandless (Conveyances 272:398, 370:1,1-2,2?, 412:127). Descendants of this family kept their other half-interest in the reserved land (i.e., .625 acre) until it was purchased through eminent domain by the State in the late 1960s. Descendants live in the valley today.


Share 111 went to Kahana heirs who sold to Armstrong (Conveyances 382:347, 395:263).

Besides all of the above, McCandless and Armstrong evidently were able to secure deeds upon which valid fractional claims could be made for at least shares 35 and 97-9 (Conveyances 350:348, 355:142; Abstracts 35, 97-9).

(continued...
As explained in footnote 11 above, the sale of McCandless' shares to Foster were encumbered by a lease of their water rights. While Foster held the shares, neither she nor her estate held these shares' valuable water rights until the 1960s when his lease expired.\(^\text{15}\)

In the out-of-court settlement, McCandless got $20,000 for his encumbered 6.15 shares and various kuleana.\(^\text{17}\) As the kuleana were perhaps worth $1,500, this meant that Foster was paying about $3,000 per encumbered share. As the

\(^{15}\)...(continued)
While the prices being offered were small when compared to what the shares became worth once the water tunnels were developed, they were still relatively high when compared to previous sale prices.

As with the remaining kuleana sales, the factors behind these sales of Hui shares appear to be the price, in some cases the age of the sellers, and in others the fact that some heirs were not living in Kahana. As the sales by Kahana people evidently all reserved life interests, it can be concluded that shelter and taro lo'i were provided for those who wanted them. The sales therefore produced re-investable sums which could produce greater incomes than the shares had on their own.

\(^{16}\) McCandless was also able to convince the Land Court that a non-existent 116th Hui share existed. See footnote 1 on page 321 of appendix H.

The share was duly awarded to a Hawaiian who had no idea he had such a claim. He had one day answered a knock on the door to see a lawyer who offered him a large amount of money in return for which he signed a couple of pieces of paper.

One piece was the claim to the Land Court and the other was a deed giving the share away if it were won in the Court.

As McCandless had agreed to sell all his interests to Foster, this share was given to his minor daughter Loy McCandless Marks. While the income was small, the right to a single share gave McCandless the right to be a part of the Hui and be privy to its books and meetings.

\(^{17}\) The valid Hui shares appear to have been 20, one-fifth of 27, three-fifths of 33, one-half of 70, 79, one-quarter of 98, one-quarter of 99, one-quarter of 101, one-half of 110, and three-fifths of 113 (Wodehouse Ms.(b)).

Amongst the kuleana, he had seven-eighths of 3946, all of 4365, two-fifths of 113 (Wodehouse Ms.(b)).
encumbrance on each share reduced its value by about 90%,\textsuperscript{18} that meant that McCandless was getting the equivalent of about $30,000 per share.

Armstrong got $36,000 and a prime piece of downtown Honolulu property for his 3.9 shares and one *kuleana*.\textsuperscript{19} He was getting in excess of $10,000 per share.\textsuperscript{20}

At a 5% rate of return on value, the shares were worth about $8,000 each on the basis of their water royalties alone. All this contrasted with shares being freely sold for $150 in the 1880s and 1890s, or $200-$300 up to 1910.

**Other Foster Acquisitions**

Partially as a result of the race with McCandless for control of Kahana, partly on her own, Foster picked up interests in five more *kuleana* and 11 more *Hui* shares during this period. Again, key factors were the high prices offered and a general lack of heirs to stay on the land.\textsuperscript{21}

\textsuperscript{18} A share brought in about $400 a year in water royalties and only about $20 a year in all other sources of revenue (Wodehouse Ms.(d)).

\textsuperscript{19} Armstrong had been a tenant, often in arrears, of Foster since the 1890s. He rented some space in town within a small building she owned.
He insisted on being given title to the property as part of the settlement. This is apparently the site of the “Armstrong Building” on Hotel Street.

\textsuperscript{20} His valid *Hui* holdings apparently included one-half of 35, 42, one-half of 70, one-half of 71, one-tenth of 97, one-third of 104, and 111 (Wodehouse Ms.(c)).
He also had the 5339 *kuleana* (Wodehouse Ms.(c)).

\textsuperscript{21} The shares were 1, one-half of 12, two-fifths of 33, 39, 59, 60, 66, 72, one-half of 101, two-thirds of 103, and two-fifths of 113. They are described in footnote 15 above.
The *kuleana* included 6167, which had passed down to heirs who were ravaged with Hansen’s disease. The land then passed to a possible heir, who held it through 1920. When that heir died in 1930 the land became factionalized amongst nine heirs who did not evidently live in Kahana. They sold to Foster (Conveyances 291:157, 1049:348-9, 1050:492-4, 1052:213-4, 273-5, 500-1, 1061:331-2, 1065:73- (continued...)}
Non-Foster Holdings, 1920

Interests in only three small parcels of *kuleana* can be honestly said to have remained in native hands through the period of this dissertation.\(^2^1\) Only four *Hui* 4,75-6, 1084:177-9). The purchase of these interests were evidently the last made in Kahana by Foster, who died later that year at the age of 86.

The agricultural land of the Kapapa (k) 5220 *kuleana* also became factionalized. One of Kapapa's five heirs, John, had Kalehua as an offspring. She, in turn, had 12 children. One of them, Maggie, had another eight. All of the Kapapa holdings were evidently sold to Foster by 1926 (Conveyances 183:267, 234:401, 261:413, 277:429-30, 342:497, 372:124-6, 375:236, 794:410, 837:280-1). (Very small holdings of a technical and fractional nature may have survived the 1920s in the Kapapa clan's hands. If any such holdings did survive, however, it was due to the family and Foster not knowing of their existence. The repeated successful selling and re-selling, many times over, of the same land interests to Foster by the Kapapa family is worthy of its own dissertation. Foster paid a high premium for dealing with this family.) Today six of 31 tenant families in Kahana are descendent of this clan.

The tiny *'iipana* 5 of 5706 had passed to a fourth-generation heir not of Kahana. He sold it to Foster around 1912 (Conveyance 365:215).

The 6122 *kuleana* had passed to brothers who were each taken to Kalaupapa. After years of hunting for them, and putting up with various false claims, Foster's agents finally located one of the brothers. He sold his remaining interest, making assurances that his wife back in Honolulu would co-sign. She refused, however, and it took several more years, and additional payment, before her signature was secured (Conveyances 390:82-3, 442:264).

Shareholder 66/67 had held various *kuleana* land as well as two *Hui* shares. He was an old man and apparently without heirs. He sold his remaining *kuleana* (3948) to Foster around 1911, reserving a life interest for himself (Conveyance 340:488).

\(^2^2\) The three *kuleana* known to be in native hands in 1920 were 8164-O, a part of 6122, and 5941.

*Kuleana* 8164-O, a single *'iipana* about two acres in size, was held by a daughter of Kapapa (k) 5220, i.e., Lois Kaulahea.

*Kuleana* 6122 had less than one-half interest in its *'iipana* 2 sold by one heir to a relative, Keawealiko (k) (Conveyance 280:301).

*Kuleana* 5941 had a single half-acre *'iipana*. It was sold by old Kahai Kenoi (k) 66/67. In the deed he speaks of "the land I have lived on for 40 years and claim by law." The buyer was Mrs. James Grube (Conveyance 316:229?).

The Foster Collection had inadequate information on five other *kuleana*. They appear to have been owned by Foster if had unknown or uncertain heirs. Arguably, any not owned by Foster would have been sold to her had her agents been able to locate the respective heirs.

The five include 8185, 8164-P, *'iipana* 2 of 4363, *'iipana* 1 and 2 of 5706, and one-half interest in 6122.

(continued...)
shares were not in Foster's hands, and two and a half of these were held by Wodehouse and McCandless.\textsuperscript{23}

\textsuperscript{22}(...continued)

A tax record from 1930 lists the non-Foster owners as follows:

- Heirs of Hohoia for 8185.
- Arthur Keawe for 8164-O.
- Martha Grube for 5941.
- Ko'olau Railroad Co. for \textit{Apana} 2 of 8164-N (see footnote 4 on page 253).
- The \textit{Hui} for \textit{Apana} 2 of 10555 (see footnote 9 on page 256).
- The government for the 5.8 acres of Kamehameha Highway.
- Ko'olau Railroad Co. for the 6.3 acres of its right-of-way.
- Harry Makanoa for the .625 acres left to him from his former share \textit{79} (see footnote 15 above).

Share 55 was owned by Wodehouse, Foster's agent. Foster owned the land attached to it, but Wodehouse owned the remaining interests of the share, including its water rights.

Share 71 and 110 had been deeded by an elderly widow to her grandchildren, possibly because of a concern that her children would sell them. One grandchild died, and his mother, evidently the widow's daughter, sold that one-half interest in the two shares to McCandless and Armstrong (see footnote 15 above).

The other one-half interest in the two shares stayed with the other grandchild. A court put strict controls on the share, saying its income had to be banked for when the child became an adult and the parents were not to control or spend it. Before reaching legal age, the young woman married, and she and her husband held the interests until they were purchased by the State through eminent domain proceedings in the 1960s. This woman, Læa "Hattie" Nuhi Au, was also descended from Nunu (k) \textit{3946}. She lived away from Kahana for many years, returning for good around the 1950s. Two of the 31 tenant families in Kahana today are descended from her.

Actually, the Land Court awarded only a total of one-quarter of a share to Au, due to the confused condition of the share's title. Foster's attorneys found that she deserved a full share (i.e., half of 71 and 110), and on their request the Land Court amended its decision accordingly.

Foster owned a lease to half of share 74 and possibly a mortgage to the other half (see footnote 56 on page 245 of chapter 8). The owner, Emma Keakahiwa Watson Opunui, also held share 95 at one time. The final interests in both shares were sold by Opunui to Foster (Conveyance 345:240). Opunui collected the sales price, assuring Foster's agents that her husband would be by to co-sign the deed. He declined to do so, and under the laws of the day the deed was not operable, though Opunui could legally keep her money. A final settlement with Foster led to a new sale of the remaining interest in share 95 but the final one-half interest in share 74 remained in Opunui's hands (Conveyance 360:293). She keep that interest thereafter. She did not live in Kahana, though relatives did. A \textit{hānai} descendant remains in the valley today.

The Land Court also made certain other rulings. A claimant for Foster's share 12 initially lost. Foster's agents felt this was an error, however, and on petition the Court awarded one-half of the share to the claimant, who then apparently sold it to McCandless' minor daughter (later Loy McCandless Marks).

The Land Court also awarded a half interest in share 34 to a claimant. The claimant then sold to Foster (Abstract 34).

The Court also awarded one-quarter of share 82 to a claimant. Foster used Charles E. King as an agent in securing the remainder of this share for herself (Conveyances 495:212,224,402; Abstract (continued...)}
All the rest of the 66 kuleana āpana were owned or controlled by Foster. These were leased out to Pākehā (Chinese) rice farmers in the early years after the turn of the century. Increasingly thereafter, however, Kepani (Japanese) sugarcane growers would lease the land. These leases were largely unrecorded and oftentimes of an informal nature.

The kuleana lands were combined with Hui land and operated by Foster’s agents as a single integrated landholding. Land-use by 1920 had largely passed to sugar cane production through the Kahana Agricultural Company, a small sugar plantation.24

The bulk of the income from Kahana, however, was the water rights’ lease rents. These began when the tunnels were completed in 1916. Distribution of the money was held up while ownership of shares was ascertained. Settled by the Land Court in 1919, a bit over $1,000 per share was distributed from the accumulated rents. Foster’s share was $112,889.72 (Wodehouse Ms.), which more than made

23(...continued)

See footnote 10 on page 258.
up for the losses incurred in fighting and buying off McCandless and Armstrong. She enjoyed an income of $40,000 or more a year thereafter from her Kahana holdings alone.\textsuperscript{25}

**Conclusion**

"Serious money" came to Kahana with the development of the McCandless water tunnel system. From no income at the turn of the century, the *Hui* began to receive substantial sums annually in water royalties. This income, in turn, created a high value for the *Hui* shares.

The bitter struggle with McCandless rivalled the earlier one with Kāne‘ohe Ranch. The result was the same: Native Hawaiians selling to the highest bidder, and the highest bidders finally settling between themselves.

Foster's single pay-off to McCandless and Armstrong for their small holdings is upwards of 600\% the total amount paid to all *Hui* members from all sources for all their other 90\% of the shares of the *Hui*. All that was left in Kahana by 1920 was a single land-owner with 97\% of the land, some minority interests, and the balance of the people there with nothing, living with month-to-month tenancies.

Thus comes the end to our story. In this way the promise of the 1839 Declaration of Rights and the Great *Mahele* remained unfulfilled. In this way Kuykendall's evil was played out. In this way Hawaiians lost their land.

\textsuperscript{25} More tunnels were added in the late 1920s, which produced added water royalties to Foster and the minority *Hui* members.
Chapter 10. Summary and Conclusions

The Hawaiian revolution that occurred during the "long decade" of the 1840s commenced with the Declaration of Rights in 1839 and the liberal Constitution of 1840. The revolution concluded with the Kuleana Act and Alien Land Ownership Act, both of 1850. Overturned during this upheaval were traditional economic, legal, political, and social orders. Perhaps the greatest part of this revolution came through the land tenure elements of the Great Mahele, for the Hawaiian culture was rooted in the land.

The Great Mahele consisted of four stages. First came the filing of claims by the people. Then came the "greater" mahele that divided or quitclaimed the land interests of the King and the high ali'i. Third came the "lesser" mahele, the division of land between the King and Government. Finally, there was the Kuleana Act, the burden of which was to carry out the division between each of the previous three land owners and the people (makaʻaina).

In simple terms, the traditional system of undivided use-rights was replaced by two types of newly-created land interests. On the one hand were the makaʻaina awards, the kuleana. Numbering less than 8,500, most of these allotments included
both developed, cultivated agricultural lands and house lots. Many of these awards had 2-3 parcels (āpana), averaging a total size of about 2-3 acres.

The second type of land interest was the ahupua'a award. There were 253 recipients of these (i.e., the King, Government, and 251 high ali'i), some of which received several dozen ahupua'a. Ahupua'a parcels were traditional sub-district land divisions awarded by name to the King and high ali'i in the Mahele Book. Each award noted that the rights of the people living on the lands were to be protected. Such lands were largely undeveloped and uncultivated, and many of them consisted of large acreage unsuitable for any type of commercial use. The ahupua'a parcels varied from perhaps a hundred acres to tens of thousands of acres. An average size was in the thousands of acres.

Chapters 2-3 of this dissertation explored the Great Mahele and its effects in the case study of the ahupua'a of Kahana. Kahana is well suited for this role. It is a 5,000-acre valley with a deep bay and rich fishery. Lying about 25 miles by car from urban Honolulu, it was a population and subsistence production center in pre-contact times.

In this dissertation's discussion of the mahele, little has been added to the basic work of Kuykendall and Kelly, as modified by the recent work of Kameʻelehiwa, except to provide details to the history of how landownership developed in the case of Kahana Valley. If any other contribution has been made, it is in the stress placed on understanding the fluidity of the time and the social forces involved. In addition,
detailing the experiences of real people and places provides a specific level to the work that gives a fuller understanding of the process.

Chapter 2 explored the maka’ainana (people’s) side of the mahele. That they got any awards at all remained in doubt for some time. Gaining some valuable lands and extinguishing all ali’i (ruler’s) claims on their labor represented significant victories for the people. Yet these were tempered by four setbacks. Many people for many reasons were kept from, did not or chose not to file claims and so were left landless. Second, many who did file claims found their awards curtailed by discriminatory sections of the Kuleana Act. Third, the failure to prohibit alienation of the people’s lands led eventually to their loss. Fourth, the passage of the Alien Land Ownership Act allowed non-citizens to enter the scene and eventually speed the loss of the lands awarded to the people.

The high ali’i side of the mahele is viewed in chapter 3. The value of the ali’i awards are re-examined and it is concluded that, except perhaps for their water rights, they were perhaps not as valuable in western terms as once thought. The sum value of the people’s allotments in Kahana, for example, appears to have been roughly equal to that of the ali’i award, even if the ali’i award had about 50 times more acreage than all the allotments combined.

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1 Turning land into a commodity, as was done in the mahele, invites buying it by those with money and selling by those who had little or no money. This situation led to the alienation of land from its earliest owners.
Still, this meant the ali‘i received an award worth many times over the value of the individual maka‘ainana awards. Furthermore, the struggle of the ali‘i to get that award was not as difficult as it had been for the people. This chapter also describes how the ali‘i, cut off from the labor of the people—and now owning tracts of relatively unproductive land, but retaining a very high level of personal consumption—quickly began to encumber or sell their lands.

How then do we judge the mahele? From a point of view of western culture, it transformed undivided use-rights into private property. While nearly all that property was owned by Hawaiians, the mahele created a potentiality for these new fee-simple lands to be lost. An unfairness in implementation and the lack of inalienability were perhaps its greatest errors. From the perspective of the people, a third error was the lack of large undivided tracts of land awarded to them for their traditional livelihood.

From a point of view of Hawaiian culture, it can be argued that the mahele was a complete defeat, consisting of the sundering of that culture and its replacement by a victorious (if sometimes nefarious) market economy culture.

The Kuleana

The mahele created individual allotments, kuleana, for the people. These are explored in chapters 2, 4, 5 and 7. These chapters cover, respectively, the 1846-55, 1856-73, 1874-87, and 1888-1903 periods. Chapter 2, besides explaining how the allotment system operated, provides an analysis of the kuleana awards to Kahana
residents. This in turn gives an insight into the traditional land-use practices of the area. Through such an understanding, the land-based traditional culture is therefore examined.

Chapter 4 provides the startling evidence that no *kuleana* in Kahana were lost through 1873—27 years after claims began to be filed in 1846. The Kahana experience refutes a common academic view that the people's allotments began to be lost immediately after the *mahele*. Chapter 5 shows that the *kuleana* began to be lost only after the advent of the egregious "Mortgage" Act of 1874. This allowed for non-judicial foreclosures. By 1887 some of the *kuleana* had been lost this way and many more were encumbered and awaiting loss. This period also saw a consolidation of *kuleana* holdings into fewer native hands because of the decline in population.

Chapter 7, 1888-1903, saw the consolidation process hastened by ejectments through foreclosures as the 1874 Act was played out. Lands not foreclosed were often sold or leased. Only a handful of *kuleana*-owning Hawaiian families remained at the end of this period. The original Kahana village had been razed.

A traditional Hawaiian land district was a self-contained economic and social unit. It required, however, a certain minimal population and a minimal land base. All this had been lost by the *kuleana* owners of Kahana by 1903.
The Ahupua'a Award

The ahupua'a awards consisted of the lands in each land sub-district that had not been awarded to the people. The awardee was either the King, Government, or one of 251 high ali'i. In Kahana's case it was an ali'i. The story of this land award, for the same time periods as the kuleana, is examined in chapters 3, 4, 6 and 8.

Chapter 3 explains the award process and shows how the ali'i quickly began to encumber the land. Chapter 4, 1856-73, explores the situation in which the ali'i found themselves. Businessmen in Honolulu were making small fortunes. Surely the ali'i wished similar rates of return on their estates. The economic system, however, did not pay high returns for undeveloped land, land incapable of commercial production, or land that produced subsistence crops. In order to maintain their lifestyles, the ali'i were often forced to sell. Kahana Valley was sold in 1857.

Chapter 4 describes how the Kahana ahupua'a lot went through two more buyers and a good many mortgages by 1873. That all three owners after the ali'i were Pākehā (Chinese) helps to show the inadequately-reported story of their economic role at that time.

At this point we have seen the loss of the kuleana and ahupua'a, and there would seem to be little story left to tell. Chapter 6, however, explores the little-known Hawaiian hui (co-operative) movement. In Kahana and in perhaps a quarter
of the other available ahupua’ā, people banded together and purchased their ahupua’ā back. That done, they organized a social order along traditional lines with undivided use-rights within a well-administered organizational framework. Appendix I on page 330, which follows from chapter 6, examines the Kahana Hui bylaws and seeks through them to gain insights in how traditional Hawaiian society functioned.

The shares of the hui of Hawai’i, however, were not inalienable. Over time they were bought out. In Kahana one investor, who had a financial manager comfortable in the world of finance, owned 75% of the Hui by 1903 (chapter 8) and 97% of it by 1920 (chapter 9). That investor, an acculturated part-Hawaiian viewed as a Haole (Caucasian) by the people, also owned about 97% of the kuleana by 1920 (chapter 9).

The buy-up of Kahana is explained in chapters 8-9. Playing roles in the decision to sell was the continuing decline in Hawaiian population numbers, the exiling of patients with Hansen’s Disease to Moloka‘i, and the lure of the city or the call of religion. The policy of alienability permitted the sales to take place. The presence of investors provided interested buyers.

After early consolidations of native to native came a consolidation of native to Haole. Then came economic struggles, Haole to Haole, over the control of Kahana’s natural resources. In Kahana one struggle was over control of the upland areas for ranching. A second struggle was over water rights for sugar plantations. During each of these the investors sought out Hawaiians for the purpose of purchasing their interests.
At the end of both of these struggles the losing investors sold to the winner. Hence the 75% and the 97% consolidations that were recorded following each stage. All that was left in Kahana by 1920 was the single landowner, a few minority interests, and the balance of the people with nothing, living only with month-to-month tenancies.

Thus came the end to our story. The promise of the 1839 Declaration of Rights and the Great *Mahele* remained unfulfilled. In this way the Hawaiians lost their land.

**Other Conclusions**

The procedure utilized in this dissertation cannot be fully replicated in other areas because of the lack of a resource such as the Foster Collection, Archives of Hawai‘i (see page xiv). Nevertheless, the work of chapters 2-3, which explore the *mahele*, use records that are available for *ahupua‘a* throughout the Islands. Further work should be done in other case-study areas. The ‘īlī of Kahana and elsewhere also deserve further study, as discussed in appendix C on page 292.

The reasons why the *maka‘ainana* and *ali‘i* classes held on or lost their lands at different periods of time should be examined. And the *Hui* movement deserves a thorough study in its own right. Unfortunately, few *hui* records have survived. Court pleadings and archival records, however, could be examined. The lessons from the *hui* movement are certainly useful today as Hawaiians explore their options.

The Mortgage Act and the role of mortgages in losing Hawaiian land deserve further study. One unanswered question is for what purpose did the Hawaiians use
(or need) the mortgage money. The role of wealthy, acculturated part-Hawaiians in the loss of native land also deserves more research.

Stephen Boggs has suggested that an anthropological interpretation of the data presented in this dissertation would be useful. He notes the population decline, urban flight, and dwindling number of heirs which preceded the use of the Mortgage Act in Kahana. He suggests that a social disintegration preceded the loss of land and loss of the self-contained community in Kahana. There is much to support such a view within the materials of the Foster Collection, and a social history paralleling this land history could be done. Beyond that, the Foster Collection contains other materials worthy of study and dissemination.

Beyond an anthropological view, the story of Kahana could also be structured towards a more decidedly economic view than the one presented here. A description of the traditional mode of production might also be useful. Other disciplines, such as history, could also have their way with these materials. The data could also be more closely interpreted to describe the clash of western and indigenous culture.

Kahana is an area and subject upon which I have so far spent more than a dozen years. I have walked, hiked, and camped within it and listened to its voices on the wind.

Kahana was purchased to become a State park twenty years ago and quickly bogged down in debates between competing interests. I have participated in these debates and have served as an actor within the process. I feel confident, however,
that the vision of many of us will eventually be brought to fruition—a Hawaiian cultural park teaching its lessons to all.

Little remains within the oral traditions of Kahana to describe the events of a century or more ago. No major academic work has previously been done. This dissertation is a first step at describing that remarkable history. In so doing, we have found that Kahana has much to teach us about understanding events throughout the Islands.
Appendix A. Reference Lists of Claimants

This appendix contains two reference lists, as referred to by footnote 71 on page 61 of chapter 2. These list the people involved with the Land Commission claims in Kahana.

Anyone working with the Kahana data will come across references which contain just the claimant’s name or just the claim number. Therefore, the first reference list, contained within Figure 36 and Figure 37, is an alphabetical listing. The second list, contained in Figure 38 and Figure 39, is a numerical listing.

The latter list contains just those people who had a claim number. The former list includes these numbered claimants as well as others who testified or were referred to in the testimony.
<table>
<thead>
<tr>
<th>Name</th>
<th>LCA Number</th>
<th>Acres</th>
<th>'Apana</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aiohi (k)</td>
<td>6043</td>
<td>2.100</td>
<td>2</td>
</tr>
<tr>
<td>John Halborn</td>
<td>[No claim; witness to another claim.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Haumu (k)</td>
<td>6069</td>
<td>[Claim not awarded.]</td>
<td></td>
</tr>
<tr>
<td>Ho'oihea (k)</td>
<td>8185</td>
<td>1.480</td>
<td>1</td>
</tr>
<tr>
<td>Ho'oliilamanu (k)</td>
<td>6167</td>
<td>2.100</td>
<td>2</td>
</tr>
<tr>
<td>Hua (k)</td>
<td>8164-P</td>
<td>6.914</td>
<td>3</td>
</tr>
<tr>
<td>Kaiaawahia (k)</td>
<td>5807</td>
<td>4.760</td>
<td>3</td>
</tr>
<tr>
<td>Kahae (k)</td>
<td>[No claim; witness for other claims.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kahumikoku (k)</td>
<td>[No claim; witness to another claim.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kaiahakihai (k)</td>
<td>5221</td>
<td>2.687</td>
<td>2</td>
</tr>
<tr>
<td>Kaiaowal (k)</td>
<td>[No claim; witness for other claims.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kalauhina (k)</td>
<td>7651</td>
<td>2.725</td>
<td>3</td>
</tr>
<tr>
<td>Kalauawa (k)</td>
<td>240-L</td>
<td>4.000</td>
<td>1</td>
</tr>
<tr>
<td>Kalimalu (k)</td>
<td>[No claim; witness for other claims.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kalimaoni (k)</td>
<td>7653</td>
<td>2.190</td>
<td>2</td>
</tr>
<tr>
<td>Kaluele (k)</td>
<td>[No claim; witness to another claim.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kamakalaha'ia (k)</td>
<td>5321</td>
<td>[Claim not awarded.]</td>
<td></td>
</tr>
<tr>
<td>Kamakulu (k)</td>
<td>5318</td>
<td>4.650</td>
<td>1</td>
</tr>
<tr>
<td>Ka'opae (k)</td>
<td>4363</td>
<td>4.850</td>
<td>2</td>
</tr>
<tr>
<td>Kaopu'u (k)</td>
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<td>1.964</td>
<td>2</td>
</tr>
<tr>
<td>Kapapa (k)</td>
<td>5220</td>
<td>5.200</td>
<td>2</td>
</tr>
<tr>
<td>Kapena (k)</td>
<td>5231</td>
<td>1.550</td>
<td>2</td>
</tr>
<tr>
<td>Kapu (k)</td>
<td>[No claim; witness to other claims.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kapua (k)</td>
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<td>0.750</td>
<td>1</td>
</tr>
<tr>
<td>Kaualua (w)</td>
<td>5709</td>
<td>1.912</td>
<td>2</td>
</tr>
<tr>
<td>Keakua (k)</td>
<td>8164-O</td>
<td>2.100</td>
<td>1</td>
</tr>
<tr>
<td>Kekui (k)</td>
<td>4367</td>
<td>4.290</td>
<td>3</td>
</tr>
<tr>
<td>Annie Keohokolole</td>
<td>8452</td>
<td>5050.000</td>
<td>1</td>
</tr>
<tr>
<td>[Konohiki; see chapter 3.]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kuaio (k)</td>
<td>5704</td>
<td>1.000</td>
<td>1</td>
</tr>
<tr>
<td>Kuamo'o (k)</td>
<td>5706</td>
<td>1.900</td>
<td>5</td>
</tr>
<tr>
<td>[Konohiki agent.]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kuapu'u (k)</td>
<td>4433</td>
<td>0.455</td>
<td>2</td>
</tr>
<tr>
<td>Kukuiholahola (k)</td>
<td>5702</td>
<td>2.650</td>
<td>2</td>
</tr>
</tbody>
</table>

Figure 36. Alphabetical listing of persons named in claims and testimony; part 1.
<table>
<thead>
<tr>
<th>Name</th>
<th>LCA Number</th>
<th>Acres</th>
<th>ʻapana</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lilipi (k)</td>
<td>9961</td>
<td>1.100</td>
<td>1</td>
</tr>
<tr>
<td>Makia (k)</td>
<td>[No claim; witness for other claims.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maulua (k)</td>
<td>[No claim; witness to another claim.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maunui (k)</td>
<td>5976</td>
<td>1.730</td>
<td>2</td>
</tr>
<tr>
<td>Nahoa (k)</td>
<td>6125</td>
<td>[Claim not awarded.]</td>
<td></td>
</tr>
<tr>
<td>Napela (k)</td>
<td>6122</td>
<td>4.220</td>
<td>3</td>
</tr>
<tr>
<td>Naumu (w)</td>
<td>10394</td>
<td>1.649</td>
<td>2</td>
</tr>
<tr>
<td>Nuhi (k)</td>
<td>3948</td>
<td>1.365</td>
<td>2</td>
</tr>
<tr>
<td>Nunu (k)</td>
<td>3946</td>
<td>2.100</td>
<td>1</td>
</tr>
<tr>
<td>Ohekaʻu</td>
<td>10555</td>
<td>5.271</td>
<td>2</td>
</tr>
<tr>
<td>Paleua (w)</td>
<td>5339</td>
<td>7.180</td>
<td>1</td>
</tr>
<tr>
<td>Pine (k)</td>
<td>5941</td>
<td>0.363</td>
<td>1</td>
</tr>
<tr>
<td>Poeakua</td>
<td>[No claim; witness to another claim.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>[husband of Kaualua (5709).]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Puahiki (k)</td>
<td>[No claim; witness to another claim.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Puneʻe (k)</td>
<td>8164-N</td>
<td>3.637</td>
<td>2</td>
</tr>
<tr>
<td>Ula (k)</td>
<td>5413</td>
<td>2.750</td>
<td>2</td>
</tr>
<tr>
<td>Nawahine Wahea (k)</td>
<td>10978</td>
<td>2.590</td>
<td>2</td>
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</tbody>
</table>

Figure 37. Alphabeticall listing of persons named in claims and testimony; part 2.
<table>
<thead>
<tr>
<th>LCA number</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>240-L</td>
<td>Kalauawa (k)</td>
</tr>
<tr>
<td>3946</td>
<td>Nunu (k)</td>
</tr>
<tr>
<td>3948</td>
<td>Nuhi (k)</td>
</tr>
<tr>
<td>4363</td>
<td>Ka'ōpae (k)</td>
</tr>
<tr>
<td>4367</td>
<td>Kekui (k)</td>
</tr>
<tr>
<td>4433</td>
<td>Kuapu'u (k)</td>
</tr>
<tr>
<td>5220</td>
<td>Kapapa (k)</td>
</tr>
<tr>
<td>5221</td>
<td>Kāiakahi (k)</td>
</tr>
<tr>
<td>5231</td>
<td>Kapena (k)</td>
</tr>
<tr>
<td>5318</td>
<td>Kamakuku (k)</td>
</tr>
<tr>
<td>5319</td>
<td>Kaopu'u (k)</td>
</tr>
<tr>
<td>5321</td>
<td>Kamakala'ahia (k)</td>
</tr>
<tr>
<td>5339</td>
<td>Paleua (w)</td>
</tr>
<tr>
<td>5413</td>
<td>Ula (k)</td>
</tr>
<tr>
<td>5702</td>
<td>Kukuiholahola (k)</td>
</tr>
<tr>
<td>5704</td>
<td>Kuaio (k)</td>
</tr>
<tr>
<td>5706</td>
<td>Kuamo'o (k)</td>
</tr>
<tr>
<td>5708</td>
<td>Kapua (k)</td>
</tr>
<tr>
<td>5709</td>
<td>Kaulua (w)</td>
</tr>
<tr>
<td>5807</td>
<td>Kaaiawahia (k)</td>
</tr>
<tr>
<td>5941</td>
<td>Pine (k)</td>
</tr>
<tr>
<td>5976</td>
<td>Maunui (k)</td>
</tr>
<tr>
<td>6043</td>
<td>Aiohi (k)</td>
</tr>
<tr>
<td>6069</td>
<td>Haumu (k)</td>
</tr>
<tr>
<td>6122</td>
<td>Napela (k)</td>
</tr>
<tr>
<td>6125</td>
<td>Nahoa (k)</td>
</tr>
<tr>
<td>6167</td>
<td>Ho'oliliamanu (k)</td>
</tr>
<tr>
<td>7651</td>
<td>Kalaauhina (k)</td>
</tr>
<tr>
<td>7653</td>
<td>Kalimaoni (k)</td>
</tr>
</tbody>
</table>

Figure 38. Numerical listing of all claimants; part 1.
<table>
<thead>
<tr>
<th>LCA number</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>8164-N</td>
<td>Pune‘e (k)</td>
</tr>
<tr>
<td>8164-O</td>
<td>Keakua (k)</td>
</tr>
<tr>
<td>8164-P</td>
<td>Hua (k)</td>
</tr>
<tr>
<td>8185</td>
<td>Hohoiea (k)</td>
</tr>
<tr>
<td>8452</td>
<td>Annie Keohokālole</td>
</tr>
<tr>
<td></td>
<td>[Konohiki; see chapter 3.]</td>
</tr>
<tr>
<td>9961</td>
<td>Lilipi (k)</td>
</tr>
<tr>
<td>10394</td>
<td>Naumu (w)</td>
</tr>
<tr>
<td>10555</td>
<td>Ohekau</td>
</tr>
<tr>
<td>10978</td>
<td>Nāawahine Wahea (k)</td>
</tr>
</tbody>
</table>

Figure 39. Numerical listing of all claimants; part 2.
Appendix B. Summarized Data on Claimants

This appendix contains two lists of specific information. Both lists are used for the summarized data presented in the sub-chapter “Analysis of the Awards: The Land” from chapter 2 on page 68. The second list is used for the summarized data presented in the sub-chapters “Analysis of the Awards: The Claimants,” “Analysis of the Awards: Tenure,” and “Analysis of the Awards: Claim Success Rates” from chapter 2 on pages 65, 66, and 70, respectively.

The First List

The following information is listed by claimant in alphabetical order. The data given is: (a) name; (b) gender; (c) Land Commission Award number; and (d) a description of the land awarded with area if available (acreage rounded off). Where possible, the description of the award also lists the area (acreage) of the pāhale, the number of houses on it, and whether it was enclosed or not.

Areas given in parentheses refer to the preceding ʻāpana. For example, “25 loʻi, 1 kula, 1 pāhale (7 acres).” This means the various loʻi, kula, and pāhale totalled seven acres, and the available information does not provide a more specific breakdown of area sizes for the different land uses. On the other hand, “25 loʻi (4 acres); 1
"kula (1 acre); and 1 pāhale (.25 acre)," means that available information does exist to provide a specific breakdown.1

Aiohi (k) 6043: 4 lo'i (1.5 acres); no kula, and 1 pāhale (.5 acre, 1 house, enclosed with a stone wall).

Haumu (k) 6069. Claim denied.

Hohoiea (k) 8185: 12 lo'i, no kula, and inferentially 1 pāhale (unspecified number of houses, unenclosed) (1.5 acres).

Ho'oliliamanu (k) 6167: 2.1 acres, no specifics known.

Hua (k) 8164-P: 25 lo'i, 1 kula, 1 pāhale (7 acres).

Kaaiaawahia (k) 5807: 9 lo'i and 1 kula (2 acres); 1 kula (2 acres); and 1 pāhale (.5 acre, 2 houses, enclosed by a wooden fence).

Kaiakahi (k) 5221: 1 kula and 1 pāhale (2 acres); and 2 lo'i (.5 acre).

Kalaauhina (k) 7651: 4 lo'i and possibly 1 kula (.5 acre); 4 lo'i (.3 acres; and 1 kula and apparently 1 pāhale (2 acres).

Kalauawa (k) 240-L: 20 lo'i and inferentially 1 pāhale (4 acres).

Kalimaoni (k) 7653: 4 lo'i and 1 kula (2 acres); and 1 pāhale (.25 acre, 1 house, not enclosed).

Kamakala'ahia (k) 5321. Claim denied.

Kamakuku (k) 5318: 7 lo'i, 1 kula, and 1 pāhale (4.5 acres).

Ka'ōpae (k) 4363: 12 lo'i and 2 kula (5 acres); and 1 pāhale (.25 acre, inferentially unenclosed).

---

1 Certain subsidiary material can be found in the kuleana award books and their related files (Royal Patent Files Mss.) in the Archives of Hawai'i. These materials were beyond the scope of this dissertation and were not thoroughly reviewed. A researcher interested in additional verification work on the data presented in this list can refer to these additional sources.
Kaopu'u (k) 5319: 10 lo'i (1.5 acres); 1 pāhale (.25 acre, 2 houses, unenclosed).

Kapapa (k) 5220: 1 lo'i and 2 kula (5 acres); and 1 pāhale (.25 acre, inferentially unenclosed).

Kapena (k) 5231: 10 lo'i (1 acre); 1 kula and 1 pāhale (.5 acre, with 1 house, unenclosed).

Kapua (k) 5708: 3 lo'i, no kula, no pāhale (.75 acre).

Kuahaua (w) 5709: 6 lo'i (1.5 acres); and 1 pāhale (.25 acre, unenclosed).

Keakua (k) 8164-O: 9 lo'i, 1 kula, inferentially 1 pāhale (2.1 acres).

Kekui (k) 4367: 5 lo'i, 1 kula, and 1 fishpond (4 acres); 2 lo'i (.5 acre); and 1 pāhale (.25 acre, inferentially unenclosed).

Kuaio (k) 5704: 5 lo'i, no kula, no pāhale (1 acre); (his original pāhale was not enclosed, the claim for it was not awarded as the pāhale had been abandoned since the claim).

Kuamo'o (k) 5706, konohiki agent: 3 lo'i (.5 acre); 1 kula (.5 acre); 1 lo'i (.5 acre); 1 pāhale (.5 acre, unspecified number of houses, enclosed); and 1 lo'i (.15 acre).

Kuapu'u (k) 4433: 1 lo'i (.5 acre); 1 lo'i (.110'); and no pāhale (he lived with someone else).

Kukuiholahola (k) 5702: 11 lo'i and 1 kula (2.5 acres); and 1 pāhale (.25 acre, 1 house, unenclosed).

Lilipi (k) 9961: 1 big lo'i and inferentially 1 pāhale (1.1 acre).

Maunui (k) 5976: 2 lo'i, 1 kula, and 1 pāhale (1.5 acres); and 4 kula (.5 acre).

Nahoa (k) 6125. Claim was denied.

Napela (k) 6122: 1 kula (2.5 acres); 6 lo'i and 1 kula (1.5 acres); and 1 pāhale (.33 acre, unknown number of house(s), enclosed by a wooden fence).

Naumu (w) 10394: 2 kula (1 acre); and 11 lo'i and 1 pāhale (1 acre).

Nuhi (k) 3948: 10 lo'i and 1 kula (1 acre); and 1 pāhale (.25 acre, 1 house, unenclosed).
Nunu (k) 3946: 11 loi, 1 kula, 1 pāhale (2.1 acres).

Ohekau 10555: 7 loi, 1 kula (5 acres); and 1 pāhale (.25 acre, 1 house, inferentially unenclosed).

Paleua (w) 5339: 7 loi, 1 kula, 1 pāhale (7 acres).

Pine (k) 5941: 2 loi, 2 kula, inferentially 1 pāhale (.5 acre).

Pune'e (k) 8164-N: 28 loi, and 1 or 2 kula (3.5 acres); and 1 pāhale (.25 acre, 2 houses, unenclosed).

Ula (k) 5413: 7 loi (2.5 acres); and 1 pāhale (.25 acre, unspecified number of houses, unenclosed).

Nāawahine Wahea (k) 10978: 7 loi and 2 kula (2.5 acres); and 1 pāhale (.25 acre, 1 house, unenclosed).

The Second List

The claims are again listed in alphabetical order. Data are provided in the following sequence: (a) name and gender (if known); (b) Land Commission Award number; (c) whether they could sign their name or signed “X;” (d) length of claimant’s familial tenure on the land (i.e., whether there since Kamehameha I [d.1819], Kamehameha II [d.1824], or the current monarch Kamehameha III); (e) summary of claim; (f) summary of award; (g) derivation (how the awardee got the land); and (h) length of personal tenure by awardee on the land.

Aiohi (k), 6043, “X,” Kamehameha I. Claimed 5 loi, 1 kula, and inferentially 1 pāhale. Awarded 4 loi, no kula, and 1 pāhale. Derivation not given; had lived on the land since Kamehameha I.
Haumu (k), 6069, "X," —. Claimed 3 lo`i, 10 weed lo`i, 1 kula, 1 cultivated gulch, and 1 pāhale. Claim denied as claimant died in 1848, no direct heir, and land passed to the konohiki.

Hohoiea (k), 8185, "X," Kamehameha I. Claimed 16 or 17 lo`i, 17 weed lo`i, 5 or 6 kula, and 1 pāhale. Awarded 9 lo`i, 3 weed lo`i, no kula, and inferentially 1 pāhale. Derivation not given, nor length of tenure.

Ho`oliliamanu (k), 6167, —, —. No claim. No testimony. LCA book says he got 2 āpāna, and inferentially 1 pāhale. Derivation not given, nor tenure on the land.

Hua (k), 8164-P, —, —. Claim lost. Awarded 25 lo`i, 1 kula, and 1 pāhale. Derivation not given; he had lived on the land for 18 years.

Kaaiawahia (k), 5807, signed, —. Claimed 5 lo`i, 7 weed lo`i, 4 kula, 1 wai `o`opu, and 1 pāhale. Awarded 5 lo`i, 4 weed lo`i, 2 kula, no wai `o`opu, and 1 pāhale. Derived the land from his ancestors; length of tenure not given.

Kaiakahi (k), 5221, signed, Kamehameha II. Claimed 2 lo`i and 1 pāhale. Awarded 2 lo`i, 1 kula, and 1 pāhale. Derivation not given, nor length of tenure.

Kalaauhina (k), 7651, "X," Kamehameha I. Claimed 5 lo`i, 21 weed lo`i, 2 kula, and 1 pāhale. Awarded 5 lo`i, 3 weed lo`i, 1 or 2 kula, and inferentially 1 pāhale. Derived the land from his parents; had lived on the land since his youth.

Kalauawa (k), 240-L, —, —. No claim. No testimony. Awarded 20 lo`i and inferentially 1 pāhale. Derivation not given, nor length of tenure.

Kalimaoni (k), 7653, "X," Kamehameha I. Claimed 3 lo`i, 3 weed lo`i, 1 or 2 kula, 1 mountain kula, and 1 pāhale. Awarded 3 lo`i, 1 weed lo`i, 1 kula, no mountain kula, and 1 pāhale. Derived the land from his parents; had lived on the land since his youth.

Kamakala`ahia (k), 5321, "X," Kamehameha II. Claimed 10 lo`i, 10 māla (dry gardens) of `awa, and 1 pāhale. Claim was denied as he left for Kāne`ohe in 1849; no one testified for the land except the konohiki.

Kamakuku (k), 5318, "X," Kamehameha I. Claimed 7 lo`i, 2 kula, and 1 pāhale. Awarded 7 lo`i, 2 kula, and 1 pāhale. Derived the land from his ancestors; length of tenure not given.
Kaʻōpae (k), 4363, “X,” Kamehameha I. Claimed 2 loʻi, 2 kula, and inferentially 1 pāhale. Awarded 12 loʻi, 2 kula, and 1 pāhale. Derivation not given; he had lived on the land 15 years.

Kaopuʻu (k), 5319, signed, Kamehameha I. Claimed 4 loʻi, 1 weed kula, and 1 pāhale. Awarded 10 loʻi, no weed kula, and 1 pāhale. Derived the land from his parents; he had lived on the land his whole life.

Kapapa (k), 5220, signed, Kamehameha I. Claimed 1 loʻi, and 1 pāhale. Awarded 1 loʻi, 2 kula, and 1 pāhale. Derived the land from his parents; length of tenure not given.

Kapena (k), 5231, signed, Kamehameha I. Claimed 7 loʻi, 1 kula, and inferentially 1 pāhale. Awarded 10 loʻi, 1 kula, and 1 pāhale—after trading with the konohiki to put a consolidated lot together. Derivation not given; he had lived on some of the land for 10 years and the rest for 20 years.

Kapua (k), 5708, “X,” —. Claimed 2 or 4 loʻi, 2 or 6 weed loʻi, 1 or 2 kula, and 1 pāhale. Awarded 3 loʻi, no weed loʻi, no kula, and no pāhale (due to testimony saying he didn’t have a pāhale). Derivation not given; he had lived on the land for about 10 years.

Kaualua (w), 5709, “X,” —. Claimed 6 loʻi (inferentially) and 1 pāhale. Awarded 6 loʻi and 1 pāhale. Derived the land from her parents; length of tenure not given.

Keakua (k), 8164-0, —, —. Claim lost. Awarded 9 loʻi, 1 kula, and inferentially 1 pāhale. Derived the land from his parents; length of tenure not given.

Kekui (k), 4367, “X,” Kamehamrha I. Claimed 7 loʻi, 1 kula, 1 wooded kula, 1 fish pond, and 1 pāhale. Awarded 7 loʻi, part of 1 kula, 1 fish pond, and 1 pāhale. Derived the land from his parents; he had lived on the land since the time of Kamehameha I.

Kuaio (k), 5704, “X,” —. Claimed 10 loʻi, 1 kula, 1 kula wauke, and 1 pāhale. Awarded 5 loʻi, no kula, and no pāhale (his pāhale was abandoned in 1849 following his wife’s death). Derivation not given; he had lived on the land for 5 years.

Kuamoʻo (k), 5706 [konohiki agent], “X,” —. Claimed 6 loʻi, 7 weed loʻi, 4 kula, 1 “muliwai” (stream course), and 1 pāhale. Awarded 5 loʻi, no weed loʻi, 1 kula, no muliwa, and 1 pāhale. Derivation not given; he had lived on the land for over 20 years.
Kuapu'u (k), 4433, signed, Kamehameha I. Claimed 4 lo'i, 10 weed lo'i, 1 wooded gulch, and no pāhale. Awarded 2 lo'i, no weed lo'i, no wooded gulch, and no pāhale (he lived with someone else). Derived the land from his ancestors; he had lived on the land since the time of Kamehameha I.

Kukuholahola (k), 5702, “X,” —. Claimed 6 weed lo'i, 1 kula, and 1 pāhale. Awarded 5 lo'i, 6 weed lo'i, 1 kula, and 1 pāhale. Derivation not given; he had lived on the land for over 20 years.

Lilipi (k), 9961, signed (signed “X” in a later deed, however), Kamehameha I. Claimed 6 lo'i, 10 weed lo'i, 1 kula, 1 mountain kula, and 1 pāhale. Awarded 1 lo'i and inferentially 1 pāhale. Derivation not given; he had lived on the land since the time of Kamehameha I.

Maunui (k), 5976, “X,” Kamehameha I. Claimed 8 lo'i, 4 weed lo'i, 5 kula, and 1 pāhale. Awarded 2 lo'i, 5 kula, and 1 pāhale. Derivation not given; the claimant's wife, claiming for her dead husband, was said to have lived on the land for 20 years.

Nahoa (k), 6125, “X,” —. Claimed 4 lo'i, 2 weed lo'i, 1 kula, and 1 pāhale. Claim denied as he had left the area and gave up his land to the konohiki agent.

Napela (k), 6123, “X,” —. Claimed 3 lo'i, 2 weed lo'i, 1 kula, and 1 pāhale. Awarded 4 lo'i, 2 weed lo'i, 2 kula, and 1 pāhale. Derived the land from his parents; length of tenure not given.

Naumu (w), 10394, signed, Kamehameha I. Claimed 15 lo'i, 6 weed lo'i, 2 lo'i kula (perhaps non-irrigated lo'i), 2 kula, and 1 pāhale. Awarded 9 lo'i, 2 lo'i kula, 2 kula, and 1 pāhale. Derivation not given, nor length of tenure.

Nuhi (k), 3948, “X,” Kamehameha I. Claimed 7 lo'i, 1 kula, 1 wooded upland, and 1 pāhale. Awarded 10 lo'i, 1 kula, and 1 pāhale. Derivation not given; he had lived on the land 18 years.

Nunu (k), 3946, “X,” Kamehameha III. Claimed 1 kula, 1 wooded upland, and 1 pāhale. Awarded 11 lo'i, 1 kula, and 1 pāhale. Derivation not given; he had lived on the land 7 years.

Ohekau, 10555, signed, Kamehameha III. Claimed 4 lo'i, 3 weed lo'i, 1 kula, and 1 pāhale. Awarded 4 lo'i, 3 weed lo'i, 1 kula, and 1 pāhale. Derivation not given; he had lived on the land for 10 years.
Paleua (w), 5339, signed, Kamehameha I. Claimed 3 lo'i, and 1 pāhale. Awarded 7 lo'i, 1 kula, and 1 pāhale. Derivation not given; she had lived on the land for 30 years.

Pine (k), 5941, “X”, Kamehameha I. Claimed 2 lo'i, 2 kula, and 1 pāhale. Awarded 2 lo'i, 2 kula, and inferentially 1 pāhale. Derived the land from his parents; length of tenure not given.

Pune'e (k), 8164-N, —, —. Claim lost. Awarded 28 lo'i, 1 or 2 kula, and 1 pāhale. Derivation not given, nor length of tenure.

Ula (k), 5413, signed, Kamehameha I. Claimed 5 lo'i, 1 kula, and inferentially 1 pāhale. Awarded 7 lo'i and 1 pāhale. Derived the land from his parents; length of tenure not given.

Nāwahine Wahea (k), 10978, signed, Kamehameha I. Claimed 4 lo'i, 10 weed lo'i, 2 kula, and 1 pāhale. Awarded 4 lo'i, 3 weed lo'i, 2 kula, and 1 pāhale. Derivation not given; had lived on the land for about 10 years.
Appendix C. Data on the ‘ili of Kahana

This appendix contains detailed descriptions of the identifiable ‘ili in Kahana and the claimants within the ‘ili. It was described in the sub-chapter “Analysis of the Awards: The ‘ili” of chapter 2 on page 89.

A cautionary note. We do have the names of ‘ili. Identification of their location with certainty is, however, difficult. The ‘ili are named in the claims only, which were made prior to the sorting-out process which occurred through the claims’ testimony and the surveying of the lots. I.e., the known location of the awards do not refer to ‘ili, while the often-unknown location of the claims do.

The ‘ili were evidently of some importance to the people. Their brief claim statements all speak of them. This appendix gives an idea of what data exists.

Were ‘ili people related? Were they part of extended families (ʻohana)? Are people in the “ʻili of the ahupuaʻa” new-comers? What patterns are exposed when the data from this appendix are compared to the maps showing lot locations? How does this relate to previous anthropological and archaeological work in Kahana as cited and examined by Hommon:1971?

Such questions are beyond the scope of this dissertation. They do suggest, however, directions for future research.

The identified ‘ili follow.
Hanakukai

Location: Apparently located around the middle of the western village.

Claimants:

Hohoiea (k) 8185, says some of his claim was in this 'ili (though the part mentioned may have been denied; his award is far up stream beyond the fork).

Kamakuku (k) 5318, in middle of western village.

Kapena (k) 5231, refers to this 'ili.

Naumu (w) 10394, āpāna 1, adjoins this 'ili; at mauka end of western village.

Nāwahine Wahea (k) 10978, adjoined it.

Kamoku

Location: On eastern side of River.

Claimants:

Aiohi (k) 6043, on eastern side of River, far across from western village, next to Kaopu'u (k) 5319 and Lilipi (k) 9961; calls it “ili of Komokunui.”

Hohoiea (k) 8185, up Kahana Stream beyond fork, (this may refer to a rejected part of his claim).

Kamakala‘ahia (k) 5321 (claim denied); he was on eastern side of River, far across from western village, next to Kaopu'u (k) 5319, Lilipi (k) 9961, and Aiohi (k) 6043.

Kaopu'u (k) 5319, on eastern side of River, far across from western village.

Lilipi (k) 9961, on eastern side of River, far across from western village, next to Kaopu'u (k) 5319.

Nāwahine Wahea (k) 10978, adjoined it.

Kapa‘ele‘ele¹

Location: Probably at makai end of western village.

Claimants:

Kalauhina (k) 7651, at makai end of western village.

Kalimaoni (k) 7653, at makai end of western village, said to adjoin this (though may be rejected “jump” (lele) āpāna).

Nuhi (k) 3948, pāhale (āpāna 2), by beach, at makai end of western village.

¹ The name refers to “The Black Cloth” or the black cape. It is the name of a fishing shrine on the western side of the bay. It is also the name of the great God Lono's cape. Lono is associated with the makahiki season. For mythic Kahana associations, see Stauffer Ms.(b):37-50.
Nunu (k) 3946, farthest up Kahana Stream (perhaps this was an error or a rejected part of the claim).
Nawahine Wahea (k) 10978, adjoined.

**Kiola**

Location: Said to be towards mauka end of western village, but also said to be at fork with Kawa Stream. Perhaps the 'ili had two parts.

Claimants:
- Kalimaoni (k) 7653, at mauka end of western village, said to adjoin this 'ili.
- Kaʻōpae (k) 4363, just below fork with Kawa Stream.
- Kuapuʻu (k) 4433, at fork with Kawa Stream.
- Paleua (w) 5339, in middle-mauka of western village.
- Nawahine Wahea (k) 10978, adjoined.

**Koʻolaʻa**

Location: middle of the western village.

Claimant:
- Kaiakahi (k) 5221, ʻapana 2, middle western village.

**Loikeʻe**

Location: described in two parts, one around middle-mauka of western village, the other at very top of Kahana Stream, up beyond the fork.

Claimants:
- Kaualua (w) 5709, very mauka on Kahana Stream.
- Kuamoʻo (k) 5706, konohiki agent, two parts of his award adjoined this ʻili.
- Maunui (k) 5976, middle-mauka of western village, adjoined.
- Napela (k) 6122, ʻapana 1 or 2 or both, western village.
- Nuhi (k) 3948, ʻapana 2 (pāhale by beach) is mauka of this.
- Nunu (k) 3946, at very top Kahana Stream, adjacent to "Loikea."
- Ohekau 10555, ʻapana 1, western village.
- Ula (k) 5413, very mauka on Kahana Stream.

**Pahoa**

Location: at mauka end of western village.

Claimants:
- Kalimaoni (k) 7653, called “Pahao”; at mauka end of western village.
Kapua (k) 5708, said was in 'ili of Pahoa, but this may have been a declined part of his claim. His award is in “Kapaiala,” up-stream to the eastern side of the western village.

Kuamo'o (k) 5706, konohiki agent, one part adjoined.

Nahoa (k) 6125, denied, land in 'ili of Pahoa, precise site not known.

Naumu (w) 10394, 'apana 2, at mauka end of western village.

Then there is the 'ili of the ahupua'a itself (with maybe 20% of the awarded 'apana in it or adjoining it):

Location: areas not set aside to named 'ili.

Claimants:

Haumu (k) 6069 (denied); precise site unknown.

Kaaiawahia (k) 5807, 'apana 1 & 2, at makai-west end of western village, and one up mauka.

Kapapa (k) 5220, 'apana 1, at makai end of western village.

Kapua (k) 5708, upstream from mauka end of western village, to eastern side, claims land adjoined the 'ili of the ahupua'a, but may have been not awarded.

Kualua (w) 5709, adjoined the 'ili of the ahupua'a, far up Kahana Stream.

Kekui (k) 4367, 'apana 1, in middle/makai of western village.

Kekui (k) 4367, 'apana 3, pāhale, at beach.

Kuaio (k) 5704, extreme mauka end of western village.

Kuamo'o (k) 5706, konohiki agent, his land was in the 'ili of the ahupua'a, primarily in the western village.

Kukuholahola (k) 5702, mauka-middle of western village.

Maunui (k) 5976, mauka-middle of western village.

Nuhi (k) 3948, 'apana 1, up Kahana stream.

Pine (k) 5941, near makai end of western village (one 'apana).

Nawahine Wahea (k) 10978, 'apana 1, western village (although this may be referring to rejected portions of the claim); said to be in the ahupua'a, but adjoining 'ili of Kamoku, Kapaelule (Kapa'ele'ele?), Hanakuka, and Kiola.

* * *
Besides the ‘ili described above, several other places were mentioned in the documents. These other places were not specifically called ‘ili, and could have been either ‘ili or subdivisions of ‘ili.

_Aikanaka_

Kamakala‘ahia (k) 5321, denied claim, adjoined this place, site not certain.

_'Ili‘ili_

Nunu (k) 3946, farthest up Kahana Stream, adjacent to this place.

_Kaloa_

Kekui (k) 4367, āpana 2, by beach (also called Ko‘o Kahua; see below).

_Kanaana (or probably Ka‘anā‘anā)_

Kaiakahī (k) 5221, said his small āpana 2 in the middle of the western village, eastern side, was in the ‘ili of Ko‘o‘ola‘a (see above), “at Kanaana, Ko‘olau Loa.”

_Kapaiala_

Kapua (k) 5708 is said to be of this place; he is upstream, eastern of the mauka end of western village.

_Kealapi‘i_

Ka‘ōpae (k) 4363, near fork with Kawa Stream, adjoined this place; his āpana 2 is at it.

Kuapu‘u (k) 4433, adjoined at fork with Kawa Stream.

_Kepahu_

Kekui (k) 4367, had a wooded kula claim denied here.

Ka‘ōpae (k) 4363, near fork with Kawa Stream, adjoined this place.

_Kolowalu_

Nuhi (k) 3948, āpana 2 (pāhale by beach) is makai of this.

Hohoiea (k) 8185 in this place; (two location names were given for his land; the other name is an ‘ili name, so Kolowalu is probably not an ‘ili).

---

2 Ka‘anā‘anā means “The black magic.” Oral traditions strongly speak of Kahana being associated with the practices of ‘anā‘anā. The name, with the prefix “Ka-” (The-) and its distinctive pronunciation, was given to one of the children of Kapapa (k) 5220, and remains a family name today of people who are Kahana descendants.
Ko'o Kahua
Kekui (k) 4367, ʻapana 2, by beach (also called Kaloa; see above).

Kuka'a
Kapena (k) 5231 refers to this as being about the middle of the western village.

Nakie
Kamakala'ahia (k) 5321 (denied) adjoined this; site not certain.

Ohiamo'o
Kalaauhina (k) 7651, said to be of this area/district; see also Kapa'ele'ele ʻili above; this may refer to his ʻapana 1 which is separated, mauka, of western village.

Pahupahu
Kaʻōpae (k) 4363, near fork with Kawa Stream, adjoined this.

Puenea/Puea
Nuhi (k) 3948, ʻapana 1 (upstream); but see ahupua'a also.
Kaʻōpae (k) 4363, near fork with Kawa Stream, adjoined this (called Puea).

Pulepo
Nunu (k) 3946, farthest up Kahana Stream, adjacent to this.

Punalu'u
Nunu (k) 3946, farthest up Kahana Stream, adjacent to this place, though it could also be a directional reference (i.e., towards the ahupua'a of Punalu'u to the west).

Waimahelelua
Nuhi (k) 3948, ʻapana 2 (pāhale by beach) is west of this.
Kuapu'u (k) 4433, near fork with Kawa Stream, adjoined this.

* * *

Several claimants claimed or referred to "wooded upland" areas. These were not ʻili. We can tell by the location of the claimants where these upland ʻapana must have been, i.e., up mauka beyond the western village.
Halau was the name of a wooded upland of Nunu (k) 3946, farthest up Kahana Stream.

Hanaiwi was the name of a wooded valley (gulch) of Kuapu‘u (k) 4433.

Kauakauahine was the name of the dispossessed wooded kula of Kaōpae (k) 4363, near the fork with Kawa Stream.

Waihi was the name of a wooded upland of Nuhi (k) 3948, near his ʻāpana 1, up Kahana Stream.
Appendix D. Summary of All Awards

This appendix contains specific information upon which is based the summarized data contained in sub-chapter "Analysis of the Awards: Types of Parcels" from chapter 2 on page 92. Additional data on the awards and the statistics dealing with them are also furnished here.

Figure 40 through Figure 44 give the full list of awards, their acreage (rounded off), land-use type, and location.
<table>
<thead>
<tr>
<th>Name</th>
<th>Acreage</th>
<th>Use</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aiohi (k) 6043</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>ʻapana 1</td>
<td>1.5</td>
<td>Ag</td>
<td>Eastern Village</td>
</tr>
<tr>
<td>ʻapana 2</td>
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<td>ʻāhale</td>
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</tr>
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<td>Haumu (k) 6069</td>
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<td>[Claim not awarded.]</td>
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<td>Ag</td>
<td>ʻāhale</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Uplands</td>
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<td>Western Village</td>
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<td>[Both of these ʻapana were consolidated later.]</td>
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<td>Hua (k) 8164-P</td>
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<tr>
<td>ʻapana 2</td>
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<tr>
<td>ʻapana 3</td>
<td></td>
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</tr>
<tr>
<td>[ʻapana 1 &amp; 2 were consolidated later.]</td>
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<td>Kaalawahia (k) 5807</td>
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<td>ʻapana 2</td>
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<td>Western Village</td>
</tr>
<tr>
<td>ʻapana 3</td>
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<td>ʻāhale</td>
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Figure 40. Summary of all awards; part 1.
<table>
<thead>
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<th>Name</th>
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<th>Location</th>
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<td>Pāhale</td>
<td></td>
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<td>Pāhale</td>
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</tr>
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<td>Pāhale</td>
<td>Western Village</td>
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<td>Western Village</td>
</tr>
<tr>
<td>ʻĀpana 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ʻĀpana 2</td>
<td>0.25</td>
<td>Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>[Both ʻĀpana were consolidated later.]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kapua (k) 5708</td>
<td>0.75</td>
<td>Ag (only)</td>
<td>Midlands</td>
</tr>
<tr>
<td>ʻĀpana 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kauaulua (w) 5709</td>
<td>1.5</td>
<td>Ag</td>
<td>Uplands</td>
</tr>
<tr>
<td>ʻĀpana 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ʻĀpana 2</td>
<td>0.25</td>
<td>Pāhale</td>
<td>Uplands</td>
</tr>
</tbody>
</table>

**Figure 41.** Summary of all awards; part 2.
<table>
<thead>
<tr>
<th>Name</th>
<th>Acreage</th>
<th>Use</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keakua (k) 8164-O</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>2.0</td>
<td>Ag, Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 2</td>
<td>0.5</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 3</td>
<td>0.25</td>
<td>Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>Kekui (k) 4367</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>4.0</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 2</td>
<td>0.5</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 3</td>
<td>0.25</td>
<td>Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>Annie Keohokālole (8452)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>[Konohiki award, see chapter 3.]</td>
<td></td>
</tr>
<tr>
<td>Kuaio (k) 5704</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>1.0</td>
<td>Ag (only)</td>
<td>Western Village</td>
</tr>
<tr>
<td>Kuamo'o (k) 5706 [Konohiki agent.]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>0.5</td>
<td>Ag</td>
<td>Midlands</td>
</tr>
<tr>
<td>Apana 2</td>
<td>0.5</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 3</td>
<td>0.5</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 4</td>
<td>0.5</td>
<td>Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 5</td>
<td>0.15</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Kuapu'u (k) 4433</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>0.5</td>
<td>Ag (only)</td>
<td>Midlands</td>
</tr>
<tr>
<td>Apana 2</td>
<td>0.1</td>
<td>Ag (only)</td>
<td>Midlands</td>
</tr>
<tr>
<td>Kukuiholahola (k) 5702</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>2.5</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 2</td>
<td>0.25</td>
<td>Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>Lilipi (k) 9961</td>
<td></td>
<td></td>
<td></td>
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<td>Apana 1</td>
<td>1.0</td>
<td>Ag, Pāhale</td>
<td>Eastern Village</td>
</tr>
<tr>
<td>Maunui (k) 5976</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>1.5</td>
<td>Ag, Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 2</td>
<td>0.5</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
</tbody>
</table>

Figure 42. Summary of all awards; part 3.
<table>
<thead>
<tr>
<th>Name</th>
<th>Acreage</th>
<th>Use</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nahoa (k) 6125</td>
<td></td>
<td>[Claim not awarded.]</td>
<td></td>
</tr>
<tr>
<td>Napela (k) 6122</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>2.5</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 2</td>
<td>1.5</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 3</td>
<td>0.33</td>
<td>Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>Naumu (w) 10394</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>1.0</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 2</td>
<td>1.0</td>
<td>Ag, Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>Nuhi (k) 3948</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>1.0</td>
<td>Ag</td>
<td>Uplands</td>
</tr>
<tr>
<td>Apana 2</td>
<td>0.25</td>
<td>Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>Nunu (k) 3946</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>2.0</td>
<td>Ag, Pāhale</td>
<td>Uplands</td>
</tr>
<tr>
<td>Ohekau 10555</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>5.0</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 2</td>
<td>0.25</td>
<td>Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>Paleua (w) 5339</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>7.0</td>
<td>Ag, Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>Pine (k) 5941</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>0.5</td>
<td>Ag, Pāhale</td>
<td>Western Village</td>
</tr>
<tr>
<td>Pune'e (k) 8164-N</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apana 1</td>
<td>3.5</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Apana 2</td>
<td>0.25</td>
<td>Pāhale</td>
<td>Western Village</td>
</tr>
</tbody>
</table>

Figure 43. Summary of all awards; part 4.
<table>
<thead>
<tr>
<th>Name</th>
<th>Acreage</th>
<th>Use</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ula (k) 5413</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tāpuna 1</td>
<td>2.5</td>
<td>Ag</td>
<td>Uplands</td>
</tr>
<tr>
<td>Tāpuna 2</td>
<td>0.25</td>
<td>Pāhale</td>
<td>Uplands</td>
</tr>
<tr>
<td>Nāwahine Wahea (k) 10978</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tāpuna 1</td>
<td>2.5</td>
<td>Ag</td>
<td>Western Village</td>
</tr>
<tr>
<td>Tāpuna 2</td>
<td>0.25</td>
<td>Pāhale</td>
<td>Western Village</td>
</tr>
</tbody>
</table>

Figure 44. Summary of all awards; part 5.
Appendix E.

The Makaʻainana Families

This appendix contains specific narrative information on the makaʻainana families and land tenure changes in Kahana during the 1856-73 period, as discussed in the sub-chapter “Makaʻainana Families” from chapter 4 on pages 125-126, and Figure 20 and Figure 21 on pages 127-128.¹

* * *

Puneʻe 8164-N and his wife Kuanea (b. 1821, Kahana) already owned a kuleana in the western village. They also received his father’s kuleana, Hoʻooliliamanu 6167, in the western village (Conveyance 14:112-113). He also evidently inherited Maunui (k) 5976 and Naumu (w) 10394, both also in the western village (Abstracts 5976, 10394).

Puneʻe’s daughter Pililua and her husband Samuel Kanuha inherited Samuel’s father’s kuleana, Kalimaoni (k) 7653, in the western village (Conveyance 50:88; 67.028).²

¹ Note, in contrast to inheritance and similar conveyances today, how these Native Hawaiians had such a lack of their conveyances being contested.

² Their son, Samuel Kapahuaniani, is owner of other kuleana land, as described on page 307.
Another Pune'e daughter was Kahinu Keali'imakaino (b. 1839, Kahana), who was married to Kamai Kamōʻiliʻili (b. 1839, Kahana). They inherited his mother's *kuleana*, Paleua (w) 5339 (b. 1817, Kahana), in the western village (Conveyance 26:322-23). The deed reserved a life interest to Paleua.

Kalima Kapena (40) and her husband, Kapena 5231, of the western village, received her father's *kuleana*, Kaiakahi 5221, in the western village (Abstract 5221).

Lois and her husband Kaulahea got two *kuleana* in the western village, Kamakuku (k) 5318 and Kukuiholahola (k) 5702 (Conveyance 45:376; Abstract 5702). There are several examples in Kahana of multiple sets of parents claiming the same heir. Lois was said to have been the daughter of both Kamakuku and Kukuiholahola. This reflects both the Hawaiian *hanai* adoption system, and the continued withering of the race and the scarcity of living heirs.

The widow, Lia, and five children of Kapapa 5220 inherited the *kuleana* in the western village (Kaulahea Ms.; Abstract 5220). One of the children was Kalu (husband: Nāwahine). She appears to have inherited *āpana* 2 of Nāwahine Wahea (k) 10978, possibly through her husband, in the western village (Conveyance 20:42).

Another one of the Kapapa children was John Kapapa, husband to Pilahi. She, in turn, was the inheritor of a one-sixth undivided interest in her grandfather's *kuleana*, Kalauawa 240-L, in the midlands (Abstract 240-L). Another child, Moses

---

3 Witnesses to the deed passing her *kuleana* down were Kaaawahia (k) 5807 and William L. Holokahiki, the son-in-law of *konohiki* agent Kuamo'o (k) 5706.
Ka‘ana‘anā was the hānai son of Kaualua (w) 5709 and her husband Poeakua, and inherited that upland kuleana (Abstract 5709).

Rachel had William L. Holokahiki for her husband. She was said to be daughter of both Kuamo'o (k) 5706, the konohiki agent, and Kapena (k) 5231, and inherited both of their western village kuleana (Abstracts 5706, 5231). She and her husband later sold the second ʻāpana from the 5-ʻāpana Kuamo'o inheritance. Through her husband, they also apparently inherited the kuleana of Kuaiio (k) 5704 in the western village (Abstract 5704). Rachel also inherited the land of Kaʻōpae (k) 4363, in the midlands. This kuleana had originally gone to her mother upon Kaʻōpae’s death in 1848 (Abstract 4363).

E. Kekoa (k), an heir or hānai heir, evidently inherited Kekui (k) 4367 in the western village (Abstract 4367).

Samuel Kapahuaniani and Joseph Kalanaaumoku, are described as the two children of both Napela (k) 6122 in the western village (Abstract 6122), and Maulua (k) (Abstracts 6043, 10978). Together the brothers got Napela (k) 6122. The two of them also got one of the western village ʻāpana of Nāwahine Wahea (k) 10978. This land went to them from one of their described fathers, Maulua. Maulua, in turn, was probably an heir of Wahea and got the land from him (Conveyance 20:41-2).

---

4 There was later a question as to whether this inheritance was completely sanctioned, however, and one legal heir popped up after the turn of the century (Abstract 5709).

5 See footnote 2 above. Samuel Kapahuaniani is also described as the grandson of Pune'e (k) 8164-N and son of Samuel Kanuha, Pune'e's son-in-law (Abstract 10394).
Maulua had been in the valley for some time as he was a witness (but not a claimant) at the Land Commission hearings of 1850.6

Lilipi (k) 9961, in the eastern village, deeded his kuleana apparently to his son Kalimalu (Conveyance 234:217).

Kalauawa 240-L’s heirs inherited his kuleana in the midlands (Abstract 240-L). The heirs included his widow Kaauhauhula, a daughter Kahai, and three grandchildren, Keona (w), David, and Pilahi (w). The inheritance was helped by probate and an adverse possession claim, one of the few times land was awarded on that basis in Kahana (Abstract 240-L).7

Nuhi 3948 and his wife Wahineino had their pāhale in the beach village area within the western village, but their agricultural land was in the uplands. Wahineino inherited the land of Ula (k) 5413 in the uplands (Abstract 5413).8

Kahai Kenoi (k) 66/67, also known as Keonoi, got Pine (k) 5941 in the western village, apparently by deed (Conveyance 27:310).

6 See Figure 7 on page 50 and Figure 9 on page 53 of chapter 2, and the reference to him on page 54.

7 Adverse possession, sometimes referred to as “squatter’s rights,” is the legal process of having a Court award a person title to land on the basis of having exercised ownership control over it without challenge for some specified period of time (H.R.S.: Sec. 669-1).

The other known instance of adverse possession in Kahana involved a land case in 1919. In that case the judge ruled in favor of one person’s deed over another claimant, in part on the basis of adverse possession. The land involved was not significant (Abstract 82).

8 The reference also infers that Nuhi and Ula were related.
Besides the 21 kuleana just listed which were inherited and kept by the second generation, three others appear to have been inherited although insufficient information exists on them.

The ownership of Ohekau 10555, in the western village, went to other people without a deed (Abstract 10555; Conveyance 33:470). It can be inferred that this was by inheritance, but supporting data isn’t available. The same is the case for Aiohi (k) 6043 in the eastern village (Abstract 6043; Thayer Ltr. to Wodehouse, March 19, 1912), and Kuapu'u (k) 4433 in the midlands (Abstracts 5318, 4433).
Appendix F. *Kuleana* Land

Conveyances Through 1887

This appendix summarizes the Kahana *kuleana* land transactions through 1887, as described in the sub-chapter “Other Pressures and Responses” from chapter 5 on page 157.

Figure 45 through Figure 49 summarize these land transactions. The Figures refer to the generation of the person to whom the land was conveyed. Generally this is clear enough. In some cases, however, a mix occurs.

An example of this is William L. Holokahiki of the third generation. He was the grandson of Pune‘e (k) 8164-N. His wife was Rachel, reportedly the daughter of either Kuamo‘o (k) 5706 or Kapena (k) 5231, and therefore of the second generation. When Holokahiki and Rachel acquired land they are therefore referred to in the Figures as “2nd/3rd generation.”

A complete title summary of the *kuleana* are included in appendix M on page 353.
<table>
<thead>
<tr>
<th>Name</th>
<th># of ʻāpapa</th>
<th>Area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aiohi (k) 6043</td>
<td>2</td>
<td>2 ac.</td>
<td>Eastern village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>inferentially to 2nd</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>generation heirs.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sold to Native Hawaiians.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ho'ōliamana (k) 6167</td>
<td>2</td>
<td>2 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to 2nd generation heir.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to 3rd generation heir.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hua (k) 8164-P</td>
<td>3</td>
<td>7 ac.</td>
<td>Midlands</td>
</tr>
<tr>
<td>1846-1873:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>held.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>mortgaged.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kaaiaawahia (k) 5807</td>
<td>3</td>
<td>4.5 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>held.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to 2nd generation heir.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kaliakahi (k) 5221</td>
<td>2</td>
<td>2.5 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to 1st/2nd generation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>heirs.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>mortgaged.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to 2nd/3rd generation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>heir. second mortgage.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>back to 1st/2nd generation heir.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kala'auhina (k) 7651</td>
<td>3</td>
<td>2.8 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to 1st generation heir.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;sold&quot; to Pake.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>returned to 1st generation heir.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to other 1st generation heir.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to other 1st generation heir.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Figure 45. Summary of kuleana land transactions through 1887; part 1.*
<table>
<thead>
<tr>
<th>Name</th>
<th># of ʻāpana</th>
<th>Area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kalauawa (k) 240-L</td>
<td>1</td>
<td>4 ac.</td>
<td>Midlands</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to heirs from 1st, 2nd, and 3rd generations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>generally consolidated by 1st generation heir.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>mortgaged.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>leased to Pākē.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>mortgage released.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>new mortgage.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>to 3rd/4th generation heir.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kalimaoni (k) 7653</td>
<td>2</td>
<td>2.25 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>to 2nd/3rd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>mortgaged.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>foreclosed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kamakuku (k) 5318</td>
<td>1</td>
<td>4.5 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>leased to Kepani.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>mortgaged.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kaʻōpae (k) 4363</td>
<td>2</td>
<td>5.25 ac.</td>
<td>Midlands</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd/3rd generation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>ʻāpana 1 held.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ʻāpana 2 sold to a 1st generation Native Hawaiian.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kaopuʻu (k) 5319</td>
<td>2</td>
<td>1.75 ac.</td>
<td>Eastern village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>held.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>sold to Pākē.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kapapa (k) 5220</td>
<td>2</td>
<td>5.25 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>no change.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kapena (k) 5231</td>
<td>2</td>
<td>1.5 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd/3rd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>to 1st/2nd generation heir.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>mortgaged.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>to 2nd/3rd generation heir.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>second mortgage.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>back to 1st/2nd generation heir.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Figure 46. Summary of kuleana land transactions through 1887; part 2.
<table>
<thead>
<tr>
<th>Name</th>
<th># of ʻāp ana</th>
<th>Area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kapua (k) 5708</td>
<td>1</td>
<td>0.75 ac.</td>
<td>Midlands</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>held.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>sold to Native Hawaiian.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kualua (w) 5709</td>
<td>2</td>
<td>1.75 ac.</td>
<td>Uplands</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>held.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keakua (k) 8164-O</td>
<td>1</td>
<td>2 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>held.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>to 2nd generation heir.</td>
<td>leased to Pākē.</td>
<td></td>
</tr>
<tr>
<td>Kekui (k) 4367</td>
<td>3</td>
<td>4.75 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>sold to 3rd generation Native Hawaiian.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kuaiio (k) 5704</td>
<td>1</td>
<td>1 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd/3rd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>sold to 1st generation Native Hawaiian.</td>
<td>sold to a relative.</td>
<td>mortgaged.</td>
</tr>
<tr>
<td>Kuamo'o (k) 5706</td>
<td>5</td>
<td>2.2 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[Konohiki agent.]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd/3rd generation heirs.</td>
<td>ʻāp ana 2, only, sold to 2nd/3rd generation Native Hawaiian.</td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>ʻāp ana 3-5 held.</td>
<td>ʻāp ana 2, previously sold, held.</td>
<td>ʻāp ana 1 sold to 1st generation Native Hawaiian.</td>
</tr>
</tbody>
</table>

Figure 47. Summary of kuleana land transactions through 1887; part 3.
<table>
<thead>
<tr>
<th>Name</th>
<th># of 'āpana</th>
<th>Area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kuapu‘u (k)</td>
<td>2</td>
<td>1.5 ac.</td>
<td>Midlands</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>inferentially to 2nd/3rd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>sold to 1st generation Native Hawaiian.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>sold to relative. mortgaged.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kukuiholahola (k) 5702</td>
<td>2</td>
<td>2.75 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>leased to Kepani. mortgaged.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liliip (k) 9961</td>
<td>1</td>
<td>1 ac.</td>
<td>Eastern village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>mortgaged. foreclosed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maunui (k) 5976</td>
<td>2</td>
<td>2 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 1st generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>sold to relatives. sold to Native Hawaiians.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Napela (k) 6122</td>
<td>3</td>
<td>4.3 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>to 3rd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naumu (w) 10394</td>
<td>2</td>
<td>2 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 1st generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>to 2nd generation heirs. to 2nd/3rd generation heirs. mortgaged. foreclosed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nuhi (k) 3948</td>
<td>2</td>
<td>1.25 ac.</td>
<td>Wvig &amp; Uplands</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>held.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>sold to 2nd generation Native Hawaiian (ref?).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Figure 48. Summary of kuleana land transactions through 1887; part 4.
<table>
<thead>
<tr>
<th>Name</th>
<th># of ʻāpana</th>
<th>Area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nunu (k) 3946</td>
<td>1</td>
<td>2 ac.</td>
<td>Uplands</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>held</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>to 1st/2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ohekau 10555</td>
<td>2</td>
<td>5.25 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>inferentially to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ʻāpana 1 then to a relative.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>ʻāpana 1 mortgaged, released.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ʻāpana 1 new mortgage; assigned twice.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ʻāpana 1 foreclosed; sold to buyer.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ʻāpana 2 to Native Hawaiians.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ʻāpana 2 traded with ahupua'a owner in return for a church site on ahupua'a land.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paleua (w) 5339</td>
<td>1</td>
<td>7 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>mortgaged, released.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>to 3rd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pine (k) 5941</td>
<td>1</td>
<td>0.5 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>held.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pūne'e (k) 8164-N</td>
<td>2</td>
<td>3.75 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>held.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ula (k) 5413</td>
<td>2</td>
<td>2.75 ac.</td>
<td>Uplands</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>to 1st generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>held.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ʻĀhua Wāhea (k) 10978</td>
<td>2</td>
<td>2.75 ac.</td>
<td>Western village</td>
</tr>
<tr>
<td>1846-1873:</td>
<td>ʻāpana 1 and ʻāpana 2 separately to 2nd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1874-1887:</td>
<td>ʻāpana 1 leased to Kepani.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ʻāpana 1 to 2nd/3rd generation heirs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ʻāpana 2 held.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Figure 49. Summary of kuleana land transactions through 1887; part 5.
Appendix G. The *Maka'ainana* Relations

This appendix contains specific narrative information on the relationships between *maka'ainana* descendants in Kahana during the 1874-87 period, as mentioned in the sub-chapter “Other Pressures and Responses” from chapter 5 on page 159, and Figure 45 through Figure 49 on pages 311-315 of appendix F.

* * *

Pune'e and wife Kuanea already owned their kuleana (8164-N) in the western village. They had also inherited three others in the western village, Ho'oliliamanu (k) 6167, Maunui (k) 5976, and Naumu (w) 10394. They gave most of their holdings to their children T.K. Kahiamoe (k) 31, Kahinu Keali'imakaino (w), and Pililua (w) (Conveyances 72:351, 42:254-5, and 50:88-9, respectively).

Their daughter Keali'imakaino was in turn married to Kamai Kamōʻiliʻili, the son of Paleua (w) 5339 (Vincent Personal communication), and got the Paleua kuleana. Their daughter Pililua was in turn married to Samuel Kanuha, the son of Kalimaoni (k) 7653, and got the Kalimaoni kuleana.

Daughter Keali'imakaino passed her two kuleana to her daughter, Kekuku Kamōʻiliʻili (Conveyance 98:15-16). Pune'e's other daughter, Pililua, gave both her kuleana to her son, William L. Holokahiki (Conveyance 50:90). Pililua also claimed
landowning awardee descendant Samuel Kapahuanani as a son, a claim also made by Maulua (k) as explained below.

Pune'e's third-generation descendant William L. Holokahiki was, in turn, married to Rachel. She is generally considered the daughter of Kuamo'o (k) 5706, the konohiki agent, but was also claimed as a daughter by Kapena (k) 5231 (Abstract 5231). Besides Holokahiki’s two inherited kuleana described above, Rachel had already gotten the two from Kuamo'o and Kapena. Holokahiki also inherited Kuaio (k) 5704 and Kuapu'u (k) 4433, and Rachel also got Kaʻōpae (k) 4363 (Abstracts 4433, 5318). Of these various holdings, Rachel gave her Kapena kuleana to Kapena’s widow, Kalima Kapena (40) (Conveyance 44:392).

After Rachel’s death in 1876, Holokahiki sold a good portion of his holdings—i.e., the Kuaio, Kuapu'u, ʻāpana 1 of Kuamo'o, and ʻāpana 2 of Kaʻōpae kuleana—to Kaauanui (k) 24, the first-generation inheritor of Kalauawa (k) 240-L (Conveyance 61:81).1

Kalima, widow of Kapena, got her husband’s kuleana, 5231, and inherited her father’s, K'aiakahi 5221. She later transferred both to her son Samuel Kapena

---

1 Kaauanui was apparently related to many of the Kahana families. He is the best example of a small tradition emerging by this time of kuleana being consolidated not by inheritance but by acquisition. Whether this was a more traditional form of acquisition merely facilitated by the exchange of money in the new market, or whether it actually represents a short-lived native speculative market is not clear.

The sale of several of Holokahiki’s holdings to Kaauanui, for example, was for $100. This suggests a more traditional transfer or re-arrangement of holdings amongst native planters, as the amount is low in comparison with the normal market, then getting that much or more money for just one kuleana. On the other hand, the sale was not for a nominal sum “and love” (me ke aloha), as was the case with the non-market transfers of the time.
(Conveyance 46:422). Samuel and his wife Kealoha later transferred them back to his mother (Conveyance 84:189).

Lois and her husband Kaulahea, had already inherited the *kuleana* of two awardees who said they were her father, Kamakuku 5318 and Kukuiholahola 5702.

Meanwhile, Kapapa 5220 had already passed his land in the western village to his widow and five children. Several of the Kapapa children were involved in other land transactions.

Kapapa’s daughter Kalu and her husband Nawahine, had already gotten *āpāna* 2 of Nawahine Wahea (k) 10978, possibly through her husband.

Kapapa’s son John Kapapa was husband to Pilahi. She had already inherited a one-sixth undivided interest in her grandfather’s *kuleana*, Kalauawa 240-L. Pilahi and her husband sold her interest in her grandfather’s *kuleana* to her step-grandfather, Kaauanui 24 (Conveyance 48:164). Kaauanui later sold the whole *kuleana* to his step-great-granddaughter, Kalehua (Conveyance 165:318). Kalehua was the daughter of Pilahi and her husband.

Kapapa’s son Moses Ka’anā‘anā was also the *hānai* son of Kaualua (5709) and her husband Poeakua, and had already inherited it through custom, if not legally.

E. Kekoa, an heir or *hānai* heir, had already evidently inherited Kekui (k) 4367. He then sold it to William Kamekona Mihoile, also known as Samson, and his wife, who may have been relatives (Conveyance 68:305). Mihoile is said to have been related to Kaauanui (k) 24, mentioned above as owning the Kalauawa (k) 240-L...
*kuleana* and other Kahana land (Abstract 8185). Mihiole’s wife, Ruth (72) is said to be the granddaughter of Hohoiea (k) 8185, whose *kuleana* she inherited (Abstract 8185). She is also said to be a daughter and partial heir of Nunu (k) 3946 (Abstracts 8185 and 3946).

Samuel Kapahuaniani and Joseph Kalanaaumoku are described as the two children of Napela (k) 6122 or of Maulua (k). Samuel is also described as the son of Samuel Kanuha and therefore the grandson of Pune’e (k) 8164-N. *ʻapana* 1 of Nāwahine Wahea (k) 10978 had previously been inherited by Maulua (k). When Maulua died, in 1879, this land was inherited by Samuel and his brother Joseph. They also got Napela (k) 6122 by inheritance in 1879. Samuel, in farming the Napela *kuleana*, had previously consolidated the two agricultural *ʻapana* belonging to it by acquiring *ʻapana* 2 of Kuamo‘o (k) 5706 which lay between the Napela *ʻapana*.

The heirs of Kalauawa (k) 240-L, had already inherited that *kuleana*. The heirs including a granddaughter, Pilahi, who was married to one of the children/heirs of Kapapa (k) 5220. Kalauawa’s widow remarried, to Kaauanui 24. Kaauanui was given some interest in the *kuleana* by two of his step-grandchildren, including Pilahi (w), in 1876 (Conveyance 48:164). He got some additional interest in the land when his step-daughter died, and again when his wife died in 1877. Technically he then held an undivided 7/9ths interest in the *kuleana*, the other 2/9ths belonging to his step-grandson David (Abstract 240-L). He operated the *kuleana*, however, as if he
owned it all. He mortgaged the whole property in 1877 (Conveyance 47:449). He then leased the whole *kuleana* in 1879. He paid off the first mortgage in 1882 and immediately made a new one, again for the whole property (Conveyance 77:42). In 1885 he transferred the whole mortgaged *kuleana* to his step-great-granddaughter, Kalehua, daughter of John Kapapa and Pilahi, his step-granddaughter (Conveyance 165:318).

Meanwhile, as described above, Kaauanui had gotten Kuaio (k) 5704, Kuapu‘u (k) 4433, *ʻapana* 1 of Kuamo‘o (k) 5706, and *ʻapana* 2 of Kaʻopae (k) 4363 (Conveyance 61:81). He gave the first two of these holdings to A.L. Moewa‘a (k), apparently a relative (Conveyance 104:294).

Nuhi 3948’s wife, Wahineino, had previously inherited Ula (k) 5413 (Ula was also said to have been the grandfather of Nuhi; Abstracts 3948 and 5413). They held onto the Ula land, but sold their own *kuleana* to Kahai Kenoi (k) 66/67, also known as Keonoi, who may have been a relative (Conveyance 340:487). Kenoi had already inherited Pine (k) 5941.

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2 The mortgage deed says Kaauanui was then married to Kalima, probably Kalima Kapena (40), described earlier in the text, beginning on page 317. Kaauanui’s previous wife, Kaauhauhula, the widow of Kalauawa 240-L, had apparently passed away by this time.
Appendix H. Membership Lists

This appendix contains two lists, as mentioned in the sub-chapter "The Hui Membership" from chapter 6 on page 184. The first is an alphabetical and numerical listing of the Hui membership. The second gives a slightly edited version of the original deed. This second list contains the 1881 membership of the Hui, their place of residence, and the number of shares in the Hui conveyed to them by Kamakaniau (Conveyance 70:268-70).

The full text of the 1881 conveyance, in Hawaiian and an officially-commissioned translation to English, was deposited in the UH Archives by me. In the data supplied in this appendix, some alternative spellings or other aliases are dropped for brevity, though first names are supplied, as well as some corrections to spellings.

The data in the second list is taken from the 1881 conveyance. Females were explicitly recorded as "(w)" for wahine; males, however, were not explicitly noted. Hence the "(k)" is added in brackets. Note that share 86 Naho'oikaika, which had no explicit "(w)", is known from other sources to be wahine (Abstract 86). While the genders noted are reasonably correct—share 86 was corrected—it is possible that the total number of females used here may still be somewhat low as other gender errors may have not been caught.

The numbers after each name is the arbitrary shareholder number applied around the turn of the century.

When first applied, the numbers were in alphabetical order. Research around 1912-20 and my later research uncovered errors in shareholders' names and corrected them, so the numbering system is no longer purely alphabetical.

The original numbering system included Ka'aukai (k) 25, Kekaha (62), Poalomaka (k) 103, and Uluhani (w) 112. It was later reasoned, in 1912, that these were not shareholders at all, and the four numbers were instead the four shares claimed by Kamakaniau in the 1881 conveyance.

My research partially agrees with this. However, I note that a share "George (4)" was actually a Kamakaniau share, and share "Poalomaka (103)" was not a false share at all but really belonged to Poalomaka Kalua (k). Kalua then had two shares, but was erroneously only listed with number 42.

Due to my corrections in the spelling of names and other changes, researchers will have difficulty reconciling the names used in most of the original FCAH documents with those used in this dissertation. Refer to the second Hui list from this appendix or appendix O on page 423 for a comparison table: some 48 of the 115 share names are corrected.

The Land Court in 1919 awarded an entirely new share, K.P. Kaaoohema (k) 116. My research indicates the Court was in error and this was not a valid share and so is not included on the shareholder rolls contained in this dissertation.
The First 1881 *Hui* Membership List

**Alphabetical**

Oliver Alapa (k) 90  
Apiki (k) 1  
David (k) 2  
Ellen (w) 3  

Haili (w) 5/6/7/8/9  
Hakao (k) 10  
Hapauea (k) 11  
Hewahewa (k) 12  
Ho'okaaku (k) 13  
Ikeole (k) 14/15  
Iliakalani (k) 16  
Ilipolohi (k) 17  
Ka'ahanui 1 (k) 18  
Ka'ahanui 2 (k) 19  

Ka'a'aina (w) 21  
Kaaialaula (k) 22  
K'a'aka (k) 23  
Kaauanui (k) 24  
Mahoe Kaaaukai (k) 75  

J.M. Kaawa (k) 26  
Palaile Kahakulani (k) 27  
Kahalehiwa (w) 28  
Kaeena (w) 29/30  
T.K. Kahiamoe (k) 31  
Kahiki (k) 32  
Kaiapa (k) 33  
Kaiheka (k) 34  
Kailiula (k) 35  
Kaio (k) 36  
Samuel Kakae (k) 37  
Kalauao (k) 38  

**Numerical**

Apiki (k) 1  
David (k) 2  
Ellen (w) 3  

George William Kamakaniau (k)  
4/25/62/112, first share  

Haili (w) 5/6/7/8/9  
Hakao (k) 10  
Hapauea (k) 11  
Hewahewa (k) 12  
Ho'okaaku (k) 13  
Ikeole (k) 14/15  
Iliakalani (k) 16  
Ilipolohi (k) 17  
Ka'ahanui 1 (k) 18  
Ka'ahanui 2 (k) 19  
Kaaikaula Kalua (w) 20  
K'a'aina (w) 21  
Kaaialaula (k) 22  
K'a'aka (k) 23  
Kaauanui (k) 24  

George William Kamakaniau (k)  
4/25/62/112, second share  

J.M. Kaawa (k) 26  
Palaile Kahakulani (k) 27  
Kahalehiwa (w) 28  
Kaeena (w) 29/30  
T.K. Kahiamoe (k) 31  
Kahiki (k) 32  
Kaiapa (k) 33  
Kaiheka (k) 34  
Kailiula (k) 35  
Kaio (k) 36  
Samuel Kakae (k) 37  
Kalauao (k) 38
Kalaweaumoku (k) 39
Kaloana (w) 41
Kaaikaula Kalua (w) 20
Poalomaka Kalua (k) 42/103
Samuel Kalua (k) 43
George William Kamakaniau (k) 4/25/62/112
Kamakea (k) 44
Kamanonahu (k) 46
Kameo (k) 47
Kaninauali'i (k) 49
Kaolala (k) 50
Kapainui (w) 51
Kapela (k) 52
Kalima Kapena (w) 40
S. Kapu (k) 53
David Kauha'a (k) 54
Kaulunahala (w) 55
Kamakea Uluhani Kauwe (w) 45
J. Paul KawaoKalani (k) 98/99/100
Keaka (w) 56
Kealoha (k) 57
J.W. Keanu (k) 58
J.W.H. Keanu (k) 59
Kalanui W. Keawe (k) 61
Kaleo Keawe (k) 60
P.K. Keli'ikanakaole (k) 48
Keli'ipupule (k) 63
Kahai Kenoi (k) 66/67
Keokipau (w) 64
Keola (w) 65
Kuwawiliwili (k) 68
Kuhilani (k) 69
Samuel Kukapu (k) 70
Laea (w) 71

Kalaweaumoku (k) 39
Kalima Kapena (w) 40
Kaloana (w) 41
Poalomaka Kalua (k) 42/103, first share
Samuel Kalua (k) 43
Kamakea (k) 44
Kamakea Uluhani Kauwe (w) 45
Kamanonahu (k) 46
Kameo (k) 47
P.K. Keli'ikanakaole (k) 48
Kaninauali'i (k) 49
Kaolala (k) 50
Kapainui (w) 51
Kapela (k) 52
S. Kapu (k) 53
David Kauha'a (k) 54
Kaulunahala (w) 55
Keaka (w) 56
Kealoha (k) 57
J.W. Keanu (k) 58
J.W.H. Keanu (k) 59
Kaleo Keawe (k) 60
Kalanui W. Keawe (k) 61
George William Kamakaniau (k) 4/25/62/112, third share
Keli'ipupule (k) 63
Keokipau (w) 64
Keola (w) 65
Kahai Kenoi (k) 66/67
Kuwawiliwili (k) 68
Kuhilani (k) 69
Samuel Kukapu (k) 70
Laea (w) 71
<table>
<thead>
<tr>
<th>Name</th>
<th>Page</th>
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<tr>
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<td>73</td>
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<td>Mano (k)</td>
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<tr>
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<td>84</td>
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<td>Opala (k)</td>
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<td>J. Paul Kawaokalani (k)</td>
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<td>Po'o (k)</td>
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<td>J.W. Puoanui (k)</td>
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<td>Waioha (k)</td>
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The Second List

The second list consists of Figure 50 through Figure 53 on pages 326-329. It contains the 1881 membership of the *Hui*, their place of residence, and the number of shares in the *Hui* conveyed to them by Kamakaniau (Conveyance 70:268-70).
Figure 50. 1881 Hui members, part 1.
Laea (w) [71], and
WahineMalkai [(k)] [114],
of Makaau, and

Ilipolohi [(k)] [17],
Ku’aka [(k)] [23],
Kaihekalau [(k)] [34],
Kai [(k)] [36],
Kalioa (w) [41],
Kamakea 2 [sic, Kamakea] [(k)] [44],
Kamakea Uluhami [Kauwe] (w) [45],
Keawe Kaleo [sic, Kaleo Keawe] [(k)] [60],
Kuawililii [(k)] [68],
Mahoe Kiloa [sic, Kiloa Mahoe] [(k)] [76], and
Opala [(k)] [91],
of Lā‘ie Wai, and

[1] Nachu [(k)] [85],
of Lā‘ie Malo'o,
they all belonging to Lā‘ie Malo'o, in Ko‘olau Loa, and

Elena [sic, Ellen] (w) [3],
Kalawesumoku [(k)] [59], and
J.W.H. Keanu [(k)] [59],
of Hakipu‘u, and

Hewahewa [(k)] [12], and
Nakapuahi [(k)] [87],
they all belonging to Ka‘ala, in Ko‘olau Poko, O‘ahu, and

Kahalehiwa (w) [28] and
Kealoa [(k)] [57],
of ‘Auwaloli, and

Samuel Kalua [(k)] [37],
Samuel Kalua [(k)] [43], and
Mano [(k)] [83],
of Waikahalulu, [Honolulu], and

Kalauao [(k)] [38],
Kapainui (w) [51],
Luka [sic, Ruth Mihiole] (w) [72], and
Mua (w) [84],
they all belonging to [Makiki,] Waikī, Honolulu, O‘ahu aforesaid, and

Figure 51. 1881 Hui members, part 2.
Hapauca [(k)] [11], and
Kahiki [(k)] [32],
of Kānewai, Waikīkī-kai, and

Kamanonahu [(k)] [46],
of Waikīkī-kai, and

Keli‘ipupule [(k)] [63],
of Kānewai, Waikīkī-uka, and

Kaaiaula [(k)] [22], and
Malsea [sic, Maria] (w) [82],
of Kawaihāpai, [Waialua], and

Keawe Kalanui [sic, Kalanui W. Keawe] [(k)] [61],
of Pā‘ikalauea, [Waialua],
they all belonging to Waialua, O‘ahu aforesaid,

Pelekane [(k)] [102],
and Waioha [(k)] [115],
of Pā‘auhau, Hāmākua, and

Kapela [(k)] [52],
of Kūkuihaele, [Hāmākua], and

[J.M.] Kaawa [(k)] [26],
of Waipi‘o, [Hāmākua],
they all belonging to the Island of Hawai‘i and the Kingdom aforesaid, and

Kailiula [(k)] [35],
of Makaopuna, and

Pa‘ao [(k)] [96],
of Pākī‘i, Kekaha, and

Hakao [(k)] [10],
of Kalihikai [or Kalihi-kai], of the Island of Kaua‘i, and the Kingdom aforesaid, and

J.W. Keau [(k)] [58], and
Makana [(k)] [79],
of Waikīkī, Island of Maui, and the Kingdom aforesaid,
to each of them one full share in one hundred and fifteen, and to

Figure 52. 1881 Hui members, part 3.
Kalua, Poalomaka [sic, Poalomaka Kalua] [(k)] [42 and 103],
Kenoi, Kolmnl [sic, Kahai Kenoi] [(k)] [66 and 67],
Papu [sic, Pupu] [(k)] [108 and 109], and
Solomona 1 [sic, Solomon 1] [(k)] [110 and 111], of Kahana aforesaid, and

Ikeole [(k)] [14 and 15], and
Kaheana (w) [29 and 30],
of Pāʻauhau, Hamākua,
they both belonging to the said Island of Hawaiʻi,
to each two full shares in one hundred and fifteen, and to

Paulo [sic, J. Paul Kawaokalani] [(k)] [98, 99, and 100], and
J.W. Puaanui [(k)] [105, 106 and 107],
of Kahana aforesaid,
to each of them three full shares in one hundred and fifteen, and to

G.W. Kamakaniau [sic, George William Kamakaniau] [(k)] [4, 25, 62, and 112],
of Kahana aforesaid, and

Opu [(k)] [92, 93, 94 and 95],
of Kaʻaʻawa, Koʻolau Loa aforesaid,
four full shares in one hundred and fifteen, and to

Haile (w) [5, 6, 7, 8 and 9],
of Kaʻaʻawa aforesaid,
five full shares in one hundred and fifteen.
Appendix I. The Hui System

This appendix contains an analysis of the Kahana Hui bylaws as a blueprint to the Hawaiian social system established in Kahana, as mentioned in the subchapter “The Hui As A Social System” from chapter 6 on page 184.

* * *

Hui employ legal arrangements which are uniquely Hawaiian. They have been described as being similar to partnerships or corporations. They also bear many resemblances to the systems of some old New England townships.

Hui were used primarily by maka'ainana whose kuleana were inadequate and who, when the opportunity presented itself, banded together to lease or buy out the rest of their district’s land. Hui were common in Hawai‘i until the 1920s when they were phased out by the Hawai‘i Supreme Court.¹

¹ Watson refers to the Supreme Court decision as the “death knell” to the hui (Smythe v. Takara 26 Haw 69 [1921], most commonly known as Maalo). A Territorial statute to implement the decision was passed in 1923 and called for the partition of the hui (Watson Ms.:15-16). See also chapter 8, footnote 2 on page 219.

A good many hui had held onto Native Hawaiian ownership by the 1920s, despite much of their land being leased to large corporations. Following the partition act of 1923, the hui were broken and many of the small holdings were then bought up.

Kahana, as described in chapters 8-9, followed a slightly different history. Nearly all of its shares were purchased by one individual by 1920. There was no need to partition, and it remained one of the very few hui to survive.
The Kahana *Hui* had certain unique aspects. The role of the 'Awa Rebellion in giving impetus to the movement to purchase the valley was unrivaled. It also appears to have been the only Mormon-dominated *hui* in Hawai‘i.

Certain parts of the Kahana *Hui* bylaws deal with an enforcement of rules of conduct usually reserved for the judicial system of the government. These bylaw sections can lead to an interpretation, within the Mormon tradition of calling Members together for the protection and survival of the Church, that Kahana was the *Hui* members' own sort of "gathering-place." I.e., a colony with its own system of administration separate from civil authorities. These bylaw sections may, however, simply trace to *maka‘ainana* concerns over an American-dominated government often seen as being unfavorable to their interests.

Earlier sets of Kahana bylaws may have called for *Hui* members to be Mormon. The 1883 Bylaws simply required that a member's representative be Mormon (Bylaw 12). Meetings were held at the Mormon chapel following the ringing of the chapel bell. Old-timers attest to the chapel being the cultural and social center of valley life (Vincent Personal communication). Such *maka‘ainana* connections with religion were not uncommon, however. Other churches and faiths, primarily of the

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2 See footnote 49 on page 193 of chapter 8 for a description of the bylaws.

3 It is doubtful that all the original *Hui* members were members of the LDS church. This would particularly have been true of the Kahana residents in the early years.
United Church of Christ, served identical roles in other districts, and probably played similar roles in other *hui*.

Beyond such Mormon particularities as these, however, the Kahana *maka‘ainana* appear to have been much like the *hui* people in other districts. All across the Islands they attempted, in their own way, to reject the arbitrary division of land which came with the Great *Mahele*. Instead, they attempted to re-create the cooperative land ownership and administrative system of Hawai‘i. In rural places like Kahana, at least for a little while, they appear to have done well.

It is true that late-19th Century Hawaiian *hui* were constrained by western legalities, by the people’s own history, and by the incorporation of aspects of western civilization—from horseback transportation to firearms to native-influenced Christianity. Yet the *hui* were formed by rural folk steeped in traditional life, most of whom had been born before the *mahele*. More than reflecting new influences, the *hui* of the 19th Century were attempts at reasserting some of the social system of the past. As such, a review of the particular example of the Kahana *Hui* sheds light on the scholarly debate over the rights and powers of the *maka‘ainana* in pre-contact times.  

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4 It is sometimes forgotten, perhaps because the *mahele* used Hawaiian words, that its entire theory and practice was instigated and largely carried out by Haole. It is misleading to look at the *kuleana* and *ahupua‘a* awards of the *mahele* and think that somehow these reflected the traditional powers and interests of the *maka‘ainana* and ali‘i classes. Or, for that matter, that the *mahele* reflected the traditional social system of land-use and land-tenure. See chapters 2-3.
I need to stress that I am referring to social systems and institutions in this appendix and not to culture. For example, traditionally ali'i were administrators in the old social system. The luna of the Hui played a similar role and so I call them the "new ali'i." But the traditional ali'i also had a cultural and spiritual aspect to their position—see chapter 1.

There is some evidence that the "new ali'i" were also cultural and religious leaders. But the evidence is incomplete and I can make no conclusions about this aspect of the Hui.

**The Hui Bylaws: The New Ali'i**

One of the very few precise descriptions of hui policies that has survived is the 1883 edition of the Kahana Hui Bylaws. As we read these bylaws today we are struck as much by what was not included in them as by what was. In contrast to modern corporate or partnership charters and bylaws, there is little in the way of legal technicalities.

It is clear, however, that new ali'i were being put into place. The bylaws deal most completely with defining the new ali'i powers in relation to the rights and authority of the new maka'ainana.

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5 In 1874 Spencer, the mortgagee for the Hui, insisted on one individual to contract with. This was Kamakaniau. Kamakaniau, in turn, contracted with the Hui membership. See pages 180-183.

The "new ali'i" discussed in this portion of the text, however, were created by the 1883 Bylaws. Spencer has been paid off two years before. The Hui was therefore free to create whatever kind of internal legal structure it wished, within the general context of the outside society.
I suggest that the ali'i of old served needed roles as administrators and coordinators with shared powers with the people. If so, it is not surprising to find the Hui voluntarily setting up luna (officers, supervisors) over the land who held powers similar to the pre-mahele ali'i.

Bylaw 1 began by saying that "it shall be proper" for the Hui to establish three members to "manage the affairs of the land." From amongst this class of three administrators one was the Luna Nui (President, Chief Superintendent), who in practice exercised the principal executive role in the ahupua'a.\(^6\)

Bylaw 5 provided regulations against letting domestic pigs run free, and put the Luna Nui in charge of "settling the matter." Any incipient mutiny by members objecting to the bylaws would be settled, under Bylaw 6, with the three luna gathering together "some of the members of this Hui" and investigating and agreeing "upon the proper fine" for the upstarts.

While the ownership of the 5,000-acres was cooperative, each family got two 'apana of land over which they had exclusive use and occupancy. One 'apana, of about one acre in size, was for lo'i. The second, of about a quarter acre, was the family's pāhale. It was the Luna Nui who arranged to hand out the 'apana (By-

\(^6\) Oral testimony in 1916 stated that the Hui membership deeds were issued to the members by the luna (Kekuku Ms.).

\(^7\) Later in the text, on page 337, is a discussion of the Hui members' power to recall the three luna.
law 26). According to Bylaw 9, only the *Luna Nui* could consent to allow any member to “cultivate any patch [lo'i] outside of his lot.”

This type of social practice is similar to early descriptions of Hawaiian life which noted that the *maka'ainana* were free to cultivate anywhere that was open, as long as the local *ali'i* consented, it being understood that authority of the local *ali'i* to consent derived from his ministerial or administrative function in the society.\(^8\)

Kahana's *Luna Nui* also controlled the use of lands and their lease to outsiders. Under Bylaw 17, the *Luna Nui* was given the power to lease lands of the *Hui* which had not been set aside for members.

The *Luna Nui* also had the old *ali'i* power, under Bylaw 10, to consent to allow any “member, or members, [to] do anything according to [their] own volition.”

Income from leasing the land or selling its commonly-held produce paid the government taxes. This paralleled the former system of “taxes” to higher administrative *ali'i* being paid in kind from produce from the land. So, too, if the land did not cover the amount due, then it was the *Luna Nui* who collected the balance from the members (Bylaw 3). Likewise, the three *luna* got paid from the produce from the land, and were supplied with any materials they needed to discharge their duties and “for the proper running of the *Hui*” (Bylaws 23 and 24).

The *Luna Nui* did not only regulate the affairs of the land. S/he also was in charge of the fishery. S/he was allowed, under Bylaw 18, to lease the fishing rights

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\(^8\) See, for example, Land Customs 1907:69-78.
within the *ahupua'a* fishery. The membership prohibited the *Luna Nui*, however, from leasing the *Akule* fishing rights. Perhaps this was because of the richness of the *Akule* fishery for which Kahana was famed and which was the traditional major harvest of the Kahana fishing village. The *Luna Nui* helped coordinate the members' use of the fishery: s/he appointed the chief fisherman, and the *kilo* for “sighting the fish”. The *Luna Nui* and his/her representatives were allowed to set aside some of the fish that were caught and sell them to raise money for the *Hui*, as long as a portion was kept to “be eaten by this *Hui*.” The fish kept for *Hui* consumption was divided among *Hui* families by the *Luna Nui*.

The *Luna Nui* also had the right to fine *Pāke* for unsanitary practices (Bylaw 21), thereby maintaining a role similar to the pre-mahele *ali'i* of supervising the sanitation and upkeep of an area.

Anyone “stealing, cheating or doing anything wrong, and thereby making trouble for the *Hui,*” were to be brought to the three *luna*, who would sit in judgment. If they could not settle the matter the member would be brought before the laws of the Kingdom. This compares favorably with the idea of Hawaiians using their local *ali'i* as arbitrators and referring more pressing matters to higher authorities. In the *Hui*, guilty parties could be cast out. They could be driven out of the *Hui* and made to forfeit their political and social rights and their property interests (Bylaw 25).
The *Hui* Bylaws: *Makaʻainana* Rights

Some students of old Hawaiʻi have suggested that the *aliʻi* were not absolute monarchs, but rather served at the pleasure of the people they reigned over (Malo 1951:53,58; Kelly 1980a:1-6). Under Bylaw 1, it was the members of the *Hui*—the new *makaʻainana*—who elected the new *aliʻi* of the *ahupuaʻa*. “And if they are incompetent, and they have not managed it [the land] property, then it shall be right for the *Hui* to dismiss them.”

Each member was free, Under Bylaw 7, to allow a strong and healthy member of his/her family to cultivate on *Hui* lands away from their assigned ʻāpana and pay a levy of 25% of the value of such produce to the *Hui*. “Sickly” members of a family could do so and pay no levy (Bylaw 8).

Paʻahale were reasonable in size. Under Bylaw 11 each member had the right to a quarter-acre lot in good land or a half-acre lot in “bad and hilly places.” The *Hui* arranged for surveying the parcels.

The three iuna were required to post surety bonds (Bylaw 14). None could “lessen the benefits of this *Hui*” (Bylaw 15). Each had to make quarterly reports of the income from the land (Bylaw 16) and expenses (Bylaw 24). Never could the *Luna Nui* lease out to anyone the parcels set aside for the members (Bylaw 17). Under no circumstances was s/he to sell any of the land (Bylaw 22).
To protect against insider dealing, the *Hui* membership had to ratify the leasing by the *Luna Nui* of any portion of the *Hui* common land to any member (Bylaw 26). The right to investigate and report on losses of *Hui* funds and property—including, presumably, losses caused by the action or inaction of the *luna*—was reserved to the *Hui* membership, which could appoint five-member investigatory committees (Bylaw 28).

The members also ensured that the *luna* could not act to water down the members' interest in the common property through increasing the membership shares. I.e., the number of *Hui* shares were fixed at 115 (Bylaw 2). Each member could name just one acceptable representative (Bylaw 12). These had to be Mormon. Any member abandoning or wishing to sell his/her interest was limited to transferring their share(s) to either the *Hui* or to another *Hui* member. To ease such sales, the transfer price was fixed (Bylaw 13).

**The *Hui* Bylaws: Other Rules**

In order to “live properly on the land,” the members adopted certain additional regulations. These tended to deal with the questions of neighbors getting along in a cooperative setting, and reflect an earlier rural and pastoral tradition modified only slightly by introduced species of livestock.
Members were allowed just six head of livestock (besides pigs, sheep and goats) on the common lands of the Hui. A fee was charged for each head of cattle or each horse above this limit (Bylaw 4).

Pigs had to be “kept in a pen or tied with a rope” and were not allowed to “run at large on the plains.” Violation resulted in a warning the first time, a fine the second, and the third resulted in the Luna Nui being called in (Bylaw 5).

Hui family members had to pay the 25% levy to the Hui for cultivating or gathering items from the common areas. No levy was charged for sickly members to do the same (Bylaws 7 and 8).

Probably to prevent arguments over claims of unbranded livestock (which would otherwise be claimed by the Hui), members were to mark their livestock before running them on the common lands. Members were not allowed to brand, mark or castrate their own animals left on the plains (Bylaw 19). The Hui operated a pen, however, and it was permissible to brand animals within the pen (Bylaw 20).

Oral traditions and old photographs attest to the immaculateness of the valley during the Hui period (see appendix N on page 406). The Bylaw on the Pāke rice farmers in the valley (No. 21), states that “the Pāke who have leased the land of Kahana are not permitted to raise pigs, ducks, chickens, at any place near the water-courses (‘auwai); neither anything that is insanitary.”
Shooting of guns at night was specifically banned (Bylaw 27). In a regulation reflecting a clearer, lawyer-free lifestyle, Bylaw 25 banned stealing, cheating or “doing anything wrong.”

The bylaws of the Kahana Hui assist us in understanding the locale, lifestyle and thinking of the people. More generally, the bylaws also show the great powers which were extended to the new ali'i, and the important rights which were reserved to individual maka'ainana or to the community as a whole. This in turn helps in understanding something about social organization in pre-mahele Hawaiian life and give unique and important evidence to use in understanding this social system.
Appendix J. Diverging Title Histories

This appendix shares some of the competing claims that evolved for some of the *kuleana* during the 1888-1903 period, as described in the sub-chapter “*Kuleana Conveyances*” on page 204 of chapter 7. The *kuleana* discussed are in numerical order.

* * *

Kaʻōpae (k) 4363. Three distinct titles evolved for this *kuleana*:

- The first claimed that Kaʻōpae’s widow was Ahia, who occupied the land after his death. After her death, the land was occupied by their daughter or niece, Unauna. Then Kapu, describing himself as a brother of Ahia, sold the property in 1871.

- The second claim agreed with the first that Kaʻōpae had died; this claim saying the death was in 1848. His widow, or perhaps it was some other relative, occupied the land for some years. She was named Kano [i.e., Kaua]. She died in 1862, leaving a daughter, Rachel, wife of William L. Holokahiki. Rachel died in 1876. Holokahiki, her heir, mortgaged the property in 1893 to John Sherman. This is the claim considered the official one, and relied on in this dissertation.
• The third claim, involving the heirs of Kapapa (k) 5220, was completely different and, in the words of a title searcher some 60 years ago, “not reconcilable with either of the other two” (Wodehouse Ms.(h)).

**Kaiakahi (k) 5221, ‘apana 2, had two titles.**

• The first said title passed to his daughter Kalima Kapena (40). Then it was eventually mortgaged, foreclosed, and sold to William R. Castle by 1891.

• The second claim said that somehow Haili (w) 5/6/7/8/9 had ownership of ‘apana 2, and conveyed it to S. Kahele (k) in 1892 (Conveyance 130:127).

Here the second claimant, Kahele, then sold his interests to Castle in 1892 (Conveyance 136:423), thus consolidating both claims.

**Ula (k) 5413, had two claims.**

• One had the parcel passing to the Kāne‘ohe Ranch Company by 1899.

• The second had Foster leasing the property to the Tai Lee Wai rice plantation in 1898, thus inferentially showing she owned the property.

Here Kāne‘ohe Ranch sold its interest to Foster, thus consolidating the two claims.

**Kuaio (k) 5704. Two distinct claims:**

• The first shows the title passing, via foreclosure, to Castle by 1891.

• The second involved a different set of owners and deeds.
The second trail, however, eventually passed, via foreclosure, to Castle, thus consolidating the two claims.

**Kuamo’o (k) 5706.**

- *āpana 1:* One claim has it passing to Kaauanui 24 and thence to his heirs. A second claim has it being sold eventually to Kāne‘ohe Ranch Co., and thence to Foster in 1901.

- *āpana 2:* One claim has it passing to the heirs of Samuel Kapahuaniani. The second has it passing to Foster.

**Kualua (w) 5709.**

- One claim involved Moses Ka‘anā‘anā, son of Kapapa (k) 5220, who was the hānai son of Kualua and so therefore inherited the kuleana and had the power to lease it out (as in 1888, Conveyance 113:7).

- The second claim questions that adoption, and therefore the inheritance, as not being formally legalized, and so the title should have passed to the legitimate heirs of Kualua.

**Kaaaiawahia (k) 5807.**

- One claim has the title passing to Lucy Kekoa by deed. This line then expands and involves different deeds as the interest in the kuleana was sold to Foster by first one part and then another of the Kekoa family.

- Another claim has title to one-half of the kuleana passing to G. Kapahu, and thence to Annie Holokahiki by 1898. Kapahu was said to be a son of Kaaaiawahia,
and therefore got 1/2 interest in the land (Kaaiaawahia's widow, Kalaunahala [Kaulunahala (55)?], getting the other 1/2).

- A third claim was from Kalehua, granddaughter of Kapapa (k) 5220. She claimed an interest, and sold this to Kāne'ōhe Ranch Co. in 1900. A related claim came from other Kapapa 5220 heirs, who sold their interests separately to Kāne‘ohe Ranch Co. in 1899.

The latter claims were consolidated by Foster. She bought out the Kapahu claim from Holokahiki in 1898 (Conveyance 189:123) and the Kapapa claims from Kāne‘ohe Ranch Co. in 1901 (Conveyance 111:13).

This whole process of paying over and over again for the same land was common, despite the weakness of the competing claims. Kapahu's claim, for example, recited the same name of Kaaiaawahia's widow, yet the claim was empty as Kapahu and the widow inherited nothing as the kuleana had long since been sold. The Kapapa claim was apparently without foundation to start with, but it was weakened further as one of the Kapapa heirs, John Kapapa,1 signed as a witness to the deed (1874, Conveyance 41:278) that passed the kuleana to Lucy Kekoa and formed the foundation for the "official" first claim.

Napela (k) 6122.

- Repeatedly, through the latter years of this period (i.e., the late 1890s through 1903), Foster through her agents tried to ascertain the ownership of this kuleana.

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1 The father of Kapapa claimant Kalehua.
They were unsuccessful, and the title remained very clouded. The next period, 1904-1920, showed a completion to the matter, where various alleged heirs came forward and were paid by Foster.

Kala'auhina (k) 7651.

- This kuleana got confused with Kaaiaawahia (k) 5807, both of which had titles passing down through people named Kekoa.

Hohoiea (k) 8185.

- This kuleana is recorded as having just one 'āpana. One claim is that it passed to Ruth Mihiole (72), said to be the granddaughter and only heir of Hohoiea.

- But note other sources say Ruth was a sister to Kaaikaula Kalua (w) 20, Laea (w) 71, and daughter of Nunu (k) 3946, casting doubt only the “only heir” claim.

- Also note that documentation associated with Ka'ōpae (k) 4363 and Kuamo'o (k) 5706 both indicate that a second 'āpana exists for this kuleana. It is a pōhale lot of .25 acres, and is said to belong to the heirs of Kaauanui (k) 24.

Lilipi (k) 9961.

- One claim is that Lilipi sold to Kalimalu (k), a relative, in 1867. Kalimalu later mortgaged the property, it was foreclosed upon, and thence passed to Castle by 1891. But the key Lilipi 1867 deed (Conveyance 234:217) was not filed with the government until years later.
• Probably because the first deed wasn't recorded for so long, a second claim evolved. In 1897 various heirs of Lilipi claimed they still owned the kuleana, and use this alleged interest as collateral to secure a mortgage (Conveyance 170:279). With that loan still not repaid, the same heirs, in 1898, sold the kuleana to William L. Peterson (Conveyance 183:54).\(^2\) Peterson proceeded to treat the kuleana as his own, leasing it to the Tai Lee Wai rice plantation (Conveyance 185:461), and then selling it to a Hawaiian, Samuel Kapalaiuweloa, in 1899 (Conveyance 195:155). Kapalaiuweloa, with the 1897 mortgage still pending, secured a further mortgage on the property in 1901 (Conveyance 227:438).

Nāwahine Wahea (k) 10978, ʻipana 1.

• ʻipana 1 passed to Annie Holokahiki in 1899 and 1900 (Conveyances 200:159 and 208:137). On Holokahiki's death, the ʻipana passed through probate to her son William H. Holokahiki and Ernest Ka'ai Kaleihoku.

• E. Kekoa, of the Kekoa family involved with Kala‘auhina (k) 7651 and Kaaiawahia (k) 5807, was a brother of Mrs. Holokahiki and contested her will, appealing to a jury. This claim, such that it was, was not sustained. The will was therefore upheld and the two recognized heirs eventually passed their interests in this kuleana to Foster.

* * *

\(^2\) Peterson was involved with Kahana land dealings. He was the notary for the sale of Kapua (k) 5708 in 1883.
A Charles F. Peterson was guarantor of and notary for a 1903 mortgage for the Pune'e (k) 8164-N kuleana (Conveyance 251:488-9).
Besides all of the extra deeds involved with the duplicate title trails, assorted other land documents were not counted in the 187 conveyances cited on page 204. One such miscellaneous document (Conveyance 178:76) was an official adoption paper, filed with the land records office of the local government possibly to protect against the prospective heir being disallowed inheritance of the property in question (Hohoiea (k) 8185) because of not being formally adopted.\footnote{A second factor not counted in the 187 figure is an aspect of the research methodology for this dissertation. The primary sources consulted were the Foster collection at the Hawai'i Archives, which included detailed collections of land deeds, abstracts, and related documents. While the collection was most detailed, it contained some possible gaps for the kuleana. If such gaps actually exist, then the total figure for transactions would, of course, be greater.}
Appendix K. A Castle Foreclosure

This appendix gives an example of one of the William R. Castle foreclosures of the era, and more information on the process, as mentioned in the sub-chapter “Kuleana Mortgages” on page 205 of chapter 7.

* * *

Kalauawa 240-L was substantially owned by Kaauanui 24, who married Kalauawa’s widow. He eventually got a clear 7/9ths interest in the kuleana, the other 2/9ths being owned by David, a grandson of Kalauawa. Kaauanui, however, exercised complete control and ownership of the kuleana (Abstract 240-L). A Kaauanui mortgage to M.M. Scott was foreclosed in 1888 (Conveyance 112:289), with Castle acting as attorney.

Notice was published. At the foreclosure auction, Cecil Brown, acting as Castle’s agent, bid the high price ($100), and so was given the foreclosure deed (Conveyance 115:234). The deed claimed to be for the full kuleana. It appears Castle did not know of David’s minority interest in the land—though it can be argued that Castle would undoubtedly have found a method to have formally taken care of that interest, had he known of it.
Brown acted similarly in other foreclosures involving other lenders (mortgagees), including mortgages issued by Castle's sister. When done with the process, Brown transferred the lot to Castle for a dollar.¹

Castle generally operated his various ăpana as one estate. The Kalauawa (k) 240-L kuleana he formally merged with another of his holdings, Kamakuku (k) 5318.

¹ The transfer involved about twenty parcels which Brown had acquired for Castle, including five in Kahanä (Conveyance 122:212-4,477-9); Castle Ltr. to Wodehouse, December 23, 1907).
Appendix L. Hawaiian *Kuleana* In 1903

This appendix lists the handful of Kahana *kuleana* that remained in Hawaiian hands at the end of 1903, as discussed in the sub-chapter "*Kuleana* Encumbrances" on page 211 of chapter 7.

* * *

- The Hohoiea (k) 8185 *kuleana*, which had passed to a third generation heir, Ruth Mihoile (72), by 1888. It was held through 1903. There is a suggestion, however, that she may have lived on the U.S. Mainland through this period and so did not participate in the active real estate market in Kahana.¹

- The Hua 8164-P *kuleana*. He was evidently not around Kahana as efforts to locate him or his heirs through 1903 failed. Also, while neither he nor his heirs encumbered the land during the 1888-1903 period, it had previously been mortgaged, and that mortgage remained unreleased through this period.

- The Kapapa (k) 5220 *kuleana* had previously passed to the five children of Kapapa. One of these, John Kapapa, died and passed on his 1/5th interest to his daughter Kaledua. Kaledua and her uncle Moses Ka‘anā’anā and aunts Kalu, Lois Kaulahea and KawaiaHa‘o continued to hold onto *āpema* 1 of this *kuleana*

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¹ In a document filed with the government's land office, she and her husband William Kamekona Mihoile legally adopted an heir, William Kamekona, who was later said to be on the Mainland (Conveyance 178:76).
through this period. Around 1902 four of the heirs sold their interests in Āpana 2 to the fifth heir, Kalu (w), who held it through 1903. The Kapapa heirs, while notable for not encumbering their own kuleana, were equally notable for conveying their alleged interests in many other parcels of land.²

- The Kekui (k) 4367 kuleana had previously passed to William Kamekona Mihiole, mentioned in footnote 1 above. He held it throughout this period, but may not have been present in the Islands.

- The Nuhi (k) 3948 kuleana had previously passed to Kahai Kenoi (k) 66/67. He didn’t sell through 1903. He was one of the few natives still in Kahana who was holding onto at least some of his kuleana land. Besides holding onto Hui share 66, he had a lease to Āpana 1 of Nāwahine Wahea (k) 10978, and owned Pine (k) 5941 and Maunui (k) 5976. The Nuhi land was the only kuleana he held onto without conveyance. He sub-leased the Wahea land, leased the Pine and Maunui kuleana—all three leases to Pākē—and sold the Maunui land (to Kāne‘ohe Ranch Co.).

- The Nunu (k) 3946 kuleana, like Hua’s above, had eluded Foster’s title searchers through this period. As later pieced together, however, it appears that the land had passed to daughters Kaaikaula Kalua (20) and Ruth Mihiole (72). The latter, mentioned in footnote 1 above, may well have not been in the Islands through this period. The former, together with her husband Poalomaka Kalua (42/103), controlled

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² See the three examples from pages 341-344 of appendix J for some of the Kapapa claims.
several Hui shares through this period. While the kuleana was evidently not encumbered, their shares were.

• The Nawahine Wahea (k) 10978 kuleana, Āpana 2, had passed to Kalu, a daughter of Kapapa (k) 5220. Kalu, mentioned above, held onto this parcel through this period.
Appendix M. Title Summaries

This appendix contains two sets of title summaries. First it gives the titles to the Kahana *kuleana* from the *mahele* through 1920. Then it gives the titles to the Kahana *Hui* shares through 1920.

* * *

**Kuleana Title Summaries**

<table>
<thead>
<tr>
<th>Name</th>
<th># of ʻōpāna</th>
<th>Area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aiohi (k) 6043</td>
<td>2</td>
<td>2.0ac</td>
<td>Eastern village</td>
</tr>
<tr>
<td>[Abstract 6043, Thayer Ltr. to Wodehouse, March 19, 1912]</td>
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<td></td>
</tr>
<tr>
<td>1874-1887: Sold to Kahinauakea (k) and Kuapu'u (w), of Ka'a'awa (Conveyance 97:259).</td>
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<td></td>
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<tr>
<td>Mortgaged to Mary E. Foster (Conveyance 145:10) (with 21, 77, 5319).</td>
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<tr>
<td>Possible second mortgage to Peter Makia (with 21, 77, 5319).</td>
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</tr>
<tr>
<td>Mortgages settled by sale to Mary E. Foster (Conveyance 249:138) (with 21, 77, 5319).</td>
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<tr>
<td>1904-1920: Probably leased to Pākē (Tai Lee Wai) (with others).</td>
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<tr>
<th>Name</th>
<th># of ʻōpāna</th>
<th>Area</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>Hohoia (k) 8185</td>
<td>1</td>
<td>1.5ac</td>
<td>Uplands</td>
</tr>
<tr>
<td>[Abstract 8185]</td>
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<td></td>
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<tr>
<td>1846-1873: Held.</td>
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</tr>
<tr>
<td>1874-1887: To 2nd generation heir.</td>
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<tr>
<td>To 3rd generation heir, Ruth Mihiole (72) &amp; husband William Kamekona Mihiole.</td>
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<tr>
<td>1888-1903: Held.</td>
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<tr>
<td>1904-1920: To heir William Kamekona &amp; wife Julia Nuole (Conveyance 178:76).</td>
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<tr>
<th>Name</th>
<th># of ʻōpāna</th>
<th>Area</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hoʻoliliamanu (k) 6167</td>
<td>2</td>
<td>2.0ac</td>
<td>Western village</td>
</tr>
<tr>
<td>[Abstract 6167, Vincent Personal communication.]</td>
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<tr>
<td>1846-1873: To 1st generation heir, Pune'e (k) 8164-N &amp; wife Kuanea (Conveyance 14:112-3).</td>
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<tr>
<td>1874-1887: To 2nd generation heir, Kahinu Keli‘imakaino &amp; husband Kamai Kamōʻiliʻili (Conveyance 42:254-5).</td>
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1 I.e., to the Hansen’s Disease colony there.
Mortgaged; released.
To 3rd generation heirs, Kekuku Kamō'ili'ilī Makanui & husband John (Conveyance 98:15) (with 5339).

1888-1903: Leased to Pākē (Tai Lee Wai) (Conveyance 197:168).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).2

1904-1920: Sold to possible heir Elizabeth Akao (Conveyance 291:157). Also possibly to Henry VanGeisen, Trustee.
[In 1930, Mary E. Foster bought this kuleana from Akao's nine heirs (Conveyances 1049:348-9, 1050:492-4, 1052:213-4, 1052:273-5, 1052:300-1, 1061:331-2, 1065:73-4, 1065:75-6, 1084:177-9).]

Hua (k) 8164-P 3 7.0ac Midlands
[Abstract 8164-P; wife possibly Kepa'a.]
1846-1873: Held.
1874-1887: Mortgaged to A. Gaeger (Trustee) (Conveyance 77:313).
1888-1903: Held.
1904-1920: Apparently held by heirs.

Kaialawahia (k) 5807 3 4.5ac Western village
[Abstract 5807; wife is Kaulunahala.]
1846-1873: Held.
1874-1887: To 2nd generation heir, Lucy Kekoa (Conveyance 41:278).
1888-1903: To heirs, Edward Kekoa & wife Mary F. Kekoa.
āpina 3 leased to Mary E. Foster.
āpina 2 to Mary E. Foster (Conveyance 223:282).
āpina 1 and 3 to heir William Kekoa.
āpina 1 and 3 sold to Mary E. Foster (Conveyance 111:84?).
1904-1920: Probably leased (with others).

Kaiakahi (k) 5221 2 2.5ac Western village
[Abstract 5221]
1846-1873: To 1st/2nd generation heir, Kalima Kapena (40) & husband Kapena (5231).
1874-1887: Mortgaged to H.R. Hollister (Conveyance 44:392) (with 5231).
Probably to 2nd/3rd generation heir Samuel Kapena & wife Kealoha (Conveyance 46:442) (with 5231).
Back to Kalima Kapena & Kapena (possibly with 5231). Second mortgage to (Ms.) E. Humphreys (Conveyance 77:255) (with 5231).
Leased to Pākē (Tai Lee Wai) (Conveyance 190:340) (with 5231 and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

2 See footnote 19 on page 229 of chapter 8 for background information on the Tai Lee Wai leases and these title summaries.
1904-1920: Sold to James B. Castle (Conveyance 300:247) (with 5,6,7,240-L,5318,5231,4433,5704,5702,9961).
Sold to Mary E. Foster (Conveyance 300:285-7) (with 5,240-L,5318,5231,4433,5704,5702,9961).

Kala‘auhina (k) 7651 3 2.8ac Western village
[Abstract 7651; wife is Malu]
1846-1873: To 1st generation heir, Malu.
"Sold" to Pākē, AhSing (k).
1874-1887: Returned to 1st generation heir, Malu.
To other 1st generation heir, Lohi (k).
To other 1st generation heir, Mo‘opuna (w).
1888-1903: To 2nd generation heirs, Henry Kekoa Maui and William N. Kekoa & wife, Manuiki.
Sold to Mary E. Foster (Conveyance 229:178).
Possibly leased to Kepani (Ishisaki).
1904-1920: Part of ʻapana 3 was deeded to Moses Ka‘anā‘ana & wife Kahaunaele, Lois Kaulahea, and Kalehua (w), in exchange for their 3/5th interest in ʻapana 2 of 5220 (Conveyance 277:429-30).
[1925, 1926: Kahaunaele (w) mortgages the part of ʻapana 3 back to Mary E. Foster, then sells to Mary E. Foster, Conveyances 794:410, 837:280-1]

Kalauawa (k) 240-L 1 4.0ac Midlands
[Abstract 240-L; wife is Kaauhauhula]
1846-1873: To heirs from 1st, 2nd, and 3rd generations, Kaauhauhula, Kahai (w), Keoua (w), David, Pilahi & husband John Kapapa.
1904-1920: To James B. Castle (Conveyance 300:247) (with 5,6,7,5221,5318,5231,5704,4433,5702,9961). To Mary E. Foster (Conveyance 300:285-7) (5,6,7,5221,5318,5231,5704,4433,5702,9961).
Kalimaoni (k) 7653 2 2.25ac Western village
[Abstract 7653; wife is Kumaieha]
1846-1873: Held.
1874-1887: To 2nd generation heir, Piliula Kanuha & husband Samuel (possibly through Pune'e (8164-N) & wife Juanea) (Conveyance 50:88) (with 10394).
   To 3rd generation heirs, William L. Holokahiki & wife Rachel (Conveyance 50:90-2) (with 10394).
   Mortgaged to Stephen Spencer (Conveyance 50:90-2?) (Conveyance 104:84-6) (with 10394).
   Sold to Tai Lee Wai rice plantation (Conveyance 198:152).
1904-1920: Probably leased out (with others).

Kamakuku (k) 5318 1 4.5ac Western village
[Abstract 5318; wife is Koho]
1846-1873: To 1st generation heirs, Koho and Puoa (k).
   To 2nd generation heirs, Lois Kaulahea & husband Kaulahea (Conveyance 45:376) (with 5702).
1874-1887: Leased to Kepani, Aniba (Conveyance 52:83).
   Mortgaged to Carrie D. Castle (Conveyance 85:274) (with 5702).
   To William R. Castle (Conveyances 119:19, 122:212-4, 122:477-9) (with 5702 and others).
   Leased to Pāke (Tai Lee Wai) (Conveyance 190:340) (with 5702 and others).
   Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Sold to James B. Castle (Conveyance 300:247) (with 5,6,7,240-L,5231,5704,4433,5702,9961).
   Sold to Mary E. Foster (Conveyance 300:285-7) (with 5,6,7,240-L,5231,5704,4433,5702,9961).

Kaʻōpae (k) 4363 2 5.25ac Midlands
[Abstract 4363; wife is Mahiole]
1846-1873: To 1st generation heir, Kauo & husband Kuamo'o (5706).
   To 2nd/3rd generation heirs, Rachel & husband William L. Holokahiki.
1874-1887: ʻApāna 1 held. ʻApāna 2 sold to a 1st generation, probable relative, Kaauanui (k) 24 (Conveyance 61:81) (with 4433, 5704, and ʻApāna 1 of 5706).


1904-1920: ʻApāna 1 sold, via Estate auction, to Mary E. Foster (Conveyance 258:311). ʻApāna 2 to heirs (possibly Henry Maui and W.M. Kekoa (Thayer Ltr. to Wodehouse, March 19, 1912) or possibly to William Kamekona, the son of Ruth Mihiole (72) & husband William Kamekona Mihiole (Conveyance adopted 178:76).

Kaopu'u (k) 5319 2 1.75ac Eastern village [Abstract 5319]
1846-1873: Held.
1874-1887: To 2nd generation heirs, Ko'o (w) and Kila (k). Sold to Pākē, Akuna (k) (Conveyance 95:178).
1904-1920: Probable lease to Pākē (Tai Lee Wai) (with others).

Kapapa (k) 5220 2 5.25ac Western village [Abstract 5220; wife is Lia]
1846-1873: To 2nd generation heirs, Lois Kaulahea & husband Kaulahea; KawaiaHa'o & husband Pu'ukohola; Moses Ka'anā'anā & wife Kahauanele; John Kapapa & wife Pilahi Kahua; and Kalu & husband Nawahine.
1874-1887: Held.
1888-1903: One-fifth interest in both ʻApāna, formerly held by John Kapapa & wife, to their 3rd generation heir, Kalehua (w). ʻApāna 1 held.
'Apāna 2 sold amongst heirs, four to fifth heir, Kalu (Conveyance 183:267).

1904-1920: 'Apāna 2 sold to Mary E. Foster in return for relocating a dwelling unit and as a trade for part of 'Apāna 3 of 7651 (Conveyances 261:413, 277:429-30).


'Apāna 1, final one-fifth sold to possible heir Maleka Kukapu Hailele & husband (Conveyance 234:401) (with 'Apāna 2 of 10978).

'Apāna 1, same one-fifth to Lincoln L. McCandless (Conveyances 337:382, 343:211-27) (with 'Apāna 2 of 10978).

'Apāna 1, same one-fifth to Mary E. Foster (Conveyance 340:359-60) (with 'Apāna 2 of 10978).

Kapena (k) 5231 2 1.5ac Western village
[Abstract 5231]
1846-1873: To 2nd/3rd generation heirs, Rachel & husband William L. Holokahiki.
1874-1887: To 1st/2nd generation heir, Kalima Kapena (w) 40 (Conveyance 44:392).

Mortgaged to H.P. Hollister (Conveyance 44:392) (with 5221).
To 2nd/3rd generation heir, Samuel Kapena & wife Kealoha (Conveyance 46:442) (with 5221 and implausibly 5704).
Back to 1st/2nd generation heir, Kalima Kapena (w) 40 (Conveyance 84:189) (possibly with 5221).
Second mortgage to (Ms.) E. Humphreys (Conveyance 77:255) (with 5221 and implausibly 5704).

Leased to Pāke (Tai Lee Wai) (Conveyance 190:340) (with 5221 and others).

Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Sold to James B. Castle (Conveyance 300:247) (with 5,6,7,240-L,5318,5221,5704,4433,5702,9961).
Sold to Mary E. Foster (Conveyance 300:285-7) (with 5,6,7,240-L,5318,5221,5704,4433,5702,9961).

Kapua (k) 5708 1 0.75ac Midlands
[Abstract 5708]
1846-1873: Held.
1874-1887: Sold to Esther Kamakolu Kaiapa (Conveyance 191:358).
1888-1903: Sold to Tai Lee Wai rice plantation (Conveyance 181:475).

1904-1920: Probably leased to Pāke (Tai Lee Wai) (and others).

Kualua (w) 5709 2 1.75ac Uplands
[Abstract 5709; husband is Poekua]
1846-1873: To 2nd generation hūnai heir, Moses Ka'ana'anā & wife Kahaunaele.
1874-1887: Held.
1888-1903: Leased to Pāke, Aiona (k) (Conveyance 113:7) (with others).
          Sold to Mary E. Foster (Conveyance 438:202) (with others).

Keakua (k) 8164-O 1 2.0ac Western village
[Abstract 8164-O]
1846-1873: Held.
1874-1887: To 2nd generation heir, Kaina & wife Louisa.
          Leased to Pāke, Akana (k) (Conveyance 83:436).
1888-1903: Land sold to 2nd generation native, Lois Kaulahea & husband Kaulahea (Conveyance 186:299).
          Leased to Pāke (Tai Lee Wai) (Conveyance 197:167).
          Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

Kekui (k) 4367 3 4.75ac Western village
[Abstract 4367]
1846-1873: To 2nd generation heir, Kekualono.
          To E. Kekoa (k) (Conveyance 38:354).
1874-1887: Sold to 3rd generation natives, William Kamekona Mihiole & wife Ruth Mihiole (72) (Conveyance 68:305).
1888-1903: Held.
1904-1920: Āpana 1 and 3 leased to Mary E. Foster.
          Sold to Lincoln L. McCandless (Conveyance 352:25).
          Sold to Mary E. Foster (Conveyance 438:220-5?) (possibly with others).

Kuaio (k) 5704 1 1.0ac Western village
[Abstract 5704]
1846-1873: To 2nd/3rd generation heirs, William L. Holokahiki & wife Rachel.
1874-1887: Sold to 1st generation native, and probable relative, Kaauanui (k) 24 (Conveyance 61:81) (with 4363, 4433, Āpana 1 of 5706).
          Sold to a relative, A.L. Moewa'a & wife Kalama (Conveyance 104:294) (with 4433).
Mortgaged to Mary Hyde & husband C.M. Hyde (Conveyance 105:449) (with 4433).

1888-1903: Foreclosed (Conveyance 120:94) (with 4433).
Leased to Pākē (Tai Lee Wai) (Conveyance 190:340) (with 4433 and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Sold to James B. Castle (Conveyance 300:247) (with 5,6,7,240-L,5318,5221,5231,4433,5702,9961).
Sold to Mary E. Foster (Conveyance 300:285-7) (with 5,6,7,240-L,5318,5221,5231,4433,5702,9961).

Kuamo‘o (k) 5706 5 2.2ac Western village
[Abstract 5706; he was the konohiki agent; wife is Kauo]
"āpāna 2, only, sold to 2nd/3rd generation natives, Samuel Kapahuaniani & wife Lilia K. Kapahuaniani (Conveyance 47:422).

1874-1887: "āpāna 1 sold to a 1st generation, probably relative, Kaauanui (k) 24 (Conveyance 184:41? or 61:81) (with "āpāna 2 of 4363, 4433, 5704).
"āpāna 2 held.
"āpāna 3-5 held.

1888-1903: "āpāna 1 evidently held.
"āpāna 2 held.
"āpāna 4 leased to Mary E. Foster (Conveyance 184:224).
"āpāna 3-5 to 3rd/4th generation heirs, Annie N. Holokahiki and son William H. Holokahiki.
"āpāna 3-5 to 4th generation heir, William H. Holokahiki.
"āpāna 3 mortgaged to Mary E. Foster (Conveyance 196:265) (possibly with "āpāna 4).
"āpāna 3 mortgage settled by sale to Mary E. Foster (Conveyance 250:418) (with "āpāna 4).
"āpāna 4 sold to Mary E. Foster (Conveyance 250:418) (with "āpāna 3).
"āpāna 5 held.

1904-1920: "āpāna 1 to heirs of Kaauanui (k) 24.
"āpāna 2 to heirs of Samuel Kapahuaniani & wife Lilia K.
"āpāna 3 and 4, at least, probably leased to Pākē (Tai Lee Wai) (and others).
"āpāna 5 sold to Mary E. Foster (Conveyance 365:215).
Kuapu'u (k) 4433 2 1.5ac Midlands
[Abstract 4433]
1874-1887: Sold to a 1st generation native, possible relative, Kaauanui (k) 24 (Conveyance 61:81) (with ʻāpana 1 of 5706, ʻāpana 2 of 4363, 5704).
Sold to relative, A.L. Moewa'a & wife Kalama (Conveyance 104:294) (with 5704).
Mortgaged to Mary Hyde & husband C.M. Hyde (Conveyance 105:449) (with 5704).
1888-1903: Foreclosed (Conveyance 120:94) (with 5704).
Leased to ʻPāke (Tai Lee Wai) (Conveyance 190:340) (with 5704 and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Sold to James B. Castle (Conveyance 300:247) (with 5,6,7,240-L,5318,5221,5231,5704,5702,9961).
Sold to Mary E. Foster (Conveyance 300:285-7) (with 5,6,7,240-L,5318,5221,5231,5704,5702,9961).

Kukuiholahola (k) 5702 2 2.75ac Western village
[Abstract 5702; connected with 5318 and ʻāpana 2 of 5221; merged with ʻāpana 1 of 5231]
1846-1873: To 1st generation heirs Koho (w) and Puoa (k).
To 2nd generation heirs, Lois Kaulahea & husband Kaulahea (Conveyance 45:376) (with 5318).
1874-1887: Leased to ʻKeponi.
Mortgaged to Carrie D. Castle (Conveyance 85:2797) (with 5318).
To William R. Castle (Conveyances 119:19, 122:212-4, 122:477-9) (with 5318 and others).
Leased to ʻPāke (Tai Lee Wai) (Conveyance 190:340) (with 5318 and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: To James B. Castle (Conveyance 300:247) (with 5,6,7,240-L,5318,5221,5231,5704,4433,9961).
To Mary E. Foster (Conveyance 300:285-7) (with 5,6,7,240-L,5318,5221,5231,5704,4433,9961).
A portion of 'āpana 2 was apparently exchanged with the government in return for a portion of the government's School lot, in order to expand the government road (Conveyance 335:479).

Lilipi (k) 9961 1 1.0ac Eastern village
[Abstract 9961]
1846-1873: To 2nd generation heir, Kalimalu (k) (Conveyance 234:217).
1874-1887: Mortgaged to Francis Moss (Conveyance 76:452).
Foreclosed (Conveyance 99:234).
1888-1903: Leased to Pāke (Tai Lee Wai) (Conveyance 190:340) (with others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Sold to James B. Castle (Conveyance 300:247) (with 5,6,7,240-L,5318,5221,5231,5704,5702,4433).
Sold to Mary E. Foster (Conveyance 300:285-7) (with 5,6,7,240-L,5318,5221,5231,5704,5702,4433).

Maunui (k) 5976 2 2.0ac Western village
[Abstract 5976; wife is Kalaniwahine]
1846-1873: To 1st generation heir, Kalaniwahine.
To 1st generation heir, Pune'e (8164-N) & wife Kueawa.
1874-1887: Sold to relatives, Makanoe (k) 80 and Kahai Kenoi (k) 66/67 (Conveyance 382:370-1).
Kenoi sells interest to Makanoe (Conveyance 382:371-2).
Sold to Kamai (k) (?) (Conveyance 92:317).
1888-1903: Leased to Pāke, lease to Pāke (Tai Lee Wai) (Conveyances 185:19, 185:26) (with others).
Sold to Kāne'oehe Ranch Co. (Conveyance 189:92).
Sold to Mary E. Foster (Conveyance 111:13 or 84) (with others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Probably leased to Pāke (Tai Lee Wai) (and others).

Napela (k) 6122 3 4.3ac Western village
[Abstract 6122; wife is Kaulua; Samuel Kapahuaniani, said to be son of Kaulahea (k) [see 5220,5318,5702], let Kaulahea’s house be on 'āpana 2]
1846-1873: To 2nd generation heir, Maulua (k).
1874-1887: To 3rd generation heirs, Samuel Kapahuaniani & wife Lily, and Samuel’s brother, Joseph Kalanaaumoku (with 'āpana 1 of 10978).
1888-1903: Leased to Pāke (Tai Lee Wai) (Conveyance 190:317).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Less than one-half interest in ʻapana 2 from Samuel Kapahuaniani (but not wife or brother) to relative, Keaweaiko (k) (Conveyance 280:301).

Less than one-half interest in ʻapana 1 from Samuel Kapahuaniani (but not wife or brother) to Mary E. Foster (Conveyance 390:82-3).

Remainder of one-half interest in ʻapana 1 (and possibly in ʻapana 2) from Lily K. Kapahuaniani to Mary E. Foster (Conveyance 442:264).

One-half interest in both ʻapana to heirs of Joseph Kalanaaumoku.

Naumu (w) 10394 2 2.0ac Western village
[Abstract 10394]
1846-1873: To 1st generation heirs, Pune'e (8164-N) & wife Kuanea (possibly with 7653).
1874-1887: To 2nd generation heir, Pililua Kanuha & husband Samuel (Conveyance 50:88) (with 7653).
To 2nd/3rd generation heirs, William L. Holokahiki & wife Rachel (Conveyance 50:90-2) (with 7653).
Mortgaged to Stephen Spencer (Conveyance 50:90-2?) (with 7653).

1888-1903: Held.
1904-1920: To heirs (Estate of Stephen Spencer).
Held.
[In 1924 the Estate sold to Mary E. Foster (Conveyance 740:6-8).]

Nuhi (k) 3948 2 1.25ac Western village & Uplands
[Abstract 3948; wife is Wahineino.]
1846-1873: Held.
1874-1887: Sold to 2nd generation possible relative, Kahai Kenoi (k) 66/67 & wife Ha'aheo.

1888-1903: Held.
1904-1920: To Mary E. Foster (Conveyance 340:488).

Nunu (k) 3946 1 2.0ac Uplands
[Abstract 3946, 71; wife is Keakahiwa]
1846-1873: Held.
1874-1887: To 1st/2nd generation heirs, Keakahiwa, Laea (w) 71, Kaaikaula Kalua (20) & husband Poalomaka Kalua (42/103), and Ruth Mihiole (72) & husband William Kamekona Mihiole.
Consolidation amongst heirs, to the latter two couples (Conveyance 94:470).

1888-1903:
Held.

1904-1920:
One-eighth, the portion held by Mihiolés, to an heir, Anakalea (k).
Same one-eighth to Mary E. Foster (Conveyance 348:93).
Seven-eighths, the portion held by Kaluas, to Lincoln L. McCandless
(Conveyance 348:93 or 355:24).
Same seven-eighths to Mary E. Foster (Conveyance 438:202) (with others).

Ohekau 10555  2  5.25ac Western village
[Abstract 10555]
1846-1873: Inferentially to 2nd generation heirs, Hamanalau (w) and Kaawa (k).
ʻāpana 1 to a relative, Kāiapa (k) 33 (Conveyance 33:470).

1874-1887: ʻāpana 1 mortgaged to Michael McInerny (Conveyance 76:176).
Mortgage released (Conveyance 46:176).
ʻāpana 1 new mortgage, to Sandford B. Dole (Conveyance 79:445).
Mortgage assigned to Michael McInerny (Conveyance 79:447).
Mortgage further assigned, to H.A. Widemann, Trustee
(Conveyance 85:227).
ʻāpana 1 foreclosed (Conveyances 91:484, 85:229)).
ʻāpana 1 sold to beneficiary(?), King Kalākaua (Conveyance 92:449).
ʻāpana 2 to natives, Hua (k) & wife Kepa'a (w).
ʻāpana 2 traded with Hui in return for a church site on Hui land
(Conveyance 75:145).

1888-1903: ʻāpana 1 to heir, Queen Kapiʻolani (Conveyance 127:433).
ʻāpana 1 to heir, Prince David Kawaiulana (Conveyance 195:233).
ʻāpana 1 to heir's Estate, Kapiʻolani Estate Ltd. (Conveyance 194:427).
ʻāpana 1 sold to Mary E. Foster (Conveyance 229:180).
ʻāpana 2 held (by Hui).

1904-1920: ʻāpana 1 and 2 probably leased to Pāke (Tai Lee Wai) (and others).

Paleua (w) 5339  1  7.0ac Western village
[Abstract 5339]
1846-1873: To 2nd generation heir, Kamai Kamōʻiilʻili & wife Kealiʻimakaino
Kahinu Kamōʻiilʻili (Conveyance 26:322-3).

1874-1887: Mortgaged to Michael McInerny; mortgage later released (Conveyance
46:246-8).
To 3rd generation heir, Kekuku (w) (Conveyance 98:16).

1888-1903: Leased to Aiau ChungMoon (k) and AhCheong (k) (Conveyance
357:132) (note 10978).

1904-1920: Sold by Kekuku (w) & husband Kolomona Opu (k) to James Armstrong
(Conveyance 372:427).
Sold to Mary E. Foster (Conveyance 438:200) (with others).

Pine (k) 5941 1 0.5ac Western village
[Abstract 5941]
1846-1873: To 2nd generation heir, Kahai Kenoi (k) 66/67 (Conveyance 27:310).
1874-1887: Held.
1888-1903: Leased to Pake (Conveyance 190:358), lease to Pake (Tai Lee Wai) (with 66) $10 in all.
      Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Sold to Mrs. James Grube (Conveyance 316:229?) “The land I have lived on for 40 years and claim by law.”

Pune'e (k) 8164-N 2 3.75ac Western village
[Abstract 8164-N; wife is Kuanea]
1846-1873: Held.
1874-1887: To 2nd generation heir, T.K. Kahiamoe (k) 31 (Conveyance 72:351).
1888-1903: Leased to Pake (Tai Lee Wai).
      Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
      Land to 3rd generation heir, James Pune’e & wife Ka’alokai.
      Land mortgaged to Kahanaho’okahi (w) (Conveyance 251:488-9).
1904-1920: Mortgage released through sale to Ko’olau Railroad Co. (Conveyances 290:166, 287:418) (with pahale land of 31).
      apana 1 sold to Mary E. Foster (Conveyance 302:40).

Ula (k) 5413 2 2.75ac Uplands
[Abstract 5413]
1846-1873: To 1st generation heirs, Wahineino & husband Nuhi (3948).
1874-1887: Held.
1888-1903: Sold to native, a possible heir, Penake (k) (Conveyance 382:373-4).
      Sold to Kane’ohe Ranch Co. (Conveyance 194:15).
      Sold to Mary E. Foster (Conveyance 111:13 or 111:84?).
      Leased to Pake (Tai Lee Wai), mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Probably leased out (with others).

Nawahine Wahea (k) 10978 2 2.75ac Western village
[Abstract 10978]
1846-1873: apana 1 and apana 2 separately to 2nd generation heirs, Maulua & wife Malao (Conveyance 20:41-2) and Maluihi, respectively.
      apana 2 to Kalu & husband Nawahine (Conveyance 20:42).
1874-1887: ʻApana 1 leased to Kepani, Aniba (Conveyance 148:250).
ʻApana 1 land to 2nd/3rd generation heirs, Samuel Kapahuaniani & wife Lily K. Kapahuaniani, and Samuel's brother Joseph Kalanaaumoku (with 6122).
ʻApana 2 held.

1888-1903: ʻApana 1 leased to 2nd generation native, Kahai Kenoi (k) 66/67 (Conveyance 118:381).
ʻApana 1 lease sold to Pāke (HungMoon (ChungMoon?) and AhCheong) (note 5339).
ʻApana 1 land sold to 3rd generation native, Annie N. Holokahiki (Conveyances 200:159, 208:137).
ʻApana 1 mortgaged to Mary E. Foster (Conveyance 200:159-60). Mortgage later released.
ʻApana 1 to 4th generation heir and 2nd heir, William H. Holokahiki and Ernest Ka'ai Kaleihoku, respectively.
ʻApana 1, latter one-half interest sold by 2nd heir to Mary E. Foster (Conveyance 253:312-3).
ʻApana 1, former one-half interest sold by 4th generation heir to S.K. Kāne & wife Kealoha (Conveyance 216:33).
ʻApana 1, former one-half interest sold to Mary E. Foster (Conveyance 248:414).
ʻApana 2 held.

1904-1920: ʻApana 2 sold to possible heir Maleka Kukapu Hailele & husband (Conveyance 234:401) (with one-fifth of ʻApana 2 of 5220).
ʻApana 2 sold to Lincoln L. McCandless (Conveyances 343:211-2, 337:382) (with one-fifth of ʻApana 2 of 5220 and one-half of 70).
ʻApana 2 sold to Mary E. Foster (Conveyance 340:359-60) (with one-fifth of ʻApana 2 of 5220).

Also:
School lot, “School Grant 35, ʻApana 3” 1
[Abstract School lot.]
1904-1920: A portion of ʻApana 2 of 5702 was apparently exchanged by Mary E. Foster, its owner, with the government in return for a portion of the government's School lot, in order to expand the government road (Conveyance 335:479).
Hui Title Summaries
(In Numerical Order)

1. Apiki (I), wife is Kahae, of Kahana.
1873-1887: To Hua & wife Sarah Kaiapa Mioikekua [daughter of Kaiapa (k) 33] (Conveyance 135:366-9) $150.
   Hua dies, wife Kela inherits.
1888-1903: Held.
1904-1920: Kela marries Mioikakua on Maui [brother, Kahalewai Kaiapa, represented the share]; she and he sell to Mary Stewart (Conveyance 326:84-85) (with one-fifth of Kaiapa (k) 31 and one-fifth of Solomon Umi (113)) $220.
   To Mary E. Foster (Conveyance 338:360-1) (with one-fifth of Kaiapa (k) 31 and one-fifth of Solomon Umi (113)) $500 in all.
   Probably leased out (with others).

2. David (2) (also known as Davida), of Kahana.
1873-1887: To King Kaokaua (Conveyance 89:397) $170.
1887-1903: To Thomas R. Foster (Conveyance 111:84) (with 18, 35, 49, 52, 83, 105).
   To heir (Mary E.) (with 18, 35, 49, 52, 83, 105 and others).
   Leased to Pake' (Tai Lee Wai) $10-15/year (with others).
   Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Leased to Pake' (Tai Lee Wai) and probably to others (with others).

3. Ellen (3) (also known as Elena), husband possibly is S. Kahele, of Hakipu'u and Hau'ula.
1873-1887: Held.
1888-1903: To Kame'oehe Ranch Co., Ltd. (Conveyance 217:195) $300.
   From Bolte (k), as Trustee for KRC, to Mary E. Foster (Conveyance 223:13) (with others).
   Possibly leased to Pake', AhMoon (with others).
1904-1920: Probably leased out (with others).

1873-1887: To Hui (Conveyance 75:487-9).
1888-1903: Held by Hui.
1904-1920: Held by Hui.
   Probably leased out (with others).

5. First share, Haili (w) 5/6/7/8/9, husband possibly is A. Kahalepuna, of Ka'a'awa and Halawa, Molokai.
1873-1887: Held.
1888-1903: Leased to Pake', Aiona (Conveyance 113:7) $15/yr (with others).
   To S. Kahele & probable wife Ellen (3?) (Conveyance 130:127).
   To William R. Castle & wife (Conveyance 136:423) (possibly with others) $100 in all.
   Leased to Pake' (Conveyance 185:20), lease to Pake' (Tai Lee Wai) (Conveyance 185:26) $10/yr (with others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920:
- To James B. Castle (Conveyance 300:247) (with 6, 7, 5221, 240-L, 5318, 5231, 5704, 4433, 5702, 9961).
- To Mary E. Foster (Conveyance 300:285) (with 6, 7, 5221, 240-L, 5318, 5231, 5704, 4433, 5702, 9961).
Probably leased out (with others).

6. Second share, Haili (w) 5/6/7/8/9, husband possibly is A. Kahalepuna, of Ka'a'awa and Halawai, Moloka'i.

1873-1887: Held.
1888-1903: Leased to Pākē, Aiona (Conveyance 113:7) $15/yr (with others).
- To Elizabeth Kahuila Wilcox & husband William L. Wilcox (Conveyance 242:96) (with 7, 8, 9) $500 in all.
1904-1920: To Ida B. Castle & husband William R. Castle (Conveyance 261:194) (with 7, 8, 9) $800 in all.
- To Mary E. Foster (Conveyance 300:285-7) (with 5, 7, 5221, 240-L, 5318, 5231, 5704, 4433, 5702, 9961) $2,400 in all (and trade for some of Foster's land elsewhere).
Probably leased out (with others).

7. Third share, Haili (w) 5/6/7/8/9, husband possibly is A. Kahalepuna, of Ka'a'awa and Halawai, Moloka'i.

1873-1887: Held.
1888-1903: Leased to Pākē, Aiona (Conveyance 113:7) $15/yr (with others).
- To Elizabeth Kahuila Wilcox & husband William L. Wilcox (Conveyance 242:96) (with 6, 8, 9) $500 in all.
1904-1920: To Ida B. Castle & husband William R. Castle (Conveyance 261:194) (with 6, 8, 9) $800 in all.
- To James B. Castle & wife Julia W. Castle (Conveyance 300:247) (with 5, 6, 5221, 240-L, 5318, 5231, 5704, 4433, 5702, 9961).
- To Mary E. Foster (Conveyance 300:285-7) (with 5, 6, 5221, 240-L, 5318, 5231, 5704, 4433, 5702, 9961) $2,400 in all (and trade for some of Foster's land elsewhere).
Probably leased out (with others).

8. Fourth share, Haili (w) 5/6/7/8/9, husband possibly is A. Kahalepuna, of Ka'a'awa and Halawai, Moloka'i.

1873-1887: Held.
1888-1903: Leased to Pākē, Aiona (Conveyance 113:7) $15/yr (with others).
- To Elizabeth Kahuila Wilcox & husband William L. Wilcox (Conveyance 242:96) (with 6, 7, 9) $500 in all.
1904-1920: To Ida B. Castle & husband William R. Castle (Conveyance 261:194) (with 6, 7, 8) $800 in all.
- To Mary E. Foster (Conveyance 292:16) (with 9) $400 in all.
Probably leased out (with others).

9. Fifth share, Haili (w) 5/6/7/8/9, husband possibly is A. Kahalepuna, of Ka'a'awa.

1873-1887: Held.
1888-1903: Leased to Pākē, Aiona (Conveyance 113:7) $15/yr (with others).
To Elizabeth Kahuila Wilcox & husband William L. Wilcox (Conveyance 242:96) (with 6, 7, 8) $500 in all.

1904-1920: Possibly leased to Päke (Tai Lee Wai).
To Ida B. Castle & husband William R. Castle (Conveyance 261:194) (with 6, 7, 8) $800 in all.
To Mary E. Foster (Conveyance 292:16) (with 8) $400 in all.
Probably leased out (with others).

10. Hakao (10), wife is Kamakahue, brother is Ilipolohi (17); of Kalahi-kai, Ka'au'i, Lā'ie Wai, and Kaka'ako.
1873-1887: Held.
1888-1903: To Fred Wundenberg (Conveyance 176:457) (with 17) $160 in all.
To Mary E. Foster (Conveyance 176:458-9) (with 17) $225 in all.
Lease to Päke (Tai Lee Wai) $10-15/yr (with 17 and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 17 and others).
Leased to Kepani.
1904-1920: Probably leased to others (with others).

11. Hapauea (11), wife is Awihi, of Kāne'wai or Mā'ilili,Waikīkī-kai, Honolulu.
1873-1887: To Hui (Conveyances 82:72, 102:61) $150.
1888-1903: Held by Hui.
1904-1920: Held by Hui.
Probably leased out (with others).

12. Hewahewa (12), second wife is Kawahalelee, of Ka'alaea, Ko'olau Poko, and Hawai, Wainanu.
1873-1887: Held.
1888-1903: To heir (Kawahalelee).
First half to Pu'ukoholā [son-in-law of Kapapa (k) 5220] (Conveyance 135:456) $30.
Second half to Bishop Pahia (Conveyance 158:275) $30.
1904-1920: First half to heirs, including Kupahu and Lepekā.
Second half [possibly first to Frank Pahia, then] to James Armstrong (Conveyance 382:385) $130.
Second half to Mary E. Foster (Conveyance 438:200) (with others) (or perhaps otherwise to Foster).
Probably leased out (with others).

13. Ho'okaaku (13), wife probably is Julia Ho'okaaku, daughter is Keola (65), of Kahana and Niolopa, Nu'uanu.
1873-1887: Held.
1888-1903: Lease to Päke, Aiona (Conveyance 113:7) $15/yr (with others).
To Mary E. Foster (Conveyance 229:36) $400.
1904-1920: Leased to Päke (Tai Lee Wai), and probably to others.

14. First share, Ikeole (14/15) [also known as Peter Kealakaihonu], wife is Kaheana (29/30), son is Waioha (115), cousin is Pelekane (102), Pelekane married Ikeole's widow Kaheana, of Pā'a'uhau, Hāmākua, Big Island.
1873-1887: To Harriet "Hattie" P. Parker & husband Samuel Parker (Conveyance 104:246) (with 15, 29, 30, 102).

1888-1903: Mortgaged to James Campbell (Conveyance 174:325 or 176:325) (with 15, 29, 30, 102, and other lands on three Islands) $93,000 in all.
Mortgage released; sold to Kane'ohe Ranch Co., Ltd. (Conveyance 177:353-4) (with 15, 29, 30, 102) $875 in all (and others).
Leased to Pākē, lease to Pākē (Tāi Lee Wai) (Conveyance 190:461) (with 15, 29, 30, 102) $16/yr each (and others).
To Mary E. Foster (Conveyance 223:13) (with 15, 29, 30, 102) about $500 per share (and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 193:444, 199:137, 250:474-8) (with 15, 29, 30, 102 and others).

1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.

15. Second share, Ikeole (14/15) [also known as Peter Kealakaihonua], wife is Kaheana (29/30), son is Waioha (115), cousin is Pelekane (102), Pelekane married Ikeole's widow Kaheana, of Pā'auhau, Hāmākua, Big Island.

1873-1887: To Harriet "Hattie" P. Parker & husband Samuel Parker (Conveyance 104:246) (with 14, 29, 30, 102).

1888-1903: Mortgaged to James Campbell (Conveyance 174:325 or 176:325) (with 14, 29, 30, 102 and lands on three Islands) $93,000 in all.
Mortgage released; sold to Kane'ohe Ranch Co., Ltd. (Conveyance 177:353-4) (with 14, 29, 30, 102) $875 in all.
Leased to Pākē, lease to Pākē (Tāi Lee Wai) (Conveyance 190:461) (with 14, 29, 30, 102 and others) $16/yr each.
To Mary E. Foster (Conveyance 223:13) (with 15, 29, 30, 102 and others) about $500 per share.
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 193:444, 199:137, 250:474-8) (with 15, 29, 30, 102 and others).

1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.

16. Iliakalani (k) 16, of Kahana.

1873-1887: Held.

1888-1903: To Thomas R. Foster (Conveyance 110:446) $150.
To heir (Mary E.) (with others).
Lease to Pākē (Tāi Lee Wai) $10-15/yr (with others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.

17. Iliopolohi (17), wife is possibly Makole, brother is Hakao (10), of Lā'ie Wai.

1873-1887: Held.

1888-1903: To heir (Hakao).
To Fred Wundenberg (Conveyance 176:457) (with 10) $160 in all.
To Mary E. Foster (Conveyance 176:458-9) (with 10) $225 in all.
Lease to Pākē (Tāi Lee Wai) $10-15/yr (with 10, others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 10 and others).
Lease to Kepani, Ishisaki.
1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.

18. Ka'ahanui 1 (18), wife is Kaukeha, of Kahana and Kanewai, Waikīkī.
1873-1887: To King Kākauma (Conveyance 88:259).
1888-1903: Possibly leased to Pākē, Aiona (Conveyance 113:7) $15/yr (with others).
To Thomas R. Foster (Conveyance 111:84) (also 2, 35, 49, 52, 83, 105).
To heir (Mary E.) (with 2,35,49,52,83,105 and others).
Lease to Pākē (Tāi Lee Wai) $10-15/yr (with 2,35,49,52,83,105 and others).
1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.

19. Ka'ahanui 2 (k) 19 (also known as Ka'ahaNui), of Kahana.
1873-1887: Held.
1888-1903: Leased to Pākē, Aiona (Conveyance 113:7) $15/yr (with others).
To Thomas R. Foster (Conveyance 111:279) $110.
To heir (Mary E.) (with others).
Lease to Pākē (Tāi Lee Wai) $10-15/yr (with others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.

20. Kaaikaula Kalua (20), husband is Poalomaka Kalua (43/103), father-in-law is Samuel Kalua (42), father is Nunu (3946), mother is Keakahiwa, sisters are Laea (71) and Ruth Mihiole (72), daughters are Koleka Kaiapa and Aida Kaikaula Kaiapa Nuhi, grandson is Ianakia and granddaughter Laea "Hātō" Nuhi Au, of Kahana.
1873-1887: Held.
1888-1903: Leased to Pākē (Conveyance 185:11), lease to Pākē (Tāi Lee Wai) (Conveyance 185:26) (with 71, 103, 110) $50/yr (and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 71, 103, 110 and others).
1904-1920: To Lincoln L. McCandless (Conveyance 337:479) $400.
To Mary E. Foster (Conveyance 438:202) (with others) about $3,000
for this one.
Probably leased out (with others).

21. Ka'aina (w) 21, husband is Akuna (Pāke), possibly related to Pupu (k) 108-109, of Kahana and Kaua'i.

1873-1887: Held.
1888-1903: Lease to Pāke, Aiona (Conveyance 113:7) $15/yr (with others).
To Aiona (k) (Conveyance 114:485) (with 5319).
To Samuel Kapaliauweloa (Conveyance 142:210) (with 5319) $250
in all.
Mortgaged to Mary E. Foster (Conveyance 145:10) (with 77, 5319,
6043) $600 in all.
Possibly mortgaged to Pāke.
Second mortgage to Peter Makia (possibly with 77, 5319, 6043).
Possibly leased to Pāke, AhMana.
Mortgages settled through sale to Mary E. Foster (Conveyance
249:138 or 249:139) (with 77, 5319, 6043) for $100 and
release of mortgage.
1904-1920: Probably leased out (with others).

22. Kaaiulaula (k) 22, adopted son is C.B. Maile, of Kawaihapai, Waialua, and
MokuE'ia, O'ahu.

1873-1887: Held.
1888-1903: Leased to Pāke, Aiona (Conveyance 113:7) $15/yr (with others).
First half to heirs; C.B. Maile & wife Ko'olau (Conveyance 146:379 or
146:377).
Second half to heirs, Maile's children probably, with C.B. Maile as
Trustee (Conveyance 300:426 or 300:462).
Leased to Samuel Kapaliauweloa (owner of 21, 77, 5319, 6043) $15/yr.
Lease probably acquired by Mary E. Foster.
1904-1920: Second half to Isaac Ihihi (Conveyance 300:477).
Second half to C.B. Maile & wife Ko'olau (Conveyance 317:6).
Full share to Mary E. Foster (Conveyance 319:148) $250.
Probably leased out (with others).

23. Ka'aika (23), wife is Aulani, sons are Kaaohaema and Keawemaohili,
daughter is Lois (latter possibly is also daughter of Kapapa
(k) 5220); possibly related to Kapapa (k) 5220 family; related
to Kahananui (w) (who got share 47), Makakahau (k) 78 and
D. Luwela (k) 73, of Lā'ie Wai.

1873-1887: Held.
1888-1903: First two-thirds to heirs (children Kaaoaohema, Keawemaohili, and Lois).

Last third to heir (Kahananui (w)).

Two-thirds to Kane‘ohe Ranch Co., Ltd. (Conveyance 177:169).

Two-thirds leased to Pakē, lease to Pakē (Tai Lee Wai) (Conveyance 190:461) $16/yr (with others).

Two-thirds to Mary E. Foster (Conveyance 223:13) (with others).

Lease for two-thirds mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Two-thirds leased to Pakē (Tai Lee Wai) (and others).

Last third to Kuloli'i (Conveyance 355:84).

Last third to Mary E. Foster (Conveyance 350:298) $350 (or $1,350).

Whole share probably leased (with others).

24. Kaauanui (24), wife is Kalima Kapena (40), owner of 240-L, 5704, ʻāpana 1 of 5706, ʻāpana 2 of 4363, 4433, of Kahana.

1873-1887: Held.

1888-1903: Possibly mortgaged to William R. Castle.

To Annie N. Holokahiki & husband William L. Holokahiki

To Mary E. Foster (Conveyance 165:369) $125.

Lease to Pakē (Tai Lee Wai) $10-15/yr (with others).

Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Leased to Pakē (Tai Lee Wai), and probably to others.


1873-1887: To Hui (Conveyance 75:487-9).

1888-1903: Held by Hui.

1904-1920: Held by Hui.

Probably leased out (with others).

26. J.M. Kaawa (k) 26, of Waipi'o, Big Island.

1873-1887: To Hui (Conveyance 84:351) (with 3 others) $300 in all.

1888-1903: Held by Hui.

1904-1920: Held by Hui.

Probably leased out (with others).

27. Palaile Kahakulani (k) 27, sons are Koeleele and Nawelu, of Kahana.

1873-1887: To heirs (Koeleele and Nawelu).

1888-1903: Held.
1904-1920: To further heirs, and consolidation amongst heirs (Conveyance 365:489, 181:176?).

Three heirs' interests directly to Mary E. Foster (Conveyances 380:45, 380:66, 410:489) $315 in all.

Five heirs [one a duplication of Foster's list] directly to James Armstrong (Conveyances 400:472, 422:61, 422:197, 422:198, 428:308).

Two heirs with one-fifth interest, directly to Lincoln L. McCandless (Conveyances 350:121, 350:122) $60 in all.

McCandless' one-fifth interest to Mary E. Foster (Conveyance 438:202) (with others) about $600 for this one.

Armstrong's interest to Mary E. Foster (Conveyance 438:200) (with others) about $3,000 for this one.

Probably leased out (with others).

28. Kahalehiwa (w) 28, of 'Auwaiolimu, Honolulu.

1873-1887: Held.

1888-1903: Leased to Pākē, Aiona (Conveyance 113:7) $15/yr (with others).

To Mary E. Foster (Conveyance 177:416) $125.

Leased to Pākē (Tāi Lee Wai) $10-15/yr (with others).

Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.

29. First share, Kaheana (w) 29/30, husband is Ikeole (14/15), son is Waioha (115), husband's cousin is Pelekane (102), she married Pelekane after Ikeole died, of Pa`auhai, Hamakua, Big Island.

1873-1887: To Harriet "Hattie" P. Parker & husband Samuel Parker (Conveyance 104:246 or 104:206) (with 15, 16, 30, 102).

1888-1903: Mortgaged to James Campbell (Conveyance 174:325 or 176:325) (with 15, 16, 30, 102, and lands on three Islands) $93,000 in all.

Mortgage released (Conveyance 176:325); sold to Kāne`ohe Ranch Co., Ltd. (Conveyance 177:353-4) (with 15, 16, 30, 102) $875 in all.

Leased to Pākē, lease to Pākē (Tāi Lee Wai) (Conveyance 190:461) $16/yr (with 15, 16, 30, 102 and others).

To Mary E. Foster (Conveyance 223:13) (with 15, 16, 30, 102 and others) about $500 each.

Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 193:444, 199:137, 250:474-8) (with 15, 16, 30, 102 and others).

1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.
30. Second share, Kaheana (w) 29/30, husband is Ikeole (14/15), son is Waioha (115), husband's cousin is Pelekane (102), she married Pelekane after Ikeole died, of Pa'auhau, Hamakua, Big Island.

1873-1887: To Harriet “Hattie” P. Parker & husband Samuel Parker (Conveyance 104:246 or 104:206) (with 15, 16, 29, 102).

1888-1903: Mortgaged to James Campbell (Conveyance 174:325 or 176:325) (with 15, 16, 30, 102, and lands on three Islands) $93,000 in all.

Mortgage released (Conveyance 176:325); sold to Kane'ohe Ranch Co., Ltd. (Conveyance 177:353-4) (with 15, 16, 30, 102) $875 in all.

Leased to Pāke, lease to Pāke (Tāi Lee Wai) (Conveyance 190:461) $16/yr (with 15, 16, 30, 102 and others).

To Mary E. Foster (Conveyance 223:13) (with 15, 16, 30, 102 and others) about $500 each.

Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 193:444, 199:137, 250:474-8) (with 15, 16, 30, 102 and others).

1904-1920: Leased to Pāke (Tāi Lee Wai), and probably others.

31. TK. Kahiamoe (31), father is Pune'e (8164-N), wife is Naho'okaika (86), a later wife may be Maau Kahiamoe, son is James Pune'e, of Kahana.

1873-1887: Held.

1888-1903: To heir (James).

To Mary E. Foster (with pāhale reserved to James forever) (Conveyance 250:95) $200.

Possibly leased to Pāke (Tāi Lee Wai, AhMana).

1904-1920: Pāhale mortgaged to Kahanaho'okahi (w) (Conveyance 275:10-11).

Mortgage released (Conveyance 290:167); Pāhale sold to Ko'olau Railroad Co., Ltd. (Conveyance 287:418) (with 8164-N) $400 in all.

Other portion probably leased out.

32. Kahiki (k) 32, of Kanewai, Waikīkī-kai.

1873-1887: To Hui (Conveyance 91:246).

1888-1903: Held by Hui.

1904-1920: Held by Hui.

Probably leased out (with others).

33. Kaiapa (33), wife is Pua (also known as Mua), possible hānai daughter is Kaaikaula Kalua (20), sons are Samuel Kaiapa and Kahalewai
Kaiapa, daughters are Sarah Kaiapa Mioikekua and Mrs. J.M. Kaneakua, and other child is Kamealani Vierra, of Kahana.

1873-1887: Held.
1888-1903:
To heirs (five children) (with 113).
Leased to Pāke (Conveyance 185:17), lease to Pāke (Tai Lee Wai) (Conveyance 185:26) (with 113) both for $10/yr (and others).
Samuel's interest to son Charles M.K. Kaiapa.
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:442, 199:137, 250:474-8) (with 113 and others).
1904-1920:
One-fifth interest, held by Sarah Kaiapa Mioikekua & husband, to Mary Stewart (Conveyance 326:84-5) (with all of 1 and one-fifth of 113) $220 in all.
One-fifth interest, held by Stewart, to Mary E. Foster (Conveyance 338:360-1) (with all of 1 and one-fifth of 113) $500 in all.
One-fifth interest (Kale's) to Julia A. Lota (Conveyances 428:198, 420:226).
One-fifth interest (Lota's) to Mary E. Foster (Conveyance 420:482). McCandless' three-fifths interest to Mary E. Foster (Conveyance 438:202) (with others) about $1,800 for this one.
Probably leased out (with others).

34. Kaihe'akahua (34), wife is Kapuakela, sons are Kaihe'i'ili'i (or Kaiheopio) and Wa'a, of Lā'ie Wai.
1873-1887: To heirs prior to 1881 (Kaihe'i'ili'i and Wa'a).
1888-1903:
Leased to Pāke (Conveyance 185:25), lease to Pāke (Tai Lee Wai) (Conveyance 185:26) $10/yr (and others).
First half (Kaihe'i'ili'i) to Mary E. Foster (Conveyance 222:65).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:442, 199:137, 250:474-8) (with others).
1904-1920:
First half leased to Pāke (Tai Lee Wai), and probably others.
Second half (Wa'a) to heir (widow, Awana Wa'a).
Second half to Mary E. Foster.
Probably leased out (with others).

35. Kailiulua (35), wife is Malule, daughter is Kaulaula, of Makaopuna, Kaua'i.
1873-1887: To heirs (Malule, Kaulaula).
To King Ka'ihikaua (Conveyance 107:58) $100+.
1888-1903: To Thomas R. Foster (Conveyance 111:84) (also 2, 18, 49, 52, 83, 105).
To heir (Mary E.) (with 2, 18, 49, 52, 83, 105 and others).
Leased to Pākē (Tāi Lee Wai) $10-15/yr (with 2, 18, 49, 52, 83, 105 and others).
Lease mortgaged, foreclosed (by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 2, 18, 49, 52, 83, 105 and others).

1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.
James Armstrong acquired an alleged one-half interest.
Armstrong to Mary E. Foster (Conveyance 438:200) (with others) about $3,500 for this one.
Probably leased out (with others).

36. Kaio (k) 36, of Lā'ie Wai.
1888-1903: To Minerva E. Fernandez & husband Abraham Fernandez (Conveyance 191:76) $130.
To Kāne’ohe Ranch Co., Ltd. (Conveyance 191:77) $175.
Leased to Pākē, lease to Pākē (Tāi Lee Wai) (Conveyance 190:461) $16/yr (with others).
To Mary E. Foster (Conveyance 223:13) (with others).
1904-1920: Probably leased out (with others).

37. Samuel Kakae (37), wife is Niau, of Waikahalulu and possibly ‘A‘ala, Honolulu.
1873-1887: Held.
1888-1903: To heir (Niau).
To Mary E. Foster (Conveyance 176:418) $110.
Leased to Pākē (Tāi Lee Wai) $10-12.50/yr (with others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.

38. Kalauao (38), wife is Kapainui (51), of Makiki, Honolulu.
1873-1887: Held.
1888-1903: To Thomas R. Foster (Conveyance 110:362) (with 51) $300 in all.
To heir (Mary E.) (with 51 and others).
Leased to Pākē (Tāi Lee Wai) $10-15/yr (with 51 and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 51 and others).
1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.
39. Kalaweaumoku (k) 39, father is J.W.H. Keanu (59), of Hakipu’u, Ko’olau Poko, also of Kaka’ako, Honolulu, also of Lā‘ie Malo‘o and Hau‘ula, Ko’olau Loa.

1873-1887: Held.
1888-1903: To Uka (k) (Conveyance 133:280-1) (with 58,59,67).
   To Mokuia Nakaiewalu & wife Kumukahi (in a co-tenancy) (Conveyance 188:203).
1904-1920: To Mary E. Foster (Conveyance 287:498).
   Probably leased out (with others).

40. KalimaKapena (w) 40, father is Kaakiahi (5221), mother is Mahaoe, husband is Kaauanui (24), they own 240-L, 5704, ʻāpana 1 of 5706, ʻāpana 2 of 4363, and 4433, of Kahana.

1873-1887: Held.
1888-1903: Possibly mortgaged to William R. Castle.
   Leased to Pākē (Conveyance 185:16), lease to Pākē (Tāi Lee Wai) (Conveyance 185:26) $10/yr (and others).
   Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
   To heir Ko‘o [daughter of Kaopu‘u (k) 5319] & husband Paka (97); to further heirs.
   Five-eighths to Mary E. Foster (Conveyances 194:450, 198:252).
   Three-eighths to Peter Makia & wife Kalimakea (Conveyance 223:300).
   Possibly leased to Pākē, AhMana.
1904-1920: Five-eighths leased to Pākē (Tāi Lee Wai) (and others).
   Makia interests mortgaged to Lā‘ie Plantation Co. (probably with 75 and one-third of 104).
   Mortgage settled with sale of three-eighths interest to Mary E. Foster (with 75 and one-third of 104) (Conveyance 340:216) $750 in all.
   Probably leased out (with others).

41. Kaloana (41), husband is Kawaipuna, of Lā‘ie Wai.

1873-1887: Apparently held.
1888-1903: To Thomas R. Foster (Conveyance 110:361) $150.
   To heir (Mary E.) (with others).
   Leased to Pākē (Tāi Lee Wai) $10-15/yr (with others).
   Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.
42. First share, Poalomaka Kalua (42/103), wife is Kaaikaula (20), father is Samuel Kalua (42), father-in-law is Nunu 3946, mother-in-law is Keakahiwa, sisters-in-law are Laea (71) and Ruth Mihiole (72), daughters are Koleka Kaiapa and Aika Kaaikaula Kaiapa Nuhi, grandson is Lanakila, and granddaughter is Laea “Hattie” Nuhi Au, of Kahana.

1873-1887: Held.
1888-1903: Leased to Pākē (Conveyance 185:11), lease to Pākē (Tāi Lee Wai) (Conveyance 185:26) (with 71, 103, 110) $50/yr in all (and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 71, 103, 110 and others).
1904-1920: To heir (?) William Ho‘okano & wife Maria (Conveyance 327:239) $250 (with part of 103 and part of 104).
To James Armstrong (Conveyance 408:182?) $3,500.
To Mary E. Foster (Conveyance 438:200) (with others) about $7,000 for this one.
Probably leased out (with others).

43. Samuel Kalua (43), wife is Elizabeth, son is Poalomaka Kalua (42/103), of Waikahalulu, Honolulu.
1873-1887: Held.
1888-1903: To SeeQuean (k) and SeeLing (k) (Conveyance 133:278) $105.
To William L. Wilcox & wife Elizabeth Kahuila Wilcox (Conveyance 148:453-4) $110.
1904-1920: To Estate; to Mary E. Foster (Conveyance 258:310) (with 57) $200 or $400 on both.
Probably leased out (with others).

44. Kamakea (k) 44 (also known as Kamakea 2), of Lā‘ie Wai.
1873-1887: Held.
1888-1903: To Frank R. Harvey (Conveyance 167:229) $50.
To Mary E. Foster (Conveyance 173:314) $110.
Leased to Pākē (Tāi Lee Wai) $10-15/yr (with others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.

45. Kamakea Uluhani Kauwe (45) (also known as Kamakea), husband is Albert Kauwe [his father is Ioela Kauwe and mother is Kahololio], parents are John Uluhani [he was a bull catcher for Cecil Brown] and Haliaka, sister is Makakoa, daughter is Kamalaa
Kaleohano [married to Gus Kaleohano, policeman], of Lā'ie Wai.

1873-1887: Held.
1888-1903: Leased to Pākē (Tāi Lee Wai) $12.50/yr.
   To heirs (Kaleohanos).
   Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
   To Mary E. Foster (Conveyance 253:282) $250.
1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.

46. Kamanonahu (46), wife probably Koleka, child probably Kamanonahuoopio, of Waikīkī-kai, Honolulu.

1873-1887: Held.
1888-1903: Leased to Pākē, Aiona (Conveyance 113:7) $15/yr (with others).
   To H.A. Widemann, as trustee for probable heir (Conveyance 133:-123).
   First half to probable heir Kamanonahuoopio (Conveyance 130:414).
   Second half to probable widow Koleka (Conveyance 135:360-1).
   Second half mortgaged to Kane'ohe Ranch Co., Ltd. (Conveyance 180:126).
   Both halves to Kane'ohe Ranch Co., Ltd. (Conveyance 176:231) $115.
   Leased to Pākē (Tāi Lee Wai) (Conveyance 190:461) $16/yr (with others).
   To Mary E. Foster (Conveyance 223:13) (with others).
   Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Leased to Pākē (Tāi Lee Wai), and probably to others.

47. Kameo (k) 47, of Kahana.
1873-1887: Solely to Kahananui [mother of D. Luwela (k) 73, wife of Makakehau (78)] (Conveyance 96:104).
1888-1903: To heirs (Luwela, Makakehau).
   To John D. Holt, as Trustee (Conveyance 168:259) (with 78) $300 in all.
   To Mary E. Foster (Conveyance 168:259) (with 78) (5 days later) $300 in all.
   Leased to Pākē (Tāi Lee Wai) $10-15/yr (with 78 and others).
   Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 78 and others).
1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.
48. P.K. Keli'ikanakaole (48), wife is Popu, children are Kaaumaiawa [married to John Makanui Sr. who is the son of Z. Makanui (k) (81)], J.F. Keawe (k), and Kumukahi [her husband was Nuhi, their son was Daniel; she was also involved with shares 39 and 59], of Kahana.

1873-1887: Held.
1888-1903: Lease to Pākē, Aiona (Conveyance 113:7) $15/yr (with others).
    To heirs (Keawe and Daniel, also known as Keawe Kanakaole and Daniel Kanakaole) (Conveyance 135:104) (except pāhale) $2. Pāhale to heir Kumukahi (Conveyance 135:112).
    Rest of share to John Makanui Sr. & wife Kaaumaiawa (Conveyance 248:266) $200.
    To heir Kaaumaiawa. Kaaumaiawa to Kalaupapa; share to heirs.
    Consolidation amongst heirs; one heir, Kekeona Makanui (k), with one-eighth interest, also went to Kalaupapa, his interest was given up to the family for $15.

1904-1920: Pāhale apparently to Mary E. Foster.
    Heirs to Mary E. Foster (Conveyances 277:320, 291:144, 291:313, 348:176, 348:178) $350 for the second to last of these, which was for the quarter interest of John Makanui Jr.
    Probably leased out (with others).

49. Kaninauali'i (k) 49, of Kahana.
1873-1887: To King Kā'īkāua (Conveyance 96:279) $170.
1888-1903: To Thomas R. Foster (Conveyance 111:84) (with 2, 18, 35, 52, 83, 105).
    To heir (Mary E.) (with 2,18,35,52,83,105 and others).
    Leased to Pākē (Tai Lee Wai) $10-15/yr (with 2,18,35,52,83,105 and others).

1904-1920: Leased to Pākē (Tai Lee Wai), and probably to others.

50. Kaolala (50), father is Hakue, mother is Nāhale, brother is Hale Hoiaku, of Kahana and 'Auwaiolimu, Honolulu.
1873-1887: To heir (Hale Hoiaku).
    To Mary E. Foster (Conveyance 229:182) $300.
1904-1920: Leased to Pāke (Tāi Lee Wai), and probably others.

51. Kapainui (51), husband is Kalauao 38, of Makiki, Honolulu.
1873-1887: Held.
1888-1903: To Thomas R. Foster (Conveyance 110:361 or 110:362) (with 38) $300 in all.
To heir (Mary E.) (with 38 and others).
Leased to Pāke (Tāi Lee Wai) $10-15/yr (with 38 and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 38 and others).
1904-1920: Leased to Pāke (Tāi Lee Wai), and probably others.

52. Kapela (k) 52, of Kukuihaele, Hāmākua, Big Island.
1873-1887: To King Kaʻīkaua (Conveyance 94:209).
1888-1903: To Thomas R. Foster (Conveyance 111:84) (with 2, 18, 35, 49, 83, 105).
To heir (Mary E.) (with 2, 18, 35, 49, 83, 105 and others).
Leased to Pāke (Tāi Lee Wai) $10-15/yr (with 2, 18, 35, 49, 83, 105 and others).
1904-1920: Probably leased out (with others).

53. S. Kapu (k) 53, of Kahana and possibly Haleʻaha, Koʻolau Loa.
1873-1887: To TK. Kapukapu (k) (Conveyance 93:290) $150.
To Mary E. Foster (Conveyance 225:301) $300.
1904-1920: Leased to Pāke (Tāi Lee Wai), and probably others.

54. David Kauhaʻa (54), wife is Kahalehoe, sister is Kaaiohelo, neice is Lily Naone, of Kahana and Makawao, Maui.
1873-1887: First wife (Maunawahine) to Kalaupapa.
To heirs (Kahalehoe and Naone).
1888-1903: Leased to Pāke (Conveyance 185:10), lease to Pāke (Tāi Lee Wai) (Conveyance 185:26) (and others).
To John Emmeluth [note 94 and others].
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
To Mary E. Foster (Conveyance 208:443) (with 64) $900 in all.
1904-1920: Leased to Pāke (Tāi Lee Wai), and probably others.

55. Kaulunahala (w) 55, of Kahana.
1873-1887: Held.
   Lo‘i land to Tai Lee Wai (Conveyance 181:473) $110.
1904-1920: Lo‘i land apparently leased to Pāke (Tai Lee Wai), it and pāhale land possibly also leased to others.

56. Keaka (56), daughter is Pakaha [of Pauoa, Honolulu], son-in-law is D. Kamaawe, of Kahana.
1873-1887: Held.
1888-1903: To heir (Pakaha); Pakaha marries Kamaawe.
   To Mary E. Foster (Conveyance 176:417) $110.
   Leased to Pāke (Tai Lee Wai) $10-15/yr (with others).
   Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Probably leased out (with others).

57. Kealoha (k) 57, of ‘Auwaiolimu, Honolulu.
1873-1887: Held.
1888-1903: Lease to Pāke, Aiona (k) (Conveyance 113:7) $15/yr (with others).
   To William L. Wilcox & wife Elizabeth Kahuila Wilcox (Conveyance 250:376-7).
1904-1920: To Estate; to Mary E. Foster (Conveyance 250:376-7 or 258:310?) $200 [$400 in all?] [see ʻiipana 1 of 4363 and 43].
   Probably leased out (with others).

58. J.W. Keanu (k) 58, of Wailuku, Maui.
1873-1887: To Kalaweaumoku (k) 39 and J.W.H. Keanu (k) 59 (Conveyance 78:483) $150.
1888-1903: To Uka (k) (Conveyance 133:280) (with 38, 59, 67).
   To Kumukahi (Conveyance 167:384), granddaughter of Nolaia (w) (?) and daughter of Keli‘ikanakaole (k) 48 [Kumukahi’s companion is Mokuhea (k)].
   Mortgaged (to Hui).
   To Kāne‘ohe Ranch Co., Ltd. (Conveyance 217:62) $250.
   Leased to Pāke (Tai Lee Wai) (Conveyance 190:461) $16/yr (with others).
   To Mary E. Foster (Conveyance 213:13) (with others).
   Re-leased to Pāke (Tai Lee Wai) $16/yr.
   Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
Possibly leased to Pākē, AhMoon (with others).

1904-1920: Probably leased out (with others).

59. J.W.H. Keanu (k) 59, son is Kalaweauumoku (39), daughter-in-law is Kaohele, daughter is Kahaina, of Hakipu'u.

1873-1887: Held.

1888-1903: Leased to Pākē, Aiona (Conveyance 113:7) $15/yr (with others).

To Uka (k) (Conveyance 133:280) (with 38, 58, 67).

Pāhale leased to Kāne'ōhe Ranch Co., Ltd. (Conveyance 175:18).

Lo'i leased to Pākē (Tāi Lee Wai) (Conveyance 190:179) $15/yr.

Possibly to heir Keala (k) or Makakehau (k).

Pāhale lease sold to Mary E. Foster (Conveyance 223:13) (with others).

Lo'i lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Share to Mary E. Foster.

Possibly leased out (with others).

60. Kaleo Keawe (60), wife is Namaka, of Lā'ie Wai and possibly Kahana.

1873-1887: Held.

1888-1903: Leased to Pākē (Tāi Lee Wai) $30/yr.

To heirs W.K. Apuakehau & wife Annie, et al.


Possibly leased out (with others).

61. Kalanui W. Keawe (61) [also known as KeaweKalanui or K.W Keawe], wife is Pualinuiopio Keawe [daughter of J. Paul Kawaokalani (98/99/100)], of Pi'ilikalauae, Waialua, O'ahu, and Honolulu.

1873-1887: Held.

1888-1903: Leased to Pākē, Aiau $15/yr.

Leased by various agents to Pākē (Conveyance 185:23), lease to Pākē (Tāi Lee Wai) (Conveyance 185:26) (and others); leased again, to Pākē (Tāi Lee Wai) (Conveyance 190:180) $8/yr.

Mortgaged to John D. Holt $100.

Mortgage released.

Leased again, to Emma Watson Keakahiwa Opunui.

Leased again, to Pākē (Tāi Lee Wai).

Mortgaged to Mary E. Foster (Conveyance 226:61) $200.

Mortgage released (Conveyance 234:402).

To Mary E. Foster (Conveyance 234:402).
Tai Lee Wai lease(s) mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
Possibly leased to Pākē, AhMoon (with others).
1904-1920: Probably leased out (with others).

1873-1887: to Hui (Conveyance 75:487-9).
1888-1903: Held by Hui.
1904-1920: Held by Hui.
Probably leased out (with others).

63. Keli'ipupule (63), wife is Kalimahuna, father is Huihui, of Kānewai, Waikīkī-uka, Honolulu.
1873-1887: To Samuel Kakae (37) & wife Niau, of Honolulu (Conveyance 89:220).
To Aalona & wife Kopaea Aalona, of Hale‘aha, Koʻolau Loa (Conveyance 89:220) $50.
1888-1903: To Thomas R. Foster (Conveyance 106:480) $150.
To heir (Mary E.) (with others).
Leased to Pākē (Tai Lee Wai) $10-15/yr (with others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Leased to Pākē (Tai Lee Wai), and probably others.

64. Keokipau (w) 64, of Kahana and Kaumakapili, Honolulu.
1873-1887: Held.
1888-1903: To heirs Adam W. Pao'o and Ruth Pao'o, of Kapālama, Honolulu (Conveyance 159:15) $80.
To John Emmeluth, Trustee (Conveyance 210:178) $301.
To Mary E. Foster (Conveyance 208:443) (with 54) $900 in all.
Leased to Pākē (Tai Lee Wai) $16/yr (with 54 and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 54 and others).
1904-1920: Leased to Pākē (Tai Lee Wai), and probably to others.

65. Keola (w) 65, father is Hoʻokaaka (13), mother is Julia Hoʻokaaka, of Kahana and Niolopa, Nu'uanu, Honolulu.
1873-1887: Held.
1888-1903: Leased to Pākē, Aiona (Conveyance 113:7) $15/yr (with others).
Leased to Pākē, Aho $40/yr.
Possibly leased to William L. Wilcox.
To heir (Julia) (Conveyance 229:34).
To Mary E. Foster (Conveyance 229:35) $400.
Possibly leased to Pākē (Tāi Lee Wai) (with others).
1904-1920: Probably leased out (with others).

66. First share of Kahai Kenoi (66/67) (also known as Koinui), first wife is Rebecca, later wife is Haʻaheo, he is owner of 3948, 5941, and 5976, of Kahana.
1873-1887: Held.
1888-1903: Leased to Pākē (Conveyance 190:358), lease to Pākē (Tāi Lee Wai) (with 5941) $10/yr for all.
Lease assigned to I. Ichizaki (k) (Conveyance 255:59) (with others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 193:444, 199:137, 250:474-8) (with others).
1904-1920: Pahale sold to Mary E. Foster (Conveyance 280:277-8) $175.
Balance of share's interest leased to Kaluna Kaʻahele $10/yr.
Balance of share's interest sold to Mary E. Foster (Conveyance 352:12 or 354:12) $500 ($750?).
Probably leased out (with others).

67. Second share of Kahai Kenoi (66/67) (also known as Koinui), first wife is Rebecca, later wife is Haʻaheo, he is owner of 3948, 5941, and 5976, of Kahana.
1873-1887: To Kalaweaumoku (k) 39 and J.W.H. Keanu (k) 59 (Conveyance 78:475) $150.
1888-1903: To Uka (k) (Conveyance 133:280) (with 39, 58, 59).
(Leased by Foster by error.)
To Kāneʻohe Ranch Co., Ltd. (Conveyance 183:294) $120.
To Mary E. Foster (Conveyance 223:13) (with others).
Leased (earlier) to Pākē (Tāi Lee Wai) $10-15/yr (with others).
1904-1920: Probably leased out (with others).

68. Kuawiliwili(68), wife is possibly Kahalewai, of Lāʻie Wai.
1873-1887: Held.
1888-1903: To Thomas R. Foster (Conveyance 110:458) $150.
To heir (Mary E.) (with others).
Leased to Pākē (Tāi Lee Wai) $10-15/yr (with others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Kahalewai's interest (possibly a dower interest) to Mary E. Foster $400.
Probably leased out (with others).

69. Kuhilani (69), wife is Anna Ho'opio'iauia, father is Niauao, brother is Niauao, grandmother is Palei or Peleia, of Kahana.

1873-1887: Held.
1888-1903: To Thomas R. Foster (Conveyance 111:278).
           To heir (Mary E.) (with others).
           Leased to Pāke (Tai Lee Wai) $16/yr (with others).
           Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Leased to Pāke (Tai Lee Wai), and probably to others.

70. Samuel Kukapu (70), a son is possibly Kaululoa, of Kahana and Honolulu.

1873-1887: Held.
1888-1903: To heir Maleka Kukapu Mailele & husband William Nawahine (Conveyances 229:485, 355:92) at least $60.
           Possibly mortgaged to Mary E. Foster, released.
1904-1920: First half to Lincoln L. McCandless (Conveyances 340:359-60, 337:382, 343:211-2?) (with one-fifth of 'apana 1 of 5220 and
           'apana 2 of 10978) $700 in all.
           Second half to James Armstrong (Conveyance 378:494) $500.
           Second half to Mary E. Foster (Conveyance 438:200) (with others) about $3,500 for this one.
           First half to Mary E. Foster (Conveyance 438:202) (with others) about $1,500 for this one.
           Probably leased out (with others).

71. Laea (w) 71, father is Nunu (3946), mother is Keakahiwa, sister is Kaaikaualu Kalua (20), brother-in-law is Poalomaka Kalua (43/103), father-
       in-law is Samuel Kalua (42), sister is Ruth Mihiole (72), of Makaua.

1873-1887: To heirs (Kaaikaualu and Keakahiwa) (with 110).
           Mother gives her interest to Kaaikaualu (Conveyance 94:470) (with her interest in 110).
1888-1903: Leased to Pāke (Conveyance 185:11), lease to Pāke (Tai Lee Wai) (with 20, 103, 110) (Conveyance 185:26) $50/yr in all (and
           others).
           Lease mortgaged and foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 20,103,110 and
           others).
1904-1920: To grandson Lanakila and granddaughter Laea "Hattie" Nuhi Au, then both minors (with a life interest reserved to herself) (Conveyance 348:38) (with 110).
Lanakila's interest leased by his grandmother, acting as guardian, to Nawelu (Conveyance 343:441) (with his interest in 110). Lanakila dies; his interest goes to his mother as heir, Koleka Kaaukai Kaiapa (with half of 110). Koleka's half interest to James Armstrong (Conveyance 405:188) (with half of 110) $500 in all. Armstrong's half interest to Mary E. Foster (Conveyance 438:200) (with half of 110 and others) about $3,500 for this one. Probably leased out (with others).

1921-1930: Pāhale exchanged for new pāhale land from the common holdings of the Hui.
Lo'i land traded with the Hui for lo'i land of 27.
Pāhale let out to Samuel Kalauhea.
Mortgaged to Mary E. Foster; released (with half of 110).

72. Ruth Mihiole (72), husband is William Kamekona Mihiole, adopted granddaught-
er is Lukali'i'i Miller Kahalemauna, father is Nunu (3946), mother is Keakahiwa, sister is Kaaikaula Kalua (20), brother-in-law is Poalomaka Kalua (43/103), father-in-law is Samuel Kalua (42), sister is Laea (71), of Makiki, Honolulu.

1873-1887: Held.
1888-1903: Leased to Pākē (Conveyance 185:11), lease to Pākē (Tai Lee Wai) (Conveyance 185:26) $10/yr (and others).
To heir Lukali'i'i Miller Kahalemauna, a minor (Conveyance 177:449).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Lukali'i'i marries, then dies; share goes to heirs (her parents get half and her husband gets half).
First half sold by her parents, Napela Miller & step-mother Annie, to Mary E. Foster (Conveyance 337:216) $150.
Second half sold by husband, John Kahalemauna Jr., to Mary E. Foster (Conveyance 338:253-5) $150.
Probably leased out (with others).

73. D. Luwela (k) 73, father is Makakehau (78), mother is Kahananui, of Kahana and Utah.

1873-1887: Held.
1888-1903: Pāhale to Louisa Watson and Kalawaina (w) (Conveyance 208:141) $16.
Rest of share possibly mortgaged to Kane'ohe Ranch Co., Ltd., 60.
Rest of share sold to Kane'ohe Ranch Co., Ltd. (Conveyance 208:151) $140.
Rest of share to Mary E. Foster (Conveyance 223:13) (with others).
Rest of share leased to Pākē (Tāi Lee Wai) (Conveyance 208:141)
$16/yr.
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances

1904-1920: Rest of share leased to Pākē (Tāi Lee Wai) (and others).
Kalawaina’s half interest in the pāhale sold to Mary E. Foster
(Conveyance 342:496?) $450.
Watson’s half interest in the pāhale sold to Mary E. Foster (Conveyance
368:118-9) $100.
Probably leased out (with others).

74. Mahelona (k) 74, of Kahana.
1873-1887: Held.
1888-1903: To Kalua & wife Wali Kalua (Conveyance 106:432) $150.
To heirs, one-half each to Wali Kalua and Kaluali‘ili‘i(k).
First half leased to Pākē, lease to Pākē (Tāi Lee Wai) (Conveyance
185:26) (and others).
First half to heir (Kaluali‘ili‘i).
First half to Emma Watson Keakahiwa Opunui & husband Abraham
Opunui (Conveyance 194:227).
First half possibly mortgaged, released by Kāne‘ohe Ranch Co.,
Ltd., $60.
Lease on first half mortgaged, foreclosed by Mary E. Foster
(Conveyances 180:347, 193:444, 199:137, 250:474-8) (with
others).
Second half possibly mortgaged to Mary E. Foster (Conveyance
252:50) $45.

1904-1920: Second half sold to Mary E. Foster (Conveyance 258:234) for $30
and the release of the $45 loan.
First half mortgaged to Mary E. Foster (Conveyance 346:104) (with
half of 95).
First half sold to Mary E. Foster (Conveyance 345:240) (with half of
95) $250 in all.
First half mortgage released (Conveyance 357:293) (with half of 95).
Sale voided [husband hadn’t signed]. [The half of 95 thence sold
to Foster with 360:293, but not this half of 74.]
Foster’s half probably leased out (with others).

75. Mahoe Kaaukai (75), second wife is Kaho’oio, of Kahana and possibly of
Waialua, O’ahu.
1873-1887: Held.
1888-1903: Mortgaged to Mrs. P. Jones (Conveyance 147:428).
Mortgage released.
To heirs (Kaho'ooio et al).
To Kolimakea Makia & husband Peter Makia, and Kaai Kahlbaum & husband William Kahlbaum (Conveyance 223:297) (with one-third of 104) $380 in all.
Kahlbaums' interest to Makias (Conveyance 242:389) (with one-third of 104).
Mortgaged to Mary E. Foster (Conveyance 243:452) (with one-third of 104).
1904-1920: Possibly further mortgaged, to Lā‘ie Plantation Co. (with one-third of 40, and one-third of 104). Sold to Mary E. Foster (with one-third of 40, and one-third of 104) (Conveyance 340:216) $750 in all.
Probably leased out (with others).

76. Kilioe Mahoe (76), wife is Mahu, of Lā‘ie Wai.
1873-1887: To Hui (Conveyance 84:351).
1888-1903: Held by Hui.
1904-1920: Held by Hui.
Probably leased out (with others).

77. Mahuka (k) 77, son is David K. Mahuka, of Kahana.
1873-1887: Held.
Mortgaged to Mary E. Foster (Conveyance 145:10) (with 21, 5319, 6043) $600 in all.
To Mary E. Foster (Conveyance 249:138) (with 21, 5319, 6043) $100 plus release of the $600 mortgage.
Possibly leased to Pāke, AhMana (with others).
1904-1920: Probably leased out (with others).

78. Makakehau (78), wife is Kahananui, son is Luela [?], of Kahana.
1873-1887: Held.
1888-1903: To John D. Holt, Trustee (Conveyance 168:259) (with 47) $300 in all.
To Mary E. Foster (Conveyance 168:259) (with 47) (5 days later) $300 in all.
Leased to Pāke (Tāi Lee Wai) $16/yr (with 47 and others). Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 47 and others).
1904-1920: Leased to Pāke (Tāi Lee Wai), and probably others.
79. Makanoa (k) 79, sons are Kamanu Makanoa [wife is Leialoha] and Kema Makanoa, of Wailuku, Maui, and possibly Kahana.

1873-1887: Held.
1888-1903: Leased to Päke (Conveyance 185:10), lease to Päke (Täi Lee Wai) (Conveyance 185:26) $10/yr (and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
To Lincoln L McCandless (less the pähale and lo‘i land) (Conveyances 370:1, 370:1-2, 370:2 and/or 370:3) $800 in all.
Kema’s half interest in the pähale and lo‘i land to Lincoln L McCandless (Conveyance 412:127) $120.
McCandless’ interest (all but half of the pähale and lo‘i land) to Mary E. Foster (Conveyance 438:202) (with others) about $3,000 for this one.
Foster’s interests probably leased out.
1921-1930: The half of the pähale and lo‘i land were subdivided off from the common holdings of the Hui and given to Kamanu Makanoa (.625 acre).

80. Makanoe (k) 80, sons are possibly George Kamaha and Paul Makanoe, daughter is possibly Mahuna, of Kahana.

1873-1887: Held.
1888-1903: [A small portion of Hui land possibly given to Makanoe (Conveyance 112:409), $1.]
Leased to Päke, Aiona (Conveyance 113:7) $15/yr (with others). First interest (possibly in land) to heir George Kamaha, held by Peo George Auakolio, Guardian (Conveyance 112:410) $1.
Second interest (possibly the share) to heirs Paul Makanoe and Mahuna.
Second interest to Henry Smith (Conveyance 165:368) $200.
Second interest to Joseph P. Mendonca & wife Annie Mendonca, on behalf of Kane‘ohe Ranch Co., Ltd. (Conveyance 172:304) $250.
First interest leased to Päke (Conveyance 185:15 [185:10?]), lease to Päke (Täi Lee Wai) (Conveyance 185:26) $12/yr (and others).
Second interest leased to Päke (Täi Lee Wai) (Conveyance 190:461) $16/yr (with others). Both leases mortgaged, foreclosed by Mary E. Foster (Conveyances 193:444, 199:137, 250:474-8) (with others).
Second interest to Mary E. Foster (Conveyance 223:13) (with others).

George Kamaha dies, his first interest to heirs (Pio George Auakolio, et al).


81. Z. Makanui (81), father is Makanui, wife is Kaumaiewa Keliʻikanakaole Aiko Makanui, sons are Kikeona? Richard Makanui and John Makanui Sr. [John Sr.’s wife is Kekuku KamōʻiiliʻiliʻiliMakanui, descended from kuleana owners 5339, 6167, and 8164-N], of Kahana.


82. Maria (82) (also known as Malaea), husband is Makalepo, sister is Mahinaulu [her sons: Kaepo'o and Kakino], of Kawaihāpai, Waialua, Oʻahu.

1904-1920: Foster probably leased her interest out, including the second half interest in the pāhale and lo'i land (with others).
Second half to heirs Hattie Kekino and Kalei Kekino (k).
Hattie’s one-quarter interest to Lincoln L. McCandless (Conveyances 350:39, 345:213) $350 in all.
McCandless’ one-quarter interest to Mary E. Foster (Conveyance 438:202) (with others).
Kalei’s one-quarter interest to David Waiholua & wife Kapuninaawi.
Waiholuas’ one-quarter interest in pāhale and lo'i land to Mary E. Foster by adverse possession.
Waiholuas’ one-quarter share interest to Christopher K. Holt Jr.,
Trustee $450; Kapuninaawi did not sign.
Waiholuas’ one-quarter share interest sold again to James K. Lota & wife (Conveyance 495:212), $21.
Lotas’ interest to Charles E. King & wife Emmaline L King (Conveyance 495:224) $600.
Holt’s interest to Charles E. King & wife Emmaline L King (Conveyance 495:402) $450.
Kings’ interest to Mary E. Foster, $1,200.
Probably leased out (with others).

83. Mano (k) 83, of Waikahalulu, Honolulu.
1873-1887: To inferred relatives, D.K. Mahu & wife Nāwahine Mahu (Conveyance 83:283) $100.
To parents, Keahonui (k) and possibly Kalihihau (w) (Conveyance 83:283) $1.
To Nāwahine Mahu & possibly husband D.K. Mahu (Conveyance 83:284) $1.
To King Kaʻīkaua (Conveyance 97:342) $170.

1888-1903: To Thomas R. Foster (Conveyance 111:84) (with 2, 18, 35, 49, 52, 105).
To heir (Mary E.) (with 2,18,35,49,52,105 and others).
Leased to Pākē (Tāi Lee Wai) $10-15/yr (with 2,18,35,49,52,105 and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 2,18,35,49,52,105 and others).

1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.

84. Mua (w) 84, of Kahana and Makiki, Honolulu.
1873-1887: Held.
1888-1903: To J.P. Kalua Pu‘u (k) (Conveyance 177:291).
Leased to Pākē (Conveyance 185:21), lease to Pākē (Tāi Lee Wai) (Conveyance 185:26) $10 (and others).

Share mortgaged to Mary E. Foster (Conveyance 192:22) $50.

Mortgage released (Conveyance 192:23) as part of sale to Mary E. Foster (Conveyance 209:357) $250.

Re-leased to Pākē (Tāi Lee Wai) $16 (with others).

Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Leased to Pākē (Tāi Lee Wai), and probably to others.

85. I. Naehu (k) 85, of Lā'ie Malo'o.
1873-1887: Held.
1888-1903: To J.A. Magoon, Trustee (Conveyance 145:386).
           To beneficiary, Antone Manuel (Conveyance 382:372-3).
           Mortgaged (?) to J.T. Leach (Conveyance 163:103); released.
           Leased to Pākē (Conveyance 185:20), lease to Pākē (Tāi Lee Wai) (Conveyance 185:26) $10/yr (and others).
           To William R. Castle (Conveyance 177:456).
           Re-leased to Pākē (Tāi Lee Wai) (Conveyance 190:340) (with kuleana, reserving two beach pāhale) $200/yr in all; about $16/yr for this one.

Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

Amended lease to Mary E. Foster (with kuleana) $100/yr in all; about $8/yr for this one.

1904-1920: To James B. Castle (Conveyance 300:247).
           To Mary E. Foster (Conveyance 300:285-7) (with others) about $400 for this one.

Probably leased out (with others).

86. Naho'okaika (86), husband is Kahiamoe (31), father-in-law is Pune'e (8164-N), sons are Mahuna, Mainalulu [Mainalulu's wife is Nauhane], daughter is Kaleo, son is James Pune'e, of Kahana.

1873-1887: Held.
1888-1903: To heirs (Mahuna, Mainalulu & wife Nauhane, James Pune'e).
           To Mary E. Foster (Conveyance 242:257 or 242:247; 249:154 is a confirmation deed).
           Leased to Pākē, AhMana (Conveyance 242:2) $8.50/yr (possibly and others).

1904-1920: Probably leased out (with others).

87. Nakapuahi (87), wife is Kahele, of Ka'alaea, Ko'olau Poko.
1873-1887: To Hui (Conveyance 102:13) $150.
1888-1903: Held by Hui.
1904-1920: Held by Hui.
  Probably leased out (with others).

88. Naone (w) 88, of Kahana.
1873-1887: Held.
1888-1903: To Thomas R. Foster (Conveyance 112:14) $150.
  To heir (Mary E.) (with others).
  Leased to Pākē (Tāi Lee Wai) $10-15/yr (with others).
  Lease mortgaged, foreclosed by Mary E. Foster (Conveyances
1904-1920: Leased to Pākē (Tāi Lee Wai), and probably others.

89. H.S. Ohule (89), wife is Maluka, granddaughter is Kanealai, of Kahana and
  possibly Iwilei.
1873-1887: First half of share to Kaluhi & wife Heleku Kaluhi (Conveyance
  106:175 or 106:475).
1888-1903: Second half of pāhale & loʻi land to heir Kanealai (Conveyance
  135:114) $1.
  Rest of second half of share to probable heir Kekala (w)(Conveyance
  141:23) $2.
  Second half of pāhale & loʻi to Maria Kahawaiʻi & husband Joseph
  Kahawaiʻi.
  Rest of second half of share leased to Pākē (Conveyance 185:24),
  lease to Pākē (Tāi Lee Wai) (Conveyance 185:26) $10/yr (and
  others).
  Rest of second half of share to Mary E. Foster (Conveyance 189:256)
  $180.
  Lease mortgaged, foreclosed by Mary E. Foster (Conveyances
1904-1920: First half of share to heirs [including Leula Kaluhi and George
  Kaluhi].
  First half of share to James Armstrong (Conveyances 382:347,
  395:363) $2,000 in all.
  First half of share to Mary E. Foster (Conveyance 438:200) (with
  others).
  Second half of pāhale and loʻi land apparently to Mary E. Foster.
  Probably leased out (with others).

90. Oliver Alapa (90), of Kahana.
1873-1887: Held.
1888-1903: To Mary E. Foster (Conveyance 167:305) $150.
  Leased to Pākē (Tāi Lee Wai) $10-15/yr (with others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Probably leased out (with others).

91. Opala (91), wife is Hauio, daughter is Kaloana Kawaipau, grandchild is J. Uluhani, of Lāʻie Wai.

1873-1887: Held.

1888-1903: To heirs (Hauio and Kawaipau); Kawaipau then purchases Hauio’s interest.

To heir (Uluhani) (Conveyance 248:35).

Mortgaged to Cecil Brown; apparently later released.

To heirs (Poibe for H. Lono Kauahihilo (k), and Kawahineailaaau), (Conveyance 165:487).

Leased to Pāke (Tāi Lee Wai) $10-12.50/yr; re-leased to Pāke (Tāi Lee Wai) (Conveyance 190:141) $12.50/yr.

To H.M. Awekalono (k) (Conveyance 238:466).

To Mary E. Foster (Conveyance 238:467).

Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 193:444, 199:137, 250:474-8) (with others).

1904-1920: Leased to Pāke (Tāi Lee Wai), and probably others.

92. First share, Opu (92/93/94/95), (unmarried) wife is Keakui, son is Solomon Opu [died before father], of Kaʻaʻawa.

1873-1887: To J.M. Kauahikaua & wife (Conveyance 107:497) $160.

1888-1903: To Thomas R. Foster (Conveyance 110:300) $150.

To heir (Mary E.) (with others).

Leased to Pāke, lease to Pāke (Tāi Lee Wai) $10-15/yr; re-leased to Pāke (Tāi Lee Wai) $16/yr (with others).

Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Leased to Pāke (Tāi Lee Wai), and probably others.

93. Second share, Opu (92/93/94/95), (unmarried) wife is Keakui, son is Solomon Opu [died before father], of Kaʻaʻawa.

1874-1887: To heir (Keakui) (Conveyance 127:90 or 127:95) $30.

First third to heir Kama (Keakui’s second husband).

Second third to heirs Kauiohoali’i (k) and Sualuhi (k).

Third third to Samuel Kaahu (Keakui’s nephew).

First third leased to Pāke, lease to Pāke (Tāi Lee Wai) (Conveyance 185:26) (and others).

First third to C. Bolte, Trustee for Kāneʻohe Ranch Co., Ltd. (Conveyance 210:16 and 208:349?) $80.
Second third to John Aletheia Emmeluth (Conveyance 209:299)
[note 54].

Third third to heir Luaihelani (w) and Kauwa.

First third to Mary E. Foster (Conveyance 223:13) (with others).
First third apparently re-leased to Pāke (Tāi Lee Wai) $16/yr.
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).

1904-1920:
Second third to Mary E. Foster (Conveyance 110:300) $75.
Third third mortgaged to Mary E. Foster (Conveyance 325:164-6) $150.
Third third mortgage released through sale to Mary E. Foster (Conveyance 340:429) $200.
Probably leased out (with others).

94. Third share, Opu (92/93/94/95), (unmarried) wife is Keakui, son is Solomon Opu [died before father], of Ka'a'awa.

1873-1887: To Hui (Conveyance 84:353) $180.

1888-1903: Held by Hui.

1904-1920: Held by Hui.
Probably leased out (with others).

95. Fourth share, Opu (92/93/94/95), (unmarried) wife is Keakui, son is Solomon Opu [died before father], of Ka'a'awa.

1873-1887: To inferred relative, John Paul Nainoaelua & wife Hannah Paul Nainoaelua [daughter of 99/100/101], and Kahikina (Conveyance 104:318).

1888-1903: First half to Emma Watson Keakahiwa Opunui (Conveyance 209:490).
Second half to Mary E. Foster (Conveyance 250:259).

1904-1920: Second half leased to Pāke (Tāi Lee Wai) (with others).
First half mortgaged to Mary E. Foster (Conveyance 346:104) (with half of 74).
First half sold to Mary E. Foster (Conveyance 345:240) (with half of 74) $250 in all.
Sale voided [husband hadn't signed].
First half mortgage released (the half-of-74 mortgage also released) through a second sale (sale did not, however, include the half of 74) (Conveyances 357:293)(or Conveyance 357:292), 360:293).
Probably leased out (with others).

96. Pa'ao 96, wife is Pauli, son is Kamehenile, daughter is Kamehani, of Poki'i, Kekaha, Kaua'i, later of Punalu'u.
1873-1887: Held.
    Leased to Pākē (Conveyance 185:22), lease to Pākē (Tai Lee Wai) (Conveyance 185:26) $10/yr (and others).
    To Mary E. Foster (Conveyance 254:31).
    Re-leased to Pākē (Tai Lee Wai) $16/yr (with others).
    Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Leased to Pākē (Tai Lee Wai), and probably to others.

97. Paka (97), wife is Ko'o, of Kahana.
1873-1887: Held.
1888-1903: Pu'ukoholā (k).
    Probably leased to Pākē.
    To William K. Rathburn (Conveyance 208:415).
    To Mary E. Foster (Conveyance 217:285).
    Lease probably mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: James Armstrong secures an alleged one-tenth interest.
    Armstrong to Mary E. Foster (Conveyance 438:200) (with others)
    $700 for this one.
    Probably leased out (with others).

98. First share, J. Paul Kawaokalani (98/99/100), wife is I'a, daughters are Paulili'i'ilii'Keawe [husband is Kalanui W. Keawe (61)], Hannah Paul Nainoaelua [husband is John Paul Nainoaelua, who got 95], and possibly Anna, of Kahana.
1873-1887: Held.
1888-1903: Leased to Pākē (Conveyance 185:8) $10/yr, lease to Pākē (Tai Lee Wai) (Conveyance 185:26) $12/yr (and 99, 100, and others).
    To C. Bolte, Trustee for Kane'ohe Ranch Co., Ltd., (Conveyance 209:115) $215.
    To Mary E. Foster (Conveyance 223:13) (with others).
    Re-leased to Pākē (Tai Lee Wai) $16/yr (with others).
    Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).
1904-1920: Lincoln L. McCandless acquires an alleged quarter interest.
    McCandless to Mary E. Foster (Conveyance 438:202) (with others)
    about $750 for this one.
    Probably leased out (with others).

99. Second share, J. Paul Kawaokalani (98/99/100), wife is I'a, daughters are Paulili'i'ilii'Keawe [husband is Kalanui W. Keawe (61)], Hannah
Paul Nainoaelua [husband is John Paul Nainoaelua, who got 95], and possibly Anna, of Kahana.

1873-1887: Held.

1888-1903: Leased to Pāke (Conveyance 185:8) $10/yr, lease to Pāke (Tāi Lee Wai) (Conveyance 185:26) $12/yr (and 98, 100, and others). First quarter to heirs Paulilili'ilii'and Hana & their husbands. Second, third quarters to Noda (k) (Conveyance 208:499) $115. Fourth quarter to heir Anna. First quarter leased to Emma Watson Keakahiwa Opunui $5/yr [note 74, 95].

First quarter to Mary E. Foster (Conveyance 229:20) $160. First quarter re-leased to Pāke (Tāi Lee Wai) $16/yr (with others). Second, third quarters to Huki (k) (Conveyance 258:442) $500. Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with others).


Second, third quarters to Mary E. Foster (Conveyance 348:39) $525 ($350?). Fourth quarter to Lincoln L. McCandless (Conveyances 355:142, 350:348) $240 in all. Fourth quarter to Mary E. Foster (Conveyance 438:202 or 422:196) (with others) about $750 for this one. Probably leased out (with others).

100. Third share, J. Paul Kawaokalani (98/99/100), wife is I'a, daughters are Paulilili'ilii'Keawe [husband is Kalanui W. Keawe (61)], Hannah Paul Nainoaelua [husband is John Paul Nainoaelua, who got 95], and possibly Anna, of Kahana.

1873-1887: Held.

1888-1903: Leased to Pāke $10/yr, lease to Pāke (Tāi Lee Wai) (Conveyance 185:26) $12/yr (and 98, 99, and others).

To Hui (Conveyance 183:143-4) $130. Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:374, 193:444, 199:137, 250:474-8) (with others).

1904-1920: Probably leased out (with others).

101. Pauoahu (k) 101, of Kahana.

1873-1887: Held.

First half to heir D. Kekiokalani Jr.
First half to heir Antone Manuel & wife Emily (Conveyance 194:456).

Second half to Lincoln L. McCandless (Conveyance 345:85) $500.
First half to Napoleon K. Pukui (Conveyance 352:331).
First half to Mary E. Foster (Conveyance 345:486) $1,350 (350?).
Second half to Mary E. Foster (Conveyance 438:202) (with others) about $1,500 for this one.
Probably leased out (with others).

102. Pelekane (102), cousin is Ikeole (14/15), later married Ikeole's widow Kaheana (29/30), related to Waioha (115) (son of Ikeole), of Pā‘auhau, Hāmāku, Big Island.

1873-1887: To Harriet “Hattie” P. Parker & husband Samuel Parker (Conveyance 104:246) (with 14, 15, 29, 30) $300 in all.
1888-1903: Mortgaged to James Campbell (Conveyance 174:325 or 176:325) (with 14, 15, 29, 30 and other lands) $93,000 in all.
Mortgage released; sold to Kāne‘ohae Ranch Co., Ltd. (Conveyance 177:353-4) (with 14, 15, 29, 30) $875 in all.
Leased to Pāke (Tai Lee Wai) (Conveyance 190:461) $16/yr (with 14, 15, 29, 30, and others).
To Mary E. Foster (Conveyance 223:13) (with 14, 15, 29, 30, and others) about $500 for this one.
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 193:444, 199:137, 250:474-8) (with 14, 15, 29, 30 and others).
1904-1920: Probably leased out (with others).

103. Second share, Poalomaka Kalua (42/103), wife is Kaaikaula Kalua (20), father is Samuel Kalua (42), daughters are Koleka Kaiapa and Ada Kaaikaula Kaapa Nuhi, grandson is Laea “Hattie” Nuhi Au, of Kahana.

1873-1887: Held.
1888-1903: Leased to Pāke (Conveyance 185:11), lease to Pāke (Tai Lee Wai) (Conveyance 185:26) (with 20, 71, 103, 110) $50/yr (and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 20, 71, 103, 110, and others).
1904-1920: Kaluas and heirs sell over half interest to Mary E. Foster (Conveyances 296:153, 296:161, 350:298) $100+ in all.
Other heirs sell about one-fifth interest to Mary E. Foster (Conveyances 348:454, 348:177, 350:78) (with an interest in 104) $470 in all.
Remaining interest to William Ho'okano & wife (Conveyance 327:239) (with 42).
Ho'okanos' interest to James Armstrong (Conveyance 408:182) (with 42, part of 104).
Armstrong's interest to Mary E. Foster (Conveyance 438:200) (with others).

104. Po'o (k) 104, brother is Kahale, niece is Keoki Lima [her husband is Tōuneji Gorai, he later married a granddaughter of Kapapa (k) 5220], nephew is Ho'okano, second cousin is Samuel Kapaliauweloa, of Kahana.

1873-1887: Held.
1888-1903: To heirs.
A quarter to Poalomaka Kalua (42/103) & wife Kaaikaula Kalua (2), and thence to Mary E. Foster (Conveyance 296:33).
A third to Kaaukai Mahoe (75) & wife Kaho'oio, and thence to widow Kaho'oio and to Kailimelelele (w).
The third to Kolimakea Makia & husband Peter Makia, and to Kaai Kahlbaum & husband William Kahlbaum (Conveyance 223:297) (with 75) $380 ($300?) in all.
Kahlbaums’ interest to Makias (Conveyance 242:389) (with their interest in 75).
The third mortgaged to Mary E. Foster (Conveyance 243:452) (with 75).

1904-1920: The third possibly further mortgaged, to Lā'ie Plantation Co (with one-third of 40 and all of 75).
The third sold to Mary E. Foster (Conveyance 340:216) (with one-third of 40, all of 75) $750 in all.
Armstrong's interest to Mary E. Foster (Conveyance 438:200) (with others) about $2,000 for this one.
Probably leased out (with others).

105. First share, J.W. Puoanui (105/106/107), wife is Kamakaole, father is possibly Makai, mother is Nakaku, uncle is Ka'anā'anā, cousin is Papu (w), of Kahana.

1873-1887: To heir (Kamakaole).
To heir Haole [second husband].
To King Kaʻākaua (Conveyance 92:422) (not with shares 106, 107).

1888-1903: To Thomas R. Foster (Conveyance 111:84, confirmed 111:277) (also 2, 18, 35, 49, 52, 83, but not with shares 106, 107).
To heir (Mary E.) (with 2, 18, 35, 49, 52, 83, and others).
Leased to Pakē (Tāi Lee Wai) $10-15/yr (with 2, 18, 35, 49, 52, 83, and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 2, 18, 35, 49, 52, 83 and others).

1904-1920: Leased to Pakē (Tāi Lee Wai), and probably to others.

106. Second share, J.W. Puoanui (105/106/107), wife is Kamakaole, father is possibly Makai, mother is Nakaku, uncle is Kaʻanaʻanaʻanā, cousin is Papu (w), of Kahana.

1873-1887: To heirs.
1888-1903: To Thomas R. Foster (Conveyance 111:227) (with 107).
To heir (Mary E.) (with 107 and others).
Leased to Pakē (Tāi Lee Wai) $10-15/yr (with 107 and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 107 and others).

1904-1920: Leased to Pakē (Tāi Lee Wai), and probably to others.

107. Third share, J.W. Puoanui (105/106/107), wife is Kamakaole, father is possibly Makai, mother is Nakaku, uncle is Kaʻanaʻanaʻanā, cousin is Papu (w), of Kahana.

1873-1887: To heirs.
1888-1903: Heirs to Thomas R. Foster (Conveyance 111:227) (with 106).
Leased to Pakē (Tāi Lee Wai) $10-15/yr (with 106 and others).
Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 106 and others).

1904-1920: Leased to Pakē (Tāi Lee Wai), and probably to others.

108. First share, Pupu (108/109), wife is Pae, possibly related to Kaʻāina (w) 21, of Kahana.

1873-1887: Held.
1888-1903: Leased to Pakē, Aiona (Conveyance 113:7) $15/yr (with 109 and others).
To Pelani (w) and Laʻa (Conveyance 167:213) (with 109).
Mortgaged to W.C. Parke Jr. (Conveyance 115:458) (with 109).
Mortgage assigned to Dimond (Conveyance 115:459) (with 109).
Mortgage released to Pelani (Conveyance 115:458?) (with 109).
Mortgage released (Conveyance 267:298), probably as part of sale to Ida B. Castle & husband William R. Castle (Conveyance 266:370) (with 109).

1904-1920: Leased to Pākē, Yuki Wai Yung, $40/yr (with 109).
To James B. Castle & wife Julia W. Castle (Conveyance 300:247) (with 109).
To Mary E. Foster (Conveyance 300:285) (with 109 and others) about $400 for this one.
Probably leased out (with others).

109. Second share, Pupu (108/109), wife is Pae, possibly related to Kaʻīnina (w) 21, of Kahana.

1873-1887: Held.
1888-1903: Leased to Pākē, Aiona (Conveyance 113:7) $15/yr (with 108 and others).
To Pelani (w) and La’a (Conveyance 167:213) (and 108).
Mortgage assigned to Dimond (Conveyance 115:459) (with 108).
Mortgage released to Pelani (Conveyance 115:458?) (with 108).
Mortgage released (Conveyance 267:298), probably as part of sale to Ida B. Castle & husband William R. Castle (Conveyance 266:370) (with 108).

1904-1920: Leased to Pākē, Yuki Wai Yung, $40/yr (with 108).
To James B. Castle & wife Julia W. Castle (Conveyance 300:247) (with 108).
To Mary E. Foster (Conveyance 300:285) (with 108 and others) about $400 for this one.
Probably leased out (with others).

110. First share, Solomon 1 (k) 110/111, of Kahana.
1873-1887: To Laea (w) 71 (Conveyance 94:471) $70.
To heirs (mother Keakahiwa and sister Kaaikaula Kalua (20)) (with 71).
Keakahiwa gives her interest to Kaaikaula (94:470) (with her interest in 71).
1888-1903: Leased to Pākē (Conveyance 185:11), lease to Pākē (Lai Lee Wai) (Conveyance 185:26) (with 20, 71, 103) $50/yr in all (and others).
Lease mortgaged and foreclosed by Mary E. Foster (Conveyances 180:347, 193:444, 199:137, 250:474-8) (with 20, 71, 103 and others).
1904-1920: To grandson Lanakila and granddaughter Laea “Hattie” Nuhi Au, both then minors (Conveyance 348:38) (with 71). Lanakila's interest leased by his grandmother, acting as guardian, to Nawelu (Conveyance 343:441) (with his interest in 71). Lanakila dies; his interest goes to his mother as heir, Koleka Kaaukai Kaiapa (with half of 71). Koleka's half interest to James Armstrong (Conveyance 405:188) (with half of 71) $500 in all. Armstrong's half interest to Mary E. Foster (Conveyance 438:200) (with half of 71 and others) about $3,500 for this one. Probably leased out (with others).

[For 1920's history, see 71.]


1888-1903: Held.
1904-1920: To heirs [Leula Kaluhi (w) and George Kaluhi]. To James Armstrong (Conveyances 382:347, 395:263). To Mary E. Foster (Conveyance 438:200) (with others) about $7,000 for this one. Probably leased out (with others).

1888-1903: Held by Hui.
1904-1920: Held by Hui.
Leased to Pākē (Tai Lee Wai), and probably to others.

113. Solomon Umi (113), of Kahana. 1873-1887: To Kiaapa (k) 33 (Conveyance 80:17) $150.
1888-1903: To heirs (five children) (with 33).
Leased to Pākē (Conveyance 185:17), lease to Pākē (Tai Lee Wai) (Conveyance 185:26) (with 33) both for $10/yr (and others). Heir Samuel's interest to son Charles M.K. Kiaapa. Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 180:347, 193:44?, 199:137, 250:474-8) (with 33 and others).
1904-1920: One-fifth interest, held by Sarah Kiaapa Mioikekua & husband, to Mary Stewart (Conveyance 326:84-5) (with all of 1 and one-fifth of 33) $220 in all.
One-fifth interest, held by Stewart, to Mary E. Foster (Conveyance 338:360-1) (Conveyance 338:60?) (with all of 1 and one-fifth of 33) $500 in all.


One-fifth interest, held by Lota, to Mary E. Foster (Conveyance 420:482).

McCandless’ three-fifths interest to Mary E. Foster (Conveyance 438:202) (with others) about $1,800 for this one.

Probably leased out (with others).

114. Wahinemaikai (k) 114, of Makaua, Ko’olau Loa, and Kīkīhale, Honolulu, possibly of Kahana.

1873-1887: Held.

1888-1903: To Kāne’ohe Ranch Co., Ltd. (Conveyance 177:168) $115.

Leased to Pākē (Tāi Lee Wai) (Conveyance 190:461) $16/yr (with others).

To Mary E. Foster (Conveyance 223:13) (with others).

Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 193:444, 199:137, 250:474-8) (with others).

Partial lease, meanwhile, to Ishizaki (k).

1904-1920: Rest leased to Pākē (Tāi Lee Wai), and probably to others.

115. Waioha (k) 115, father is Ikeole (14/15), mother possibly is Kaheana (29/30), step-father and relative is Pelekane (102), of Pā’auhau, Hāmākua, Big Island.

1873-1887: Held.

1888-1903: To Kāne’ohe Ranch Co., Ltd. (Conveyance 181:274).

Leased to Pākē (Tāi Lee Wai) (Conveyance 190:461) $16/yr (with others).

To Mary E. Foster (Conveyance 223:13) (with others).

Lease mortgaged, foreclosed by Mary E. Foster (Conveyances 193:444, 199:137, 250:474-8) (with others).

1904-1920: Leased to Pākē (Tāi Lee Wai), and probably to others.
Appendix N. Photographs

This appendix contains eight historical photographs from the Bishop Museum collection, 1880-1927.
Figure 54. Photograph; Kahana Bay, c.1880 (Bishop Museum).

The oldest known photograph of Kahana. The southern edge of Huilua Fishpond is to the right. The coastal trail, how Kamehameha Highway, is visible as a path. Note houses, stone enclosure, and horses near fishpond.

A small bridge spans the river mouth. The western village area is to the rear of the bay. Notice the lack of trees in the foreground, the rear hills, and the beach and the small peninsula forming the western (far) side of the river mouth.
Figure 55. Photograph; North-east coast of Kahana Bay, 1927 (Bishop Museum).

This photo, taken nearly a half-century later, shows a similar view of the valley. The coastal trail, improved around 1910, underwent a massive uplift in 1926-7, when it was paved in concrete and extended to the west.

The full fishpond is shown here. Note the house on the near side of the pond, which shows up in an 1880 map, and the remains of which still stand today.

The hills are still covered with grass, but the far side of the fishpond—the area with the house and stone enclosure in the last photograph—now have several ironwood trees, as does some of the far beach area.
This is from the A. Gartley collection. Gartley specialized in photographing people, and rarely did landscapes. This photo was taken from across the river’s mouth from the last two photos. It looks across the bay at the western hills, covered almost exclusively with grass.

The wooden structure to the left is the “boathouse” recalled by living informants, where the boat and nets were kept. Gartley wrote that a hukilau (pulling in of nets) was occurring.

The photo is c.1900-12. An early version of Mary E. Foster’s country estate can be made out in the rear of the photo, where the western village once was. Some tenants’ homes are also in that direction.

Around the far point to the right is the ahupua’a of Punalu’u.
Figure 57. Photograph; Kahana Bay, looking west, c.1895 (Bishop Museum).

This photo is from the middle of the beach, still looking out to the western point of the bay. Notice loose cattle on the beach. Circa 1895, it is one of the older photographs, and shows the grasslands. The anchor probably dates to the “Ko'olau Trade,” when small schooners supplied Windward settlements like Kahana.
Figure 58. Photograph; Kahana, looking south-east, c.1900-10 (Bishop Museum).

This photo is slightly to the west from the last one, and looks back to the southeast. Gartley shot it c.1900-1910; my guess is around 1910 as Foster's house is visible as well as the plantings of coconuts around it. These were planted around 1906 and make up the "coconut grove" today.

Kaʻaumakua Peak, in the rear, is visible from the far (i.e. east) side for a dozen or more miles.
Figure 59. Photograph; Kahana, looking east, c.1900-12 (Bishop Museum).

This is Gartley's shot of the eastern side of the bay, complementing Figure 56. Note the coast trail at the right of the photo. The rock formation known as Crouching Lion (Kauhi‘īmakaokalani) is immediately behind the point to the far left. Ka‘aumakua Peak is seen towards the rear of the valley.

Around the far point to the left are the *ahupua‘a* of Makaua and Ka‘a‘awa.
Figure 60. Photograph; Kahana Bay, looking east, 1926 (Bishop Museum).

This 1926 photo shows the railroad track, which had been laid on top of the old coast trail to the west of the valley.
Figure 61. Photograph; Kahana Bay, looking east, 1927 (Bishop Museum).

Taken a year and a half after the last photo, and from nearly the same location, this shot shows the new concrete Kamehameha Highway on the western side of the valley.
Appendix O. Abstracts

This appendix contains abstract summaries for the Kahana kuleana and hui shares. Mary E. Foster’s agents attempted to maintain a title abstract book with pages for each of the Hui shares and for each ʻāpana of each kuleana. These pages were eventually separately torn out and loosely filed in folders with supporting documents and notes.

Other miscellaneous documents, however, were maintained elsewhere in the Foster Collection, Archives of Hawai‘i (FCAH). I therefore had to create new, more complete, abstracts for all the land interests in Kahana. My indexed material, in the form of a detailed computer database, is available to other researchers. This material is partially summarized in appendix M on page 353.

In many cases, cited material in this dissertation relied on these computerized abstracts (e.g., “Abstract 87” for share 87). Besides making my database available to researchers, this appendix lists the original FCAH sources used in the abstracts.

Note that this appendix refers to the spelling of names as contained on the original title abstract notes at FCAH. Further research found some 48 of 115 Hui

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1 A “title abstract” is a statement summarizing the important historical points in the ownership (title) of a piece of land.
share names, for example, needed to be corrected. See also footnote 1 on page 321 of appendix H.

Abstract for *Hui*.

Ms. "Abstract of Title of The *Hui ʻāina o Kahana*." FCAH (Foster Collection, Archives of Hawai'i), files 5-7.

Abstract 1.

Ms. Abstract book report on Share #1, Apiki. FCAH, files 5-8.

Abstract 2.


Abstract 3.


Abstract 4.


Abstract 5.


Abstract 6.


Abstract 7.


Abstract 8.


Abstract 9.

Ms. Abstract book report on Share #9, Haili. FCAH, files 5,9.


Abstract 17. Ms. Abstract book report on Share #17, Ilipolohi. FCAH, files 5-7,12,45.


Abstract 31.

Abstract 32.
Ms. Abstract book report on Share #32, Kahiki. FCAH, files 5,16,44.

Abstract 33.
Ms. Abstract book report on Share #33, Kaiapa. FCAH, files 5,16.

Abstract 34.
Ms. Abstract book report on Share #34, Kaihekamaka. FCAH, files 5,17.

Abstract 35.

Abstract 36.

Abstract 37.
Ms. Abstract book report on Share #37, Samuel Kakae. FCAH, files 5,17.

Abstract 38.
Ms. Abstract book report on Share #38, Kalauao. FCAH, files 5,18.

Abstract 39.

Abstract 40.

Abstract 41.
Ms. Abstract book report on Share #41, Kaloana. FCAH, files 5,18.

Abstract 43.  Ms. Abstract book report on Share #43, Samuel Kalua. FCAH, files 5,19, and map.


Abstract 64.  Ms. Abstract book report on Share #64, Keokipau. FCAH, files 6,25.


Abstract 70.  Ms. Abstract book report on Share #70, Kukapu [sic]. FCAH, files 6,27.


Abstract 74.  
Ms. Abstract book report on Share #74, Mahelona. FCAH, files 6,29.

Abstract 75.  
Ms. Abstract book report on Share #75, Mahoe Kaaukai [sic].  
FCAH, files 6,30.

Abstract 76.  
Ms. Abstract book report on Share #76, Mohoe Kilioi [sic].  
FCAH, files 6,30,44.

Abstract 77.  
Ms. Abstract book report on Share #77, Mahuka. FCAH, files 6,30.

Abstract 78.  
Ms. Abstract book report on Share #78, Makakehau. FCAH, files 6,31.

Abstract 79.  

Abstract 80.  
Ms. Abstract book report on Share #80, Makanoe. FCAH, files 6,31.

Abstract 81.  
Ms. Abstract book report on Share #81, Makanui [sic]. FCAH, files 6,32.

Abstract 82.  
Ms. Abstract book report on Share #82, Malaea [sic]. FCAH, files 6,32.

Abstract 83.  
Ms. Abstract book report on Share #83, Mano. FCAH, files 6,33.

Abstract 84.  
Ms. Abstract book report on Share #84, Mua. FCAH, files 6,33.


Abstract 87. Ms. Abstract book report on Share #87, Nakapuahi. FCAH, files 6,34,44.


Abstract 89. Ms. Abstract book report on Share #89, Ohule [sic]. FCAH, files 6,34.

Abstract 90. Ms. Abstract book report on Share #90, Oliva [sic]. FCAH, files 6,35.


Abstract 95. Ms. Abstract book report on Share #95, Opu. FCAH, files 6,36.


Abstract 100. Ms. Abstract book report on Share #100, Paulo [sic]. FCAH, files 6,38,44.


Abstract 107.
Ms. Abstract book report on Share #107, J.W. Puoanui. FCAH, files 6,42.

Abstract 108.
Ms. Abstract book report on Share #108, Pupu. FCAH file 6?.

Abstract 109.
Ms. Abstract book report on Share #109, Pupu. FCAH, files 6,42.

Abstract 110.
Ms. Abstract book report on Share #110, Solomona 1 [sic]. FCAH, files 6,42.

Abstract 111.
Ms. Abstract book report on Share #111, Solomona 1 [sic]. FCAH, files 6,43.

Abstract 112.
Ms. Abstract book report on Share #112, Uluhani [sic]. FCAH, files 6,43.

Abstract 113.
Ms. Abstract book report on Share #113, Solomona Umi [sic]. FCAH, files 6,43.

Abstract 114.
Ms. Abstract book report on Share #114, Wahinemaikai. FCAH, files 6,43.

Abstract 115.
Ms. Abstract book report on Share #115, Waioha. FCAH, files 6?.

Abstract 240-L.
Ms. Abstract book report on kuleana 240-L, Kalauawa. FCAH, files 5,14,45,51,53?.

Abstract 3946.
Ms. Abstract book report on kuleana 3946, Nunu. FCAH, files 5,45-6,63.


Abstract School lot.

Ms. Abstract book report for school lot. FCAH, files 5,44-6,59?.
ahupua'a, a reasonably self-contained sub-district or division of land, capable of supporting a community. Kahana Valley and its bay and offshore fishery is an ahupua'a. At the time of contact the population there was about 720. There are 200-300 acres of arable land out of a total land area of about 5,200 acres (eight square miles). There are another 2-3 square miles in the bay and fishery. Kahana is a good example of the mauka-makai (toward mountain-toward sea) orientation of a classic ahupua'a, which provided access to the full range of resources from the mountains to the sea.\footnote{In general I've attempted to use certain Hawaiian language terms because these are preferable to English terms which carry western connotations. This is also as an acknowledgement that the topic of this dissertation is Hawaiian. A cautionary note on the use of ahupua'a, however, needs to be made. The term refers to a land division and is based on the boundary markers used to set off such divisions. The names and even usages of such terms varied from island to island or even district to district. Ahupua'a markers on O'ahu, for example, were more commonly referred to as ka'ānani'au (Lyons 1875:No. 1). This flexible historical understanding of ahupua'a and the Hawaiian names for progressively larger and smaller land divisions is lost in the fixed legal list of land unit names contained in the Indices of Awards (Indices 1929:ix-xi). The legal list has perhaps been most widely disseminated through Chinen's popular book describing Hawaiian land titles (Chinen 1958:1-5). A great many culturally sensitive people have striven to get the terms and pronunciations memorized. In actual fact, this list of names was compiled by the American-dominated Supreme Court in Harris vs. Carter (6 Haw 195 [1877]). The Court used its rigid list of terms to help justify the dubious taking of some Crown Lands by the rancher Harris. While the terms have undoubtedly been used in the American-dominated Hawaiian courts of law since, they do not reflect universal Hawaiian custom and usage (Stauffer Ms.(a):52-54).}

ali'i, rulers. The so-called “chieflty” class. (I caution against making a simple substitution of the English synonym for the Hawaiian term. The English word carries with it various western feudal ideas that are alien to the Hawaiian. The Hawaiian term carries as well a connotation of divinity.)

āpāna, a piece of land. A part of a land holding. The term carries no fixed area or acreage. The land awards to the people of Kahana, for example, were often in two or more āpāna. A Kahana āpāna could vary from a quarter acre to seven acres in size.

AH, Archives of Hawai'i (State Archives).
'aikapu, the eating taboo which mandated mature males to eat separately from females and boys.

'awa, a plant (*Piper methysticum*) that produces a mildly narcotic drink, of the same name. Kawa elsewhere in the Pacific. In the 1870s it was a cash crop of the people.

FCAH, Foster Collection at the Archives of Hawai'i (State Archives).

hānai, a Hawaiian relationship of adoption. This relationship was often not sanctioned by the authorities.

Haole, Caucasian. Also means foreigner.

hau, a lowland tree (*Hibiscus tiliaceus*). Its twisted branches produce an impassible, ground-hugging maze.

HMCSL, Hawai'i Mission Children's Society Library.

hui, group. More particularly for the purposes of this dissertation, a cooperatively-organized group of people that banded together to purchase an ahupua'a.

'ili, an inhabited sub-division of an ahupua'a. Kahana had a dozen or so 'ili, with some of the inhabited land, and nearly all the uninhabited back lands, not being in a separate 'ili, but rather the "'ili of the ahupua'a."²

'imihaku, the traditional search for a new leader.

kahuna, a professional, including a priest.

kāhuna, plura of kahuna.

kālai'āina, the traditional redistribution of lands amongst the high ali'i following the death of a paramount ruler (*mō'ī*).

kalo, see Taro.

² The quoted term often refers to the land remaining after all the kuleana lands had been assigned. Kahana was a bit of an exception, as some inhabitants said their kuleana were in the "'ili of the ahupua'a." See chapter 2, sub-chapter "Analysis of the Awards: The 'ili," on pages 90-91.
kāne, male.

kilo, as used in Kahana, means a look-out perch and the skilled observer stationed there. The observer and location were used to spot the approach and movement of schools of fish.

Ke'pani, Japanese. (The term is a Hawaiian spelling from the English.)

Kō'ele, land farmed by the people on behalf of the konohiki or konohiki agent.³

konohiki, the ali‘i manager of an ahupua‘a. Also, the owner of an ahupua‘a. The konohiki manager of Kahana at the time of the mahele in 1848 was Kuamo‘o (k) 5706, usually called the “konohiki agent.” The konohiki owner in 1848 was Annie Keohokalole (8452).

kula, dry agricultural land. (This is the usage in this dissertation, as opposed to irrigated taro land, called lo‘i. Kula, as used elsewhere, often refers to plains or open country.)

kuleana, the homestead allotments, usually of 2-3 acres each, that were awarded to the people through the Kuleana Act of 1850.

LCA, Land Commission Award. The LCA number is the number given to the original Land Commission claim and also to its award.

lo‘i, a wet (irrigated) garden for raising kalo (taro). A “dry lo‘i” is a contradiction in terms. Where it does appear historically in Kahana it apparently refers to a dried-out lo‘i.

luna, officer(s). In this dissertation, the officers of a hui. (The term also means foreman.)

luna nui, superintendent. In this dissertation, the president of a hui.

mahele, the process in the late 1840s and early 1850s that divided and privatized the communal lands of Hawai‘i. More particularly, it was a process that divided the undivided use-rights in land, and converted them into privately-

³ The term, after introduction of western calendars, came to mean Friday, as that was the day set aside to work on the kō'ele land.
owned property. Such privately-owned property therefore became a commodity to be bought and sold on the market.4

*maka'ainana,* people. The farmers and fishing people; the non-\textit{ali'i}. The so-called “commoner” class. (I caution a simple substitution of such an English synonym for the Hawaiian term. The English word carries with it various western feudal ideas that are alien to the Hawaiian term. The Hawaiian term carries as well a connotation of caring for the land, of being of the land.)

\textit{makai}, in the direction of the sea (\textit{kai}).

\textit{māla}, a dry garden.

\textit{mālama ʻāina}, caring (\textit{mālama}) for the land (ʻ\textit{āina}).

\textit{mana}, spiritual power.

\textit{mauka}, in the direction of the uplands or mountains (\textit{uka}).

\textit{mōʻī}, paramount ruler.

\textit{muliwai}, a river or estuary, used in this dissertation to mean a stream course.

\textit{nīˈaupiˈo}, the offspring from high \textit{ali'i} incest.

\textit{ʻōkolehao}, a distilled liquor from the root of the \textit{ti} plant (\textit{Cordyline terminalis}).

\textit{ʻoˈopu}, goby fish.

\textit{Pākē}, Chinese.

\textit{pono}, correct order.

RP, Royal Patent. This was the deed issued by the government to give title to the awards sanctioned by the Land Commission.

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4 More formally called the Great Mahele.
For a detailed description of this process and its antecedents, see Kelly:1956.
taro, a principal food staple in traditional Hawai‘i and Polynesia (*Colocasia esculenta*). Its usual species require constantly running water, a few inches deep, over its gardens (*lo‘i*).

**wahine**, female.

**wai‘o‘opu**, as used in this dissertation, a fresh water area for cultivating ‘o‘opu (goby fish).

**wauke**, the paper mulberry (*Broussonetia papyrifera*), the bark of which is made into *kapa* (tapa) cloth.

* * *

[This dissertation puts Hawaiian words in *italics* unless they are names of people or places. Where possible, I’ve changed the spellings (even within quotes) to reflect modern usages. Hence Ko‘olau Loa instead of Koolauloa.]

[Macrons (e.g., hānai) and glottal stops (e.g., ahupua‘a) are used in this dissertation. The method of using on-line periods (e.g., maka.‘ai.nana), suggested as an aid to pronunciation in the latest Pukui-Elbert dictionary, is not used.]

[For early Hawaiian personal names, the common gender identification is used, i.e., *(k)* = *kāne*, male, *(w)* = *wahine*, female. Multiple names follow western usage, with the given name listed first. Where a name is a transliteration of an English one, the English is given (e.g., Annie for *Ane* or Rachel for *Lahela*).

For purposes of this dissertation only, I’ve also added numbers to the names of certain people who were the original recipients of land in Kahana. Numbers from 1 to 115 refer to 1881 *Hui* members. Higher numbers refer to 1846-50 *kuleana* awardees. Hence Kalima Kapena *(w)* 40 or Nāwahine Wahea *(k)* 10978.]
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(Listing of Sources Cited)

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