

PALAPALA SILA NUI – HISTORY OF ROYAL PATENT LAND GRANTS ON CROWN AND GOVERNMENT LANDS OF LĀNA‘I

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This paper is meant to provide readers with an overview of the history of *Palapala Sila Nui* (Royal Patent Land Grants) on the island of Lāna‘i. We have included information from Hawaiian language newspapers, survey and land agent records, field notes, records of survey and plot plans for each of the land grants issued to applicants on Lāna‘i. We also include a summary of the transitions in land tenure practices following western contact and the codification of land laws in the Hawaiian Kingdom.

Events Leading to Fee-Simple Acquisition of Land in the Hawaiian Islands

Following the arrival of Captain Vancouver in 1793, the visits of foreign ships began to increase. In the early 1790s, only two Caucasians were recorded as being residents in the islands, by 1800, the number of foreigners who jumped ship grew. As the numbers of ships calling on Hawaiian ports increased, there also arose new economic pressures. Hawaiian interest in foreign goods evolved, and foreign desires for Hawaiian supplies and safe harbors grew as well. Of significance, foreign vessels also brought with them herbivores which they unloaded from the ships onto the islands, as a means of providing protein resources to wintering ships. These “grazing” animals intruded into native forests and Hawaiian agricultural lands, laying waste to everything they ranged through.

In 1820, Calvinist missionaries from America arrived and settled the islands. They brought with them not only their religious beliefs, but also their American values—among which were private property rights. By the middle 1820s, lands were being granted to the American Board of Commissioners for Foreign Missions (A.B.C.F.M.), for church, residency, schools, and the development of businesses with which to support the growing Sandwich Islands Mission. By the 1830s, other foreigners who had provided some service or other assets to the King and his chiefs, were also receiving lands for their use. Such property rights led to the development of sugar plantations and ranching interests. The latter, becoming an urgent need, in order to control the growing herds of wild cattle and other ungulates left in the islands by Captain Vancouver and later visiting ships (cf. Kuykendall 1968:40-41).

Between 1800 to 1850, a radically different system of foreign economics evolved in the islands, generally to the disadvantage of the Hawaiians. By the middle 1840s King Kamehameha III, under the tutelage of his missionary teachers, began to organize his Kingdom birth-right under an American system—a system which also incorporated many foreign office holders. From his land inventory, he set up a mechanism to lease out and eventually sell large tracts of land for the development of businesses, which it was hoped, would also benefit the kingdom.

The sale of Hawaiian land to foreigners, and their growing role in the Hawaiian government caused many natives concern, and in 1845 hundreds of native Hawaiians from Maui and Hawai‘i petitioned the King to—

Permit no naturalized foreigner to hold any office. To allow no foreigners hereafter to become naturalized. To part with no lands to foreigners... [The Polynesian, July 26, 1845:40]

In December 1845 and January 1846, King Kamehameha III, Cabinet Members and Ministers, visited Maui to address the people on these matters. Kamehameha III; J.Y. Kānehoa, Governor of Maui; A. Pāki; and appointed Ministers met with Hawaiians in large gatherings at various locations. The following excerpts from *The Polynesian*, summarize the thoughts of the King and others in his

government on these matters, and make specific reference to the “experiment” of dividing and granting fee-simple interest in properties at selected locations in the islands. By this time, wild cattle and other ungulates had already led to the abandonment of lands by natives at various locations—while not specifically mentioned, Lāna‘i was already suffering from the impacts of the feral animals as well.

The Polynesian
Honolulu, Saturday, Feb. 14, 1846
His Majesty’s Late visit to Maui.

...The royal party left this place on the 18th of December and arrived at Lahaina on the 20th... ...On the 12th January, His Majesty addressed several thousand of his subjects, at Wailuku, to the following effect:

I have addressed you before with my *KUHINA*, who is gone. I alone am left. I now repeat the same, and urge you to support schools and cultivate the land.

We are seeking the good of the country but the work is not done. We are making laws, but they are not *pohihihi* [bewildering]. If they are so to us they will be so to you. Your hereditary chiefs have been in trouble, and therefore have chosen some to aid them. They are the ministers of white skin, whom you see. This is according to the old system. They know more than we, and I have chosen them for the sake of their knowledge. You have heard of our trouble. I have seen it.

Therefore we have chosen these helpers to help you. We have heard of your petitions. Should we consent to them, trouble would immediately follow—instantly—before night. I ask you therefore to put an end to your wish to promote that petition...

...On the 14th, His Majesty addressed a large concourse of people at Makawao with great effect. A large proportion of the assembly were melted into tears. The Premier followed, urging the people to attend to useful knowledge, agriculture and religion, as the king provided for his own children he provided for theirs. Mr. Judd then spoke of the new arrangement of selling lands in fee simple to the natives...with which they were much gratified... ...Agriculture on Maui is in a forward state, compared with Oahu... There are 12 foreigners here, one of whom John White, arrived in 1799. On some parts of Maui the cattle have done much mischief by trespassing on the plantations, and driving the owners from their little farms. Two districts have in consequence been deserted...

These efforts led to the *Māhele ‘Āina* (Land Division) of 1848, which met with mixed results. More than half the applications made by native tenants of Lāna‘i for *kuleana* (personal property rights), had were rejected by the Land Commission (see the *Māhele ‘Āina* on Lāna‘i). This problem was recognized while the *Māhele* was being undertaken, and Kamehameha III implemented the program that allowed native and foreign residents to apply for grants of land—in fee-simple interest—which were held in the Government Land Inventory.

The process of applying for “Grant Lands” was set forth by the “Enabling Act” of August 6, 1850, which set aside portions of government lands for grants, as described below:

Section 4. Resolved that a certain portion of the Government lands in each Island shall be set apart, and placed in the hands of special agents to be disposed of in lots of from one to fifty acres in fee simple to such natives as may not be otherwise furnished with sufficient lands at a minimum price of fifty cents per acre. [“Enabling Act” – DLNR 2-4]

The Kingdoms' policy of providing land grants to native tenants was further clarified in a communication from Interior Department Clerk, A. G. Thurston, on behalf of Keoni Ana, Minister of the Interior, to one of the Government Land Agents:

February 23, 1852

...You will entertain no application for the purchase of any lands, without first receiving some part, say a fourth or fifth of the price; then the terms of sale being agreed upon between yourself and the applicant you will survey the land, and send the survey, with your report upon the same to this office, for the Approval of the Board of Finance, when your sales have been approved you will collect the balance due of the price; upon the receipt of which at this office, the Patent will be forwarded to you.

Natives who have no claims before the Land Commission have no Legal rights in the soil.

They are therefore to be allowed the first chance to purchase their homesteads. Those who neglect or refuse to do this, must remain dependant upon the mercy of whoever purchases the land; as those natives now are who having no kuleanas are living on lands already Patented, or belonging to Konohikis.

Where lands have been granted, but not yet Patented, the natives living on the land are to have the option of buying their homesteads, and then the grant be located, provided this can be done so as not to interfere with them.

No Fish Ponds are to be sold, neither any landing places.

As a general thing you will charge the natives but 50 cents pr. acre, not exceeding 50 acres to any one individual. Whenever about to survey land adjoining that of private individuals, notice must be given them or their agents to be present and point out their boundaries... [Interior Department Letter Book 3:210-211]

Following the closure of the Māhele, between 1855 to 1867, thirteen (13) grant applications, covering 735.93 acres, were surveyed and patented to fourteen individuals (13 natives and one foreigner) on the island of Lānaʻi. Most of the native claimants had also applied for land as a part of the *Māhele ʻĀina*—some grantees received awards, others did not. The land came from the Crown and Government inventory of lands in four *ahupuaʻa* (see *Table 1*).

Table 1. Palapala Sila Nui (1855-1867) Island of Lānaʻi

Grant No.	Grantee	Location	Acreage	Book	Year
1928	Koiku	Pawili	34.93	10	1855
1929	Kekua	Pawili	18.57	10	1855
1930	Nalimakaua	Pawili	31.96	10	1855
1931	Makaiholoae	Pawili	18.3	10	1855
2214	Lonopaawela	Pawili	1.64	12	1857
2903	Puupai	Pawili & Kealia Aupuni	52.00	14	1863
2971	Kapahoa	Pawili	33.00	14	1864
3029	Nahuina & Keli hue	Kalulu	236.68	14	1866
3030	Kapeleaumoku	Pawili	32.00	14	1866
3031	Kaaina	Kealia Aupuni	99.07	14	1866
3032	Pali	Kaunolu	29.00	14	1866
3033	Keamo	Kaunolu	20.85	14	1866
3045	Wm. Beder	Kaunolu	128.00	14	1867

Surveys, Applications and Royal Patents Issued for Land Grants on Lānaʻi

In the records of the Hawaiʻi State Archives and resources of the Hawaiian language newspapers, are found communications which provide readers with a record of the process of designating and approving *Palapala Sila Nui* on Lānaʻi. The Hawaiian language documents, including notes of survey have been translated by Kepā Maly as a part of this research.

***Ka Hae Hawaii
Malaki 5, 1856 (aoao 3-4)***

He Waiwai Maoli ka Olelo a ke Akua no ko Hawaii Nei.

I keia malama i hala iho nei, ma Lanai au i ke kuai aku i na aina aupuni i na kamaaina o Lanai, a ua ike au i kekahi Heiau Hoomanakii a ka poe kahiko, ma Pawili, o Kahea ka inoa o ia Heiau. A kuhikuhi mai la kekahi kanaka elemakule iaʻu i kekahi pohaku e waiho ana ma ka puka. He pohaku nui no, hookahi paha iwilei kona loihi, a he puka mawaena oia pohaku. Hai mai la oia, maluna oia pohaku, e hoonee iaʻi na kanaka i hoomakaukau ia, i mau mohai no na kii akua, me ka paa o na lima i ke kaula, a hookomo loa ia ke kaula maloko o ka puka oia pohaku, i hiki ole ke holo a pakele i ka make ka mea e hoopaa iaʻna i mohai.

Elua aʻu mea i noonoo ai:

1. Ka poino i loaai mai i na kupuna o kakou ma Hawaii nei, no ko lakou ike ole ana i ka olelo a ke Akua ke kumu; nolaila, nui wale na hana ino e poino ai lakou ia wa.
2. Ka pomaikai o ko Hawaii nei no ka hiki ana mai o ka olelo a ke Akua, a haalele ia kela mau hana lapuwale o ka wa naaupo.

I iho la au iloko oʻu iho, Owai la ka mea e hiki ke helu i na pomaikai he nui wale i loaai mai i ko Hawaii nei, no ka hiki ana mai o ka olelo a ke Akua ma Hawaii nei?

Nolaila, e lawe kakou i keia waiwai oiaio no kakou iho, a i waiwai hooilina no ka kakou mau keiki a me kakou mau mamoo aku, me ka nonoi aku i ke Akua, i ole oia e lawe i kana olelo mai keia aupuni aku, o uhi hou mai ka pouli, a hana hou ia kela mau hana weliweli o na lahuikanaka ike ole i ke Akua e hana nei.

Ioane Richardson.
Waikapu, Maui. Dek. 12, 1855.

This past month, I was on Lanai to sell government land to the natives of Lanai, and I saw a Temple of Idol Worship of the ancient people, at Pawili. The name of the Temple is Kahea. An old man showed me a stone situated at the entry. It is a large stone, perhaps a fathom in length, with a hole through the stone. He told me that it was at this stone that a man would be tied to in preparation for sacrifice to the idols. His hands would be secured with cordage, and the cordage secured through the hole in the rock, so the man could not escape. Then the one who was to be sacrificed was killed for the offering.

There are two things that I think of:

1. The many tribulations placed upon our ancestors in Hawaii, when they did not know the word of God as their source; therefore they had a great many difficulties upon them in that time.
2. The blessings in Hawaii since the arrival of the word of God, and the abandoning of those foolish works in their time of ignorance.

I said to myself, "Who could possibly count the many blessings which have been obtained in Hawaii nei since the arrival of the word of God in Hawaii?"

Therefore let us take this rich truth for ourselves, and as a valuable bequest to our children and the descendents that follow, with the request that God not take his word from this kingdom, and we be returned to darkness, and the fearful works done by a nation that does not know God.

John Richardson
Waikapu, Maui. Dec. 12, 1855. [Maly, translator]

***Ka Hae Hawaii
Feberuari 4, 1857 (aoao 195)
Olelo Hoolaha***

I Keia La ua koho o P. Nahaolelua, Kiaaina o Maui, a me na moku e pili ana, i na Luna Awa, a ua hoapono ka mea Kiekie, ka mea e hana ana i ka Oihana Kalaiaina ia lakou.

...Kaaina Lanai.

On this day, P. Nahaolelua, Governor of Maui chose, for their respective islands, the Awa agents, and approved by his Excellency, the one who is responsible for their work of the Interior Department.

... Kaaina Island of Lanai. [Maly, translator]

***1864
Pawili Lanai
(Palapala Sila Nui Helu 2971)***

Kapahoa, he aina kuai kona me ke aupuni ma Pawili i Lanai, he 33 eka, hookahi dala o ka Eka

Dala o ka Aina	33	
Dala o ka Sila	5	
Dala o ka Ana	10	48

Kaa mua ia loane Richardson	47
Kaa hope ia P. Nahaolelua	1

Ua kaa loa keia aina, ua hoihoiia ke dala i ke K. Kalaiaina.
E nana ma ka Buke 2, aoao 28.
Ua loaa mai ka P. Sila Nui, Helu 2971.

Ua haawi ka P.S. Nui, Helu 2971 ia Kenuipoohiwi, wahine a Kapahoa, 13, Mei 1865. [Hawaii State Archives, DLNR 2 Vol. 37:29]

Kapahoa, he has a land purchased from the government at Pawili, Lanai. There are 33 acres, at one dollar per acre.

Price of the Land	33	
Price of the Patent	5	
Price of the Survey	10	\$48

Paid to Ioane Richardson	47
Paid to P. Nahaolelua	1

The land has been paid for in full, with the money returned to the Minister of the Interior.

Look in Book 2, page 28.
Given Royal Patent Number 2971.

Documents of Royal Patent Number 2971 were given to Kenuipoohiwi, wife of Kapahoa on 13, May, 1865. [Maly, translator]

Dek. 31st 1865 to Mar. 31st 1866

Na Aina Aupuni i kuai mua ia i ka wa o J. Richardson.

Government Lands previously sold in the time of J. Richardson:

Name of the Natives:	Lands:	Area:	Price per Acre
Nahuina & Keliiahue	Kalulu, Lanai	236.68	\$1.
Kaaina	Kealia, Lanai	99.07	\$1.
Keamo	Kaunolu, Lanai	20.85	\$1.
Kapeleaumoku	Pawili	5.31	\$1.
Kapeleaumoku	Pawili	26.75	\$0.62
Pali later received	Kaunolu	29.06	\$1.

Lahaina. 31st Mar., 1866.

P. Nahaolelua,

Agent to sell Government Lands of Maui. [Hawaii State Archives Interior Department Lands]

October 12, 1866

Na Aina Aupuni i kuai mua ia e John Richardson.

Government Lands previously sold in the time of J. Richardson:

Name:	Lands:	Area:	Price per Acre
William Beder	Kaunolu, Lanai	128	\$1.

P. Nahaolelua,

Governor of Maui. [Hawaii State Archives Interior Department Lands]

Jan. 16, 1867

Kaunolu, Lanai

(Palapala Sila Nui Helu 3033)

Keamo, he aina kuai kona me ke aupuni ma Kaunolu i Lanai,
He 20.85 Eka \$1.00 ka Eka:

No ka aina	20.87	
No ke Sila	5.00	
No ke Ana ana	8	33.87

Kaa mua ia loane Richardson	19.50
Kaa hope ia P. Nahaolelua	14.62

Ua kaa loa keia aina, ua hooiilia ke dala i ke Kuhina Kalaiaina. E nana ma ke Buke 2 aoao 24.

Ua loaa mai ka Palapala Sila Nui Helu 3033, ua haawi ia Keamo ma Ian. 16, 1867. [Hawaii State Archives, DLNR 2 Vol. 37:37]

Keamo has purchased land of the government in Kaunolu, Lanai.
There are 20.85 Acres at \$1.00 per Acre.

Price of the Land	20.87	
Price of the Patent	5.00	
Price of the Survey	8	\$33.87

Paid to loane Richardson	19.50
Paid to P. Nahaolelua	14.62

The land has been paid for in full, with the money collected by the Minister of the Interior. Look in Book 2, page 24.

The documents of Royal Patent Number 3033 were received and given to Keamo on Jan. 16, 1867. [Maly, translator]

***Kealia, Lanai
(Palapala Sila Nui Helu 3031)***

Kaaina, he aina kuai kona me ke aupuni ma Kealia i Lanai, he 99 7/100 Eka. \$1.00 Eka hookahi.

No ka aina	99.12	
No ke Sila	5.00	
No ke Ana ana	10.00	114.12

Ua kaa loa keia aina, ua hooiilia ke dala i ke Kuhina Kalaiaina. Buke 2 aoao 29.

Kaa mua ia I, Richardson	26.12
Kaa hope ia P. Nahaolelua	88.00

Ua loaa mai ka P. Sila Nui, Helu 3031, ua haawi ia ma ka lima o Lono. [Hawaii State Archives, DLNR 2 Vol. 37:37]

Kaaina has purchased land of the government in Kealia, Lanai, there are 99 77/100ths. At \$1.00 per Acre.

Price of the Land	99.12	
Price of the Patent	5.00	
Price of the Survey	10.00	\$114.12

The land has been paid for in full, with the money collected by the Minister of the Interior. Look in Book 2, page 29.

Paid to loane Richardson	26.12
Paid to P. Nahaolelua	88.00

Royal Patent Number 3031 has been received and given into the hands of Lono.
[Maly, translator]

Kalulu, Lanai
(Palapala Sila Nui Helu 3029)

Nahuina & Keliuhue, he aina kuai ka laua me ke Aupuni, Kalulu i Lanai, 236.68 Eka, hookahi dala o ka Eka 1.

No ka aina	236.75	
No ke Sila	5.00	
No ke Ana ana	20.00	261.75

Kaa mua ia loane Richardson	158.00
Kaa hope ia P. Nahaolelua	103.75

Ua kaa loa keia aina, ua hooiia ke dala i ke Kuhina Kalaiaina. E nana ma ka Buke 2 aoao 31. Ua loa mai ka P. Sila Nui, Helu 3029, ua haawiia ia Nahuina & Keliuhue. [Hawaii State Archives, DLNR 2 Vol. 37:38]

Nahunia & Keliuhue have purchased land of the government in Kalulu, Lanai. There are 236.68, at \$1.00 per Acre.

Price of the Land	236.75
Price of the Patent	5.00
Price of the Survey	20.00 \$114.12

The land has been paid for in full, with the money collected by the Minister of the Interior. Look in Book 2, page 29.

Paid to loane Richardson	26.12
Paid to P. Nahaolelua	88.00

Royal Patent Number 3031 has been received and given into the hands of Lono.
[Maly, translator]

Pawili, Lanai
(Palapala Sila Nui Helu 3030)

Kapeleaumoku, he aina kuai kana me ke aupuni ma Pawili i Lanai, he 32.06 Eka, he 5.31 Eka. \$1 Eka, he 26.75 Eka \$0.62 Eka. (Ma ke kii o keia aina he 32.06) Ua hanaia e like me ko ke kii.

No ka Aina	22.02	
No ke Sila	5.00	
No ke Ana ana	6.00	33.02

Kaa mua ia I. Richardson	11.50
Kaa hope ia P. Nahaolelua	21.50

Ua kaa loa keia aina, ua hoihoi ia ke dala i ke Kuhina Kalaiaina, Buke 2 aoao 21. Ua loa mai ka P. Sila Nui, Helu 3030. Ua haawii R.P. S. Nui ia Kapeleaumoku, Dek. 29, 1866. [Hawaii State Archives, DLNR 2 Vol. 37:38]

Kapeleaumoku has a land purchased from the government in Pawili, Lanai. There are 32.06 Acres and 5.31 Acres. 5.31 Acres at \$1.00 per Acre, and 32.06 Acres at \$0.62 per Acre. It is as described in the diagram.

Price of the Land	22.02
Price of the Patent	5.00
Price of the Survey	6.00 \$33.02

Paid to loane Richardson	11.50
Paid to P. Nahaolelua	21.50

The land has been paid for in full, and the money sent to the Minister of the Interior. Look in Book 2, page 21. Royal Patent Number 3030 has been received. The Royal Patent was given Kapeleaumoku, Dec. 29, 1866. [Maly, translator]

***Kaunolu, Lanai
(Palapala Sila Nui Helu 3032)***

Pali, he aina kuai kona me ke aupuni ma Kaunolu i Lanai, he 29.06 Eka \$1.0 ka Eka 1.

No ka Aina	29.06
No ke Sila	5.00
No ke Ana	5.00 \$39.06

Ua kaaloa keia aina.

Kaa mua ia I. Richardson	20.00
Kaa hope ia P. Nahaolelua	19.06

Ua hoihoi ia ke dala i ke Kuhina Kalaiaina i Mar. 31, 1866. E nana i ka Buke 2 aoao 27. Ua loa mai ka Palapala Sila Nui, Helu 3032. Ua haawii ia Pali. [Hawaii State Archives, DLNR 2 Vol. 37:39]

Pali has a land purchased from the Government in Kaunolu, Lanai, it is 29.06 Acres. At \$1 per Acre.

Price of the Land	29.06
Price of the Patent	5.00
Price of the Survey	5.00 \$39.06

Paid to loane Richardson	20.00
Paid to P. Nahaolelua	19.06

The money was returned to the Minister of the Interior on Mar. 31, 1866. Look in Book 2, page 27. Royal Patent Number 3032 has been received. It was given to Pali. [Maly, translator]