

ONI V. MEEK

CAST OF CHARACTERS:

THE BAILIFF

THE JUDGE

THE COURT CLERK

THE COURT REPORTER

MR. HARRIS, ATTORNEY FOR THE PLAINTIFF

MR. BATES, ATTORNEY FOR THE DEFENSE

MR. ONI

HOLOKAUA

MR. MEEK, A RANCHER

FOREPERSON OF THE JURY

SPECTATORS

Note: This script is designed to be used as a means to help students examine the changing attitudes towards land use in 19th century Hawai'i and become familiar with the judicial process. Although much of it is based on the historical persons and documents involved in the case, this script is not intended to be a historical reproduction of the Oni v. Meek case. A special thank you to Waialua High & Intermediate School Mock Trial Team for their input into this script.

Revised: June 2011

[10-12]

BAILIFF:

(knocks gavel twice) Hear Ye! Hear Ye! The Court of the Kingdom of Hawai'i is now in session. All rise.

JUDGE:

(Enters and sits at the desk)

BAILIFF:

The Honorable Judge Griswold presiding, the First Circuit Court of O'ahu is now in session. All those having business before this court, please step forward and you shall be heard.

JUDGE:

Be seated. Call the first case.

BAILIFF:

The first case is Oni verses Meek. Mr. Harris is the counsel for the plaintiff, Mr. Oni. Mr. Bates is the counsel for the defendant, Mr. Meek. Mr. Oni contends that Mr. Meek took two of his horses.

JUDGE:

Proceed with your opening, Mr. Harris.

MR. HARRIS:

Thank you, your Honor. We will prove that the defendant, Mr. John Meek, did unlawfully seize and sell two of Mr. Oni's fine mares. We will also prove that Mr. Oni has a right to pasture his animals on this land because this is the custom and tradition of former times.

JUDGE:

Mr. Bates, please give your opening statement.

MR. BATES:

Your Honor, members of the jury, the defense will prove that the plaintiff, Mr. Oni, had no right to graze his horses on Mr. Meek's land, and that those horses were trespassing on private property.

JUDGE:

We will hear the case by the plaintiff first. Mr. Harris, you may begin.

MR. HARRIS:

I would like to call my first witness to testify. I call Mr. Oni to the stand.

Mr. Oni (takes the stand)

COURT CLERK:

(Approaches the witness) Please raise your right hand and place your left hand on the Bible. Do you promise to tell the truth, the whole truth and nothing but the truth, so help you God?

MR. ONI:

'Ae.

MR. HARRIS:

Mr. Oni, did you pasture your horses on Mr. Meek's land?

MR. ONI:

Yes, but that is where I have always pastured them. We are all *hoa'āina*, tenants, under the landlord, the *konohiki*. We all share the use of the land, just like before.

ONI SUPPORTERS:

Share the land! Share the land!

JUDGE:

Order! Order in the court!

MR. HARRIS:

What do you mean by sharing? How do you share the land?

MR. ONI:

We, *hoa'āina*, use pieces of land in exchange for work. We give labor days to the *konohiki* a few days a week, then we have the right to use his lands for certain things, like gathering firewood, fishing, and pasturing animals. It's our custom, our tradition.

ONI SUPPORTERS:

It's custom! It's tradition!

JUDGE:

(Knocks gavel twice) Order in this courtroom!

MR. HARRIS:

Thank you, Mr. Oni.

JUDGE:

You may cross-examine the witness, Mr. Bates.

MR. BATES:

Thank you, your Honor. Mr. Oni, who owns the pastureland now?

MR. ONI:

The Chief, *Ha'alelea*, owns the land. Mr. Meek only leases the land from the Chief. He pays to use it.

MR. BATES:

You mentioned 'labor days,' for whom do you work on those days?

MR. ONI:

The Chief. We all work for him and we get to use land in return for our work.

MR. BATES:

You work for Ha'alelea, but you pasture your horses on the land that Meek pays to use?

MR. ONI:

The land is the land! I take care of the land on labor days, so I can use the land to pasture my horses. Mr. Meek uses the Chief's land like we do. We all take care of things together, so we should share the land, just like before.

ONI SUPPORTERS:

The land, we all take care! Mālama 'āina!

JUDGE:

Order! I want order in this court at once! Continue, Mr. Bates.

MR. BATES:

Mr. Oni, do you have your own private property?

MR. ONI:

Yes, I do, but that doesn't change the fact that I work for the right to pasture my horses on the Chief's land.

MR. BATES:

No further questions.

JUDGE:

The witness may step down. Call your next witness, Mr. Harris.

MR. HARRIS:

I call Holokaua to the witness stand, please.

HOLOKAUA:(takes the stand)

COURT CLERK:

(Approaching the witness) Please raise your right hand and place your left hand on the Bible. Do you promise to tell the truth, the whole truth and nothing but the truth, so help you God?

HOLOKAUA:

'Ae.

MR. HARRIS:

Were you in Honolulu on August 30th, 1857?

HOLOKAUA:

Yes, I was at the auction.

MR. HARRIS:

What did you buy?

HOLOKAUA:

I bought two mares from the kāne, men, who work for Meek.

MR. HARRIS:

How much did you pay?

HOLOKAUA:

\$8.00 for one and \$9.00 for the other.

MR. HARRIS:

Is that a fair price?

HOLOKAUA:

I should have paid \$80.00 or even \$90.00.

MR. HARRIS:

Were you suspicious of such a low price?

HOLOKAUA:

Yes. They looked like Oni's horses and I didn't think he was planning to sell them. So I said, "You know, these look like Oni's mares." They said, "Well, they belong to Meek now. Do you want to buy them or not?" I bought them all right, but I made them give me a receipt of sale.

MR. HARRIS:

(Hands receipt to COURT CLERK) Your Honor, we would like to enter this receipt as evidence labeled Exhibit A.

MR. BATES:

(Standing up from his seat) May we examine the receipt, your Honor?

COURT CLERK gives the receipt to BATES.

BATES looks at the receipt and gives it back to the COURT CLERK.

JUDGE:

The court accepts as evidence the receipt of sale labeled Exhibit A.

MR. HARRIS:

Thank you, Mr. Holokaua. I have no more questions for you.

JUDGE:

Mr. Bates, would you like to cross-examine the witness?

MR. BATES:

Yes, your Honor. Mr. Holokaua, you said you thought the horses were Oni's. When you questioned the two men, did they show you any proof that the horses belonged to Mr. Meek?

HOLOKAUA:

The receipt was proof enough for me.

MR. BATES:

No, further questions.

JUDGE:

Mr. Harris?

HARRIS:

We rest the case for the plaintiff.

JUDGE:

Very well. You may return to your seat, Mr. Holokaua. Mr. Bates, the court will now hear the case for the defense.

MR. BATES:

The defense calls Mr. John Meek.

John Meek takes the stand.

COURT CLERK:

(Approaching the witness) Please raise your right hand and place your left hand on the Bible. Do you promise to tell the truth, the whole truth and nothing but the truth, so help you God?

MR. MEEK:

Yes.

MR. BATES:

Did you seize and sell Mr. Oni's horses?

MR. MEEK:

Yes, they were trespassing on my property.

MEEK SUPPORTERS:

Trespassers, trespassers!

JUDGE:

I want order in this courtroom!

MR. BATES:

What claim do you have on this property?

MR. MEEK:

I lease this land from the Chief, Ha'alelea. I pay him a very good price.

MR. BATES:

Is there anything in the lease about pasturing rights for the ho'a'aina?

MR. MEEK:

No, there is not.

MR. BATES:

Did you ever make any agreements with Chief Ha'alelea about pasturing rights?

MR. MEEK:

No, I did not.

MR. BATES:

No further questions.

JUDGE:

Mr. Harris? Do you have any questions for this witness?

MR. HARRIS:

Thank you, your honor. I have here the lease made between Mr. Meek and Ha'alelea on the 16th of February, 1853. I wish to enter it as evidence marked Exhibit B. **(shows the receipt to BATES and gives it to the court clerk.)**

JUDGE:

The court accepts this evidence marked Exhibit B.

MR. HARRIS:

Now, I ask you to look at this lease, Mr. Meek, and tell me, is that your signature?

COURT CLERK:

(Shows Meek the lease.)

MR. MEEK:

Yes, it is.

MR. HARRIS:

Does this lease leave certain lands, fishponds, and rights to firewood in the control of Ha'alelea?

MR. MEEK:

I'm sorry. Could you repeat the question?

JUDGE:

(To COURT REPORTER)

Will the Court Reporter repeat the question, please?

COURT REPORTER:

Does this lease leave certain lands, fishponds, and rights to firewood in the control of Ha'alelea?

MR. MEEK:

Yes, but there is no mention of pasturing rights. They have no rights there.

MEEK SUPPORTERS:

No rights, no rights!

MR. MEEK:

This is a business. It is simple. I am paying for the land so I can raise my cattle. What will they eat? I can't give away my grass and let my cattle starve.

MR. HARRIS:

It was only two horses, Mr. Meek, what was the harm?

MR. MEEK:

If I let one person do that, everyone might send horses on to my land. There could be hundreds of other peoples' animals on my land eating all my grass. I should be able to do what I want.

MR. HARRIS:

So you're saying that this matter doesn't concern anyone else?

MR. MEEK:

I have employees, other people depending on me. If I can't manage the land as I choose to, what am I paying for? As a private property holder, I must have my rights.

MEEK SUPPORTERS:

New rights, new rights!

JUDGE:

(Hits Gavel) Any more outbursts and I will have this courtroom cleared!

MR. HARRIS:

No more questions, your Honor.

MR. BATES:

Your Honor, the defense rests its case.

JUDGE:

Thank you. Mr. Meek, you may return to the defendant's table. (**Turns to the jury**) Having heard both sides of the case, you, the jury, must decide. If you think Mr. Oni is in the right, then you find in favor of Mr. Oni. If you think Mr. Meek is in the right, then you should find in favor of Mr. Meek. The jury may now decide.

The Bailiff escorts the **Jury** outside.

After the **Jury** has made a verdict, the **Bailiff** escorts them back into the courtroom and signals the **Judge**.

JUDGE:

Ladies and gentlemen of the jury, have you reached a verdict?

FORESPERSON:

(**Stands**) Yes, we have, Your Honor. We find for the [**Plaintiff/Defendant**], Mr. [**Oni/Meek**]

JUDGE:

(**If Plaintiff/ONI wins**)

Ladies and gentlemen, you have heard the verdict of this court: Mr. Oni, for the loss of your fine horses, this court orders Mr. Meek to pay you to replace your horses and, in the future, Mr. Meek will allow you to graze your animals on his land.

(**If Defendant/MEEK wins**)

Ladies and gentlemen, you have heard the verdict of this court: Mr. Meek, you may go home in peace. Mr. Oni, you must, in the future, keep your horses off Mr. Meek's private property.

BAILIFF:

(**Knocks gavel twice**) All rise. This court is now adjourned.