ROY K. ALAMEIDA

Mo'olelo O Kawaihāpai

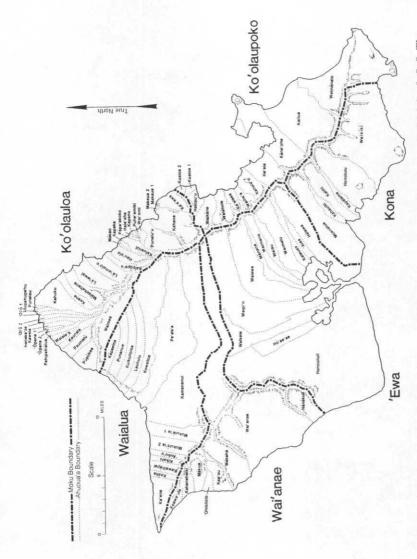
KAWAIHĀPAI, an *ahupua'a* or subdistrict of the *moku* (district) of Waialua, O'ahu, gave the residents a feeling for the 'āina (land) that connected them to the near and distant past. Hawaiians usually spent most of their lives at places they were familiar with, cared for, and cherished, "be it the lush, wild canyon-valley of Hanapepe on Kauai, the broad mountain slopes and plain below Haleakala on Maui, the shores of Punaluu on Oahu, or the lava strewn areas and forbidding coast of Kau on the Big Island, Hawaii." 'Āina symbolized the intimacy of the body to the soil that nourished it and a strong relationship between birth and family. 'Āina was the place of birth, the place of rest.

This attitude of loyalty to locality and the identity of person to the 'āina that nourished was culturally ingrained in the minds of the 'ohana (family). The inner feeling of a need to return to the place of one's birth was never forgotten, as expressed in the saying, "Aole no i ike ke kanaka i na nani o kona wahi i hanau ia ai." Literally translated, "a person doesn't see all the beauties of his birthplace." (This was said of those who did not appreciate the place of their birth until they were away for a long time and yearned to return).

It was at Kawaihāpai, according to the legend written by Liokalele, that the water was lifted up, placed above the cliff, and named Kawaikumuʻole (water without source).

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island was divided into 86 ahupua'a which were contained in six districts. Numbers 1 and 2 indicate ahupua'a Fig. 1. This map is a reconstruction of the major land divisions of O'ahu prior to the Mahele of 1848. The with the same name where differentiating names have been lost. Kamehameha Schools / Bernice Pauahi Bishop Estate - Community Education Division - Hawaiian Studies Institute.

Here again is the legend of this water that is well known. In the old days, life on that land was rich until trouble came and the plants died because there was no water. Everybody thought of leaving and abandoning the land. But, two old men of the old priestly class stayed to prepare a special place to pray. After praying, they saw a hog-shaped cloud coming from the direction of Kahuku Point. They guessed that it was going to rain and that their prayers were heard. They waited for rain. When they heard the splashing of raindrops, they went to look and saw water pouring from the cliff. They told everybody to stay because water was found. It is true that the water was cared for long ago and it was made to flow into the taro patches. Those people who lived at Kawaihapai long ago were saved until this new period that is going on now. It is true that water provided plenty of food for some of the Hawaiians living there. God created that water above the cliff, the name of the land long ago was called Kawaihapai [Lifted Water] because some of that water was placed above and since no one knew the source of that water it is called Kawaikumuole-ikapali [Water without source on the cliff] to this day.3

Kawaihāpai was known for its large lo'i (irrigated terraces) and sweet potato fields as well as excellent fishing grounds. The lo'i extended into Kealia, the *ahupua*'a to the west, where small terraces at the foot of the *pali* (cliff) grew varieties of taro. These small terraces, or mo'o 'āina, also referred to as mo'o, were usually planted with wet-land taro and often extended along streams and ditches. According to Kamakau, "The lands were fertile, and the principal crop on Kauai, Oahu, and Molokai was wet-land taro cultivated in ponds, artificially constructed patches, along the banks of water courses, or anywhere where the ground was soft and moist." 5

Just as the 'āina was cared for to provide the necessary nourishment for the ali'i (chief) and maka'āinana (commoner), so were the fishponds or loko i'a. In addition to shore or reef fishing, ponds were built for the breeding and nurturing of fish. Handy pointed out that, "these enterprises varied from small individual efforts to large-scale cooperative undertakings directed by ruling chiefs, and varied also according to locality and natural advantages." 6 Kamakau wrote that the loko i'a of various sizes beautified the land, and that "a land with many fishponds was called a 'fat' land" ('āina momona). 7 The well-known loko i'a of Waialua were Lokoea and 'Uko'a in the ahupua'a of Kawailoa. While Kamehameha I was living on O'ahu, after the battle

at Nu'uanu, he worked in the fishponds on O'ahu, including 'Uko'a in Waialua.8

At Kawaihāpai, the land claimant Lauwahine testified, "My house claim is bounded on the north by a 'sand dune' pond [loko kai pu'uone]...." According to Kamakau, these ponds "belonged to commoners, land holders and land agents, the maka'ainana, haku, and konohiki." He noted:

The pu'uone ponds near the sea, (loko kai pu'uone) were much desired by farmers, and these ponds they stocked (ho'oholo) with fish. Pu'uone ponds were close to shore ponds, loko kuapa, or to the seashore, and next to the mouths (nuku) of streams.... The farmer stocked it with awa and fish fry, pua i'a - two or three gourds full - until the pond was full of fish.... The offering of sweet potatoes [made when the pond was first stocked] was a service to the 'aumakua (he hana 'aumakua)...¹⁰

There were also those who claimed fishing areas for themselves. Hikiau, in his testimony, mentions his "octopus fishing ground," ¹¹ and Lapa describes his "kai" (fishery), and his choice of fish to protect was the *moi* which could only be fished for him and the *konohiki*. ¹²

Kamakau observed:

Ka po'e kahiko regarded their secret fishing grounds, ko'a huna, as "calabashes and meat dishes" (he umeke a he ipu kai) and as "grandparents" (kupunakane a he kupunawahine), and could be robbed and beaten before they would reveal their locations. They pointed out their secret fishing grounds only to their own children. 13

Regardless of their size, the *loko i'a*, or *kai* provided the necessary fish supply for the residents of Kawaihāpai. In keeping with traditions, "the gods were the first to be considered by chiefs and people. The first fruits were sacred to the gods. The first born children, animals, the first fruits of the land, the first fish caught, the first product of any labor was sacred to the gods." This traditional concept of *mālama* continued until it met resistance from foreign interests and desires.

FOR WHOM THE 'AINA

The Māhele (division) in 1848 was an event that significantly affected the basic well-being of Hawaiian society. In addition, the shift to a money-for-labor economy, the ready availability of liquor, and the

increase in trade for cash changed the style of living of many Hawaiians. As a result, many left the 'aina for the more exciting lifestyle of the towns. These unsettling shifts in behavior further eroded the traditional patterns of social, political, and economic relations among all levels of Hawaiian society. The passage of regulated tax laws, by which the *maka*'ainana were required to pay taxes either in currency or in labor, forced many to enter the market economy either as wage laborers or as merchants of local products. The mounting demands placed upon them were evident from the figures shown for the amount of produce and materials that were shipped to Honolulu from Waialua. Much of this activity was reported to the American Board of Commissioners for Foreign Missions (ABCFM) in letters from John S. Emerson, the American missionary in Waialua. Born in 1800, Emerson arrived in Hawai'i with his wife in 1832. Except for brief absences, they lived and worked as missionaries in Waialua from 1832 to 1867. He reported:

"... the people are not lazy. They provide the food supply to the Chief at Honolulu. Four vessels are loaded with Poe [sic], fish and hogs.... There have also been paid two money taxes amounting in all to not less than 1100 or 1200 dollars which is paid for.... I might add that not less than two or three acres of *kalo* ground have also been dug anew and planted." 15

In 1839, Emerson reported: "There are now 4 or 5 boats running much of the time between Waialua and Honolulu owned by the natives of Waialua. Carrying burdens across the land is now very much out of fashion." ¹⁶ Hokuaulani of Kawaihāpai operated a boat to take supplies and mail from Waialua to Honolulu and returned with foreign goods. William Emerson, the son of John Emerson and a student at Punahou School in Honolulu, wrote in a letter to his mother, "Hokuaulani's boat came in yesterday and we got the eggs and the bucket of oranges." ¹⁷

From these letters and station reports, the variety and amount of goods supplied from Waialua were noteworthy. The large quantities of fish taken from the sea, as well as the fishponds of Lokoea and 'Uko'a, the taro, sweet potatoes, timber, and pigs were not only for payment of the taxes but, as Emerson commented, "the ruling chiefs get hungry and send a vessel to Waialua for food quite as often as it is welcomed by the people." ¹⁸

The frequent contacts with the *ali'i* in Honolulu and their constant demand for materials were perhaps just cause for the residents of Waialua to question the political stance of the government. In a letter to William Richards, Emerson's comments are of particular interest because they reflect not only his feelings of frustration but also those of the people. Arriving in Hawai'i in 1832, Richards resigned from the Mission in 1838 to accept the position as advisor to Kamehameha III. The letter in part stated:

We are having a school in the laws every week [and] occasionally find things that are of questionable correctness and others that are clearly opposed to the letter & spirit of the laws in the practice of the landlords - I have now before me the *luna auhao* [tax collector], Kahukula, & two others & with them wish to put a few questions & state a few facts that perhaps need attention at this time. ¹⁹

Emerson continued with complaints against Kekūanaoʻa and Laʻanui questioning their rights of control of Waialua. He wrote:

- 1. Eia ka ninau mua. [Here is the first question] Can one konohiki make kapu two different kinds of timber on the same land, the one on one side of the land & the other on the other side of it? Kekuanao'a has ho'okapued [sic: to forbid] the wiliwili on one side of Mananui & on the opposite side of the same ahupuaa he has put a kapu on the koa because the wiliwili is the best wood there & the koa the best here.
- 2. The district of Waialua belongs to Kekuanaoʻa. Can he put a kapu on more than one kind of timber in the district at the same time? There are now made kapu in different parts of this district not less than six kinds of timber. Eia na inoa mau laau. [Here are the tree (plant) names] Mananui ka wiliwili a me ke koa. Ma Paala [sic: Paʻalaʻa] a me Kawailoa ka olona, besides the hala, coconut & ko. These last however I think are justly claimed, but it appears to me that the cocoants [sic: coconuts] belong to the aupuni?
- 3. Concerning the fish. Is it right to ho'okapu two kinds of fish on one small land? Is it right for Kekuanoa [sic: Kekuanao'a] the konohiki of Waialua to change the kind of fish which is kapu as the spot on which they are found is more or less favourable for this or that kind of fish. Here are the fish kapu Kaena, Kawaihapai & Mokuleia ka hee. Mananui in different places, the hee, the moi, the amaama, the oopu,

& the *uhu*. Paalaa-the *hee, amaama* & *oopu*. *Kawailoa, Moi, hee, amaama, oopu*, the *awa*, in different places. Is it right that all these kapus should exist? On one very small cape Puaena [Pua'ena] the *hee* is kapu on one side of the cape & the moi on the other side with only one konohiki.

Pau ia [all done, completed]. I hope you will be able to make use of these things, which I write from the lists of the Lunaauhao, Kahukula & two deacons of the church to the advantage of the people & the cause of humanity.²⁰

Emerson appeared to be an advocate for the people of Waialua in political matters. From many of his letters and station reports, Emerson indicated that he had a "deep interest in the prosperity of the Hawaiian people and the welfare of his family..." ²¹ There was also a show of compassion for Kawaihāpai residents. In 1850, he reported on the epidemic and conditions he encountered:

I went to Kawaihapai, distant about 6 miles to preach to a small congregation. Found many sick on the road calling for medicine; & when [I] arrived at the place of meeting I found two unburned corpses, but a few steps from the schoolhouse & others sick apparently nigh unto death. I divided my time between ministering to the souls & to the bodies of the people & have since been happy to learn that several were relieved from their sufferings by the timely aid. What a poor time to preach to men, when they are panic struck! Sickness & death have no power to convert the soul. The past epidemic has been of a very strange character. Many were taken with violent pains in the head or stomach, which would soon spread over the whole system; & some times in one or two days the patient would die, but more frequently he would linger along six or ten days. ²²

However, Emerson was always dismayed by what he felt was the people's lack of initiative to become "industrious & provident. Solid labor, daily care, regular habits are what a native dislikes.... To live with the least possible amount of hard labor is desired. Foreigners are now seen in the kalo-patch a thing unknown a few years since," reported Emerson. "They, the natives, would rather take on the job to lasso horses or cattle at "25 cts to 50 cts per hour." Perhaps aware that his words were predictive and all too accurate, Emerson said, "This aversion to steady labor, & fondness for trading, fishing & lassoing

animals is strong premonitory evidence that the soil of these Isles is soon to be cultivated by other hands than those of the aborigines."23

It was his belief that two things would make the people willing to completely imitate foreign ideas: "First, the feeling that the land they cultivate is their own, for themselves and their prosperity. Second, the feeling that this land is of real value and capable of being improved in value, and that all improvements are private gain or the Hawaiian race will never rise to habits of industry." ²⁴

Emerson reported again in 1850:

During the past year, the govt[ernment] have put it within the power of a part at least of our people to obtain a title in fee-simple to their land; some by purchase, & others by inheritance or possession. I strongly hope that before the close of the present year, some two or three hundred of our married men will be owners of the lands they cultivate & ever after be exempt from that very inconvenient & often times vexatious labor tax of the landlords which has always worked badly & has sometimes been quite offensive.... 25

Although Emerson's primary role in Waialua was to carry out the mission policies of the ABCFM, he often expressed, in many ways, a genuine humanitarian concern for the economic welfare of the residents of Kawaihāpai.

THE MAHELE AT KAWAIHĀPAI

After the death of Kīna'u, daughter of Kamehameha I, all of her lands in Waialua were inherited by her infant daughter Victoria Kamāmalu. Although only nine years old at the time of the *Māhele*, Kamāmalu was the third largest land holder in the kingdom. However, she gave up all of her lands between the *ahupua'a* of Kamananui and Ka'ena inclusive to the government to satisfy the one third commutation requirement set by the Land Commission. ²⁶ Kauikeaouli, the *mō'ī*, designated these lands at the western end of Waialua district as government lands, distinct from those he reserved for himself. The 'āina of Kawaihāpai, Kamananui, Mokulē'ia, Kealia, and Ka'ena became land that the *maka'āinana* and foreigners were able to purchase in fee simple. The *māhele* at Kawaihāpai was unique. The land was sold.

It is not known why, since government lands were not available as

kuleana (responsibility, property, right) claims, several Kawaihāpai residents filed testimony with the Land Commission. Each claimant defined the boundaries of their claims. For example, Ka'akau, a resident who purchased 24 and 2/3 acres for \$9.25²⁷ said in his testimony that his land was bounded on the north by the land of Ho'o-kamali'i, on the east by a pali, on the south by the land of Ka'aona, on the west by a fence. 28 So did Niho who gave the names of neighbors bordering his land. Another claimant, Mahiahume, was part of a hui or partnership that purchased land at Kawaihāpai. He presumably was a resident of Kawaihāpai prior to the Māhele since his name was listed in the 1840 census. Regarding his claim, Mahiahume testified that:

The first is a house lot bounded on the north by the sea, on the east by a kula, on the south by mooloa, on the west by kula. The moo is bounded on the north by fence, on the southeast by a land for Kaaona and a spring on the west by a moo for Napae. The kula is bounded on the north by a spring, on the east by an a [possibly a'a], on the south by pali and on the west by an a]. A goat pen is bounded on the north by a schoolhouse, on the east and west by kula, on the south by mooloa.²⁹

He received 16.5 acres of the total 66 acres that the *hui* bought as recorded in Royal Grant 279.³⁰ As the prospect of more land sales materialized, land agents were appointed by the Minister of Interior and charged with specific duties with respect to their work.

Emerson made himself available and was appointed the government land agent in Waialua. He believed that there was no other person in Waialua who would have the best interest of the people in mind. In some respect, he replaced the traditional *ali'i 'ai moku* (district ruling chief) of Waialua. As the local authority for land allocation, Emerson explained in his report why he accepted the position as land agent for the Hawaiian government. He wrote:

1st The land was for sale & would find purchasers but natives would secure to themselves but very little of it; it would go in large lots to rich men who would become lord of the soil & oppressors of the people probably an event which would soon render my stay at Waialua, so far as this good of the natives was concerned, useless. Petitions were 42

already being made for the land & no time could be lost with safety to the natives.

and The business was given to me to do in my own way & time subject to the least possible dictation'permission only—the very thing, in form, I desired should be done for the natives, by somebody—As no one who would be likely to engage in the work—I hesitated not to do it, feeling assured of your approbation. As they are not owners of their plantation, their houselots &c, are subject to a labor tax for their landlords that is often vexatious & some time distressing.

3rd A third reason why I accepted of this work was the people requested that it be given me to do that they might be aided by one they knew cared for their good.³¹

Emerson then began to sell Kawaihāpai land to the residents. A petition sent to the Land Commission by several land claimants in Waialua requested that their claims be voided so that they could purchase government lands in fee simple.³²

Yet, in some cases, the residents were buying land they had lived on and worked on prior to the *Māhele*. These were usually small tracts of wet land taro, *kula* lands for dry crops and pasture or a house lot. Others bought *kula* lands they had not previously possessed. Most of these were large tracts of 100 acres or more usually acquired by a *hui;* a type of co-tenancy or co-ownership. Theodore Morgan, in his work, *Hawaii A Century of Economic Change*, discusses these characteristics.

According to Morgan:

The customary rules of the Hui suggest its affinity to the earlier land system: there was an allotment system by which each member could select a house lot and garden of five to ten acres for each "share"; there were pasturage rules specifying the number of cattle which could be run on the common range per share, with penalty rates for a larger number; and regulations as to cutting wood, fishing, fencing, and the like . . . But the hui filled a useful purpose in the ninteenth century as a transitional device on the road to alodial tenure. 33

Of the 18 Royal Grants issued for Kawaihāpai, roughly 27 per cent were in this category. The land acreage for a hui ranged from 24 to 90 acres, while the range for individual buyers was 24 to 197 acres.

In some cases, the purchased land was divided among two to four

individuals. In grant 343, for example, there were four unrelated individuals in the *hui* that purchased 68 acres for \$25.50. Each person had a divided one-fourth interest consisting of 17 acres each. Emerson's letter to the Minister of Interior, Keoni Ana, confirmed the purchase of this 68 acres. Another *hui* purchased 74 acres for \$27.75. Each partner received his own grant. In another letter to Keoni Ana, Emerson wrote, "Lot #37 at Kawaihapai; sold to Kane, Ha'ule and Ka'akau. They wish to receive 3 Royal Patents, 1/3 on the east for Kane; 1/3 on the west for Ha'ule; and westerly 1/3 for Ka'akau - 33 and 1/3 acres to each if them." 34

Those who bought government lands were issued documents called grants or often referred to as Royal Patent Grants signed by Kamehameha III. These differed from the awards issued by the Land Commission. The Land Commission awards identified the nature of the title conferred as either fee simple or leasehold and gave a description of the boundaries. After the claimant paid the commutation of one-third the value of the unimproved land, allodial title to the land was confirmed.³⁵

With the passage of a law in 1850 that allowed foreigners to buy land in fee simple, William Emerson and John T. Gulick, missionary descendants, took advantage of that law and bought large tracts of Kawaihāpai land. Although Hawaiians were listed in the 1840 census as Kawaihāpai landowners, they were not necessarily permanent residents. Hawaiians and non-Hawaiians alike were attracted to the chance to own fee simple land in Kawaihāpai.

Emerson's 1863 Station Report indicated a sharp increase in the population of the Waialua district from 1,137 in 1854 to 1,309 in 1860. He reported, "There is more land owned by the common natives in Waialua than in any other district of Oʻahu, and the people are less oppressed by foreign land owners than in any other district and so they increase by immigration faster than they decrease by excess of deaths above the births." ³⁶

From the testimonies recorded in the *Native Testimony and Foreign Testimony* for Kawaihāpai, seven *kuleana* claims for Kawaihāpai land were filed with the Land Commission. However, none of those individuals were listed as landowners, nor do any documents confirm that they purchased any government land. With the exception of Emerson and Gulick mentioned above, the government lands pur-

chased at Kawaihāpai remained in the hands of Hawaiians. It appears that the Kawaihāpai residents were cognizant of the process they needed to complete in order to attain fee simple title.

If a date was needed to determine the end of the land sales at Kawaihāpai, it probably would be 1856. "The business of selling Government lands is now at an end; none of much value remains unsold in the district....," wrote Emerson.³⁷ Richard Armstrong, an American missionary who became Minister of Public Instruction, in a letter to his brother-in-law dated January 15, 1850, wrote:

The government has lately granted fee simple titles to all the natives, for the land they have lived on, & occupied. This gives the final blow to the old odious feudal system, & makes this a nation of free holders. It is a point for which I have long contended & finally on my motion it was carried by the King & council. On their part it cost a great struggle, as it cuts them off at once from the labour of all their tenants, & they must now work their lands by hired labour. This will compel them to sell their waste lands of which they have an abundance.38

By the late 1800s, some of the heirs of the original Kawaihāpai landowners were selling land. In 1858, the heirs of Haleli (Grant 456) sold all go acres to John Emerson for the sum total of \$140. Likewise, Kekauwa (Grant 1781) sold his 48 acres to John Emerson for \$48. Three other landowners sold land and made a profit. Papa sold his 100 acres for \$80 for a profit of \$30. Kahoeka (Grant 1785) sold his 90 acres for \$321 that netted a profit of \$276.39 The remaining landowners either willed the land to a spouse or surviving heirs. In one case, the landowner died intestate, and by court order, the land was inherited by his niece, his only surviving heir.

The Māhele that created a formal mechanism for lands to be held in fee simple also became the avenue by which Hawaiians and non-Hawaiians alike obtained access to private ownership of land. For at least 40 years after the Mahele in 1848 and 30 years after the sale of government lands ended in 1856 in Waialua, the familial history of the Royal Patent grantees reflected, in many cases, a strong desire to keep the lands within the 'ohana. However, by the turn of the century, almost all the Kawaihāpai lands slowly slipped away from Hawaiian control. The mo'olelo of Kawaihāpai is bittersweet. Gone are the

kūpuna. Gone are the hoa'āina. The 'āina of Kawaihāpai, the symbol of loyalty to locality, gone.

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