

## History of Land Ownership in Hawaii and the Great Mahele (Exhibit E)

### Kamehameha the Great

After Kamehameha unified the islands he rewarded his loyal followers making them chiefs and letting them rule over the land. During this time the chief was the manager of the land and that was a title one received as a birth right. The people that lived on the land paid taxes (whatever they made) to the chief and he in turn offered them protection. After Kamehameha I died his son Liholiho (Kamehameha II) did very little to change the land ownership in Hawaii. He just left it in the hands of the families of chiefs that his father had rewarded for their help during the war for unification

### Kamehameha III

When he became king he realized that times were changing. The Hawaiian population was dying out and a huge foreign population now lived in the islands. This population of whalers, and traders were accustomed to the idea of buying lands and constantly challenged the rights of the chiefs to take land they were using away from them as they wished. At the same time the missionaries themselves were also trying to change the laws so they could possess land. They stated that they wanted to help the poor Hawaiian farmers that were not doing well because they did not have enough people left in the villages to do all of the required jobs. They too wanted to possess land for themselves to make homes on the Hawaiian Islands.

Kamehameha III did not want any of the land of Hawaii to be owned by non natives and he was concerned that as the Hawaiian people died away the ever increasing number of foreigners making their homes on the islands would eventually take the land by force (war) and change the laws so they could own land. In an effort to prevent this from happening he adopted a new constitution that changed the law of Hawaiian land ownership to read, **“All the land that belonged to King Kamehameha I was not his private property. It belonged to the chiefs and people in common of which Kamehameha was the head, and had management of the property.”** Under this new constitution the common people were still unable to own land but the chiefs were not allowed to throw them off the land any time they wanted.

### The Land Commission and the Great Mahele

In 1845 **the Board of Commissioners to Quiet Land Titles** was created as a new part of the government to help the native population claim the land that their families had worked for centuries. All they had to do was present their claim to ownership to the land commission office within the next two years. This commission declared that there are only three classes of people that have a right to the land--the government, the chiefs, and the commoners. Land ownership was now possible for the first time but foreigners were not allowed to own any land.

Kamehameha III then divided the land into two separate categories with the Act of 1850 **“The Great Mahele”**--Crown lands (1,000,000 acres) which he kept for his personal use and Government lands(1,500,000 acres) which were to be divided between the chiefs and the commoners. In order for chiefs or commoners to receive a portion of the land, however, they needed to prove that they actually cultivated farmed those lands for a living. They were not allowed to get extra land to improve the size of their lots. They could just claim the land their families had worked for centuries. These lands were called **Kuleana Lands**. All of these awarded lands were recorded in one great book. Although the commoners and chiefs had the right to acquire land and Kamehameha III set aside 1,500,000 acres of land for the government and the people. Less than 30,000 acres of land were actually given to the Hawaiian people. Why the Hawaiian people did not claim more of the land no one is sure. It could be because the idea of owning land (since it belonged to the gods) seemed silly or wrong, they might not have known about the change in the law, or maybe they just did not understand the process of obtaining land. After all, the Hawaiian people were not educated to this modern lifestyle. Most could not read or write and still lived the same way that their ancestors did and so no reason to change. Since the Hawaiian people did not claim the land all of the remaining land became Government land most of which was sold off by the government to get money to cover the increasing government expenses. The people that purchased the land were the foreigners because they were the only people on the islands with the money to do so. Therefore, Kamehameha III's dream of protecting the land for the Hawaiian people by allowing ownership opened the door for the foreigners to purchase nearly all of it.