STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of State Parks  
Honolulu, Hawaii 96813

August 23, 2013

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii  

O‘ahu

Denial of Request for Contested Case Hearing by Lela Malina Hubbard Regarding BLNR Agenda Item E-1, April 26, 2013, Regarding the Request for Authorization for the Construction and Use of a Burial Tomb on the Grounds of the Royal Mausoleum State Monument for Abigail K. Kawananakoa and Delegation of Authority to the Chairperson to Issue a Construction Right of Entry for said Tomb at Mauna ‘Ala, Kawananakoa, Nu‘uanu Valley, O‘ahu, Tax Map Key: (1) 2-2-021: 012 (por.)

BACKGROUND

On April 26, 2013, under Agenda Item E-1 (attached as Exhibit A), the Board considered a request by Abigail Kekaulike Kawananakoa to construct and use a burial tomb as her final resting place at the Royal Mausoleum State Monument. After considerable public testimony and discussion, the Board unanimously approved the request with the amendment that an archaeological inventory survey be completed in accordance with State law. Petitioner Lela Malina Hubbard requested a contested case prior to the end of the meeting. Petitioner’s oral request was followed up by a written request filed with DLNR on May 6, 2013 and is attached as Exhibit B. After consultation with the Department of the Attorney General (AG), the Division of State Parks (State Parks) recommends the Board deny the request for contested case because a contested case is not required by statute, rule, or due process.

FACTS

In her petition, Ms. Hubbard claims descent from the highest ali‘i traceable back to Umi-a-Liloa and Jane Buckle Clark, who was a lady in waiting to Queen Lili‘uokulani. She states that:

I have standing given my demonstrated genealogy and Mauna ‘Ala is a historical tribute to our true Ali‘i. A Kawananakoa crypt would honor no one who might succeeded to the throne who is not already there. The titles were assumed without validation once our monarchs passed on. The alteration of this scared place, the high possibility of disturbing scared burials through ground excavation, and the unmitigated controversy will only serve to bring unrest to this sacred place of repose.

ITEM E-2
Ms. Hubbard claims that the decision to construct a burial tomb should have been made by a council of chiefs because this is a matter of great importance. She also claims that the Board should not have relied heavily on the testimony of William Kiihe‘ekai Maioho, the Kahu for Mauna ‘Ala, in making its decision. She claims that the flood gates will be open to other burial requests because the Board has no rules specifically for Mauna ‘Ala, and that rules for Mauna ‘Ala should be drafted by private individuals with genealogical ties. Ms. Hubbard further claims that the O‘ahu Island Burial Council should have also been consulted prior to the Board’s decision.

DISCUSSION

A contested case hearing is one where the “legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for an agency hearing.” Hawai‘i Revised Statutes (“HRS”) § 91-1(5). A contested case is “required by law” if the statute or rule governing the activity in question mandates a hearing prior to the administrative agency’s decision-making, or if mandated by due process.¹

There is no statute or rule calling for a contested case hearing in the context of the Board’s approval to authorize the construction of use of a tomb at the Royal Mausoleum. Nothing in the HRS Chapter 171 or in the Department of Land and Natural Resources’ administrative rules mandates a contested case hearing or even a non-Chapter 91 public hearing in this instance. In contrast, several sections of HRS Chapter 171 and Hawai‘i Administrative Rules (“HAR”) Title 13 specifically require a public hearing before the agency take certain actions. The inclusion of particular language requiring a hearing only in specific sections of HRS Chapter 171² and HAR Title 13³ signifies that the requirement for a hearing was intentionally excluded from all other sections. See In re Water Use Permit Applications, 94 Hawai‘i 97, 151, 9 P.3d 409, 463 (2000) (stating ‘[w]here [the legislature] includes particular language in one section of a statute but omits it on another section of the same Act, it is generally presumed that [the legislature] acts intentionally and purposely in the disparate inclusion or exclusion”).

Without a statute or rule requiring the Board to hold a contested case hearing, the remaining question is whether constitutional due process requires a contested case hearing. To establish a due process right to a contested case hearing, the claimant must first show that “the particular interest which claimant seeks to protect by a hearing [is] ‘property’ within the meaning of the due process clauses of the federal and state

¹ The Fourteenth Amendment to the United States Constitution provides, in part, “nor shall any state deprive any person of life, liberty, or property, without due process of law.” Article I, section 4 of the Hawai‘i Constitution provides, in part, “[n]o person shall be deprived of life, liberty or property without due process of law.”

² E.g., HRS §§171-28 (requiring the Board to conduct a public hearing when leasing government-owned fishponds without legislative authorization); 171-58 (requiring a hearing before leasing water rights); 171-80 (before cancelling a residential leasehold); 171-41, 171-41.5 (before amending height, density, or use restrictions in certain leases); and 171-95.3 (before entering or renewing any lease of public land to renewable energy producers).

³ E.g., HAR §§ 13-184-8 (requiring the Board to hold public hearings before acting on a proposal to designate an area as a geothermal resource subzone); 13-5-40 (before granting a permit, site approval, or management plan approval in a conservation district); 13-183-26 (requiring a hearing on revocations of a mining lease).

Ms. Hubbard cites to Article XII, section 7 of the Hawai‘i Constitution. The Hawai‘i Supreme Court has said that, “This provision places an affirmative duty on the State and its agencies to preserve and protect traditional and customary native Hawaiian rights, and confers upon the State and its agencies ‘the power to protect these rights and to prevent any interference with the exercise of these rights.’” Ka Paakai O Ka Aina v. Land Use Comm’n, 94 Hawai‘i 31, 45, 7 P.3d 1068, 1082 (2000). These rights however, have never been held to rise to the level of a protected property interest for the purposes of the due process provisions of either the federal or state constitutions.

“Property interests, of course, are not created by the Constitution. Rather, that are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law—rules or understandings that secure certain benefits and that support claims of entitlement to those benefits.” Int’l Broth. Of Painters and Allied Trades v. Befitel, 104 Hawai‘i 275, 283, 88 P.3d 647, 655 (2004) (quoting Bd. Of Regents v. Roth, 408 U.S. 564 (1972)). This property interest must be one for which the claimant has “a legitimate claim of entitlement” and must be “more than an abstract need or desire” or “a unilateral expectation”. Bush v. Hawaiian Homes Comm’n, 76 Hawai‘i 128, 136, 870 P.2d 1272, 1280 (1994). For example, in In re Iao Ground Water Mgmt. Area High-Level Source Water Use Permit Applications, 128 Hawai‘i 228, 241-42, 287 P.3d 129, 142-43 (citing HRS §§174C-101, 174C-63), the Hawai‘i Supreme Court concluded the native Hawaiian claimants’ interests in traditional and customary rights had a statutory basis in the water code. Ms. Hubbard has not cited any statutory basis supporting her entitlement to challenge the Board’s decision to authorize the construction and use of a burial tomb to house the remains of Ms. Kawananakoa at the Royal Mausoleum.

Even if Article XII, section 7 were to provide due process protection, Ms. Hubbard is still not entitled to a contested case hearing. Building on prior case law, the court in State v. Pratt, 124 Hawai‘i 329, 243 P.3d 289 (Haw. App. 2010) discussed what the Board needs to look for when asked to recognize native Hawaiian rights. A petitioner must meet three threshold requirements to prove he is entitled to constitutional protection: “(1) the [petitioner] must be a native Hawaiian; (2) whose claimed right is a constitutionally protected customary or traditional native Hawaiian practice, (3) which is conducted on undeveloped land.” Pratt, 124 Hawai‘i at 349, 243 P.3d at 309 (setting forth the State v. Hanapi test, 89 Hawai‘i 177, 970 P.2d 485 (1998)). Ms. Hubbard has not identified any traditional and customary practice of hers that is being affected by the Board’s decision. Ms. Hubbard does not have a property interest under Article XII, Section 7, entitling her to challenge the Board’s decision.

---

4 Article XII, section 7 provides that: “The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua‘a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.”
Finally, the Board is not required to hold contested case hearings when dealing with matters of internal land management. In *Sharma v. State, Department of Land and Natural Resources*, 66 Haw. 632, 673 P.2d 1030 (1983) the Board canceled a lease of public lands that was in default. The lessee contended he was entitled to a contested case hearing. The Hawai‘i Supreme Court held that a contested base hearing was not required because the Board was dealing with matters of internal management, and that “the internal management of an agency necessarily includes the custodial management of public property entrusted to the agency necessarily includes the custodial management of public property entrusted to the agency.” *Id.* By Governor’s Executive Order No. 2966, the Royal Mausoleum State Monument was set aside to the Department of Land and Natural Resources, Division of State Parks on April 18, 1979. HAR§ 13-146-27 of the State Parks’ administrative rules also provides that “No person shall install any monument, memorial, tablet or other commemorative installation, except with the written permission of the board or its authorized representative.” A decision regarding the installation of a monument on public lands is also a matter of internal land management.

Pursuant to HAR §13-1-29.1, “The board, without a hearing may deny a request or petition or both for a contested case when it is clear as a matter of law that the request concerns a subject that it not within the adjudicatory jurisdiction of the board or when it is clear as a matter of law that the petitioner does not have a legal right, duty or privilege entitling one to a contested case proceeding.”

Based on the foregoing, Petitioner’s request for a contested case hearing is not required by statute, rule or due process for the Board’s authorization to construct and use a burial tomb to house the remains of Abigail K. Kawananakoa on the grounds of the Royal Mausoleum and State Parks recommends the Board deny the petition for a contested case hearing filed by Lela Malina Hubbard.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]
RECOMMENDATION: That the Board:

1. Deny the petition for a contested case hearing filed by Lela Malina Hubbard on the basis that Petitioner is not entitled to a contested case hearing because a contested case hearing is not required by statute, rule or due process as discussed above.

Respectfully Submitted,

Daniel S. Quinn, Administrator

APPROVED FOR SUBMITTAL:

William J. Aila, Jr., Chairperson
STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF STATE PARKS  
Honolulu, Hawai‘i 96813  

April 26, 2013

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawai‘i  

O‘ahu

Request for Authorization for the Construction and Use of a Burial Tomb on the Grounds of the Royal Mausoleum State Monument for Abigail K. Kawananakoa and Delegation of Authority to the Chairperson to Issue a Construction Right of Entry for said Tomb at Mauna ‘Ala, Kawananakoa, Nu‘uanu Valley, O‘ahu, TMK: (1) 2-2-021:012 (por.)

REQUEST:
Request for approval from Abigail Kekaulike Kawananakoa to construct a burial tomb as her final resting place on the grounds of the Royal Mausoleum State Monument TMK: (1) 2-2-021:012 (por.), attached as Exhibit A, also known as Mauna ‘Ala. A copy of the request is attached as Exhibit B.

BACKGROUND:
Mauna ‘Ala (fragrant hill) is the final resting place for Hawai‘i’s kings, queens, their families, and trusted advisors. The mausoleum structure, fully completed in October of 1865, was built to house the remains of the Kamehameha dynasty which had previously rested at the grounds of ‘Iolani Palace. In 1865, the caskets of the kings and chiefs were moved from the tomb at ‘Iolani Palace by procession to Mauna ‘Ala. In later years, the remains of the family of King David Kalākaua were also laid to rest at the mausoleum.

Following the construction of the mausoleum, it became apparent that storing the caskets in the open chamber in the mausoleum was not a good long term solution. After the death of Bernice Pauahi Bishop in 1884, her husband, Charles Reed Bishop, began construction of an underground vault for the Kamehameha dynasty and in 1887, the Kamehameha caskets were entombed.

In 1866, John Young, a British sailor who became an advisor to Kamehameha I in battles for control of the Islands was interred in a separate tomb at Mauna ‘Ala.

In 1904, the Wyllie Tomb was built for Queen Emma’s relatives and close associates whose caskets remained in the mausoleum. Robert C. Wyllie, who was a Scot, served the monarchy as foreign minister and was a close friend of the royal family.

ITEM E-1
In 1907, the Hawaii Legislature appropriated funds to build a third crypt for the Kalākaua family.

A separate monument to Charles Reed Bishop was built in 1916 although his remains rest beside his wife in the Kamehameha Tomb.

A summary of the tombs, and list of whose remains rest in each is attached as Exhibit C.

Abigail Kekaulike Kawananakoa is a descendant of Kaumuali'i and Kapi'olani. She was adopted by Abigail Wahikeaheluia Campbell, her maternal grandmother. Abigail Wahikihaeluia Campbell was married to Prince David Kawananakoa. They had three children; David Kalākaua Kawananakoa, Kapi'olani Kawananakoa and Lydia Lili'uokalani Kawananakoa, Ms. Abigail K. Kawananakoa's mother.

Abigail W. Campbell, Prince David Kawananakoa and their son David K. Kawananakoa are all interred in the Kalākaua Crypt. David K. Kawananakoa (Ms. Abigail K. Kawananakoa's brother through adoption), was the last person laid to rest at Mauna 'Ala being interred in the Kalākaua Crypt in 1953.

DISCUSSION:
On February 23, 1943, the Royal Mausoleum premises were set aside to the Superintendent of Public Works under Executive Order (E.O.) 998. Following statehood, the Royal Mausoleum became the responsibility of the Department of Accounting and General Services (DAGS) which assumed the management of most State buildings and grounds. Act 254, SLH 1967, Section 4, transferred all state historic areas and buildings from DAGS to the Department of Land and Natural Resources (DLNR) and subsequently, on April 18, 1979, Governor's Executive Order No. 2966 set aside the Royal Mausoleum to the DLNR, Division of State Parks (State Parks). State Parks maintains the Royal Mausoleum and refers to it as the Royal Mausoleum State Monument.

There is no statute specifying who can be interred on the Royal Mausoleum State Monument premises. The issue was considered by the Attorney General in 1956 who concluded that absent a controlling statute, authority rested with the Superintendent of Public Works. Accordingly, as that jurisdiction now falls under the DLNR, authority...

---

1 Staff notes that although the attached list cites names of the family members interred, it may not necessarily be an exhaustive list.
2 The conclusion stated in the March 8, 1956 opinion letter approved by then Acting Attorney General Richard Sharpless addressed three specific questions: 1. Who has jurisdiction and control over the Royal Mausoleum premises; and 3. Who has the authority to determine rights of interment in the Royal Mausoleum premises. The conclusion with respect to who has jurisdiction over the Royal Mausoleum premises was determined to be the Superintendent of Public Works. Regarding the second question over who can be interred, the Attorney General concluded, "In view of the foregoing, it seems reasonably clear that the Royal Mausoleum premises were dedicated and preserved as a burial ground for members of the Royal family of Hawai‘i, which included the sovereign and chiefs of the kingdom and their family members." The third question regarding the authority for interment rights was found to rest with the Superintendent as well.
now rests with the Board of Land and Natural Resources (Board). Additionally, under State Parks’ administrative rules, specifically HAR 13-146-27 regarding memorialization, “No person shall install any monument, memorial, tablet or other commemorative installation, except with the written permission of the board or its authorized representative.”

The proposal outlined in Exhibit B, envisions a new tomb which mirrors the existing Wyllie Tomb in appearance and location. Upon entering the grounds, the Wyllie Tomb is to the left, on mauka side, and the new tomb is proposed to the right, or makai side. Exhibit B includes renderings, a site plan and size comparisons of the various tombs, and photos.

The Royal Mausoleum was listed in the National Register of Historic Places in 1972, and in the State Register of Historic Places in 1981. Under Sections 6E-7 and 8, HRS and Chapter 13-275, HAR, State Parks is required to give the State Historic Preservation Division (SHPD) the opportunity to review projects or actions that could potentially affect historic properties and receive written concurrence from SHPD to proceed.

The improvement projects undertaken to date at Mauna ‘Ala in partnership with the Ali‘i Trusts have been limited to replacing, restoring, or renovating existing features on the grounds. The subject proposal is different in that it would add a new element to the grounds.

Ms. Kawananakos indicates the costs for design, engineering and construction as well as maintenance costs in perpetuity will be borne by her and is not asking for the tomb to be reserved for additional persons.

CHAPTER 343 - ENVIRONMENTAL ASSESMENT:
In accordance with Hawaii Administrative Rule Section 11-200-8(a)(3), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3 of the State Parks Exemption List which exempts the “Construction and location of single, new, small facilities or structures and the alteration of modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to: ...” [HAR Section 11-200-8(a)(3)].

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK
RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

2. Authorize the construction and use of a burial tomb to house the remains of Abigail K. Kawanakoa on the grounds of the Royal Mausoleum State Monument and delegate authority to the Chairperson to issue, negotiate and approve a construction Right of Entry for said tomb subject to the following:

   a. The final review and approval for the precise location and design of the tomb as well as a plan for maintenance shall be subject to the Chairperson’s approval;

   b. The costs for the design, construction and maintenance in perpetuity shall be paid for by Ms. Kawanakoa;

   c. The standard terms and conditions of the most current right of entry form, as may be amended from time to time;

   d. Review and approval by the State Historic Preservation Division as required by law; and,

   e. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,

[Signature]
DANIEL S. QUINN
State Parks Administrator

APPROVED FOR SUBMITTAL:

[Signature]
WILLIAM J. AILA, JR.
Chairperson
Exhibit B – Kawanakaoa Request

Abigail K. Kawanakaoa

December 17, 2012

William J. Aila, Jr.
Chairperson
Department of Land and Natural Resources
Kalanikupu Building
1151 Punchbowl Street
Honolulu, HI 96813

Dear Mr. Aila:

I request permission to construct a burial structure at Mauna Ala to be used for the disposition of my remains.

The design, engineering, and construction would be entirely at my expense. I will make provision for its care and maintenance in perpetuity.

I also request that the structure be situated on the makai side of the property in the open area behind the flagpole. The approximate location is indicated on the enclosed site plan.

I have also enclosed conceptual drawings with this letter.

Thank you for your consideration.

Sincerely,

Abigail K. Kawanakaoa

Enclosures
SUMMARY SHEET

Placement: The proposed Kawananakoa Tomb has been located upon the Mauna ‘Ala site with respect to and reflective of the existing chapel, tombs, memorial, and burial site. It is located with purpose to offer additional enhancement in the natural balance and proportion of the site plan, through placement directly in line with, and perpendicular to the Willie Tomb, while also giving respect in its alignment to the original Mauna ‘Ala Cross site plan.

Size: The proposed size, both in footprint and scale, pays respect to the existing tombs, memorial, and burial site on the grounds, and its placement with respect to site balance. Though its footprint is smaller than all but one (Bishop Memorial) of the existing tombs, it contributes to the balance of the land, and the site.

Design: The preliminary design echoes both visually and in feeling the Willie Tomb. It sits aligned with, and offset in distance equally with, the existing Cross site plan, as are the Willie Tomb, Bishop Memorial and Kamehameha Tomb. As shown on the proposed site plan, both tombs are located visually on the right and on the left as you enter the grounds. The preliminary design is intended only for illustrative purposes, in that the proposed design concept reflects the Willie Tomb with respect to its elements, its stepped base, its four columns, and its roof.

Existing and proposed Kawananakoa Tomb:
Kamehameha Tomb: 13’1-1/2”X24’1-1/2” 316.50 square feet
Willie Tomb: 18’-0”X21’-7” 388.50 square feet
Bishop Memorial: 5’-10”X8’-6” 49.50 square feet
Young Burial Site: 16’-6”X22’-0” 363.00 square feet
Proposed Kawananakoa Tomb: 15’-0”X15’-0” 225.00 square feet
Proposed Kawananakoa Tomb

Kawananakoa Tomb Base 15'-0"x15'-0"
Wyllie Tomb base: 16'-0"x21'-7"

Bishop Memorial base: 5'-10"x8'-6"
Kamehameha Tomb base: 13'-1 1/2" x 24'-1 1/2"

John Young base, post to post: 16'-6" x 22'-0"
Exhibit C - Interment List

The Kamahana Vault

It soon became apparent that open space at the site was inadequate. After the death of Bernice Pauahi Bishop, the royal descendant of Kamahana, and founder of Kamahana School, Bishop Estate, Bernice Pauahi Bishop took over and established the Kamahana Trust Fund, which was under the control of the Bishop Estate. The fund was then used to purchase land for the interment of the remains of Bishop Estate individuals.

Charles Reed Bishop, husband of Bernice Pauahi Bishop, died on June 7, 1915 in San Diego, California. In accordance with his wishes, the Kamahana Trust Fund arranged for his remains to be interred at the Kamahana School. His remains were interred in a vault at the school in a ceremony attended by family and friends. The vault was dedicated on April 26, 1916.

The Waihe’e Tomb

In 1904 a second vault was constructed at the Waihe’e Cemetery. It was built to house the remains of Queen Emma and other members of the Kamehameha family. The vault is located on the island of Oahu and is accessible to the public. The vault is located on the grounds of the Waihe’e Cemetery and is open to visitors.

The Kaliu’aua Crypt

In 1897, the Hawaiian Legislature appropriated funds for the construction of a crypt to house the remains of King Kamehameha V and Queen Emma. The crypt was designed by architect Thomas H. Kipling and was constructed of stone. The crypt is located on the grounds of the Waihe’e Cemetery and is accessible to the public. The crypt is open to visitors and is located on the grounds of the Waihe’e Cemetery.
Exhibit "B" Contested Case Petition

STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

PETITION FOR A CONTESTED CASE HEARING

<table>
<thead>
<tr>
<th>OFFICIAL USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case No.</td>
</tr>
<tr>
<td>Board Action Date / Item No.</td>
</tr>
</tbody>
</table>

INSTRUCTIONS:

1. File (deliver, mail or fax) this form within ten (10) days of the Board action date to:

   Department of Land and Natural Resources
   Administrative Proceedings Office
   1151 Punchbowl Street, Room 130
   Honolulu, Hawaii 96813
   Phone: (808) 587-1496, Fax: (808) 587-0390

2. DLNR’s contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (http://hawaii.gov/dlnr/rules/Ch13-1-Official-Rules.pdf). Please review these rules before filing a petition.

3. If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.

4. Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a $100.00 non-refundable filing fee (payable to “DLNR”) or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner’s financial hardship.

A. PETITIONER
   (If there are multiple petitioners, use one form for each.)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name</td>
<td>2. Contact Person</td>
</tr>
<tr>
<td>Lela Malina Hubbard</td>
<td>Same as above</td>
</tr>
<tr>
<td>3. Address</td>
<td>4. City</td>
</tr>
<tr>
<td></td>
<td>Aica</td>
</tr>
<tr>
<td>5. State and ZIP</td>
<td>6. Email</td>
</tr>
<tr>
<td>HI 96701</td>
<td></td>
</tr>
</tbody>
</table>

B. ATTORNEY (If represented)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Attorney Name</td>
<td>10. Firm Name</td>
</tr>
<tr>
<td>11. Address</td>
<td>12. City</td>
</tr>
<tr>
<td></td>
<td>13. State and ZIP</td>
</tr>
<tr>
<td>14. Email</td>
<td>15. Phone</td>
</tr>
<tr>
<td></td>
<td>16. Fax</td>
</tr>
</tbody>
</table>
C. SUBJECT MATTER

17. Board Action Being Contested

18. Board Action Date
   Friday, April 26, 2013

19. Item No.
   E. State Parks, #1

20. Nature and Extent of Petitioner’s Interest That May Be Affected by the Board Action
   Petitioner is requesting a contested case hearing as authorized under HAR Section 13-1-28 and 13-1-29 and HRS Section 91-2 and 91-9. Petitioner is seeking reconsideration based upon Article 12, Section 7 of Hawai‘i State Constitution, Chapter 6E-HRS, Chapter 13-300, HAR and Title 13, Subtitle 6, Chapter 146, HAR.

   Opposition to a Burial Tomb for Abigail K. Kawananakoa at Mauna Ala

   I am Lela Malina Hubbard whose ancestress, Leioiki, was the niece of Keopoulani, raised to marry a Kamehameha but who was sold instead by the treacherous and jealous Kaahumanu and other aunts to Capt. Buckle, which caused a riot in Lahaina including the firing of the cannon. Minister Stevens forced William Buckle to marry her. Our family were part of the inner Hawaiian circle that received the bones of Capt. Cook.

   I rarely speak of our geneology but we are ali‘i of the highest order. Great grandmother, Jane Buckle Clarke, was the first lady in waiting imprisoned with the Queen. We can trace our origins to the very beginnings as Great Grandmother wrote out her geneology.

   Abigail Kekau Kawananakoa has done many wonderful things for the Hawaiian Community; it pains me to speak in opposition, but her request is not pono without further consultation by the BLNR.

   I have standing given my demonstrated genealogy and Mauna 'Ala is a historical tribute to our true Ali‘i. A Kawananakoa crypt would honor no one who might have succeeded to the throne who is not already there. The titles were assumed without validation once our monarchs passed on. The alteration of this sacred place, the high possibility of disturbing sacred burials through ground excavation and the unmitigated controversy will only serve to bring unrest to this sacred place of response.

21. Any Disagreement Petitioner May Have with an Application before the Board
   The Board’s decision placed all the responsibility on the caretaker, a State Park employee, who serves as Kahu and guardian of this wahi kapu. A person who would not have traditionally assumed all of the decision making responsibilities of interments at this sacred place. Our culture and history demand that a council of Chiefs would decide a matter of such high import.

   We are also horrified that this project was quickly moved through. The item was on the move-up agenda and discussed first even though Abigail Kawanakoa did not show up or attend the meeting and nobody signed up on the move up agenda. It appears the BLNR moved the item up of its own accord and several Native Hawaiians arrived during and after the vote was taken.

   Despite months of site visits and discussions, the Agenda item was only handed out in the week before and agencies like the Office of Hawaiian Affairs testified that they would have needed more...
time to look into the issue. A matter of this great importance, although a private matter in one sense, is also a matter of great Native Hawaiian interests.

The BiNR applied some park rules but had no rules for Mauna ‘Ala in particular, opening the flood gates to other requests of this nature and putting undue strain on the Kahu for future requests. Furthermore, the BLNR did not comport with their duty to assess the cultural practices and resources at Mauna ‘Ala and the potential adverse impacts to them if they approved the request as required by the Hawai‘i Supreme Court.

Petitioner takes exception that it appears that the DLNR, and other involved agencies, have unlawfully delegated their responsibilities under the Hawai‘i State Constitution, as expressed by the Hawai‘i Supreme Court in Ka Pa‘akai O ka ‘Āina v. Land Use Commission, 94 Haw. 31, 7 P.2d 1068

Petitioner takes guidance from Article XII, Section 7, of the Constitution of the State of Hawaii which states:

TRADITIONAL AND CUSTOMARY RIGHTS, Section 7. The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua’a tenants who are descendants of native Hawaiians who inhabited the Hawaiian islands prior to 1778, subject to the right of the State to regulate such rights. [Add Const Con 1978 and election Nov 7, 1978]

These laws of our ‘aina, and the State of Hawai‘i, can not be arbitrarily applied when convenient or at the whim of various governmental officers and agencies. They must be taken seriously and adhered to in good spirit and intent. This certainly doesn’t appear to be the case in this instance.

Judicial Affirmance and Guidance

Notwithstanding the strong Constitutional mandates and statutory obligations set forth to recognize the duties of the State of Hawai‘i and its sub-agencies to protect the traditional and customary rights of native Hawaiians and Hawaiians, the Hawaii Supreme Court has set forth judicial guidance and interpretation in this regard as well.

In Public Access Shoreline Hawaii vs. Hawaii County Planning Commission (PASH), 79 Hawai‘i 425 (1995), hereinafter PASH, the Hawaii Supreme Court, recognizing over 150 years of court decisions validating the existence of Native Hawaiian traditional and customary rights as part of the state’s common law, reiterated that:

The State is obligated to protect the reasonable exercise of customarily and traditionally exercised rights of Hawaiians.

In Ka Pa‘akai, the Hawaii Supreme Court, again noting it was clear that the State and its agencies are obligated to protect the reasonable exercise of customarily and traditionally exercised rights of Hawaiians, to the extent feasible, noted the findings of the Hawaii State Legislature in 2000 that:

The past failure to require native Hawaiian cultural impact assessments has resulted in the loss and destruction of many important cultural resources and has interfered with the exercise of native Hawaiian culture. The legislature further finds that due consideration of the effects of human activities on native Hawaiian culture and the exercise thereof is necessary to ensure the continued existence, development, and exercise of native Hawaiian culture. Act 50, H.B. NO. 2895, H.D. 1, 20th Leg. (2000).
The Ka Pa'akai court also noted:


The Ka Pa'akai court also set forth an analytical framework, in that instance for the LUC to adhere to, but in the spirit and intent of the law, a framework that all State and County entities should follow, which is espoused as follows. The proper analysis of cultural impacts should include:

1) the identity and scope of "valued cultural, historical, or natural resources" in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area; (2) the extent to which those resources -- including traditional and customary native Hawaiian rights -- will be affected or impaired by the proposed action; and (3) the feasible action, if any, to be taken by the (agency) to reasonably protect native Hawaiian rights if they are found to exist.

This framework, as set forth by the Hawaii Supreme Court, is a good beginning to address the obligations of the State of Hawai'i and its agencies, to properly identify, consider, and mitigate adverse impacts to the traditional and customary rights of Hawaiians which we are all obligated to protect.

By failing to consult its own O'ahu Island Burial Council which was previously consulted on Mauna 'Ala issues such as the renovation of the grave of John Young, as well as other matters, and by rushing through the staff recommendation, agenda item and vote, as well as failure to consult OHA, the BLNR abrogated its responsibilities citing "Hawaiian" protocol and a distaste for the "Western" process, thus, failing to follow the Supreme Court and putting everything on the shoulders of Kahu William Kaihe'ekai Maioho, thus setting up Mauna 'Ala for controversy, which brings emotional and spiritual harm to myself and my 'ohana.

22. Any Relief Petitioner Seeks or Deems Itself Entitled to

As a member of the Leoliki Ohana, I suggest a committee of fifteen develop the rules for Mauna Ala, led by Na Makeka'a, as Aunty Healani Doane spear-headed the refurbishing of Mauna Ala. I remember how upset she was over the deterioration in such a sacred place. Aunty Healani was a determined and elegant Hawaiian lady who was invincible. Entry into the committee would be based on genealogy. This Council, would give voices to not only our 'ohana, but Native Hawaiians on all islands and would ensure that the controversy of this request and BLNR decision would not be laid on the back of Kahu Maioho, brought into the sanctity of Mauna 'Ala and not go into the grave of Abigail Kawanakaoa when she passes from this World.

The O'ahu Island Burial Council has the law and rules to help weigh in on this matter and give advice to the BLNR. My 'ohana and I could also give testimony to this burial council, in closed session if necessary, as could others, and they could in turn recommend to the BLNR a course of action. This would be prudent and in accordance with judicial precedent as well as the spirit and intent of the current law and rules.
23. How Petitioner's Participation in the Proceeding Would Serve the Public Interest

I pray that this request for a contested case hearing be granted which would allow the Board of Land and Natural Resources to properly identify, assess, and mitigate untoward effects on the traditional cultural landscape, including the precious resources, and on the reasonable exercise of Native Hawaiian traditional and customary rights in the area. This statutorily and constitutionally mandated assessment must occur prior to the BLNR taking formal action; otherwise such actions, in light of this notice, and the severe shortcomings of agency oversight by the State Historic Preservation Division (SHPD) in particular, could be deemed knowingly detrimental reliance upon abdicated responsibilities. The failure to consult the O'ahu Island Burial Council only shows another deficiency of this State Department charged with protecting our most sacred resources which all of the citizens deserve to understand and appreciate. There are people on all islands who wished to be informed and have an opportunity for due process by giving input into this sensitive and highly emotive issue.

24. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR

My genealogy is traceable back to Umi-a-Liloa. Jane Buckle Clark was a Lady-in-Waiting to Queen Lili'uokalani and my great-grandmother.

☐ Check this box if Petitioner is submitting supporting documents with this form.

☒ Check this box if Petitioner will submit additional supporting documents after filing this form.

Lela Malina Hubbard
Petitioner or Representative (Print Name)  Signature  Date

May 6, 2013
Lela M Hubbard

From: "Lela M Hubbard" <lmhubbard@hawaiiantel.net>
To: "Lela M Hubbard" <lmhubbard@hawaiiantel.net>
Sent: Monday, June 10, 2013 12:08 PM
Subject: Fw: Additions to Contested Case Hearing on Kekau's Tomb on April 26, 2013

--- Original Message ---
From: Lela M Hubbard
To: William J Alia
Cc: Juanita Kawamoto
Sent: Monday, June 10, 2013 11:25 AM
Subject: Additions to Contested Case Hearing on Kekau's Tomb on April 26, 2013

I will be submitting today additional evidence on my geneology, mana'o on the true scope of a kahu of a sacred site, and information on who is interred at Mauana Ala.

The Mahele Book listing shows Leoiki's marriage to Willaim Buckle. The 1900 Census shows great-grandmother Jane Buckle Clark and my grandmother Emma Clark who married William Henry McClellan.

In Hawaiian society the chiefs, the ali'i, made the decisions. This is made very clear in Dampier's To the Sandwich Islands of H.M.S. Blonde which describes the rape and pillaging of the Hale O Keawe which was permitted by Kalaimoku. The kahu could do nothing to prevent the heartless destruction of one of our most sacred sites. Further, in The Ruling Chiefs of Hawaii by S.M.Kamakau the Rev Mr. Richards had railed against Capt. Buckle's kidnapping and purchase of Leoiki from her aunts, Kaahumanu could find no way to save Richards. David Malo talked to Kaahumanu's secret group who went before the rest of the chiefs to present her views. See Pages 281 to 283.

The legal definition of kahu also disparages the BLNR's interpretation. Kahu is the head man who accepted the conditions of the chief and yielded to the chief, "He would maintain the relation of an affectionate clansman, after the ancient custom" and further: "manager, superintendent, caretaker, guardian. See Nahoe Lucas's Dictionary of Hawaiian Lexicon: Land Titles. What is Buill's job description? Does he get some compensation? from whom?

I would appreciate a copy of the BLNR acting on the hearing. I would also like copies of what Abigail Keali'i

6/10/2013
Kawanakoa submitted re her planned tomb. With her lack of direct connection to the royal blood (title assumed through Campbell's marriage to David Kawanakoa). If historical precedence and Hawaiian culture are followed no woman has ever been the holder of the throne until Kalakaua named Liliuokalani. Keopuolani and Kaahumanu ruled only temporarily while the true monarchs were under age although Kaahumanu was a very powerful person in the Kingdom as were the kahuna Mahalo,

Lela M. Hubbard
LEOIKI (w)  

MAHELE BOOK 71-72 (76-77)  
Relinquished:  
1/2 Kapalai, ili no Kailua, Koolaupoko, Oahu  (Signed)  
Received:  
1/2 Kapalai, ili no Kailua, Koolaupoko, Oahu  
Claim 5375 "Not Awarded" (Numerical Index of Awards; Indices 1118)  
NR 48.5 Feb. 3, 1848 claims 1/2 Kapalai  
NT 169.10 copy of Mahele Book: 1/2 Kapalai, Koolaupoko  
Claim 3272  
NR 24.9 claims  
Hailu, Puna, Kauai (received from Daniel Oleloa)  
Kawahine, Honolulu, Oahu  
Kapalai, Kailua  
NT 106.10  
Kalinhi, sworn: I know her land in the ili of Kapalai, Kailua, Koolaupoko; it is kula and kalo land. She received this from Kamehameha III at the time of the division of lands in 1848 and occupied it comfortably until the time of her death, when it descended to her son William Buckle. This land was divided, 1/2 for Leoliki and 1/2 for the Government.  
Land Court Application 677, v.4: "R.P.Grant 2735 to Leoliki, November 10, 1860, conveys...Kapalai, Kailua, Oahu...30.09 acres, of which 3 acres is taro and 27.09 acres is kula.  
NT 106.10 cont'd:  
Kamanu, sworn: I know her kalo land at Kalawahihe, Honolulu, Oahu. She received this land from [Kaukuna] Kahekili in 1840, and occupied it comfortably until her death in 1848, after the division of lands. It descended to her son William Buckle, who occupies it without opposition. Kalinhi, sworn: confirms Kamanu's testimony. [Nothing further found on Kalawahihe piece]  
FT 134.13  
Kuehehu witness to her lands in Hailu [Puna, Kauai], 2 pieces:  
No. 1. 8 loi and house in ili Makaopuna  
No. 2. a single loi in the ili of Lahoole. CIt. received loi from the homoliki in the time of Kaikioewa. Poepoe confirms.  
LCA 3272  
(RP 1766) Kalawahihe, Honolulu, Oahu 0.80 ac/1 ap.  
(Aw. Bk. 10:138; Indices 712)  
(RP 3884) Hailu, Puna, Kauai 1+ac/2 ap.  
(Aw. Bk. 4:806; Indices 185)  
Claim 611  
NR 298.2 Honolulu June 26, 1847:  
petitions for houselot in Honolulu. It is between Wiliama Peki [William Peck and Kauka Poalamaka [Dr. Rookes]
PT 70.2
Kanakabalei, witness: I have known the place since 1832, when Kukini was governor, and have lived with claimant since. Claim got the place from Geo. Woods. Her former husband bought it; there are 4 houses on it; I live there and 3 are claimant's. Kinimaka confirms. Freedioll voted 22nd Dec.

NT 386.2 November 22, 1847: [after SN dates.]

Kaneapoa [Kanekapole] witness: "When Kukini came to live at the fort (1821) was the time I saw Leoliki living there where she has lived to this time and her interest [right/interest] was from G. Wood. Property is enclosed and there are four houses there. This place had been bought by Leoliki's husband named Capt. Buckle."

Kinimaka witness: I have known this place just as Kanekapolei.

LCA 611

(RP 87) Fort St., Honolulu 0.24 ac/1 ap.

(Aw. Bk. 1:576; Index 352)

Dress Map between Beretania and Hotel Sta.

192: See Kanaka (1961, Ruling Claims pp. 280-281) for Leoliki and Capt. Wm. Buckle

PROBATE 322 (1st CC) Leoliki, w., died March, 1848.

Will dated May 16, 1848 left her property to Ulama [William Buckle] and Kapahukuhup, "he makahina to be below them" [he hoolii pono nei a 'u i kun man leiki i rau hoolii pono no'o... o Ulama a me Kapahukupu a o ka makahina naole o luna...]

Court proceedings May 15, 1848: Kaha, w., sworn, knew Leoliki... knows that Leoliki had one son at heir named Ulama, that she also had an adopted son named Kapahukupu; that she understood the property was to be divided equally between them. Leoliki designated Kapahukupu and Kaha [the "makahina" in her will] as Administrators of the will. Court confirms this appointment.

Deed Feb, 21, 1850, B 12 p 343: William Buckle [son of Leoliki] to R. C. Wardenman:

"I the undersigned sold all my right, etc., to Kapalai for a consideration of $100.00."

(Signed) William Buckle and Malana, his wife.

LOE (w)

MAHILEBLE BOOK 130-131 (136-137)

Reclaimed:

Apualei, abp., Kohala, Hawaii
Opana, abp., Hilo, Hawaii
Kupaianahau, abp., Hilo, Hawaii
Waiapuni, abp., Kau, Hawaii

Received:

Holualoa, abp., Kona, Hawaii

Claim 7228

NR 305.5 Honolulu February

PT 457.10 "True copy" of Mab

Signed by

LCA 7228

(RP 7289) Holualoa 4, Kona
(Aw. Bk. 10:466; Indices

PROBATE 559 (1st CC) Lee, w. Of mesne of. In Honolulu. She was Letter of Administration petih by Kinimaka. Kanakabaleiabaliwai

poycic, true children, of Kaimama a

haini.

The property consists of alalua pahale.

In file is a document addressed supreme court, from the children-asking Lee to allow them to appear witnesses, because they are afraid

Nahalei, w., witness: Lee st
Kinimaka, and he was to have car to go to her two children Isaac and when Lee died; Kanakabaleiabaliwai

Lee's. Lee owed the land in K belonged to her husband Kaimama. it from the king. She had no hou some clothes, no cash.

Kiwi, witness: Lee died of Kinimaka in Honolulu; on the 10 will, bequeathing "my personal

Holualoa, is to go to you [Kinimaka care of it, and on your death it is

Hanalei, sworn: I knew Lee

manhood left from the King; it i
<table>
<thead>
<tr>
<th>LOCATION</th>
<th>NAME</th>
<th>RELATION</th>
<th>PERSONAL DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A. A. Yee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Chong E.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>T. P.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>B. L.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>I. O.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>M. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>T. G.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>T. T.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name of Institution</td>
<td>Occupation, Trade, or Profession</td>
<td>Education</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------------------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
<td></td>
</tr>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
<td></td>
</tr>
</tbody>
</table>
Samuel McClay, secretary and assistant manager of the Bergstrom Music Co., Ltd., has held the position since 1931, when the firm was incorporated. Born in Scotland, he came to the United States when a child, and until removing to Hawaii in 1919 was affiliated with various firms on the mainland. Entering business life in 1901, he was employed for five years by the Hanover National Bank in New York City, advancing from office boy to bookkeeper.

Going to Los Angeles in 1905, Mr. McClay was engaged as a bookkeeper with Cunningham, Curtis & Welch for one year, from 1906 to 1907 he worked for the Southern Pacific Railroad Co. at Sacramento in a similar capacity and during the fourteen years following he was affiliated with Siler’s Music House and Kahler & Chaise in San Francisco.

Born in Falkirk, Scotland, Oct. 21, 1884, Mr. McClay is the son of John and Margaret (Stevenson) McClay. He received his education in the schools of New Jersey. Mr. McClay and Elizabeth Anderson were married in San Francisco, April 10, 1919. They have one daughter, Emily Stevenson McClay. Mr. McClay is a Mason and a member of the Honolulu Chamber of Commerce.

William Henry McClellan
Business Executive

William H. McClellan, with the Honolulu Iron Works for more than a quarter of a century, is manager of the corporation’s plumbing supply department and in a long public career has served Honolulu on the board of Supervisors continuously since 1919 with the exception of one term, 1915-16. During his incumbency he assisted in the framing of the Plumbing Code, the first sanitary regulations for the city of Honolulu. He was a member of the territorial Board of Harbor Commissioners from 1919 to 1933.

Joining the Honolulu Iron Works in 1899, Mr. McClellan held the position of auditor clerk and salesman, and in 1906, when a new system was installed in Honolulu and the company established a plumbing supply department to meet the requirements of local trade, he was placed in charge of it and developed it into an extensive business.

Before coming to Honolulu he was employed for 11 years by the firm of Dushman, Carrigan & Hayden in San Francisco, where he began as an elevator boy when 15 years old.

Born in San Francisco, Nov. 30, 1870, Mr. McClellan is the son of John and Katherine (Gosney) McClellan. His education was obtained in the San Francisco public schools. In 1896 he married Emma k. Clark of Honolulu and they have nine children, John, Emma, Fred, George B. Louis Pichon, Thelma, William, Mary and James McClellan.

Mr. McClellan is a past exalted ruler of Honolulu Lodge No. 618, B. P. O. E., and a member of the Owls.

Daniel Frederick McCorriston
Department Manager

Beginning at the age of 18 with M. S. Gribben & Co., Ltd., a wholesale hardware concern and later L. B. Steiner & McCorriston has been...
TO THE SANDWICH ISLANDS ON H.M.S. BLONDE

ROBERT DAMPIER

edited by
PAULINE KING JOERGER

THE UNIVERSITY PRESS OF HAWAII
For Friends of the Library of Hawaii
HONOLULU 1971
men fell in this fray, a far larger proportion than what is mentioned in Vancouver's voyages. We were then shown the Morosi, which is now partially pulled down, where Cook's body was cut up & burned. Many of the bones were carefully preserved, & considered by the natives as the most sacred relics. The burning of the body was an accustomed funeral rite paid to the highest deceased chiefs.

With the death of Cook, vanished the hostility of the islanders, & Nahi assured us that they regretted exceedingly what they had done. They even now look upon this event as a sort of national stigma upon their character & generally endeavour to evade all conversation relating to it.

On the next day the Governor John Adams or Coquisi [Kakini], came on board to breakfast. This man is about six feet four inches high, & weighs 18 stone [332 pounds], and is certainly in every sense one of the greatest rogues that the island produces.

On the second morning after our arrival, a party was formed to visit a celebrated Morosi, still existing in the neighbourhood, & the only building of the sort which has not been ransacked & despoiled. Indeed, so sacred has this Morosi been held in the estimation of the natives, that no white man before our arrival had ever by his presence profaned its threshold.

About a dozen of us accompanied John Adams & Nahi, who had been commanded by Karaimoku to allow Lord Byron & any he might choose to bring with him, free admittance to this pagan sanctuary.

After rowing round one of the points forming the bay of Karakao, the Morosi suddenly opened upon our view: it was very prettily situated on the banks of a winding creek, & in the neighbourhood of a grove of coconut trees.

The exterior appearance of the building itself, was preciously like the large huts of the superior chiefs. This was encircled by a strong Palisade of trunks of coconut trees.

The fence formed a sort of court yard round the Morosi. Here in all directions were planted rude looking carved wooden images, of all shapes & dimensions, whose misshapen forms & hideous countenances, exhibited a most gruesome spectacle. The Sandwich Gods, like most of the Deities revered by barbarous nations, are remarkable for their extreme ugliness & disproportions, the head being invariably four or five times as large as the rest of the body. Almost all the figures exhibited the same attitude; one however, I remarked tolerably well cut out, bearing a child in its arms. Added to these Deities were several long poles, on the tops of which were also carved small figures.

Immediately before the Morosi outside of the Palisado, a solitary Deity remained, sitting I suppose as a sort of sentinel.

We now passed thru a low aperture into the interior. Here a spectacle extremely astonishing, presented itself to us.

On one side were arranged a great number of feathered Gods, protruding their misshapen heads thro' numberless folds of decayed Tape.

Under these were deposited the bones of mighty kings & potent warriors, Sandwich heroes of other days, who once revered & worshipped these grim looking Gods as their Penses. Here were also carefully preserved the different weapons, used in warfare by these mighty chiefdoms, as also various articles of their dress, together with an infinite collection of antiquated rubbish, the superstitious offerings of these infatuated islanders.

An old Priest, the Guardian of these relics, still looked upon each of these grim looking Deities with the utmost veneration; when therefore it was made known to him that Lord Byron had procured Pita's consent to possess himself with the persons of so many Gods as he desired, the old man indignation at this sacrilegious rape became very apparent. He was obliged, however, to submit. I had begun to sketch the inside of the Morosi, having already finished one of its exterior appearance, when the rageous inclinations of our party, suddenly began to manifest themselves. I threw aside my pencil, & regardless of the divine punishment attending such shameless sacrilege, took ample share in the depopulation of this ancient sanctuary.

Two frowning Gods, about twelve feet high, stood exactly opposite the door, at the feet of these the natives were accustomed to lay their offerings; these were quickly plucked up by the roots, & sent down as prizes to our boats.

I succeeded in appropriating to myself, a beautiful spear, (probably the mighty Pelian lance of a second Sandwich Achilles) a couple of...
Gods, & a few other curious articles within my reach, & so all the other visitants were equally piously inclined, nothing worth having remained, with the exception of the range of feather'd Idols, to which were attached the royal bones. These, the old Priest determined to rescue from the general devastation, & resolutely refused to allow such sacred relics, to pass his threshold. Having thus gratified our curiosity, we returned on board, laden with the spoils of our heathen temple.

We remained at Karakakoos, four days, a space of time quite sufficient to explore everything of note, in its vicinity. As the scene of Capt. Cook's past exploits & death, it was a place to us all peculiarly interesting. To the memory of this zealous & ill fated officer Lord Byron determined to erect a sort of monument.

Having by chance a tolerable engraver on copper on board the following inscription

SACRED TO THE MEMORY OF CAPT. JAS. COOK, R.N. (WHO DISCOVER'D THESE ISLANDS IN THE YEAR OF OUR LORD 1778, THIS HUMBLE MONUMENT IS ERECTED BY HIS COUNTRYMEN IN THE YEAR OF OUR LORD 1825.)

was cut out upon a piece of this metal, which being firmly let into a block of wood about ten inches long was affixed to another piece forming a cross about ten feet high. This monument, the only thing of the kind within range of our ability to execute during our short stay, was placed on a hill in the centre of the ruins of the Morii, the spot upon which Cook's body was cut up & burned. It may distinctly be seen by vessels when entering the harbour.

It appears astonishing that Cook should have remained so long in the harbour of Karakakoos, without attempting to explore the neighbouring islands in search of a better anchorage.

Its appearance is most sterile & uninviting & water is not to be procured except by sending five miles into the interior for it: added to this, such vast chains of lava are dispersed thro' the district that ground for cultivation is so scarce, as frequently to produce severe famine in the neighbourhood.

I saw very few good looking natives. Our treatment from Nahe, was more cordial than any thing we had previously met with. He loaded us with curiosities, provisions we had no need of, & seemed much concerned when the moment of departure arrived. The unwieldy pudding headed John Adams, was the exact reverse: on the morning of our departure, he actually came on board, bringing tippets, & other curiosities, for which he demanded a most exorbitant price.

We felt so indignant at his mercenary views, (accustomed so long to receive gratis, from the hands of these people,) that we soon handed our sat friend over the side, somewhat to his mortification and disappointment.

At midnight on Sunday, the 18th we bade adieu to the Sandwich Islands, & our determination was then to proceed direct to the Society Isles. We had originally supposed that our stay with our Sandwich friends, would have been of much greater duration; fortunately, circumstances were so happily combined, as to reduce this time to a month less than we had expected.

We arrived amongst these tawny islanders at a most auspicious moment: by our weight & remonstrances, we thoroughly succeeded in establishing, & strengthening the young King on his throne. Pitt was restored to good health, & the nation, by the skill of our Surgeon, & Lord Byron by his unceasing & proper management acquired the entire goodwill & friendship of the natives, who on all occasions were exceedingly accommodating, & loaded our ship with supplies of every description. Mr. Maiden, soon accomplished his task in the surveying department, which was another motive for abbreviating our stay.

Certainly no ship will hereafter visit these Islands, under such advantageous circumstances as the Blende, & in taking a retrospective view of their attentions to us during our stay amongst them, I think as a nation they have exceeded in gratitude, goodwill, & liberality, our most sanguine expectations.
RULING CHIEFS OF HAWAII

Severely had this excitement died down when Ka-ahu-maua's stepson Ke-Wi-kumakani on Mau'i, ran away with that mischievous girl Ke-kumu-kohali, but angry as Ka-ahu-maua was she said nothing to this match because of the affair with Kia'a. It was not until Kia'a became pregnant with her first child that Ka-ahu-maua became reconciled to what had taken place. At his birth she herself took charge of the infant, who was named Daide Kamehameha. A second grandchild whom she had charge of at this time was Ruth Ke-eli-kohali.

After the king's return from Waialua, Boki set the whole district of Hana, headed by Kanu-pa-ia, sailing posts and raiders for a new king's house, afterwards called "The-forn-house" (Ke-hale-akea) because it was first covered from the top of the roof to the posts with shake ferns tied down neatly inside, and then thatched outside with grass. About the time that the king went to live in this house, a Russian warship bearing a kind letter from Alexander of Russia arrived in the harbor and anchored in laka with the warship Kamehameha. . . . In this year Lahaina was fired upon by a British warship commanded by Captain Clark, and the broadleaf trees were broken by the shot; the people retreated into the valleys of Kamehamea, Kamau, and Kahouma. . . . In the same year there came up to John Jones's wharf a British vessel commanded by a captain blind in one eye. He brought as a great curiosity two human heads belonging to two Maori chiefs, which had been cut off during the war being carried on at that time between the British and the New Zealanders. (These heads had been) preserved in alcohol in such a way as to show their handsome features, dark tattoo prints on the cheeks, and fine long hair.

In this same year the Rev. William Richards was brought to Honolulu to be tried as a complaint of Captain Boki, commander of a British whaler, the same Boki who had commanded the ship that took Liholiho and his company to England. Captain Boki had on former occasions found the natives living in ignorance. The sailors used to pay for women with a piece of cloth, a small mirror; a pair of shoes, beads, a small piece of steel, a plug of tobacco, or a small coin; and for these things the women paid venereal disease which left them with red welts. At the time when Mr. Richards came to live in Lahaina the pious chiefs Ko-opo-o-lani died, but Hono-pili and his wife and other prominent chiefs and consumers had become converted and looked upon Mr. Richards as a father. When he taught them that it was wrong and against the will of God to thus prostitute themselves they listened to him and made laws against these practices for the protection of the island. The whole tribe came in (at Lahaina) and found that they could no longer have women, and the captains began to abuse the missionaries. In 1826 Captain Boki's ship arrived and when he heard of the prohibition he said, "It is a missionary law and a missionary task," but when he tried to test it out and allowed the men ashore, they found that it was indeed a fact. The men therefore resolved to wait until dark and then go and tear down the houses and beat up Mr. Richards, but the chiefs and people guarded him night and day. When Mr. Richards wrote Captain Boki complaining of this abuse and requesting him to prevent it, Captain Boki replied that if he would give women to his men there would be peace in Lahaina. To this Mr. Richards would not consent, and Captain Boki was compelled to purchase outright a woman named Leo-ia, whom he took with him to Cahu.

In October, 1827, Captain Boki received a letter from a brother in England who wrote, "A story has appeared in the papers here telling of your improper action toward Mr. Richards and how you purchased a woman of Maui with gold money." Unable to cover this shame, Captain Boki tried to ruin Mr. Richards and made charges against him to the British consul in Honolulu, Mr. Richard Charlton, accusing Richards of theft. Mr. Charlton joined him in the charges. What was the attitude of the American consul? This same Jones had many times more than four wives, yet he walked the street with his silk top hat set on the side. He was known to be against the missionaries, and some of the foreign merchants and the deputy American consul, Mr. Stephen Reynolds (Laua), the white-haired American, were with him in this opposition. Mr. Charlton made complaint to Boki, Ke-kumu-kohali's successor, and Boki, who was the king's premier, and Mamin, who was in charge of the fort on Oahu, took the part of the consul. Boki had questioned John Young as to Mr. Richards' guilt and Young had shaken his head and smiled. "England is very big to offend; a l疏sian letter is very wrong," Boki therefore informed Ka-ahu-maua and the king of Young's answer and they too and the chiefs decided that Richards must be in the wrong. The chiefs therefore wrote to Maui, "You chiefs of Maui, greetings to you. If Captain Boki, Captain Clark, and the British consul come to get your teacher let them have him. It is a foreigner against a foreigner; let them have it out between them." The chiefs of Oahu were willing to place Mr. Richards in the jaws of the shark.

Ka-ahu-maua was like a mother to the people of that community, and the missionaries and their teaching were like her beloved children. Her loving arms were given over the children against one she loved, and

* Ke Hapahe Ewaheye, May 13, 1829.

* Ke Hapahe Kualii, May 30, 1829.
At noon of the day following David Malo and Ka-ai-manu (son of King Lunalilo) met Ka-a-ha-mu, Hae-pil, and Ka-ke-a-e-ini in secret in one of the rooms of the Council House, which they entered by a private entrance. Ka-a-ha-mu addressed David Malo while his tears flowed, saying, "Ah! I see no way to save our teacher. Young and Bold both say that he is guilty of writing to America." Malo replied, "Is that what he is accused of?" Yes. "How then can you condemn yourselves?" (Malo exclaimed) They say it is wrong to worship God, and all right to learn writing, and now they say it is all wrong for Mr. Richards to write a letter." Again Malo asked, "Suppose you had a sheep stolen, and someone one should inform you who had stolen it, who would be to blame, the one who stole the sheep or the one who told you who was the thief?" "The one who stole it." "You were Kamehameha's wife and Ka-a-ha-mu forced you to sleep with him. Ladehale informed Kamehameha. Now, I ask, which of the two did Kamehameha execute? Was it Ladehale?" "It was Ka-a-ha-mu." "Is there any country in the world where the wrongdoer is commended and the informant against whom he pronounced guilty?" "Nowhere!" Light was fast beginning to break upon the chiefs' minds. Malo continued, "Why should Mr. Richards be convicted and Captain Biddle who committed wrong go free?" "It is plain to me that Mr. Richards is in the right and we have been very ignorant," Ka-a-ha-mu exclaimed. She then went before the chiefs and presented her views.

The next day the king, Bold, Manania, Ka-a-ha-mu, the British consul, and Captain Biddle presented themselves all dressed in gold-trimmed uniforms. When Manania urged Mr. Richards' imprisonment within the fort, and Bold and the consul also urged this upon the Council, Ka-a-ha-mu spoke up and said, "The chief have consulted about the charge against Mr. Richards, who has been brought to trial by the British consul having an affair which committed against a British subject within the kingdom of Hawaii. This is our decision: Mr. Richards is not guilty of the charge made; he is innocent and we release him." The queen by this decision made enemies for herself of the council as the foreign merchants and of Bold and Manania of her own people. Manelia and the consul went out shaking their heads and waving their swords in the air, and the captain retired crestfallen. The two captains who had fired on Lahaina became Ka-a-ha-mu's worst enemies. The consul beat up one of his keepers who had chased away the consul's cattle which ran wild all the way to Po'oula and were eating Ka-a-ha-mu's plantings at Kapukoa near Lahaina. This man, Kamakau, was raped about the neck by the consul and dragged behind his carriage, tossed up and down all along the planks, his chin and toes broken, and was only saved from being killed by getting his hand inside the moon. Englishmen are certainly oppressive to the weak! I saw the missionaries alone who suffered but the Hawaiians much more...

I have seen with my own eyes the bands of the New Zealand chiefs dropped into the sea at the wharf near Kapaahua. In honor of John Jones, known to the Hawaiians as Malo, and the husband of Kaufana, threw the water in which those boats had been washed at the people who came to look at the ships. A very great act!

On March 30, 1825, a three-masted ship anchored in the harbor bringing a second reinforcement of missionaries together with some Hawaiians who had been educated through the kindness of the American people. The missionaries included the Rev. E. W. Clark (Kalane), the Rev. P. J. G. Jollie (Kalua), the Rev. Jonathan S. Green (Kurina), the Rev. Lorrin Andrews (Kamakau), Mr. Gerrit P. Judah (Kamakea), a physician, Mr. Shepherd (Kapale), a printer, their wives, and a single woman, Miss Maria Ogden. There were others who later went as missionaries to the Rocky Mountains in Oregon. The Hawaiians were John Pala, Haha, Ka-a-ha-mu, Uma-ma, and Ka-a-ha-mu. Some of these assisted the missionaries and others lived here and any of the people. John Pala became a favorite with Bold and married the daughter of George Holmes and Mrs. Pala.

A few months later the king, accompanied by his chiefs, Bold among them, his Wahamen, and sailors, went to Hawaii on his worship Kamehameha, attended by other vessels, for his first visit to that island since leaving it for Honolulu. At Lahaina they were well received and met Nahiona, Ka-a-ha-mu, Hae-pil, Ka-ke-a-e-ini, and all the other chiefs of that place. Here they witnessed a tragic occurrence: a man was out surf riding at 'Uo was killed by a shark which bit off

* This story is in Bishop 14, pp. 149-150, and Henry 27, pp. 225-230.

† See Roberts, 14, June 6, 1826.
A Dictionary of Hawaiian Legal Land-Terms

compiled and edited by
Paul E. Nahoe Lucas

Published by
Native Hawaiian Legal Corporation
University of Hawai‘i Committee for the Preservation and Study of Hawaiian Language, Art and Culture
kahua o he kiho (kahua o he kiho). Personal guardian.

kahua waikā (kahua waikā). Trustee, executor; custodian of wealth or property (AP).

kahaulu (kahaulu). A flat elevation on a mountains trail used as a resting spot (AP).

kahawaili (kahawaili). 1. One who has the charge or oversight of the division of water (AP). 2. Water superintendent.

ka (ka). 1. Sea or salt water. The sea; sea water; a flood (AP). 2. Sea, sea water, area near the sea, seaside, lowlands (PE).

ka lāhaki (ka lāhaki). 1. Sea that extends inland and is almost surrounded by land (SMK). 2. Sea almost surrounded by land (PE).

ka lī (ka lī). 1. Area where sea flows into a loko lā (SMK). 2. Flowing sea, especially one that goes through a sluice gate into fish ponds (PE).

ka ala (ka ala). Sea area for trolling for fish.

ka boolea (ka boolea). See, ka pū‘ōhe‘o (SMK).

kahua (kahua). 1. A cultivated piece of ground; on wet land the word designates the borders of two patches (AP). 2. Cultivated patch; break of a two patch (PE). Also, kahuna and makaia (OHH).

kahaina (kahaina). 1. The younger of two or more persons of like sex and of equal age (AP). 2. Younger sibling or cousin of the same sex of the junior line whether older or younger (PE).
housed the royal caskets. King Kamehameha IV was the first to be entombed there, and at the same night the coffin of the little prince was brought to lie beside his father. Out of respect to Queen Emma, building of the three other wings which formed a cross was delayed a year. When the building was completed, eighteen coffins of kings and chiefs were taken from the royal burial site on the Palace Grounds to the mausoleum in the dead of night, according to the Hawaiian custom.

Two years later Bernice Pauahi Bishop died, and her husband built a separate underground vault for the Kamehameha dynasty. Again the caskets were transferred during the night-long ceremony. In 1910 the legislature appropriated money for the Kalakaua tomb, and the family caskets were removed midst chants and singing during the night.

Queen Liliuokalani suggested converting the empty mausoleum into a house of prayer, and this was finally accomplished in 1923. The beauty of the interior lies in the outstanding bas panelling and altar and the black kahili and tabu sticks which stand as sentinels. There are pews on three sides and the chancel marks the east wing.

To the rear of the chapel is the grave of John Young, advisor to Kamehameha I.

The tomb of the Kamehamehas contains all the line except, of course, the remains of Kamehameha I. Charles Reed Bishop, widower of Princess Pauahi, died in 1915 and was the last of twenty-four to be buried there; the tomb was then permanently sealed. A separate headstone adjoins the Kamehameha tomb and commemorates the memory of that great philanthropist and businessman, Charles R. Bishop.

Friends of the Kamehamehas built a vault to house the remains of nine people who were either related or closely connected to the Kamehamehas. It was named for Robert C. Wyllie, minister of foreign affairs, and a man who wielded great influence in Hawaiian history.

The underground tomb of the Kalakaua line in the form of a Greek cross is marked by a twenty-three foot marble shaft. The west arm contains a flight of nineteen steps which descend to the entrance, and the other three wings have space for twenty crypts.

Sunlight filtering down through the cement walls spotlights the white marble of the east wing where King Kalakaua and Queen Kapiolani lie. Two busts of the King, one in his navy uniform and the other in a feather cape, stand in front of the crypt and opposite two black kahili. On either side lie members of their families including Queen Liliuokalani and her husband, John Owen Dominia, and Princess Kaiulani and her parents.

David Kalakaua Kawananakoa, affectionately known as "Koke", and the last male of the line, was buried there in 1955, as was his father and mother before him. He was a heavy set man, and his pall bearers showed the great strain of carrying the weighty bronze casket down the steps and placing it in the vault. His funeral marked the end of an era, and every Hawaiian organization was represented in full regalia to honor their ali'i.

His mother, Princess Abigail Kawananakoa, unofficially reigned as ali'i to the Hawaiian people and guarded their rights and welfare. Widowed at an early age, she was a woman of great charm and beauty and admired for her brilliant mind and sharp wit in the Islands as well as Washington, D.C. Her large home lent itself to magnificent Hawaiian banquets. She personally chose the Hawaiian entertainers for authenticity, quality and beauty. According to Hawaiian legend, a school of red fish entering Honolulu harbor predicts the death of an ali'i, and so it was the day she and President Roosevelt died in 1942.

Leaving this hallowed ground with its poignant royal history can mean a difficult transition back to reality and the outside world.

Foster Gardens
Just a few blocks from the center of downtown Honolulu and adjoining a busy freeway, Foster Gardens is a
The Royal "Mauloa", where Hawaiian sovereigns and high chiefs were buried.

Haile Yardley
Hawaii Island and Tides
The University Press
Hawaii, 1915
Pages 280-283 of Samuel M. Kamaka, *Ruling Chiefs of Hawaii*, Rev Ed, Kamehameha Schools Press, 1961, tell the story of Leolilo, Capt. Buckle and Rev. William Richards. Bold and Manuola wrote that the Maui chiefs should let the British Consul have Richards. However, Kashumanu called the chiefs of Maui, Hawaii and Kauai to a council of chiefs in Honolulu where David Malo pointed out that Richards was innocent. Again a council of high ranking chiefs made critical decisions.

In the *Journal of William Ellis* by William Ellis, Charles E. Tuttle Company of Rutland, Vermont, 1979, page 308, again shows that decisions of the king were made by consultation with the chiefs.

Consultation on matters of import occurs amongst the chiefs, the highest ranking all. This is imbedded in our Hawaiian psyche and has carried down to modern times. To create regulations for Maua Ala we should have a council of fifteen of the highest ranking all gathered from all islands to make decisions.

The Office of Hawaiian Affairs would facilitate the council and the Oahu Burial Council.

Lela Malina Hubbard
Alee, Hawaii
June 18, 2013
RULING CHIEFS OF HAWAII

Scarcey had this excitement died down when Ka-a'-ah-maun's stepson Ca-li-ehonui, on Maui, ran away with that richest man Ke-ha-a-nihi, but angry as Ka-a'-ah-maun's was she said nothing to this match because of the affair with Kau'a. It was not until Kau'a became pregnant with her first child that Ka-a'-ah-maun became convinced to what end these things were going. At his birth she herself took charge of the infant, who was named David Kamamalu. A second grandchild whom she had charge of at this time was Ruth Ke-i-hale."n

After the king's return from Waihina, he set the whole district of 'Ewa, headed by Kaau-pa-an, bustling and rafters for a new 'onoa house, afterward called "The fern house" (Kaua-hale-o-theke) because it was first covered from the top of the roof to the posts with alaka'i fern tied down neatly inside, and then thatched outside with grass. About the time that the king went to live in this house, a Russian warship bearing a barked letter from Alexander of Russia entered the harbor and anchored in line with the warship Kamamalu. In this year Lahaina was visited by a British warship commanded by Captain Clark, and the broadfruit trees were withered by the smoke; the people retreated into the valleys of Kaua'a, Kanaha, and Kahanu. In the same year there came up to John Jones's wharf a British vessel commanded by a captain blind in one eye. He brought as a great curiosity two human heads belonging to two Maori chiefs, which had been cut off during the war being carried on at that time between the British and the New Zealanders. These heads had been preserved in alcohol in such a way as to show their handsome features, dark tattoo prints on the cheeks, and fine long hair.

In the same year the Rev. Williams Richards was brought to Honolulu to be tried on complaint of Captain Buckle, commander of a British whaler, the same man who had commanded the ship that took Liholiho and his company to England. Captain Buckle had on former occasions found the natives living in ignorance. The sailors used to pay for women with a piece of cloth, a small mirror, or a pair of earorn, beads, a small piece of steel, a plug of tobacco, or a small coin; and for these things the women paid in various dimes which left them with red scalps. At the time when Mr. Richards came to live in Lahaina the pious chiefess Ke-ope-o-lani died, but Eia-pili and his wife and other prominent chiefs and commoners had become converted and looked upon Mr. Richards as a father. When he taught them that it was wrong and against the will of God to thus prostitute themselves they listened to him and made laws against these practices for the protection of the island. The whalehips came in (at Lahaina) and found that they could no longer have women, and the captain began to abuse the missionaries. In 1826 Captain Buckle's ship arrived and when he heard of the prohibition he said, "It is a missionary law and a missionary taboo," but when he tried to test it out and allowed the men shore leave, they found that it was indeed a fact. The men therefore resolved not to wait until dark and then go and tear down the house and beat up Mr. Richards, but the chiefs and people guarded him night and day. When Mr. Richards wrote Captain Buckle complaining of this abuse and requesting him to prevent it, Captain Buckle replied that if he would give women to his men there would be peace in Lahaina. To this Mr. Richards would not consent, and Captain Buckle was compelled to purchase outright a woman named Lii-a, whom he took with him to Oahu.

In October, 1827, Captain Buckle received a letter from a brother in England who wrote, "A story has appeared in the papers here telling of your improper action toward Mr. Richards and you purchased a woman of Maui with gold money." Unable to cover his shame, Captain Buckle tried to ruin Mr. Richards and made charges against him to the British consul in Honolulu, Mr. Richard Charlton, accusing Richards of libel. Mr. Charlton joined him in the charges. What was the attitude of the American consul? This same Jones had many times more than four vixens, yet he walked the streets with his silk top hat set on the side. He was known to be against the missionaries, and some of the foreign merchants and the deputy American consul, Mr. Stephen Reynolds (Lama), the white-haired American, were with him in this opposition. Mr. Charlton made complaint to Ca-li-ehonui's successor, and Buckle, who was the king's premier, and Manoa, who was in charge of the fort on Oahu, took the part of the consul. Buckle had questioned John Young as to Mr. Richards' guilt and Young had shaken his head and answered, "England is very big to offend; a libelous letter is very wrong." Buckle therefore informed Ka-a'-ah-maun and the king of Young's answer and they too and the chiefs decided that Richards must be in the wrong. The chiefs therefore wrote to Maui, "You chiefs of Maui, greetings to you. If Captain Buckle, Captain Clark, and the British consul come to get your teacher let them have him. It is a foreigner against a foreigner; let them have it out between them." The chiefs of Oahu were willing to place Mr. Richards in the jaws of the sharks.

Ka-a'-ah-maun was like a mother to the people of that community, and the missionaries and their teaching were like her beloved children. Her heart was grieved over the charges made against one she loved, and

* Ei Kea-eho, Kaua'a, 1827.
her tears fell. Nor was she pleased to have her enemies act according to their own will. She therefore wrote to the chiefs of Maui, Hawaii, and Kauai to come together in Honolulu, and some of the church people also accompanied Mr. Richards. A council of chiefs was held at the king's home at Punalaua to decide whether Mr. Richards was guilty or not. They were ignorant of the English law in the matter. They knew that when a man committed murder he forfeited his life. If Mr. Richards were now to die for this crime it was a
ploy. For two days they deliberated but could find no way to save Mr. Richards from being put to death, since both John Young and Bold had pronounced against him. The government had at that time no constitution authorizing a legal trial with witnesses presented on both sides to decide such a question, hence their uncertainty.

At noon of the day following David Molo and Ka-wualua [father of King Lunalilo] met Ka-ahu-mami, Hoa-pili, and Ka-le-ahu-oli in secret in one of the rooms of the Council House, which they entered by a private entrance. Ka-ahu-mami addressed David Molo while his tears flowed, saying, "Alas! I see no way to save our teacher. Young and Bold both say he is guilty of writing to America." Molo replied, "Is that what he is accused of?" "Yes." "How those foreigners contradict themselves! [Malo exclaimed] They say it is wrong to worship God, but all right to learn writing, and now they say it is all wrong for Mr. Richards to write a letter." Again Molo asked, "Suppose you had a spear stolen and some one should inform you who had stolen it, who would be to blame, the one who steals the spear or the one who told you, who was the thief?" "The one who steals it." "You were Kamehameha's wife and Ka-ahu-mami forced you to sleep with him. Luluhia informed Kamehameha. Now, I ask, which of the two did Kamehameha execute? Was it Luluhia?" "It was Ka-ahu-mami." "Is there any country in the world where the wrong doer is commended and the informer against him pronounced guilty?" "Nowhere!" Light was fast beginning to break in upon the chiefs' minds. Molo continued, "Why should Mr. Richards be convicted and Captain Bickle who committed wrong go free?" "It is plain to me that Mr. Richards is in the right and we have been very ignorant." Ka-ahu-mami replied. She then went before the chiefs and presented her views.

The next day the king, Boki, Mammis, Ka-ahu-mami, the British consul, and Captain Bickle presented themselves all dressed in goldtrimmed uniforms. When Mammis urged Mr. Richards' imprisonment within the fort, and Boki and the consul also urged this upon the Council, Ka-ahu-mami spoke up and said, "The chiefs have consulted about the charge against Mr. Richards, who has been brought to trial by the British consul because of an alleged wrong committed against a British subject within the kingdom of Han

The queen by this means and the consul beat out one cattle which refused "ahu-mami's planting kahiuine, was riped carriages, turned up broken, and was on the nose. English missionaries ab

On March 30, fol

* This story is by

1 Ho Iolani K.C.
r years fell. Nor was she pleased to have her enemies set according to her own will. She therefore went to the chiefs of Maui, Hawaii, and told them to come together in Honoulu, and some of the church people also accompanied Mr. Richards. A council of chiefs was held at the king's house in Lahaina above the house of Ke-ku-ke-ua to decide whether Mr. Richards was guilty or not. They were ignorant of the English law


to them. They knew that when a man committed murder he forfeited his life. If Mr. Richards were now to die for this crime it was a sad story. For two days they deliberated but could find no way to save Mr. Richards from being put to death, since both John Young and Boki had sworn against him. The government had at that time no condition concerning a legal trial with witnesses presented on both sides to decide such a question, hence their uncertainty.

As soon as the day following David Malo and Ka-a-uma (father of living Lomahii) set Ke-'u-ke-ua's, Haa-pili, and Ke-ku-ke-ua in secret one of the rooms of the Council House, which they entered by a rear entrance. Ke-'u-ke-ua addressed David Malo while his tears were said, "Aha! I see no way to save our teacher. Young and Boki say he is guilty of writing to America." Malo replied, "Is that what I am accused of?" "Yes." "How then can they contradict themselves? Malo exclaimed!" They say it is wrong to worship God, but all right to say writing, and now they say it is all wrong for Mr. Richards to write letters." Again Malo asked, "Suppose you had a spoon stolen and some one should inform you who had stolen it, who would be to blame, the one who stole the spoon or the one who told you who was the thief?" The one who stole it. 

"You were Kamehameha's wife and Ke-ke-ke-ua forced you to sleep with him. Lahaina informed Kamehameha. "Oh, I ask, which of the two did Kamehameha execute? Was it Lahaina?" "It was Ke-ke-ke-ua." "Is there any country in the world where as wrongdoers are condemned and the informer against him pronounces guilty?" "Nowhere!" Light was fast beginning to break in upon the darkened mind. Malo continued, "Why should Mr. Richards be convicted of Captain Bock's who committed wrong free?" "It is plain to me that Mr. Richards is in the right and we have been very ignorant," Ka-a-uma replied. She then went before the chiefs and presented her views.

The next day the king, Boki, Maulua, Ke-ku-ke-ua, the British consul, and Captain Bock presented themselves all dressed in gold-trimmed uniforms. When Maulua urged Mr. Richards' imprisonment within the court, and Boki and the council also urged this upon the Council, Ke-ku-ke-ua spoke up and said, "The chiefs have consulted about the charge against Mr. Richards, who has been brought to trial by the British consul because of an altered wrong committed against a British subject within the kingdom of Hawaii. This is our decision: Mr. Richards is not guilty of the charge made; he is innocent and we release him."

The queen by this decision made enemies for herself of the consul and the foreign merchants and of Boki and Maulua of her own people. Maulua and the consul went out shaking their heads and waving their swords in the air, and the captain retired crestfallen. The two captains who had fixed on Lahaina became Ke-'u-ke-ua's worst enemies. The consul beat one of her keepers who had chased away the consul's cattle which remained at large all the way to Pauoa's and were eating Ka-ke-ke-ua's plantings at Kapakahi's canoe. This man, Ke-

kena, was said to have been beat by the keeper and his cattle and his canoe broken and was only saved from being killed by getting his hand inside the canoe. Englishmen are certainly oppressive to the weak! It was not the missionaries alone who suffered but the Hawaiians much more. I have seen with my own eyes the hands of the New Zealand chiefs dropped into the sea at the wharf near Kapaako. In Mr. John Jones' store Mr. George Wood, the husband of Ke-ke-ua, threw the water in which those hands had been washed at the people who came to look at the chiefs' heads. A cruel act!"
The house or front yard of the king or governor is the usual court of justice, and it is sometimes quite a court of equity. Judgment in absentia is given till both parties are heard face to face.

**OYANALS FOR TRYING ACCUSED**

They have several ordeals for trying those accused of different crimes. One of the most singular is the wall hunt, shaking water. A large calabash or wooden dish of water is placed in the midst of a circle, on one side of which the accused party is seated. A prayer is offered by the priest; and the suspected individuals are required, one by one, to hold both hands, with the fingers spread out, over the dish, whilst the priest or the chief looks steadfastly at the face of the water; and it is said, that when the person, who has committed the crime, spreads his hands over the water, the water trembles. Probably conscious guilt, and superstitionstious dread, may make the hands of the culprit shake, and occasion the tremulous appearance of the water in which they are reflected.

No unnecessary delays take place in the redress of grievances, or the administration of justice.

I was once sitting with Kauamoku, when a poor woman came to complain of the chief of her district, who, she said, had kept the water running through his own plantation for several days, while the potatoes and taro in her garden were parched up with drought.

After making a few inquiries, he called Kaulukiki, one of his favourite chiefs, and said, "Go with this woman; and, if the chief has kept back the water, open the channels, and let it flow over her field immediately." The chief girded up his mace, and, followed by the woman, set off for the district in which she resided.

No lawyers are employed to conduct their public trials; every man advocates his own cause, usually sitting cross-legged before the judge; and I have often been pleased with the address of the different parties have displayed in exhibiting or enforcing their respective claims.

**CHIEFS ARE CONSIDERED BY KING**

There is no national council, neither have the people any voice in the proceedings of government. But the king, though accountable to no one for the measures he adopts, seldom acts, in any affair of importance, without the advice of his confidential chiefs. These councillors are in no degree responsible for the advice they give, nor liable to suffer from any conduct the king may pursue. He, however, always pays a deference to their opinion, and seldom acts in opposition to their wishes.

In all matters of importance, it is customary to summon the governors and principal chiefs of the several islands to a national council, when the subject is freely discussed. Their deliberations are generally conducted with great privacy, and seldom known among the people till they are formally announced, when they are promulgated throughout the island by the king's heralds or messengers.

The king's orders direct the governor of the island, or president of the district. Formally a council best a verbal message, now he carries a written despatch.

The office of messenger, as well as that of herald, is hereditary, and considered honourable, as those who sustain it must necessarily have possessed the confidence of the king and chiefs.

**PUBLIC ASSEMBLIES ON NATIONAL AFFAIRS**

Occasionally they hold public meetings for discussing national affairs. These are interesting assemblies, particularly when hostile chiefs, or the agents of opposite parties, meet; national councils, and councils, whose office is also hereditary, are then employed. In general, however, these meetings are convened only for the purpose of promulgating what has been previously arranged between the king and chiefs.

**STATUS OF HAWAIIAN SYSTEM OF GOVERNMENT**

The Hawaiian system of government—whether derived from the country whence the first settlers emigrated, or established by warfare chieftains in a subsequent period of their history, as an expedient to secure conquests, to command the services of their tenants on occasions of war, and to perpetuate the influence which military prowess or success in the first instance has given them, exhibits, in its decided monarchal character, the hereditary descent of rank and office, and other distinguishing features, considerable advancement from a state of barbarism, and warrants the conclusion that they have been an organized community for many generations.

But whatever antiquity their system may possess, they have made but little progress in the art of good government.

**PEOPLE CONSIDERED AS PROPERTY OF CHIEFS**

The well-being of the subject seems to have been but rarely guarded by the rulers, who appear to have considered the lower order in general as a kind of property, to be employed only in promoting the interests of their superiors; and the ardent love of wealth, which is acquainted with the productions of foreign countries has excited in most of the chiefs, has not improved the condition of the people.

**PEOPLE ANXIOUSLY SUBJECT TO CHIEFS**

Industry receives no encouragement; and even those whom nature endow with a larger portion of lan
Open Letter to Mrs. Abigail Kealohi Kawananakoa and All'I Societies
by Adam Keawe Kinai Manalo Camp (Notes) on Wednesday, 8 May 2013 at 18.54.
Open Letter to the Honorable Mrs Abigail Kealohi Kawananakoa:

cc: the Honorable Mr. Quentin Kuhio Kawananakoa;
    the Honorable Mr. Arthur Kinney, Grandmaster of the Order of Kamehameha;
    the Honorable Kahu Maioho, Mauna 'Ala;
    and members of the Board of Land and Natural Resources;

Since you do not speak Hawaiian, I shall greet you in English with the traditional salutation owed to an all'i from another house. From the bones of the bones of my ancestors, to the blood of my blood of my ancestors, may the bones of your line/clan continue to live.

I acknowledge that you are a chief, a member of an illustrious family that goes back the centuries. I also acknowledge the great work that your mother, the late Lili'uokalani Morris, did in restoring 'Iolani Palace given that the Palace almost became a parking lot. It is therefore with great pain and sorrow that I have to read the latest scandal involving you.

Some years ago, an advice was given from your friend, the late and beloved Te Arikinui Te Atairangikaahu, that Polynesians in general, after our experience with colonialism, do not like their chiefs or ariki to be showy yet at the same time they expect their ariki to be involved. Indeed, Polynesians expect much from their all'i because much has been given to them by the community.

Families of Hawaiians who grew up with deep all'i values know that they can not speak against you in public because of wala (lasting shame/breach of protocol). But the latest actions that you have caused has caused wawa (rumblings) and namunamu (gossip) within the community. If we were to speak in terms of traditions, when the people begin to wawa, the chiefs under the all'i rule are justified to bring this matter to the attention of the chief during the Makahiki as the taboo of waia is set aside and should the rumblings continue, one may remember that it was a custom of the people of O'ahu used to burn the houses of the chiefs who had broken their sacred trust relationship with the people they ruled over, as Kamakau and Pukui have noted. I am not in any suggesting burning someone's home, but I am reminding you that the loyalty of the people was not absolute even in the era of traditional chiefs. With any official history, there is always the alternative resistance history.

It is understood that you maintain friendships with people who only whisper honey into your ears and spread sugar across your eyes. But many in the Hawaiian community resent what you have been doing for the last 30 years, not out of jealousy but because you give them much to criticize and lament. I remember the incident when you sat on the throne at 'Iolani Palace and the late Jim Bartels told you to get off. Since a breach of protocol had occurred, Bartels had resigned. When the docents rebelled against you and you mishandled the press, you
by the ali'i themselves as well? If the people loved you, they would offer you a spot on the sacred earth of Mauna 'Ala.

Furthermore by taking the course of actions you are undertaking, you are opening a wind gourd of trouble. There are literally tens of thousands of descendants of Kamehameha the Great—myself included. There are hundreds of descendants of Kaumuali'i. Any of these descendants could use your actions as a precedence to go before the Board of Land and Natural Resources for permission to be buried at Mauna 'Ala which in turn violates the sovereign jurisdiction of Mauna 'Ala itself—a jurisdiction recognized by your own ancestors which is why many chose not to do what you are attempting to do. If your grandmother were alive, I wonder what her reaction would be.

For the sake of the nation, for once in your life, show the people that you are humble and decline being buried at Mauna 'Ala. If in some future era, a new Hawaiian monarch may lawfully sit upon the royal hawk throne, let it be him or her to bury you at Mauna 'Ala. Let the Hawaiian nation honor you; do not impose it. Do not bring your lineage to shame and be forever lamented as an 'anal, as someone who single handedly had Hawaii reestablish the monarchy due to your actions. Give those who had believed in your family a hero.
DLNR
Park\nDivision
1151 Punchbowl St., Rm 310
Honolulu, HI 96813
Attn: Steve Soane

Enclined in my genealogy and also
Adam Camp's letter which I have
marked regarding the criteria for
burial at Nu'uka'ala pes Kalakaua.

Mahalo,
Lela M. Hubbard
## Malina Kuluehu Kanelakama Buckle's Genealogy

<table>
<thead>
<tr>
<th>Male</th>
<th>Female</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Umialiloa</td>
<td>Pʻikea</td>
<td>Kumalae</td>
<td>Aihakoko</td>
</tr>
<tr>
<td>Kumalaenuiaumi</td>
<td>Kumupuana</td>
<td>Makua</td>
<td>I K (kanaka)</td>
</tr>
<tr>
<td>Makua</td>
<td>Kapohelemai</td>
<td>I K</td>
<td>Ahu-a-I</td>
</tr>
<tr>
<td>I K</td>
<td>Kuwalu</td>
<td>Wao</td>
<td>Kamaalewa</td>
</tr>
<tr>
<td>Ahu-a-I</td>
<td>Wao</td>
<td>Kamaalewa</td>
<td>I Kukalaaialiku</td>
</tr>
<tr>
<td>I Kukalaaialiku</td>
<td>Keakaohua</td>
<td>Keakaohua</td>
<td>Niuauiwakeakahoahua</td>
</tr>
<tr>
<td>Keakaohua</td>
<td>Lonoikahaupu</td>
<td>Niuauiwakeakahoahua</td>
<td>Ku chu</td>
</tr>
<tr>
<td>Niuauiwakeakahoahua</td>
<td>Ahu-a-I</td>
<td>Ku chu</td>
<td>Kahakuwaiaoao</td>
</tr>
<tr>
<td>Niuauiwakeakahoahua</td>
<td>Kutoulelelani</td>
<td>Kahakuwaiaoao</td>
<td>Kuualiaulo</td>
</tr>
<tr>
<td>Kaumehanehaha</td>
<td>Pahio</td>
<td>Pahio</td>
<td>Kaupale</td>
</tr>
<tr>
<td>Kainamu</td>
<td>Kinoua</td>
<td>Kainamu</td>
<td>Kaupale</td>
</tr>
<tr>
<td>Kaupale</td>
<td>Kameʻeaumoku</td>
<td>Kameʻeaumoku</td>
<td>Kanelakama</td>
</tr>
<tr>
<td>Kanelakama</td>
<td>Kehomo</td>
<td>Kehomo</td>
<td>Malina Kuluehu</td>
</tr>
<tr>
<td>Malina Kuluehu</td>
<td>William Wahinepio</td>
<td>Jane Kahakuwaiaoao</td>
<td>Keakahiwalani Buckle</td>
</tr>
</tbody>
</table>

### Legend of symbols:
- Male
- Female

### Source:
Genealogical notes of Jane Buckle Clark

Lela Hubbard’s Great Grandmother - Lady in Waiting to Queen Liliʻuokalani
In reviewing the chart, you will see several names that are in the family today. For example, the name "Kahakuwaiiaoa" is one of Grandma Jane Buckle Clark's Hawaiian names. Grandma Jane also often used the name "Pahio". We also recognize the name "Kuilaahilo" as the Hawaiian name for my older brother Pinkham L. McClellan. Another family name "Kaupale" is the Hawaiian name of Emma Buckle, our grand aunt. You will note that at the bottom of the chart Kaneiakama (kane) married Keono (wahine) and had Malina Kuluehu Kaneiakama (wahine). Malina then married William Wahinepio Buckle. They had several children, one of whom was our Grandmother Jane K.K. Buckle who married Grandpa Charles Henry Clark. Those are the family connections on grandma's side.

Of interest is the story of Malina's father Kaneiakama (kane) who was a high chief and a kahuna. Some of the ancient Hawaiian kahunas were very knowledgeable about the medicinal qualities of plants. In addition, there were some kahunas who had the knowledge of using some of these plants as a source of poison.
Open Letter to Mrs. Abigail Kekaullike Kawananakoa and Alii Societies
by Adam Keawe Kinau Manaio Camp (Notes) on Wednesday, 8 May 2013 at 18:51

Open Letter to the Honorable Mrs. Abigail Kekaullike Kawananakoa:

cc: the Honorable Mr. Quentin Kuhio Kawananakoa;
    the Honorable Mr. Arthur Kinney, Grandmaster of the Order of Kamehameha;
    the Honorable Kahu Maloho, Mauna ‘Ali;
    and members of the Board of Land and Natural Resources;

Since you do not speak Hawaiian, I shall greet you in English with the traditional salutation owed to an ali‘i from another house. From the bones of the bones of my ancestors, to the blood of my blood of my ancestors, may the bones of your line/clan continue to live.

I acknowledge that you are a chief, a member of an illustrious family that goes back the centuries. I also acknowledge the great work that your mother, the late Lili‘uokalani Morris, did in restoring ‘Iolani Palace given that the Palace almost became a parking lot. It is therefore with great pain and sorrow that I have to read the latest scandal involving you.

Some years ago, an advice was given from your friend, the late and beloved Te Arkinui Te Aratanga Ka’au, that Polynesians in general, after our experience with colonialism, do not like their chieftains or ariki to be showy yet at the same time they expect their ariki to be involved. Indeed, Polynesians expect much from their ali‘i because much has been given to them by the community.

Families of Hawaiians who grew up with deep ali‘i values know that they can not speak against you in public because of wala (lasting shame/ breach of protocol). But the latest actions that you have caused has caused wawa (rumblings) and namunamu (gossip) within the community. If we were to speak in terms of traditions, when the people begin to wawa, the chiefs under the ali‘i nui are justified to bring this matter to the attention of the chief during the Makahiki as the taboo of wala is set aside and should the rumblings continue, one may remember that it was a custom of the people of O‘ahu used to burn the houses of the chiefs who had broken their sacred trust relationship with the people they ruled over, as Kamaka‘ui‘u and Puku‘i‘i have noted. I am not in any suggesting burning someone’s home, but I am reminding you that the loyalty of the people was not absolute even in the era of traditional chiefs. With any official history, there is always the alternative resistance history.

It is understood that you maintain friendships with people who only whisper honey into your ears and spread sugar across your eyes. But many in the Hawaiian community resent what you have been doing for the last 30 years, not out of jealousy but because you give them much to criticize and lament. I remember the incident when you sat on the throne at ‘Iolani Palace and the late Jim Bartels told you to get off. Since a breach of protocol had occurred, Bartels had resigned. When the docents rebelled against you and you mishandled the press, you
proceeded to remove everything that you and your mother had donated from the Friends of 'Iolani Palace including furniture and you cut your donations. It was the first time that I had heard of someone taking back donations. But realizing that without the Friends of 'Iolani Palace, you had no authority to assert your claims, you began to donate again until you became president of that organization again. That was the first time that people within even the Daughters and Sons of Fallen Warriors, who had always supported the Kawanakaoa claims for the throne, began to openly speak of just getting rid of your family line and bringing back a line from Chief Kupe, some 600 years ago.

People like my grandmother had always supported the Kawanakaoa claims. All they simply wanted was to believe. They so desperately wanted an ali'i again to support. They wanted a hero. Instead, their support had continually been slapped with arrogance and hana 'ino (misunderstanding). You may be a great person and have done much for the community back in the 1980s but you have brought such shame to our community that even your name has become an 'anal (curse). I have to admit that I know of some parents who say "Don't act like that haole woman from Merrie Monarch" when they are scolding their child for misbehaving. That is how much the Kawanakaoa name has fallen from the lips of Hawaiians.

Then there was the coronation with your nephew, a person who had renounced any claims to the throne (which you yourself agreed with due to his incapacity in accordance to Article 25) and whom some believe you were using as a tool against your other nephew as your claim to the throne is constitutionally superseded automatically by the male Kawanakaoa descendants.

Then there is now this Mauna 'Ala incident.

The last time a petition for burial at Mauna 'Ala was received was during the reign of King Kamehameha V by the then Charles Lunalillo on behalf of his mother, Kuhina Nui Kekaluohi, and you may remember that the young David Kalakaua, then chamberlain of Kamehameha V rejected it claiming that being buried at Mauna 'Ala was not a right given to chiefs but a privilege and honor bestowed on individuals for meritorious and long service to the Crown and Hawaiian nation. I will repeat that. It is a privilege not a right. For that reason, King Lunalillo would later build himself a crypt at Kawaiaha'o as a reminder of that rejection to the occupant of 'Iolani Palace and as rejection of the Kamehamehas themselves.

In addition, your family already has several crypts. There is a crypt for your family just across from Mauna 'Ala that contains both Kawanakaoas and Campbells and is maintained weekly by a private gardener hired by your nephew. It is less than a ten minute walk from Mauna 'Ala. If anything the basis of mana or authority of your family line comes from the island of Kaua'i. Why not just start a new mausoleum on Kaua'i or utilize the ones your family already has? Why aggravate the Hawaiian community because of your own insecurities and simply to show off your wealth? Haven't our people already suffered a lot that they must be affronted
by the ali`i themselves as well? If the people loved you, they would offer you a spot on the sacred earth of Mauna `Ala.

Furthermore by taking the course of actions you are undertaking, you are opening a wind gourd of trouble. There are literally tens of thousands of descendants of Kamehameha the Great—myself included. There are hundreds of descendants of Kaumuali`i. Any of these descendants could use your actions as a precedent to go before the Board of Land and Natural Resources for permission to be buried at Mauna `Ala, which in turn violates the sovereign jurisdiction of Mauna `Ala itself—a jurisdiction recognized by your own ancestors which is why many chose not to do what you are attempting to do. If your grandmother were alive, I wonder what her reaction would be.

For the sake of the nation, for once in your life, show the people that you are humble and decline being buried at Mauna `Ala. If in some future era, a new Hawaiian monarch may lawfully sit upon the royal hawk throne, let it be him or her to bury you at Mauna `Ala. Let the Hawaiian nation honor you, do not impose it. Do not bring your lineage to shame and be forever lamented as an `ana`i, as someone who single handed unified Hawaiians against restoring the monarchy due to your actions. Give those who had believed in your family a peace.