

Class Copy. Do NOT write on!

ONI V. MEEK

CAST OF CHARACTERS:

THE BAILIFF

THE JUDGE

THE COURT CLERK

THE COURT REPORTER

MR. HARRIS, ATTORNEY FOR THE PLAINTIFF

MR. BATES, ATTORNEY FOR THE DEFENSE

MR. ONI

HOLOKAUA

MR. MEEK, A RANCHER

FOREPERSON OF THE JURY

SPECTATORS

Note: This script is designed to be used as a means to help students examine the changing attitudes towards land usage in 19th century Hawai'i and become familiar with the judicial process. Although much of it is based on the historical persons and documents involved in the case, this script is not intended to be a historical reproduction of the Oni v. Meek case.

Revised: June 2004

[7-9]

(knocks gavel twice)

Hear Ye! Hear Ye! The Court of the Kingdom of Hawai'i is now in session. All rise.

JUDGE:

(enters and sits at the desk)

BAILIFF:

The Honorable Judge Griswold. The First Circuit Court of O'ahu is now in session.

JUDGE:

Be seated. Call the first case.

BAILIFF:

Oni verses Meek. Mr. Harris is the attorney for the plaintiff, Mr. Oni. Mr. Bates is the attorney for the defendant, Mr. Meek.

JUDGE:

What is the charge, Mr. Harris?

MR. HARRIS:

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

MR. BATES:

And we will prove, your Honor, that the plaintiff, Mr. Oni, had no right to graze his horses on Mr. Meek's land. The land is private property. Those horses were trespassing.

JUDGE:

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

MR. HARRIS:

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

Mr. Oni (takes the stand)

COURT CLERK:

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

MR. ONI:

Yes.

MR. HARRIS:

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

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

MR. HARRIS:

How do you share the land?

MR. ONI:

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

ONI SUPPORTERS:

It's custom, it's tradition!

JUDGE:

(knocks gavel twice) Order in this courtroom!

MR. HARRIS:

Thank you, Mr. Oni.

JUDGE:

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

MR. BATES:

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

MR. ONI:

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

MR. BATES:

I'm sorry, I couldn't hear that. Could you repeat your answer?

JUDGE:

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

COURT REPORTER:

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

MR. BATES:

Thank you.

(Turns back toward Mr. ONI)

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

MR. ONI:

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

The land, we all take care!

JUDGE:

Quiet, please.

MR. BATES:

No further questions.

JUDGE:

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

MR. HARRIS:

I call Holokaua to the witness stand, please.

HOLOKAUA:(takes the stand)

COURT CLERK:

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

HOLOKAUA:

Yes.

MR. HARRIS:

Were you in Honolulu on August 30th, 1857?

HOLOKAUA:

Yes, I was at the auction.

MR. HARRIS:

What did you buy?

HOLOKAUA:

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

MR. HARRIS:

Did you recognize the mares?

HOLOKAUA:

Yes. I had seen them before. So I said, "You know, these look like Oni's mares. Are you sure you can sell them?" They told me, "Well, they belong to Meek now. Do you want to buy them or not?". I bought them all right. I made them give me a receipt of sale.

MR. HARRIS:

Thank you, Mr. Holokaua. (Gives Receipt to the Court Clerk) Your Honor, we should like to enter this receipt as evidence labeled Exhibit A. We rest the case for the plaintiff.

JUDGE:

The court accepts Exhibit A as evidence. Mr. Bates, would you like to cross examine the witness?

MR. BATES:

No, your Honor.

JUDGE:

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

MR. BATES:

The defense calls Mr. John Meek.

John Meek takes the stand.

COURT CLERK:

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

MR. MEEK:

Yes.

MR. BATES:

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

MR. MEEK:

Yes, they were trespassing on my property.

MEEK SUPPORTERS:

Trespassers, trespassers!

JUDGE:

I want order in this courtroom!

MR. BATES:

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

MR. MEEK:

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

MR. BATES:

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

MR. MEEK:

No, there is not.

MR. BATES:

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

No, I did not.

MR. BATES:

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

MR. MEEK:

Yes, I told him to keep his horses off my land. I told him his horses couldn't eat there anymore because I held the lease to the land. I guess you could say that I owned the rights to the land.

MR. BATES:

Thank you. No more questions.

JUDGE:

Mr. Harris?

MR. HARRIS:

Thank you, your honor. Mr. Meek, doesn't the lease you made with Ha'alelea guarantee the hoa'aina some of their old rights like using the fishponds and gathering firewood?

MR. MEEK:

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

MEEK SUPPORTERS:

No rights, no rights!

MR. MEEK:

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

MR. HARRIS:

What is the harm of a few horses, Mr. Meek?

MR. MEEK:

If I let one person do that, . There could be hundreds of other animals on my land eating all my grass. I should be able to manage the land to benefit my business, that's what I'm paying for. I have other people depending on me, my employees, their families. As a private property holder, I must have my rights.

MEEK SUPPORTERS:

Give him his rights!

JUDGE:

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

MR. HARRIS:

No more questions, your Honor.

Your Honor, the defense rests its case.

JUDGE:

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

The Bailiff escorts the Jury outside.

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

JUDGE:

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

FORESPERSON:

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

JUDGE:

(If Plaintiff/ONI wins)

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

(if Defense/MEEK wins)

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

BAILIFF:

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