

Oni v. Meek 1858

A Living History Trial for Students Guide for the Classroom

(Please read prior to your visit and share the information with your students)

For the Teacher: The Judiciary History Center has prepared this script of the Oni v. Meek case to use in your classroom and in our Restored 1913 courtroom during class visits. If you choose to do this living history trial on your visit to the Center, we recommend that you assign roles beforehand and have the students read through their parts prior to your visit. The entire activity takes about 25 minutes in the courtroom. We hope you and your students find this an educational and entertaining learning experience.

Here is some useful background information on the Oni v. Meek case. Should you have any questions on the case, please feel free to call the Judiciary History Center at 539-4994.

The Changing Times:

In the second half of the 19th century, major decisions of the courts shaped and responded to the rapid changes in society. Land, which was formerly held in trust by the king for all people, was divided by the Great Māhele for private property ownership. The economy changed from subsistence taro farming to sugar plantations run for profit as foreigners quickly acquired land. A modern commercial economy began to emerge replacing the traditional Hawaiian system. New laws created during this time aided the growth of this modern economy by exerting control over land, labor, and capital. Many conflicts involving land ownership came before the courts where judges' rulings helped to define the parameters of the law. Oni v. Meek is one example of how the new laws created by the Kingdom's Legislature supported private property ownership over the old system of shared land use rights. In this landmark ruling, the property rights of a rancher took precedent over the traditional use rights of a tenant farmer.

Background on the Case:

In the traditional Hawaiian system, the king or queen held the land in trust for the people, and was the guiding force in managing the land. Hoa'āina (tenants) shared use rights to the land under a konohiki (landlord). Tenants had the right to use a piece of land for a house site and to grow crops. They also had rights to use portions of the landlord's land (the ahupua'a) for other things such as fishing, gathering firewood, and pasturing animals. In return, the tenants gave days of labor and a portion of their crops to the konohiki. When the land was divided by the Māhele, tenants lost this right to use the land division as pasture for their animals. The decision of Oni v. Meek illustrates the break up of the traditional land system when it came into conflict with private property rights.

Oni, a well-to-do tenant, had lands in the ahupua'a of Honouliuli in 'Ewa, O'ahu. The land had belonged to the chief, Ha'alelea. He had inherited this land from his wife, Kekau'onohipi, a granddaughter of Kamehameha. Kekau'onohipi had leased two sections of land to John Meek. After her death, Ha'alelea leased out a third section. With the money from the lease, Ha'alelea bought a house on Richards Street in Honolulu.

John Meek, a sea captain from Massachusetts came to the island in 1809. He became a trader, a harbormaster, and later started his ranch in the 1840s on the leased land in Honouliuli.

Facts of the Case:

John Meek seized and sold two young mares that Mr. Oni pastured on land Meek leased from Ha'alelea. Meek claimed the horses had no right to pasture on land that he had leased.

Oni claimed the right to pasture his animals on the land division as one of his traditional tenant rights. Oni said that although his house and taro lands had been awarded to him as private property, he continued to work labor days for Ha'alelea.

Ha'alelea later testified that after the land was divided as private property, his tenants asked for the right to work labor days so they could continue to have their traditional rights to pasture.

Decisions of the Court:

1. Police Court of Honolulu, September 22, 1858: the judgment was given to Oni. Mr. Meek was ordered to pay \$80.00 for two horses and \$4.00 in court costs.
2. Appeal to the Supreme Court, October 1858. The judgment was given to Mr. John Meek, the defendant, with costs.

The Supreme Court was concerned with the right of a private property owner to use the land as he individually wished without having to share its use. The court said "the custom contended for is so unreasonable, so uncertain, and so repugnant to the spirit of the present laws, that it ought not to be sustained by judicial authority." The court also said "...it is perfectly clear that, if the plaintiff is a *hoa'aina*, holding his land by virtue of a fee simple award from the Land Commission, he has no pretense for claiming a right of pasturage by custom."

Oni v. Meek may be used in the classroom as a vehicle to discuss different points of view concerning land, and the changing attitudes toward land in 19th century Hawai'i.

These are some suggestions on how you might use these materials in the classroom:

1. Review and discuss shared land use as practiced in the ahupua'a. What do students think the benefits might be? What do students think the drawbacks might be?
2. Discuss private property ownership. What are the benefits and drawbacks?
3. Summarize the difference between shared land use and private property ownership.
4. Have students read the Oni v. Meek script.
5. Review the facts of the case.
6. Have students read the lease agreement between Ha'alelea and Mr. John Meek. (You may wish to point out the phrase "This lease is not to be adverse to the rights of the kanaka living under the malu (protection) of the party of the first part," as an interesting point for discussion.)
7. Have students perform Oni v Meek. Divide those who are not performing into spectators, those supporting Oni and those supporting Meek.
8. After a performance of the case and a verdict from the jury, have the spectators express their views on the decision of the jury from their particular roles.
9. Discuss the real decision of the police court, review the appeals process and discuss the decision of the Supreme Court.
10. Ask students to think of ways that this decision may have changed life for ho'a'aina like Mr. Oni.
11. Ask students to think of another process for settling the disagreement between Mr. Oni and Mr. Meek. What other possible solutions might there have been to this problem?