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Late in the eighteen-thirties, after almost sixty years of contact with white men and two decades of education at the hands of Protestant missionaries who were also American republicans, the ruling chiefs of Hawaii began to consider in earnest a fundamental alteration in the government of the islands. From the beginning, the prerogatives of chiefs and the claims of foreigners had been chronically in conflict. By the late thirties, too, the commoners, though quite without means of translating discontent into political action, were not so complaisant under the rule of the ali\textsuperscript{i} as they once had been.

Opinion in favor of change was sufficiently strong to permit the framing of a Bill of Rights in 1839. This pioneering work was followed a year later by the writing of a constitution for the kingdom. Legislative authority was vested in a council of chiefs. There was in addition a small body of popular representatives, whose functions were little more than advisory. Ultimate judicial authority resided in a supreme court, of which the king and the kuhina-nui were members. Executive authority was with the appointees of the king and the kuhina-nui.\textsuperscript{1}

For Honolulu the most important official was the Governor of Oahu, who reported to the supreme executive. Generally speaking, he had charge of all governmental business within his jurisdiction not set aside by law to other officials. Thus his duties were manifold. He sat as judge in cases involving foreigners and natives; appointed inferior judges; supervised tax collection all over the island; controlled the town’s fort, prison system, police force, markets, and public works; and allowed or disallowed marriages and divorces, paying close attention to those involving foreign men and native women.\textsuperscript{2}

Most of these functions might be regarded simply as continuations or extensions of powers delegated to governors of islands by Kamehameha I. In fact, very few laws bearing directly upon local government were passed in the wake of the constitutional changes of the late thirties. The king and chiefs, meeting in council at Lahaina in mid-1840, prepared a brief list of duties for the “officers of the city of Honolulu”, but the projected administration was never implemented. A few months later, in November, a law was enacted empowering any chief or governmental officer to call a meeting of “all the people” of a locality should the inhabitants request him to do so. Such meetings might frame local law concerning fences, roads, wandering animals, and the like. These laws might be enforced within a locality provided they did not conflict with the laws of the kingdom.\textsuperscript{3}

Here, within the mixed governmental system of Hawaii, there was one of many echoes of New England political practice—the town meeting. Prior to 1840, local initiative had rested solely with resident chiefs, who might or might not act at the request of natives and foreigners. Now a possibility existed that local government might develop a real identity. It remained only that in Honolulu—a possibility. Occasionally during the next fifteen years one place on Oahu, the rural village of

* This paper reproduces part of Ch. V of Dr. Daws! Ph D dissertation presented to the graduate school of the University of Hawaii. Acknowledgment is hereby extended to the regents, the graduate school, and the university for permission to reproduce this excerpt.
Waialua on the northern coast, took on the semblance of a community in its use of the 1840 statute on local laws: but Honolulu never did. Much less did Honolulu proceed along New England lines and achieve self-government under a charter. Incorporation was suggested at various times in the forties, usually on the ground that local improvements ought to be the responsibility of some kind of local government. One of the white members of the cabinet, Minister of Foreign Relations Robert Crichton Wyllie, had a somewhat broader vision of the benefits of municipal government. He saw decentralization not only as a sensible way of doing official business at the local level, but also as a means of reviving a feeling of community among the natives. Their ties to the soil (and to family and kinship groups) had been cut by mobility and drift. Hawaiians seemed easily seduced by the attractiveness of the white men's world growing up at the port towns. Perhaps a strong "parish" organization would help to reverse this unhealthy trend, by restoring a sense of participation and purpose to the lives of all natives, whether they chose to dwell at Honolulu or remain in a rural district.

Wyllie's views never really took hold. When incorporation did come in 1850, it was of a merely formal sort. On August 29, 1850, Honolulu was elevated by decision of the king and council to the status of a city, and was named at the same time capital of the islands. Two weeks later, an act was written to render uniform the various districts of the islands for educational and taxation purposes. The districts thus created were to be subdivided into townships enjoying the right to make local regulations. For Honolulu, this was the effective limit of action. The kingdom's Cabinet Council proposed in December, 1850, the establishment of municipal government for Honolulu, and it was agreed that the Privy Council should be asked to direct Supreme Court Justice William Lee to prepare a charter. The Privy Council, however, concluded not to act, but rather to postpone discussion. In 1851 the government weekly, the Polynesian, reported "great diversity" of opinion among the residents of Honolulu on the question of a city charter. Certainly the national government would be relieved of the necessity to sustain Honolulu's administration. Authority would pass to local residents, and perhaps in this way public improvements might be made more quickly, helping to turn Honolulu into a real city. On the other hand, self-government might cost as much as $30-50,000 a year, about one-third of the total annual governmental budget. To pay for a mayor, councilmen, police, prisons, and so on would require a very high tax rate, especially as the city had no property from which revenue might be drawn, unless the kingdom should relinquish its markets and wharves.

Apparently the national government was unwilling to transfer responsibility to the city, and the city remained unwilling to assume it. A bill introduced in the 1852 legislature did not pass its third reading. A Privy Council resolution in mid-1853 produced nothing. Wyllie's persistent advocacy later in the fifties was fruitless, even in a period when the national government was extremely short of funds and might have been expected to welcome a chance to cut expenses. Thus Honolulu was without a charter. It continued so until the beginning of the twentieth century, by which time, of course, the kingdom itself was a thing of the past and the islands had become a territory of the United States.

Many functions normally carried out by local administrations were performed in Honolulu by the national government—for example, by the kingdom's Board of Health and its Public Works Bureau. In the discharge of municipal duties, the Governor of Oahu was closely supervised by cabinet ministers. For the rest, voluntary associations of one sort or another haltingly supplied the deficiencies of governmental institutions. Honolulu in the forties and fifties lacked, in fact, any strong sense of community—even the Chamber of Commerce formed in 1850 quickly became moribund.
Yet the city was the business center of the islands, the center of population, the focus of foreign contact; and Honolulu's people were witnesses, initiators, beneficiaries and sometimes victims of almost every major movement and contest in the islands.

One of the principal questions confronting the kingdom as the forties opened was that of land. This issue took its shape and reached a resolution almost solely on the basis of Honolulu's experience. The critical years were those of the later eighteen forties, but the history of the problem was as old as the kingdom itself.

Under Kamehameha I, sovereignty and land ownership were inextricably linked. Both were in the hands of the king. Chiefs, and through them commoners, held land at the royal pleasure. All paid heavily in taxes and services for the privilege. After the death of Kamehameha there occurred a devolution of power into the hands of the great ali'i, who quickly became the dominating political and economic force in the islands. By 1825 the chiefs had secured the right to pass on their lands by inheritance, which they had not been able to do under Kamehameha. Having thus consolidated their own position and ensured their affluence, they could be brought only with great reluctance to consider over the next two decades the possible rights of the disadvantaged groups who were their tenants—commoners and foreigners.

The commoners could do very little to initiate change, bound as they were by a tradition of subservience to the ali'i. The chiefs regarded them, even after the breaking of the kapu, as nothing but worms in the dust. Throughout the twenties and thirties, commoners continued to be liable for taxes on their persons and on their produce, taxes so heavy as to vitiate any attempt on their part to escape from mere subsistence. Production was their task; the inverted pyramid of consumption was also theirs to support.

As for the foreigners, their concept of property clashed with that of the ali'i almost from the beginning. Agitation for changes in the land system thus came almost exclusively from westerners, as did agitation for constitutional government.

The two revolutions, each centering on Honolulu, were accomplished in the same decade.

In the early days it had been possible for a white man to attain a special position in relation to land, by attaching himself to Kamehameha and, through services or expertise, gaining the rank of ali'i with all its rewards. No matter how long his residence, however, the threat of dispossession remained, as Marin found in 1823 when he incurred the wrath of the Honolulu chiefs over his handling of their foreign trade goods. For short-term residents, tenure was even more precarious. In the twenties they might be sent out of the country at the chiefs' pleasure, whereupon any land they had occupied reverted to the chiefs, regardless of claims by the white men's women and children. Even for peaceful and sober foreigners there was no guarantee of uninterrupted tenure. Chiefs permitted haleles to occupy more or less well defined lots in the village. Upon these lots buildings might be erected.

There were, however, no formal leases. The ali'i often reminded their foreign tenants that permanent occupancy was not a right but a privilege, and hence most buildings were none too lavish. No idea existed in the chiefs' minds that a foreigner's "right" to a lot or even to his improvements might survive the tenant himself. Foreigners might buy and sell the "right" of occupancy, and improvements might be transferred, but such transactions required the approval of the chiefs.

The right of foreigners to hold land was closely connected, of course, with the question of their prior right to enter the country and do business there. No foreign government ever denied the ultimate discretion of the kingdom in this respect, though on occasion local representatives of the great powers called for very rigorous definition of the restrictions the Hawaiian monarchy sought to impose. Up to
about 1830, with nothing but the informal "treaty" drafted by Thomas ap Catesby Jones in 1826 to regulate their foreign dealings, the ali'i managed to have their way; and the first really sharp contest between foreigners and natives over property of any sort—the Charlton cow case of 1829—resulted in a victory for the monarchy. In the next decade, however, Honolulu's foreign community grew rapidly, changing in character to include substantial businessmen as well as the beached sailors of previous decades. Property and business interests of Americans in Honolulu in 1829 had been worth an estimated $80-100,000. By the mid-thirties, the figure was about $400,000 for all islands. At the opening of the forties, estimates were much higher—about $300,000 in real estate and $43,000 in shipping owned at Honolulu, largely devoted to servicing the whaling industry, which by then was bringing well over $1,000,000 worth of American shipping to the islands each year. There was a proportionate growth in business at the port. With about 600 Americans in the islands, most of them at Honolulu, the issue of property and commercial rights inevitably became more acute.8

In 1836-1837, naval representatives of three great powers—the United States, Great Britain and France—attempted to improve the position of foreigners in regard to residence and landholding. In October, 1836, Commodore Edward Kennedy of the USS Peacock conferred for four days with the king and the chiefs on matters of foreigners' land tenure, their right to transfer leased property, and their right (heretofore denied) to lease land for agriculture outside Honolulu itself. Kennedy was able to make very little impression on the fixed position of the government that royal sovereignty carried with it inalienable rights in the soil, and that all issues arising from the land question must remain at the discretion of the king.9

Just as Kennedy was about to leave Honolulu, the French warship Bonite (Captain A.N. Vaillant) and the British man-of-war Actaeon (Lord Edward Russell) arrived. Each commander in turn involved himself in the question of foreigners' rights (their immediate concern was to try to establish the tenure of Catholic missionaries in Honolulu). Lord Edward Russell, after scrutinizing a lengthy list of complaints brought to his attention by British Consul Charlton, proposed a treaty giving British subjects the right to bring vessels and property to the islands, to live there, build houses and stores, and dispose of their property with the knowledge and consent of the king. The most important phrase concerned the king's part in granting and manipulating these "rights". This was to be a fruitful source of trouble, especially in view of the fact that the king's signature on the treaty was obtained only after the "wholly dictatorial" Russell, supported by the blustering Charlton, made implied threats that if Kamehameha refused to co-operate, the Actaeon would fire on Honolulu.10 The right of Frenchmen to most-favored-nation status was reluctantly granted in the next year, 1837, when Captain Abel du Petit-Thouars, in Honolulu at the time of the Clementine episode, induced King Kamehameha to sign a convention guaranteeing parity of treatment. The French interest in property and commerce at Honolulu—and the British interest too, for that matter—were, of course, insignificant in comparison with American investments.11

The king and the chiefs were determined to retain total sovereignty over land, especially in Honolulu and Lahaina. Early in 1838, they drafted an "Ordinance for the Cities of the Islands," forbidding the sale of house lots without the consent of the king, as "entangling the rights" of the kingdom; the sale of house lots in secret; the giving up of lots for debt; and the sale at auction of house lots belonging to deceased persons. All these were stigmatized as "evil acts". At the same time, the ali'i disclaimed control over chattels.12

This was the situation when, in 1839, the Bill of Rights was drawn up. The Bill itself, and the 1840 constitution which followed, did little to assure tenants' rights. An effort was made to prevent abuses of the old sort by the chiefs. This,
naturally, was more to the advantage of commoners than of foreigners. Then, too, the 1840 constitution contained the first formal statement of the idea that commoners had rights of ownership in the lands of the kingdom. But for foreigners, the problem persisted: there was no concession of their right to hold actual title to land. In 1841 the Hawaiian legislature, meeting at Lahaina, empowered island governors to lease land to foreigners for as long as fifty years. This arrangement was no less unsatisfactory than the old indeterminate leases of earlier decades had been. Indeed, trouble followed. The legislature directed foreigners to register their leases in writing at the governors' offices, so that rent payments might be regularized. The business community of Honolulu regarded this edict as an imposition serious enough to justify consular intervention. Richard Charlton, Jules Dudoit and Peter Brinsmade all made protests to the king and to Kekuanaoa. The government attempted, inconclusively, to clarify its position in a way acceptable to the foreigners, but the issue remained open.

After this flurry, the land question, in terms of constitutional change, was held in abeyance during the first years of the forties, while the ultimate question of Hawaii's future was fought out on the diplomatic level. By 1844, royal sovereignty appeared at least temporarily secure, and the question of property rights for foreigners and commoners returned to pre-empt the attention of Hawaiian legislators and administrators.

Some quite strong reasons existed for major change. With the increase of Honolulu's foreign population, the question of foreign rights had grown more urgent. Late in the thirties, too, a kingdom-wide interest in Hawaiian agriculture and manufactures developed. The first stirrings of an upheaval in land, population and politics on the west coast of America were discernible as the United States prepared to involve itself heavily in Oregon and later California, and the implications of all this for Honolulu's commerce and Hawaii's agriculture were beginning to be considered. Tightly bound up with these issues was the question of the Hawaiian commoner upon the land. Should he continue to be essentially a feudal retainer, or should he be permitted, now that his right to own land was recognized in the constitution, to become an independent yeoman?

By 1844 the government was ready to authorize a full-scale investigation of the entire land question, and in the next year, as part of organic legislation setting up executive departments, a Board of Commissioners to Quiet Land Titles was created. So too was a land office, established within the new Department of the Interior. In general, Hawaiian subjects were to be allowed to purchase land in fee simple. Aliens and subjects alike might lease land for as long as fifty years. All claims dating from before the organic act, whether those of subjects or aliens, were to be reviewed by the Board of Commissioners, whose dispositions would give title in the form of a Land Commission Award. The successful claimant might pay a commutation fee, thus extinguishing the government's interest in his land. He would then possess a Royal Patent in fee simple.

Guided by these general rules, the Board of Commissioners met at Honolulu. Its first members were the ex-missionary William Richards, now a cabinet minister; John Ricord, the king's American-born Attorney-General, who played a great part in framing the organic acts; J. Y. Kanehoa, a descendant of John Young; and two educated Hawaiians, Z. Kaauwai and John L. From February to August, 1846, the Board worked to prepare a set of principles which would serve as permanent guidemarks. These were approved by the legislature. The major concern of the principles was the separation and definition of the property interests of government, landlord, and tenant. The great division of land which followed was based on their dicta.

Meanwhile, the Board of Commissioners began to hear claims pertaining to lands, mostly house lots, already occupied by natives and foreigners in the Honolulu area.
Day by day, month by month, the Board took testimony. Not until December, 1847, did attention pass to the kingdom at large; and even after that date, work continued sporadically on later Honolulu claims.

The Board held its first meetings in a building called Hale Kauwila, which, until then, had been used by the chiefs for councils and feasts. Every Wednesday after mid-February, 1846, it was crowded with claimants. Within the Honolulu area, those with foreign names hurried to register their claims. As events were to show, it would take time to convince even urban Hawaiians of the advantages of a secure title, whether at leasehold or in fee simple. No such education was necessary for foreign businessmen, of course; they moved quickly to regularize their leases, and later, when conditions were relaxed, to buy land in fee simple.16

Equally quickly, too, the beached foreigners of past decades appeared before the Board, claiming confirmation of rewards for services performed long ago. Alexander Adams, former pilot of Kamehameha I, more recently Honolulu's harbor pilot, and now the lusty old patriarch of a vastly-ramified family with widely-spread estates around Honolulu, claimed and was awarded several pieces of land: a town lot; about four acres of Waikiki land over which he had been konohiki (agent or steward for a chief) since the days of his royal benefactor; nearly 300 acres of kalo land and upland in Kalihi valley to the west of Honolulu proper; and an estate of almost 2,500 acres at Niu, a sunny valley a few miles east of Diamond Head.17

Adams was unusually long-lived. Most of his old cohorts were dead, especially those who, like Adams himself, had settled in the islands before the breaking of the kau. Long ago; they had submerged their nationality and their legal identity in the service of a primitive king. They had married native women, and had sired children of mixed blood. Now their heirs, many of whom bore Hawaiian first names and foreign last names, were able to trace the vicissitudes of their families through a quarter-century or more of caprice on the part of the alii, and finally to establish their property rights under a westernized jurisdiction.

George Beckley, pilot and fort commandant at Honolulu for the first two Kamehamehas, had died in 1826, naming Alexander Adams as his executor and guardian of his heirs. Beckley was now judged entitled to have bequeathed to his part-Hawaiian descendants an acre of land in Honolulu, seventy acres at Kalihi, and thirty-six in Manoa.18 Other names from the past were heard—Blanchard, Davis, Ebbets, Harbottle, Holmes, Jones, Manini (once Marin), Rives, Sumner, Winship, Woodland—formerly western, now borne by part-Hawaiians married in most cases to other part-Hawaians or full-blooded Hawaiians rather than to haoles. Here were the beginnings of an urban Hawaiian landowning class, many of whose members were to prove unable, for various reasons, to hold their Honolulu property in the two generations ahead. From the beginning, they had relied on haole assistance to keep their lands and boundaries intact in the somewhat predatory world of Honolulu. Stephen Reynolds, for example, spent a great deal of time helping Hannah Holmes to administer her rental lots; and Gerrit Judd was useful in the same way to Robert G. Davis (Hannah's son by William Heath Davis).19 Once it became possible for part-Hawaiians (and full-blooded Hawaiians) to alienate their own lands, they tended to lease or sell cheaply and somewhat improvidently, with the result that land ownership in Honolulu became more an index of rising foreign commercial interest than an expression of native rights of ownership.

Foreigners who had played even more humble roles in the making of Honolulu were also recalled, either in person or through their heirs—Peter Anderson, Kamehameha's Negro armorer; Bob the Tailor Kilday, an Englishman who had stitched coats for Liho-liho in the era of the first great Hawaiian dandies and had been rewarded with the gift of a lot in Nuuanu, which he held stubbornly in the face of the chiefs' efforts to remove him; Louis Gravier, a French sailmaker who had outfitted the Becket, one of
the ships Boki took on his sandalwood expedition; the illiterate Englishman Tom Hunt, one of Kalanimoku's seacaptains, who had been given land by his patron and was then dispossessed for drunkenness; Dutch Harry Supplee, the tavern-keeper, who since 1810 had been burying his hard-earned money in his Honolulu backyard; Yankee Jim Vowles, the notorious bar-room brawler; Lewis Rees, the Welsh herdsman and servant of Manuia, who had sailed with Boki; Black George Hyatt, the Negro who played his clarinet for the kings of Hawaii and provided music for Honolulu's first cotillion; Long Tom Gandall, the chiefs' gunpowder expert, employed on Honolulu public works jobs; John Gowan, citizen of Boston, who had been Kaumualii's linguist on Kauai; Portuguese Joe; Charles the Lascar; and dozens of others about whom virtually nothing is known.20

Together with all these, the businessmen of the town and the representatives of the two missions, Protestant and Catholic, established their rights to land around Honolulu.21 Finally, as Honolulu's chiefs and commoners came before the Board of Commissioners, the outlines of a town committed to western property practices became visible. Over fishponds, kalo patches, heiau sites, luku or game-playing areas, and kapu places of bygone days, the surveyors and draftsmen laid their precise measurements. Valley boundaries which formerly had been defined by the direction in which a stone would roll were now fixed by triangulations. Traditional landmarks like streams, trees, prominent rocks and stone-heaps gave way to markings on maps. The old konohiki system, under which a chief appointed an agent or steward to manage his lands, was replaced by a system in which each owner determined for himself the best use to which his land might be put, being free to cultivate, lease or sell at will.22

In the course of testimony before the Board of Commissioners, Stephen Reynolds recalled how in 1823, when he had come to the islands to stay, not many house lots had been fenced and very few indeed enjoyed the privacy of adobe walls. There had been no streets, but only pathways leading to the main trails quartering Honolulu.23 The city began at the waterfront and straggled to an end less than a mile inland, considerably short of a stone wall, built about 1830 part way across the entrances to Manoa and Nuuanu valleys with the idea of restraining grazing cattle.24 Late in the eighteen-thirties, before the property issue in Honolulu was anywhere near resolution, the local chiefs were seized by a fit of energy for road and bridge-building around the town, and for a few weeks crowds of natives labored, straightening and widening streets, and often clipping slips of land from lots which had encroached upon thoroughfares.25

Now, by 1850, the bulk of the Board's work was done in Honolulu. Titles were clear and most boundaries were settled. There was a sense of definition about the town that had never existed before. Promiscuous huddles of Hawaiian thatched huts, though still numerous, were interrupted more and more by individual houses of western design in adobe, wood or stone on individual lots. The streets once again were cleared of obstructions. Finally the town was ready to be declared a city, the capital of the kingdom. Concurrently the streets were officially named—twenty-nine of them, from the big thoroughfares running up from the waterfront (Nuuanu, Fort) and the principal streets crossing them (Merchant, King, Hotel and Beretania) down to lesser lanes and places. The old sailors' names, such as Fid Street, formally gave way to the new, such as Nuuanu; though, interestingly enough, sailors' names for districts within Honolulu, such as "Egypt", "Cow Bay", and the "Black Sea" lingered on for another twenty years, as did the complementary Hawaiian district names. Most of the street names decided upon in 1850 were western, though signposts carried Hawaiian renderings as well.26 Like all major rearrangements, this re-orientation of streets and boundaries in Honolulu created considerable discontent. For years afterward there were private quarrels and lawsuits over rights-of-way, trespass, and disputed claims. The fact was, however, that a great change had been accomplished.
Honolulu's new outlines were those within which the land development of the succeeding quarter-century were carried out.27

By the time the Board of Commissioners had roughly completed its work in Honolulu, it had awarded title to 325 lots, most of them covering less than one acre, on the seventeen most important streets and lanes in the town (excluding insignificant pathways). Of this number, foreigners or half-castes with western names held 119, overlying and surrounding this quite well-recognized town center was a more amorphous area, later described (but never defined) as "Honolulu City". It consisted of eighty-two more or less distinct areas of varying size (from a few acres up to several score), all carrying Hawaiian names from the old days, some located in the interstices of the street blocks, others on the periphery of the commercial area stretching toward the valleys. In "Honolulu City," a total of just over 700 awards were made, some of them several acres in extent, most nothing more than house and garden lots. Of this total, thirty-eight were held by people with western names—haoles or identifiable half-castes. Farther away from the harbor and the business quarter were land divisions incorporating valleys and other traditional sites. In these areas, which stretched from Moanalua in the west to Wailupe in the east, haole names disappeared almost entirely from the register of landowners. The largest single estate in the Kona district was at Moanalua, where William Sumner owned 7,000 acres. Nearby Honolulu, Kalihi and Kapalama had seven and six haole proprietors respectively (including Alexander Adams). To the east of the town proper, a very few haole names appeared in Makiki, Manoa, Palolo, Wailae-iki, Wailae-nui and Wailupe. Pawa, between Honolulu and Waikiki, included six foreigners among its seventeen landowners. Waikiki itself had only two (including Adams) out of more than 250 listed.28

The king and the chiefs held choice lots scattered about the district, in town and out. The Catholics were given title to a cathedral site in town and other lots elsewhere. The Protestant mission lots, including a sizable estate at Punahou in Manoa, were held at first in common and then distributed to individuals, except for church and school lots. Also defined were government lands, and a special category unique to Honolulu (and Lahaina)—fort lands, some fifty patches in Honolulu, Kalihi and Waikiki, to be cultivated by soldiers and tenants of the Governor of Oahu. Later these and other government lands were used for school sites.29

NOTES

1 The general implications of constitutional government are well discussed in Kuykendall, Hawaiian Kingdom, I, 1:3-169; and Bradley, American Frontier, pp. 319-333. See also Kuykendall, "Constitutions of the Hawaiian Kingdom," Hawaiian Historical Society, Papers, 21 (Honolulu, 1940). The 1840 constitution was succeeded in 1852 by an extremely liberal constitution, American-influenced.

2 The workings of the governor's office may be followed in part in the Governor's Letter Books, MS, AH, which record day-by-day transactions of a minor sort without giving much insight into the relations of the office with the rest of the government.

3 A Notice Respecting The Officers of the City of Honolulu, Oahu, June 10, 1840, Ah, FO & Ex; Lorrin A. Thurston, Fundamental Law of Hawaii (Honolulu: 1904), pp. 34-35.

4 For Waialua as a community, see Polynesian, August 25, 1849. Chapter VI of the present study mentions a resurgence of community feeling there in 1853. Large ly responsible was the Protestant missionary J.S. Emerson, an economic and political activist rather than a narrow evangelist.

5 Polynesian, January 10, 1846; April 29, May 20, 1848; Sandwich Island News, June 8, 1848. Wyllie's preoccupation with community may be traced to his
family connections with minor Scottish lairds. Later, in the 1860s, when he became a plantation owner on Kauai, he attempted to set up a model community with himself as benevolent lord and master.

6 Wyllie to William Lee, May 28, 1850, AH, FO & Ex, Local Officials; AH, Privy Council Records, III, 805, 805, VI, A, 182a, VII, 205; Polynesian, August 30, September 14, October 26, 1850; March 1, 8, 1851; July 7, 1855; AH, Cabinet Council Minutes, December 5, 1850; AH, Journal of House of Representatives, April 28, May 12, 19, 25, 1852; Chief Justice, Report, 1854, pp. 12-13; AH, FO & Ex, Constitutional Convention, January 1, 1855; Wyllie to Elisha Allen, November 7, 1856, AH, FO & Ex. In the Henry Whitney Papers, MSS in AH, there is an undated petition to the legislature to incorporate the city and confer on it a charter. The subject and the names of the signatories indicate that it must have been prepared in 1850, but I have been unable to find that it was ever submitted to government.

7 The best single published source on this and all other periods in Hawaiian land history is Jean Hobbs, Hawaii: A Pageant of the Soil (Stanford: 1935). For innumerable case histories documenting the passage of land into white men's hands under the old dispensation, the various manuscript volumes compiled at the time of the great land divisions of the 1840s are invaluable. There are three general classifications: Registers, Testimony, and Awards, running in all to thousands of pages, often with survey maps. Each classification has two sub-categories, Native and Foreign. The great majority of foreigners holding land in the old days were around Honolulu and their experiences are recorded for the most part in the early MS volumes. Thus, Foreign Register, I-III, and Foreign Testimony, I-III, are especially rich in information. There is an enormous reference work which should be consulted first if a single individual or piece of property is of interest. Indices of Awards Made by the Board of Commissioners to Quiet Land Titles in the Hawaiian Islands (Honolulu: 1929), compiled by the office of the Commissioner of Public Lands of the Territory of Hawaii, breaks down all land transactions of the mid-19th century into several cross-referenced categories which lead back to the MS material. It also has an excellent short introduction to the early land system. The MS volumes themselves have recently been placed in AH, where they have been microfilmed.

8 Ruschenberger, Voyage Around the World, p. 488; Polynesian, May 22, 1841.
9 Kennedy to Kamehameha III, October 7, 1836, AH, FO & Ex; Sandwich Island Gazette, October 15, 1836; Stephen Reynolds to James Hunnewell, November 14, 1836, January 1, 1837, Hunnewell MSS.
10 Kamehameha III to William IV, November 16, 1836, AH, FO & Ex; Benjamin Parker to David Greene, November 14, 1836, ABCFM Letters; Levi Chamberlain Journal, November 15, 1836; Kuykendall, Hawaiian Kingdom, I, 148.
11 Du Petit-Thouars to Kamehameha III, July 15, 1837, AH, FO & Ex; Lorrin Andrews to Robert Crichton Wyllie, — AH, FO & Ex (this contains a copy of the treaty); Bingham, Residence, p. 511; Bradley, American Frontier, p. 292.
12 H.A. Peirce to James Hunnewell, August 6, 1837, Hunnewell MSS; "Ordinance for the Cities of the Islands," January 8, 1838, AH, Laws.
13 Proclamation of May 31, 1841, AH, FO & Ex; Stephen Reynolds Journal, June 18, 20, 24, 25, July 12, 14, 1841; Dudoit to Governor of Oahu, June 25, 25, July 12, 1841, AH, FO & Ex; Kuykendall, Hawaiian Kingdom, I, 276. For a typical case argued between U.S. Consul Brinsmade and the Hawaiian government in 1845, see several letters, copies in AH, FO Letter Book, VI, 1ff.
14 The most convenient way to comprehend the organization of the Board and the principles governing its activities is to consult the collected documents.
printed in Indices of Awards Made by the Board of Commissioners (previously cited), pp. 1-62. Cited hereafter as Indices.

15 Ibid., pp. 1-12.
16 C. Brewer & Co.'s Fort Street lot was typical. First white owner was John Gowan, a chief's linguist. With chiefs' approval, it passed to James Hunnewell (1826), Henry A. Peirce (1830), and the firm of C. Brewer (1843). The lot, like most others, lacked definition, and changed shape as roads, streets and lanes were made and straightened. Foreign Register, II, 56ff., Claim 576; Foreign Testimony, II, 7ff., Claim 576; Awards, III, 23, Claim 576.
17 Foreign Testimony, II, 149ff., Claims 801-803; III, 102-103, 277, Claim 803.
18 Foreign Testimony, II, 349ff., Claims 817-821.
19 Reynolds was very generous with his time not only to Hannah Holmes but to other Honolulu half-whites. He was a great amateur of the law, and quite well-read. Stephen Reynolds Journal, March 25, 1841; September 17, December 2, 1843; July 15, 1845; April 13, 1846. For Judd and the Davises, see B.G. Davis to W.H. Davis, December 22, 1843, Davis Collection, MSS, California State Library.
20 Indices lists Honolulu claimants by name, and refers to manuscript volumes and pages where testimony may be found.
21 Land transactions of Protestant missionaries are compiled in Hobbs, op. cit., pp. 157ff.
23 Foreign Testimony, I, 13-14, Claim 8.
24 Bingham to Jeremiah Evarts, November 25, 1831, ABCFM Letters.
25 Stephen Reynolds Journal, September 17, 1837; January 29, 30, 31, February 1, 2, 6, 8, 1838; Kumu Hawaii, January 31, 1838.
26 AH, Privy Council Record, III, 799-805. The twenty-nine street, lane, and place names are listed here, but there is no accompanying map. See also Hawaiian Annual, 1906, p. 108.
27 The increasing incidence of property cases readily becomes apparent in the legal columns of the Polynesian. Honolulu's natives as well as foreigners were actively litigious, and the native lawyer as a social type begins to appear in numbers about 1850.
28 This account has been compiled from the raw information in Indices.
29 Indices, p. 45.

ROBERT W. WILCOX, HAWAII'S FIRST DELEGATE TO CONGRESS

by

Roberta Nose

Hawaii as a territory of the United States had ten delegates to Congress, but perhaps no term was as colorful and in some respects as unfortunate as that of Robert W. Wilcox, the first delegate. Wilcox was born on February 15, 1855, at Kukulu, Homaula, Maui. His father was Captain William S. Wilcox, a native of Newport, Rhode Island; his mother was Kalua Makoleokalani, a direct descendant of Lomamaihouna, brother of King Kualaha O Maui.

He first went to school at Wailuku at the age of eight. When he was ten years old, his mother died, and his father moved to a ranch at Makawao. There was no house. This paper was written for Dr. C.H. Hunter's class in Hawaiian history at the University of Hawaii in the spring of 1966.
English school at Makawao until in 1869 the board of education established the Haleakala Boarding School under Robert W. Andrews and Mrs. S.A. Thurston, mother of Lorrin A. Thurston. Young Wilcox and his three brothers were among the first pupils of this school. He was graduated from it in 1875, under Professor F.L. Clarke. Wilcox spent the next five years as a school teacher at Ulupalakua, Homaula. In 1880 he was elected to the house of representatives from the district of Wailuku, Maui. In the same year King Kalakaua chose him to be one of three young Hawaiians sent to Italy to study in the military academies. Through Kalakaua's influence with King Humbert, Wilcox was admitted to the Royal Military Academy at Turin in 1881. While there he studied under private teachers to prepare himself to enter the academy's regular course. His professor of mathematics was Captain Luigi Giletta, a staff officer who later became a major general. In 1882 Wilcox passed the examination and entered the first regular course. In 1885 he graduated, being promoted from cadet to sub-lieutenant of artillery. In the same year he entered the Royal Application School for Engineer and Artillery Officers. While studying the last course there in 1887, he was recalled by the Hawaiian government, whose officials had decided that his education would be of no great value to the nation. He had just married a young lady of the noble house of Colonna Stigliano. She was Signorina Gina Sobrero, daughter of the Baron Lorenzo Sobrero, colonel of artillery. Her mother was the Princess Vittoria Colonna di Stigliano of Naples.

In September, 1887, Wilcox and his bride left Italy for Hawaii. They both stayed in Honolulu until 1888, when they moved to San Francisco. There Mrs. Wilcox bore a daughter named Vittoria Colonna Wilcox. While in San Francisco, Mr. Wilcox worked as a surveyor for the Spring Valley Water Works Company; Mrs. Wilcox gave French and Italian lessons to young ladies. Thus employed, the couple could live in better circumstances than they could in Wilcox's native country.

But Wilcox determined to return to Honolulu and overthrow what the people of Hawaii called "the bayonet constitution and the reform government" imposed on King Kalakaua. So in 1889 Mrs. Wilcox and her daughter returned to Italy, while Mr. Wilcox sailed for Honolulu as a revolutionist.

Arrived, he immediately began plotting against the reform administration, and at dawn on the morning of July 30, with about 150 followers, Wilcox surrounded the palace and government buildings. The revolutionists took refuge in a large royal bungalow on the palace grounds, and were soon fired upon. After a day of sniping by both sides, Wilcox surrendered, and the uprising was over. When tried for treason, Wilcox claimed to have the king's sanction for his deeds; a Hawaiian jury acquitted him under the ancient doctrine that "the King can do no wrong."

In 1890, Wilcox was elected to the legislature from the Palama district as leader of the National Reform Party. His party became the majority in the house, the Thurston cabinet was voted out, and Kalakaua thus had it in his power to appoint another cabinet of his own choosing. But his selection discontented the Hawaiians, and in 1892 Wilcox was reelected to the legislature, this time as head of the Liberal Party. Kalakaua had died in 1891, and Princess Lydia Kamakaha had become Queen Liliuokalani.

The legislature opposed any cabinet of the Queen's, unless consulted in its selection. So in January, 1893, the queen dissolved the legislature and attempted to proclaim a new constitution. Her cabinet, however, betrayed her, and she was de-throned with the aid of marines dispatched from the USS Boston.

Wilcox, an ardent royalist, led the counter-revolution of 1895 also; betrayed after two weeks, he was sentenced to death by a court-martial. The U.S. Senate and House of Representatives intervened, and President Dole of the Republic of Hawaii committed the sentence to thirty-five years' imprisonment at hard labor and a fine of $10,000. But in January, 1896, Wilcox received a full pardon, approved by the council of state.
While Wilcox was in prison in 1895, Pope Leone XIII and the civil court of Italy granted his wife an annulment of her marriage. The Italian consul and the Catholic bishop at Honolulu confirmed the news, and in 1896 Wilcox married Princess Theresa Owana Kaehelelani, a direct descendant of Keona, father of Kamehameha I. From this union resulted a son and a daughter.\textsuperscript{10}

In 1900, Wilcox was a candidate for delegate to Congress from the Territory of Hawaii. The campaign began as a stormy one for him, for although he headed the Independent Party, many high-ranking Independents claimed that in all probability he would not be the party's nominee. Wilcox maintained that he had been nominated in the convention held in Honolulu at the drill shed in June, 1900; leading Independents, however, said that the matter was to have been decided in the last two weeks of October. Two Independent conventions met on the island of Hawaii; at neither of these, which included party members of that island, was Wilcox's name mentioned. As a result of all this, the Pacific Commercial Advertiser observed that "It is rumored that some of the leading men of the Independent Party are seriously thinking of setting aside R.W. Wilcox's candidacy to Congress and pledged themselves to support Prince David."\textsuperscript{11} The Advertiser then recorded the prediction that "He (Wilcox) will not be the candidate on the Independent ticket. Prince David will be endorsed by the Independent convention, and Wilcox will be let out. But he (Wilcox) will be provided for. He has considerable strength among the natives, and we don't want to lose him."\textsuperscript{12} The true source of repeated statements that Wilcox would retire from candidacy and that Prince David would be endorsed by the Independents in convention came to light when the Democrats nominated the Prince as their candidate for delegate.

Franklin Austin was named as the assiduous disseminator of the reports and was shown to have been working hard to that end. It was discovered that Austin, although nominally a member of the Independents, was retained by David to help his cause among the adherents of Wilcox, and Austin frankly and openly opposed Wilcox and tried to hurt him in every way.\textsuperscript{12}

Austin made an aggressive campaign, not hesitating to beard the lion in his den, and talking against the Garibaldian even at Independent headquarters. He mixed freely with the Independents and dinned Wilcox's faults to them unceasingly. Austin, jovial and generous, found many to listen to him. Austin's strategy was to bring Wilcox to a sense of his unfitness for the office of delegate and to have him retire voluntarily from the field, perhaps accepting a senatorial nomination. Evidently Austin thought that he had arrived at the psychological moment when one morning he found Wilcox at Independent headquarters. He delivered his home shot.\textsuperscript{14} Concerning what then happened, current street rumor had it that Wilcox forcibly expelled Austin. But Wilcox said, "I did not touch him."\textsuperscript{15} Thus the deep plot of the Democrats failed, and there were left only the bills to pay.

In 1900 there were three candidates for the office of delegate: Samuel Parker ran on the Republican ticket, Prince David Kawananakoa represented the Democrats, and Robert W. Wilcox campaigned as an Independent. A speech Wilcox gave at his party's convention well showed his platform and the kind of campaign he carried on:

I have been traveling from Hawaii to Niihau for the sake of our country and our ticket, because I want you not to be enslaved with the Republicans and Democrats. I tell you tonight, there is no Republican or Democratic party in Hawaii, although there are such parties in the United States. I was once in the United States to see that equal rights be given to every Hawaiian here as every American in the United States was or has. They sent Hartwell and Smith there to entangle your Hawaiian delegate,
myself. They were sent by the plantation missionaries, but they got 'isoup.' I went with the nickels and the dimes of every Hawaiian and the Senators and Representatives shook hands with me and recognized me, although I was not an authorized delegate, as I shall be as Congressman.

The haoles in this country are nothing but cockroaches. I tell you tonight I was not born out of wood. I was born out of steel. You can agree until your mouth is raw but you cannot knock Wilcox down, do what you may!

I agreed with the people here on June 7 to go to Washington as their Delegate. I tell you tonight, I will not withdraw at all.

The time has come for Wilcox to take hold of these small, narrow-minded haoles who have tried to knock me down.

I tell you if Parker and David and Myself all could go to Washington together, I only would come back home with all the honors.

Let us not listen to these snakes of haoles, but let the watchword of Kaulia prevail, 'Kill the snakes!'

I will not talk back to those who have spoken against me so grievously. Jesus Christ did not return words for insults made against him. As he did not, why should I?

A Republican victory seemed assured just the day before the election; it was at this crucial moment that the merchants of Honolulu chose to appeal to the people of the Hawaiian nation. The business houses of Honolulu had seldom if ever as a body taken part in the elections of the country. They were sure, however, of the serious and lasting injury to the good name of Hawaii and to her commercial interests and prosperity which would result from Wilcox's election, and were impelled to protest.

They said, in effect, that they were informed that hundreds of laborers around the docks and in the warehouses of the city, employed by them either permanently or from time to time when they had work to give, were being led by Wilcox and his followers to believe that they were under no obligation to safeguard and protect the interests of those who furnished them employment, and that the employer and employee had no interests in common. The merchants wished to call the attention of all such, and of all others receiving employment from their houses, and all who received credit from them, that their ability to furnish employment and to give credit rested solely upon the preservation of prosperity in the country and the confidence of capital, both in Hawaii and abroad, in the stability and integrity of the country. The merchants said that if Wilcox secured control it would stop the influx of capital from abroad and drive out an immense amount of capital employed in the country for the furnishing of remunerative employment to thousands.

The businessmen also stated that any injury to the business interests of Hawaii as a whole would inevitably reach and injure every man to whom they were able to give employment. So to their Hawaiian employees and, in fact, to all Hawaiian citizens, they said, "Pay no attention to the senseless accusations of Wilcox and his following that we are enemies of the Hawaiian people." This was signed by H. Hackfeld and Company; William G. Irwin and Company; Castle and Cooke, Limited; F.A. Schaefer and Company; Theo. H. Davies and Company, Limited; Honolulu Iron Works, Limited; C. Brewer and Company, Limited; K.S. Grinbaum and Company, Limited; Bank of Hawaii, Limited; and Claus Spreckles and Company.17

Election day was November 6, 1900; next morning the Pacific Commercial Advertiser's headlines read:

SAMUEL PARKER SWEEPS ISLAND OF OAHU
Bob Wilcox Beaten

The tally of Oahu votes showed:

Parker 2,211
David 807
Wilcox 1,920
But on November 8, Wilcox, speaking through the same newspaper, said:

I think I will carry Kauai by a majority of at least 300 votes. As for Maui and Molokai, I expect to have a majority of 300 votes. This is the impression I have since my last campaign on those islands. If my calculation is correct, I think I will poll two-thirds of the votes at the leper settlement. As for Hawaii, I am in hopes, although it is Parker's birthplace, that I will poll a majority of 200 or 300 votes over him. Hilo, I believe, is divided between me and Prince David, but in the Kona districts and other places, I am very strong.19

The prediction was to come true, for the November 10 Advertiser announced:

The official returns as compiled by Secretary Cooper were:

<table>
<thead>
<tr>
<th>Congress</th>
<th>Candidate</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fifty-Sixth</td>
<td>Kawananakoa</td>
<td>1,650</td>
</tr>
<tr>
<td></td>
<td>Parker</td>
<td>3,856</td>
</tr>
<tr>
<td></td>
<td>Wilcox</td>
<td>4,083</td>
</tr>
<tr>
<td>Wilcox's Plurality</td>
<td></td>
<td>227</td>
</tr>
<tr>
<td>Fifty-Seventh</td>
<td>Kawananakoa</td>
<td>1,656</td>
</tr>
<tr>
<td></td>
<td>Parker</td>
<td>3,845</td>
</tr>
<tr>
<td></td>
<td>Wilcox</td>
<td>4,108</td>
</tr>
<tr>
<td>Wilcox's Plurality</td>
<td></td>
<td>263</td>
</tr>
</tbody>
</table>

Wilcox received his certificate of election on November 30, and on December 1, 1900, he started for Washington, D.C. to serve in the unexpired term of the Fifty-Sixth Congress and the full term of the Fifty-Seventh Congress.

Congress awaited with curiosity the advent of Robert Wilcox. Its attitude was quite different from that of the people of Honolulu. Congressmen agreed to treat the new delegate with respect and to give him a full hearing as the representative of the islands. Members of the House appeared to regard the whole affair as a good joke on Hawaii's white politicians. Most important, however, they agreed that Wilcox would have no real influence.23

The first few months of Wilcox's term were unhappy, for efforts to unseat him abounded, and these brought to ear some disturbing echoes from the past. A letter to the Advertiser on February 12, 1901, read:

THE DIE IS CAST NOW

Yesterday the 24th of January, 1901, in the afternoon in a committee room at the U.S. Capitol, in Washington, D.C., in the presence of a U.S. Senator, of Attorney Gear, of Hawaii, and of other three gentlemen, I handed over to a typewriter points, papers and facts, which will surely unseat the unworthy delegate from Hawaii, R.W. Wilcox, and I am determined not to recede. It is not generous but it is dutiful, just and patriotic on my part to do so.

You will soon hear of the effect of this my new departure against my protege for twenty-one years, the insincere and ungrateful R.W. Wilcox.

Respectfully,

CELSO CAESAR MORENO24

Following this a petition containing serious charges against Wilcox was submitted to the House Committee on Elections. The charges were made in writing by George D. Gear of Hawaii, who transmitted letters which were supposedly copies of some written by Wilcox to Filipino officials. The letters were of a highly sensational character. One of them was given in duplicate and bore the alleged signature of Wilcox. It was dated Honolulu, January 31, 1899, and addressed to Dr. J. Joseph Losada, Captain Marti Burgos, and Senor J. Luna:
I have already made up my mind to join with you in your country against America in case they insist to ignore the right, the justice of your cause. I know well my profession as an artillery officer. I have no fear of the whole world when I fight for a legitimate cause like yours. Between General Aguinaldo's determination and myself there would be a very little chance left to the invading army of the United States to conquer your country. Tell General Aguinaldo I have already given my service for your country, and I am ready to obey orders to go to your country and fight for the independence of your people and country at any moment.\textsuperscript{25}

The letter was signed, "Robert Wilcox".

Wilcox declined to make any extended answer to the charges filed by Gear. He said he had no fear of them and, while admitting that he wrote a letter to Dr. Losada, Captain Burgos, and Senor Luna, he said he was unable after a cursory examination to say whether the letters filed were exact copies of the ones he sent.

The petition concluded:

Wherefore, by reason of the foregoing facts, petitioner submits that said Wilcox is not entitled to a seat in the House of Representatives during the Fifty-sixth or Fifty-seventh Congresses, and that he should be ousted therefrom for the following reasons:

First—Because no legal election could be held until a mode of holding the same should be provided by the Legislature of Hawaii.

Second—If the said election was legal, Wilcox should be unseated and expelled because of not being a fit and proper man to represent the Territory of Hawaii, and because he is guilty of the crime of bigamy.

Third—That said Wilcox should be unseated and expelled because of having written and uttered treasonable language against the United States within the two years last past.\textsuperscript{26}

All the arguments in the case were in, but nothing could be done until the House had its attention officially called to the matter by a member's rising and calling the subject directly before that body by the presentation of a resolution which would declare the delegate's seat vacant. It was only by this method that the committee on elections could take cognizance of the matter. Unlike a contest against a member, such protest as was submitted could be handled only from the floor first. Therefore, there seemed more than a little doubt that the affair would reach a conclusion at that session. Such a short time remained in which action could occur that (perhaps for fear of raising a debate in which there would be brought to the front arguments against the general course of events in the Philippines) no initiative was taken.\textsuperscript{27}

Wilcox's career in Congress was not a brilliant one. Nevertheless, he did have the opportunity of proposing several bills, and although none of them passed, they were controversial enough to stir up some excitement in Hawaii.

The Land Law Bill. In January, 1901, Commissioner of Public Lands Binger Hermann laid the ground plan for a new system of land legislation for the Territory. This was done with the intent of aiding reconstruction at the request of Delegate Wilcox. The result of an informal conference between the two men indicated that they had the same fundamental plan in mind, and that it was the one advocated by the Advertiser. The principle which would underlie any bill was the encouragement of the small owner and the speedy settlement of the large tracts which were then held under leases. It was the aim of the delegate to have the lands of the Territory placed in the same general category as those of the public domain in the Continental U.S.\textsuperscript{28}
In November, 1901, Wilcox received from Hawaiian Land Commissioner E.S. Boyd an exhaustive report on the government lands on all the islands. This was the most complete list of public lands yet compiled in Hawaii. The report not only gave the number and area of each parcel of the public lands, its location and name, but also the name of the lessee, if leased, and the annual rent paid, together with the date when the lease expired. In addition was a brief description of the nature and possibilities of the various tracts of land, all of which enabled the Interior Department in Washington to obtain very comprehensive knowledge of land conditions in Hawaii.

In December, Wilcox had a bill drawn after the recommendations in the President's message, to provide special land laws for the Territory of Hawaii. It divided the public lands into four classes:

The first is made to embrace all city and town lots, streets, alleys, parks, wharves, landings, and suburban lands within a distance of two miles from the incorporated limits of any city or town of 500 inhabitants and upwards. The Secretary of the Interior is authorized to establish such limits where they do not exist. Lands of the second class shall embrace all public lands at any elevation above sea level. Lands of the third class shall embrace all other public lands at any elevation above sea level, agricultural, pastoral, forest, and waste lands on all the principal islands which may be in any manner adapted to domestic use and habitation. Lands of the fourth class shall embrace all public lands on the small outlying islands, reefs and shoals which are not capable of domestic use.

Lands of the first class must be located, selected, described, listed and reported to the President under direction of the Secretary of the Interior, for further action of Congress.

Lands of the second class shall be surveyed according to the township system, but when this system is not practicable the lands shall be surveyed into lots containing as nearly as possible forty acres each. No person shall be given more than forty acres of land.

Lands of the third class shall be surveyed as rapidly as possible, whether under lease or otherwise, according to the township system, and sub-divided into forty acre lots. No man shall be allowed more than 160 acres.

Much of the bill was occupied with provisions for organization. The entire charge was placed with the Secretary of the Interior, the executive duties being placed with the Commissioner of the General Land Office. A great deal was occupied in describing what was to be required in making homestead entries, the restrictions being the same as applied in the U.S. Additionally, the bill provided that all leasing of public lands would cease. All the existing leases in conformity with the law would not be impaired until the expiration of the terms of such leases, but no tenancy at will would exist. The Secretary of the Interior would direct the location of sites for storage reservoirs upon any public land, in contemplation of the future needs for irrigation or other public purposes.

When E.S. Boyd was asked his opinion on the bill, he said, "It's ridiculous". He was not opposed to turning over the lands to the General Land Office in Washington, but he felt that the enforcement of such a law should be left to an official of the Territory who would be acquainted with conditions as they existed. Boyd could not understand why Wilcox introduced such a bill after the conversation they had had just before Wilcox's departure, for this law was not only injurious to the country as a whole, but also to the native Hawaiians. It would simply open up the country to the land-grabbers—not to those who intended to make their homes on the land, but those who would sell out to the sugar plantations or hold them up for large amounts. Without water rights the greater portion of the public lands in the Territory would
be unavailable, and Boyd doubted if the American farmer would care to settle on such land, when he could get what he wanted in the United States.

Boyd also said that there were large tracts of land which could not be used as homesteads, and which would not be taken up except for speculative purposes. Large areas of sugar land would be of no benefit without water, and a small farmer could not utilize it unless he had means of securing a water supply. This would be impossible under the general U.S. system, and such tracts could only be used by men with capital enough to develop the water supply. The bill did not prevent those plantations from getting lands that they were willing to pay for, for under this act the land was given outright to the homesteader, and he could readily dispose of it to the company willing to pay his price. In many cases, Boyd said, speculators would get control of the land and hold up the plantations for what they could. The clause in the Organic Act limiting the holdings of one corporation to 1,000 acres could be evaded by enabling individual stockholders to put sections of plantations in their own names. In this way the very end which the law sought to accomplish would be defeated.

If it was the small farmer who would work in harmony with the planter already here, and whose coming would not be damaging to the chief industry of the islands, then the new land law would be satisfactory. But, said Boyd, past experience proved that it would not be the expert Yankee farmer of the East, who knew he could not market his crops here, who would come, but the class of men who expected to get rich in a hurry.

In closing, Boyd said:

Before any land legislation is adopted by Congress, a commission should be sent to Hawaii to investigate conditions here as they really exist, and see themselves how impossible it is to adopt the general land laws of the United States for this Territory. I am convinced that if a Congressional party visited Hawaii no such bill as that presented would pass, but unless some action is taken to Washington to prove its utter impracticability, the law is likely to be detrimental to the best interests of the Territory.

In January, 1902, an article appeared in the Hawaiian Gazette which said in effect that from all indications there was no occasion for alarm over the Wilcox land bill. If it developed that the sentiment of the islands was strongly against it, it seemed probable (from what little had been heard), that there would be ways of defeating the bill at the north end of the Capitol, where the Senate sat. But what was far more important to the people of the Territory was that the men to whose keeping the measure had been consigned were not likely to favor legislation of any character that was not supported by the substantial interests of the Territory.

The Leper Bill. Delegate Wilcox introduced this to provide a reservation for leprous persons. It proposed that the colony of Molokai be put under the immediate control of the U.S. government, and become the resort of all lepers, not only from Hawaii, but also from the entire United States. The bill said:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that that part of the Island of Molokai, Territory of Hawaii, known as Kalaupapa, and now used as a place of confinement for leprous persons, is hereby declared to be a government reservation, and all lepers there confined, or that may hereafter be confined, shall be under the control of the Secretary of the Treasury.

Wilcox added his belief that the leper colony would be better managed by the federal government.

The proposition met an indignantly hostile reception in Hawaii. Objections ranged themselves mainly under the following heads:

1. That a strange and disorganizing element would be introduced from abroad among the then homogeneous and peaceable community of Hawaiian lepers. The newcomers, being of a different race and temperament, would not harmonize
with the old community, and severe friction would result. This would be aggrivated by the fact that the strangers, being exiled and cut off from home and friends, would be intensely dissatisfied.

2. That Hawaii would become marked off as the great leper reservation of the United States, and would become an object of contempt and loathing. Instead of being the Paradise of the Pacific, to be sought by tourists, we would get the evil repute of being a leprous colony, a place to be shunned.

The bill making Molokai a leper lazaretto was so disliked that sentiment was aroused at the settlement. A petition against the measure's passage, prepared at Kalaupapa and Kalawao, went to Congress. The petitioners gave their reasons for opposing the bill:

1. That they (the petitioners) never petitioned favoring the selection of the settlement as a place for the segregation of lepers from the mainland.
2. That they were satisfied to remain under the jurisdiction and control of the Territorial government of Hawaii, as they were under the monarchy.
3. That they strongly urged that the care and control of the settlement continue under the Board of Health of the Territory of Hawaii.

The petition was signed by 369 people, all residents of the two leper settlements.

In January, 1901, Wilcox became very ill; his doctor diagnosed the trouble as an inflamed ulcer of the stomach. This disease was a recurrent one with Wilcox, and as he had neglected himself, the malady eventually forced him into bed with severe hemorrhages.

The Kohala Water Bill. After recovering from his illness, Wilcox introduced his Kohala Water Bill. This was a measure granting the Kohala Ditch Company the right of way in public lands in the districts of North and South Kohala for the purpose of building and maintaining ditches or canals and the necessary reservoirs, dams, and the like, for irrigation and domestic uses in these districts:

Sec. 2. That the Kohala Ditch Company may institute in the United States District Court for the Territory of Hawaii proceedings for the condemnation of such private land as may be necessary to cross and use in construction and maintaining the ditches or canals and reservoirs therein described whenever said company and the owners of any such lands fail to come to an agreement in respect thereto.

Sec. 3. That the work of constructing said ditches or canals and reservoirs shall be commenced within two years and completed within six years from the date of the approval of this act; and in default of either of these conditions Congress may declare the rights herein granted null and void.

This bill was opposed by the people of Hawaii who claimed that they knew the need for utilizing this surplus water. They felt that a large amount of water was running to waste which, if diverted to the adjacent arid districts, would greatly increase the productivity of the soil and create wealth which at that time did not exist. The objectors said that on the above point there was no difference of opinion, but that there was radical complaint with the way in which the goal was to be achieved:

1. This was a purely local matter, and should therefore have been subject to local control.
2. The bill did not correctly state on its face what it meant. The inference to be drawn from the wording of the bill was that the corporation had water of its own, and simply sought a right of way across intervening government land. But as a matter of fact, practically all of the water to be obtained and transported through these rights of way was the property of the government.
3. The bill proposed to grant the rights of way and the water for nothing. Why should this public property be given away, when parties stood ready to pay handsomely for it?

4. The bill made a direct private grant of the property involved to a specific corporation, instead of putting it up for competition to the highest bidder.

5. The bill granted the power of eminent domain to the corporation, but provided none of the detailed safeguards usually accompanying such powers.

6. The bill contained an elaborate description of the boundaries within which the grant would be exercised, the territory described being a wild, inaccessible mountain region.

7. The franchise was granted in perpetuity. In other words, it was an absolute, perpetual free gift.37 Hawaii wanted its waste waters conserved, but not on the lines set forth by this bill.

The School Bill. Delegate Wilcox introduced in the House of Representatives a bill "to establish and maintain a system of free schools in the Territory of Hawaii."38 It was patterned after the statutes of one of the eastern states, and it provided for the conduct of schools in the cities and counties specified in Wilcox's municipal bill.

After this measure was introduced, the Hawaiian board of education took the initiative in the agitation against it. The board stated its objections as being of two kinds:

1. That no such legislation was needed, nor in fact any legislation concerning school matters, on the part of Congress.

2. That if any legislation were needed, the bill introduced by Delegate Wilcox would accomplish no good.39

Thus it can be seen that people in Hawaii protested every important measure that Wilcox proposed. The evidence indicates that many considered Wilcox a failure as delegate, watching in vain for the development of qualities they considered essential in a good legislator. His harsher critics charged Wilcox with incompetence and with selfish motivations. Whatever the merits of their case, the ranks marshaled against Wilcox prevailed; in 1902 Prince Jonah Kuhio Kalanianaole's victory at the polls ended the erstwhile delegate's short Congressional career.

NOTES

1 Pacific Commercial Advertiser, December 1, 1900, p. 1. Hereafter cited as PCA.
2 Ibid.
3 Ibid.
4 Ibid.
5 Ibid.
7 PCA, December 1, 1900, p. 1.
8 Ibid.
9 Ibid.
10 Ibid.
11 PCA, October 6, 1900, p. 1.
12 Ibid.
13 PCA, October 9, 1900, p. 1.
14 Ibid.
15 Ibid.
16 PCA, October 12, 1900, p. 1.
17 PCA, November 5, 1900, p. 1.
18 PCA, November 7, 1900, p. 1.
19 PCA, November 8, 1900, p. 10.
20 PCA, November 10, 1900, p. 10.
21 PCA, December 1, 1900, p. 1.
22 Ibid.
23 PCA, December 13, 1900, p. 1.
24 Hawaiian Gazette, February 12, 1901, p. 1. Cited hereafter as HG.
25 Ibid.
26 Ibid.
27 HG, February 26, 1901, p. 9.
THE ILLNESS AND DEATH OF LUNALILO

by
Richard A. Greer

On pages 429 and 430 of the Cabinet Council Minute Book (1866 to 1874) is a black-bordered announcement:

DEATH OF HIS MAJESTY LUNALILO

His Majesty Lunalilo died in His bedroom in his private residence at Kaimoeipo, Honolulu, on Tuesday the 3d day of February 1874, at 10 minutes before 9 o'clock p.m. The immediate cause of His Majesty's death was phthisis (consumption).

The Minister of Finance, the attending physicians Drs. Trousseau and Oliver, Queen Emma, HRH R. Keelikolani, H.R.H. C. Kanaina (the father of the deceased) the Hon. Mr. G.R. Bishop, Hon. Fanny Young Naea and others, were present at the decease of His Majesty.

A Cabinet Council was held in one of the rooms of Iolani Palace at 10 o'clock p.m. on the 3d instant, at which were present

The Minister of Foreign Affairs
The Minister of the Interior
The Minister of Finance
The Attorney General of the Kingdom

The fact of His Majesty's death having been satisfactorily ascertained, was duly noted, and in accordance with the provisions of the Constitution of the Kingdom in such cases made and provided, it was ordered, that a meeting of the Legislative Assembly be held at the Court House, in Honolulu, on Thursday, which will be the Twelfth day of February, A.D. 1874, at 12 o'clock, noon, and of this order all members of the Legislative Assembly will take notice and govern themselves accordingly.

Iolani Palace
February 3d 1874.

Chas R. Bishop
Minister of Foreign Affairs
Edwin O. Hall
Minister of the Interior
Robert Stirling
Minister of Finance
A. Francis Judd
Attorney General of the Kingdom

Eight days later Dr. George Trousseau, Lunalilo's physician, submitted his report of the king's final illness. Trousseau, incidentally, had been consulting physician during the declining days of Kamehameha V. The letter follows:
Honolulu February 11th 1874

His Excellency A.P. Judd
Attorney General

Sir,

The country has just sustained an enormous loss—so have the friends of His Late Majesty. For one I have not recovered yet from the blow—It is only a faint consolation to know that all join in the deep regret felt by us.

On the 3d of the present month at 8:30 p.m. King Lunalilo died.

On the 18th of August he was taken ill in Waikiki, and ever since until the day of his death he steadily lost his appetite and strength.

He suffered from almost constant cough, and could not take any solid food. Early in September, Dr. McKibben first and afterward Dr. McGrew, were called in consultation.

Different modes of treatment were suggested, but though faithfully carried out they did not succeed.

In November a last consultation took place, on the 10th if I remember well, and the Doctors & myself came to the conclusion that the King was suffering from consumption.

A voyage to Kailua was suggested and we started on the 17th of November. For the first week or two, the King seemed to be benefitted by the splendid climate of Kona, but he soon lost what he had gained, anyhow my opinion is that had he remained all the winter in Honolulu, he would have died a month or two sooner.

On the 15th of December I returned to Honolulu, leaving His Majesty under the care of Dr. Oliver. The King got gradually weaker and was confined to his room.

On the 14th of January he had for the first time spitting of blood and sent the Kilauea for me.

When I got to Kailua on the 16th January, I could see by the appearance of His Majesty that his days were counted, and decided on bringing him back to Honolulu for fear he should die in Kona.

We landed here on the 18th and we very nearly lost the King that very morning.

It is only with any amount of care, that we managed to get him to the Palace. He rallied some for a few days, until the 31st of January his birthday. From that day to the 3d when he died, he did not take any nourishment, and was even unable to swallow a few drops of water. On the 2nd of February he had a profuse spitting of blood and hardly spoke afterwards. On the 3d he died. All through the King had very little pain, was in good spirits and full of hopes.

He did not believe he was going to die until 15 minutes before, when he whispered E make ana wau [I am dying]. These were his last words.

All through he was kind to all and to me in particular as well as to Dr. Oliver. As I stated before, we present at his deathbed, could hardly realize his loss and will feel it for many a day to come.

The King's physician
G. Trouseau

1 Inserted loosely between pp. 430 and 431 of the Cabinet Council Minute Book, 1866-1874.