The Crown lands received their designation from the cession by the King of his share, founded on rule 1, above cited, to the Government. The Government lands were derived under rule 2 and from cession from the chiefs in 1850.

In all awards of ahupu'as and ilis the rights of tenants are reserved. The acts of August 6, 1850, and July 11, 1851, protect the common people in the right to take wood, thatch, kileaf, etc. They were also guaranteed the right to water and the right of way; but not the right of pasturage on the land of the konohiki, or chief. The right of fishing in the sea appurtenant to the land and to sell the fish caught by him was secured to every bona fide resident on land. The fee-simple title, free of all commutation, to all native tenants was secured finally by the act of August 6, 1850. The right of lords over tenants was thus ended.

Mr. W. D. Alexander, superintendent of Government surveys, defines Government lands in this language:

The great mass of the Government lands consists of those lands which were surrendered and made over to the Government by the King, Kamehameha III, and which are enumerated by name in the act of June 7, 1848. To these must be added the lands ceded by the several chiefs in lieu of commutation, those lands purchased by the Government at different times, and also all lands forfeited to the Government by the neglect of their claimants to present their claims within the period fixed by law. By virtue of various statutes, from time to time sales of these lands have taken place.

The same authority says that between the years 1850 and 1860 nearly all the desirable Government lands was sold, generally to natives. The total number of grants issued before April 1, 1890, was 3,475.

In 1850 one-twentieth part of all the lands belonging to the Government was set apart for the purposes of education. Most of these have been sold.

Mr. Alexander says: “The term ‘Crown lands’ is applied to those lands reserved by Kamehameha III, March 8, 1848, for himself, his heirs, and successors forever, as his private property.”

Kamehameha III and his successors dealt with these as with their private property, selling, leasing, and mortgaging the same, and conveying good titles.

The supreme court held that the inheritance to the Crown lands was limited to the successors to the throne, and at the same time that the possessor might regulate and dispose of the same as his private property. Subsequently an act of the legislature made them inalienable and declared that they should not be leased for a period to exceed thirty years.

When the division of lands was determined upon the chiefs and tenants alike were required to make proofs of the lands they occupied. Failing in this, their rights were barred.

In view of the principles laid down for a division of the land, the inference is that the common people received their share of one-third. Now, what are the facts? Before this division many natives lived with chiefs and occupied no land. Others occupied small parcels for taro patches, and took fish from the waters, and thus obtained their food. These patches did not generally exceed 1 acre, and were designated as kuleanas in the native tongue. Proof of this occupation of land had to be made before the land commission, involving such forms and proofs that the ignorant native failed in many instances to comply with the regulations, and so lost his property. These little holdings were all that they ever obtained.

The historian of land titles (quoted here as the highest authority) omits this great fact. In examining his work with him, he admits what I have said concerning the facts. By presenting the truth, I feel that I have done something to make the Government of the Hawaiian Islands better. In this I have failed of my object.