

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 usage 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.

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. This court of O'ahu is now in session.

JUDGE:

Be seated. Call the first case.

BAILIFF:

Oni versus Meek. Mr. Oni is the plaintiff. Mr. Harris is the lawyer for Mr. Oni. Mr. Meek is the defendant. Mr. Bates is the lawyer for Mr. Meek.

JUDGE:

What is the charge, Mr. Harris?

MR. HARRIS:

We say that Mr. Meek took two of Mr. Oni's fine horses from the pasture and sold them. And we say that Mr. Oni's horses had a right to be there just as they always have. It's a custom.

MR. BATES:

And we say that those horses were trespassing on Mr. Meek's land. The land is private property. The horses had no right to be there.

JUDGE:

Mr. Harris, you may present your case.

MR. HARRIS:

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

MR. ONI goes to the witness 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:

Yes.

MR. HARRIS:

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

MR. ONI:

Yes, but that is where I have always pastured them. It's just like before when we all shared the use of the land.

MR. HARRIS:

How do you share?

MR. ONI:

We are ho'a'aina. We live on the land and grow our crops, and in return we work for the konohiki a few days a week. We call these labor days. The rest of the week, we have the right to use the 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! Order!

MR. HARRIS:

Thank you, Mr. Oni.

JUDGE:

You may question the witness, Mr. Bates.

MR. BATES:

Who owns the pasture land now?

MR. ONI:

The Chief owns the land. Mr. Meek only leases the land from the Chief. He pays to use the land.

MR. BATES:

I'm sorry, could you repeat your answer?

JUDGE:

Could the Court Reporter please repeat Mr. Oni's answer?

COURT REPORTER:

Mr. Oni said: The Chief owns the land. Mr. Meek only leases the land from the Chief. He pays to use the land.

MR. BATES:

Thank you.

(Turns towards Mr. Oni)

But you still pasture your horses on Meek's land?

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!

JUDGE:

Quiet, please.

MR. BATES:

No more questions.

JUDGE:

Mr. Oni you may return to the plaintiff's table. Call your next witness, Mr. Harris.

MR. HARRIS:

I call Holokaua to the witness stand, please.

HOLOKAUA goes to 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?

HOLOKAUA:

Yes.

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 horses from the men who work for Meek.

MR. HARRIS:

Had you seen those horses before?

HOLOKAUA:

Yes. I said, "Say, you two, these look like Oni's horses". They said, "Well, they belong to Meek now. Do you want to buy them or not?" I bought them all right.

MR. HARRIS:

Thank you, Mr. Holokaua. We rest our case.

JUDGE:

Mr. Bates, do you have any questions for this witness?

MR. BATES:

No, Your Honor.

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:

We call Mr. John Meek to the stand.

MR. MEEK goes to the witness 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. MEEK:

Yes.

MR. BATES:

Did you take 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:

Do you rent this land from the Chief, Ha'alelea? Do you have a lease?

MR. MEEK:

That's right, I do. I pay him a very good price.

MR. BATES:

Is there anything in the lease about pasturing rights?

MR. MEEK:

No, there is not.

MR. BATES:

Did you ever make any agreements with the Chief about pasturing rights?

MR. MEEK:

No, I did not.

MR. BATES:

Did you ever speak to Mr. Oni about this matter?

MR. MEEK:

Yes, I told him to keep his horses off my land. I told him his horses couldn't eat there anymore because I was leasing the land; I owned the rights to the land.

MR. BATES:

Thank you. No more questions.

JUDGE:

Mr. Harris?

MR. HARRIS:

Thank you, your honor. Mr. Meek, didn't you agree to let the ho'a'aina use the fishponds and gather firewood when you leased the land?

MR. MEEK:

Yes, but I never said they could use the pasture. 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:

How much damage could two horses do?

MR. MEEK:

If I let one person do that, everyone might send horses on to my land. There could be hundreds of other animals on my land eating all my grass. As a private property holder, I must have my rights.

MEEK SUPPORTERS:

New rights, new rights!

JUDGE:

(Knocks gavel twice)

Any more outbursts and I shall 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?

In favor of Oni

FOREPERSON:

Yes, we have, Your Honor. We find for the plaintiff, Mr. Oni.

JUDGE:

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.

In favor of Meek

FOREPERSON:

Yes, we have, Your Honor. We find for the defendant, Mr. Meek.

JUDGE:

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.