

## THE MAHELE (READING 3) (Exhibit D)

### Land Ownership: Foreigners and Maka'ainana

#### The Resident Alien Act of 1850

It did not take long for the aliens, or foreigners, to get what they wanted. The **Resident Alien Act of July 10, 1850**, gave them the right to buy land in fee simple. Fee simple means that land is owned rather than leased. It also means that individuals who own land may sell that land or pass it on to their heirs. This is the system the foreigners understood and wanted for Hawai'i.

#### The Kuleana Act of 1850

As for the *maka'ainana*, the **Kuleana Act of August 1850** made it possible for them to own land in fee simple. *Kuleana* is the Hawaiian word for responsibility. Therefore *kuleana* also became the term for land that people had lived on and cultivated.

The *maka'ainana* had to follow certain steps before they could own their land:

- First, they had to have their *kuleana* surveyed, or measured for size and boundaries.
- Then they had to present their claims to the Land Commission, showing that they had a right to those *kuleana*.
- They also needed to file their claim by 1854.

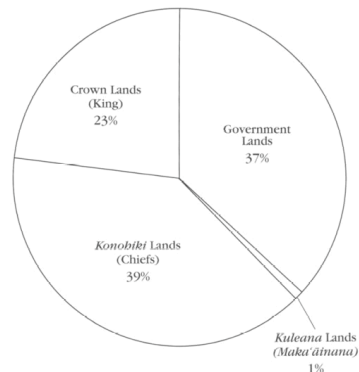
Unfortunately many *maka'ainana* did not do what the law required. They lacked the knowledge, experience and money to pay for surveys. In addition many missed the 1854 filing deadline.

Only 13,514 claims were filed and the number of *kuleana* grants actually awarded was just 9,337. *Maka'ainana* ended up with less than 1 percent of the total land available.

Most Hawaiians did not own any land. Some of those who did own their *kuleana* lost it later because they did not pay land taxes.

Then there were those who lost their land because they did not occupy, or live on, their *kuleana*. This was due to the "adverse possession" law. Under this law a person was allowed to claim land that had not been occupied by its owner for ten years or more.

As many Hawaiians lost their *kuleana* for one reason or another, foreigners were ready to buy and sell those *kuleana*.



In 1854 the *maka'ainana* owned less than 1 percent of the total lands available