



Kaho'olawe Island Conveyance Commission
Consultant Report No. 13

A LOCAL HISTORY OF
KAHO'OLAWE ISLAND:

TRADITION, DEVELOPMENT, AND WORLD WAR

By:
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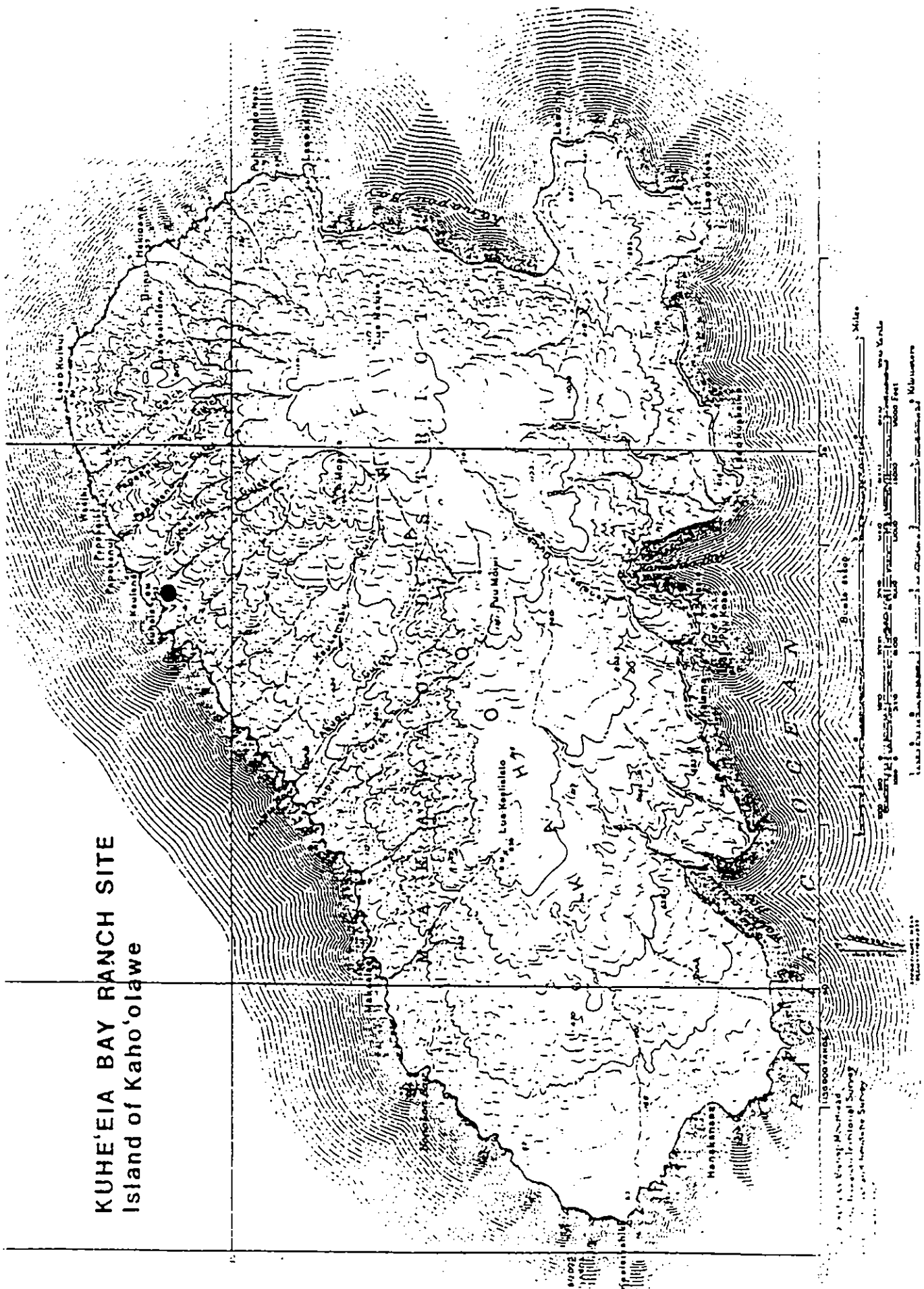
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KUHE'EIA BAY RANCH SITE
Island of Kaho'olawe





EXECUTIVE SUMMARY

The focus of the investigation of three aspects of the modern history of Kaho'olawe Island has been on its importance to the Islands as a whole. The penal colony established between 1826 and 1853 reflects the Kingdom's use of the punishment of isolation and exile as a protective measure to preserve its independence. The school that existed on the Island between 1828 and 1837 gives added credence to the assertion that the Hawaiian Kingdom was one of the most literate nations in the world in the 19th Century. The ranches, attempted and actual, started in 1849 and continuing until 1941 and after World War II represent the interest in commercial enterprises in the developing industrial economy of Hawai'i.

The three histories demonstrate that the Island was considered an integral part of Hawai'i's growth as a modern state. The Island's past cannot be isolated from that of the state as whole. The penal colony, the school, and the ranches are linked to developments in the Kingdom, Republic and Territory attesting to the Islands' unity as one political entity. To the governments of Hawai'i Kaho'olawe was an asset to be exploited to the advantage of the islands as a whole.

The following report is divided into three units. First, there is a short discussion on the historical model used; that is, the approach to analyzing state and local history. Second, there is the narrative of the three histories with the emphasis on the functions of a penal colony, a school, and ranches in the Hawaiian polity. Third, there are recommendations for historic preservation

and inquiry.

State and local history is a history embodying a specific point of view: that of looking at the history of a state from within. The statement may seem to be so obvious as to be trite.

Yet for the writer of local history the distinction is essential to an understanding of a community. The view of the observer who is not cognizant of local conditions sees, judges, leaves, writes and publishes. These observations are important to the local historian, of course. But their value judgments must be considered carefully and must be balanced against local policies and objectives.

The Island of Kaho'olawe is an excellent example of this opposition of their story-our story. In the period beginning in 1778, Kaho'olawe was noted by Europeans, members of expeditions of exploration and discovery in the Pacific. To these commentators Kaho'olawe was "uninhabited," "barren", "destitute of wood," "unfertile," "desolate," "stale and unprofitable."

But to Islanders those descriptions did not reflect local attitudes to the Island. There was, in fact, a population on the Island. It was one that spent a portion of the year there perhaps as long as nine months. Whole families lived on the Island during that period. Evidence suggests that they moved back to Maui or perhaps Lana'i during the period of the winter rains.

Residents grew some food products, kept some animals and built grass structures for residence. The environment was harsh, the struggle to live no doubt difficult. But the evidence of a

transient population up to about 1866 is clear. Hawaiians knew how to cope with nature and to use the land whatever its limitations.

By taking the state and local view of the three histories that are the subject of this paper, the historian places the Island in the context of Hawaiian history.

The three histories of the uses of the Island of Kaho'olawe between 1826 and 1953 are the Penal Colony established by Ka'ahumanu in 1826, the American Protestant Missionary school begun in 1828, and the ranches planned for and established beginning in 1849 and continuing until 1941 and afterwards as the Navy used the Island as a bombing target.

The Hawaiian Kingdom under the King and Chiefs began to introduce laws in a western pattern in the 1820s. By 1828 Ka'ahumanu as *kuhina nui* or premier and regent for the young King, Kamehameha III, was establishing new principles of criminal punishment. In the old society the death penalty was a common means of resolving the problem of the breaking of the *kapu*. With the arrival of foreign residents and foreign ideas, Ka'ahumanu and the Chiefs had to turn away from the past. They chose to use isolation and exile as an alternative means of punishment.

The first prisoners sent to Kaho'olawe appear to have been a woman who had committed adultery and a man who was a thief. Certainly in the first instance the woman in the old society would have been put to death. As late as Kamehameha I's time such had been the punishment of a woman.

Besides a crime of behavior, Ka'ahumanu and the Chiefs

attempted to minimize the effects of intrusive foreign practices. The American Protestant Missionaries had arrived in 1820. By 1825 most of the powerful Chiefs and Chiefesses had become members of the Mission church. In 1827 French Catholic priests arrived and some Hawaiians began to adhere to the Catholic Mission in Honolulu. It was unthinkable to Ka'ahumanu and the Chiefs that their people were to be allowed to follow a religion different from theirs. In 1829 the Hawaiian Government declared that Hawaiians who were close to the Catholic Mission were to be punished and their prison was to be exile on Kaho'olawe at Kaulana. Isolation there was to prevent contamination of ideas in Hawaiian society.

Often prisoners were sentenced to the Island but alternative prisons were used instead. So with the Hawaiian Catholics. They were sentenced to Kaho'olawe but the records show that they were placed in the prison at the Fort in Honolulu. So with other prisoners.

Yet a Chief of some importance was sentenced and actually sent to the Island.

The investigation of the circumstances surrounding the exile of the Chief Kinimaka reflected more than a simple crime. It is an important case history of the land conflicts between Kamehameha III and the great Chiefs.

Kinimaka was accused and convicted by a meeting of Chiefs and Chiefesses of forging a will of the Chief Hoapili, governor of Maui. He was sent to Kaho'olawe although he was man of important rank and related to those of higher status. Yet the Island had no

real facilities for the prison population. The Government's support of the prison was minimal and intermittent.

How did it happen that a man of Kinimaka's rank was actually sent to the Island? Upon investigation the issues reveal that Kinimaka, perhaps at the instigation of the King, was trying to persuade Hoapili to leave the major portion of his lands to secure for Kauikeaouli, Kamehameha III, the lands of Hoapili equal to one-third the lands of the whole Kingdom.

By seeing this crime in the context of the times, the historian places a seemingly venal act of forging a will in the context of a major political issue of the times: control of the Kingdom through control of land.

Kaulana was also used as an exile for foreign residents convicted of a crime. The issue of the punishment of foreigners was a sensitive one for the Kingdom. The language of the sentence was usually "exiled to the land from which he came" or to Kaho'olawe. Sending foreigners out of the Kingdom could be expensive and a contentious issue with the representatives of the nation from which the criminal came. Kaho'olawe appeared to be an answer.

Hawaiians were also sent to Kaulana. Conditions were not very good and food scarce. But Hawaiians were not averse to swimming to Maui, stealing food and returning to Kaulana by a borrowed canoe.

By the 1850s the Government of Hawai'i had changed significantly from Ka'ahumanu's day. The Kingdom had adopted religious toleration, passed new laws and built new facilities for

prisoners. The land question had been changed and the Chiefs replaced by a dominant King, Kamehameha III. Kaulana was abandoned.

The existence of the school on Kaho'olawe is, again, a good example of the growth of Hawai'i as a modern nation. The American Protestants were North Eastern American professionals with that intense belief in the importance of literacy as a means of understanding the word of God. They arrived in 1820 with a printing press. By 1822 they had formed an alphabet for the Hawaiian language and were printing in Hawaiian. By 1824 they had taught the Chiefs to write. The Chiefs had become so enthusiastic with the new learning that Ka'ahumanu proclaimed in the laws of 1824 that all the people were to learn the *palapala* (learning).

In 1823 the Mission established a station at Lahaina that included the west end of Maui, Moloka'i, Lana'i and Kaho'olawe. By 1826 the Chiefs announced that they would now allow schools to be established for the commoners.

The Reverend William Richards was the most important missionary for the Kaho'olawe story. In his reports and letters we find that the school continued to 1838. Scholars, as they were called, numbered both writers and readers.

These early mission schools were not institutionalized, of course. The school location was wherever an instructor could be found to teach those interested in learning. Richards taught Hawaiians the basic alphabet at Lahaina. The adults who learned there returned to their homes to teach their neighbors. The school

house was whatever space existed to accomodate the students. Books were printed at the Mission and distributed free to the stations.

By 1838 the schools needed more and better teachers, books and materials, a structure for uniformity and discipline. By 1840 the Government took on the education of Hawaiians and established the public school system. The school on Kaho'olawe was closed.

The place where the school was established has not been found. Probably it was at Kuheia, Ahupu or Honokoa.

But the narrative of the extension of Protestant missionary activity to Kaho'olawe demonstrates the integration of that Island into the process of change in the Kingdom.

As soon as land change in 1848 had occurred Kaho'olawe became an object of interest for development. The Island was part of the King's land in the division of 1848. It was placed in the category of Government land. By 1849 a chief on Maui applied for the sale of the Island. The Government refused his application. Many times in the 19th and 20th centuries, requests came to the Government for its acquisition. All requests were refused and only leases allowed.

The ranching story of the Island is long and complicated. The most successful ranch was that under Angus McPhee and Harry Baldwin in the Kahoolawe Ranch Co. in the 20th Century. It is that ranch that built the most structures, water reservoirs, fences and walls and viaducts.

By following the stories of each ranching endeavor, the modern student is able to follow the process of development in the

ranching industry. Both mistakes and successes can be noted. Such mistakes as the introduction of destructive animals and plants and such remarkable works as viaducts and cisterns for water supply reflect the energies invested in the Island.

The most important historic preservation of a site is the McPhee-Baldwin ranch complex. By showing the extent of the organization of the ranch and the quality of work in such structures as the viaduct at Ahupu, the site could demonstrate the technological capabilities available in the Islands.

Many structures still exist. The Commission has maps to scale of the original buildings and descriptions of reservoirs. It also has descriptions of the plant and animal life on the Island. At its most simple form, preservation should start with the stabilizing of the structures still in evidence. If Kaho'olawe becomes an Island of preservation, the restoration of the ranch complex could be accomplished. It would be a fine example of early ranching life in Hawai'i as well as a look at investment, profit and loss.

There has been no physical evidence found of the prison at Kaulana. If the Island becomes a place of preservation, perhaps a plaque is appropriate to be placed at Kaulana. The preservation of that part of Hawai'i's past can best be preserved by historical documentation and essays.

The actual site of the school has also not been found. Again the written record of the school keeps that experience alive. Preservation, at this time, is best pursued by further research and

reports.

Further historical investigation and reports are necessary. Especially important is the search for informants and oral interviews conducted with them.

PREFACE

In preparing this report, I had the advantage of the co-operation of the director and staff of the Kaho'olawe Island Conveyance Commission. H. Rodger Betts as executive director, Velma M. Santos as deputy director, Hardy Spoehr as executive assistant, and Momi L. Singson the administrative assistant provided the kind of support rarely given to an historian.

Through them I was able to meet with community persons on Maui as well as other research consultants. Hardy Spoehr collected materials I needed and was ever generous with help and advice whenever requested. The work on this report has been a remarkable and inspiring experience. I only hope that the final product will be of use to the Commission in its consideration of the future of the Island.

INTRODUCTION: ON LOCAL HISTORY

No nehinei a'e nei no; heaha ka 'ike?

[He] just arrived yesterday; what does he know?¹

The use of Kaho'olawe Island as a military target has become a subject of consideration in recent times by the federal and state governments. Since 1941 the Island has been under the direction of the United States military.

In the 1990s its use, control, and future potentials have been matters of investigation by a commission established by the United States Congress. The Kaho'olawe Island Conveyance Commission was established in 1990 to determine if the Island should remain as a military training area and bombing target or if it should be returned to civilian use and control. Its recommendations have been made. Decision by the federal government will follow.²

The Commission gathered comprehensive information on the Island as part of its deliberations. One report submitted to the Commission was to be a study of three uses of the Island in the 19th and 20th centuries.

The following paper is on those three aspects of the Island's history: the penal colony, the school, and the ranching activities. The objective of the paper is to reach some understanding of the

¹ Mary Kawena Pukui, *'Olelo No'eau: Hawaiian Proverbs and Poetical Sayings*, Bernice P. Bishop Museum Special Publication No. 71, Bishop Museum Press, 1983, No. 2343, p. 255.

² The Final Report of the Kaho'olawe Conveyance Commission to the Congress of the United States, "Kaho'olawe Island: Restoring a Cultural Tradition," Honolulu, 1993.

use and value of the Island for the people and the governments of Hawai'i.

Historians of state and local history are immediately faced with two major problems in writing about Kaho'olawe in this period. The first difficulty is the recognition that a controversial political issue can influence the collection and interpretation of historical material. The second is the realization that it is necessary to define what state and local history is as an historical model.

This definition is particularly essential for the Island of Kaho'olawe. The penal colony, the school, and ranching all were introduced to the Island directly as a result of Hawai'i's contact with western culture. External influences on the Polynesian society changed the history of Kaho'olawe fundamentally.

The Island of Kaho'olawe is the smallest of the eight major islands of the state of Hawai'i. SEE MAP 1. It is eleven miles long and six miles wide, made up of forty-five square miles and 25,800 acres with thirty-six miles of shoreline. Its highest point is at Lua Makika, 1,477 feet, at the center east part of the Island. It has been known in modern times as a windy dry island where plant life is sparse, vegetable products difficult to cultivate, and a permanent population having to struggle to sustain itself. It has also been noted for its rich fishing grounds that still exist today.

Geographically and politically the Island has been connected closely with the Island of Maui. SEE MAP 2. It is over six miles

southwest of Maui. Kaho'olawe is situated well below the height of Maui's Haleakala. As a result winds often sweep over the Island and the rain producing trade winds leave much of their moisture on Maui. While Kaho'olawe's environment has been conditioned in many ways by the contour of Maui, so has that of Maui. Ulupalakua in Honuaula district was adversely affected by the changing climate on Kaho'olawe in the 19th and 20th centuries. Politically the consolidation of territorial units among the islands in the 18th Century brought Kaho'olawe under the domain of the great chiefs of Maui.

Thus, the Island's history is the repository of the two dramatic changes that influenced all of Hawai'i's history. One is the growth of territorial kingdoms by the great chiefs of Hawai'i, Maui, O'ahu, and Kaua'i in the 1700s. The other is the expansion of western nations into the northeastern Pacific in 1778. The history narrated here, then, begins with a consideration of the society of chiefly Hawai'i about 1750. It continues with the introduction of western ideas, products, and people and the consequent transformations of local society.

This analysis of the confluence of cultural contact between two diverse societies is the essence of the writing of local history.

It is necessary, first, to consider how the modern political issue has confused popular perceptions of the Island. The controversy over the continued use of the Island by the military or its return to civilian use has led partisans on one side or another

to exaggerate aspects of the Island's history.

Military partisans (many civilians in Hawai'i have supported the military) find in the historical record proof that the Island has been barren and useless for the past two hundred years. Documented evidence from the writings of early western visitors describe Kaho'olawe as "barren," "devoid of vegetation," "uninhabited and uninhabitable," and the like.³

Partisans for civilian control emphasize the vital meaning of the Island in terms of Hawaiian culture, especially ancient Hawaiian religion. They focus on the religious significance of special sites and, indeed, of the entire Island. Federal law helps focus attention on religious subjects in its recognition of the integrity of Native Hawaiian and Native American religions.⁴

In the discussions that have been conducted for at least the past ten years the validity of sources and the conclusions of expert professionals have been questioned. The comments of the early Pacific explorers and merchant sea captains were those of passersby visiting the Islands briefly. In Kaho'olawe's case many commentators did not even land on the Island, but described what they saw from their moving ships. Their knowledge of Hawaiian culture was superficial at best and more often non-existent.

³ In this report there is no discussion of the military issues as such. In Chapter 4 there is a narrative of the issues between the Kahoolawe Ranch and the military and the government of the Territory of Hawai'i and the military. But the focus is on the Kahoolawe Ranch and its problems.

⁴ American Indian Religious Freedom Act of 1978 includes Native Hawaiian religions. PL 95-341.

Evidence from archaeology has also been quoted at length. In an Environmental Impact Statement prepared by the United States Navy in 1972 and the Supplement of 1977,⁵ comments were made and selections chosen from research materials to emphasize the uselessness of the Island. The statement was made "The island contains no areas of particular aesthetic value. It is hot, dry, and dusty, partially covered by scrub kiawe trees and pili grass, providing little inducement for hiking, camping or picnicking."⁶

A long quote is copied in both EIS reports from the archaeologist, J. G. McAllister, who wrote in 1933.⁷

The lack of traditions for Kahoolawe is mute evidence of the unimportance of the island. A transient population, without taro patches and permanent abodes, with a paucity of material objects, was of little interest to avaricious chiefs and priests and the Island consequently escaped most of the interisland warfare.

McAllister's study is still valuable no doubt for his detailed description of the fifty sites he found. When he made value judgments that presume a comprehensive knowledge of Hawaiian history and culture, his conclusions are open to question. Another anthropologist of the Hawaiian Islands made a similar judgment of Kaho'olawe. Kenneth P. Emory who began studying Hawai'i in 1920

⁵ United States Department of the Navy, "Final Environmental Statement Concerning Military Use of the Kahoolawe Island Target Complex in the Hawaiian Archipelago," February, 1972; United States Department of the Navy, "Draft Supplement to the Final Environmental Impact Statement Concerning Military Use of the Kahoolawe Island Target Complex in the Hawaiian Archipelago," October, 1977.

⁶ *Op. cit.*, 1972, p. 15.

⁷ *Op. cit.*, 1972, pp. A-3-4; 1978, p. A-5. J. G. McAllister, *Archaeology of Kahoolawe*, Honolulu, 1933.

2and was a contemporary of McAllister said in the 1970s that the Island had little more to offer investigators than had already been discovered.⁸

Scientific evidence of noted archaeologists of the past need not either be confirmed or denied. In 1980 at a meeting of the Hawaii Historic Places Review Board, several modern archaeologists pointed out that improved methods and technologies in their field have made it possible for them to qualify some of the conclusions of past scientists.⁹

State and local historians need not take a partisan stand on the issues if they do not wish to. Their first responsibility is to define their field. Their research will be guided by these stated principles. The resulting work will reflect both the details of local developments as well as the ideas introduced from the world outside Hawai'i.

The field of local history, then, melds together local and world history. Local historians consider the context of the local social, political, and economic environment. They acknowledge world influences that reach into the Pacific. They focus on the process of change within the Islands, the transformations of structures, and the internalization of external factors. They begin with Polynesian Hawaiian society and continue their narrative to those specific external introductions applicable to Hawai'i.

⁸ Personal communication. Emory actually said, "The Island is just a pile of rocks."

⁹ I was a member of the Hawaii Historic Places Review Board in 1990.

For the history of Kaho'olawe the approach of a local history model is essential. The details of the penal colony, the school, and the ranching activities by themselves might fail to demonstrate the place of each activity in the broader policies of the governments of Hawai'i from Kingdom to Provisional Government and Republic, to Territory.

The modern trend in writing Hawai'i's history is for historians to place Hawai'i in a world context, to skim over local details, and to judge local events by specific ideological assumptions. The model used is one that fits someone else's history be it American or world history.

The most read recent works on Hawai'i as world history remain those of Ralph A. Kuykendall, Gavan Daws, Lawrence Fuchs, and Noel Kent. All write from their own ideology about the evolution of society.

The works of Ralph S. Kuykendall are the most exhaustive and comprehensive histories of Hawai'i. In his three volume work on the Kingdom of Hawai'i,¹⁰ he related in great detail the transformation in the Islands from a Polynesian society at 1778 to a western-like kingdom fully in place by the 1850s. He emphasized institutional changes brought about by American advisers to the Hawaiian monarchs and chiefs.

In a one volume history written with A. Grove Day,¹¹

¹⁰ Ralph S. Kuykendall, *The Hawaiian Kingdom*, 3 volumes, University of Hawaii Press, Honolulu, 1938-1967.

¹¹ Ralph S. Kuykendall and A. Grove Day, *Hawaii: A History*, University of Hawaii Press, Honolulu, 1961.

Kuykendall included a narrative of twentieth century history to 1959 when Hawai'i became a state in the American union. In the five chapters on the Territory of Hawai'i, Kuykendall continued the story of the development of a society that became Americanized through the growth of a sugar cane industry based on a plantation system and on technology and science, a public education system periodically expanded and upgraded, a labor force leaving ethnicity behind to identify itself as a class, and a political system reaching toward full democracy. The culmination of these forces for change was reached in 1959 with statehood. His model could be said to have been one of the progressive evolution of the Islands through American institutions of industrialism and democracy.

Two authors have disagreed with Kuykendall on the positive aspects of change throughout Hawai'i's history. Gavan Daws in his one volume history, and Lawrence Fuchs in his twentieth century history¹² challenged the view that the evolutionary process was always beneficial. Both saw the triumph of democracy in Hawai'i as a long and difficult process. The control of an Anglo-Saxon elite over the economy of the Islands extended to political control through its manipulation of a complaisant and unenlightened Hawaiian electorate. Democracy was postponed for a continuation of a feudal-like society in the 20th Century. To both writers democracy triumphed only with the capture of political power in the

¹² Gavan Daws, *Shoal of Time: A History of the Hawaiian Islands*, The Macmillan Company, Toronto, Canada, 1968; Lawrence H. Fuchs, *Hawaii Pono A Social History*, Harcourt, Brace & World, Inc, New York, 1961.

1950s by a new generation of Japanese-American voters and leaders who espoused the ideals of the liberalism of the New Deal. A recent critic called their approach the "liberal-corporate developmental model."¹³

That critic, Noel Kent, has written an interpretive one volume history to place Hawai'i in the context of the expansion of world capitalism. His model, he stated, was that of dependency. By this means he believed he demonstrated that Hawai'i's development after 1778 was dominated by decisions made in the centers of world capitalism, that development was never locally generated and commanded, that local development did not respond to the needs of the local community, that strict stratified class structures developed, and that the mass of the people lived in misery and degradation.¹⁴

Kent began his critique with a statement about the present (1983) condition of the development of Hawai'i. He saw the investment of foreign capital in the major industry, tourism. He saw the local population taking a secondary position in the policy decisions of the industry. He saw the high cost of living in Hawai'i and the inflated real estate costs rising because of foreign investment. Contemporary society turned him to his belief in the dependency model.¹⁵

¹³ Noel J. Kent, *Hawaii: Islands Under the Influence*, Monthly Review Press, New York and London, 1983, p. 2.

¹⁴ *Ibid.*, p. 4.

¹⁵ *Ibid.*, Introduction.

He then examined the past two hundred years of Island history to prove that the relationship of Hawai'i to the world was always that of dependency on capitalist centers. Economic development was controlled by an American Anglo-Saxon elite in merchant trade, sandalwood, whaling and sugar industries. Native Hawaiians suffered "cultural debasement, economic destitution, and a third-rate status in their own homeland."¹⁶ Immigrant workers brought to Hawai'i from Asia were subject to degrading conditions. Racist ideas and policies were used by the elite "to maintain absolute control over the working class."¹⁷ The final result of United States imperialism in the Pacific was the full colonization of Hawai'i with annexation in 1898. Kent did not believe that a state of Hawai'i had changed the Islands' status in any significant way. The "new" era continued Hawai'i's dependency on foreign and non-local forces unresponsive to local needs and desires.

The three histories considered in this report can be written in any of the styles described above. But in each model the Polynesian Hawaiian role in these stories would be slighted. Local adjustments to public policies would be skimmed over. Local individuals, Hawaiian and non-Hawaiian, would be fitted into a template molded by the prejudices of the writer. All actions of individuals can then be judged without consideration of the local context.

The local history model is an analysis of the dynamic

¹⁶ *Ibid.*, p. 32.

¹⁷ *Ibid.*, p.85.

transformation of a Hawaiian society into a western-like one. Political leaders of the chiefly Hawaiian society were adjusting to the new circumstances of their Islands being an important way stop on a major trade route. They adopted political, economic, and social innovations as they received ideas, advice, and pressure from American and European sources. If new relationships are identified as the triumph of the American experience (Kuykendall), or the advancement of civilization over primitivism (Daws and Fuchs), or the degradation of local society by the expansion of world capitalism (Kent); these are secondary considerations for local historians.

By the local history approach the developments on Kaho'olawe between 1826 and 1953 are an integral part of Hawai'i's history as a whole. Each activity has its place in the broader policies of the government. The penal colony resulted once new criminal laws were accepted by the great chiefs. The school was an example of the co-operation between the great chiefs and the American Protestant missionaries to introduce literacy in the Hawaiian language in the Kingdom. Ranching activities reflected the interest of entrepreneurs and the government in developing profitable industries.

Immediately one conclusion emerges: the history of Kaho'olawe is not insignificant and peripheral to that of the rest of the Islands. To island people and island governments, Kaho'olawe has always had value within the Hawaiian context. What that context is and the specifics of the three histories are the subject of this

report.

The method used has been that of the historical method of collecting material, analyzing it, and reaching provable conclusions. It has included a literature search of manuscripts, reports, and printed material; a search for photographs and written material in private hands; the listing of persons for interviews; the reference to experts for advice and assistance; and a site visit.

In the first instance I have had the advantage of the use of the seminal work by Carol Silva, "Kahoolawe Cultural Study."¹⁸ In this important work Silva conducted a careful search in literary sources of all references to the Island from mythological and legendary times to 1970. She has written "a comprehensive body of literary, historical and cultural data,"¹⁹ presented in chronological order. Where I have used her material as background summaries, I have cited her study only. Where I have referred to the original manuscript and/or the articles identified by Silva, I have cited both her study and the original document. A further literature search was also made by me.

Several experts in Hawaiian history, culture and language helped me understand some aspects of the material. Rubellite Kinney Johnson and Edith K. McKinzie assisted with culture, language, and genealogy. Dorothy Barrere shared her bibliographic

¹⁸ Environment Impact Study Corporation, "Kahoolawe Cultural Study," Part 1: "Historical Documentation," by Carol Silva. Prepared for United States Navy, April, 1983.

¹⁹ *Ibid.*, Introduction.

references and her knowledge of the subjects under study. Maui residents Leslie Kuloloio and Charles Maxwell gave information and leads to knowledgeable persons.

I had minimal success in the search for photographs and writings in private hands. References to names of persons who might be informants were made but no individuals were found for interviews.

I have visited Kaho'olawe three times. The first time was in September of 1977 when a group of civilians were taken to the Island by Rear Admiral Samuel Gravely, Jr., commandant of the 14th Naval District, and a contingent of naval officers. The second time was in 1980 between April 24 and 28 when the Hawaii Historic Places Review Board of which I was a member spent those days on the Island. The third time was on June 10, 1992 when I flew to the Island by helicopter and spent most of the day visiting the sites at Kaulana, Kuhe'eia, Ahupu, and Hanakanaea.

In 1980 the director of the Department of Land and Natural Resources, Sus Ono, referred to the Hawaii Historic Places Review Board for review and recommendation the sites on, and the Island of, Kaho'olawe. The recommendation of the Board would be considered by him to make his recommendation for placement of sites and/or the Island on the National Register of Historic Places. As a member of the Board I attended that meeting on the subject of the Island. We suggested to the Director that a recommendation be made to place the whole Island on the National Register.

CHAPTER 1: THE LAND AND THE PEOPLE

He ali'i ka 'aina; he kauwa ke kanaka.

The land is a chief; man is its servant.¹

The story of Kaho'olawe in this study begins with a period when the traditional history of the Islands came together with the history of the expansion of western nations in the Pacific. In the 1770s the great chiefs of the Islands were engaged in wars within their islands and between one island and the next in the chain. The wars between the great chief of Hawai'i Island and the great chief of Maui directly impacted on Kaho'olawe. The latter chief, Kahekili, also controlled the islands of Moloka'i, Lana'i, and Kaho'olawe as part of his Maui domain. In the course of these wars Kalaniopu'u of Hawai'i was able to wrest east Maui from Kahekili. In a later engagement Kahekili regained east Maui. In their contests back and forth the chiefs often contended over the territory of Maui and its adjacent islands.

In 1778 and 1779 after the beginning of these chiefly wars, Captain James Cook and his officers and crew on an expedition of exploration and discovery for Great Britain visited the major islands of the chain and placed them on a world map. He also recorded the Pacific trade route between Asia and the North American continent. By his activities the Islands were open to world communication. In 1786 two British commercial ships and two French naval ships touched at the Islands. The pattern was set: from that time on the Islands were to be visited by commercial ships of the United States and western Europe and naval ships of

¹ Pukui, *op. cit.* No. 531, p. 62.

the major Pacific powers, the United States, Great Britain, and France, and other nations.

The Kahekili-Kalaniopu'u wars were not the only military contests in the period. To the west the chief of O'ahu, Peleioholani, at times challenged Kahekili's control of Moloka'i. Kaua'i with Ni'ihau was under the control of a great chief, Kaneoneo, who was in the midst of an internal war for control of that island complex.² The battles between the chiefs were bitter and decimating. The armies of the contenders lived off the land. The victors destroyed cultivated land and irrigation systems, and stripped the land of food and supplies.³

The condition of the land and the people of Kaho'olawe may have been changed drastically by these wars. The contests between Kahekili and Kalaniopu'u included all the islands under Kahekili's control. Kaho'olawe was visited at least twice by Kalaniopu'u. One report stated that there was not "much booty" at Kaho'olawe, but the intensity of warfare at this time suggests that the land

² Ralph S. Kuykendall, *The Hawaiian Kingdom: Foundation and Transformation, 1778-1854*, The University Press of Hawaii, Honolulu, 1938, I:30.

³ Samuel M. Kamakau in his *Ruling Chiefs of Hawaii* (Honolulu, 1961) related in detail the destructive wars of the 17th and 18th centuries. David Malo in *Hawaiian Antiquities* (Bishop Museum Press Special Publication 2, Honolulu, 2nd edition, 1951) wrote about the methods of warfare. The late Donald D. Kilolani Mitchell of Kamehameha Schools wrote of the intensity of warfare in the old times in his *Resource Units in Hawaiian Culture*, Kamehameha Schools Press, Honolulu, 1982, p. 274 ff.

and the people were harshly treated.⁴

Indeed, George Vancouver in the publication of the narrative of his expedition under the date of March, 1793, described the situation in regard to Kahekili's Islands.

...not only those parts were greatly impoverished and exhausted of supplies for the maintenance of those forces, but the inhabitants being drawn from their homes in the different districts of the country, the land was necessarily neglected, and the produce of the soil was lost for want of people to carry on its cultivation. The war, and the vast supplies that the half famished trading vessels had recently drawn from these islands, had left a very scanty portion for the remaining inhabitants of Mowee [Maui], and the other islands under the authority of Titeeree [Kahekili]....and that Rannai [Lana'i] and Tohowrowa [Kaho'olawe], which had formerly been considered as fruitful and populous islands, were nearly over-run with weeds, and exhausted of their inhabitants....⁵

Vancouver reported the words of Kahekili about the devastation of all the islands in his domain. The wars, he said, had "so humbled and broken the people, that little exertion had been made to restore these islands to their accustomed fertility by cultivation...."⁶ The decimation of Kaho'olawe was also related by Samuel Kamakau who wrote that in his wars of conquest Kamehameha and his fleet remained on Maui for a year "feeding and clothing

⁴ Samuel Kamakau, *Ruling Chiefs of Hawaii*, The Kamehameha School Press, Honolulu, 1961, revised edition 1992, p. 89; Abraham Fornander, *An Account of the Polynesian Race*, Charles E. Tuttle Company, Rutland, Vermont, and Tokyo, Japan, 1969, II:156; Silva, "Historical Documentation," p.2, "Early History-1819," p. 2.

⁵ George Vancouver, *A Voyage of Discovery to the North Pacific Ocean and Round the World, 1791-1795*, edited by W. Kaye Lamb, The Hakluyt Society, London, 1984, III:856; Silva, "Historical Documentation," p. 11.

⁶ Vancouver, III:860-861; Silva, *ibid.*

themseleves with the wealth of Maui, Molokai, Lanai, and Kahoolawe".⁷

The end result of the wars was the unification of the Islands by Kamehameha. In 1795 he had won all the islands except Kaua'i and Ni'ihau. He began immediately to merge the control of these islands into one whole. In reorganizing what was now a kingdom, Kamehameha followed tradition in relation to land control. One of the most important powers of a great chief or an ali'i nui was his right to reassign the control of land among his followers. The process was called a *kalai'aina*.

Greatest among his loyal leaders were the four Kona chiefs Ke'eaumoku, Keaweaheulu, Kamanawa, and Kame'eiaumoku. He gave them extensive holdings on all islands except Kaua'i. He promised them that he would give up the right to change their land holdings and he would allow their heirs to keep these lands. He chose another young chief, Kalanimoku, to be his "treasurer," and agreed not to undertake major policies in regard to land, expenditures and taxes, and criminal procedures without Kalanimoku's agreement. He appointed governors and various officials responsible to him to assist him in preserving his unified state. The four chiefs died before Kamehameha I. He confirmed their land holdings to their heirs and appointed their sons to prominent political positions.⁸ By the time of his death in May of 1819 Kamehameha had succeeded in creating a well organized and functioning Kingdom supported by a

⁷ Kamakau, p. 188; Silva, p. 13.

⁸ Kamakau, pp. 175-176, 184, 189-190.

body of loyal Chiefs⁹ and people.

But would the Kingdom survive after his death? Would ambitious Chiefs begin new wars of conquest? Evidence suggests that the danger did exist.¹⁰ By the end of the year an accomodation had been reached between Kamehameha's son Liholiho and a group of Chiefs, sons and daughters of the four Kona Chiefs and related through genealogy to the Pi'ilani-Kekaulike line from Maui.¹¹ SEE FIGURE 1. The Kingdom was preserved but only after a series of revolutionary changes had occurred.

Liholiho became king as Kamehameha II, but he accepted Ka'ahumanu, his father's favorite wife and daughter of the great Ke'eaumoku, as *kuhina nui* or premier. In her words it was a position where "you and I shall share the realm together."¹²

In order to secure the support of the Pi'ilani-Kekaulike Chiefs, called the Maui Ma, Liholiho agreed that he would not have a traditional redivision of land, a *kalai'aina*. Instead these Chiefs

⁹ For convenience these great chiefs and chiefesses from Kamehameha's time on are referred to with a capital "C" to distinguish them from the many other chiefly persons of lesser rank.

¹⁰ *Hawai'i in 1819: A Narrative Account* By Louis Claude de Saulses de Freycinet, Ella L. Wiswell, translator, and Marion Kelly, editor, No. 26, Pacific Anthropological Records, Department of Anthropology, Bernice P. Bishop Museum, Honolulu, October 1978, pp. 20-23. Freycinet was in the Islands in August of 1819 in the French warship *l'Uranie*.

¹¹ Pauline N. King, editor, *Journal of Stephen Reynolds*, Ku Pa'a Inc., Honolulu, and The Peabody Museum of Salem, Salem, Mass., 1989, p. 88, genealogy prepared by John Dominis Holt. These chiefs are called the Maui Ma (company).

¹² Kamakau, p. 220.

PI'ILANI-KEKAULIKE LINE

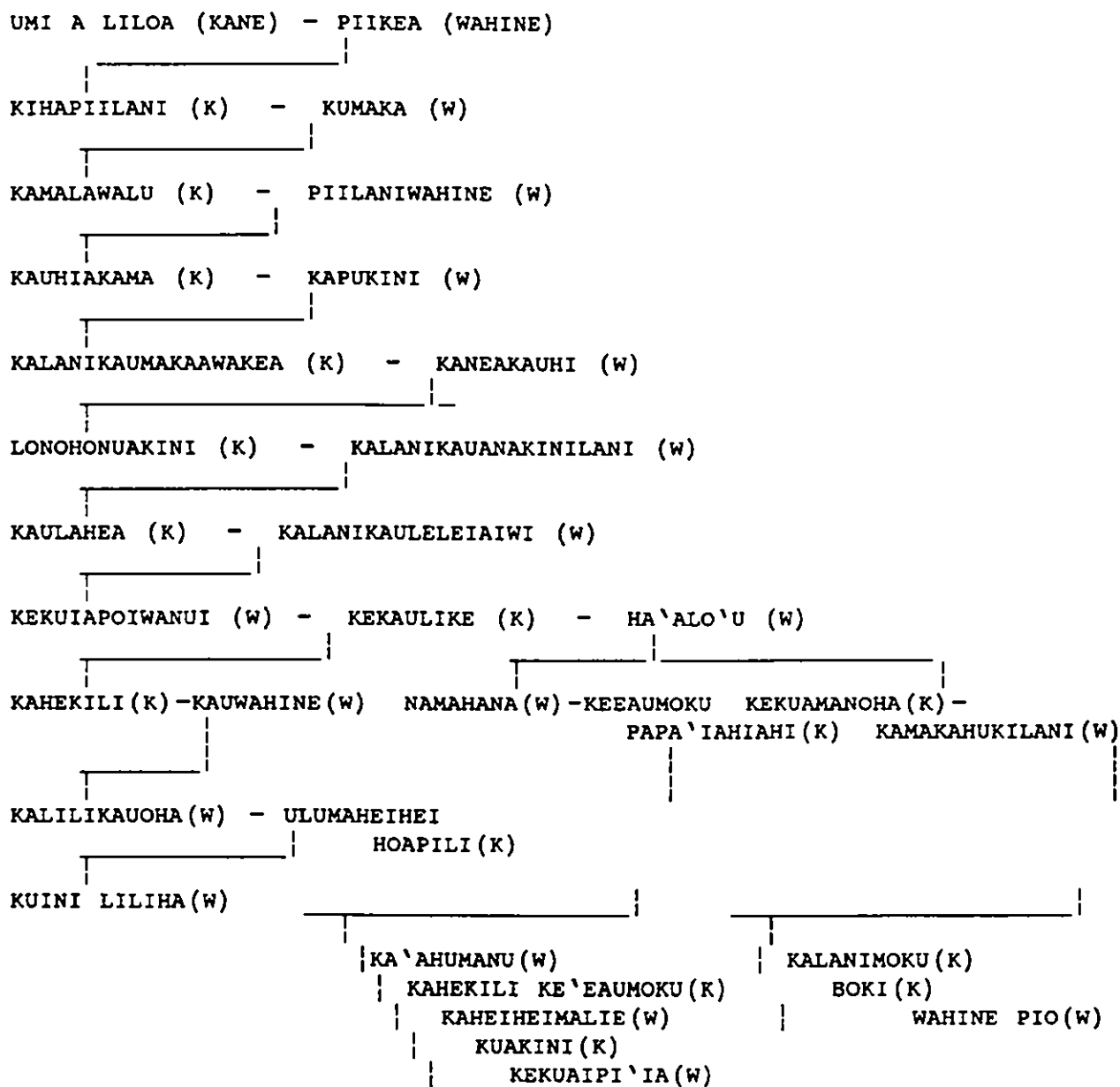


FIGURE 1

kept their land holdings. He also agreed to remove his father's monopolies on all trade with foreigners including the sandalwood trade. Finally Liholiho abandoned the old state religion by breaking the kapu that separated men and women from eating together. A rebellion of traditionalists who refused to accept the new relations was defeated. By the end of 1819 Kamehameha II and the Chiefs of the Maui Ma were in effective control of the Kingdom of Hawai'i.¹³

In the Fall of 1820 Kamehameha II, the Maui Ma, and a large number of attendants and followers moved by slow stages from Kailua, Hawai'i, to Lahaina, Maui, to Honolulu.¹⁴ Thus by February of 1821 many of the new relations of the Kingdom were fully in place. King and Chiefs had accepted the new position of the Islands in the Pacific and, in effect, had joined the world. The focus would be on money, trade, and profit. Ships crossing the Pacific would stop at Island ports. Resident foreigners would settle in new town centers and open merchant houses. Diplomats from world nations would arrive to advise and criticize.

Internally Kamehameha II agreed to share power with the Maui Ma. While he was monarch with his own lands, he did not have the right like great chiefs of the past to take land away from one chief and to re-assign it to another or to collect taxes from their

¹³ Kamakau, pp. 219-220, 225-228, 256; Freycinet, pp. 20-21; Harold W. Bradley, *The American Frontier in Hawaii; The Pioneers 1789-1843*, Stanford University Press, Stanford University, California, 1942, p. 60.

¹⁴ Kuykendall, I:73-74.

land. The Chiefs administered their own lands, appointed their own *konohiki* or land stewards, and reaped the wealth of the resources of their own lands. These Chiefs were also the governors of the four major islands. In that capacity each governor had considerable power independent of the king or *kuhina nui*.¹⁵ In theory significant changes in land holdings and appointment to positions of power had to be referred to the King for his approval. In reality the Maui Ma expected the King's acquiescence in their actions.

If Liholiho weakened his own power, he did guarantee the unity of his Kingdom. The leadership of King and Chiefs represented a strong, organized, and effective government. Another innovation in society proved to be a support of the unity of the Kingdom. It was the arrival in 1820 of American Protestant missionaries of the American Board of Commissioners for Foreign Missions. The missionaries received reluctant permission from Liholiho to remain in the Islands for a year. Soon they had established themselves in the confidence of the Chiefs. In a short time they began to have more and more influence as advisers to the King and Chiefs. By 1825 most of the great Chiefs had joined the church and assisted in the spread of Christianity in the Kingdom. King, Chiefs, and Christianity, bolstered by an active commercial economy, secured the stability and independence of the Kingdom more firmly.

¹⁵ Kamakau, p. 256; Hiram Bingham, *Residence of Twenty-one Years in the Sandwich Islands*, Charles E. Tuttle Company, Rutland, Vermont and Tokyo, Japan, 1981 (first edition 1847), p. 226; W. Richards to Evarts, August 13, 1824, ML V2 pp. 715A-716A.

When Kamehameha II traveled to England in 1823 he designated his brother Kauikeaouli as his successor to the kingship and heir to his lands and Ka'ahumanu to be regent as well as *kuhina nui* until he returned or until Kauikeaouli reached adulthood. With Kamehameha's death in England,¹⁶ the Maui Ma led by Ka'ahumanu remained fully in control of the Kingdom. Even after Ka'ahumanu's death on June 5, 1832, Kamehameha III continued to be dominated by the Pi'ilani-Kekaulike Maui Ma. He accepted as the new *kuhina nui* Ka'ahumanu's niece, Kina'u. The governors, except of Kaua'i, were related by blood or marriage to the same line. SEE FIGURE 2.

The King attempted to assert his superior power when he said "I am superior, and [Kina'u] subordinate,...She is my chief Agent".¹⁷ He was not able to follow his statement with effective policies. In his control of land Kamehameha III was as restricted as his brother. He inherited Liholiho's lands but he was not able to have a *kalai'aina*. The Maui Ma continued in their control of their land holdings. Within a year the King attempted to assert his power as leader and land controller.

At a meeting on March 15, 1833 he announced

These are my thoughts to all ye chiefs, classes of subjects and foreigners respecting this country which by the victory of Mokuohai was conquered by my Father and his chiefs - it has descended to us as his and their posterity. This is more - all that is within it, the living and the dead, the good and the bad, the agreeable and the pleasant - all are mine. I shall rule with justice over all the land, make and promulgate all laws:

¹⁶ Liholiho died in London on July 14, 1824. News of his death reached Honolulu on March 9, 1825. Kamakau, p. 256.

¹⁷ Kuykendall, I:133-134.

neither the chiefs nor the foreigners have any voice in making laws for this country. I alone am the one. Those three laws which were given out formerly remain still in force, viz. not to murder, not to steal, not to commit adultery; therefore govern yourselves accordingly.¹⁸

Another version reads

Here is my thought to all you Chiefs, common people, and foreigners from foreign lands. I am taking unto myself the lands of my father, at Mokuohai, which another had inherited, and also, the lands of others, which are inherited [by them], shall be for them. Furthermore, death and life, to disapprove and to approve, all pleasures, all laws, and all actions in the land, are mine.

King Kauikeaouli¹⁹

Despite the forcefulness of the pronouncement, nothing changed.

Kamehameha III tried other times to have more control over land. Once he argued with Kina'u over his plans to hold a horse race on a Sunday. When she tried to persuade him to give up his plans he said, "Give me the lands and I will give instant order for the arrangements to be stopped. She replied she had not come to talk on the subject of lands but to suppress the violation of the

¹⁸ Kuykendall, I:135. This version was in a communication between two American businessmen. See footnote 9 in Kuykendall. See also Bingham, p. 448.

¹⁹ In the Archives of Hawai'i in the file called "Foreign Office and Executive," there is a handwritten paper in Hawaiian. The translation attached to the Hawaiian is given above. The Hawaiian is as follows: Malaki 14-1833. Ei a kau manao ia oukou e na lii apau a me na ma ka ai na na, a me na kanaka haole o ka a i na e, keawe nei no hoi-ou ina aina o ku u makua kane i['a?] hai kaili, i'a moku ohai nei, o ka ain[a] no hoi Iehai kaili o kola kou mau ma kua, Ia lakou ia, Eiaa ke kahi, o kamak[e] ke ola o ka hewa o ka pono, o nahana lea-[l]a apau, ame no ka nawai ame nahan[?] ka aina a pau, Eia Waleno Iau Na King kauikeaou[?]i. Copy in author's possession.

THE MAUI MA

KA'AHUMANU

KUHINA NUI 1819
REGENT 1823
D. 6/1832

HOAPILI

GOVERNOR MAUI 1824
D. 1/1840

KALANIMOKU

TREASURER 1795
PRIME MINISTER
D. 2/1827

KAHEKILI KE'EAUMOKU

GOVERNOR MAUI 1812
D. 3/1824

BOKI

GOVERNOR O'AHU
D. 1829-1830

KAHEIHEIMALIE

GOVERNOR MAUI 1842
D. 1/1842

WAHINEPIO

GOVERNOR MAUI
GOVERNOR LAHAINA
D. 5/1826

KUAKINI

GOVERNOR HAWAI'I
D. 12/1844

KAHEIHEIMALIE'S DAUGHTERS

KINA'U

KUHINA NUI 1832
D. 4/1839

KEKAULUOHE

KUHINA NUI 1839
D. 6/1845

FIGURE 2

Sabbath."²⁰

Historians have identified Kamehameha III's conflicts with Kina'u in terms of his right to buy possessions. In 1833 it was said to be a brig he wished to purchase.²¹ These writers do not mention his determination to have greater control over the land of the Kingdom. But Stephen Reynolds, an American merchant in Honolulu, reported in his journal "Keaukiolo gave up all his authority to the old Chiefs....The old chiefs to keep the Govt in their hands. He [the King] said He could not keep his authority unless he had a battle." ²²

Some days later the King asked Reynolds and the British consul, Richard Charlton, to witness his words to Kina'u and the Chiefs. Then he said

I have told you, Chiefs, I want Licensed Houses - I want the Lands - all the Lands the Fort - That these I must have - Smaller things, we will settle bye & bye....If you do not give me these, I am a poor man. I am King only in name....Kinau spoke with warmth, and said I am in possession of the Lands and all the property you do bad - when I see you do good - then I Shall give you something. HE said - then I am a poor man....²³

Kina'u died on April 4, 1839. Her position as *kuhina nui* was to pass to Victoria Kamamalu, the daughter of Kina'u. Because she

²⁰ Journal of Levi Chamberlain, July 21, 1833. Typed copy in Archives of Hawaii.

²¹ Kuykendall, I:134; Chamberlain Journal, under date of February 4, 1833; Bingham, p. 447; James Jackson Jarves, *History of the Hawaiian or Sandwich Islands*, London, 1843 edition, p. 273.

²² Reynolds Journal under date of June 15, 1833, typescript in possession of author.

²³ Reynolds Journal, June 24, 1833.

was still a minor, the King appointed Kekauluohi, another niece of Ka'ahumanu, to the position. She was the daughter of Kaheiheimalie. Kaheiheimalie was married to Hoapili, governor of Maui. The two were devout Chrisitans. They controlled large areas of land both in their own right and as guardians for the next generation of Chiefs who were still minors. Those in significant power in the Kingdom were still the Maui Ma. SEE FIGURES 3 AND 4.

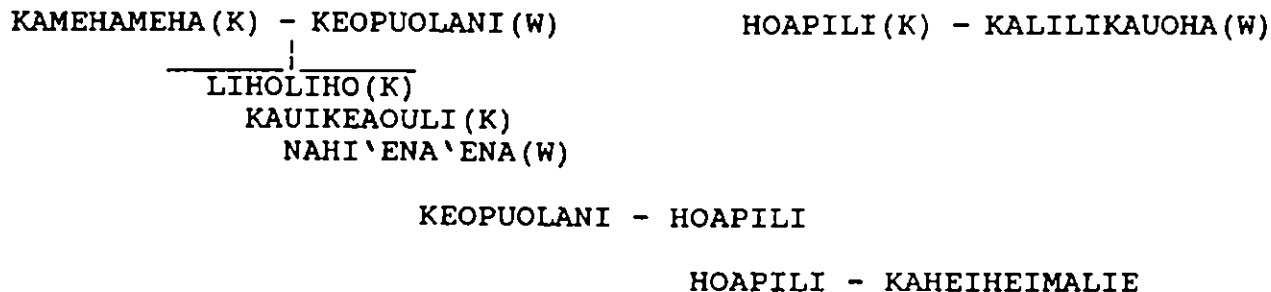
Kamehameha III was still restive under this situation. Late in the year 1839 he made a more vigorous move to acquire the control of a large area of land. The Chief Hoapili was ill and not expected to live. He had received land from Kamehameha, Liholiho, Kauikeaouli, the twin Kona Chiefs his father Kame'eiamoku and his uncle Kamanawa, his daughter Liliha, the governor of Kaua'i Kaikio'ewa, Kamehameha's highest ranking wife Keopuolani, and her daughter by Kamehameha Nahi'ena'na. The land was equal to one-third of the land of the Kingdom.²⁴

On December 11, 1839 at Lahaina Hoapili wrote a will leaving these lands to Kamehameha III. A chief of medium rank and a relative of Hoapili named Kinimaka²⁵ was the intermediary who took the will to the King. On January 1, 1840 Kekauluohi challenged the will. She visited Kamehameha III and presented him with two documents. One was a second will signed by Hoapili dated December 19, 1839. In it Hoapili left his lands to his wife Hoapili Wahine

²⁴ Daily Journal of Miriam Kekauluohi, 1840-1842, pp. 1-9, William Chares Lunailo Collection, Archives of Hawai'i.

²⁵ See Chapter 2 for Kinimaka's genealogy and a description of his crime.

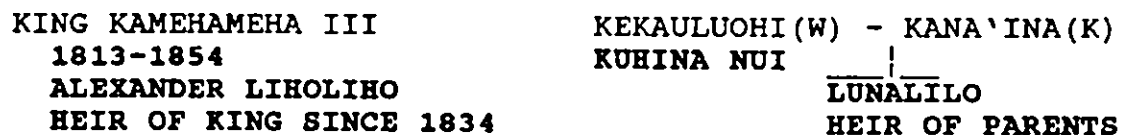
FAMILY INTERCONNECTIONS



IN 1839 HOAPILI WAS THE STEP-FATHER OF KAMEHAMEHA III FROM HIS MARRIAGE TO KEOPUOLANI AND THE STEP-FATHER OF KEKAULUOHI, THE KUHINA NUI, FROM HIS MARRIAGE TO KAHEIHEIMALIE.

FIGURE 3

RULERS OF KINGDOM 1839



IN 1839 THE CONTEST OVER LAND CONCERNED AS MUCH AS ONE-THIRD OF THE LAND OF THE KINGDOM.

FIGURE 4

and to Lota Kapuaiwa (later Kamehameha V). The second was a document of a statement of Hoapili witnessed by three persons and dated December 25, 1839. In it Hoapili confirmed to Kamehameha III his bequest of his lands to Hoapili Wahine and Lot.²⁶ SEE FIGURES 5 AND 6.

On January 1 and January 2 Kekauluohi and her husband Kana'ina conferred with the King, queried Hoapili on his death bed, and questioned Kinimaka. Hoapili denied the will in favor of Kamehameha III. The King claimed that there was a document supporting his claim with the names of witnesses on it. Hoapili denied there was such a document. Kinimaka first said that the document was lost, then denied that it existed. But he did say that Hoapili returned "what is The King's to the King". And he confirmed that he meant land by that phrase.²⁷ Such a return of land to the King was the first step in the process of a *kalai'aina*.

Under close questioning by Kana'ina and Kekauluohi, Kinimaka reversed himself and said that he had himself written the will and affixed Hoapili's X-mark to it without the latter's knowledge. Faced with this evidence Kamehameha III agreed that Kinimaka had lied and that Kekauluohi should take action to try him for his crime. On January 3 Hoapili died. His lands went to his wife and to Lot. Kinimaka was tried and convicted of "lying, false representation, and cheating, and theft." He was sentenced to

²⁶ Lahainaluna Broadside, Foreign Office and Executive and Translations, Archives Hawaii. Typed copy in possession of author.

²⁷ *Ibid.*

TRANSLATIONS

Lahaina, December 11, 1839

My love to you Kauikeaouli, Kamehameha III. Here is my wish to you. I am almost dying; I bequeath to you my lands of the Chief Kamehameha, of Liholiho and of Kauikeaouli, from Hawaii to Kauai unto you together with the lands of Liliha, with the lands of Palekaluhi held by me, to be yours. I have no heir my heir is dead, you are therefore the heir. Your property reverts back to you and the servants which are also yours. Here are your lands, those of Kamahoe, those of Kai and those of Harieta. These are your lands. It is finished.

I William Hoapili X
Have returned them to the King.

Maui, Lahaina, December 19, 1839.

The request of Hoapili Kane to Hoapili Wahine and Lot. The old house from our parents, and from our Lords to our grandchildren; let our Niece Auhea [Kekauluohi] know of this however.

HOAPILI

Subscribed by the hand of Hoapili Kane.

Witness:

DAVID MALO

MAUI, LAHAINA, DECEMBER 25, 1839

The request of Hoapili Kane to Kauikeaouli in regard to his heirs Lot and Hoapili Wahine.

My love to you. Where are you? Maintain Gods rights with patience that your Nation may endure at length.

Here is another thing, the Lands of your elder brother and your sister, those which I lived on; I leave to my wife, the younger sister of Liliha your grandmother, this I wish you to hear, but it is however as you think. The house from our parents and from our lords, goes to our grand child, he is to be your servant your younger cousins.

Did not Auhea tell you? The King replied, No! Hoapili answered him, it is written.

Witness:

MAKAIKE

NAKEAHUALAAUMOKU

KAUMAHALUA

FIGURE 6

live for five years on Kaho'olawe.²⁸

Again the Kamehamehas, Liholiho and Kauikeaouli, were prevented from regaining sovereign control over the kingship and the land by the Maui Ma. In 1840 Kamehameha III achieved a partial restoration of the authority of the kingship by the adoption of a written constitution. American Protestant missionaries had advised the King and Chiefs for some time about the important western tradition of such a political document. They had also established in 1831 the Lahainaluna Seminary above Lahaina, Maui as a school to teach Hawaiians to become teachers to their own people. Out of the Seminary came the new political documents formalizing the structure of the Kingdom. The Reverend William Richards was the most influential of the missionaries in this endeavor. Hawaiian students at the Seminary were also involved, especially Boas Mahune.²⁹

In this first constitution Kamehameha III became the superior political authority in the Kingdom. In the explanatory declarations, the Constitution stated that Kamehameha I founded 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. Wherefore, there was not formerly, and is not now any person who could or can convey away the smallest portion of land without the

²⁸ *Ibid.* See Chapter 2 for details of Kinimaka's trial, sentence, and experience on Kaho'olawe and later.

²⁹ Kuykendall, I:167-169; L. A. Thurston, *Fundamental Law of Hawaii*, Honolulu, 1917, Preface.

consent of the one who had, or has the direction of the kingdom.

These are the persons who have had the direction of it from that time down, Kamehameha II, Kaahumanu I, and at the present time Kamehameha III. These persons have had the direction of the kingdom down to the present time, and all documents written by them, and no others are the documents of the kingdom.

The kingdom is permanently confirmed to Kamehameha III, and his heirs, and his heir shall be the person whom he and the chiefs shall appoint, during his life time, but should there be no appointment, then the decision shall rest with the chiefs and house of Representatives.³⁰

These statements did not reflect the reality under which Liholiho and Kauikeaouli lived. But it did indicate the revolution that began the assertion of the power of Kamehameha III over the great Chiefs. Here and in the land change of 1848 the King was able to reach that objective he spoke of when he said, "all are mine, I alone am the one."³¹ In the following provisions of the Constitution the King was named the chief executive, he was one of the sixteen listed members of the House of Nobles, the people selected the members of the House of Representatives by sending memorials to the King for his approval, and he was named as one of the six judges of the Supreme Court.

The old Chiefs and many lesser chiefs did not want the constitution and laws emanating from a central government. Most of the powerful great Chiefs were dead, however. One of the last of the old timers Kuakini, governor of Hawai'i Island, did not

³⁰ Kingdom of Hawai'i, Constitution of 1840, English language copy in possession of author. This constitution was written first in Hawaiian and then translated into English. All other constitutions were written in English first and then translated into Hawaiian.

³¹ See pages 22-23.

understand the new document and continued to administer his Island as he had all along until his death in 1844. He expressed the attitude of his generation of Chiefs when he said, "Let me eat the moneys of Hawaii until I am dead, then the wealth may go back to the government."³²

Finally by the Mahele of 1848 Kamehameha III separated his interests in land from that of the Chiefs and the government. After 1848-1850 the Kingdom had a system of private and public ownership of land. The history of the Mahele, the *kuleana* grants, and the right of foreigners to own land in the Kingdom does not belong in this report. It is important primarily to set the island of Kaho'olawe in the context of land management.

Before about 1843 or 1847, Kaho'olawe continued to be part of the administration of the Maui governor. Thus, from 1819 to the 1840s Kaho'olawe was ruled by the governors of Maui, all of them part of the Maui Ma. Their powers were considerable. It was said

The governors of islands and chiefs of districts are entitled, by their offices, to an exercise of all the prerogatives of royalty in their respective limits. They each, like the king, have their annual tribute from the people; and, like him, hold the lives and property of all under them at caprice.

All the chiefs have large landed estates under the king; and derive their support from yearly taxes upon them. Like the king and governors, they have every right, even to that of life, over the occupants of their plantations, and all their people.³³

³² Kamakau, pp. 369-371, 391.

³³ C. S. Stewart, *Journal of a Residence in the Sandwich Islands, During the Years 1823, 1824, and 1825*, Reproduction of Third Edition of 1830, University Hawaii Press for Friends of the Library of Hawaii, Honolulu, 1970, pp. 132-133.

In 1812 or 1813 Kamehameha I appointed the son of the Kona chief Ke'eaumoku, Kahekili Ke'eaumoku, governor of Maui and the adjacent islands. Not only was he a supporter of his sister, Ka'ahumanu, but he became an advocate of the missionaries. He was particularly interested in instruction and was one of the first of the Chiefs to establish a school for the instruction of his household and immediate followers. On January 7, 1822 it was Ke'eaumoku who pulled the lever of the Ramage press of the missionaries to print the first page of the Hawaiian language to appear in print.³⁴

At his death in March of 1824, his cousin Wahinepio became governor. Although she had joined the Chiefs in learning the new religion and instruction, she remained indifferent to the new rules guiding moral behavior. Ka'ahumanu wrote to her

Love to thee, Wahinepio, this is my communication to you. I have to-day heard of the evil-doings of our people night after night; their noisy revelling, at midnight, among those who wish to sleep. Even the house of God is defiled by their evil-doings. I much regret this evil. We chiefs ought to counsel our people and oppose this evil-doings, and to regard with care, the house of God, built for the praise of Jehovah. My communication is ended.³⁵

Apparently Wahinepio did not change her ways. The Chief Hoapili may have replaced her in 1824, if so, it probably would have been in late summer or early fall after he had returned from his participation in a rebellion on Kaua'i in August. The Reverend Hiram Bingham claimed that Ka'ahumanu appointed Hoapili over

³⁴ Stewart, note, pp. 275-278; Bingham, p. 156; Albertine Loomis, *Grapes of Canaan: Hawaii 1820*, Hawaiian Mission Children's Society, Honolulu, 1951, p. 148.

³⁵ Bingham, p. 226.

Wahinepio. But Wahinepio was the sister of Kalanimoku and Boki. Moreover, the powers of the governors were so great this interpretation does not seem likely. Even Ka'ahumanu, *kuhina nui* and regent, told the missionaries on Maui that she could only give advice there since she was not "acting Governor." She said she would speak to the Chiefs on the subject of supporting the schools, and give "positive orders" to her own people.³⁶

Perhaps the Chiefs together convinced Wahinepio to take the district governorship of Lahaina and leave Maui and its adjacent islands to Hoapili as governor.³⁷ The writings of missionaries and other journal writers leave the picture unclear. Several references to Wahinepio after 1824 refer to her as governor of Maui. Reynolds noted the news of her death but did not identify her as governor.³⁸ Wahinepio died in May of 1826. Soon after that date Hoapili was governor of Maui and surrounding islands.

The important point here is to determine the authority as governor of Maui including Kaho'olawe at the time that a penal colony (1826) and a school (1828) were established on the Island. Whoever was governor would have appointed his own agent on the island of Kaho'olawe. In June of 1826 Richards referred to a

³⁶ Bingham, pp. 205, 226, 275; Richards to Evarts, August 13, 1824, ML V2 pp. 715A-716A; Kamakau, pp. 266-269.

³⁷ Stewart, p. 275. He refers to Wahinepio as governess of Lahaina. Bingham, pp. 274-275, 313. Kamakau states Hoapili succeeded directly after Ke'eaumoku in March of 1824, p. 262. The Archives of Hawai'i catalogue listing governors of Maui gives both 1824 and 1826 as the date of Hoapili's accession as governor.

³⁸ King, ed., I:128, 134, 135, 137; Chamberlain, under date July 27, 1825.

"governor" of Kaho'olawe.³⁹ Hoapili was governor of Maui then. He was a Chief who co-operated fully with Ka'ahumanu. In 1831 he sided with her and other Chiefs against his own daughter, Liliha.⁴⁰ He was a devout Christian and supported the Mission in its religious and educational activities.

He married as his second wife Keopuolani, the highest ranking Chief in the Kingdom, an eager follower of Christianity, and one of the first of the Chiefs to be baptized. After her death in 1823 he married Kaheiheimalie, Ka'ahumanu's sister. She was as devout as he and adopted the name Hoapili Wahine as recognition of the custom of a Christian marriage. After his death in January of 1840 she followed him as governor of Maui and its islands. With her death in January of 1842, the Maui Ma as governors of Maui ended.

In 1842 Keoni Ana or John Young, Jr., was chosen governor of Maui and its satellite islands through the influence of his close friend, Kamehameha III.⁴¹

About the same time Kauikeaouli and the Chiefs began the planning in regard to land change. In 1843 the Chiefs started to make lists of their land holdings.⁴² In 1846 three Organic Acts were passed by the Legislature to organize the government of the Kingdom. The Second Act of Kamehameha III was An Act to Organize

³⁹ William Richards Journal at Lahaina, to Evarts, ML v.2, pp. 740a-741a.

⁴⁰ Kamakau, p. 297ff.

⁴¹ Kamakau, p. 297.

⁴² Kingdom of Hawaii, Journal of the Legislature, 1843; Laura Fish Judd, *Honolulu, 1828-1861*, 1928 edition.

the Executive Departments of the Hawaiian Islands. Each Island was divided into districts for "purposes of education and moral suasion." Maui was divided into six districts. The first district placed the Island of Kaho'olawe in with the Maui areas of Kahakuloa, Ka'anapali, Lahaina, Oloalu, Ukamehame.⁴³

By 1847 government records listed Kaho'olawe as belonging to Kamehameha III.⁴⁴ In the Mahele Book Kaho'olawe is listed as one of the lands that the King gave over to the Government. And in "An Act Relating to the Lands of His Majesty the King and of the Government," passed by the Legislature on June 7, 1848, Kaho'olawe was listed as belonging to the Government.⁴⁵ SEE FIGURE 7.

From that time on the sale or lease of Kaho'olawe was a matter for the decision of the central government in Honolulu under the Department of the Interior. The Privy Council also appeared to take up the issue of the sale or lease of the Island. It is from 1849 on that the Island was considered by individuals as a potential place for development for agricultural or ranching activities. In all applications to the government, only the lease of the Island was considered. All applications for sale were refused.

In 1858 the first lease of Kaho'olawe was sold at public

⁴³ Copy of Act in author's possession, passed April 27, 1846, p. 204 of Kingdom of Hawaii, *Session Laws*.

⁴⁴ Silva, "1820-1849," p. 37.

⁴⁵ Mahele Buke, p. 206. Certified hand written copy of Mahele Book in authors' possession. Kingdom of Hawaii, *Session Laws*, 1848, p. 393. Silva, p. 38.

auction. Plans were made to turn the Island into a sheep ranch. From then until World War II, Kaho'olawe was used as a livestock ranch. During this period the environment of the Island of Kaho'olawe changed drastically. There were almost no trees on the Island. What little vegetation there was was sparse and low growing. Erosion had advanced to make the island often covered in a cloud of red dust. Some areas had eroded down to the hard pan. Rainfall came in heavy storms that advanced soil loss. During many months no rain fell at all.

Manuscript materials indicate that the environment did change dramatically in this modern period, 1750 to 1941. Moreover its deterioration had occurred swiftly and progressively. That decline was caused directly by the uses to which the Island was put from 1858 on.

What was the condition of the Island before the date of the first ranch in 1858? How did Kaho'olawe become designated as a livestock ranch?

The life of the residents between 1750 and 1858 was based on traditional activities of fishing and agriculture. At 1750 the population was about 300 persons.⁴⁶ The pattern of living was on a semi-permanent basis at that time. The waters surrounding Kaho'olawe were rich fishing grounds then as they are now.

A. D. Kahalelio described the offshore grounds, those in

⁴⁶ Robert J. Hommon has worked out a model to estimate the population of Kaho'olawe in his archaeological work on the Island. See, for example, "Multiple Resource Form for the Historic Resources of Kaho'olawe.: Item 7, National Register of Historic Places, Washington, D. C., 1980.

inshore waters, and on the rocky shorelines in an article in a Hawaiian language newspaper in 1902.⁴⁷ Kahaulelio was born about 1837 in Lahaina and fished the area for forty-one years. He followed in the tradition of his grandfather and father as a fisherman. His grandfather began his trade about 1825. Thus, the reminiscences of Kahaulelio reach back into the past.

He wrote of long line fishing and net fishing in the offshore grounds, net and pole fishing in inshore water, and the gathering of small squid and *opihi* at the rocky shorelines. Such richness would attract many Hawaiians to reside on Kaho'olawe.

Vegetables and sweet potatoes grew there. Taro did not. Instead residents traveled to Maui to trade fish for *poi* or *pa'i ai* (hard poi). Kahaulelio said his family exchanged their fish at Lahaina. Prisoners on Kaho'olawe traveled to Makena and other villages in Honuauia to steal vegetables and taro in the 1840s.⁴⁸

A custom of Hawaiians was to suspend work during the heavy rainy season. In Pukui's work on proverbs and sayings it is clear that during the months of heavy rains and storms Hawaiians retreated indoors and remained until the season was over. The saying *Ho'opio 'ia e ka noho ali'i a ka ua* she translates as "Made prisoner by the reign of the rain," and interprets it to mean "When

⁴⁷ A. D. Kahaulelio, "He Mau Kuhikuhi No Ka Lawaia Ana," (Fishing Lore) in *Nupepa Kuokoa* from February 18, 1902 to July 4, 1902. A copy of the articles and a translation by Mary Kawena Pukui are in the Ethnographic Notes Collection at the Bishop Museum. Excerpts from the translation are in my possession.

⁴⁸ Kahaulelio; see McAllister quote in Introduction; Silva, pp.3, 32.

the rainy season comes, one is kept indoors." Another is *Hana ka uluna i ka paka ua* that she translates as "Prepare the pillow when the rain drops appear," and interprets as "Get ready for a period of rest; when a storm came, farming and fishing were suspended and the worker remained at home either resting or doing little chores." Other sayings show that Hawaiians associated winter and heavy rains with "hard times," "grief," "unpleasant situations," and "troublesome days."⁴⁹

For the residents of Kaho'olawe the winter months were indeed hard with strong winds and drenching rains. During this time of severe storms residents left the Island for Maui and, perhaps, for other islands. Winter on this island might be from October through May. But this did not mean that the residents spent a set number of months on the Island and the remainder of the year elsewhere. They might remain for most of the year and leave only when the rains actually started.⁵⁰ Hawaiians judged when to leave the Island by the signs in nature that announced to them the onset of winter that particular year.

The fact that the best time of year for long line fishing was between October to March was an important consideration in determining their departure. These grounds lay between Lana'i,

⁴⁹ Pukui, pp. 52, 55, 118, 300, 306.

⁵⁰ W. F. Allen Report, May 31, 1858, R. C. Wyllie Collection, Archives Hawaii; Alfred L. Lomax, "Geographic Factors in Early Sheep Husbandry in the Hawaiian Islands (1791-1870)," Hawaiian Historical Society, Annual Report, 1939, pp. 29-54; Silva, p. 55.

Kaho'olawe, Ukumehame, and Lahaina.⁵¹ Each year the vagaries of nature commanded Hawaiians' behavior. Thus, the comments of foreigners that the population was "transient," or that the Island was "uninhabited" were based on observations made without a knowledge or understanding of Hawaiian culture.

Despite the advantages of an abundance of ocean products, residents did suffer from an arid climate. Kaho'olawe's position in relation to Maui isolated the smaller island from a rainfall sufficient for heavy vegetation. The scarcity of water on Kaho'olawe was a constant theme. Most of the rains came with Kona storms in the winter months. Then streams were filled with water only to dry up later. There were few wells with fresh water. Brackish water wells had limited uses.

These conditions existed at 1750. Still Kaho'olawe was covered with a dense growth of foliage and trees, grasses and shrubs, and cultivated plants. Vancouver said that the Island in the time of Kahekili had been "fruitful and populous." It was the violent wars between Kahekili and Kalaniopu'u that had laid waste to the land and caused a decline in population.⁵²

Residents continued this pattern of semi-permanence to 1858 even after the Mahele when land was available for private ownership. In that year three fishermen informed a government agent that they desired "to purchase some acres of land...on the seashore, thirty acres, if the Government consents to sell to them

⁵¹ Kahaulelio.

⁵² Vancouver, III:856.

for half a dollar an acre." The next year some fishermen told an investigator for a rancher that they were "anxious to remain here, and some of them are willing to be employed as shephards."⁵³

Once Kaho'olawe was developed as a ranch, the resident population declined sharply.

KAHO'OLAWE POPULATION⁵⁴

1805	1828	1831	1832	1836	1837
160	28	32	80	80	20
1840	1841	1853	1857	1858	1866
80	17	with Kahakuloa	15	50	18
1875	1900	1910	1920	1930	1940
12	0	2	3	2	1

In the census figures for the 1900s the residents were identified as ranch employees. Hawaiians following a traditional lifestyle disappeared from Kaho'olawe.

Once the Mahele had been adopted the Island of Kaho'olawe became the property of the government of the Kingdom. The economy was expanding in the development of new commercial agricultural production and livestock raising. In agriculture sugar cane, coffee, and rice were becoming important exports. In livestock ranches for sheep and cattle, animals introduced to the Islands, increased in number.

⁵³ Silva, p. 51; Allen Report.

⁵⁴ Figures are taken from Robert C. Schmitt, *Demographic Statistics of Hawaii: 1778-1965*, pp. 42, 116; Silva, "1850-1899," p. 59; Rowland B. Reeve, "Na Wahi Pana O Kaho'olawe: The Storied Places of Kaho'olawe," Preliminary Draft Prepared for the Kaho'olawe Island Conveyance Commission, 1992, pp. 252-253.

Travelers in the Pacific whether explorers or commercial sea captains carried with them animals and plants to leave at their ports of call. The first touch with the external world in January of 1778 began the process. Captain Cook left goats, English breed pigs, and seeds of melons, pumpkins, and onions at Ni'ihau. In the next few years travelers brought more goats, turkeys, sheep, cattle, and horses as well as plants and seeds.⁵⁵ The habit of giving gifts to Chiefs was part of the new relationship between Hawai'i and the West.

What was the object in this world transfer of animals and plants? Was it a selfish reason to provide food for future visits by western trans-Pacific ships? Was it altruistic to improve the diet of the Hawaiians? Was it part of a civilizing mission to introduce the peaceable pursuit associated with a pastoral and farming life? Alfred L. Lomax speculates that it was all of these motives.⁵⁶

To Hawaiians the gift of exotic plants and animals was highly prized. In society Chiefs were the monopolizers of luxury goods. Chiefs desired any possession that was unique and new. These objects were symbols of their rank, indeed, of their very place in command of society. Vancouver reported many times the reaction of Chiefs. Kalaimanahu thought the "presents...highly suitable to his rank, and which were accepted with great approbation and content".

⁵⁵ J. C. Beaglehole, ed., *The Journals of Captain James Cook*, The Hakluyt Society, Cambridge University Press, 1967, III:276, 1235, 1349; Kuykendall, I:40-41; Vancouver, III:871.

⁵⁶ Page 31.

Ka'iana asked "in a surly tone of voice, why I gave that man so many things and himself so few?" Keaweaheulu, when he was denied gifts, was humiliated: "This exception was no small mortification to his pride, nor disappointment to his interest". Ke'eaumoku "was very anxious to obtain" Vancouver's products and "with these valuables he appeared to be highly delighted". Vancouver felt that "It was a great pleasure to observe the avidity with which all the chiefs...sought after the...productions we had brought".⁵⁷

Neither giver or recipient questioned the value of these exchanges.

By the 1820s animal life had multiplied. Visitors reported seeing many cattle, horses, goats, turkeys, geese. Some Hawaiians and resident foreigners kept herds as business ventures for profit.

By the 1840s Hawai'i's society had accepted economic development as a value to pursue and livestock ranches part of that developemnt. Kamehameha I and the Chiefs had supported commercial activities. They themselves had profitted from the sandalwood trade and supplying food and tools to sailing ships. The monarchy under the Kamehamehas believed in trade and profit. The American Protestant missionaries in their advisory capacity to King and Chiefs advocated economic growth. They believed that industriousness and the disciplined life associated with commerce were essential to the growth of a Christian and civilized life. In 1840 one of the earliest ranches was started probably stocked

⁵⁷ Vancouver, II:451; III:806, 832, 1794.

with sheep on O'ahu.⁵⁸

By 1850 the concurrence of factors brought Hawai'i dramatically into the contemporary western world in the Pacific. Land change had opened the Islands to developemnt. The California gold rush in the 1840s and California's statehood in 1850 opened a huge market that Hawai'i might supply.

Hawaiians and foreign residents expanded their efforts to establish profitable businesses. Some indication of exports connected to livestock is below.⁵⁹

	1844	1845	1846	1847	1848	1849	1850	1851
Hides no.	2536	940	2006	3452	1927	2512	20241	2172
Goat Skins no.	30837	9918	35000	20360	31180	31488	24983	26717
Tallow lbs.	*	4000	*	17236	4180	17403	3703	4588

The pursuit of commercial agriculture was formalized with the organization of the Royal Hawaiian Agricultural Society in 1850. Prominent foreign residents sent out a call for "all farmers, planters, graziers, and other persons interested in the formation of a Society for the promotion of Hawaiian Agriculture" to plan the organization. The verbiage used then and throughout its existent was positive, optimistic, and progressive. Such expressions as "brilliant prospects opened" by land change and the settlement of California, "a new day" for Hawai'i, "a great opportunity", "the most flourishing prospects".⁶⁰

⁵⁸ Lomax, pp. 35-46.

⁵⁹ Royal Hawaiian Agricultural Society, *Transactions*, Honolulu, 1852, I:3:90, hereafter cited as RHAS.

⁶⁰ RHAS, *Transactions*, I:3:11; Kuykendall, I:327-334.

The membership numbered one hundred and seventy-nine and of that number eleven were Hawaiians. By nationality almost half were Americans, a large number were British, the rest were other Europeans. All represented the most influential persons on every island in the Kingdom.

William Little Lee was president for the first five years. Lee arrived from New York in 1846 with his friend Charles R. Bishop. One of only two trained attorneys in the Kingdom he was invited to join the Government. From 1846 until his death in 1857 Lee was one of the most influential persons in the Kingdom. He was trusted by the Kamehamehas, respected by the foreign resident community, and responsible for some of the most radical of the legislation transforming Hawai'i.

Robert Crichton Wyllie was also a charter member of the Society. A prosperous Scotsman he arrived in 1843 and within two years joined the Government as a trusted advisor, particularly in foreign affairs.

Hawaiian members were all close to the Government. Keoni Ana was minister of the interior. The others were G. L. Kapeau, L. Kuokoa, J. Pi'ikoi, A. Paki, S. La'anui, P. Kanoa, S. M. Kamakau, J. Kalo, Z. Ka'auwai, and John 'I'i.

The Society was blatantly western oriented with an advertised bias toward the superiority of western civilization. In 1852 Elisha H. Allen gave an address to the annual meeting of the Society. At the time he was the American diplomat to Hawai'i with the title of consul. He said in part

It is an illustration of the Anglo-Saxon Mission in its progress around the globe, that it should pause here for a day, and make a garden in the sea, which would attract and cheer, and cherish all who are voyaging on its expansive waters.⁶¹

It was under the auspices of the Society that the first large scale immigration of workers came to the Islands. Almost two hundred Chinese arrived in January 1852. It was the work of Lee and the Society that the Legislature passed "An Act For the Government of Masters and Servants." The act established contract labor with penal sanctions for the Kingdom. It became the avenue for mass scale immigration to Hawai'i. The law also covered Hawaiians in the work force as well as foreigners.

How effective were the Hawaiians as members?⁶² Studies of Hawaiians in business have not yet been written.

The Society formed committees to investigate all aspects of the business: capital requirements, labor problems, soil characteristics, technological information, and the like. One effort of the committees was to study how to improve the breed of cattle, horses, swine, sheep, and poultry. A committee on sheep was formed and reports were submitted at the annual meeting. At these meetings⁶³ issues arose: should sheepmen concentrate on the

⁶¹ RHAS, *Transactions*, I:3:25.

⁶² In the three models of world history referred to in the Introduction, interpretations might be as follows. "The successful economic development of Hawaii was accomplished by Americans 1) working with and through Hawaiians (Kuykendall); 2) in spite of Hawaiians (Daws and Fuchs); 3) by degrading Hawaiians (Kent)."

⁶³ The seven reports of the Society are one of the most valuable sources of information about the agricultural industry in the Kingdom.

production of mutton or wool or both; should not Hawaiians make flannel cloth for themselves to wear in clothing; how best to control the wild dog problem; why not use the high wastelands of the islands for sheep raising? Allen expressed it "What then will you do with the vast amount of mountain land? Can you do better than to cover it with bleating herds and cheerful shepherds?"⁶⁴

The impetus for entrepreneurial activity in Hawai'i and the knowledge gained about ranching led the Government to lease Kaho'olawe for this new venture.

Goats were already on the Island. They were reported in the wild on the Island in 1850. By 1858 there were many wild goats as well as wild hogs and dogs. But exactly when goats arrived is unclear. In March of 1793 Vancouver presented Kahekili "some goats; and these being the first foreign animals imported into Mowee, were regarded as a most valuable present."⁶⁵ It is unlikely that the Chief would have allowed any number of such a valuable possession to be taken to the outskirts of his kingdom.

Visitors to the Island before 1850 did not report the sighting of goats. In 1841 when American sailors hiked over the Island, they saw many tracks of wild hogs and one wild hog. Goats were not mentioned. In the stories of the penal colony between 1841 and 1843, it is reported that the prisoners were often starving because of the lack of food available on the Island. Most of their food came from Maui. No report stated that wild goats were available

⁶⁴ Lomax; RHAS, *Transactions*, I:3.

⁶⁵ Allen Report; Vancouver, II:871; Silva, p. 42.

for food.⁶⁶ The evidence is not conclusive, of course. But for the purposes of this report, it is speculated that goats were taken to Kaho'olawe sometime between 1843 and 1850.

In the spring of 1859 sheep were introduced for the Wyllie-Allen ranch. After that ranch companies introduced horses by 1876, cattle by 1884.

Once public land had been created by the Mahele applicants wrote to the minister of interior to buy or lease the Island or portions of it. For the first eight years the Government denied all requests. A cursory look at the applicants indicate that none of them were important enough in Kingdom society to be granted the right to control a whole island. Who were these men?

Zepheniah Ka'auwai of Maui tried twice to acquire control of Kaho'olawe. In March of 1849 he wrote to the Minister of the Interior Keoni Ana requesting to buy the Island in fee simple for \$400. He planned to farm produce there, he said, and expected to become self-sufficient on the land. His offer was denied. In August of 1854 he applied again, this request to lease the Island for \$200 per year. Again he was denied the opportunity to control Kaho'olawe.⁶⁷

By examining the Ka'auwai requests and denials perhaps some indication of government policy can be made. At first glance Ka'auwai would seem to be a man whose political power and influence would guarantee the acceptance of his application. In the first

⁶⁶ Silva, pp. 35, 36-38.

⁶⁷ Silva, pp. 38-39, 48.

legislature of the Kingdom under the first constitution, Ka'auwai was one of only four members of the new House of Representatives. He was elected from Maui as was Samuel Kamakau.⁶⁸

He was chosen by the Minister of the Interior Keoni Ana to be one of five original members of the Board of Commissioners to Quiet Land Titles. That Board made decisions on land claims presented to it. If it decided the claim was valid it granted Land Commission Awards "defining in each case the character of the title and giving the boundaries of the land covered by the award."⁶⁹ The Board was the most important agency in the massive change of land control from the traditional Hawaiian land system to that of private property in the western sense. He served from February 7, 1846 to March 21, 1850.

He was picked by Ulumaheihei to organize the building of a large stone church in Lahaina. He continued public service as a representative in the legislatures of 1851, 1852, 1854, and 1855.⁷⁰ He appeared to have all the attributes of the modern Hawaiian in a new Hawai'i. But his experience indicates that the "new" Hawai'i was still guided by the chiefly ethic.

Important as he was, he was not, however, a person of high rank. He was an assistant, a "servant," of the Chiefs: of Ulumaheihei in his Christian activities, of Keoni Ana and

⁶⁸ Kingdom of Hawaii, Journal of the House of Representatives, April 5, 1841.

⁶⁹ Kuykendall, I:280-281.

⁷⁰ Roster of the Legislatures of Hawaii, 1841-1918; Kamakau, p. 356.

Kamehameha III in land transformation. It was Keoni Ana who first denied his offer to buy on March 5, 1849. A week later the Privy Council confirmed the rejection. That Council was made up of Kamehameha III, his ministers G. P. Judd, Robert C. Wyllie, Keoni Ana, Richard Armstrong, and the Hawaiians Paki, Kana'ina, Kapa'akea, John 'I'i, and Kaeo.⁷¹ The westerners, subjects of the Kingdom, represented powerful interests. Judd and Armstrong were former members of the American Protestant mission; Wyllie had firmly established his role as the Kingdom's negotiator with foreign powers. All the Hawaiians were related to Kamehameha III by blood or marriage.

In 1854 his lease request was denied by the same minister of the interior and a privy council made up of Keoni Ana, Wyllie, Armstrong, and Elisha H. Allen. When Allen's term was up as American consul in the fall of 1853 he joined the Government of the Kingdom as finance minister.⁷² He was trusted by Kamehameha III and the King's adopted son and heir to the kingship, Alexander Liholiho.

About the same time, in September, the Privy Council denied the application of Charles Coffin Harris to lease the Island. His "petition was politely declined."⁷³

C. C. Harris was an example of a new phenomenon becoming more

⁷¹ Silva, pp. 38-39; W. D. Alexander, *A Brief History of the Hawaiian People*, New York, 1891 and 1899, p. 340.

⁷² Kuykendall, I:415; Silva, p. 48; Alexander, p. 340.

⁷³ Silva, p. 49.

frequent in the Kingdom. He was the foreign resident, the recent arrival who immediately took advantage of the opportunities presented by the recently formalized Hawaiian Kingdom.

Harris was born in Portsmouth, New Hampshire in 1822. A graduate of Harvard University in 1841, he was a teacher for a few years before he left to mine for gold in California and to operate a schooner. In 1850 he arrived in Honolulu to open a law practice.⁷⁴

He was both "resourceful" and "perservering" as well as "overpositive" and "excessively persistent". In 1854 he was elected to the House of Representatives. In the 1852 Constitution subjects or denizens (persons who had taken an oath to uphold the Kingdom's Constitution without giving up their citizenship in the country of origin) with one year residence in Hawai'i were eligible to be elected to the House.⁷⁵

Many foreign residents and foreigners who had become either subjects or denizens were loyal and capable members of Hawai'i's society. In Harris's case in 1854 he was in disrepute with the monarchy and the Privy Council. In that year a serious move had been made by resident foreigners to annex Hawai'i to the United States. Harris had been actively involved in promoting the

⁷⁴ Robert M. Gibson and Terry Lawhead, *Hawaii's First Royal Dentist and Last Royal Ambassador: Dr. John Mott-Smith*, Honolulu, 1989, p. 251.

⁷⁵ Charles de Varigny, *Fourteen Years in the Sandwich Islands, 1855-1868*, Honolulu, 1981, 130, 146; Roster, p. 44.

annexation movement.⁷⁶ No lease of public land was to be confirmed to him.

Harris remained in Hawai'i and by the 1860s became a trusted member of the government. In 1862 he served again in the House of Representatives. In 1863 he began a long period of service to Kamehameha V when the King appointed him attorney general. He remained in office to 1872 as minister of finance then minister of foreign affairs. King Kalakaua appointed him to the supreme court in 1874. Three years later he was promoted to chief justice which office he held until his death in the summer of 1881. His personality did not change. Mark Twain wrote a virilently critical article about him. Kuykendall writes that he "had an unfortunate domineering manner, an air of surperiority and condescension that infuriated some people and repelled many others."⁷⁷

Three businessmen on Maui applied to buy 1,000 acres each at twenty-five cents per acre in 1856. They planned to raise sheep and goats and to grow sweet potatoes. This statement is the first recorded plan to use the Island for a sheep and goat ranch. John Richardson of Maui was a member of the House of Representatives at every session from 1851 through 1859. He was a member of the Royal Hawaiian Agricultural Society. In 1857 he was one of two agents of the government sent to investigate conditions on Kaho'olawe.

⁷⁶ Pauline N. King, editor, *The Diaries of David Lawrence Gregg, 1853-1858*, Honolulu, 1982, pp. 134, 143.

⁷⁷ Roster, p. 86; Alexander, pp. 341, 347; Kuykendall, *The Hawaiian Kingdom: Twenty Critical Years, 1854-1874*, Honolulu, 1953, II:218n.

George Shaw and Mark Preever (sometimes Prievers and Prever) of Waikapu, Maui, joined him in the application. Richardson had married into a chiefly Hawaiian family. He received Land Commission Awards between 1848 and 1856 to a considerable acreage on Maui: about 1,600 acres in Waikapu, over 300 acres in Kamaole. George Shaw was married to Maunahina and received Awards to over 100 acres of land in Lahaina District and Kamaole in Kula District. Mark Preever had Awards for about 200 acres of land at Waikapu, Kamaole, and Kula. Their petition was not granted.⁷⁸

The next year O. B. Merrill of Maui applied for a lease for twenty-five years. Instead of accepting a lease the Government decided to investigate the condition and value of the Island first.

Lot Kamehameha was minister of the interior for his brother, Kamehameha IV. He wrote to Nahaolelua, the governor of Maui, to investigate the Island "to examine said land, as to the number of acres it contains, and the fair rental for said land should it be offered for lease....state in your your opinion relative to said land...what enterprise could be carried on there, whether it be suitable for raising cattle or sheep."⁷⁹

As a result of the report, the Kingdom offered a lease of the Island at auction. On April 1, 1858 Robert Crichton Wyllie,

⁷⁸ Silva, p. 49; Roster, p. 299; Edith Kawelohea McKinzie, *Hawaiian Genealogies*, Honolulu, 1986, II:35; Territory of Hawaii, *Indices of Awards Made by the Board of Commissioners to Quiet Land Titles in the Hawaiian Islands*, Honolulu, 1929, pp. 202, 214, 247, 266; Kingdom of Hawaii, *Index of all Grants Issued by the Hawaiian Government Previous to March 31, 1886*, Honolulu, 1887, pp. 44, 46, 47, 68, 70.

⁷⁹ Silva, p. 49.

Minister of Foreign Relations, bought the lease for \$505 a year to last for twenty years. He was joined in the enterprise by E. H. Allen now chief justice of the supreme court of the Kingdom. They planned to start a sheep ranch.

Some information exists in regard to the interests of Alexander Liholiho and Lot Kamehameha in sheep stations or ranches. Kuykendall noted that Kamehameha IV established a sheep station on Moloka'i in 1859 that later became the property of his brother. Lomax found entries in papers in the Archives of Hawai'i of Kamehameha IV's income from sheep. Apparently he had an interest in the flocks of James Dowsett, William Webster, William Maxwell, and others.⁸⁰ Silva found a letter dated April 28, 1858 that might indicate that Lot Kamehameha had an interest in sheep on Kaho'olawe. The reference is quoted below:

In a letter in Hawaiian from Pat Shaw to Lot Kamehameha (written from Lahaina) Shaw offers to live on Kaho'olawe to look after the animals and other possessions of Lot's. He had heard that Lot was looking for someone suitable for the job and was asking to be considered. From the Hawaiian original it seems that someone else is affiliated with Lot in this venture (within the body of the letter one finds: "olua" (you two), "ka olua mau holoholona" (both of your animals), and "ko olua waiwai" (both of your possessions)).⁸¹

Perhaps Lot had, or planned to have, an interest in the flocks that Wyllie planned to place on the Island.

⁸⁰ Kuykendall, II:152; Lomax, pp. 44-45.

⁸¹ Silva, p. 53.

CHAPTER 2: A PENAL COLONY, 1826-1853

...he who commits this crime, man or woman,
shall be banished to Kahoolawe.¹

The establishment of Kaho'olawe as a penal colony is related directly to the Hawai'i of the 19th Century in the process of change, adoption, and adaptation to new world relationships. In the 1820s the King, Kuhina Nui, and Chiefs decided that exile and banishment from the Kingdom was a way to handle troublesome foreigners. It was not long before they realized that the same principles could be used to control their own people. They began to define new laws and new crimes by 1822. Within two years they had chosen Kaho'olawe as the place of exile. In 1826 the first two prisoners were sent to the Island.

It required major changes to transform traditional Hawaiian society to a contemporary one of a Kingdom. In the Islands before 1778, crime and punishment were closely related to the social and political structure of society. Crimes were judged by their relationship to religion and class.

Crimes against the kapu system were severely punished often by death. For these crimes involved offences against the gods or the great chiefs. Such offences threatened the basis upon which society was organized. The *mana*, or supernatural power, of society rested on the preservation of the *mana* of the gods and the chiefs. Punishment was swift and final if the crime were committed by a

¹ Kamakau, p. 288. This version of Ka'ahumanu's laws appears in this text. It does not appear in the standard descriptions of the early laws of the Kingdom. For instance, Kuykendall, I:117ff.

maka'ainana, or a common man. But the chiefs, man and woman, were also bound by the strictures of the *kapu* system.²

Crimes of one chief against another might also be punished by death. The rank of the chief harmed determined the seriousness of the sentence. If a common man or a lesser chief broke a *kapu* of a great chief of a *ni'aupi'o* rank, death was usually the penalty.³ Some *kapu* were proclaimed by a chief and became a crime punishable by death. Kamehameha I made such a proclamation concerning adultery involving his favorite wife, Ka'ahumanu. He said after he conquered O'ahu in 1795 that Ka'ahumanu belonged to him alone. Any infringement of this edict was punishable by death.⁴ Adultery involving chiefs, however, did not always result in death. When Kamehameha was a young man and new to his uncle Kalaniopu'u's court, he had an affair with Kalaniopu'u's wife, Kaneikapolei. Kalaniopu'u was "peeved," resentful, and angry, but he listened to

² See any of the descriptions of Hawaiian society by early visitors, historians and anthropologists. Samuel M. Kamakau in his *Ka Po'e Kahiko: The People of Old*, Bernice P. Bishop Museum Special Publication 51, Bishop Museum Press, Honolulu, 1991 reprint (First edition 1964), described the ranks of chiefs, their privileges, and their protection, pp. 3-19.

³ *Ibid.*

⁴ Pukui, p.45. The proverb that was stated in 1795 was '*Eono moku a Kamehameha ua noa ia 'oukou, aka o ka hiku o ka moku ua kapu ia na'u*. Pukui translated it as "Six of Kamehameha's islands are free to you, but the seventh is *kapu*, and is for me alone." She interpreted it as Kamehameha saying that Hawai'i, Maui, Moloka'i, Lana'i, Kaho'olawe, and O'ahu belonged to his people. Ka'ahumanu, the seventh Island, was his alone and breaking this *kapu* was punishable by death.

an advisor and forgave his nephew.⁵

Among the *maka'ainana* there were recognizable rights and wrongs. But there were few punishments. The people lived on their *ahupua'a* by standards of behavior undertaken on a voluntary but obligatory basis.⁶ David Malo discussed right and wrong conduct in his *Hawaiian Antiquities* pointing out that negative expressions were used to identify the social misfit. A person's reputation among his peers was the punishment. Otherwise, he wrote

These were all sins, clearly understood to be very wrong, but those who did these things were not suitably punished in the old times. If any one killed another, nothing was done about it - there was no law. It was a rare thing for any one to be punished....⁷

Thus, there was little definition of theft, murder, adultery, and the like with stated punishments. Adultery or any promiscuous sexual behavior was not condoned, but it was identified by negative expressions or words. Mary Pukui quotes the phrase "*He 'uha leo 'ole*, A thigh over which no word is spoken," as referring to a woman who had sexual intercourse with any man who asked her. Promiscuous sexual behavior was held in contempt by the community,

⁵ John Papa Ii, *Fragments of Hawaiian History*, translated by Mary Kawena Pukui, edited by Dorothy B. Barrere, Bishop Museum Press, Honolulu, 1959, p. 7. The mediator said "everyone knew that a woman was like an easily opened calabash, or a container with a removable lid."

⁶ Dorothy B. Barrere used this expression in the 1960s in a description of the life among the people.

⁷ Pp. 72-76. See also E. S. Craighill Handy and Mary Kawena Pukui, *The Polynesian Family System in Ka-'u, Hawai'i*, Charles E. Tuttle Company, Rutland, Vermont and Tokyo, Japan, 1972, (First edition 1958), pp. 160-163.

but there was no criminal charge against the individual.⁸

One other punishment was exercised in the past: the seizure of property. The property might be personal belongings or land or both. Indeed, the right to take land away from the common man and the chief by the person in authority was one of the strongest means of ensuring conformity to society's values.⁹

Once contact came with westerners the issue of crime and punishment became more complex. In a famous incident in 1792 the difference in cultural attitudes between Hawaiian and Englishman became clear. In that year three Englishmen aboard HMS *Daedalus* were killed on O'ahu. The *Daedalus* was the supply ship for the expedition of Captain George Vancouver of the British Navy. Vancouver was able to take up the subject of the punishment of the criminals with Kahekili who was then in control of O'ahu. Kahekili assured Vancouver that three of the murderers had already been punished with the death penalty. He also agreed to find three other men who had been implicated in the murders.¹⁰

The men were found. Vancouver held a solemn trial. He spent some time and effort on witnesses, received the condemnation of them by their chiefs, and condemned them to death. A chief shot them to death with a pistol. Vancouver thought that he had impressed upon the Hawaiians the principles of law and justice. He

⁸ Handy and Pukui, p.162.

⁹ Malo, p. 74; Kamakau, *Ruling...*, pp. 191-192.

¹⁰ Vancouver, III:854-855, 875-881.

wrote

This public example, made so long after the crime was committed, we had reason to hope, would convince the islanders, that no intervention of time would in future, prevent justice taking its regular course; and that any one who should dare to commit such barbarities would, sooner or later, suffer punishment.¹¹

The men executed, however, were not the perpetrators of the crime.¹² It was not unusual for a person to suffer punishment for the crime of another. If the westerner demanded retribution, the Hawaiian agreed to the stranger's demands by punishing whomever he felt was appropriate according to his customs. Both parties were satisfied that justice had prevailed. Abraham Fornander wrote

...Koi, the head and instigator of the whole affair, and his immediate subordinates, were neither apprehended, punished, nor even molested, and that the parties executed were criminals of other offences, who, their lives having been forfeited under the laws and customs of the country, were imposed upon Vancouver as the guilty parties in the "Daedalus" affair.¹³

As more and more foreigners stopped in Island ports, took up residence on land, and entered into relationships with Hawaiians crimes committed by Hawaiians became more common. During Kamehameha I's time, tradition was preserved. Archibald Campbell who lived in Honolulu in 1809 and 1810 for over a year reported

¹¹ *Ibid.*, III:880-881.

¹² Vancouver, III:879. The editor, W. Kaye Lamb, of Vancouver's journals made this point in a note at bottom of page. Bingham, p. 44, stated the same; Jarves, p. 152, agreed; Kamakau, *Ruling...*, pp. 165-166, reported a similar opinion.

¹³ *An Account of the Polynesian Race, Its Origins and Migrations...*, Rutland, Vermont, 1969, II:258. See also Greg Dening, *History's Anthropology: The Death of William Gooch*, ASOA Special Publications No. 2, University Press of America, New York, 1988, p. 20.

several incidents. In one case a man violated the sanctity of a heiau or temple and was put to death. A thief, Campbell said, could avoid penalty if he responded to the ritual a priest performed to discover his identity. The thief restored the stolen property, gave pigs as penalty, and was free of the crime. If he did not respond to the priest's ritual, the thief was prayed to death.¹⁴

Campbell also reported that women, even those of highest rank, were fearful of the death penalty if they were caught breaking a kapu. These women did not keep the strict rules regarding the periods of worship of the gods. Nor did they refrain from eating with foreign men, eating foods denied them, and committing adultery. They prevailed by keeping their offences secret. Moreover, if a high chiefess (Campbell said "queens") was discovered, it was often her attendants who were subject to the death penalty.¹⁵

John B. Whitman who was in the Islands from 1813 to 1815 wrote about the many restrictions on women. Times had changed, he said,

In former times, the slightest infringement of these tarboos, was punished with death, but since their acquaintance with the white men, who have endeavored to meliorate the condition of this people, the minor offences are not visited so severely.¹⁶

¹⁴ *A Voyage Around the World, From 1806 to 1812...*, University of Hawaii Press for Friends of the Library of Hawaii, Honolulu, 1967, pp. 123-125, 136-137, 155.

¹⁵ *Ibid.*

¹⁶ John B. Whitman, *An Account of the Sandwich Islands...*, Topgallant Publishing Company, Ltd, Honolulu and Peabody Museum of Salem, Salem, Massachusetts, 1979, p. 22.

In 1816 Otto van Kotzebue witnessed a woman's body floating in Honolulu harbor. He found that she had been put to death for breaking the eating kapu.¹⁷

In these parlous times tradition was both kept and defied. Whitman noticed the conformity to the old rules.

I have often witnessed with surprise, the strict attention paid to the observance of the tarboos of individuals, the variety of which, obliges them to be extremely careful, and to become well acquainted with those of the Chiefs, and their connections.

The first care of a native, on entering the premises of a Chief, is to ascertain the nature of his tarboo and in order to avoid the consequences of violating them, he carefully abstains from touching any article, until he is satisfied on this point. The deference to the laws, even of the most trifling nature, is observable in all their intercourse, and dealings with each other, and it seldom happens among friends, that the tarboos of any individual are violated.¹⁸

Kamehameha I was able to keep a society with a commitment to the customs and values of the past at least externally.

By 1818 V. M. Golovnin noticed in Honolulu that many chiefs were not honoring the food prohibitions during sacred periods. Many people, both chiefs and commoners, had become addicted to alcohol and had become "inveterate drunkards." Hawaiians were also gambling excessively often losing all their property. Quarrels and fights were commonplace and "envy and a desire for revenge" felt

¹⁷ Quoted in Gavan Daws, *Shoal of Time: A History of the Hawaiian Islands*, The Macmillan Company, Toronto, Second Printing 1969 (First edition 1968), p.58.

¹⁸ Pp. 21-22.

among the people.¹⁹

Golovnin noted that drinking 'awa, a narcotic drink, and gambling had been practiced by Hawaiians before contact with the west. Now these habits had spread and were more frequent than in the past. Prostitution had become rampant among women of the common people. Venereal disease, introduced in 1778, had spread in the population.²⁰

On the whole Golovnin saw society still disciplined in the traditions of the past. It was only beginning to change through contact with the external world. Moreover, resident foreigners and transients on shore leave were causing disturbances.

Within a few months Kamehameha was dead. A few months later Liholiho, Kamehameha II, and the Maui Ma had broken the *kapu* system. The next year American Protestant missionaries arrived with their message of Christianity.²¹

Now the contact between Polynesians and the West brought new definitions of crime and new punishments to be meted out. One of the most important issues facing the King and Chiefs was law and its application to foreigners and new laws to govern the Hawaiian people.²² The first printed law on record was dated March 8, 1822

¹⁹ V. M. Golovnin, "Chapters on Hawaii and the Marianas in V.M. Golovnin's *Voyage Around the World*," translated by Ella Wiswell, Pacific Islands Program, University of Hawaii, Miscellaneous Work Papers, 1974:2, pp. 50-51, 53-54.

²⁰ *Ibid.*, pp. 54-55.

²¹ See Chapter 1.

²² The following discussion is taken from Kuykendall, I:177-132 and Kamakau, *Ruling...*, pp. 288-290, and *passim*.

and was composed of two notices. Sailors on leave found disturbing the peace were imprisoned and released after the payment of a fine. The second notice stated

His Majesty the King, desirous of preserving the peace and tranquility of his dominions, has ordered that any foreigner residing on his Islands, who shall be guilty of molesting strangers, or in any way disturbing the peace, shall on complaint be confined in the Fort, and thence sent from the Islands by the first conveyance.

On December 21, 1823 an order was proclaimed that required the strict observance of the Sabbath. Two concepts can be recognized as having been adopted by King and Chiefs: the use of expulsion or exile from the Kingdom as punishment and the adoption of new Christian principles as rules punishable in law.

The principle of exile for Hawaiians was adopted by the Chiefs as early as the spring of 1822. Then a young chief was sent to Moloka'i "by the unanimous decision of the principal chiefs." He had committed adultery with one of the King's wives.²³

On June 22, 1824 Kuhina Nui and Regent Ka'ahumanu made an oral proclamation of five "laws." They were against murder, theft, and fighting. A fourth demanded that the Sabbath be kept. The final order was that all people should attend school and learn the *palapala*, or writing. At this time Kaho'olawe was identified as a place of exile. Richards wrote, "The common penalty threatened to those who should break the laws, was banishment to the island of Tahoorawe,...." But he did not believe that there was "much

²³ Elisha Loomis, Journal, May 17, 1824 to January 1826. Microfilm copy at Hamilton Library, University of Hawai'i. Also Silva, "1820-1849," p. 18.

probability" that the penalty would be inflicted.²⁴

Why was Kaho'olawe chosen as the place of exile? Was it primarily Ka'ahumanu's decision? As a child Ka'ahumanu had had personal experience of the Island. Near the end of the Kalaniopu'u-Kahekili wars, her father Ke'eaumoku, an ally of the Hawai'i chief, fled his home in Hana, Maui. According to one tradition Ke'eaumoku took himself and his family to Kaho'olawe where he lived for several months.²⁵

Perhaps, then, it was her decision. In June of 1824 Wahinepio was governor of Maui, Moloka'i, Lana'i, and Kaho'olawe. She was an independent Chiefess and refused to accept the new laws. At this time the usual description by observers of a policy reached by the government was expressed as "The Chiefs have met in council today and decided...." Thus, it can only be said at this time that Kaho'olawe was chosen as a penal colony either through an agreement between Ka'ahumanu and Wahinepio, or through a decision by a council of Chiefs in which Wahinepio participated and acquiesced.

Another new concept in regard to law and justice was suggested by Lord Byron on June 6, 1825. He was in command of the ship HMS *Blonde* that returned the bodies of Kamehameha II and Queen Kamamalu and the rest of the Hawaiian party from England. Among the suggestions he gave the Chiefs and Kamehameha III was that trial by jury was an important part of judicial procedure.

²⁴ Richards to Evarts, August 13, 1824, in ML v.2, pp. 716a-717a, HMCSL.

²⁵ Silva, "Historical Documentation," p.8.

From that summer on the Chiefs met frequently to decide on new laws. Late in June the Chiefs met and agreed to study and to promote learning throughout the Islands. They also agreed to suppress such vices as drunkenness, theft, and the violation of the Sabbath. In August they met and ordered the people to give up games (and presumably gambling), turn to learning, cleave to their spouses, avoid lewdness, and observe the Sabbath. In August they met again to place a *kapu* on "promiscuous immorality" on the part of sailors and foreigners in the ports of Honolulu and Lahaina.

Some Chiefs and people objected to the new morality and the new crimes. There were too many laws and too many strictures on personal behavior. Boki, governor of O'ahu and one of the Maui Ma, led the opposition against Ka'ahumanu and the Chiefs who adhered to her leadership. At the end of the year Boki picked the issue to protest when it was rumored that Ka'ahumanu Ma were going to use the Ten Commandments as the basis of law of the land. Both sides were supported by opposing resident foreign groups who were present at a meeting on December 12th. The American missionaries advised Ka'ahumanu; American and British merchants advised Boki. The discussion was bitter and contentious. The King settled the issue by deferring all action at that time.

On December 7, 1827 the controversy began again between the two parties. The Chiefs in council agreed to proclaim five laws. They were against murder, theft, rum-selling, prostitution, and gambling. The historian Samuel Kamakau described the laws differently. He wrote

...certain laws promulgated by Ka'ahumanu to be observed throughout the kingdom, and supported by the chiefs from all over the group except Boki.

1. You shall not commit murder; he who puts another to death shall himself die.

2. You shall not commit adultery; he who commits this crime, man or woman, shall be banished to Kahoolawe.

3. You shall not practice prostitution; anyone guilty of this shall be imprisoned and beaten across his back with a rope, and if he still fails to keep the law shall be banished to Kahoolawe.

4. Natives and foreigners are forbidden to manufacture, sell, or drink liquor.²⁶

Boki protested the adoption of these laws. He did not want laws regulating the selling and consumption of liquor and he did not want laws criminalizing sexual behavior.

The Chiefs met again and decided that only three laws against murder, theft and adultery would take effect by March of 1828. The compromise three laws were proclaimed and publicly supported by the King, Ka'ahumanu, and Boki. Controversy ended for the time being.

In summary, the King and Chiefs had adopted trial by jury, exile as one form of punishment, and specific acts identified as crimes to be applied to all persons without consideration of rank. How seriously the laws would be administered was still a question.

The habit of special privilege of Chiefs was a difficult one to break. In the two years between the announcement of the laws by Ka'ahumanu and Wahinepio's death in March of 1826, the law of exile

²⁶ Kamakau, *Ruling...*, p. 288; Kuykendall, I: 125-126.

to Kaho'olawe was ignored as Richards had predicted.²⁷ Moreover the Chiefs often intervened after a sentence was proclaimed to save a person from punishment or from exile to Kaho'olawe.

Richards told of the incident when not long before her death Wahinepio kept a criminal from transport to the Island. A noted thief, he wrote, on O'ahu was sentenced by Kalanimoku, Ka'ahumanu, and other Chiefs, to exile to Kaho'olawe. He was sent in irons to Lahaina where Wahinepio set him free.²⁸

Soon after her death, however, a woman arrived from O'ahu under sentence of exile for prostitution and defiance of all law. A council of Chiefs met at Lahaina and considered the cases of both the thief and the woman prisoner. The Chiefs confirmed the sentences of the Chiefs on O'ahu and the two criminals were sent to Kaho'olawe.²⁹

The two were the first prisoners sent to the Island. Richards described the administration of the Island at the time:

They [the Chiefs] then called the governor of Kahurawe, to whom they committed the criminals, charging him to keep them safely; at the same time telling him, that if they escaped from the island, he would be called to account for it.³⁰

The conditions of confinement were not described nor the governor named.

²⁷ Journal of Mr. Richards, June 13, 1826, HMCSL, *The Missionary Herald*, I:106; Silva, "1820-1849," pp. 21-22.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

The exile was often announced and not carried out. When the Catholic mission in Honolulu began to attract Hawaiian adherents, Ka'ahumanu and the Chiefs were disturbed at what they thought was a threat to their authority. They did not believe that they could allow their people to accept a religion different from their own. Although Boki did not want to challenge the Catholics, Ka'ahumanu convinced him to act with her. On August 8, 1829 he had published and announced in Honolulu an edict. It prohibited Hawaiians from attending Catholic services. The punishment announced was banishment or being set adrift at sea in a canoe. Banishment meant to Kaho'olawe. None of the convicted Catholics were actually sent to the Island. Indeed, the punishment served them required that they do hard labor on public works in Honolulu.³¹

Up to 1840 the number of prisoners on Kaho'olawe were few. In 1832 Bingham reported that a young boy of about fifteen years of age was sent there for the crime of manslaughter.³² Moreover, both men and women were sent there.

In 1840 a significant change occurred in the management of the prison for exiles. The proximate causes were the accession of Kekaulohe as Kuhina Nui and the trial, conviction, and transport

³¹ Reginald Yzendoorn, *History of the Catholic Mission in the Hawaiian Islands*, Honolulu, 1927, p. 50; "M. Perrin's Historical Memorandum," in *Kingdom of Hawaii, Annual Report of the Minister of Foreign Relations*, 1951, p. 235; "Supplement to the *Sandwich Islands Mirror* Containing an Account of the Persecution of Catholics at the Sandwich Islands," Honolulu, 1840. The last report gives the names and sentences of all Hawaiian Catholics persecuted for their religious belief.

³² Bingham, p. 443.

of the chief, Kinimaka, to the Island. Kekaulohe, devout and strict Christian, separated men and women prisoners. Sometime in 1840 or 1841 she isolated the women to Lana'i at a place called Ka'a at Kaena Point.³³

In 1840 the sensational forgery case of Kinimaka reorganized the structure of the prison colony. An analysis of his case is a history in miniature of the internal politics of the Kingdom since Kamehameha I's death to that time. The case was involved with Kinimaka's rank and that of his wife; their relationship to Kamehameha III; and the involved political contest for power between the King on the one hand and the Kuhina Nui and Chiefs on the other.

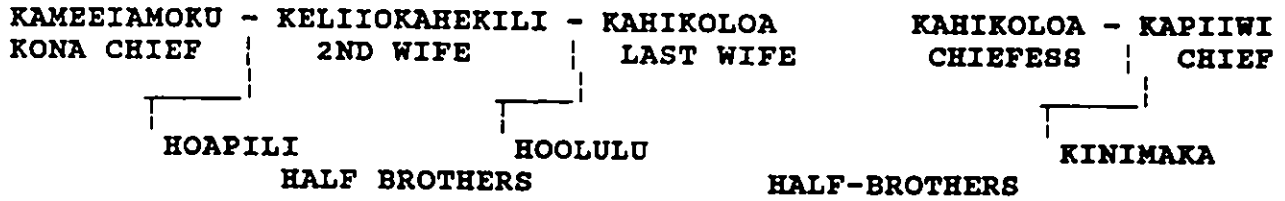
Kinimaka and his first wife, Kaniu-'opio-ha'aheo, were chiefs of moderately good rank. SEE FIGURE 8. Neither were of sufficient rank to be included in the council of King and Chiefs. But their rank was recognized as important, Kaniu's being higher than that of her husband. Both also had a special relationship with Kamehameha III. One source in court testimony called her the King's "nurse." In another report by a visitor in 1841 she was said to be a "great favorite" of the King.³⁴ Indeed, Kauikeaouli had given her several lands on Hawai'i, Maui, O'ahu, and Moloka'i.

³³ Kamakau, *Ruling...*, pp. 356-357. Also Silva, "1820-1849," p. 28-29; Julius Rodman, 1939, pp. 39-40; Thrums 1902, p. 122.

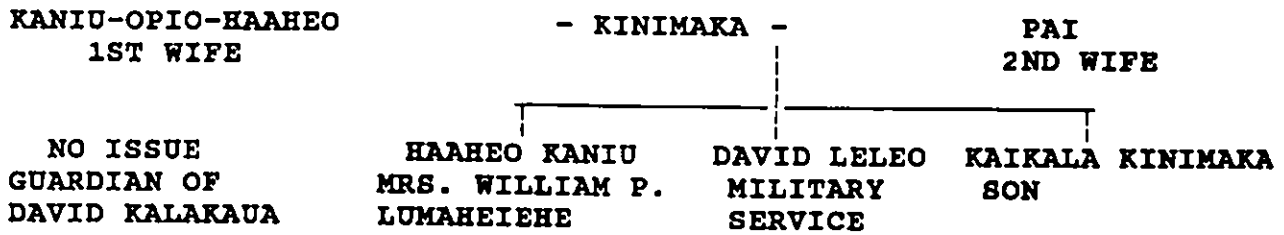
³⁴ Kingdom of Hawaii, Supreme Court, *David Kalakaua vs Kinimaka*, December 29, 1856; Charles Wilkes, *Narrative of U. S. Exploring Expedition...*, C. Sherman, Philadelphia, 1844, pp. 260-262.

KINIMAKA RELATIONSHIPS³⁵

KINIMAKA AND HOAPILI



KINIMAKA AND WIVES



FAMILY OF KANIU-'OPIO-HA'AHEO

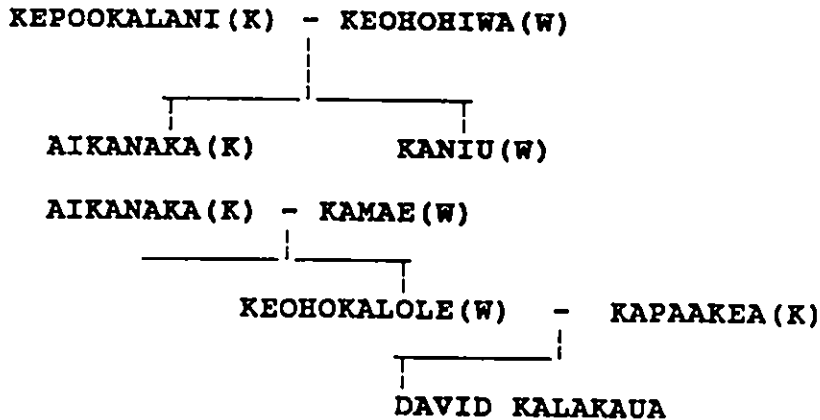


FIGURE 8

³⁵ Most of the information has been taken from Edith K. McKinzie's *Hawaiian Genealogies*, The Institute for Polynesian Studies, Brigham Young University-Hawaii Campus, Laie, Hawaii, 1986, I:72, 99. Also see Kamakau, *Ruling...*, p.391. McKinzie identified Kinimaka as a *welo* chief.

Kinimaka was said to have been a "favorite" of Kauikeaouli.³⁶ He was important enough to be included in the difficult negotiations with the British naval officer, Lord Edward Russell in 1836. Russell arrived on HMS *Acteon* in November and for over two days he conferred with the King and his Chiefs about a treaty to be signed between the Hawaiian Kingdom and Great Britain. The crux issues were whether British subjects had the right to reside in the Kingdom and if they had any security in their use and lease of land in the Kingdom. Kinimaka was at those meetings and signed the statement with the King, Kuhina Nui Kina'u, and twenty-one Chiefs.³⁷ SEE FIGURE 9 The fact that Kinimaka was present during the consideration of such serious issues attested to his importance at that time.

He, the young chief Timothy Ha'alilio, and the Lahainaluna graduate Boas Mahune were in attendance on the King and Chiefs, carrying out their wishes.³⁸ Ha'alilio was the King's secretary and another of the King's favorites. Kinimaka's position seemed secure. He was related to the governor of Maui, Hoapili. He and his wife were selected favorites of the King. He was a land "owner." His wife was a land "owner" and the guardian of her brother's grandson, David Kalakaua.

³⁶ Kamehameha III had gathered around him young chiefs and "the children of important persons" in the 1820s. They were called the *Hulumanu*, or Bird Feathers. It is not clear if Kinimaka was a member of this group.

³⁷ "Wyllie's Memorandum," pp. 329-331.

³⁸ Kingdom of Hawaii, Interior Department, December 11, 1837.

Then at the end of 1839 came the confusion of the will or wills of Hoapili. To summarize the circumstances of the "crime" as related in Chapter 1, Hoapili was near death in December of 1839. It was discovered that there were two wills: the first in favor of Kamehameha III, the second in favor of Lot Kamehameha and Keheiheimalie (his wife, Hoapiliwahine). There was a third statement confirming will number two and witnessed. The first will was supposed to have had a statement confirming it with witnesses to its validity. It was never produced.

The significance of the validity of one will over another related to traditional land practices as against the ability of a Chief to will his land as he desired. The key words in the first will were written under Hoapili's signature, an X. They were "I hoihoi aku no ke Alii." "I have returned them to the King." The *ho'iho'i* was "to return, send back, restore"³⁹ the land to the King for his redistribution. As noted, this step was the beginning of a *kalai'aina*. The second will leaving his lands to Lot Kamehameha as one heir confirmed a practice of a Chief holding lands as guardian of young Chiefs. The second heir, his wife, was the mother of Kuhina Nui Kekaulohe who was in turn the mother of the young Chief Lunalilo. Not only was the control of a large bulk of land at issue and the authority of Kamehameha over Kekaulohe. Also at issue was the inheritance of two young Chiefs potential heirs to the throne of the Kingdom. Land and power: the heart of

³⁹ Mary Kawena Pukui and Samuel H. Elbert, *Hawaiian-English Dictionary*, University of Hawaii Press, Honolulu, 1957, p. 70.

Hawaiian politics.

The following discussion considers the case in detail as well as the career of Kinimaka after his pardon. The object of this analysis is to reinforce the point that the use of Kaho'olawe had its relevant place in Hawaiian government policy. The Island is a symbol of the time and the issues.

The complexity of the case makes it necessary to separate the issues by asking questions some of which are unanswerable at this time. The first is: What were Hoapili's intentions in regard to his land and the land he had from many Chiefs? A second question is: What were the procedures of the "trial" of Kinimaka? A third is: Why did Kinimaka reverse his testimony to end saying that he was guilty? The fourth is: What was Kinimaka's sentence by the jury? What was his sentence by Kamehameha III? The fifth is: Why was he sent to Kaho'olawe when another chief was not? And finally the sixth is: Does Kinimaka's career after he served his sentence when he became a government official and later a potential land owner give clues to the original "crime" and Kamehameha III's involvement in it?

As to Hoapili's intentions a firm answer cannot be given at this time. As noted in Chapter 1, Hoapili received land from the Kamehamehas, Keopuolani, Nahi'ena'ena, Kame'eiamoku, Kamanawa, Kaikio'ewa, and his daughter Liliha. He was an honored and treasured friend of Kamehameha I. He was trusted and loved by his peers, the Chiefs, and his people. Missionary accounts praised him. Even secular foreign residents thought him honest and

trustworthy.

His devotion to the kingship and to the Kamehamehas may have made him susceptible to a suggestion from Kinimaka acting on Kamehameha III's behalf to ho'iho'i his lands. He may also have been so ill and weak that he might have been persuaded by Kuhina Nui Kekaulohe to write a second will. Since he died on January 3, 1840 in little more than a week after the date of the last document, he may well have been manipulated by whomever reached him last.

The procedures followed demonstrate the adoption by the King and Chiefs of new means to determine guilt.⁴⁰ The first step occurred on January 1, 1840 when Kekaulohe presented the King the second will of Hoapili in favor of Lot and Hoapili Wahine dated December 19, 1839. She also presented the document of Hoapili confirming the second will and witnessed by three persons dated December 25, 1839. At that time Kamehameha III produced the first will dated December 11, 1839. He gave Kekaulohe the responsibility to determine which documents were valid by inquiring of Hoapili.

In the interchanges between Kekaulohe with the King in Lahaina and Hoapili on his deathbed in Waine'e, the King said that Kinimaka told him that there was a second document confirming the first will signed by witnesses. Hoapili denied it. Kekaulohe then called Kinimaka to appear at Waine'e. He was questioned by

⁴⁰ Daily Journal of Miriam Kekaulohe, Lunalilo Collection, Archives Hawaii, *op. cit.*

her and her husband Kana'ina all day long on January 2.⁴¹

Kinimaka gave conflicting testimony. At first he said there was a document with witnesses of the first will but that it was lost. Then he said that there never had been a witnessed document. Then he said that he wrote the first will but with the approval and help of Hoapili. As the questioning continued into the evening Kinimaka said that he had written the first will, he had affixed Hoapili's cross-mark to it, he had delivered the will to the King, and that he had committed a "deception."

When the King was informed of the deception, he authorized Kekaulohe to bring Kinimaka to trial. Six persons held an inquiry on January 3. They were Ridaki, Ha'alilio, Keoni Ana, Mahune, Kana'ina, and Kekaulohe. Both Keoni Ana (John Young, Jr.) and Ha'alilio were close to Kamehameha III. Boas Mahune as one of the early graduates of Lahainaluna Seminary became a teacher and secretary to the Chiefs at Lahaina. Ridaki was Richards. This group acted as a form of grand jury. They were to determine the nature of the crime and they judged it as "lying, false representation, and cheating, and theft." They reported to the King who then gave Kekaulohe permission to have a "Tribunal of Justice of Maui" to try Kinimaka. From January 4 through January 8 nine persons inquired into the crime, decided Kinimaka was guilty, and deliberated and agreed on the sentence to be

⁴¹ Although Kana'ina was of a lowly rank of chief, his marriage to Kekaulohe gave him some authority and through their son, Lunalilo, he also achieved some position. He was rarely known to give up control of land for himself or his son.

pronounced. They related to Kamehameha III that

The sentence agreed upon by the Tribunal of Justice is:
Imposition of punishment upon Kinimaka, for a term of nine (9) years; and

He shall live in a foreign country, until the termination of this term of nine (9) years, because of the very grave consequences of his crime;

That is our firm decision; and, we are signing our names, hereinbelow, to foregoing sentence, Hereinafter, are the names;

Kaeo, Enoke, Kaauwai, Mose, I. Kamakini, Pikanele, Keaweluaole, Daniela Ii, Daniela Kanuia.

Witness: Iona Kapena.⁴²

The King remained the final judge. He said, "Your responsibilities are over; only mine is left." On January 25 the King gave his decision to Kuhina Nui Kekaulohe to carry out the sentence. Kinimaka was to serve five years and to be stripped of "his wealth" that he had received from the King.

On January 28 the sentence was imposed and executed when Kekaulohe announced

Know All Men;

I am hereby imposing sentence upon Kinimaka, in conformity with the gravity of his crime; and, I am imposing sentence, likewise, upon him. Herewith is his punishment, which I am imposing upon him:

For five (5) years, he shall live at Kahoolawe;

Herewith, is further punishment upon him:

He shall not reside with The King; and, all of the lands that my child has given him, are hereby revoked - emblems by The King, the button, and ribbon, all of them are recalled as of this day.

I am informing you hereby of the gravity of his crime; it was a lie, a most grievous lie; one-third (1/3) of the Government would have been affected by his lie.

On February 4 Kinimaka was transported to Kaho'olawe.⁴³

⁴² Kekaulohe Journal, *op. cit.*

⁴³ *Ibid.* The career of Kinimaka on Kaho'olawe and the narrative of the penal colony continues below.

About Kinimaka's admission of guilt some speculative comments can be made. It may be that Kinimaka was trying to help his King and his friend recover the loss of power and land control that the Kamehamehas had experienced in 1819. It may also be that faced with the strength and force of Kekaulohe's position and personality, assisted by her husband Kana'ina, Kinimaka surrendered. It may also be that ultimately Kauikeaouli did not have the power to defeat the Maui Ma. His comment in 1832 that to defy the Chiefs he would have to go "to battle" is revealing of the weaknesses of Liholiho and himself in their control of significant military capability.

The sentence given Kinimaka passed through the hands of a jury, was reviewed by Kamehameha III, and pronounced by Kekaulohe. The jury gave Kinimaka nine years of exile, the sentence to be sent to the King to confirm. The King reduced the years to five and announced the confiscation of his property. Kekaulohe formalized his exile to Kaho'olawe for five years and detailed the property loss. In both the process of the trial and the sentences imposed by jury, King, and Kuhina Nui, the new system of law and justice of the Kingdom of Hawai'i was in operation.

A chief of Kinimaka's rank sent to Kaho'olawe indicates how far the concept of equality of justice had seeped into Hawaiian life. In the old days one's punishment was suited to one's rank, as noted above. Influence could be used to protect a Chief or chief of lesser rank. Or influence could be used by a Chief to release a punished criminal. At the time that Kinimaka was

sentenced to Kaho'olawe, a second chief, Kanuha, was also to be transported to the Island. But Kanuha was saved from exile by Chief Kuakini, the governor of Hawai'i Island and a Maui Ma.⁴⁴ Yet Kamehameha III did not seem to have the power to save his ally from banishment. Was it because of the seriousness of Kinimaka's crime?

Kamehameha III did attempt to restore his favorite to political position and land ownership years later. Kinimaka sailed to Kaho'olawe on February 4, 1840. He was released sometime in the Summer of 1843. He next appeared as a Road Overseer by 1847 in charge of prison labor to build public roads primarily on Hawai'i. A famous road in Kona is still identified with Kinimaka's name.

The close connection between King and Kinimaka can best be seen in the long tale of whether he was awarded land in the Mahele of 1848 or whether the land he had was to be held only in trust for David Kalakaua. As related above, Ha'aheo-'opio-kaniu, Kinimaka's first wife was the guardian, and perhaps adopted mother,⁴⁵ of her brother's grandson, David Kalakaua. Kalakaua lived with her until her death in 1843. She had received from Kamehameha III the lands of Kukuluwaluhia, Kohala, Hawai'i; Aliamai, Hilo, Hawai'i; Waimuku, Kau, Hawai'i; Kahilipali, Kau, Hawai'i; Ponohawai'i, Hilo, Hawai'i; Kalaoa, Kona, Hawai'i; Maihi, Kona, Hawai'i; Kalahiki, Kona,

⁴⁴ Kamakau, *Ruling...*, pp. 356-357; Silva, "1820-1849," p. 29. Kamakau mentions a Hilo chief named Kanuha who died of measles. Another source identifies a Kanuha as a "mayor" of Hilo.

⁴⁵ Some of the sources say "adopted;" Kalakaua may have been a hanai of Kaniu; or the words used may have been modern words to describe a traditional relationship. The term "guardian" is used here to avoid legal complexities.

Hawai'i; Peahi, Hamakualoa, Maui; one-half Keaua, Koolauloa, O'ahu; Onoulimaloo, Moloka'i; andouselots and small divisions of land in and near Honolulu.⁴⁶

When Kaniu died in 1843 she left a verbal will naming Kalakaua as her heir and Kinimaka as the guardian of the property during Kalakaua's minority. A verbal will was legally acceptable at the time. Indeed, just before she died, she made the statement before several high Chiefs, among them Kekuanao'a. Following prescribed rules, Kinimaka appeared before Kuhina Nui Kekaulohe at Lahaina. Before witnesses he informed her that Kaniu was deceased and that she had left her property to David Kalakaua. Kekaulohe was said to have responded "That is good, if you and your wife agreed to do so, it is right the property should go to the *moopuna* [grandchild]." At the same time the governor of O'ahu Kekuanao'a wrote to Kekaulohe stating the same facts.

This time Kekaulohe wrote back to Kekuanao'a that "the King had given all the property to Kinimaka". Kekuanaoa informed the Kuhina Nui that that was not in accordance with the will of Kaniu. Kekaulohe replied, "Well, the King has done it."⁴⁷

Despite the conflicting statements of Kekaulohe, from 1843 to 1856 Kinimaka acknowledged to many witnesses that he was holding the property for Kalakaua.⁴⁸ Yet in the Mahele of 1848 and in the

⁴⁶ Kingdom of Hawai'i, Supreme Court, David Kalakaua vs. Kinimaka, 29 December 1856, filed December 30.

⁴⁷ *Polynesian*, May 8, 1858.

⁴⁸ *Polynesian*, May 8, 1858.

Land Commission Awards, the Kaniu lands were awarded directly to Kinimaka and not as guardian of Kalakaua.⁴⁹

In 1848 Kamehameha III divided the lands he had given to Kaniu with Kinimaka. SEE FIGURE 10 The King took eight of the lands listed above.⁵⁰ Kinimaka was given Maihi and Kalahiki, Kona, Hawai'i; Onoulimaloo, Moloka'i; and one-half Keaua, Koolauloa, O'ahu. The Land Commission Awards 129 and 240 covered a house lot in Honolulu on Queen and Punchbowl Streets and four small pieces of land at Ka'aleo near Honolulu.⁵¹ Although the deeds were in Kinimaka's name, he continued to tell many persons that he held the land in trust for Kalakaua. When Kalakaua reached legal age he asked for his land. Then Kinimaka claimed the land as his and himself as the heir of Kaniu and refused to deliver the land to Kalakaua.⁵²

Kinimaka had married again and had three children by Pai. See Figure 9 above. In December of 1856 Kalakaua petitioned the Court to force Kinimaka to release the land. After Kinimaka's death in 1857, Kalakaua sued the estate for the return of Kaniu's lands. The Court awarded them to Kalakaua.⁵³

In all the testimony, it is not clear what Kamehameha III had

⁴⁹ Mahele Buke, p. 133; Land Commission Award 129 and 240.

⁵⁰ Mahele Buke, p. 132.

⁵¹ *Ibid.*, p. 133, and Land Commission Award 129 and 240, in *Indices of Awards made by The Board of Commissioners to Quiet Land Titles in the Hawaiian Islands*, Honolulu, 1929, p. 347.

⁵² Court case, December 29, 1856.

⁵³ *Polynesian*, May 8, 1858.

in mind in regard to Kinimaka and Kaniu's land. If it were possible to determine his intentions, it would be a clue to the King's involvement in the original puzzle of the wills of Hoapili. For Kinimaka it meant isolation on Kaho'olawe for three years.

If Kinimaka was to be humiliated by exile to Kaho'olawe, at least he was appointed the chief of the penal colony. His various titles were described as "governor," "chief," "superintendent." There is also evidence that there were plans to improve the conditions of the colony, perhaps to carry out a building program.

The sources for the period 1840 to 1843 include a visitor to the Island in 1841, an article in a newspaper in 1858, and later writers who reported the stories they collected. Lieutenant Charles Wilkes, commander of a United States Exploring Expedition, included material about Kaho'olawe as seen in 1841. One of his officers, Lieutenant Budd, and some of his men were stranded on the Island. From Budd's description and from inquiries that Wilkes made, the Island was uninhabited except for a "few poor fishermen," and the prisoners.⁵⁴

Wilkes said that there was "one state prisoner" on the Island. Then he described the colony at Kaulana Bay where the convict

⁵⁴ The following description is taken from Charles Wilkes, *Narrative of the U.S. Exploring Expedition...*, C. Sherman, Philadelphia, 1844, pp.260-262, 274-275; Thomas G. Thrum, "Kahoolawe an Early Place of Banishment," *Hawaiian Almanac and Annual for 1903*, Honolulu, 1902; Henry L. Sheldon, "Honolulu Yesterdays," *Hawaiian Almanac and Annual for 1933*, Honolulu, 1932; Julius Rodman, *Unending Melody; Being Fragments From the Pen of an Amateur Beachcomber*, Honolulu, 1939; *Polynesian*, April 10, 1858; Silva, "1820-1849," and "1850-1899," pp. 31-35. Some of the information was taken entirely from Silva.

Kinimaka (Wilkes called him Kenemoneha) presided over about fifteen prisoners. His village at Kaulana was composed of eight "huts, and an unfinished adobe church." There were also one or two houses separate from the prisoners where some old women lived.

Wilkes found the fare sparse with most of the food supplied the prisoners from Maui. The only food produced on the Island, he wrote, was sweet potato. Kinmaka had three large canoes. Wilkes does not include an estimate of the total population. Indeed, he related that the government tried to persuade the "people" to leave the Island entirely to the convicts. But they refused to do so.

Later articles were based on material from informants and an 1858 article in the *Polynesian*. They placed the population at eighty residents or eighty residents and convicts together. After the convicts were stationed there, the settlers were said to have left and returned to Honuaula on Maui. Kinimaka was in charge and he was to use the prisoners to build adobe houses at Kaulana. One report stated that Kinimaka had "a fine time of it." He had some rank and dependents on Maui who swam over to the Island to supply him with necessities.

The articles told an oft repeated story of the contact between Maui and Kaho'olawe. The supply of food on the Island was spare to the point of starvation at times. The convicts resorted to eating *kupala*, or pigweed. Eaten in quantity it caused severe discomfort. The convicts either fifteen, or only fifteen strong swimmers, prepared to swim to Maui near Makena. They set out either in February, 1841 or in Spring of that year. They made an anchor out

of a wiliwili log tied to a large stone. They put it in the channel to discover when the swift tide was moving toward Maui. Then they would start their swim.

The prisoners made their supplications at an altar before leaving Kaho'olawe, stopped at Molokini Island to rest, and swam on to Maui landing near Makena village. They collected potatoes and taro and other food products and appropriated a number of canoes. The prisoners continued these deprivations on Maui. On later trips they stopped at Lana'i to pick up women prisoners and take them back to Kaho'olawe.

The reports stated that the prisoners continued this practice until late summer 1843. They raided Maui for food and canoes until their reputation made them feared by Maui residents. In these narratives, the role of Kinimaka is not told. He was "governor," "superintendent," "chief," all during these years. But how much he had to do with the Maui raids is not clear.

On July 31, 1843 Kamehameha III gave an act of clemency to all prisoners. His action was in celebration of the return of sovereignty from the temporary cession of the Kingdom to Great Britain. Kinimaka and the fifteen prisoners in the penal colony were discharged from Kaho'olawe and released from their sentences. Kinimaka returned to Lahaina before the death of Kaniu.

In 1848 two foreigners were transported to Kaho'olawe. In the past, the Government preferred to send foreigners away on the first available ship. By 1847 the court system was functioning fully and George Morgan and Anthony Jenkins were such notorious burglars that

there seemed no concern about this treatment of foreigners. In Morgan's trial at the court of O'ahu, twelve foreigners sat as the jury and a number of witnesses testified and were cross examined. Morgan was found guilty and so was Anthony Jenkins. Both were sentenced and transported to Kaho'olawe to serve for five years.⁵⁵

By the next year the Government returned to its policy of sending foreigners out of the Kingdom entirely instead of to Kaho'olawe. William Deane, sometimes identified as James Deane or Dean, was found guilty of burglary at the January Session of the Superior Court.⁵⁶ He was sentenced to three years on Kaho'olawe. Keoni Ana, the minister of the Interior, ordered him to be sent out of the Kingdom or to Kaho'olawe. Deane was on Maui waiting transport when Governor James Y. Kanehoa asked that he be sent out of the Kingdom rather than to the Island. The Governor stated that the food there was not "agreeable to the health of a foreigner." Deane was allowed to leave Hawaii and avoided sentence on Kaho'olawe.⁵⁷

Morgan did not fare as well. One report stated that he led a pleasant life being free of surveillance and privileged with feminine companionship. He was said to have hunted wild hogs and

⁵⁵ Kingdom of Hawaii, November Session of Oahu Court, *The King vs. George Morgan*, November 9 through 11, 1847; *The King vs Anthony Jenkins*, January 5, 1848; Keoni Ana to William L. Lee, November 10, 1847, Interior Department; *Polynesian*, January 8, 1848.

⁵⁶ Superior Court, *The King vs William Deane*, January 4, 1849.

⁵⁷ Keoni Ana to James Y. Kanehoa, January 25, 1849, and Simon P. Kalama to James Y. Kanehoa, January 31, 1849, Interior Department.

cultivated a patch of land. But by 1852 his health had so deteriorated from the harsh conditions on Kaho'olawe that he asked the Government to allow him to leave. He left the Island a year before the colony was closed entirely.⁵⁸

In the July term of 1850 nine Hawaiians were convicted of crimes of burglary and sentenced to five years on Kaho'olawe. They were Kealakai, Puhi, Hookea, Nuuanu, Koele, Hou, Nahi, Kekua, and Hao. They appear to be the last prisoners sent to the Island.⁵⁹ While they were on the Island in 1851, the Legislature of the Kingdom passed an act to organize a new prison system. In place by 1853, as of July 1st the nine Hawaiians were pardoned.⁶⁰

Kaho'olawe was abandoned as a penal colony.

⁵⁸ Thrum, 1902; P. Nahaolelua to Keoni Ana, January 14, 1852; Silva, "1850-1899," pp. 47, 52.

⁵⁹ Silva, pp. 46, 47-48.

⁶⁰ Silva, "1850-1899," pp. 46, 47-48, 53.

CHAPTER 3: TOWARD A LITERATE NATION: 1828-1837

The study of letters was taken up universally from the king's own household to the remotest country dwelling.¹

Between April of 1828 and to about July of 1837 a school existed on Kaho'olawe teaching adults and children how to read and write in the Hawaiian language. To have conducted a mission school on this sparsely populated Island exemplifies the disciplined nature of the Hawaiian Kingdom in its ability to pursue a policy even to the farthest outpost of the Islands and indicates the thoroughness of the program conducted by American Protestant missionaries to spread the new learning in the Kingdom. This effort lends credence to the claim that the Kingdom of Hawai'i in the second half of the 19th Century was one of the most literate nations in the world.

Literacy and the development of a body of printed material in Hawaiian offered the mass of the people the opportunity to participate in the transformations of their society. This modern innovation was available to all Hawaiians of whatever class to possess.

How did this come about? The narrative of modern education in the Hawaiian Kingdom is well known. The story identifies the American and Hawaiian bases of the process. There is the strength of purpose and devotion to Christian duty combined with the American belief in education that American Protestant Missionaries brought to Hawai'i. They gave the Hawaiian people an alphabet, a

¹ Kamakau, *Ruling...*, p. 270.

body of printed literature, the training to learn their own language, and the schools to spread this knowledge. Their strength was met by the strength of Kamehameha II, Premier Kalanimoku, Kuhina Nui Ka'ahumanu, and the Chiefs. The Hawaiian leaders enthusiastically adopted the new learning for themselves. Once they decided to give the *palapala* to all their people they used their power and control over people and land, and their governance structure to accomplish the objective.

A record of a mission school on the Island was first noted in 1828. The school was under the guidance of the Mission Station at Lahaina. It was administered by the agent of the Chief of Lahaina and the Governor of Maui. The records found at this time have been sparse and general in nature. Statistics do exist as indicated below.

The number of students were

Year	No. of Schools	Scholars			Chil- dren	No. Spell & Recite lessons	No. Who Write
		Males	Females	Total			
1828/4	1	15	13	28	7	27	3
1828/9	1	15	13	28	7		
1831/11	1			32		17	14
1832				56			
1837/6	1			20	20 ²		

The way in which the school was managed can be determined by an examination of the history of mission and chiefly activity in regards to learning in general. An examination of the Lahaina

² The numbers are taken from Missionary accounts of various sorts such as *The Missionary Herald*, the Annual Reports of the A.B.C.F.M., Lahaina Station Reports, etc. Figures are tentative and not necessarily exact as in 1831 number of readers and writers and in 1837 where the number of schools is assumed to be one. Also see Silva, "1820-1849," pp. 23, 24, 28.

Station in particular can give some details applicable to the Kaho'olawe school.

The following discussion will describe the beginning of the new education centered in Honolulu. It will then relate in detail the establishment of the Lahaina Mission station, the spread of its activities, and the inclusion of Kaho'olawe in Lahaina Station administration. Finally, the information sought about the Island school will be detailed.

The population of the Hawaiian Islands was about 130,000 people when the Missionaries arrived in 1820. They established a station at Kailua, Hawai'i, Honolulu, O'ahu, and Waimea, Kaua'i. The population of Hawai'i was more than 85,000, of O'ahu about 30,000, Kaua'i about 11,000, and its satellite island Ni'ihau over 1,000.³ The Mission Company numbered fourteen Americans and three Hawaiian helpers. The arrival of the Second Company in 1823 resulted in the establishment of the station at Lahaina, Maui. The population of the Island was about 20,000. Its adjacent islands had populations of about 3,500 on Moloka'i, 2,500 on Lana'i, and fifty on Kaho'olawe. By 1841 about one hundred and twelve additions to the mission family had arrived from the United States to serve eighteen stations on most of the Islands.⁴ SEE FIGURE 11

³ Population statistics are difficult to determine. These figures are taken more or less from Schmitt, *Demographic...*, p. 42.

⁴ The discussion is taken from Stewart, *Journal...*; Bingham, *A Residence...*; Loomis, *Grapes...*; Jarves, *History...*; Kamakau, *Ruling...*; *Missionary Album...*; Sesquicentennial Edition, Hawaiian Mission Children's Society, Honolulu, 1969 (1st edition 1937); Rufus Anderson's two studies, *History of the Sandwich Islands Mission*, Boston, 1870, and *Hawaiian Islands: Their Progress and*

The missionaries learned Hawaiian and formalized the alphabet. On January 7, 1822 the first printed page in the Hawaiian language was struck off the Mission press in Honolulu. It was a sixteen page book on the new alphabet and five hundred copies were printed. The missionaries at the original stations taught some students to read and write. The students gathered around the Missionary who had them recite in unison from the text he had open in front of him. Students became so adept at their lessons that they were able to read by sight and upside down as well.⁵

W. D. Alexander in his *A Brief History of the Hawaiian People* wrote

Before the end of 1824, two thousand people had learned to read, and a peculiar system of schools was spreading rapidly over the islands. Each chief sent the most proficient scholars in his retinue to his different lands to act as teachers, with orders to his tenants to attend school. The eagerness of the people to acquire the new and wonderful arts of reading and writing was intense, and at length almost the whole population went to school. The time of school was from one to two hours in the afternoon, and the pupils were called together by the blowing of a conch-shell.⁶

For reading, then, students gathered around the available books. For writing students were provided with slates and used pencil shaped sea urchin or wana cut at an angle to form a chalk pencil.

The King and the Chiefs were fascinated by the new learning.

Condition Under Missionary Labor, Boston, 1864.

⁵ Bernice Judd, Janet E. Bell, and Clare G. Murdoch, compilers, *Hawaiian Language Imprints, 1822-1899: A Bibliography*, The Hawaiian Mission Children's Society and The University Press of Hawaii, Honolulu, 1978, p. 3.

⁶ P. 188.

They themselves began to study, recite, read, and write. They would not allow their people to acquire the new tool until they had first mastered it. Chiefs then took young Hawaiians who had been taught by the missionaries into their homes to teach the chiefs of their household. Soon they sent teachers into their district lands to teach their chiefs there. Kamakau claimed that when missionaries went into the country districts to open stations, they found that many Hawaiians could already read and write.

The enthusiasm of the Chiefs for studying was noted by visitors. Captain Otto von Kotzebue of the Russian Navy visited Honolulu in 1824 for the third time. When he returned he called upon the Chiefess Namahana whom he had met previously. She lived near the harbor in a two story wooden house. He entered the house and was led to the second floor. He discovered the whole household sitting on the stairs up to the second story where the Chiefess sat with open book leading her people in their lessons:

The stairs were occupied from the bottom to the door of the queen's [Namahana's] apartments, by children, adults, and even old people, of both sexes, who, under her majesty's own superintendance, were reading from spelling books, and writing on slates—a spectacle very honorable to her philanthropy. The governor himself had a spelling book in one hand, and in the other a very ornamental little instrument made of bone, which he used for pointing to the letters.⁷

Both Liholiho and Kauikeaouli desired their people to be educated. All the Chiefs had the same aim. Kamakau wrote that their "wish...acted upon the people like a lightning flash

⁷ From *A New Voyage Around the World*, quoted in A. Grove Day and Carl Stroven, eds., *A Hawaiian Reader*, New York, 1961, p. 53.

stimulating all hearts."⁸ The Missionaries expanded their educational efforts and kept up the production of materials. By 1825 forty-one thousand copies of the alphabet had been printed and distributed. In the same year at least seven thousand copies of a four page booklet on *He olelo a ke Akua* (A word of God), at least eleven thousand five hundred copies of a catechism, three thousand copies of the law of Jehovah, and three thousand copies of the thoughts of the chiefs were printed and distributed.⁹ During the years of the Kaho'olawe school, the Mission press printed texts on religious subjects, hymns, arithmetic, spelling, and geography.

Learning was established as a new value. The details of the system and how it functioned is best related by investigating the Lahaina Station record.

As stated above the missionaries started their Maui Station at Lahaina in May of 1823. The Second Company arrived in Honolulu from Connecticut on April 27th. In that Company were two ministers, The Reverend William Richards and The Reverend Charles S. Stewart, and their wives. At a meeting of the Mission on the 26th of May it was decided that the two ministers would remove immediately to Lahaina to start a new station there. The haste in the move was prompted by the missionaries learning that Keopuolani was moving to the Maui village.

She was the highest ranking Chief in the Kingdom. The widow of Kamehameha I she was also the mother of the three highest

⁸ P. 270.

⁹ *Hawaiian Language Imprints...*, pp. 3-9.

ranking children of the conqueror, Liholiho, Kauikeaouli, and Nahi'ena'ena. Keopuolani kept her daughter with her and wanted Nahi'ena'ena to be educated in the new learning and to become a contemporary woman like the missionary wives. Moreover, Nahi'ena'ena was potentially the most important wife and mother of future kings and chiefs.

Keopuolani was married to Hoapili and they both had been interested in the Christian message of the Missionaries soon after their arrival. She requested specifically that she have a teacher of the word of God near her. Moving to Lahaina with her as well as Nahi'ena'ena was a large number of attendants and Chiefs.

The opportunity was too great for the Mission to miss. Indeed, as Keopuolani settled in the village, a large number of Chiefs, chiefs and people also moved to Lahaina. Richards stated that twenty-four of the highest Chiefs followed her to Lahaina. Twelve of them settled there as residents. The others traveled in and out of Lahaina. Moreover, a large number of the common people also moved with the Chiefs. Richards estimated that the population of Lahaina before Keopulani's arrival at about 2,500, and at about 4,000 after her arrival.

The Lahaina Station district was comprised of Maui, Moloka'i, Lana'i, and Kaho'olawe. Communications between Moloka'i and Lana'i were

frequent, and even constant. There is scarcely a day, but canoes pass and repass. Almost the only communication is by canoes, though small vessels occasionally visit Morokai. The inhabitants of those islands have very little communication with any other place except Lahaina. If therefore they are illuminated at all, they must derive their light from this

station. Tahawawa [Kaho'olawe], too communicates with no other island except Maui, though there are few inhabitants there, and those mostly fishermen, who are not permanent residents.¹⁰

In 1832 a Moloka'i Station was established and a station at Wailuku, Maui. The Lahaina Station still encompassed the islands of Lana'i and Kaho'olawe. On Maui its area extended from Kahakuloa on the north, around to Ka'anapali, and to Lahaina, Olowalu, and Ukumehame. SEE FIGURE 12 This station remained an important one. Here many of the Chiefs resided. Kamehameha II visited his mother there often. Great Chiefs came and went. After Keopuolani's death on September 16, 1823, Nahi'ena'ena remained there. Kauikeaouli was in residence often. Hoapili remained there now married to Kaheiheimalie. The establishment of the seminary at Lahainaluna to teach Hawaiians to become teachers to their people added to the importance of the district.

In the reports, letters, and journals of the missionaries, the progress of the expansion of the religious and educational activities in the district can be noted. During the period under study in this report, the mission opened out stations at Ukumehame first, soon after at Olowalu, then Ka'anapali, and finally at Kahakuloa. Thus, for the Mission administration the connection with Kaho'olawe came through the Lahaina, Olowalu, Ukumehame area of the island of Maui. For the administration by the Chiefs connections came through the governor of Lahaina and/or Maui. For the people of Kaho'olawe as noted in the story of the prisoners

¹⁰ Silva, p. 21.

their connection was closer to the Honuaula district and the village of Makena and vicinity.

The distinction has some influence in attempting to find the names of persons who might have been teachers or students on Kaho'olawe. For example, in the census of 1853 conducted under the administration of the Department of Public Instruction the population figure for Kaho'olawe was placed together with the district of Kahakuloa. SEE FIGURE 13 The cabinet minister in charge of the Department was The Reverend Richard Armstrong, former American Protestant missionary, now in the service of the Kingdom government. This districting also influenced government classifications in the Second Organic Act as quoted in Chapter 2.

At the Lahaina Station the pattern of Chiefs attaching a teacher directly to their households was followed. Missionaries were encouraged by the diligence with which the study of reading and writing was conducted. By February 2, 1824 the King and Chiefs decided to allow the people to learn to read and write rather than to keep the new talent only for those of great rank. A large and systematic school organization was established at Lahaina. Within a few months ten schools were functioning with about four hundred students under trained Hawaiian teachers. Teaching was conducted by spelling in unison, reciting letters and arithmetic, asking questions, and making speeches. In June Ka'ahumanu announced as one of her five laws that all the people should attend school. The mission school system was well established.

An interesting difference of some Chiefs in their attitude to

law and to education can be seen by the actions of Wahinepio. During her official position as governor of Maui and/or Lahaina (see Chapter 2), she did not enforce the new laws governing morality. But the schools under her control prospered as much as those under other Chiefs.

Schools and schooling were influenced by other external pressures. During August of 1824, the war on Kaua'i absorbed the interest of the Chiefs and people. Most of the Chiefs went to the war on that Island. Many of the men were recruited for that war. The interest of those who stayed at home was diverted to the news and the schools were left unattended.

By the end of 1824 with the end of the Kaua'i war, schools multiplied and scholars increased in number. Progress continued and in 1826 Lahaina held an examination of the schools. For these events called a *ho'ike*, intended to be held annually, people gathered from all over the district to exhibit how well they knew their letters. There was competition among the schools to see which ones excelled. Certain schools began to get reputations for their work.

In 1828 the missionary reports related that an inspection was made around Maui, Moloka'i, Lana'i, and Kaho'olawe. In the summer the missionaries and some of the principal chiefs made the journey.¹¹ This information does not seem accurate. The inspection may only have been around Maui. In 1827 Levi Chamberlain

¹¹ Silva, "1820-1849," p. 23, quotes the *Annual Reports* of the A.B.C.F.M. Rufus Anderson in his *A History of the Sandwich Islands Mission* repeated the information, pp. 85-86.

reported to Rufus Anderson that Richards had "just" (in June) returned from a tour around the great "Western Division of Maui" which included the most important part of the Island. He was accompanied by Mrs. Richards, two of their children, Nahi'ena'ena, other Chiefs, and their trains.¹²

By 1831 there were at least nine hundred teachers studying for a few months at Lahaina station schools. Lahainaluna Seminary was functioning. Soon its graduates were established in remote districts conducting large and flourishing schools. Often Lahaina Station reports note that large numbers of people gathered in Lahaina from "the back part of the Island," the "most distant parts of our field," and outlying districts for examinations.

By 1834 the schools were not prospering as before. Missionaries attributed the decline in the interest of adults and the attention of children because of the quality of teachers. By that time the older teachers had exhausted their knowledge. Their students had advanced beyond them. Younger and better trained teachers were needed. The Lahainaluna graduates filled some of this void. Many problems still existed. There was not enough paper or slates for writing, teachers were unpaid and little supply given them.

Still the Lahaina Station expanded its outstations to Olowalu and Ukumehame, Ka'anapali and Kahakuloa. It also began a building program. In 1836 the Station report for 1835 reported that stone

¹² Chamberlain to Anderson, September 14, 1827, Missionary Letters, v.2, p. 492, Hawaiian Mission Children's Society Library.

school houses were to be built in Olowalu and Ukumehame. Perhaps this plan was too ambitious for within the next year or two four adobe school houses were built instead. Two were constructed in Lahaina, one at Olowalu and one at Ukumehame. At the north end of Lana'i one stone school house was built and two Lahainaluna graduates were teaching there.

The missionaries convinced the King and Chiefs that education was a responsibility of the Government. A public school system was needed. The first legislature of the Kingdom passed such a law in 1840. Kaho'olawe was included in the school district for Kahakuloa. The mission schools described above were superceded.¹³

The brief statistics given above indicate a school on Kaho'olawe. Where it was located is not known at this time. Kuheia, Ahupu, or Honokoa appear to be the best possibilities. Some petroglyphs have been found with words included. The date when the petroglyphs were formed is not known. Moreover, literacy was so widespread that the petroglyphs may have preceeded the school or have no relation to the school at all.

No school building has been identified. Before formal structures were built Hawaiians used available houses or met in the open. The Lahaina Station identified no attempt to build a school on Kaho'olawe either of stone or adobe. The reference to an unfinished adobe church sited in 1841 and recorded by Wilkes leaves an interesting question. The structure existed in Kinimaka's

¹³ The American missionaries continued to conduct many schools but not the general schools of the 1820s and 1830s.

administration of Kaulana penal colony and the Island. On the other hand, references to the penal colony in later times report that the Chiefs intended that Kinimaka build a complex of structures for prisoners. No such evidence exists of the remains of a complex of western-like structures at Kaulana. Nor have archaeologists found the evidence of the adobe structure noted by Wilkes. It is likely that the adobe "church" was just that. Was it a move on Kinimaka's part to ingratiate himself with Kekaulohe, the most righteous Christian?

Who attended school in Lahaina and returned to Kaho'olawe to impart reading and writing to the people there? I have not identified such a person or persons. No graduate of Lahainaluna was listed as being sent to Kaho'olawe to teach. One speculation seems logical: the teacher was the person who acted as "governor" of Kaho'olawe under the Lahaina and Maui governor.

Who were the students at the school on Kaho'olawe? Obviously they were the adults and children of the semi-permanent residents of the Island. These residents were attached in the winter months to Lahaina or the Honuaula districts of Maui. My investigations into census papers for 1853 and 1866 have yet to produce any conclusions.

Who visited Kaho'olawe from Lahaina? The tour of 1827 probably did not include Kaho'olawe. There has not been found a record or a verbal tradition that Nahi'ena'ena ever visited the Island. Did Richards? He was remarkable in his travels in his district. In 1835 it was reported that he visited Lana'i four

times spending nine days there on his first visit. The next year he visited Lana'i six times. While this exemplifies Richards devotion to duty to his Station, it does not place him physically on Kaho'olawe. Yet in missionary reports for 1828, 1831, 1832, and 1837 statistics of "scholars" are given for the Island as part of the Lahaina Station.

No doubt futher investigation will reveal more accurate information.

CHAPTER 4: COMMERCIAL USES: 1858-1953

...the raising of sheep...[is] worthy of particular encouragement....[for] it can be made a profitable business in the high waste lands of the islands....¹

The history of ranching on Kaho'olawe covers nine lessees and sixty years. One impression emerging from the documents is the continuing enthusiasm and optimism of the ranchers for enterprise on the Island. Astute businessmen and expert horticulturists sought to acquire or use the Island. Despite the known hazards of the environment, the ranchers seemed certain that they could make their ventures profitable.

The reputation of the Island grew and changed with time. Myths concerning the Island were known and repeated. In 1857 Governor Nahaolelua of Maui identified the location of a place at Kanapou by pointing to "where Kalaepuni was murdered," a reference to a myth about Kaho'olawe *opihi*.² Other stories added to the folklore. Shipwrecks, opium smuggling stories, glamorous personalities were identified.

Few of the developers of the Island lost interest in the Island. Christian C. Conradt, Eben Parker Low, Angus MacPhee and his daughter Inez Ashdown, Randall van Tempsky and his children, all never lost their certainty of the richness of the Island. They knew the land, the myths, its secret places. Harry A. Baldwin, one of Maui's most talented businessman, continued to

¹ William Little Lee, RHAS, *Transactions*, I:3:8.

² Nahaolelua-Richardson Report, see below; Kahaulelio, *op. cit.*

invest in the Island despite receiving only losses and no profits. His family called Kaho'olawe "Uncle Harry's Folly."³

What was the fascination of this Island? Part of the interest was the entrepreneurial impetus to use all available land for profitable ventures. Land, being scarce, a whole island could not be left idle. The temper of businessmen in Hawai'i in the 19th Century was progressive, inquisitive, and assured. They investigated the potential uses of all types of land. They collected the best information they could find about agricultural development. Then they invested, often heavily, in new ventures. Kaho'olawe was easily part of their economic planning.

Part of the interest was in the challenge to master a harsh environment. A constant theme from 1858 on was if the wild animals could be eliminated from the Island, the land would blossom. At first wild dogs, hogs, and goats were the predators. By the end of the 19th Century goats and sheep were the destroyers to remain so to the end of the period under discussion and, indeed, to the recent present.

As a corollary to the wild animal problem was the improvement of the water scarcity problem. Plants and trees would stop erosion and improve the catchment of water. But new planting was constantly destroyed by the wild animals roaming at will. Nor could new planting survive the dry months of the year. Water systems could be built at great cost and the animal population,

³ His son-in-law, Walter Cameron, told Inez Ashdown this. Inez Ashdown to Mary Kawena Pukui, March 27, 1960, Ms. in Maui Historical Society.

domestic and wild, contained by a system of fences and corrals. In the statements from the ranchers themselves was the repetition of plans: water containers built on the land, fences to control movements of animals, replanting for feed and erosion control, and always the elimination of the wild animal population.

Ranchers were striving for that right combination to reach a perfect balance with nature, convinced that they would discover it.

Part of the fascination was also the feeling of pride at being the sole master of a whole island. The first lessee, Robert Crichton Wyllie, joked about his and his partner's lairdship of Kaho'olawe.⁴ Stories of the days of the MacPhees and the Baldwins include the remembrances of the charm of visits to the exclusive Island. In World War II stories of the military conducting friendly goat hunts and fishing trips for select guests reached Ashdown on Maui.⁵

In the first decade of 1900 the signs of environmental deterioration became apparent to the government of the Territory of Hawai'i. Both lessees and the government began to consider the causes of, and solutions to, the problem. Was livestock ranching the cause or only the overstocking of sheep and cattle herds? What was the responsibility of lessee and government in uses of the Island? Could commercial enterprises conduct their business in such a way as to use the Island for profit and at the same time to

⁴ Wyllie to Allen, April 6, 1858, R. C. Wyllie Private Collection, Archives Hawaii; also Silva, p. 52.

⁵ Ashdown, Ms., in Maui Historical Society.

fulfill the government's desire to reclaim the land?

For convenience the following narrative will consider two periods: one between 1858 and 1900, the second between 1900 and 1953.

In 1857, 1858, and 1859 three investigations were made of the Island by men experienced in land matters.⁶ The first between December 1st and 4th was undertaken by Nahaolelua and Ioane or John Richardson under instructions from Lot Kamehameha, minister of the interior. They were to report on the land, its area and value, and whether it would be suitable for raising cattle and sheep. Peter Nahaolelua, governor of Maui, was a member of the House of Nobles from 1853 to 1874. He served King Kalakaua as minister of finance in 1874.⁷ Richardson was the same person who had joined Shaw and Preever in a request to buy on Kaho'olawe.

The second investigation on May 17th was undertaken by William F. Allen under instructions from the new lessee Wyllie. He was to report on the general condition of the Island and its suitability for a sheep ranch. In an article, Lomax wrote that this Allen was no relation to Elisha H. Allen.⁸ William Fessenden Allen was, in fact, Elisha's son. He was born in Bangor, Maine, on December 19, 1831, and died in Honolulu on February 5, 1906. He settled in

⁶ Nahaolelua-Richardson Report, Silva, pp. 49-51; William F. Allen Report, Silva, pp. 53-55, also copy from Wyllie Private Collection in Archives Hawaii; William Webster Report, Silva, 57-58, also copy from Wyllie Private Collection.

⁷ Roster, p. 297.

⁸ Lomax, *op. cit.*, pp. 29-54.

Honolulu in 1852 and joined his cousin Samuel Clesson Allen in a firm doing general merchandising business. He served the Kingdom in positions of trust, one office being collector of customs. When Elisha went to Washington, D.C. as Hawai'i's diplomatic representative to the United States, William wrote voluminous letters to keep his father informed of local events.⁹

The third investigation between May 12 and 13 was made by William Webster with instructions from Wyllie. He was to advise Wyllie on various ranch problems concerning the sheep that had been sent there. Webster was also to consider "the best means of extinguishing the wild dogs...on the Island, whether the pasturage is likely to be abundant & permanent, and whether there be a probability of irrigation by Artesian wells...."¹⁰ Webster was one of the most experienced professionals in the Kingdom. He was an engineer who helped plan the improvement of Honolulu harbor for Kamehameha III and continued to oversee the project under Kamehameha IV. He was the latter's land agent and friend of the King and Queen Emma. He was considered to be one of "the three leading sheep men."¹¹ He served in the House of Representatives in 1855, 1856, 1860, and 1862.¹²

All three investigators traveled over much of the Island but

⁹ Kuykendall, *The Hawaiian Kingdom: The Kalakaua Dynasty, 1874-1893*, Honolulu, 1967, III:10, 16, 197, 200n, 206, 266, 275; Ray Jerome Baker, *Honolulu in 1853*, Honolulu, 1950, pp. 50-51.

¹⁰ Silva, p. 56.

¹¹ Lomax, p. 52.

¹² Roster, p. 300.

not all of it. All spoke to residents, or ranch hands, or Maui businessmen who knew the Island. A summary of their reports serves as a good indication of the condition of the Island at the beginning of the ranch period.

Nahaolelua-Richardson found about fifteen men, women, and children as residents of the Island. Three of the fishermen wished to buy land on the seashore. Allen found about fifty residents who told him that they were "anxious" to remain on the Island even as shepherds. Webster talked to the ranch manager but did not report on residents.

None made an exact survey but Nahaolelua-Richardson estimated the island as about 40 square miles and 25,600 acres. At the high point of the island it was estimated that 3,000 acres (Nahaolelua-Richardson) or 4,000 to 5,000 acres (Webster) of good land. About half of this land was covered with 'akoko shrubs which yielded a thick milky sticky juice.

All reported that the soil was very good on the top of the northern part of the island. There at the highest point a soil of loam existed where residents cultivated food plants. Nahaolelua-Richardson saw a sugar cane patch in a gulch where the stalks measured about six and a half feet high and five and three-fourths inches in circumference. Residents told them that sweet potatoes would grow on this area if planted at the right time. Allen found sugar cane there and heard that mellons, potatoes and pumpkins would also grow there. At this summit it was thought that feed was sufficiently green throughout the year.

All reported that water resources were limited. There was no fresh water except for water collected in small pools during the rainy season that dried up in the dry season. There was usually a scarcity of water in some localities in the dry months. Three brackish wells were learned of at Ahupu, Waikahalulu, and Kanapou. Webster saw fresh water in one place in an old crater about three miles from the south end of the island. It was at the bottom of a crater, a shallow pool, muddy and red. The other two were told that fresh water did collect in craters and lasted for some time before drying up. Two reporters suggested that a cistern, or tanks be provided for water storage.

To Nahaolelua-Richardson old residents said that *naulu* rains came sometimes when the trade winds were blowing. In the document it is defined as "rains without clouds."¹³ In Hawaiian language dictionaries it is translated as a "shower."¹⁴ In Pukui's sayings *naulu* rain is the rain that comes out of a clear sky.¹⁵

In terms of plant growth the investigators found the seashore cultivated where growth was lush. An *ohai* tree grew to be twenty-four high. Tobacco, pineapple, *la'au kau* [sic], and calabash gourd vine grew well in this area.

The natural growth included *kalamalo* at the seashore and a plentiful supply of *pili* grass and *'ume'alu* or fox-tail. On the

¹³ Silva, p. 51.

¹⁴ Lorrin Andrews, *A Dictionary of the Hawaiian Language...*, Honolulu, 1865, p. 546; Mary Kawena Pukui and Samuel H. Elbert, *Hawaiian-English Dictionary*, Honolulu, 1957, p. 243.

¹⁵ P. 173.

high ground they found *kalamalo* grass, some *pili* and *kukaepua'a* grass and *kikania* horse feed and a few *pualele* or sow-thistle. They found no large trees on the mountain area. The *akoko* grew to only about four feet in height. There were a few small *a'ali'i*, sandalwood, *wiliwili* trees, and others. All were scrubby and small.

The three reports all stated that sheep would do well on the Island. Nahaolelua-Richardson did not think that cattle would thrive because of the lack of water and the scarcity of dew on the mountain. They thought that sheep would thrive on the mountain and goats on all parts of the Island. Allen thought that *akoko* could be food and drink for sheep as sheep were "very fond" of it. He thought that "the sheep will not suffer for water, and the shrubs and some of the grass is very well adapted for sheep, and the feed will improve." Allen had received the advice of L. L. Torbet, one of the earliest commercial agricultural entrepreneurs in the Islands, that the Island had "ample pasturage for 20,000 sheep." Torbet had been all over the Island he said.

Webster "formed a very favorable opinion of it as a sheep pasture". He felt that the scarcity of water in some localities during the dry season could be met by sinking tanks in some areas and by "a judicious" changing the flocks from one part of the Island to another at different seasons. The 4,000 to 5,000 acres he found on the summit he thought were sufficiently green throughout the year to supply sheep without water. He believed that *akoko* would have to be eliminated. The milky white juice of the plant,

he said, would not be good for a wool bearing animal. He said a small herd of cattle introduced would clear out the shrub. The best tract of sheep land he saw extended for five or six miles along the weather side from the southerly end of the high cliffs southward. He described this as beautiful land for sheep, being undulating and covered with sweet herbiage. Again he recommended the use of tanks to solve water problems. The dry lee side, he said, would be good for goats. He suggested a possibility of stocking 10,000 sheep and 5,000 goats.

Wyllie bought the lease of the Island at auction in April of 1858. The term of the lease was for twenty years at the sum of \$505 per year. His objective was to import sheep to the Island for both food and wool. He began his operation with high expectations.¹⁶

He was joined in the enterprise by Elisha Allen. In the first years of the ranch Wyllie was the main promoter. He was the bidder at the public auction. Certainly his position in the Kingdom was superior to Allen's at that time. Perhaps the reality of his place of preference in society helped him in his bid at public auction. It was he who engaged William Allen and then Webster to travel to the Island. He and Elisha Allen kept up an active correspondence on the activities there. Allen was as optimistic as Wyllie. "I have no doubt that we can make a fine thing out of it, when we can get fairly under way."¹⁷

¹⁶ Silva, p. 52ff.

¹⁷ Silva, p.57.

Sometime in the summer of 1858 Wyllie purchased sheep from O. B. Merrill of Makawao, Maui. He soon discovered that the sheep were infected with scab. When Webster arrived on Kaho'olawe in June of 1859 he found 2,075 sheep. He also found at least three-fourths of the sheep infected with scab. He reported that it was a serious disease. Wyllie could not expect to breed from this stock. It would be one year, he said, after the flock was completely clear of scab before breeding was possible. Webster also reported that on Maui he had seen the flock from which Wyllie's sheep had originated. They also had scab.

Wyllie began to lose interest in Kaho'olawe. He felt that he had been cheated by Merrill. And his dream that he might be able to dig artesian wells on the Island did not materialize. He learned from Webster that "there is very little water holding strata...from which a supply of water could be got by artesian boring." By July of 1859 he asked Elisha Allen if he could be relieved of his interest in the ranch.

Allen continued as owner under the original lease. In March of 1864 he negotiated a new lease with the Government. Wyllie was not well then and he died on October 9, 1865. Perhaps Allen felt the necessity to have his own lease. He was able to negotiate a lease with liberal terms. Lease number 115 granted him the whole island for fifty years from January 1, 1863 for a rent of \$250 a year.¹⁸ By this time Allen had served as supreme court justice, minister in the governments of the Kamehamehas, and important

¹⁸ Silva, pp. 58-59.

diplomatic representative of the Kingdom with the United States. His position in status and influence was now equal to that of Wyllie.

Details of his ranch are unavailable. In an article C. S. Judd wrote years later that under Allen the land "lay idle for some time."¹⁹ Is it possible at this time that many of the sheep of the Wyllie-Allen enterprise became part of the wild animals of the Island? In March of 1874 there was a request from Charles R. Bishop to buy the Island as then under lease to Allen for \$2,500. Later in the year in October Allen solidified his control of the lease by offering to deed to the Government two-thirds of land he possessed at Ha'iku, Maui, to pay for lease rent due and whatever rent would become due.²⁰

Allen's interest in the Island lasted for some time. In 1880 he transferred his interest in Lease 115 to Albert D. Courtney and William H. Cummins. Since 1877 Allen, as the Kingdom's diplomatic representative to the United States, had been spending most of his time in Washington, D. C. and continued to do so until his death in 1883. Perhaps the ranch was not showing a profit at this time or perhaps it was more or less abandoned as a functioning ranch.²¹

Cummins expected to turn his efforts to a profit. He planned

¹⁹ C. S. Judd, "Kahoolawe," in *Hawaiian Annual*, 1916, pp. 120-121.

²⁰ Silva, p. 60.

²¹ Silva, p. 63. In Hawai'i at the time there were Cummins and Cummings families. This William H. Cummins is referred to by several different spellings including Commings.

to remove all sheep and goats and to stock cattle instead. He expected that cattle could fatten very readily on the Island. In a year or two he expected prosperity. But in 1882 he was delinquent in paying his lease rent. By April of 1887 he had transferred the lease No. 115 to the Englishmen Clement S. and J. R. Seyd Kynnersley and Randall von Tempsky. The latter lived as manager on the Island with his family and ranch workers. Their venture was prosperous as a sheep and cattle ranch, perhaps the only successful ranch operation on Kaho'olawe. They ran 10,000 sheep, 800 cattle, and one hundred or more horses on the ranch. At the same time the wild goat population was large. But according to Harry A. Baldwin it was the Kynnersley brothers who had badly overstocked the Island leading directly to the degradation of the environment.²²

The Kynnersley-von Tempsky ranch lasted until 1901 when the lease (Number 115) was transferred to the B. F. Dillingham Co., Ltd.

Information of Kaho'olawe was intermittent and at times contradictory. Original material is not always available. Even the writings of experienced foresters and agriculturalists may not be accurate. Directories gathering facts for publication gave vastly inflated numbers for acreage and stock. Thus, the following figures relating to livestock are divided between those given by the ranchers and those recorded in directories, articles, and

²² Silva, pp. 63, 64, 75; H. A. Baldwin to C. T. Bailey, Dec. 19, 1927, State Land Management Office, Land Records and Correspondence, hereafter cited as SLMO, Land Rec. and Corr.

general references.

In Wyllie-Allen records 1,859 sheep were transported to Kaho'olawe on April 27, 1859. Webster reported 2,075 sheep on May 12, 1859. In August of 1881 a year and five months after Cummins and Courtney had taken over the ranch, Cummins reported 1,000 sheep and 2,000 goats. In an article written in 1916 C. S. Judd, a forester and expert in land matters, stated that in 1890 there were 900 cattle and 12,000 sheep on the Island.²³

In December of 1875 while Allen still held the lease King Kalakaua visited the Island. He reported 20,000 sheep and ten horses. But in the directories published in the 1880s and 1890s, figures were given that were wildly inaccurate only to be repeated in the general literature. In the publication of the McKenney Directory Company in 1884 the Island was said to be twelve miles from the nearest point on Maui, was composed of 32,000 acres, had 20,000 acres of grazing land, and 9,000 goats, 2,000 sheep, 200 head cattle, and 40 horses. In 1888 the McKenney directory stated that the Island was 63 square miles and 30,000 acres with 1,000 sheep, 800 head cattle, and 100 horses. In 1889 a man named Nicholson wrote about his travels in Hawai'i and repeated the misinformation. A directory edited by Lane in 1890 stated that there were 42,000 acres of all grazing land on Kaho'olawe. Other directories repeated this material to the end of the century.²⁴

²³ Silva, pp. 52-64; Judd, *op. cit.*, Allen Record Book, April 27, 1859, Wyllie Private Collection, Archives Hawaii.

²⁴ Silva, p. 61ff.

Several first hand reports indicated the condition of the Island. They can be used to compare with the three reports in 1857-1859. King Kalakaua's trip was recorded in an article written by one of his attendants. He landed at Kanapou and traveled by horse upland to the "flat plains" where they could see out over all the Island. They found forest plants upland, *mamane*, *akia nenee* [sic], *wiliwili*, *maniana*, *pilipili* and *pili* grass. It seemed to these observers to be good land suited to raising animals even able to hold 100,000 sheep for fattening. They said there were streams, springs and spring water. The only negative statement was that the food of the residents came from another island.²⁵

Perhaps Kalakaua and his entourage visited the Island at the right season after a year or more of good rainfall. Other evidence is not as encouraging. Cummins referred to the soil on the high part of the Island being blown away. He planted a large hedge of prickly pear to stop the erosion.

In this brief survey of the period between 1858 and 1900, the changes in the environment are difficult to determine. The optimism of the ranchers was high, but indications are that profit was not easily made.

Lomax wrote in an article in 1939 that sheep husbandry in Hawai'i declined by 1877. "At this time," he wrote, "the problems of reforestation, water and soil conservation, and segregation of land for crop that was formerly employed for livestock became

²⁵ Silva, p. 62.

important."²⁶ In Kaho'olawe's case ranchers added cattle to ranching activities, but sheep were still important. In 1903 sheep were still the basis of the Conradt ranch, the emphasis being on mutton rather than wool.

Hawai'i was annexed to the United States in 1898. On June 14, 1900 the formal government of the Territory of Hawaii was established when an Organic Act passed by the United States Congress took effect. By its provisions all public land became the property of the United States. The administration of the public land, however, was placed in the executive of the Territory. In Section 73 of the Organic Act, as amended, the Territory was not to lease agricultural land for a period of more than twenty-one years. All leases presently in effect would remain so. Lease No. 115 was still in force. Its expiration date was January 1, 1913. In Section 91 of the Organic Act it was provided that the public land was to remain in the "possession, use, and control" of the Territory. It was to be "maintained, managed, and cared for" by the Territory "unless otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii."²⁷

By 1901 the Kinnersley-von Tempsky ranch with its stock of sheep and cattle was sold to B.F. Dillingham Company, Limited. For over two years this ranch continued a sheep action with about 7,000 animals. One reference stated that the company had intended to

²⁶ *Op. cit.*, p. 53.

²⁷ Revised Laws of Hawaii, 1925.

grow sugar on Kaho'olawe.²⁸ As unlikely as it seems considering the arid reputation of the Island and the need for quantities of water to grow sugar, it might still have been the Company's intention. In 1898 and after as part of the spurt of business activity as a result of annexation to the United States, entrepreneurs throughout the islands started sugar plantations on any available land. Many, of course, failed.

During Dillingham's tenure there was a record of decent rainfall. Grass was plentiful and the sheep plump. In recognition of the dry climate the Dillingham interest did consider growing sisal. But it did not remain devoted to Kaho'olawe but sold the lease (number 115) to Christian C. Conradt of Maui in December of 1903 for a reputed sum of \$15,000.²⁹

Conradt had a ranch of about 5,000 sheep, 60 head of cattle, and a small band of horses. Conradt had comprehensive plans for the Island. He intended to reclaim the barren portions by planting windbrakes and grasses. He also planned to use fences to control the livestock and to protect the barren areas. Newspapers reported that considerable mutton was imported from Australia and the mainland United States. Conradt expected to contribute to a reversal of that factor. He planned to supply Maui with mutton and arranged with two butcher shops in Wailuku and one in Pu'unene to deliver mutton every two weeks. On January 15, 1904 the first

²⁸ Silva, p.75.

²⁹ Silva, pp. 74, 75.

shipment had arrived on Maui.³⁰

He wanted to build two or three pastures. In this manner he would be able to move the sheep from one pasture to another after one pasture was eaten clean. He would also plant new grasses. He expected to carry on a commercial fishing business. He had several sampans and boats and started a fresh fish business by catching the fish off Kaho'olawe, stocking them alive in his sampans and traveling in a one hour trip to Ma'alaea Bay to be sold at the landing.³¹

Algaroba or kiawe trees had been introduced to the Island and were flourishing. Conradt was going to plant other trees. To carry out his plans he began negotiations with the Territorial Government to see if he could get an extension of the lease. It had nine years to run. Instead by July of 1906 he said he would retire soon. Indeed on December 28, 1906 lease 115 was transferred to Eben P. Low.³² Later Conradt had a cattle and sisal ranch on Moloka'i. Later still he returned to Maui and was a judge in Wailuku.

When Conradt was discussing his plans to a reporter of the *Maui News* on January 16, 1904, Henry Perrine Baldwin was present at the interview. He brought up an interesting aspect of the relationship between forests and rain concerning the *naulu* rains mentioned by Nahaolelua-Richardson. Henry Perrine Baldwin,

³⁰ Silva, pp. 75-76.

³¹ Silva, p. 76.

³² Silva, p. 77.

missionary descendant, founder of Alexander and Baldwin, patriarch of Maui, respected agriculturist and rancher, spoke of the experience of Captain James Makee with his sugar plantation at Ulupalakua upland from Makena on Maui. Baldwin stated that Makee had told him

that when Ulupalakua was first started as a sugar plantation, Kahoolawe was practically covered with a dense growth of foliage and trees, and that at that time rain was continually abundant, not only at Ulupalakua, but even on Kahoolawe. However cattle and sheep were turned on Kahoolawe with the result that in a few years the foliage was destroyed, and the summits and hillsides became dust bank which they have ever since remained. The destruction of the foliage on Kahoolawe resulted disastrously on Ulupalakua, and Capt. Makee told Mr. Baldwin that this was the real cause of the rain failure at Ulupalakua and its abandonment as sugar plantation.³³

For the next few years an interesting confluence of factors joined together to change considerably the treatment of the Island. One factor was the information provided by Baldwin about the relationship between forests and rainfall and the interaction between Kaho'olawe and Maui. A second factor was the growth of a conservation movement in the Islands. And a third factor was the personality of Eben Parker Low.

Among the results was an interest developed in the *naulu* rains and a repetition of facts about this phenomenon that changed in meaning over time. Secondly, the Government of the Territory became actively involved in the condition and improvement of the Island. Finally, the intricate exchange of negotiations between the Government and Low began the process of eliminating feral

³³ Silva, p. 76.

animals from Kaho'olawe.

Low had just over six years left on lease 115. He was a rancher on Hawai'i, a member of the Parker family, the originators of cattle ranching in the Islands. He had a shipping company and other interests. Low was an expert horseman, cowboy, and performer who had appeared at exhibits on the mainland. He was colorful, positive, at times dogmatic, tending to create a reaction to him at one extreme or another. His experience on Kaho'olawe appeared to be one long haggle with the government.

Drought had affected Kahoolawe in 1909. About the same time Governor Walter F. Frear had attended a conference in Washington, D. C. on conservation and reclamation. Frear found that on the mainland Congress matched the appropriation of local legislatures for such work. He wanted to use Kaho'olawe as an experiment station to investigate the question whether forests affect rainfall. He thought of removing all the livestock from the Island, replanting, then keeping a record of rainfall over a period of years. He stated it would be expensive but valuable and he expected to get matching funds from the federal government.³⁴

Frear had talked to the newspapers on September 25, 1909 about his plan. To implement it a shift in administrative authority had to take place. Public land was administered by a Commissioner of Public Lands who was advised by a board made up of private citizens. Reclamation was part of the responsibilities of the Commissioner of Agriculture and Forestry who was advised by a board

³⁴ Silva, p. 78.

of private citizens. Frear "suggested and requested" that the Board of Agriculture and Forestry take up the subject of Kaho'olawe. By June of 1910 Ralph S. Hosmer, the superintendent of forestry, had a fully stated plan. He sent it to the Board of Agriculture and Forestry suggesting that the whole Island be made a forest reserve under the control of the Board of Agriculture and Forestry.³⁵ On August 25, 1910 Frear proclaimed the Island a forest reserve subject to an existing lease to Eben Low. Low had not been informed or consulted and there began a long communication between Low and government officials concerning the status of the control of the Island.³⁶

One difficulty was the validity of Lease 115. Leases of the Kingdom had been honored in their entirety. No governments of Hawai'i had been willing to break or to try to break Lease 115. It remained in force through revolution and a Provisional Government, a Republic, annexation and a Territory of Hawai'i.

Hosmer's report to the five members of the Board of Agriculture and Forestry contained the first official notice of the degraded condition of the Island and the first official statement that it was the result of years of overstocking. As government land, he wrote

It has been used continuously for many years for the grazing of cattle and especially of sheep. A great part of the time it has been badly overstocked, a condition which has resulted

³⁵ Hosmer Report, June 23, 1910, also January 5 and February 9, 1912, State Department of Agriculture and Forestry Files, hereafter cited as SDAF Files; Silva, p. 80ff.

³⁶ Silva, p. 82; and correspondence in SDAF Files.

in the destruction of the original cover of vegetation, followed by erosion and the loss of large quantities of valuable soil, much of which has literally been blown away to sea by the strong trade winds.

It is said...that there used to be considerable forest on the higher land and a good cover of native grasses over the rest of the island. In recent years soil denudation has gone on so rapidly that now large areas have been eroded down to the hard pan. These areas are constantly increasing in size and it is much to be feared that unless the process is checked within a comparatively short time by far the larger part of the island will be reduced to a like condition. In many places are to be seen tall columns of soil protected by a bit of turf. These show the original depth of the soil and serve as an index of the great quantity that has been lost.³⁷

It is interesting that the recognition of the status of the Island had not been officially recognized before this date. Once the Territory was formed conservation and reclamation was institutionalized in the structure of the government. Moreover the movement toward conservation had become an important one engaging the interest of many in Hawai'i and on the mainland. Hosmer noticed "that in a community believing in Conservation" the restoration of Kaho'olawe ought to begin.

There was a major problem facing the government, he wrote: the limited funds at its disposal to use for a large number of localities throughout the islands that deserved attention. He wrote, "Personally I am not in favor of any large expenditure on Kahoolawe under the financial conditions that now obtain in Hawaii." He suggested that the Island be removed from public land subject to lease and that the Government only spend some funds to remove any animals left after the last lessee withdrew from the

³⁷ *Ibid.*

Island.

Hosmer considered the question of the connection between Kaho'olawe and Maui:

...an opportunity is afforded in the reclamation of Kahoolawe to secure data of great scientific interest in regard to the much mooted question of the influence of a cover of vegetation in producing rainfall. There is much verbal testimony (but unfortunately few if any reliable instrumental records) that in former days, say 25 years ago and before, there were many light drifting showers at the South end of East Maui, at Ulupalakua, which originated over Kahoolawe and drifted across the channel with the "Naulu" breeze. In recent years there is said to have been a perceptible diminution of these light rains, which in that dry district were of great value. This change is attributed to the destruction of the cover of vegetation on Kahoolawe. Whether this is true or not no man can positively say, but there seems enough reason for its being so to justify some expenditure in the way of restoring former conditions, provided that money for the experiment could be drawn from some special fund, not now in sight.

The word *naulu* is defined as a "shower" or a "cloudless rain." In the saying *Ka ua naulu o Kawaihae*, Pukui explains the translation, "The cloudless rain of Kawaihae," as "The rain of Kawaihae often surprises visitors because it seems to come out of a cloudless sky. A native knows by observing the winds and other signs of nature just what to expect."³⁸ Hosmer referred to the "naulu breeze." Charles S. Judd, executive of the Board of Agriculture and Forestry and superintendent of the Division of Forestry, wrote also about the "Nalu breeze."³⁹ By 1976 the geologist Harold T. Stearns talked about "Naulu" storms.⁴⁰

Judd did not subscribe to the theory about rainfall and

³⁸ *Op. cit.*, p. 172.

³⁹ *Op. cit.*, p. 123.

⁴⁰ *Silva*, p. 192.

forests. He wrote

Kahoolawe has been cited as an example of a place where the rainfall has been lessened on account of the destruction of the forest, but I am loath to give this much credence because, so far as can be ascertained, there never did occur any extensive or heavy forests on the island. It is true that if extensive forests existed there now the rain falling on the island would run off much more slowly and would be available for long periods in the form of springs and small streams which are not now found there. From somewhat unreliable records kept during the years from 1912 to 1914, the annual precipitation on different parts of the island varied from 5.33 inches to 18.35 inches. The general report is, however, that 40 years ago there was a much heavier rainfall on Kahoolawe which used to drift over to the south end of East Maui at Ulupalakua. This may be ascribed to the present-day phenomenon, for very frequently the moisture-laden clouds begin to pile up on Kahoolawe from the southwest and whenever the trades from Maalaea slacken up, these clouds with the Nalu breeze drift across the seven-mile channel to Maui dropping their welcome Precipitation on the parched earth beneath.⁴¹

The forest reserve period has been written about by Hardy Spoehr. Apparently one of the greatest difficulties in pursuing a reclamation policy was the cost and difficulty of the removal of wild sheep and goats. Yet no revitalization of Kaho'olawe could begin until the predators were eliminated.

By April of 1918 Governor Lucius Pinkham withdrew the Island as a forest reserve. The administration of Kaho'olawe land matters was transferred back from the Commissioner of Agriculture and Forestry and the determinations of its board members to the Commissioner of Public Lands and its board members.

In 1918 the Island was again open for lease as a ranch for livestock. Now the Commissioner of Public Lands added several provisions in the lease to protect the environment.

⁴¹ *Op. cit.*

By then general opinion accepted the interpretation that part of the Island had been denuded by overgrazing plus aeolian erosion. Judd thought that the process had been in operation ever since 1858. He wrote

The innumerable sheep and goats cropped the grass and other herbiage so closely that the sod cover was broken. This gave the entering wedge for the wind to exert its influence on the light top soil. This unprotected and exposed soil could not stand the force of the strong trade wind but was lifted little by little and carried southwest across the island many miles out to sea in the form of a great red cloud. In this manner the top of the island which was once covered with from four to ten feet of good soil has been reduced largely to hardpan. Where grass turf has protected the soil in many places there may still be seen hillocks or columns of soil standing up above the hardpan. In this process of wind erosion the soil has been blown away also from the roots of *wiliwili* trees leaving them stranded like ships high and dry on the beach at low tide....

The area affected in this manner by aeolian erosion covers fortunately only about one-third of the island on the higher elevations. One-third...in the more sheltered parts is covered with *pili* and other grasses in which there is growing up a fine stand of young algaroba trees. The remaining one-third, toward the southeast, is at the lower elevations and is very rocky and barren.⁴²

On the advice of agriculturists on Maui, Judd set out the special conditions for the Commissioner of Public Lands for a new lease. At a public auction Angus MacPhee bought the lease on December 23, 1918 the lease to take effect on January 1, 1919.⁴³

The whole island was leased for twenty-one years for an annual

⁴² *Op. cit.*, pp. 120-122.

⁴³ C. S. Judd to David T. Fleming, October 25, 1918; Fleming to Judd, October 28, 1918; Judd to Fleming, October 29, 1918; Judd to Commissioner of Public Lands, October 29, 1918; Bertram Rivenburgh to Judd, October 31, 1918; Fleming to Judd, November 18, 1918; Judd to Fleming, November 20, 1918, SDAF Files; Lease No. 1049, SLMO, Land Records and Leases.

rent of \$600 for the first seven years. Then and every seven years after the rent was to be reappraised for readjustment if appropriate. Three appraisers would be selected, one by the lessor, one by the lessee and the third chosen by the other two. The rentals were to be paid semi-annually in advance on January 1 and July 1.

Before stocking the Island, MacPhee was required to "remove or cause to be removed and/or exterminated all goats and sheep" and keep the land free of all goats and sheep. He was given a year from January 1, 1919 to accomplish the chore or otherwise lose the lease. Then only was he allowed to stock the Island with beef cattle not to exceed three hundred in number and twenty riding and pack animals. The cattle were to pasture for fattening on the parts of the land where *pili* grass and algaroba trees grew. An increase in the number of cattle was allowed only after conference with the Territory bureaus.

Conditions were detailed to protect the land at higher elevations where the erosion was advanced and the land was bare. MacPhee was to build watering facilities in such a manner that the stock would not wander over the bare areas. He was to control fires, keep a record of rainfall as it was recorded on rain gauges already placed, and send the information monthly to the government. He was responsible for the planting and care of trees and plants supplied by the Superintendent of Forestry and at locations designated by the Superintendent. MacPhee was to fence in the new planting and to provide water for the irrigation of these plants.

He was to assist government agents in their visits to the Island. At the expiration of the lease he was to "quietly and peaceably" walk away from the Island leaving all improvements to the government.⁴⁴

The lease was a new departure in the government's administration of Kaho'olawe. Under Allen's lease 115, the private lessee was left free to use the land as he saw fit. Judd pointed out to the Commissioner of Public Lands that

The aim of these conditions is to give the island the greatest possible protection and at the same time to utilize without detriment to the island a certain amount of the available pasturage....In my mind the idea of leasing this island is not to secure the highest revenue possible, but to place it in the hands of a responsible party who will work in the interest of the good of the island rather than to exploit it. 10/29/18

On reflection today, it seems unrealistic to expect a rancher to fulfill these conditions and still to make any profit at all. In 1933 Harry A. Baldwin in effect said as much.⁴⁵

To reach his decision, Judd had sought the advice of David Thomas Fleming, manager of Honolua Ranch, a Baldwin operation on West Maui. Fleming was a natural agriculturist who had established his reputation by managing water resources, controlling insect pests, and planting many new crops.⁴⁶ In 1917 when it was rumored that the government was preparing to give up the forest reserve he had applied for a ten year lease of Kaho'olawe for pasturage for

⁴⁴ Lease 1049, *op. cit.*

⁴⁵ See below.

⁴⁶ Mary Elspeth Fleming, *David Thomas Fleming: Man of Vision and Action*, n.p., n.d.

fattenting cattle.⁴⁷

By Fall of 1918 he had become Judd's advisor on what the Island could sustain without detriment to the land. Most of his suggestions were adopted in the final lease except for one major aspect. Fleming felt that during the dry season August to December inclusive no more than fifty head of cattle be allowed to pasture. He was trying to find a fair balance between the interests of the government and those of the lessee. Rather than remove all cattle during those months, he felt that fifty cattle could be fed for those months on algaroba beans and grass without harming the land.⁴⁸

In their correspondence Judd accepted Fleming's suggestions. In copies of the clauses to be inserted in the new lease, the restrictions read

...the said Lessee may pasture during the period from January to July, inclusive, of each year of the term of this lease, not to exceed 300 head of beef cattle and during the period from August to December, inclusive, of each year of the term of this lease, not to exceed 50 head of beef cattle for fattening purposes on the parts of the land herein demised which sustain pili grass and algaroba trees.

In his initial recommendations to Bertram Rivenburgh, Commissioner of Public Lands, Judd included the restriction as to the number of cattle allowed during the dry season. When the lease was published, Fleming wrote to Judd about the elimination of the clause. He felt that Eben Low had influenced Rivenburgh in this matter, "for such a scheme is all to the good of the Rancher, but

⁴⁷ Fleming to Judd, September 4, 1917, SDAF Files.

⁴⁸ Fleming to Judd, October 28, 1918, SDAF Files.

tough as ever on the Island from a Forestry view." Judd replied that the clause was modified "on the grounds that a delayed feeding season when the grass might be ready for pasturing later than June and the crop of kiawe beans which come still later could be taken advantage of."⁴⁹

The attempt of the Government to share administration with the lessee faced several severe challenges. The elimination of goats and sheep was an arduous and expensive project. What to plant, where to plant, and how to irrigate new plants was a difficulty. The algaroba or kiawe had proven to be the most hardy introduction. By 1916 about one-third of the Island was covered with it. Moreover, it provided a bean good for fodder and was carried naturally wherever the horse stock grazed. The continuing problem of water resources meant a heavy expenditure for the lessee. Over and above all these factors the rancher had to try to make a profit.

Under the Eben Low lease and in the Forest Reserve period, he had tried to get rid of the goats and sheep without success. MacPhee also had trouble meeting his one-year deadline. The year 1919 was an unusually dry one. MacPhee could not use his work animals to herd the goats. He asked for and was granted an

⁴⁹ Judd to Fleming, October 25, 1918 with enclosure "Clauses to be Inserted in the Kahoolawe Lease;" Fleming to Judd, October 28, 1918; Judd to Fleming, October 29, 1918 with enclosure "Clauses to be Inserted in the Kahoolawe Lease;" B. G. Rivernburgh to Judd, October 31, 1918; Fleming to Judd, November 18, 1918; Judd to Fleming, November 20, 1918, SDAF Files; Silva, p. 107 ff.

extension of time to January 1, 1921.⁵⁰

MacPhee had a peripheral problem with the government in regard to his relationship to Low. The two were old friends having first met on the mainland at a horse show. Low convinced MacPhee to come to Hawai'i. They were both trained cowboys and experienced ranch operators.⁵¹ Low still had horses, mules, and sheep on the Island. When MacPhee bought the lease apparently the two considered themselves partners. Government officials felt that Low was not dependable. He had not fulfilled several contracts with the government to eliminate goats and sheep or even to remove all of his own stock from the Island when requested to. Governor McCarthy demanded assurances from MacPhee that Low was not a partner. MacPhee gave these assurances. The two men, however, remained close friends and Low visited the Island often.⁵²

In the first six months MacPhee spent \$2,000 for fencing and traps for the extermination campaign before he started on his own enterprise. He and his daughter, Inez MacPhee Ashdown, invested all their assets in his enterprise. He had a sixty-five foot sampan, *Kahoolawe Maru*, built for use by the ranch. When the sampan was not used for ranch purposes, it was rented out as a

⁵⁰ MacPhee to Governor Charles J. McCarthy, May 14, 1919; McCarthy to C. T. Bailey, May 14, 1919; Bailey to MacPhee, June 19, 1919; MacPhee to Bailey, June 25, 1919; Bailey to MacPhee, June 26, 1919, SLMO, Land Records and Corr.; Silva, p. 110ff.

⁵¹ Inez MacPhee Ashdown in Silva, p. 169ff.

⁵² McCarthy to MacPhee, May 15, 1919; Low to MacPhee, June 10, 1919, MacPhee to McCarthy, June 16, 1919, SLMO Land Rec. and Corr.; Silva, p. 112.

freighter, a fishing craft, or a pleasure craft at one hundred dollars a day. He had redwood tanks placed strategically around the Island capable of holding from five to twenty thousand gallons each. He built fences to divide the ranch into two pastures. He planted thousands of trees. He got rid of at least 13,000 goats by capturing them and selling them to plantation camps on Maui. He contracted for a 400,000 gallon concrete cistern to be built at Ahupu. The contractor through ignorance or intent built a faulty structure that collapsed soon after it was built. He had spent \$38,000 on the ranch and had many more improvements to make.⁵³

On June 8, 1920 MacPhee joined in a partnership with Harry Baldwin and Lease 1049 was transferred to their Kaho'olawe Ranch. Ashdown stated that Baldwin joined the partnership for a token fee of one dollar with the understanding that he would match MacPhee's investments to date. In the transfer papers, the statement was made that "The goats and sheep upon the Island have been very largely removed...."⁵⁴

H. A. Baldwin a son of Henry Perrine Baldwin managed many of the activities of the Baldwin interests on Maui. He was an agriculturist, rancher, business executive, and politician. In joining MacPhee he was able to add not only his own capital but a potential for expanded financing for the ranch. What attracted Baldwin to the Island was his desire to raise purebred cattle and

⁵³ Inez MacPhee Ashdown, manuscript material at Maui Historical Society.

⁵⁴ Ashdown Ms, Maui Historical Society; Transfer, June 8, 1920, SLMO Land Rec. and Corr., Silva, p. 116.

thoroughbred horses on the Island. As late as 1942 Inez Ashdown claimed there were still some of their throughbred horses on the Island.⁵⁵

The partners made decisions together. In fact, MacPhee continued to manage the Ranch. He was also employed on Maui as a ranch manager at Ulupalakua and Grove ranches. Correspondence was undertaken by Baldwin. But in many of his letters he stated that until he had conferred with MacPhee all final decisions had to wait. He also mentioned that when he referred to "we" he meant himself and MacPhee.

It did not take much time to match MacPhee's investment. Baldwin had the faulty cistern at Ahupu repaired. He had a new boat built, the *Mazie C*, at the high school on Maui as part of their shop program. He also added funds for the elimination of the wild animals.

Yet the elusive sheep and goats continued to plague the partners. In October of 1925 the partners had a goat hunt and invited selected persons to join them in the enterprise. The hunt at the end of October had bagged ninety goats shot and caught with about a "couple of hundred" left. Hunters saw about one hundred sheep but were able to catch only twelve, according to Baldwin. MacPhee said they had "got" 85 goats and some sheep with about forty goats left.⁵⁶

⁵⁵ Ashdown Ms in Maui Historical Society.

⁵⁶ H.A. Baldwin to Charles S. Judd, October 17 and 18, 1925; Baldwin to Judd, Novemebr 10, 1925; MacPhee to udd, November 9, 1925, SDAF Files.

The number of times goats and sheep were "all gone" or "mostly gone" was repeated many times. In 1925 a report stated that the number of goats and wild sheep had been reduced to a minimum. At the end of 1927 Baldwin reported that he thought all goats had been exterminated. Ashdown stated that the goats hid out at Kanapou cliffs to reappear when the hunters had gone.⁵⁷

In December of 1929 when Judd noted that the "'last remaining flock' of goats has been exterminated several times over" there were still goats on the Island. At the time Baldwin also noted that the wild sheep numbering about sixty or seventy had increased probably because of the elimination of wild goats. Baldwin thought that besides shooting the sheep he wanted to try introducing a flock of one hundred head of tame sheep in a corral to attract the wild sheep.⁵⁸ The partners apparently did not carry out this plan for their records do not include that number of tame sheep.

In October of 1932 an inspection team found sheep tracks and were told there were possibly 20 sheep and fifteen goats still in the wild.⁵⁹

At the end of 1925 a government appraiser, Robert Hind, visited Kaho'olawe. Hind was a rancher on the island of Hawai'i

⁵⁷ Hind Report, SDAF Files, see below; Baldwin to Bailey, December 19, 1927, SLMO Land Rec. and Corr.; Ashdown Ms, Maui Historical Society.

⁵⁸ Judd Memorandum on Kahoolawe, December 4, 1929, SDAF Files; Baldwin to Bailey, December 31, 1929; Bailey to Kahoolawe Ranch, January 4, 1930, SLMO Land Rec. and Corr.

⁵⁹ Inspection and Land Re-appraisal Report by Robert Hind, October 26, 1932, SLMO Land Rec. and Corr.

where he was familiar with dry land ranching. Although the lease called for three appraisers, several named appraisers were unable to make the trip. By agreement, through a long exchange of correspondence, the government and the Ranch agreed to one appraiser, Robert Hind. He recommended that for the next seven years the lease rent be decreased to \$300 cash and the requirement that the ranch spend the sum of \$2,100 for fencing within six months. The location of the fences was to be approved of by the Commissioner of Public Lands.⁶⁰

Hind noted the several problems of the partners connected with the lack of water. He wrote that it was difficult and expensive to have water structures for stock at several places around the Island. Yet it was necessary that the stock not have to travel too far to reach a water source. During the drought of the summer of 1925, MacPhee and Baldwin hauled water by barge from Maui and pumped it into tanks on shore. The ranchers constructed two large concrete tanks for the storage of flood waters. September rains filled these reservoirs partially. He felt that the five to six hundred head of stock did not present a danger of overstocking but he did not think an increase was wise unless some of the waste areas were fenced off to allow grasses to spread.

He thought that the larger part of the denuded areas should be fenced off to protect the area from cattle. He did not believe that the Island could carry much more than its present quota of

⁶⁰ Correspondence about appraisers; Hind Report, SLMO Land Rec. and Corr.; Silva, p. 122.

stock.

Baldwin wrote his comments on the Hind report:

I have not had an opportunity of discussing Mr. Hind's report with Mr. McPhee and will not be able to answer your inquiry definitely until I have done so....Certainly the denuded portion of the island should be kept free from goats, sheep and cattle. Mr. McPhee and I had talked of fencing off the Eastern portion of the island, running a fence in the general North and South direction from Moaula. Such a fence, however, would not cost \$2,100.00, which Mr. Hind estimates ...for the reason that two large gulches, running from the sea coast up towards Moaula, on each side of the island, could easily be made impassible to stock, so that the length of the fence necessary would be considerably less than that probably estimated by Mr. Hind.

Baldwin also stated that he and his partner were planning to arrange more watering places by building cisterns or putting up tanks and planting trees on the denuded part. These improvements he estimated would cost "considerably more" than \$2,100. He also said that they would "try and develop subterranean water." He and MacPhee thought that they could pasture a limited number of horses on the Eastern side of the proposed fence. Horses would not prevent the growth of trees and would be of more benefit than harm to the land.⁶¹

Once Baldwin and MacPhee had conferred they wrote that they were agreeable to fencing off from cattle the barren part of the island if they could use their judgment as to the pasturing of horses in the fenced off area. MacPhee suggested that no annual rent be charged and instead the Ranch be required to spend \$5,000 for fencing and water development. Water improvements would revert

⁶¹ Baldwin to C. T. Bailey, December 22, 1925, SLMO Land Rec. and Corr.

to the Government at the expiration of the lease. Bailey as commissioner of public lands did not like the pasturing of horses in the fenced off area. He wrote "pasturing should be done only with the permission of the Commissioner of Public Lands, that is, if conditions in the fenced off area improve sufficiently..., special permission for the pasturing of animals therein might be given by the Land Commissioner." He also stuck to Hind's recommendations as to cash rental and expenditures.⁶² The new rental and conditions were accepted.

Perhaps it was the conflicting opinions between government and ranchers and the interference of the government in ranch matters that led Baldwin and MacPhee to consider a change in the status of their ranch. In the 1927 session of the Legislature of the Territory of Hawai'i, Senator Harold W. Rice of Maui, brother-in-law of Baldwin, introduced a resolution requesting the Commissioner of Public Lands to offer Kaho'olawe for sale at public auction.⁶³

Rice argued that the solution to the physical rehabilitation of the Island had not been found. He felt that a lease for a limited number of years prevented efforts for rehabilitation. Private ownership, he said, would make the Island more productive and a tax paying asset to the Territory. When Rice introduced his Senate Joint Resolution No. 8, it was seconded by Senator A. F. Tavares, a Republican from Wailuku, Maui. The Resolution was

⁶² Baldwin to Bailey, January 8, 1926; Bailey to Baldwin, January 27, 1926, SLMO Land Rec. and Corr.

⁶³ Silva, p. 130ff; Journal of the Legislature of 1927, Senate, pp. 395-396, March 27, 1927.

referred to the Committee on Public Lands. That Committee was composed of Senator W. H. McInerny, chairman, a Republican from Honolulu; Senators Henry K. Aki, a Republican from Lihue, Kauai; Francis H.I. Brown, a Republican from Honolulu, Robert Hind, a Republican from Kona, Hawaii, and William H. Heen, a Democrat from Honolulu. The Committee report to the Senate was signed by all members. They recommended that the resolution pass. They stated that the costs of rehabilitation were immense for the private lessee. In particular the lessees were hampered by the short term of the lease. The report stated that the Committee had been informed that Baldwin and MacPhee were going "to desist from their effort toward physical rehabilitation" of the Island. Senator McInerny moved that the report be adopted. He was seconded by Senator Lawrence M. Judd, a Republican from Honolulu. The resolution passed second reading. On April 12, 1927 it passed third reading and was adopted. The vote was unanimous with only one absentee, Tavares. Of the fourteen senators voting two, Henry C. Mossman of Paia, Maui and Heen were Democrats.⁶⁴ SEE FIGURE 14.

The Senate of 1927 was made up of fifteen members a cross section of conservative Hawai'i. Three were descendants of American Protestant missionaries, four had considerable wealth, seven were Hawaiian and part-Hawaiian (as the classification was usually made at that time), and two were Democrats. The latter were both attorneys. Mossman came from Paia, Maui and served as a

⁶⁴ Senate Journal, pp. frontispages, 395-396, 405, 672-673, 702.

SENATE

FIRST DISTRICT	E. A. Akina, Republican	Kohala
HAWAI'I	Stephen L. Desha, Republican	Hilo
	Robert Hind, Republican	Kona
	James Russell, Republican	Kamuela
SECOND DISTRICT	Henry C. Mossman, Democrat	Paia
MAUI	Harold. W. Rice, Republican	Paia
	A. F. Tavares, Republican	Wailuku
THIRD DISTRICT	Francis H. I. Brown, Republican	Honolulu
O'AHU	Chas. F. Chillingworth, Republican	Honolulu
	William H. Heen, Democrat	Honolulu
	Lawrence M. Judd, Republican	Honolulu
	William H. McInerny, Republican	Honolulu
PRESIDENT	Robert W. Shingle, Republican	Honolulu
FOURTH DISTRICT	Henry K. Aki, Republican	Lihue
KAUA'I	Charles A. Rice, Republican	Kapa'a

HOUSE OF REPRESENTATIVES

Clarence H. Cooke, Republican, Speaker		Honolulu
Herbert N. Ahuna, Republican		Hilo
Albert K. Akana, Republican		Honolulu
John C. Anderson, Republican		Honolulu
Huron K. Ashford, Republican		Honolulu
Yew Char, Democrat		Honolulu
Edwin B. Chillingworth, Republican		Honolulu
William A. Clark, Republican		Paia
George P. Cooke, Republican	Kaunakakai,	Moloka'i
David K. Ewaliko, Republican		Hilo
Clement Gomes, Republican		Lihue
P. J. Goodness, Republican	Waiakoa,	Maui
Charles H. K. Holt, Democrat		Honolulu
George K. Kawaha, Republican	Waiohinu,	Hawai'i
Norman K. Lyman, Republican		Honolulu
A. Q. Marcellino, Republican	Makaweli,	Kaua'i
Edgar Morton, Republican		Paia
Emil M. Muller, Republican	Kailua,	Hawai'i
Manuel G. Paschoal, Republican	Pu'unene,	Maui
L. L. Patterson, Republican	Hanalei,	Kaua'i
Thomas Pedro, Jr., Republican		Hilo
T. H. Petrie, Republican		Honolulu
Mark A. Robinson, Republican		Honolulu
Evan da Silva, Republican		Hilo
John R. Smith, Jr., Republican	Ho'okena,	Hawai'i
Samuel A. Sniffen, Republican		Paia
O. P. Soares, Republican		Honolulu
Charles K. Stillman, Republican		Kohala
John Veveiros, Jr., Republican	Kalaheo,	Kaua'i
Roy A. Vitousek, Republican		Honolulu

FIGURE 14: LEGISLATURE OF 1927

judge at times. He had been a member of the Home Rule Party in the first decade of 1900. That Party had been formed by Hawaiians and part-Hawaiians in opposition to those men who had annexed Hawai'i to the United States. Many former members of the Party changed to the national parties. Whatever Mossman's opinions had been in the past, he did not object to Baldwin and MacPhee buying the Island. Heen was an attorney in Honolulu. He was throughout his long life a moderate in the Democratic Party.

In the House of Representatives the resolution was read and passed first reading. Making the motion for adoption was Anthony Q. Marcellino, a Republican from Makaweli, Kaua'i. He was seconded by Clement Gomes, a Republican from Lihue, Kaua'i. On April 16, 1927 the resolution was referred to the House Committee on Public Lands and Internal Improvements.⁶⁵

That Committee was made up of George P. Cooke, chairman and Republican of Kaunakakai, Moloka'i; and Representatives Herbert N. Ahuna, a Republican of Hilo, George K. Kawaha, a Republican from Waiohinu, Hawai'i, Marcellino, Mark A. Robinson, a Republican from Honolulu, Albert K. Akana, a Republican from Honolulu, and P. J. Goodness, a Republican from Waiakoa, Maui.⁶⁶

On April 25, 1927 the House Committee presented its report, recommended that the Senate resolution be tabled, and submitted a Concurrent Resolution (No. 50) of their own instead. The report

⁶⁵ Journal of the Legislature of 1927, House, pp. 111-112, 1198-1199.

⁶⁶ House Journal, pp. v-vii.

signed by all memebtrs recognized the difficulties of private investors to undetake the rehabilitation of the Island with a twenty-one year lease. But the members felt that "it would be in the best interests of the Territory" to extend the lease for a long term "rather than to dispose of the title". They felt that "A lease for a term of fifty years is sufficient...to make it possible for private capital to make large investments and secure a return thereon." Their recommendation was to memorialize Congress to amend the Organic Act to provide for the leasing of the Island for fifty years. The House adopted the report and tabled the Senate Resolution.⁶⁷

In a *Maui News* story in November of 1929 a reporter stated that the proposal for sale was turned down by Representatives who seemed to fear it was an attempt to secure valuable property without adequate return to the territory.⁶⁸ A look at the thirty members of the House does not make that statement sensible. George P. Cooke was the manager of the Molokai Ranch for his family estate and an experienced ranch man. He was also a descendant of American Protestant missionaries. One other member was his brother Clarence Cooke. There were at least seven members who had considerable wealth. At least five were successful businessmen and the majority were white collar workers and employees in the major corporations in the Territory. The two Democrats were moderate in their opinions on public issues. Yew Char, a small independent

⁶⁷ House Journal, pp. 1602-1603.

⁶⁸ Silva, pp. 146-147.

businessman on O'ahu, was one the first Chinese Americans to be elected to public office. Charles H. K. Holt was one of the major figures in forming the Democratic Party in Hawai'i. He represented the Territory in several national conventions. He was a part-Hawaiian from a large and well-known family that had considerable land holdings. The reasons for their reluctance to sell public land may well have been just a desire to preserve the public domain.

House Concurrent Resolution No. 50 expressed similar arguments as found in the Senate resolution. But its solution was to lease the Island for fifty years at public auction. The resolution also provided that the lessee "will establish on said Island a forest reserve containing an area not to exceed 3500 acres, the location thereof to be determined by the Board of Agriculture and Forestry".⁶⁹

On April 26, 1927 the Senate received the House resolution. It was read "and raised a laugh" in that body. Tavares pointed out that leasing had proved unsuccessful. Rice claimed that the cost of rehabilitation would not be less than a half a million dollars. He predicted that gross returns would not be above \$5,000 annually and the land would not be a paying proposition "in this generation." On motion of Senator Rice, seconded by Senator McInerny the resoluton was tabled.⁷⁰

The attempt to solve their problems through this means was

⁶⁹ House Journal, p. 1604.

⁷⁰ enate Journal, pp. 1164-1165; Silva, P. 134.

closed to Baldwin and MacPhee. But the financial difficulties of the Ranch and the continuing necessity to invest more money still existed.

By December 1927 Baldwin was more than discouraged. He wrote to Bailey commissioner of public lands that the extermination of goats had cost the Ranch heavily.⁷¹ He wrote

The ranch is now so deeply in debt that we believe that it cannot possibly come anywhere near paying this debt before the end of the lease run as a cattle ranch. As you probably know there is very little profit in the cattle business unless it is conducted on a large scale. The only way that we see that Kahoolawe can be made a profitable holding is to run a limited number of sheep there. Two or three thousand head of sheep, if properly handled, I think would not damage the island in any respect. The salt bush has spread over the island quite generally, with the exception of the bare wind swept portions where it is growing here and there. This salt bush is fair to middling cattle feed, i. e. they will keep alive on it when there is no other feed, but they will not eat it if there is any grass to be had. Salt bush, as you probably know, is excellent sheep feed, and it would not be damaged by the sheep unless they pastured on it in excessive numbers as they would not pull it up.

The continuing financial problems of the Ranch led the partners to consider subleasing portions of the Island to applicants. In July of 1919 MacPhee had agreed to a bee keeping operation on the Island. Now in 1928 the partners agreed to sublet one hundred and fifty acres to H. Shibata and H. Miyata and Associates for the purpose of planting pineapples. The land department approved the negotiations. On March 15, 1929 a sub-lease was duly signed. The area was designated as fifty acres northwesterly from Moaula about halfway between Moaula and the sea, and one or more parcels making up one hundred acres selected by the

⁷¹ December 19, 1927, SLMO Land Rec. and Corr.

parties to the agreement. Shibata and Miyata were to pay ten dollars an acre for the fifty acre parcel annually beginning January 1, 1929. Their payments were to begin on the date when they occupied the one hundred acres. The agreement stipulated many requirements of the pineapple growers. They were to build their own roads, their own landing, wharf and warehouse, build their own fences to protect their crops from livestock, take care to avoid erosion, supply their own water and water storage, pay all taxes, allow visitations by the Ranch and any government representative, and the like.⁷² Perhaps it was not unexpected that within a year the pineapple growers had abandoned the project without paying any rentals or developing any land.

A second inquiry came to the Ranch through Enos Vincent representing a Japanese group who were thought to be pineapple growers on Moloka'i. They either would buy the livestock and the leasehold or lease 2,500 acres at five dollars per acre for the first two years, seven fifty an acre for the third year and ten dollars an acre for the remainder of the Ranch lease.⁷³

Baldwin wrote that he and MacPhee were willing to negotiate for either proposition. As he expressed his feelings "the island

⁷² Baldwin to Bailey, n.d.; AAD to Baldwin, December 10, 1928; Copy of Sublease, March 15, 1929; Bailey to Baldwin, January 8, 1929; C. R. Hemenway to Bailey, March 18, 1929; Bailey to Alexander and Baldwin, March 18, 1929; Baldwin to Bailey, February 24, 1930; Bailey to Baldwin, February 26, 1930, SLMO Land Rec. and Corr.; Silva, p. 140ff.

⁷³ Baldwin to Bailey, April 24, 1929; Bailey to Baldwin, April 26, 1929; Baldwin to Bailey, April 27, 1929; Baldwin to Bailey, May 24, 1929; Bailey to Baldwin, May 17, 1929; Baldwin to Bailey, May 21, 1929, SLMO Land Rec. and Corr.

has been a sink hole ever since we started the ranch there and the prospects now are not good on account of the heavy indebtedness and consequent interest which we have to pay." ⁷⁴

The offers by pineapple growers identified as Japanese indicates a new ethnic group entering the business world of Hawai'i. Before this few of the Japanese residents both alien and citizen had the capital to engage in new enterprises. The Moloka'i growers were said to have been working through the large corporation Libby McNeil Libby. The effect of this new element in society would eventually cause many changes in the conservative closely knit Hawai'i society. But while many new residents were expanding their opportunities in business, the political control of Hawai'i remained conservative and closely held by the large corporations.

This deal fell through in the negotiation stage. The growers wanted roads and a wharf built for them before they took up a lease. The partnership did not have the funds for such improvements nor did the Territory.⁷⁵

The second re-appraisal of the rent due the Government under Lease 1049 was to be done in 1932. Harold Rice for the Kahoolawe Ranch, O. Sorenson for the Government, and Robert Hind chosen by the first two spent October 10th through the 13th on the Island. Their inspection was made with government's objective in leasing the Island in mind: the reclamation of a waste area. In that

⁷⁴ Baldwin to Bailey, April 24, 1929, SLMO Land Rec. and Corr.

⁷⁵ Baldwin to Bailey, May 31, 1929, SLMO Land Rec. and Corr.

purpose some progress had been made at great expense to the Lessees. Baldwin-MacPhee had spent more than fifty thousand dollars to kill or remove about 13,000 thousand goats. They had fenced off the denuded areas so that stock could not roam there. They had planted among other grasses the Australian salt bush which was slowly spreading over the denuded areas. Their tree planting efforts had not proven successful but the algaroba was rapidly increasing in the gulches and lower slopes. They had spent \$16,130 in constructing two large cisterns and small tanks, water troughs and piping with more improvements necessary to provide adequate water for their stock.⁷⁶

Kahoolawe Ranch had contracted with J. Harrison Foss of Palo Alto to investigate and propose a ditch and water storage development. Foss had been the chief engineer on the Hamakua Ditch on Hawai'i and was Fleming's brother-in-law. He estimated that a system would cost \$8,400 with a probable extra of \$1,00 to \$2,000. Some improvements he said he could not estimate at that time, but they would be costly.⁷⁷

The last appraiser's report stated that the three hundred head of cattle and one hundred horses on the Island were not a strain upon the land. The stock did not seem to suffer for lack of water. They recommended that the lease rent be \$100 per annum for the

⁷⁶ Correspondence to name appraisers, August 5, 1932 through October 7, 1932; Report of Appraisers, October 26, 1932; Correspondence on Appraisers Report, October 27, 1932 through November 26, 1932, SLMO Land Rec. and Corr.; Silva, pp. 161-162.

⁷⁷ Foss to Baldwin, March 25, 1930, SLMO Land Rec. and Corr.

balance of the lease. They understood that Baldwin-MacPhee were going to request that the present lease be cancelled and a new twenty-one year lease be offered for sale. Only with the extended time period did the ranchers believe that they could invest more in developing infrastructure on Kaho'olawe. Consequently the appraisers believed that the annual rental of \$100 annually adjusted every seven years an adequate rental. At the same time the lessees were to be required to spend \$5,000 within the first three years for additional water developemnt or storage.⁷⁸

Baldwin confirmed that he and MacPhee would ask for a new twenty-one year lease with the \$5,000 requirement. They were going to attempt to bore a well about a mile back from the ocean on the northern side of the island. They also were considering constructing a ditch to lead storm water into the crater of Lua Kealialoa on the southern part. Such construction would cost more than \$5,000, they believed. They would not attempt such projects with only seven years left on the lease. If they lost a bid on the new lease they asked that they be allowed two years to remove their stock from the Island.⁷⁹

This was the plan followed. Lease 1049 was canceled. A new lease was offered at public auction. Offering public land for sale was always an interesting subject. Baldwin heard rumors that a group of Japanese were planning to bid at the auction. He

⁷⁸ Appraisers Report, *op. cit.*

⁷⁹ Correspondence between Baldwin and Bailey, October 31, 1932 through November 9, 1932; Silva, p. 162.

recommended that a bond be required by buyers so that irresponsible persons might not acquire the lease. A bond for \$10,000 was stipulated by the Government.⁸⁰

On Tuesday, May 23, 1933 at Wailuku, Maui, Baldwin and MacPhee were the only bidders at the auction and signed Lease No. 2341. The partners operating as Kahoolawe Ranch acquired a twenty-one year lease from July 1, 1933 to July 1, 1954. They would pay one hundred dollars annually for the first seven years of the lease in semi-annual payments in advance. Most provisions followed those of lease 1049. Every seven years there was to be a re-appraisal by three appraisers. The same requirements were listed as to goats and sheep, building fences, new planting under the direction of the Territorial Forester, providing water for the new planting, accomodating the Territorial Forester or his agents in visits to the Island, and limiting the number of stock at three hundred head of beef cattle and thirty head of riding and pack animals. The new requirement was that \$5,000 was to be spent for additional water development or water storage facitities. At the end of the lease all improvements would revert to the Government. The partners also put up the \$10,000 bond.⁸¹

Once a bond had been filed Baldwin began to worry about one of the requirements in the lease. If the partners did not fulfill the

⁸⁰ Silva, p. 164ff; Land Office Correspondence between ecember 20, 1932 and May 16, 1933, SLMO Land Rec. and Corr.

⁸¹ Correspondence Between May 24, 1933 June 28, 1933; General Lease No. 2341; Schedule of Additional Conditions and Reservations...which Schedule is Attached to General Lease No. 2341, SLMO Land Recors and Corr.

provision they might be penalized and forfeit their bond. It was the provision that the ranchers were to "install an adequate water storage system" in order to irrigate the new trees and plants. He did not believe that it was possible to carry out this requirement. He described the specific situation for Kaho'olawe

It might be possible to provide storage for watering, not irrigating, trees for, say, the first dry season after planting if the locations of the plantings were close together and near where water storage could be supplied, but it would be prohibitive if water storage had to be supplied in several different locations, and especially so if all of the trees were to be watered for several successive dry seasons. As a matter of fact, it would be useless to plant trees on Kaho'olawe that would need to be watered after the first dry season as they would be unsuitable for conditions over there.

The Territorial Government accepted the request and the provision was modified to protect the partners from a penalty.⁸²

In his letter of July 5 Baldwin had revealed another changing situation in Hawai'i. He was particularly concerned, he wrote, because of the uncertainty of the possible change in the attitude of the executive of the Territory. President Franklin D. Roosevelt had yet to appoint a governor for Hawai'i. The present governor was Lawrence Judd, Republican, missionary descendant, cooperative member of the political leadership group. He was typical of all governors appointed since the inception of Territorial government. Whether Republicans or Democrats the governors of Hawai'i had been participants in the closely knit policy making leadership. Lease No. 1049 had not differed essentially from Lease No. 2341. But during its existence the government of the Territory cooperated

⁸² Correspondence between July 5, 1933 and July 17, 1933, SLMO Land Rec. and Corr.

with MacPhee and with Kahoolawe Ranch and did not demand the fulfillment of the requirements of the lease. In 1932-1933 the governorship might go to a Democrat of a more radical bent than those of the past. Two names were mentioned then, John K. Wilson, and Lincoln L. McCandless. Wilson was more radical than McCandless, but both might be more determined to see the lease requirements fulfilled.

Baldwin need not have been too worried. Roosevelt appointed Joseph B. Poindexter, a man who continued the comfortable relationships of the past between government and business.

Despite all the complications of ranching on Kaho'olawe, the partners continued their enterprise. They asked for and received permission to increase their stock to five hundred head of cattle and one hundred horses.⁸³

The existence of the bond made the correspondence between Baldwin and the Territorial Government even more complex. The ranchers engaged W.O. Clark, Dr. Powers, Mr. Foss and Mr. Summers to inspect the Island for possible underground water resources. Their opinion was negative. The ground formation was too porous, they said. Also the two years from 1935 to 1937 were unusually dry, requiring that water be brought from Maui. The surveys for water development cost \$1,799.40. The partners had done little to spend \$5,000 on water development or conservation. As a result they asked to have an extension of three years in the requirement

⁸³ Correspondence between July 14, 1933 and July 21, 1933, SLMO Land Rec. and Corr.; Silva, p. 168.

in regard to water development. They were granted the extension.⁸⁴ Later they spent \$2,218.95 on tanks and waterproofing one of the existing reservoirs. The bureaucratic problems at this time would prove to be mild in comparison with the Kahoolawe Ranch exchanges with the military in World War II.

In August of 1939 the Army began its inquiry into the possibility of using a portion of the Island for bombing practice. The Army may already have had an informal agreement with Baldwin and MacPhee. David Pedro who lived on the Island intermittently while visiting his father Manuel Pedro, the foreman of the Ranch, remembered bombing practice going back to 1935.⁸⁵

A sublease for one dollar a year was signed between the partners and the United States Army on May 10, 1941. The lease stated that it was to last for the fiscal year and could be renewed from year to year each fiscal year. No renewal was to extend beyond June 30, 1954 when the Kahoolawe Ranch lease would expire. The Kahoolawe Ranch was permitted to carry on its present agricultural and ranching activities. The Army was not required to restore the land to the condition it was when acquired.⁸⁶ The Navy also wanted to lease the Island for practice purposes.

⁸⁴ Correspondence between October 28, 1935 and April 9, 1943, SLMO Land Rec. and Corr.

⁸⁵ Hite to Major General C. D. Herron, August 15, 1939, SLMO Land Rec. and Corr.; Interview with David Pedro, September 20, 1991, Kaho'olawe Island Conveyance Commission.

⁸⁶ Lease between Kahoolawe Ranch and the United States of America, May 10, 1941; Correspondence between May 13, 1941 and May 17, 1941, LMO Land Rec. and Corr.

Baldwin referred the Navy representatives to the Army. But as a result of the military activity and to very dry conditions that year MacPhee Baldwin removed all their cattle as rounded up in the Fall of 1941.⁸⁷

On the afternoon of December 7, 1941 the Territory of Hawai'i was given a new form of government. As a result of the attack on Pearl Harbor and the uncertainty about continuing attacks, Governor Poindexter declared martial law and suspended the writ of habeas corpus as provided under the Organic Act. But Poindexter went beyond his legal rights by giving up his authority to the United States Army. He announced

...I do hereby authorize and request the Commanding General, Hawaiian Department, during the present emergency and until the danger of invasion is removed, to exercise all of the powers normally exercised by me as governor; and I do further authorize and request the said Commanding General...during the present emergency and until the danger of invasion is removed to exercise the powers normally exercised by judicial officers and employees of this territory....

At the same time Lieutenant General Walter C. Short, Commanding General of the Hawaiian Department, issued a proclamation in which he declared

I announce to the people of Hawaii, that, in compliance with the above request of the governor of Hawaii, I have this day assumed the position of military governor of Hawaii, and have taken charge of the government of the Territory....
...I shall...shortly publish ordinances governing the conduct of the people of the Territory....

In order to assist in repelling the threatened invasion of our island home, good citizens will cheerfully obey this proclamation and the ordinances to be published; others will be required to do so. Offenders will be severely punished by military tribunals or will be held in custody until such time

⁸⁷ Baldwin to A.A. Dunn, April 9, 1943, SLMO Land Rec. and Corr.

as the civil courts are able to function.⁸⁸

Military Government in Hawai'i during World War II was one of the most comprehensive denials of civil government experienced by an American territory. The immediate effect of war and military government was the complete closing of the Island to the Kahoolawe Ranch personnel and the partners and the seizure of the *Maizie C* for military uses. MacPhee attempted to go to the Island to round up his stock still there. All appeals to the military were ignored. Finally, Ashdown wrote to Admiral Chester Nimitz in command of the Pacific theater. He immediately sent the *Mazie C* to take MacPhee, Pedro and other helpers to get their animals and to return them to Maui.⁸⁹ Military exercises also increased using the Island as a target.

Many leaders did not believe that the Army need take such complete control of the administration of the Territory or the judicial system. These men worked through the Secretary of the Interior, Harold L. Ickes, to convince President Roosevelt to appoint a governor who would work to restore as much civil control of the executive and judiciary as consistent with a wartime situation.

In August of 1942 Ingraham Stainback was appointed governor by President Roosevelt deliberately to work for the restoration of the civil rights of the citizens of Hawai'i. The new governor had a

⁸⁸ Quoted in J. Garner Anthony, *Hawaii Under Army Rule*, Honolulu, 1955, pp. 5-6.

⁸⁹ Ashdown to Norman Godbold, March 18, 1952, SLMO Land Rec. and Corr.

sensitive job. He had to work administratively and legally against the United States military at the time that all armed forces were fighting a world war. But Stainback and his appointments to his cabinet felt that the importance of the integrity of civilian jurisdiction over civilian affairs must be upheld especially in wartime. Stainback, an attorney, was a strong person, tough in his determinations and courageous even when he had to fight from a minority position.

The Governor appointed A. Lester Marks as executive and Commissioner of Public Lands and Colin G. Lennox as president of the Board of Agriculture and Forestry. Both had their roots in Hawai'i, both had strong personalities. In March of 1943 Stainback had forced the military to restore civil authority in the Islands. A few months later, the Board of Agriculture and Forestry appointed by Stainback noted that Kaho'olawe was being devastated by wild sheep. Marks inquired of the Army "the nature and extent of War Department occupation of the Island of Kahoolawe". Inquiries were made of the Army Maui District Headquarters and the Seventh Air Force. He was informed that "there are no Army personnel stationed on the island, but that occasionally a small detail of men is sent there to clear it of duds after bombing practice."⁹⁰

The Pacific theater of the war was moving farther west from Hawai'i. In the eyes of many local officials planning should advance to prepare for peace and the post war operation of the

⁹⁰ Correspondence between July 15, 1943 and August 14, 1943, SLMO Land Rec. and Corr. and SDAF Files; Silva, p. 201.

Territorial Government. Perhaps it was this official interest on the part of Marks and Lennox that prompted the Army to seek a supplement to their lease with Baldwin and MacPhee on March 1, 1944. By that agreement the provision that allowed Kahoolawe Ranch to "carry on his agricultural and ranching activities" be deleted "to enable the Government to carry out unrestricted military operations." The amendment was to simplify the Army's duty of serving the Ranch with a notice of renewal each fiscal year. Now the Army would pay \$238 annual rent to Kahoolawe Ranch instead of \$1. Moreover the lease for a term beginning on July 1, 1944 through June 30, 1945 would remain in force from year to year without giving notice of its renewal. The lease, however, at no event was to extend more than six months after the date of the termination of the National Emergency that had been declared by President Roosevelt on May 27, 1941 and in no event beyond June 30, 1954 when the Kahoolawe Ranch lease would expire.⁹¹

From this time until 1953 when Kaho'olawe was taken from the public lands of Hawai'i and placed under the jurisdiction of the Navy, the Island's situation was the subject of negotiations, correspondence, threats, plans and alternative plans, none of which resolved the issues. One of the most important considerations concerned the rights of MacPhee and Baldwin to use of the Island as well as compensation for the losses they had incurred. At the same time the military, especially the Navy, wanted to keep the Island

⁹¹ Supplemental Agreement No. 1, March 1, 1944, SLMO Land Rec. and Corr.

as a bombing target but without cost or responsibility for removing duds and making the Island relatively fit for human habitation. The Territorial officials wanted to preserve the Territory's right to control the Island, to make the military responsible for the extermination of the goats and sheep on the Island and for a clean up of the duds, to start reclamation projects to begin to restore the land.

Much of the interest had been stirred by Inez Ashdown acting on behalf of her father and her own interest. MacPhee was in difficult financial circumstances and he felt that he was unjustly denied an opportunity to make a profit off of Kaho'olawe. The sheep and goat population had exploded during the war when there was no concerted program for their extermination. MacPhee wanted to go to Kaho'olawe with four men, saddle horses, and equipment. He wanted to install a small refrigeration plant at Kuheia to freeze the sheep carcasses before shipment to Maui.⁹² The Army refused to allow him to do this. He and his daughter were particularly annoyed when they had learned that hunting and fishing parties were arranged by the Army for select persons to visit the Island.

Territorial officials arranged through the Army to inspect the Island. On May 2, 1944 Colin Lennox and Commissioner David Fleming with other foresters visited the Island. In June Marks and Lennox flew over to make an inspection. After each inspection the

⁹² Ashdown, Ms, Maui Historical Society; Correspondence in LMO Land Rec. and Corr.

officials met with Baldwin and MacPhee for discussion.⁹³

One major fact emerged in all discussions. Lease No. 2341 was still in effect. The Kahoolawe Ranch still had legal right to use of the Island. The Territory could cancel the lease but the problem of the restoration of the Island to its condition before the bombing was not resolved. Who would pay for it? Or if restoration was not done, who would pay the Ranch compensation for its losses?

A general meeting of local government officials, Army representatives, and the lessees was held on September 5, 1944 at Baldwin's office in Paia, Maui. Representing the Territorial Government were A. A. Dunn and Paul Lada of the public lands office, William Crosby and Walter W. Holt of the Board of Agriculture and Forestry. The civilians were Harry Baldwin and Angus MacPhee, Inez Ashdown and David Fleming. The Army sent Colonel Matthews, Lieutenant Sapp, and Lieutenant O'Molley. The final decisions were to keep the status quo until the war ended. This meant that the Kahoolawe Ranch sublease to the Army remained in force; that the Army continued to use the Island for bombing purposes; that the Baldwin-MacPhee lease No. 2341 remained in force. After the war the partners would repossess the Island, remove all the sheep and goats, and "in every respect fulfill the conditions" of their lease with the Territory. All parties were agreeable to the decisions. Colonel Matthews "personally thanked

⁹³ Correspondence between June 6, 1944 and June 7, 1944, SLMO Land Rec. and Corr.

Angus McPhee and Harry Baldwin for having agreed to permit the Air Force to use this Island for bombing practice purposes." A. Lester Marks was informed of the meeting. Colin G. Lennox had no objections to the plan arranged.⁹⁴

Angus MacPhee through his daughter continued his appeals. The Territory was investigating legal and environmental problems. Apparently the Army felt the need to clarify its position and its obligations not only for compensations but also for the need to clear the Island of duds. In October 1944 the Army composed a Supplement No. 2 to the sublease from Baldwin-MacPhee. In this addition the Army could terminate the lease at any time by giving thirty days notice. The partners signed the supplement. At the same time the Army sought a signed "Consent" from the Territorial Government to both Supplement No. 1 and No. 2. Such a form had not been signed before. The Army seemed to think that it was important to have this formality on record as the war was ending. Also facing the military was the continuing restoration of more and more civilian control of the Territorial Government over its domestic affairs.⁹⁵

With the war ending in September of 1945, Territorial officials thought that the Island would be returned to civilian jurisdiction. Instead they learned that the Army had transferred their sub-lease from Kahoolawe Ranch to the Navy Department on

⁹⁴ AAD Memo, September 8, 1944; Dunn to Marks, September 9, 1944, SLMO Land Rec. and Corr.

⁹⁵ Correspondence between October 18, 1944 and January 3, 1945, SLMO Land Rec. and Corr.

November 1, 1945 at the request of the Commandant of the 14th Naval District.⁹⁶ Governor Stainback was then notified that the Navy wished to acquire the fee simple title to Kaho'olawe. He was requested to cancel the Baldwin-MacPhee lease and then to issue an executive order in favor of the "United States...abandoning the right of the Territory to use and possess the Island."⁹⁷

From mid-1946 until 1953 the issue of Kaho'olawe became a subject for circulating correspondence and memoranda among the Territorial departments and the executive, between the Territory and the military, and between Inez Ashdown and all other parties. One option considered by the Territory was the use of Kaho'olawe as a bargaining point with the military to divert its interest in Makua on O'ahu as a bombing target.⁹⁸

In the meantime on October 8, 1946 Harry Baldwin died. According to Ashdown he had become disgusted with the failure of the military to live up to their assurances that the ranch property would not be destroyed. By 1944 he and MacPhee had seen photographs that showed that all the buildings and the water tanks had been destroyed, the land was scattered with duds, and the land

⁹⁶ E. J. Fanflick to Navy Department, December 3, 1945, SLMO Land Rec. and Corr.

⁹⁷ Lennox to Walter Holt, November 29, 1945, SDAF Files; Rear Admiral E. W. Hanson to Honorable Ingraham M. Stainback, May 23, 1946, SLMO Land Rec. and Corr.

⁹⁸ Marks to Stainback, July 16, 1946; Lennox to Marks, December 30, 1946; Memorandum of Land Use Committee Meeting, December 30, 1946, SLMO Land Rec. and Corr.

looked as it had in 1918 when MacPhee first started his ranch.⁹⁹

For some time consideration was given for the joint use of the Island by the military and the Territory under the administration of the Board of Agriculture and Forestry.¹⁰⁰ A Joint Land Use Committee was formed with representatives from the Army and the Navy serving with civilians. Lennox and Marks prepared background information, arguments, and recommendations for Stainback. The two department heads believed that a joint use between the Territory and the military was desirable so that conservation measures could be started. Marks thought that the Territory could accomplish this end by issuing a revocable permit to the Navy. The Navy would be allowed to operate on the east end. At the same time the Territory could start reforestation. Marks pointed out that the original lease was still vested in Kahoolawe Ranch. Neither the Territory nor the military wanted to be subject to possible damages owed the Ranch nor the costs of a clean-up of the bombing activities.¹⁰¹

The Navy rejected any joint use. Vice Admiral J. L. Hall, Jr., Commandant of the Fourteenth Naval District, ended his letter to Stainback with a threat. If Governor Stainback did not issue an executive order abandoning the Territory's right to the use and

⁹⁹ E. Benner, Jr. to Commissioner of Public Lands, November 30, 1946; Ashdown to Stainback, January 9, 1947, SLMO Land Rec. and Corr.

¹⁰⁰ Memorandum of Land Use Meeting, December 30, 1946, *op. cit.*

¹⁰¹ Lennox to Marks with enclosure "Review of the Policies and Uses of the Island of Kahoolawe since 1863," January 14, 1947; Marks to Lennox, January 15, 1947; Marks to Stainback, January 24, 1947; Ashdown to Stainback, January 9, 1947; Stainback to Ashdown, January 29, 1947, SLMO Land Rec. and Corr.; Silva, pp. 208-212.

possession of Kaho'olawe, he wrote, he would take steps to secure a presidential executive order providing for the transfer of the Island.¹⁰²

By Spring of 1947 until April of of 1951 the communications continued to involve the Baldwin and MacPhee interest on one side, Governor Stainback, Lennox and Marks for the Territory, and various officers of the Navy for the federal government. The positions of all parties did not change in the period. Angus MacPhee died on July 16, 1948. His interests were pursued by Inez Ashdown. All investigations into Kahoolawe Ranch lease, their sub-lease to the Army, and subsequent amendments confirmed that the Ranch still owned the right to operate a ranch on Kaho'olawe.

The situation was complicated by Baldwin's verbal transfer of his interest on Kaho'olawe to Angus MacPhee. Ashdown stated that Baldwin had given this statement after the meeting on Maui in 1944 and wrote a letter to that effect "to us." Legally the lease still belonged to Kahoolawe Ranch. A half interest was part of the Baldwin estate. After Angus' death, Ashdown reported that she had rights to his half interest in the lease. But there was no provision for Ashdown in his will nor was the letter from Baldwin produced.¹⁰³

For the Territory Marks and Lennox continued to recommend to

¹⁰² L. L. Hall to Stainback, April 14, 1947, SLMO Land Rec. ans Corr.

¹⁰³ Ashdown to Commissioner of Public Lands, July 23, 1949; Ashdown to Marks, August 15, 1949; Ashdown to Stainback January 9, 1947, SLMO Land Rec. and Corr.

Stainback that the Island not be given over to the Navy as sole possessor. Marks wanted to grant the Navy a revocable permit and to require that the livestock on the Island be exterminated or removed. He agreed with Lennox that Kaho'olawe be turned over to the Board of Agriculture and Forestry subject to the Baldwin-MacPhee lease. That Board would negotiate with the military for a permit for its use subject to the military removing all livestock from the Island. In further negotiations Marks believed that the cooperation of the military would be given for planting and reforestration under the direction of the Board of Agriculture and Forestry. Marks confirmed that the Kahoolawe Ranch lease was still valid. He believed that he could not cancel the lease without requiring that the military remove the duds scattered over the land.¹⁰⁴

Lennox also was adamant about giving up the Island entirely to the military. He preferred joint use with the Board of Agriculture and Forestry monitoring the removal of livestock and the replanting of grasses, shrubs and trees. He did not believe that his department had any authority to cancel the Kahoolawe Ranch lease.¹⁰⁵

Stainback accepted the recommendation of his department heads.

¹⁰⁴ Marks Notes, July 31, 1947; Marks to Aki Tom, September 30, 1947; Marks Notes, September 22, 1947; Marks to Stainback, September 30, 1947; Marks to Stainback, November 4, 1947; Marks to Commander F. A. Walker, January 20, 1948; Marks to Lennox, August 16, 1948; Minutes of the Land Use Committee, September 16, 1948, SLMO Land Rec. and Corr.

¹⁰⁵ Lennox to Munro, October 18, 1947; Lennox to Marks, August 26, 1948, SDAF Files.

He wrote to the Navy on October 1, 1947 that he approved of the plan for the Island. That plan was for Kaho'olawe to be turned over by him to the Board of Agriculture and Forestry; the Board would then issue a use permit to the Navy and expect a "certain amount" of rehabilitation by the Navy; the Board would also negotiate with the Kahoolawe Ranch interests for the termination of its lease.¹⁰⁶

The Navy rejected these proposals. Its "only desire," wrote Commander P. A. Walker, "is to insure the continued availability of Kahoolawe for use, over an indefinite period of time". A revocable permit was not feasible, he said. Only a governor's or president's executive order granting sole possession of the Island to the Navy was acceptable. As a counter measure, however, he prepared a draft of a revocable permit that would be acceptable to the Navy. The document listed the following conditions: the Navy would erect signs warning of the danger on the Island and exclude the general public from it; the Territory could enter the Island to exterminate animal life or reforestration but only on permission of the Navy; the Navy would cooperate with the Territory in its program at no cost "whatever" to the Navy; the Territory would cancel Lease No. 2341 without involving the Navy in any liability to the Kahoolawe Ranch or the Territory; the permit would be revocable only if the Territory proved that the Island was essential for some public purpose and proved that the Territory had no other public land

¹⁰⁶ Stainback to Vice Admiral J. L. Hall, Jr., October 1, 1947, SLMO Land Rec and Corr.

suitable for the public purpose; when the permit was terminated the Navy was not required to restore the Island to its condition at the time the permit was signed.¹⁰⁷

Lennox objected to the provisions. He wanted the Navy to assume responsibility for the removal of all duds at the termination of the permit.¹⁰⁸ The Navy countered with an answer by Rear Admiral C. H. McMorris whose tone was more amenable than that of Vice Admiral Hall. His message was the same, however. The Navy would not assume, he wrote, the responsibility for removing unexploded duds. Instead, the Navy would prefer to continue to operate under the sub-lease to Kahoolawe Ranch. The best solution, he wrote, was an executive order from the governor abandoning the Territory's use and possession of the Island. He ended by offering the Navy's cooperation with the Board of Agriculture and Forestry in reclamation programs.¹⁰⁹

Stainback preferred the present status. So did the Navy. The military would still operate under its sub-lease to the Kahoolawe Ranch. McMorris felt that it was possible "to hold in abeyance" the Navy's tenure until some time late in 1953. He was anticipating the expiration of the Baldwin-MacPhee lease on June

¹⁰⁷ P. A. Walker to Marks, January 30, 1948 with enclosure of draft of Revocable Permit; also J. L. Hall to Acting Governor Oren E. Long, July 10, 1947, SLMO Land Rec and Corr.

¹⁰⁸ Lennox Report to the Board of Commissioners of Agriculture and Forestry, July 20, 1948; Lennox to Marks, August 12, 1948, SDAF Files.

¹⁰⁹ McMorris to Stainback, October 25, 1948, SLMO Land Rec. and Corr.

30, 1954.¹¹⁰

So the situation remained until Spring of 1951. In April President Truman appointed Oren E. Long to succeed Stainback as governor of the Territory. Long was a direct opposite in character to Stainback. He was a soft man, tending to seek easy answers to problems that would keep him from making controversial and unpopular decisions.

Lennox still served as head of Agriculture and Forestry. Long appointed Norman D. Godbold as his Commissioner of Public Lands. Now there was a change of policy developing in the governor's office as the subject came up again of who controlled the Island.

The Navy initiated the new negotiations. The President had terminated the National Emergency on April 30, 1952. That meant that under the provisions of the sub-lease with Kahoolawe Ranch the military's tenure ended within six months, or no later than October 30, 1952. The Navy began to put extra pressure on the Territory. It now asked for a governor's or president's executive order or a ninety-nine year lease from the Territory. It also asked that the Territory revoke Lease No. 2341.¹¹¹

Long decided that a presidential executive order was the plan he would adopt. He felt that this policy would help in obtaining the return of "more vital economic areas" from the Navy. He and his staff believed that the executive order should require the

¹¹⁰ C. H. McMorris to Stainback, November 26, 1948, SLMO Land Rec. and Corr.

¹¹¹ S. S. Murray to Long, August 19, 1952, SLMO Land Rec. and Corr.

"dedudding" of the Island by the Navy and the extinguishing of the goats and sheep and the eventual return of the Island to the government of Hawai'i. His Attorney General's office discovered that the Kahoolawe Ranch lease was subject to a withdrawal clause for public purposes. Consequently the Territory cancelled Lease No. 2341 as of September 30, 1952.¹¹²

The estates of Baldwin and MacPhee were informed of the cancellation. Baldwin's executors were amenable to the cancellation so long as the lessees and their estates were free "from any and all liability and responsibility whatsoever under said lease." The release was guaranteed by the Territory. By this means none of the conditions of Lease No. 2341 as to extermination of wild animals, reforestration, fence building, and the like were any longer applicable to the administration of Kaho'olawe Island. No penalty or forfeiture of their bond was possible against MacPhee or Baldwin estates.¹¹³

Thus ended the ranching history of Kaho'olawe.

Thus also ended all hopes of Inez Ashdown that she might return to work the Island, or receive some compensation for her unwritten interest in her father's endeavors.

¹¹² Suggested Basic Provisions for Presidential Executive Order Transferring Kahoolawe to Department of Defense, about September 2, 1952; Minutes Special Land Committee, September 8, 1952; Memorandum, no date; Lennox to Long, September 8, 1952; Long to Rear Admiral S. S. Murray, September 12, 1952; Frank W. Hustace, Jr., to Norman Godbold, October 6, 1952; Godbold to Long, October 8, 1952, SLMO Land Rec. and Corr.

¹¹³ E, Benner, Jr. to Norman D. Godbold, November 17, 1952; Godbold to Bishop Trust Company, Limited, November 26, 1952, SLMO Land Rec and Corr.

By Executive Order 10436 President Eisenhower transferred Kaho'olawe to the jurisdiction of the Secretary of the Navy. The Navy was responsible for the eradication of all cloven-hooved animals, was to allow the Territory of Hawai'i to visit the Island under Navy permission to investigate the condition of the Island, and when no longer of use to the Navy the Navy was to return the Island to the Territory and was to "render such area...reasonably safe for human habitation, without cost to the Territory."¹¹⁴

¹¹⁴ Executive Order 10436, Federal Register, Doc. 53-1827, February 25, 1953.

CONCLUSIONS AND RECOMMENDATIONS

Hahai no ka ua i ka ulula'au.

*Rains always follow the forest.*¹

The three histories of aspects of life on Kaho'olawe place the Island in the context of the history of Hawai'i as a whole. Much more can be investigated about those histories in terms of details. As fascinating as the narrow historical record is the folklore that surrounded events on the Island. Together, the narrative and the myth, add to the meaning of island society and its people. These historical eras are particularly interesting because they include many varieties of experience and complex populations in contact with the Hawaiian.

In terms of historical preservation of sites, the Island is limited, I believe, to the MacPhee-Baldwin ranch complex. Information exists in descriptions of corrals, fencing, house structures. Parts of the structures are still visible. It is possible, if so desired, to reconstruct the ranching experience on this Island as an example of dry land ranching in Hawai'i as a whole.

The school and the penal colony do not leave enough evidence to reconstruct a physical structure or complex that can be identified as authentic.

Historical preservation in terms of written reports is the best means of enriching the traditions of the Island at this time. Two research subjects of interest might be

¹ Pukui, No. 405, p. 50.

1. an investigation of the relationship between the environments of Kaho'olawe and Ulupalakua on Maui and the *naulu* rains; and

2. a search for the workmen who built the water structures of the Kaho'olawe Ranch and the cowboys who lived and/or worked on the Island.