Waikoloa was given by Kamehameha I to Isaac Davis, and it has remained in the Davis family ever since. When therefore the limits of Waimea were settled by the boundary commissioner, the Crown commissioners knew hardly more than they had previously of where the Crown land was situated. How much labor and confusion this principle has brought about remains yet to be seen.

Within the ilia all large kalo patches seem to have had specific names, especially on Oahu, which was the most microcosmic of the Islands. The koelos, or chief's patches, more particularly, Kihapai's, i.e., dry land patches, with their intervening ridges of small stones, or earth weeds, had also their appellation. These ridges of cultivation, often rows of sugar cane, too, were in cultivated sections, very frequently the boundaries of the alunaa, called ʻiwi, bone—short for ʻiwi kuamoo, backbone—and curving enough they are. Sometimes changed in ancient times, amidst fierce battling between the clans each chief could summon from his land.

The date of this division is fixed about twenty generations back in Hawaiian tradition, the names of the chiefs establishing it being given. The moku or district was fixed at the same time, such as Kona, Kau, Puna, Hilo, Hamakua, and Kohala on Hawaii. On Maui are some smaller divisions than the moku, called kalana, Lahaina being one of these. Waikiku, Waikapu, Waihele, and Wailea were independent, belonging to no moku. On the map it is necessary to form a new district, and call it Waikiki, Nawalehu being too cumbersome and ill-understood. Olaa on Hawaii, it is said to have been independent of Puna and Waimea of Kohala. Otherwise the district division was very exact and comprehensive.

One other anomaly remains to be noted here. A large tract of forest land in Hama- kua, Hawaii, was once cut off from a number of alunpas for the use of the whole district, and is called Kamoku to this day, becoming at the time of the ʻmahele, which must come next in our way, Government land.

No. 4.

We now come in regular course to a brief notice of the ʻmahele.

The ʻmahele was a phenomenon in national history not often repeated. The ʻmahele was, in one sense, a revolution. In another sense it was most eminently a conservative movement.

To write a full history of this change would require more leisure, or, more correctly speaking, more time and strength than most persons in our community and in active life have at their own command. It will only be in place here to indicate its main features. I am very well aware that there may be widely different views on this subject among those of the legal profession, and those put forth here may be called decidedly unprofessional. It may be suggested, however, that occasionally the unprofessional opinion has the advantage. This is often the case with respect to theological matters, sometimes decidedly so in medical matters, and the common sense of honest jurymen frequently cuts at once through the entanglements of legal questions on both sides to the desired point of equity and justice to both sides.

The ʻmahele was simply an endeavor on the part of the majority of the Hawaiian chiefs, and especially on the part of Kamehameha III, to secure to all parties what, on the ordinary principles of acquiring property, seemed to belong to them. It was contemporary with the organization of the department of the Hawaiian Government in 1845-46.

The theory which was adopted in effect was this, that the King, the chiefs, and the common people held each undivided shares, so to say, in the whole landed estate. Whatever the legal deduction from the status under the former feudal system might be, the fact in equity was acknowledged that whoever had a share in making the land valuable held an interest in that land. Legally speaking, the title of the whole was in the King. The King who conquered the whole, viz, Kamehameha I, had partitioned the lands among his warrior chiefs, retaining a certain revenue from them, in default of payment of which the land was forfeited. These chiefs did the same to those below them.

Kamehameha III for the common good waived his title to the whole, under conditions—conditions that those under the chiefs should be treated in like manner; and, moreover, that a certain portion, one-third, should be given to a common landed estate, called Government lands, the proceeds of which were to go to the public treasury, and which should furnish that facility for the requirement of real estate in fee simple which is so necessary for the growth of a community.

In other words, the Hawaiian nation agreed to divide as individuals their as yet undivided inheritance, the King taking a share proportioned to the general idea of the dignity of his position. (It should be stated that the word ʻmahele signifies division.) It was moreover agreed that there was to be a portion devoted to the general good in two ways, viz, by rendering it obtainable to those who desired land and by using the proceeds for the benefit of the public treasury. It will be seen