

WAIAKEA HOMESTEAD COMMISSION

1925-1929

The Homestead Laws of the Territory of Hawaii required the government to survey and lay out unoccupied public lands which 25 or more citizens had filed applications to homestead. Since the required number of applications had been received from persons interested in securing homesteads in Waiakea, Hawaii, the Waiakea Mill Company lease was allowed to expire in 1918. The highly profitable sugar-producing land was divided into 216 cane and 231 house lots. Drawings were held on February 17, 1919, and February 3, 1921, to determine which of the 3,000 applicants would receive these lots. Because of the shortage of sugar, which led to the Wartime Agreements extending the Waiakea Mill Company's control over future crops, the first group of homesteaders weren't able to take possession of their lots until the end of March, 1919.

A majority of the homesteaders formed a "League" and appointed trustees to represent them. These trustees signed a contract on May 6, 1919, with the Hawaii Mill Company, which was shortly replaced by the League or 60/40 contract with the Waiakea Mill Company on June 27, 1919. High labor costs, lack of capital, and difficulties in cultivating crops and transporting cane were some of the problems that faced the homesteaders from the very beginning. Also, disagreements and contractual misunderstandings with the mill company and the unexpectedly low price and production of sugar resulted in many homesteaders going into debt and filing suits in the local courts from 1920 on. Things came to such a point that Governor Charles McCarthy appointed Territorial Sugar Expert Albert Horner and Public Land Commissioner Charles Bailey to investigate the situation. They presented their report to him dated March 31, 1922. Personal knowledge of the situation, confirmed by this report, prompted the Governor to bring about the preparation of the 16-Year Agreement of May 1, 1922, which was signed by individual homesteaders and the mill company as a substitute for the League contract. However, homesteaders continued to suffer financially and expressed their dissatisfaction with the terms of this new contract by appealing to the Governor and sending petitions to the legislature asking it to investigate their plight and grant them relief.

Legislative hearings were held in 1924 and 1925 with different resolutions, bills and amendments introduced in the legislature. Finally on April 25, 1925, Governor Wallace Rider Farrington approved Act 88, Session Laws of Hawaii 1925, which created a three-member Waiakea Homestead Commission to "investigate" the situation, bring suits if proper to do so in the name of the government, make recommendations and report to him the results of its work when completed. Four days later on April 29, he appointed William Goodale, Edgar Henriques and L. Thornton Lyman to the commission. They in turn elected William Goodale chairman at their first meeting on May 4, and appointed B. C. Stewart permanent secretary on June 1.

The legislature appropriated \$28,000 to the commission with each member receiving \$1,000 after the commission filed its final report.

The commission's first task involved the accumulation and study of documents relating to the affairs of the homesteaders. The Commissioner of Public Lands, the Attorney General's Office, the Territorial Sugar Expert, the Waiakea Mill Company, Theo H. Davies & Co., Ltd., and others assisted in this job. Public hearings were then held in Hilo in June, 1925, and February, 1926, and in Honolulu in the commission's office in the McCandless Building on each Monday as long as witnesses appeared.

In August, 1925, the Henry Davis Audit Company was named commission auditor with Mr. Hugh Tennent auditor-in-charge. He and Mr. Foster Davis went to the Waiakea Mill Office in Hilo to study its records and brought back to Honolulu those records they considered necessary for a complete audit. However, lack of funds make it impossible for them to complete the job. Progress reports were handed in from time to time and on May 21, 1926, the Henry Davis Audit Company presented its final report to the Waiakea Homestead Commission.

All legal questions which arose were handled by the Attorney General's Office until October, 1925, when the law firm of Huber and Kemp was named legal consultant to the commission.

The Waiakea Homestead Commission, as created by Act 88, Session Laws of Hawaii 1925, completed its final report on November 30, 1926, and held its last meeting on December 6, 1926, whereupon it filed the report with Governor Farrington.

The 1927 session of the Territorial Legislature went over this report and the problem of settling the controversy satisfactorily. It decided to create a new Waiakea Homestead Commission with broader powers to carry out the recommendations made by the first commission. The new commission was authorized to help homesteaders in any controversy over the terms of the existing contracts to the possible extent of setting up new ones and also bring suit, with permission, in the name of any homesteader against the mill company. Governor Farrington reappointed William Goodale and Edgar Henriques as commissioners with Andrew Adams, Territorial Sugar Expert, replacing L. Thornton Lyman on the new three-man commission on May 6, 1927. \$30,000 was appropriated with each commissioner receiving a salary of \$100 per month.

The 1927 Waiakea Homestead Commission, as created by Act 275, Session Laws of Hawaii 1927, held its first meeting on May 7, 1927. William Goodale and B. C. Stewart were named chairman and secretary again. Waiakea Mill Company directors and Waiakea Homestead commissioners were able to get together and agree upon having the homesteaders' accounts rewritten with the company underwriting the cost. This arrangement was approved by Mr. S. C. Huber, who was appointed the commission's legal officer by the Attorney.

General. Mr. Hugh Tennent was again auditor-in-charge, but this time with the firm of Tennent and Wright, which was able to certify the homesteaders' accounts with the company correct as of December 31, 1928.

Commission members resumed their study of the 16-Year Agreement and concluded that if a new contract superseding it could be entered into, the interests of the homesteaders, the government and the mill company could be better served. They proceeded to draft an agreement, which was subsequently approved by Governor Farrington and several interested government departments and accepted by the mill company. On January 30, 1928, the commissioners and secretary B. C. Stewart went to Hilo to explain and deliver copies of the contract and returned three more times to have homesteaders sign the contract.

The Waiakea Homestead Commission's final report to Governor Farrington was dated February 18, 1929, and transmitted to the legislature in his Message #5 to that body. Although the commission handed in its final report in February, and Chairman Goodale passed away on April 23, 1929, accounts of the commission say that it continued until June 30, 1929, at which time it "practically ceased to exist."

The Waiakea Homestead Commission papers may be more or less divided into three parts. The first part covers the period before the formation of the first Waiakea Homestead Commission in 1925. It was prepared by the commission staff and also gathered from various individuals, offices and organizations. The second part covers the period after 1925 and includes materials such as contracts, court cases, reports, minutes. The third portion, labeled "Edoar Henriques," belonged to the former commissioner and was formerly filed with the Private Collections. Close inspection revealed that it dealt only with the Waiakea Homestead situation and that many of the papers were duplicates of those already on file, although grouped somewhat differently. They were therefore withdrawn from the Private Collections and made a part of the Waiakea Homestead Commission records. The following is a list of the materials found in the Waiakea Homestead Commission files:

Carl S. Carlsmith; Trustee, Waiakea Homestead League and Attorney for several homesteaders.

Annual Reports of Sugar Companies. Haiku Sugar Company. 1918.
Hawaiian Agricultural Company. 1921.
Hawaiian Sugar Company. 1918.
Kahuku Plantation Company. 1918.
McBryde Sugar Company. 1918.
Paia Plantation. 1918.
San Carlos Milling Company. 1917.

Correspondence and Contracts. 1919-1923.
Documents. 1888-1920.
Homesteaders' Financial Statements, Fields and Crops. 1918-1922.
Roger James Suit. 1920.

Box No.
COM42-1 Albert Horner, Territorial Sugar Expert.

Correspondence. 1919-1923. (4 folders)
Documents. 1888-1923.
Norman Lyman, Attorney for several Waiakea Homesteaders. 1920-1923.
C. Brewer & Company. 1913-1922.
Hawaii Mill Company. 1915-1922.
Hawaiian Agricultural Company. 1919-1921.
Hawi Mill & Plantation Company. 1919-1920.
Homestead Plantation Company. 1919-1923.
Kahuku Plantation Company. 1914-1922.
Lihue Plantation. 1922.
Makee Sugar Company. 1918-1920.
McBryde Sugar Company. 1920-1923.
Niulii Mill & Plantation. 1918-1921.
Olaa Sugar Company Ltd. 1918-1919.
Olowalu Sugar Company. 1921.
Paauhau Sugar Plantation Company. 1920.
Pacific Sugar Mill Company. 1919-1921.
Union Mill Company.

Attorney General's Office. 1920-1924.

Correspondence Pertinent to Investigation. (Waiakea Mill Company and Theo. H. Davies Company, Ltd.) 1910-1925.

Documents Pertinent to Investigation. 1888-1925. (2 folders)

Labor and 1919-1923 Sugar Crop Statistics.

Homesteaders' Accounts (statements of indebtedness). 1922-1928. (2 folders)

Statement of Charges to Homesteaders' 40% Fund. 1921-1922 crops.

Exhibits.

Cases Before the Fourth Circuit Court.

Michael Aona
Jennie Aona vs. Waiakea Mill Company. 1924.
Mary Kaaa et al vs. Waiakea Mill Company. 1925
Farm Loan Board of Hawaii vs. Grace Pa and John Pa. 1926
Mrs. Mary Lindsay Correa nee Mary K. Lo vs. Waiakea Mill Company. 1926

Re Helen Kaina.

1927 Legislature.

1928 Contracts Between Waiakea Mill Company and Individual Homesteaders.

Miscellaneous.

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OM42-2

Box No.
COM42-2 Miscellaneous.

Correspondence. 1925-1929. (2 folders)
Legal Opinions (Attorney General's Office, Huber & Kemp
and others)
Theo H. Davies & Co., Ltd. 1925-1929. (2 folders)
Waiakea Mill Company. 1925-1929. (2 folders)

Finances.

Henry Davis Audit Company, Ltd. Correspondence. 1925-1926
Progress Reports. 1925-1926
Report to the Waiakea Homestead Commission.
(bound) May 21, 1926

Tennent & Wright, Certified Public Accountants. 1927-1929.

Minute Book (bound). May 25, 1925 - January 14, 1928.

Report to the Governor. November 30, 1926.
February 18, 1929.

Edgar Henriques. List of Homesteaders.
Newspaper Clippings.
Testimonies.
Agreements.

Miscellaneous Papers. No Date.
1916-1927.

COM42-3

Auditor's Report to Albert Horner. March 18, 1922.
Conference Reports. 1925-1926.
Court Suits. 1920-1927.
Acts and Resolutions.
Financial Statements from Mill Company.
Map of Land Under Cultivation by Waiakea Mill Co. 1922.
Correspondence. 1919-1928. (2 folders)
Notes for Final Report. 1926.

See Also:

Hawaii. (Territory) Waiakea Homestead Commission. Report to the
Governor - November 30, 1926; February 18, 1928.

Hawaii. (Territory) Governor. Annual Reports. 1927.

Governor Wallace Rider Farrington's file - Territorial Departments,
Waiakea Homestead Commission.

Governor Lawrence McCully Judd's file - Territorial Departments,
Waiakea Homestead Commission.

Subject Index - Homesteaders, Hawaii, Waiakea.
Waiakea Mill Company.

See Also:

Legislature of the Territory of Hawaii; Records of the Clerks; 1927: Senate, Governor's Message No. 5; House, Governor's Message No. 8; 1929: Senate, Governor's Message No. 6; House, Governor's Message No. 5