

THE MAHELE OF 1848: LETTERS OF DISTRESS (Exhibit F)

August 1851

Love to you,

. . . . We are in trouble because we have no firewood and no la'i (ti leaf) and no timber for houses, it is said in the law that those who are living on the land can secure the things above stated, this is all right for those present who are living on lands which have forests, but, we who live on lands which have no forests, we are in trouble. The children are eating raw potato because of no firewood, the mouths of the children are swollen from having eaten raw taro. We have been in trouble for 3 months, the Konohiki with wooded lands here in Kane'ohe have absolutely withheld the firewood and la'i and the timber for houses. . . .

Signed by Hio and 54 others

Hanalei-Kaua'I (Exhibit G)

April 1852

Love to you,

. . . . This is the reason of my being sorry and my protest, too, concerning the improper survey made by the surveyor on my premises was very much lessened, the places that I worked and raised my crops, pineapple, bananas, onions . . . replanted and all began to grow again were all pulled up. My taro patch was also taken, piece of kula (plains) houselot and five patches, 3 orange trees bearing fruit and because I was grieved for the loss of my crops and my patches having been acquired by the foreigner who made claim thereto, the foreigner who made the survey listened to the lying claim of that foreigner. . . . and I have been living there ever since and now is the first time it has been taken away without knowing the reasons why it was taken, the claim was under the description that it was to be used for planting cane but, it has not been used for that, my said place was turned into a cattle run and I am living in great trouble now.

Puamana at Kapukawai

4th District, East Maui (Exhibit H)

January 13, 1854

. . . . Dismiss John T Gower as our Land Agent.

. . . It is not right, that when we wish to buy our own lands that he should sell them to foreigners.

. . . We offered \$1, \$2.00 and up to \$3.00, the foreigner offered \$3.00, and the foreigner got it, it was only \$1.50. . . it was a swindle and a lie. . . The sale is conducted like an auction, bids are made, and went to the highest bid. . . The law says that the residents are to have first choice, and it is not taken up, then to sell to outsiders.

. . . Because he will not listen, and he will not confer with the natives, he only talks in the foreign language, and the foreigners are the only ones he talks with.

. . . Running the price of the land away up to \$250.00 an acre for taro land, and we know that he made the bids himself until the price is too high, and the Government gets it, he pays no attention to the Hawaiians

From us the people in Kaupo, now called Kauao.
Kuloku and 61 others.

After the Mahele: Kuleana Lands (Excerpts) (Exhibit L)

Maka'ainana sometimes lost their lands for nonpayment of taxes. These lands were then snapped up by plantation owners and land speculators, some of whom apparently hung around the tax and land offices hoping for a bargain. Other Hawaiians lost their land through adverse possession, a process in which land that was left unused could be absorbed by others into their plantations or pasturelands. After 10 years, the user could claim the land.

Hawaiian commoners were sometimes dispossessed of their land for another, more complicated reason. The Kuleana Act said that Hawaiians were entitled only to land they actually cultivated. As we know, before the coming of the foreigners, the resources of the ahupua'a were shared by all the residents of an area. The Kuleana Act deprived Hawaiians of this traditional land-use right; they lost access to the lands used in common by all the inhabitants of an ahupua'a. the use of kula lands, uplands, where animals were pastured, was lost. Hawaiians also depended on kula lands for firewood and for other materials such as kukui nuts. The Kuleana Act changed this traditional land use pattern. Instead of having access to common lands, Hawaiians had to stay on their own kuleana. Furthermore, Hawaiians often found their small kuleana surrounded by large tracts of kula lands that had been sold to foreigners. Hemmed in by the law that denied them the right to use these rights, and unable to subsist on the resources within their own small parcels, many Hawaiians were forced off their land. (Menton & Tamura, 1999)