

The *Journal* welcomes responses to previously published articles, statements on Hawaiian and Pacific history, or queries for information that will assist research. The *Journal* reminds readers that opinions expressed here or elsewhere in its pages are the authors' and do not reflect those of the Editorial Board or the Hawaiian Historical Society.

Notes & Queries

KANA'INA AND KA'IANA, TWO CHIEFS OF EARLY HAWAI'I

To clarify any confusion that may exist among readers about two noblemen of similar era and stature who lived in the Hawaiian Islands in the late 18th century, a short statement about Kana'ina is presented here to complement the biographical article about Ka'iana ("Ka'iana, the Once Famous 'Prince of Kaua'i'" by David G. Miller), published with two lithographs in the 1988 *Hawaiian Journal of History*.¹

Two prominent *ali'i* (chiefs) with similar names were described in journals by officers of early voyages to Hawai'i. Kana'ina befriended Captain James Cook and Captain James King in 1789, and Ka'iana was known by Captains John Meares, Nathaniel Portlock, George Vancouver, and others from 1786 to 1795. Both Hawaiian noblemen were esteemed as courageous and intelligent leaders, and paintings were drawn of their handsome features and unique wearing apparel.

Kana'ina (also called Kaneena, Kanina, and Kaneina) was one of the first chiefs to greet and help Captain Cook upon his arrival at Kealakekua Bay on the island of Hawai'i on January 17, 1779. Captain James King reported some of the transactions of that day:

The Hawaiian Journal of History, vol. 23 (1998)

. . . the crowd being too great, as so impede the necessary business of the ship, we were obliged to have recourse to the assistance of Kaneena, another of their chiefs, who had likewise attached himself to Captain Cook. The inconvenience we laboured under being made known, he immediately ordered his countrymen to quit the vessel; and we were not a little surprised to see them jump overboard, without a moment's hesitation; all except one man, who loitering behind, and showing some unwillingness to obey, Kaneena took him up in his arms, and threw him into the sea.²

Captain King admired the Hawaiian nobility and described their regal appearance:

. . . these chiefs were men of strong and well-proportioned bodies, and of countenances remarkably pleasing. Kaneena especially, whose portrait Mr. Webber has drawn, was one of the finest men I ever saw. He was about six feet high, had regular and expressive features, with lively, dark eyes; his carriage was easy, firm, and graceful.³

Less than a month later, on Sunday, February 14, 1789, Kana'ina was killed by Cook's armaments in the skirmish that cost Captain Cook his life. James King wrote on February 15, 1779:

We learned . . . that seventeen of their countrymen were killed in the first action at Kowrowa [Ka'awaloa], of whom five were chiefs; and that Kaneena and his brother, our very particular friends, were unfortunately of that number.⁴

When the Hawaiian character is described, Kana'ina stands out as an example of an outstanding person with keen intellect and perception. Captain King commented:

Our unfortunate friend, Kaneena, possessed a degree of judicious curiosity, and a quickness of conception, which was rarely met with amongst these people. He was very inquisitive after our customs and manners; asked after our King; the nature of our government; our numbers; the method of building our ships; our

houses; the produce of our country; whether we had wars; with whom; and on what occasions; and in what manner they were carried on; who was our God; many other questions of the same nature, which indicated an understanding of great comprehension.⁵

John Webber's painting of Kana'ina was reproduced by John Keyse Sherwin as an engraving titled "A man of the Sandwich Islands with his helmet" (fig. 1).⁶ It appears as number LXIV in the *Atlas* that illustrated the 1784 official British Admiralty edition of *A Voyage to the Pacific Ocean*, in three volumes, by Captain James Cook and Captain James King. J.K. Sherwin was recognized as a highly skilled artist who provided "classicist" elements that appeared in the engravings of William Hodges' paintings for Cook's second voyage.⁷ The engraving of Kana'ina represents Sherwin's interpretation of Webber's paintings; unfortunately Webber's original painting has not survived.⁸

Submitted by Eleanor C. Nordyke
Population Specialist, East-West Center

NOTES

- ¹ David G. Miller, "Ka'iana, the Once Famous 'Prince of Kaua'i,'" *HJH* 22 (1988): 1-19.
- ² Captain James Cook, *A Voyage to the Pacific Ocean . . . 1776, 1777, 1778, 1779, and 1780*, 3 vols. (London, 1784) 3-4.
- ³ Cook, *A Voyage* . . . 3:4.
- ⁴ Cook, *A Voyage* . . . 3:70.
- ⁵ Cook, *A Voyage* . . . 3:131.
- ⁶ Eleanor C. Nordyke and James A. Mattison Jr., *Captain Cook's Pacific Panorama, People, Places, and Maps from the Third and Last Voyage of Captain James Cook* (forthcoming), plate 48.
- ⁷ Rudiger Joppien and Bernard Smith, *The Art of Captain Cook's Voyages*, vol. 2, *The Voyage of the Resolution and Adventure 1772-1775* (New Haven: Yale U P, 1985) 72.
- ⁸ Rudiger Joppien and Bernard Smith, *The Art of Captain Cook's Voyages*, vol. 3, *Catalogue, The Voyage of the Resolution and Discovery 1776-1780* (New Haven: Yale UP, 1988) 543.

FIG. 1. John Webber's painting of Kana'ina, reproduced as an engraving by John Keyse Sherwin, in Cook and King, *A Voyage to the Pacific Ocean . . .* (1784). (AH photo collection.)



J. Webber del.

J.K. Sherwin sc.

AMAN of the SANDWICH ISLANDS, with his HELMET.

THE PINEAPPLE HARVESTER

I read with interest the vignette, by Frances O. Jackson in the 1988 *Journal*,¹ about the patent on a pineapple harvester issued to Kermit J. Jackson.

The author says, "Certainly I have been unable to find a patent for a pineapple harvester similar to that lumbering through all of Hawai'i's pineapple fields yearly since 1948 which was issued to anyone after that granted in 1943."² While I no longer have access to the records, if they even still exist, I can assure readers from personal experience that there were other patents issued on pineapple harvesters.

The author notes that ". . . Lyon & Lyon, patent attorneys of Los Angeles, were looking into the matter of 'industry-wide cooperation.'"³ That is correct, and the result was an "Agricultural Mechanization and Cross-Licensing Agreement" to which all the pineapple companies then operating in Hawai'i became parties. The purpose was to encourage the companies to develop mechanization of field operations. It provided that each company would enter into agreements with its employees under which any patent issued to an employee would be assigned to the company—a standard practice in industry.

It also provided that each party to the agreement was obligated to license any patents it might obtain to any other party who wished to use the patented device. The patentee could demand royalty from the license, and if they could not agree on the amount of the royalty there was a provision for arbitration. The agreement was to be administered by the Pineapple Research Institute (PRI), to which all the companies belonged and which they supported.

I went to work for PRI in 1951 and was appointed Director in 1952. Not long after that, PRI was advised by the then Maui Pineapple Company (Maui Pine) that it was the owner of a patent covering a pineapple harvester. Maui Pine requested, under the terms of the cross-license agreement, that the other parties be notified that Maui Pine was ready to issue licenses and that the royalty would be \$5.00 per ton of fruit harvested. This was done.

The response was immediate and vociferous. The other

companies protested that the amount of royalty was too high and, besides, some of them had harvester patents that had been issued or were pending.

Mr. Elvon Musick was then a vice president of PRI and President of the Pineapple Growers Association of Hawai'i (PGA). He had maintained his legal practice in Los Angeles and knew Leonard Lyon, senior partner in Lyon & Lyon. Although it happened before I joined PRI, I believe he had suggested to the Board of Trustees of PRI that Mr. Lyon be retained to draft the cross-licensing agreement.

After receiving the responses of the other companies to Maui Pine's request for royalty, Mr. Musick and I discussed the situation and concluded that there were some misunderstandings and that it would be necessary for Mr. Musick and Mr. Lyon to come to the Islands to help clear them up. By then, Mr. Robert Owen was head of the PRI Engineering Department. After Musick and Lyon arrived in Honolulu, Owen and I met with them, and we went over the patents and the characteristics of the harvesters being operated by all the companies. Following this review, the four of us visited every plantation and, with their officers and engineers, inspected the harvesting machines and compared their elements with the claims in the Maui Pine patent.

We found that the misunderstandings arose largely from a belief that the patents covered a "pineapple harvester." They did not. So, on the visits to the plantations, Mr. Lyon literally gave a short course in patent law. He taught all of us that, regardless of the title of the patent, the descriptions, and the drawings, the only thing that counts is the "claims." Unless one or more of the claims "read on" one or more elements of the machine, there is no infringement of the patent. ("Read on" is a term patent attorneys use to indicate whether the language of a claim applies to elements of the device being examined for possible infringement.)

What we found was that no claims in the Maui Pine patent "read on" *any* of the elements of some harvesters while some claims "read on" *some* elements of other harvesters. That is, some did not infringe at all while others infringed only partly on the Maui Pine patent.

I did not know of the Jackson patent until I read the article by Miss Jackson. While I am not a patent specialist and it is a long time since I have taken a close look at the pineapple harvesters, I believe that none of the harvesters being operated now, or then, would infringe his claim reproduced in figure 3. As to the other claims, we have the Washington attorney's response to Kermit Jackson in 1946 that stated: ". . . we are unable to spell out infringement of the claims. . . . This machine does not incorporate ideas which were patentable to you at the time your application was filed."⁴ This suggests that none of the claims "read on" the pineapple harvesters. Moreover, if any of the claims in the patent applications filed after the Jackson patent had been issued were in conflict with the Jackson claims, the patent examiners would not have approved those subsequent applications.

Kermit Jackson is quoted as saying, "The pineapple companies stole my idea and harvested millions in profits without so much as a thank you."⁵ Well, if Kermit believed this he had the remedy available to all patent owners. He could have filed a suit in court for infringement. One of the things Mr. Lyon taught was that all a patent really gives its owner is "a license to sue"!

Submitted by Robert L. Cushing
Director Emeritus, Hawaiian Sugar
Planters' Association

NOTES

¹ Frances O. Jackson, "Of Credit Unions, Medical Unions, and Pineapple Harvesters: Three Vignettes from the 1930s," *HJH* 22 (1988): 228-240.

² Jackson 239.

³ Jackson 238.

⁴ Jackson 236 and 239.

⁵ Jackson 239.

A HAWAIIAN VOCABULARY IN DENMARK

The Danish naval vessel *Galathea* circumnavigated the world between 1845 and 1847, and on her voyage across the Pacific she

called at Hawai'i. This first official connection between the Hawaiian Islands and Denmark provided the earliest extant Pacific material held in Denmark.

Thus, at the Ethnographic Museum in Copenhagen, a copy of a "Vocabulary of the Hawaiian Language" may be seen (catalogue no. 1.a 27). The "Vocabulary," signed "A. B." in the foreword dated May 12, 1844, was handwritten by the Reverend Artemas Bishop (1795-1872), a member of the second company of the American Protestant Mission in Hawai'i. Bishop was stationed at Kailua, Hawai'i from 1824 to 1836 and at 'Ewa, O'ahu from 1836 to 1856. He also translated portions of the Bible into Hawaiian and edited a Hawaiian-English phrase book.

Submitted by W. Wilfried Schumacher
Riscoe National Laboratory, Denmark

JOSEPH K. NĀWAHĪ

Joseph K. Nāwahī was a prominent Hawaiian leader during the closing decades of the 19th century. His biography, written in Hawaiian by J. G. M. Sheldon and published in Honolulu in 1908, contains not only biographical material assembled by Sheldon, but in addition letters and speeches in Hawaiian that Nāwahī produced, and the feelings about him that his admirers expressed at the time of his death. Under the auspices of the Pacific Translators Committee of the Hawaiian Historical Society, this work has now been translated by Marvin Puakea Nogelmeier, thereby making available an important historical source to those who do not command Hawaiian.

Nāwahī was a Hawaiian Renaissance man. Teacher, surveyor, lawyer, legislator, cabinet minister, newspaper publisher, editor, and artist, he was devoted to the welfare of his people and played a significant role in the affairs of the Hawaiian Kingdom. Born in Puna, Hawai'i in 1842, he was educated at Hilo Boarding School, Lahainaluna, and the Royal School in Honolulu. Nāwahī was first elected to the Hawaiian legislature in 1872 and throughout

his political career was a patriot and royalist. In 1894, he served as president of the Hawaiian Patriot Group, was briefly imprisoned, and thereafter founded the newspaper *Ke Aloha 'Aina*. In 1896, he traveled to San Francisco for his health and died there in September of that year. His widow, Emma, continued his work as editor of *Ke Aloha 'Aina* until 1910.

Translation of the Nāwahī biography was made possible by financial support received from the State Foundation on Culture and the Arts, the University of Hawai'i Committee for the Preservation and Study of Hawaiian Language, Art, and Culture, and contributors to the Pacific Translators Committee. Copies of the Nogelmeier translation in typescript (491 pp.) can be ordered at cost (\$50 per copy) from the Hawaiian Historical Society.

Submitted by Pacific Translators Committee
Hawaiian Historical Society

KALĀKAUA'S HAWAIIAN STUDIES ABROAD PROGRAM

In the 1988 *Hawaiian Journal of History* (vol. 22), I included information that when Kalākaua's first three proteges, Robert Wilcox, Robert Boyd, and James Booth, met Carl Schurz in Washington, D.C., in 1880, Schurz was then serving as the U. S. Secretary of State. The trio also was introduced to Frederick Douglass, U. S. Minister of Cuba. I have now learned that Schurz and Douglass did not hold these particular positions. The inaccuracies arose from a first-draft translation by Nancy J. Morris of Thomas Nakana'ela's biography of Robert Wilcox.¹ Nakana'ela claims in *his* text to be quoting from Wilcox's diary in which the young Hawaiian student recorded the events of his 1880-1881 trip from Hawai'i to Europe. No other evidence, however, of the Wilcox diary has been discovered to date.

Regarding the roles of Schurz and Douglass, *The Concise Dictionary of American Biography* states that Carl Schurz served as U. S. Secretary of the Interior from 1877-1881. In the final draft of her translation of the Wilcox biography, Morris has amended

her interpretation of the text concerning Schurz, identifying him correctly as U. S. Secretary of the Interior.

During Frederick Douglass' last years he served as Assistant Secretary of the Santo Domingo Commission (1871), Marshal (1877-81), Recorder of deeds (1881-86) of the District of Columbia, and U. S. minister to Haiti (1889-91). *Goode's World Atlas*, 11th edition, lists several Santo Domingos; one is located on the island of Cuba; another is listed as the capital of the Dominican Republic, a country that shares the island of Hispaniola with Haiti. The Nakana'ela text was published in 1890. Could Nakana'ela have misinterpreted Wilcox's reference to Santo Domingo? More importantly, did the Wilcox diary really exist?

The entire discussion points out the necessity for scholars to check every verifiable statement in this early Hawaiian text. The author thanks the careful reader who brought these omissions to her attention.

Submitted by Agnes Quigg
Librarian, University of Hawai'i

NOTES

- ¹ Thomas Nakanaela, *Ka Buke Mo'olelo o Hon. Robert William Wilikoki* (Honolulu: K. H. P., 1890), trans. Nancy J. Morris.