

# A Local Perspective of Hawaii's Whaling Economy: Whale Traditions and Government Regulation of the Kingdom's Native Seamen and Whale Fishery

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## Abstract

Native Hawaiians made use of beached whales for sustenance and for fashioning the *lei niho palaoa* (whale-tooth necklace), a symbol of chiefly rank. They assisted, and feasted, on the first sperm whale catch taken by American whalers off Hawai'i in 1819. Two Native Hawaiian men joined the American ship *Balaena* while it was anchored off Maui. Hundreds more native sailors left each year through the late 1870s. Hawaii's government began passing laws regulating the shipping of native seamen and the fisheries, including fishing rights, in the late 1830s. Government licenses of the first shore-whaling enterprises date to 1847. This paper explores these nineteenth century Hawaiian whale traditions and regulatory efforts to provide a foundation for future synthetic studies of the kingdom's whaling economy and its fisheries from an integrative local perspective. This exploratory review examines primary Hawaiian and English source materials authored in the islands, including newspapers, government documents, and personal diaries, letters, and other papers.

## Introduction

Whales connect Native Hawaiians spiritually to Kanaloa, god of the ocean realm, to ancient homelands elsewhere in Polynesia, to navigation, and to the priestly arts. They represent the largest *kinolau* or body form of Kanaloa, one of the four major gods—Kāne, Kanaloa, Kū, and Lono. Beached whales provided sustenance and materials for fashioning *nihopalaoa* (whale-tooth necklace), a chiefly symbol of rank.<sup>1</sup>

With the arrival of American pelagic whalers in 1819, Native Hawaiians experienced an economic shift from only harvesting beached whales to actively hunting whales. This shift altered but did not extinguish the kinship of Native Hawaiians with whales, Kanaloa, and the ocean fisheries. Native Hawaiians today continue to perpetuate their fishing traditions, practices and customs, including those related to fishery management and use.<sup>2</sup>

Up to the late 1870s, thousands of young Native Hawaiian men left the islands as seamen or boatsteerers on pelagic whaling vessels. Their overseas employment in foreign fleets bolstered the Hawaiian Kingdom's participation in this global economic arena. The availability of native men willing to ship as sailors ranked second only to the availability of island agricultural provisions as an economic inducement for foreign whaling fleets to visit the islands. By the early 1840s, nearly one-fifth of Hawaii's young men, ages 15 to 30, were employed abroad. The island's native sailors totaled about one-third of the crew on foreign vessels whaling in the Pacific. By 1860, they comprised upwards of one half of such crews in the Pacific and Arctic.<sup>3</sup>

Hawaii's government began passing laws pertaining to shipping of native seamen, to regulating fisheries and fishing rights in the late 1830s. They also passed regulations regarding the ports, foreign and inter-island trade, and the registration of Hawaiian vessels. These laws transitioned authority from the chiefs to the government and promulgated Western economic and political interests in the islands. Before shipping a native sailor, the laws required whaling masters to obtain written permission from the island governor and to post a bond pledging to return the seaman at the end of his service. The fisheries laws, based on Western concepts of fee-simple property rights, divided the fisheries among the king, the *konoiki* (landlords), and the people, and laid a foundation for the *Māhele 'Āina* of 1848 (land reform).<sup>4</sup>

This paper explores nineteenth-century Native Hawaiian whale traditions and government regulations pertaining to (1) employment of native seamen in foreign and local fleets and (2) fishing rights in the islands' fisheries, including the licensing of alongshore and bay whaling enterprises. It serves as a foundation for future synthetic analyses of Hawaii's whaling economy from a local perspective, rather than merely as a component of the American whaling industry. This study contributes to identifying and integrating Hawaii's indigenous- and western-based traditions into building a synthetic understanding of the islands' fisheries and fishing economies. Such a synthesis requires examining the shift from traditional Hawaiian to mixed Hawaiian-Western fisheries use and management, which began with the introduction of the western concept of "fee simple" ownership of resources during Hawaii's whaling period.

This exploratory review primarily examines narratives written in Hawai'i, particularly materials containing local knowledge and/or perspectives about Native Hawaiian whale traditions, native seamen, and the islands' whale fishery. Such narratives include Hawaiian-language, English-language, and bilingual materials. They appear in nineteenth-century newspapers, government documents, and personal diaries, letters, and other papers authored by Native Hawaiians and by foreign residents and officials, and in a few scholarly compilations dating after 1900.

## Hawaiian Whale Traditions

Native Hawaiian *mo'olelo*, stories, place names, proverbs, and chants tell of their strong connection to whales. Whales represent the largest ocean manifestation of Kanaloa, god of the ocean realm, ocean animals, and fresh water underground. It is from Kanaloa that all ocean creatures emerge. Kanaloa's ocean body, the waves and currents, form a path for the navigator, the ocean traveler. *Kai kohola*, the shallow reef or area just inside the deep ocean is "where swim the whales, monsters of the sea".<sup>5</sup>

*Palaoa* and *koholā* both mean whale. The more ancient term *palaoa*, more specifically correlates with sperm whales. Sometimes it also is used to mean whale bone or whale carcass. *Koholā* most commonly refers to humpback whales.<sup>6</sup>

The *Kumulipo* birth chant speaks of the creation of animals in the sea and on the land. Pairs of animals occurred as counterparts, which shared a special bond. Sperm whales and sandalwood shared such a bond. The *aoa* (sandalwood) guarded the *palaoa* (sperm whale). *Aoa* served as sacrificial places near fishponds where semi-annual offerings were made of bananas, mullet, and *kohekohe* grass.<sup>7</sup>

*O kane ia Wai'ololi, o ka wahine ia Wai'olola  
Hanau ka Palaoa noho i kai  
Kia'i ia e ka Aoa noho i uka*

Male for the narrow waters, female for the broad waters  
Born the sperm whale living in the sea  
Kept by the sandalwood living on land<sup>8</sup>

Native Hawaiian fishermen "took every kind of fish except the whale." When whales drifted ashore, they became the property of the *ali'i*, the chief or chiefess, on whose land they beached. Chiefly descendants inherited the rights to the highly valued teeth obtained from beached sperm whales.<sup>9</sup>

O luna, o lalo; o uka, o kai;  
o ka palaoa pae, no ke ali'i ia  
Above, below; the upland, the lowland;  
the whale that washes ashore, all belong to the chief<sup>10</sup>

Men ate the meat of beached whales, women did not. Whales and porpoises (*nai'a*) were among the foods *kapu* or prohibited to women, possibly because these animals are *kinolau* or body forms of the god Kanaloa. The *niuhi* or white shark represents another *kinolau* of Kanaloa and a powerful symbol of chiefly rank.<sup>11</sup>

Whales often carried boys or men on spiritual journeys, some of which traveled to other realms or to Kahiki (Tahiti) where they received training as *kahuna* (priest).<sup>12</sup> In the story of Maihea,

Kane and Kanaloa sent ashore at Waimalu a great whale. It lay there many days. Children climbed on it. Maihea's son did likewise. One day the whale moved into the water. The other children jumped off, but Maihea's son remained on the whale's back. It swam out to sea, and on to Kahiki. There 'Ula-a-Maihea, the farmer's son, was trained in priestly lore and all of its arts through the instructions of these gods, Kane and Kanaloa.<sup>13</sup>

Skilled artisans fashioned ornaments, weapons, tools, containers and other items from whale teeth and bones. The most prized of these objects was the *niho palaoa* or sperm whale tooth pendant, which was suspended from a *lei* or necklace of finely braided human hair. These symbols of chiefly rank figure prominently in Hawaiian culture and in many *mo'olelo*. For example, *Na Wahi Pana o Ewa* tells of how a woman from the island of Hawai'i hid her *lei niho palaoa* for one of her descendants to find. She secreted it in a hole in a stone on the Plain of Punahawele, 'Ewa District, O'ahu, which came to be known as Pohaku-huna-palaoa (Ivory-hiding-stone). It was found many years later by one of her great grandsons. The *palaoa* appears also in *mele inoa*, name chants.<sup>14</sup>



Figure 1. Mele Kaupoko wearing *lei niho palaoa* (whale-tooth necklace) and holding hand *kāhili* (feather standard), Hawaii, ca. 1895. Photograph courtesy of Bishop Museum Archives, photographer unknown, image no. CP97199.

The *lei niho palaoa* evolved from Polynesian and Hawaiian antecedents decades before western contact in 1778. The scarcity and beauty of the *palaoa* (whale) and its connection to Kanaloa brought *mana*, spiritual power, to the carver, to the pendant, and to the wearer. The chiefs and chiefesses who possessed this *kinolau* of Kanaloa would acquire the characteristics, intelligence, and knowledge of Kanaloa. Men and women of chiefly rank wore their *lei niho palaoa* in battle and on ceremonial occasions. The *lei niho palaoa* appears also in descriptions of hula recorded by early foreigners.<sup>15</sup>

Native seamen carried their cultural traditions and spiritual connections to whales, to Kanaloa, and to the ocean realm with them when they shipped aboard whaling vessels. They shared their fishing traditions and skills, their language, music, and stories. Charles Edward Kealoha, for example, remembered to make an offering to the land after his vessel took its first whale: "*O ka helu ekahi keia o ka ia i paa ia makou, hoomanao ae la au e hoi puolo ana i ka aina.*"<sup>16</sup> Kealoha sailed to the Arctic in 1876 aboard the Hawaiian bark *Desmond*, Captain Green.<sup>17</sup> A *mele* by Kū called *Makemake nā Au e 'Ike iā Kaleponi*, I desire to see California, includes the following lines:

*'A'aki polo ihola ka moku ua 'ike 'ia ka i 'a.*  
 The eyes sparkle with excitement when the whale is seen.  
*Pi'oloke nā li 'i, 'oehuehu ke kapena,*  
 The officers become excited, the captain barks his orders,  
*Pinapina i ka leo o ka mālama moku,*  
 The first mate's commands come fast and furious,  
*Pau loa nā poki i ka la 'i kē 'ia i ke kai,*  
 The boats are all let down into the sea,  
*Kukupā 'u ihola nā kela i ka pulaheki,*  
 The sailors set to work to pull on the oars . . .<sup>18</sup>

The song *No ke ano ahiahi ke aloha ka* appears in a copybook kept by George Wilbur Piper while aboard the ship *Europa* (1868-1870). It retains elements of Native Hawaiian oral narrative conventions and dates near the beginning of the genre of music accompanying the *hula ku'i*. The *hula ku'i* is an interpretative form of *hula* (lit., joined *hula*) in which new and foreign dance styles and motifs of King David Kalākaua's era were combined with those of the ancient dance traditions. The song is a first-person narrative about a Native Hawaiian sailor making a whaling cruise to Alaska. It was transcribed by Piper, most probably from a song shared by a Native Hawaiian shipmate who boarded the vessel when it visited the islands in 1868.<sup>19</sup>

Other songs include *Pau makemake ia Maleka/I ka wili okai a Ka ulu laau i ka moana*, in which a sailor recalls his love for Maui. The *Mariner's Song* is about a sailor boy named Bila. It includes a stanza about being a boatsteerer aboard the *Reindeer*.<sup>20</sup>

A narrative by two Native Hawaiian sailors exemplifies the strength of their cultural traditions, specifically to those related to the ocean realm. Their narrative recounts their adventure of being guided safely to shore by sharks that have changed into *ho'olilo 'ia i akua* (supernatural beings). The sailors shipped aboard the Hawaiian whaling brig *Wailua*, Captain Lass. The vessel departed from Honolulu on December 30, 1858. The two sailors jumped overboard about thirty miles out and upon reaching shore at Pu'uloa (old name for Pearl Harbor), they told their story. It appeared as follows in a local newspaper:

Having been twenty hours or more in the water, they fell in with one of the large sharks which abound off Barber's Point. Taking it for granted that the monster was actuated by no deadly motives, and that his errand was only a benevolent one, both the natives sprang on the back of the shark, and guiding his head with a slap on this side or on that, headed him direct for land, some ten miles distant. Being almost famished, they picked off and devoured the small fish which adhere to the skin of the shark, and enjoyed, during their aquatic ride, such a delicious feast of raw fish as only kanakas know the luxury of. Having arrived within soundings, and finding the fish reluctant to go farther, they leaped from his back, and swam safely ashore, landing at Puuloa.<sup>21</sup>

Some proverbs describe negative impacts of whaling on Native Seamen. One involves losing a wife or sweetheart to a foreign sailor:

*Lawe o Maleka i ka hoa la; lilo!*

America takes the mate; [she is] gone!

Another involves working hard, returning home with your full pockets, only to have your friends abandon you once they have helped spend your earnings:

*Luhi 'u'a i ka 'ai a ka lio.*

Wasted time and labor getting food for the horse.<sup>22</sup>

Various narratives describe native sailors, fishing families, and others in the community continuing the ancient tradition of making use of beached or dead whales. Some of them processed such whales to obtain the meat for eating and some rendered the blubber into oil for personal use or for sale. A foreign resident who witnessed the processing of a beached whale off the northwest shore of the island of Hawai'i in 1841 wrote:

MR. EDITOR.—Last January, a large Sperm Whale drifted ashore near my residence at Kohala, and had there been any one there who understood the business of saving the oil, a large quantity might have been made, provided he had conveniences. The natives went from every quarter by hundreds and cut off as much of the blubber as they could conveniently carry away, and carried to their houses—some of them, with a design to



eat it. Some had small iron pots, in which they boiled their pieces, and stowed their oil in calabashes; several barrels of the best of oil was thus made. Since that time I have seen whale spouting off Kohala at three different times—in less than four months.

The query arose in my mind—would it not be a profitable business for some person skilled in taking whales, to establish himself somewhere on Hawaii, provided with boats, &c. and be on the watch for whales, and thus add to the resources of wealth to these islands. It was mere accident, as it were, that I saw the whales as above mentioned; and should a man attend to the business, he might much oftener discover these lords of the deep. . .<sup>23</sup>

In 1857 a group of Native Hawaiians tried out a young sperm whale that stranded on the beach at the mouth of Waiole River, Hanalei Bay, Kaua‘i. A similar incident took place in 1871 when a humpback whale washed ashore at Ko‘olau, O‘ahu. "It was taken possession of by the natives, who immediately got to work and stripped the carcass of the blubber, from which they extracted a large amount of oil—the exact quantity has not been ascertained. The whale was probably killed by one of the whaling vessels lately in the vicinity of the islands."<sup>24</sup>

In 1874, a "native out fishing" in a canoe discovered a dead whale near the shore of Lāna‘i, opposite of Lahaina, Maui; it may have been one struck and lost by Mr. Luke Keegan's shore whaling party from Lahaina. The fisherman towed the good-sized humpback whale ashore and sold it "on the spot" for \$50. The whale likely later was hauled to Lahaina for trying out.<sup>25</sup>

In May 1876, a large whale, believed to have died from a strike, washed ashore at Waialua, O‘ahu. And in February 1877, a party of "native fishermen" towed a dead whale into Kailua, Hawai‘i. The whale yielded about 18 or 20 barrels of oil.<sup>26</sup>

## Shipping Native Seamen

### Overview

The first Native Hawaiian seamen who shipped aboard a foreign whaler in the Pacific fleet left Maui on October 10, 1819. They sailed on the ship *Balaena* and Captain Gardner christened them Joe Bal and Jack Ena, forming their names from that of his ship. The two native seamen served aboard the *Balaena* on its return voyage to New Bedford. Six months later, Captain Gardner revisited the islands, where he discharged the two sailors on Maui, paying them off with "all the clothing that had been furnished them by the ship, which was sufficient for three years." Gardner replaced them and one deserter with four native seamen, two from Maui, one from O‘ahu, and one from Ni‘ihau. He gave these seamen the shipboard names of Henry Harmony, George Germaine, John Jovial, and Sam How.<sup>27</sup>

Several years later, Native Hawaiian seamen regularly shipped as replacement crew on foreign whaling vessels frequenting the islands in the spring and fall. Over the years, these island seamen gained a reputation of being subordinate, docile, good-natured and trustworthy, of being expert swimmers and boat handlers, particularly in retrieving supplies or men lost overboard, and with proper training, of being efficient seamen.<sup>28</sup>

In the mid to late 1820s, native seamen became Hawaii's primary export commodity as trade in sandalwood declined, as the United States exercised gunboat diplomacy to force repayment of chiefly debts, and as the high chiefs and king increasingly exacted more days of labor from commoners to help pay these debts. The employment of native seamen on U.S. vessels served America's expanding political-economic interests in the Pacific. These interests included ensuring

Hawaii's participation in international trade and securing American rights to trade in Hawai'i, including acquiring "most favored nation" status.<sup>29</sup>

As an export commodity, native seamen underpinned the government's efforts to build a national economy. Success required balancing two primary needs, (1) enticing foreign whalers, particularly American-owned vessels, to visit the islands and, (2) ensuring the return of Hawaii's native seamen. The passage of laws regulating the industry began in the late 1830s, as did criticism that the shipping of native seamen aboard foreign vessels contributed to the escalating loss of the native population.<sup>30</sup> These competing concerns were succinctly summarized by Keoni Ana, Minister of the Interior, in his 1846 legislative address. Ana stated that perhaps one-fifth of Hawaii's young men ages 15 to 30 were "wandering on the ocean or in foreign lands." While whaling contributed to native depopulation, "whaling ships lay the foundation for nearly all of the islands' foreign commerce." If whalers could no longer ship native seamen, they would not come to the islands.<sup>31</sup>

By 1838, native seamen shipped only with permission from the Hawaiian government. In a letter written that year, Captain George F. Joy, ship *Charles and Henry*, stated that native seamen "are too wise to ship for the voyage & there has lately a law been passed in this country that all ship masters shall give bonds to return all Natives of this country within 14 mo[nths] of the time of taking them away or forfeit \$200 for each one detained." Captain Joy further indicated that he might need funds from the ship's owners to "to pay off these men & ship others every time we go in to port. . ." <sup>32</sup>

Native seamen shipped in increasing numbers until several disasters in the Arctic in the 1870s severely reduced the Honolulu fleet, which relied heavily on native crews. Few island seamen shipped aboard the fleet at San Francisco, which now surpassed Honolulu as the primary Pacific port whalers frequented to repair and refit, to take on recruits and crew, and to transship their cargo.<sup>33</sup>

### **Kingdom Laws**

The Hawaiian Government passed laws to regulate the shipping and discharging of native seamen to achieve two primary purposes, (1) to generate revenue for the kingdom's treasury, and (2) to ensure revenue sustainability. The government recognized that exporting native seamen greatly enhanced foreign whaling interests in visiting the islands. Once there, merchants and others at major island ports capitalized on providing a vast range of resources and services to whaling masters, officers, and crew. These services included the government's encouragement and authorization of native men to be employed on foreign vessels. The government acknowledged also, albeit less quickly, the necessity of regulating both the leaving (shipping) and the returning (discharging) of these native sailors. This awareness grew from mounting evidence that many native seamen failed to return to the islands at the end of the voyage, whether from illness, injury, death, or desertion, or from being discharged on foreign shores with insufficient means to secure passage home.

These early laws, and all later amendments and new laws regulating the shipping of native sailors, each identify (1) three primary interested parties—the Hawaiian Government, ship masters or captains, and native seamen, and (2) the rights, responsibilities, and regulatory procedures required of each party. The first of these date to the mid- to late-1830s and are known primarily from a few documents dating from the 1835–1842 period. Their passage predates the signing of the Rights and Laws (bill of rights) on June 7, 1839 and the first constitution on October 8, 1840.

In the late 1830s, the island governors or their agents represented the Hawaiian government in matters related to the shipping and discharging of native sailors. They had authority to grant or deny requests by captains or masters of foreign merchant and whaling vessels wishing to ship native sailors, as well as requests by native men. The government identified sailors as either "native" or as "foreign", with separate regulations pertaining to each. With respect to "native sailors," no criteria for inclusion appear in the available documents. What is evident, however, is that the government





The first of the Organic Acts of 1845–1847 included statutes related to the governors' duties pertaining to "enlistment of native sailors on board foreign vessels." It passed on 29 October 1845 and went into effect in March 1846. This "Act to Organize the Executive Departments," and the others that followed, restructured government departments and prepared codes of civil and criminal law. Among the newly created positions was the Minister of the Interior, whose duties included administration of "the fisheries, the inter-island channels and coasting trade." The Minister of Interior delivered the king's instructions to, and received administrative reports from the governors. The governors' powers included enforcement of the statutes related to native seamen, whether with the marshals offices or with the courts.<sup>40</sup>

The 1846 statutes pertaining to the "enlistment of native sailors on board foreign vessels" upheld the 1842 shipping regulations while adding five important administrative changes. Of these changes, three targeted masters and two targeted native seamen. These new statutes restricted masters to shipping or discharging native and foreign seamen only at the ports of Honolulu, O'ahu, and Lahaina, Maui. They charged masters both shipping and discharging fees. The rates for shipping totaled \$1.50 per native seaman and consisted of 50 cent charges each for (1) the application to the governor, (2) the filing of the shipping articles, and (3) the posting of a bond. The government also assessed masters a discharging fee of 50 cents for each native or foreign seaman. The penalties assessed masters for violations also changed. Bond penalties decreased from \$200 to \$100 per native seaman. In contrast, the fine for shipping a native seaman without proper authority rose from \$400 to \$500 per offense.<sup>41</sup>

The changes directly affecting native seamen involved requiring these sailors (1) to comply with the conditions of their enlistment and (2) to pay a portion of their earnings to the government. The statutes granted each island governor authority to arrest any native sailor as a deserter and to have him forcibly conveyed on board for failing to board the vessel on which he enlisted. They now also required masters to "pay to said governor out of the wages of said seamen, the sum of fifty cents per month for the whole term of their services." This clause, which appeared in the bond, remained in effect until the native sailor returned and was discharged.<sup>42</sup>

In 1850, an "Act Relating to the Enlistment of Native Sailors" passed, which freed native seamen from paying the government any taxes, any portion of their earnings, or any of the expenses related to their shipping. Conversely it stated that masters shall pay all expenses of shipping native sailors. Additionally, the act charged captains with paying the island governor an enlistment fee for native seaman he shipped. This fee was \$2 if the term of enlistment did not exceed 12 months and \$4 for any enlistment exceeding one year.<sup>43</sup>

An amendment of the "Act Relating to the Enlistment of Native Sailors," affirmed that masters alone were responsible for paying all expenses pertaining to the enlistment of native seamen. It passed in 1852 and served to clarify that these fees applied regardless of whether the master shipped, discharged, or paid off his native sailors in the presence of a foreign consul or before a representative of the Hawaiian government.<sup>44</sup>

In 1852, the "Act Relating to the Employment and Pay of Native Sailors on Board of Foreign Vessels" recognized the need to protect the earnings of seamen who ship without a written agreement with the master. It stipulated that upon discharging, all such native sailors shall be paid the highest rate at which others of their station received aboard the same vessel. This protection, however, did not extend to those native seamen who shipped prior to passage of the act. Additionally, this act granted native seamen the option to receive either their share of oil, bone, or other catch, or to be paid the cash value of their share. If a disagreement occurred, they could apply to the District Attorney of the port to settle the matter. When this occurred, the District Attorney was

entitled to five per centum of the amount paid. Examples of these disputes appear in the Admiralty Court records.<sup>45</sup>

In 1855, the passage of an "Act Relating to the Port of Hilo" conferred the same privileges "in regard to the shipping of native seamen, and to the discharge of Foreign and native seamen," already conferred on the ports of Honolulu, O'ahu, and Lahaina, Maui.<sup>46</sup>

In the "Act to Regulate the Shipping and Discharge of Native Seamen," the Hawaiian government asserted its right as a sovereign nation to absolute authority in all matters related to the enlistment of native seamen on foreign vessels. This act, which passed in 1855, defined the specific shipping-related duties of the Minister of the Interior, shipping officers, island governors, the Government Attorney, and vessel masters. It stated that the Minister of the Interior shall appoint in each of the ports open to whaling vessels—Honolulu, O'ahu; Lahaina, Maui; and Hilo, Hawai'i; an

officer in whose presence, or in the presence of whose deputy, all native seamen of this kingdom shall be shipped, paid off, and discharged. Officers must receive from the master, and certify if required, an accounting of the debts incurred by and the pay owed a native sailor before the seaman may be discharged. The shipping officer shall be empowered to demand and receive an accounting of the wages or pay due any sailor who died during voyage, and to deliver the pay to his legal representatives (or heirs). Officers may assist any native seaman, if requested, in negotiating his employment contract with the master of a vessel. They may not, however, ship any native sailor for a foreign voyage exceeding two years. And, they must deliver to the island governor any expired bonds for the return of native seamen still away. The island governor shall, in turn, convey them to the Attorney General for prosecution. Shipping officers shall be paid 50 cents for each native seaman shipped or discharged before them, and 5 percent on the amount paid to each of native sailor.<sup>47</sup>

This act further stated that all shipping expenses "shall be borne by the vessel."<sup>48</sup> The government's intent was to prohibit masters and ship owners from deducting such expenses from the earnings of native sailors. By doing so, the government ensured it would receive payment and that native seamen were not unduly burdened with expenses related to the vessel rather than their labor.

In 1859, the "Act Relating to the Enlistment of Native Seamen" declared that no contract entered into within the jurisdiction of the Kingdom, by a native subject to perform services as a seaman on board a foreign vessel "shall have any binding effect, or be regarded as operative in the Courts of this Kingdom, unless the said owners, agent or master have complied with the Statute Laws of the Kingdom regulating the enlistment of native sailors." And any native subject who entered into a contract to perform such services without the written consent of the island governor or his agent "shall be subject to a penalty of Fifty Dollars, to be recovered by prosecution" in the courts of the island where the contract was made. Additionally, the act empowered the governor or shipping agent to order the native subject arrested and detained "until the vessel upon which he has agreed to perform the duties of a seaman has departed the Kingdom."<sup>49</sup>

In 1864, the "Act to Amend Sections 143 and 146 of the Civil Code" of 1859 raised two fees paid by masters of foreign vessels. First, the act required masters to execute "a bond to the Governor, or his agent, in the penalty of three hundred dollars" rather than the one hundred dollars specified in the laws of 1845. Second, the act increased the fees masters had to pay the Governor in lieu of native seamen paying personal taxes. It raised the rates specified in the laws of 1850 from \$4 to \$6 if the term for which the seaman shipped did not exceed 12 months, and from \$6 to \$12 if the seamen shipped for over a year.<sup>50</sup>

In 1870, an "Act to Further Amend Section 146 of the Civil Code," retained the provision that masters pay the island governor tax fees in lieu of native seamen paying personal taxes and added a similar provision pertaining to masters of Hawaiian-registered vessels. This second provision charged these masters with paying tax fees if the seaman's term of employment (1) "shall include the time of the payment of taxes" or (2) extended beyond six months. Additionally, masters of Hawaiian-registered vessels shall "have the right to retain the amount" to be paid "out of the wages" of the native seaman.<sup>51</sup>

## Hawaiian Fishery

### Overview

Hawaii's fisheries contain diverse marine resources, including whales. Since ancient times, Native Hawaiians made use of beached whales. In 1819, foreign whaling vessels took the first known pelagic catch within the fisheries. In the mid-to late-1840s, small parties in whaleboats started shore whaling off the islands of O'ahu and Maui. About 1860, Hawaiian vessels began sealing/sharking cruises in the leeward fisheries (Northwestern Hawaiian Islands). In the early 1870s, others undertook whaling/sharking voyages within fisheries of both the leeward and main islands.<sup>52</sup>

NA IA KAPU A NA KONOHIKI MAMULI O NA KANAWAI.			
Konohiki. Aina.	Ia.	Konohiki Aina.	Ia.
L. HAALELEA.		A. PAKI,	
Kalawahine, Oahu, Pua	Haena, Kauai,	Hee	
Makao,	Hee, Makaha, Oahu,	"	
Waimalu Kom.	Anae, Heeia, "	"	
Honouliuli,	" 1-2 Waialae,	Anae	
L. KONIA.	Puunau, Maui,	Opelu	
Keei, Hawaii,	Ohua AKAHI.		
Maile pai, Maui,	Nehu Kealia, Hawaii,	Opelu	
2 Alaaloa, "	Hee Keeiki, "	Kala	
2 Napili, "	" Nakalewena,	Hee	
Lumahai, Kauai,	" Puuwepa. Mahukon. Uhu		
Kalauao, Ko, Oahu, Anae			
KEOHOKALOLE, LAUA O KAPAAKEA,			
Pau, Hawaii,	Oio J. PIKOI.		
Paauhau, "	Uhu Kawailoa, ili o Kai-		
Honohina,	Opihi lua Oahu,	Hee	
Puaa, "	" Halekou, Kaneohe, Anae		
Keaiwa,	" Waikalua,	"	
Kawela,	Hee Keahala,	Uhu	
Kaapuna,	Opelu Ahup. o Kahalu,	Hee	
Kealakekua,	Uhu Maluaka ili o Waih. Anae		
Kaawaloa,	Ahi Waiohole, Ahup.	Hee	
Onouli,	Opelu Hauula,	"	
Keahulo,	" Waialee,	"	
Hamooa, Maui,	Kala Paumalu,	Alalauwa	
Mualea,	" Pupukeya,	Uhu	
Hamohamo, Oahu, Hee			
KAPU A KE KUHINA KALAIAINA. Ke Akule ku o Kahana, Koolau, Oahu, a hiki i ka la 19 o Iune, 1852. A. G. THURSTON, Kakauolelo, Keena, Kalaiaina, Januari 31, 1852. 1t-40.			

Figure 3. A public notice stating that a *kapu* (taboo) has been placed on selected fish by five *konohiki* (landlords) in compliance with the fisheries laws. The notice identifies the five *konohiki* as L. Haalelea, L. Konia, A. Paki, and Keohokalole and Kapaakoa. It provides the names of their *aina* (land), followed by the name of the island on which the *aina* is situated (e.g., (e.g., O'ahu, Hawai'i, Maui), and the name of the *i'a* (fish or marine animal) selected for *kapu*. This public notice appeared in the newspaper *Polynesian* on February 14, 1852.

Newspaper stories dominate the surviving literature about Hawaii's shore whaling, sealing/sharking, and whaling/sharking voyages. Local journals and diaries, and local and foreign whaling logbooks provide supplemental accounts, particularly about foreign pelagic cruises and/or catches in the waters of the archipelago. The kingdom laws describe the fisheries, from the freshwater and pond fisheries to those of the deep oceans. They specify the regulations related to fisheries use and management. These regulations describe the rights of landlords and the king to taboo specific fish (or other marine

resources) for their own use, the piscary rights of the common people (i.e., the right of fishing in waters belonging to another person), the system of fishing duties and taxes, and the penalties for fishing violations. Government records contain details about legislative and regulatory decisions and

compliance matters. Such records include Privy Council minutes, harbor master and custom house records, and local and foreign correspondence.<sup>53</sup>

The local historical accounts reveal that the fisheries were divided among the following three groups: the common people, landlords, and the king. As in ancient times, each group engaged primarily or solely in sustenance fishing. Their fishing practices were defined by specific ceremonies and protocols and by specified rights and responsibilities. The first western-style laws pertaining to the fisheries date from 1839. These laws included the recently-introduced economic concept of fee-simple ownership.

The newspaper stories, kingdom laws, and government records collectively reveal that the harvesting of beached whales and the "fishing" of migrating whales were subject to the same regulations as those applied to the taking of fish and other marine resources. Whales found beached or floating dead belonged to the landlord of the fishing ground on which they occurred. The pursuit of whales from shore was regulated by the government, but not pelagic whaling. Shore parties obtained licenses or "fishing rights" from the government to take whales from specified fishing grounds (e.g., off the leeward coast of O'ahu). Some appear, however, to have obtained fishing rights from individual landlords (e.g., Wyllie). These fishing licenses granted shore parties access to, and use of, grounds on which they could pursue whales. Successful parties towed the whales to the beach, cut them up, and boiled the blubber in try works placed along the shore.

These historical descriptions further reveal the following about Hawaii's fisheries:

- humpback and sperm whales frequented Hawaii's waters, with most sightings occurring during the winter months;
- Native Hawaiians consumed and/or sold dead whales they towed ashore or found beached;
- shore or near-shore whaling primarily centered off the leeward coasts of Maui and Hawai'i; and
- pelagic whaling in the archipelago included both
  - opportunistic pursuits made while sailing in or out of a harbor or while at anchor, and
  - short cruises that targeted specific species, whale migration routes, or sailing routes.

### **Kingdom Laws**

Hawaii's fisheries are included in the laws of 1839–1842.<sup>54</sup> These early laws emphasize the traditional importance placed on protecting the fisheries, in maintaining the various fishing grounds and fish species while ensuring access to fishermen and chiefs. These traditional fishing rights and practices involved the following:

In pre-western contact Hawai'i, all *'āina* (land), *kai lawai'a* (fisheries) and natural resources extending from the mountain tops to the depths of the ocean were held in "trust" by the high chiefs (*mō'ī ali'i 'ai moku*, or *ali'i 'ai ahupua'a*). The right to use of lands, fisheries, and the resources therein was given to the *hoa'āina* (native tenants) at the prerogative of the *ali'i* and their representatives or land agents (often referred to as *konohiki* or *haku 'āina*). Following a strict code of conduct, which was based on ceremonial and ritual observances, the people of the land were generally able to collect all of the natural resources, including fish—and other marine and aquatic resources—for their own sustenance, and with which to pay tribute to the class of chiefs and priests, who oversaw them.<sup>55</sup>

The laws in 1839 were divided into thirteen sections. Of these, the law pertaining to the fisheries reads as follows:

SEC. 4th, Defines the fishing grounds and the species of fish on which restrictions still remain. These restrictions are to considerable extent of the protective kind, and are as important for the fishermen as for the chiefs, in as much as there are several kinds of fish



which would not flourish, and perhaps would be driven from the shores by an irregular and unlimited manner of fishing. There are also several kinds of fish which are pretty uniformly found in large shoals, and could not be taken extensively except by large companies of fishermen. The law regulates the manner of taking and dividing such fish.<sup>56</sup>

In the laws of 1839–1842, Kamehameha III took all the fishing grounds from those who oversaw them. He gave a portion to the common people, another portion to the landlords, and a portion he reserved for himself. The "free fishing grounds" went to the common people and the landlords while the "tabooed fishing grounds" belonged to the king. Kamehameha III gave the common people the fishing grounds without a coral reef. These specifically involved the Kilohee grounds, the Luhee ground, and the Malolo ground,<sup>57</sup> along with the deep ocean beyond the reef. Further, "no restrictions whatever shall by any means be laid on the sea without the reef even to the deepest oceans."<sup>58</sup>

The landlords and their tenants received the fisheries extending from the beach to the reefs fronting the islands. The landlords had the right to taboo one species of fish for their personal use. If that fish went onto the fishing grounds given to the common people, only that fish was taboo to them. Any landlord who placed a duty on the fish taken by the people on their own fishing grounds were to be penalized by having his own fish tabooed for the tenants of his land (i.e., he would be tabooed from taking fish on his own fishing ground). When the proper fishing season arrived, tenants could take all fish except the one species tabooed by their landlord. Tenants were prohibited from taking any fish on grounds belonging to another landlord. They were required to divide their take, giving two-thirds to the landlord and one-third to themselves.<sup>59</sup>

At the proper season for fishing, shoals of fish were placed under protective taboo of the tax officers for the king. These included both "specific" and "transient" shoals of fish on grounds from Hawai'i to Ni'ihau. Of the transient shoals, the protective taboo applied to those of "sufficient quantity to fill two or more canoes, but not so small a quantity as to fill one canoe only." However, if fishermen borrowed a large canoe that allowed them to place all the fish into it, then a duty was placed on those fish.<sup>60</sup> This provision pertaining to "sufficient quantities" was replaced in 1841 with reference to the following specific transient shoals: the Kule, Anaeholo, Alalauwa, Uhukai, Kawelea, Kawakawa, and the Kalaku. These shoal fish are to divided equally whenever they arrive at the islands or drift past.<sup>61</sup>

The specific protected shoal on Hawai'i was the albacore, while on Moloka'i the protected fishing grounds consisted of Punalau, Ooia, Kawai, Koholanui, Kaonini, Aikoolua, Waiokama, and Heleiki. On Lāna'i, the bonito and parrot fish, and on Maui, the Kuleku of Honuaula and other places. On O'ahu the protected grounds were Kalia, Keehi, Kapapa, Malaeakuli, and Pahihi. The others involved the mullet of Huleia, Anehola, Kahili and Hanalei, and the squid and fresh water fish of Mana on Kaua'i, and the permanent shoal fish of Ni'ihau. Fishermen divided their shoal catch with the king in the same manner as they did when fishing grounds belonging to their landlords. They gave two-thirds of the catch to the tax officer and retained one-third for themselves.<sup>62</sup>

Fishermen were allowed unrestricted fishing on the grounds given to them. Their fishing grounds consisted of "sea without the reef even to the deepest ocean." They owed no duty on the fish they took on these grounds. However, if a tabooed fish swam into those grounds, they were not allowed to take them. Their penalty for taking a tabooed fish on these grounds or those belonging to the king or a landlord involved being prohibited for two years from fishing on any grounds.<sup>63</sup> This penalty was subsequently changed to a fine of five fish for each tabooed fish taken. In other words, if a fisherman took one tabooed fish, he owed a fine of five fish. If he took five tabooed fish, he owed twenty-five fish, and so forth.<sup>64</sup>



With the passage of the Organic Acts of 1845–7, the newly appointed office of Minister of the Interior became the nation's administrator of the fisheries, the inter-island channels, the coasting trade, and the registry of Hawaiian vessels. His administrative duties included exercising the king's authority to defend these territorial waters and to prohibit their use by other nations. The territorial waters were defined as extending one marine league seaward from the low water mark surrounding each of the eight main islands of Hawai'i, Maui, Kaho'olawe, Lāna'i, Moloka'i, O'ahu, Kaua'i, and Ni'ihau. It also included all of the channels passing between the respective islands. Within the one maritime league, the right of transportation and of trans-shipment from island to island belonged exclusively to Hawaiian-registered vessels licensed to the coasting trade.<sup>65</sup>

Yearly, the Minister of the Interior proclaimed which species of fish the king reserved for his exclusive use during the "specified season of taboo." He declared the months or seasons during which the "royal fisheries may be used, and the said protected fish taken." After the taboo expired, the Minister granted permission to the people to catch those fish, for which they owed a portion to the government. His authority extended to the granting of licenses for fishing on grounds belonging to another person. These licenses included fishing rights to hunting whales. The Minister of the Interior appointed fishing agents to supervise the fisheries. With the assistance of the island governors, he administered the sale and disposal of all catches and shares and delivery of the resulting revenues to the Minister of Finance.<sup>66</sup>

In 1851, the Hawaiian government concluded that the kingdom generated little revenue from the government fisheries. It determined also that the piscary rights of the government to these fisheries created "a source of trouble and oppression to the people", and that existing laws inadequately protected the fishing rights of the people. Passage in May of the "Act Granting to the People the Rights of Piscary, Now Belonging to the Government" conveyed to the common people free and equal access to government fisheries, excluding ponds (fishponds). This act, however, preserved the authority of the Minister of the Interior to protect these fisheries by tabooing (prohibiting) the taking of particular fish at certain seasons of the year. Also passed in May, the "Act to Protect the People in Certain Fishing Grounds" declared it illegal to willfully violate the fishing rights of another person, including access to any public fishing ground, taking fish caught by another, or taking more fish than allowed by law. Violators faced a fine of up to \$100 per offense, and in the case of default, by imprisonment at hard labor until the fine was paid.<sup>67</sup>

These fisheries laws make no specific references to whales or to the taking of whales. As such, how whales and whaling fit into the regulations remains enigmatic. Whales potentially may be interpreted as (1) a fish within a ground, (2) a tabooed fish, or (3) a transient shoal fish. An argument may be made for each of these three possible scenarios.

If whales constitute a "fish within a ground" then the regulations pertaining to specific fishing grounds apply. Therefore, if on the grounds belonging to the common people, whales may be taken by any fisherman free of duty. If on the grounds of a landlord, then only by a tenant and only if whales are not the selected fish tabooed by the landlord. If on the grounds of the king, whales may be taken only with permission from the king.

The taking of whales as "fish within the grounds of the common people" would generate a visible regulatory record only if a species of whale was selected as a tabooed fish. Except for tabooed fish, no fishing restrictions existed for the ocean beyond the reef. Unless tabooed, fishermen wishing to take whales on these grounds would not need to acquire permission from the king. Canoes and catches were not subject to duties or taxes. This scenario appears to correlate with pelagic whaling activity in Hawaii's channels and deep ocean fisheries.

The taking of whales as "fish within the grounds of a landlord or the king" would generate a visible regulatory record for some, but not all, fishermen. Those fishermen desiring to take whales

from near shore on the grounds of another (landlord or king) needed to acquire fishing rights. Those pursuing whales within the grounds belonging to a landlord applied to the landlord. If, however, the fishermen were a tenant, no license was necessary. Those fishermen seeking to pursue whales on grounds belonging to the king, sought permission from the Minister of the Interior. This scenario appears to correlate with fishermen who desired to take whales on near-shore grounds for which they were not a tenant or from near-shore grounds belonging to the king. These parties received licenses that allowed them to make use of grounds (land and water) belonging to another.

If whales constitute a "tabooed fish" then the regulations pertaining to the tabooing of fish and to the taking of tabooed fish apply. These regulations stipulated that landlords and the king had to make public announcements as to which fish they selected for taboo. These announcements were to appear in local newspapers, such as the *Polynesian*. While this scenario may have occurred, it is relatively unlikely. First, no announcements have yet been found in which a landlord of the king stated they selected a species of whale as their tabooed fish. Second, Native Hawaiians didn't actively take whales for food. The fish selected for personal taboo represented important sustenance species.

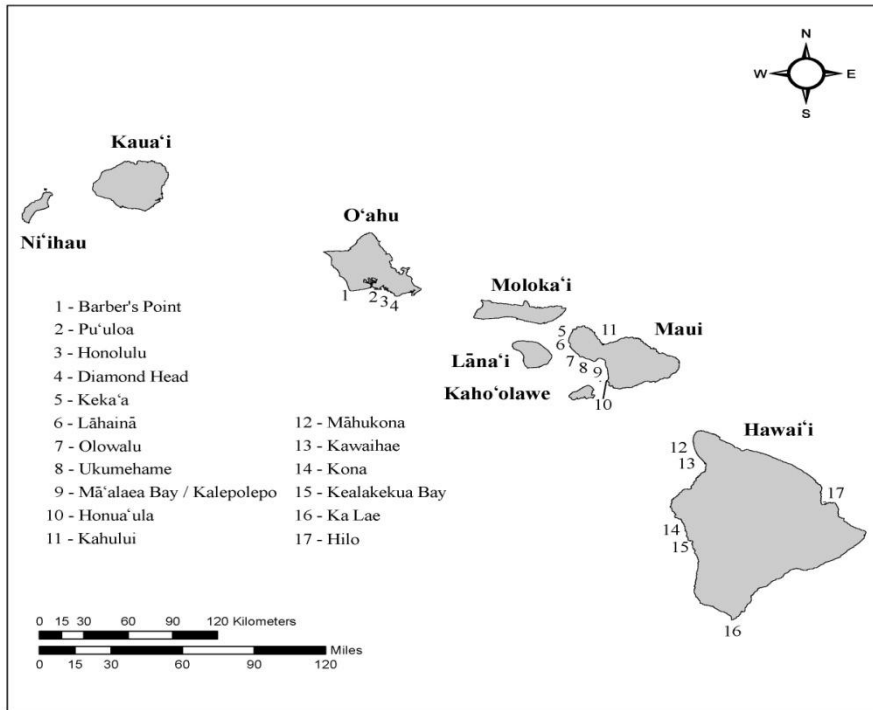
If whales constitute a "transient shoal fish" then the regulations pertaining to shoal fish apply. Fishermen desiring to take shoal fish, sought permission from the Minister of the Interior. This scenario may correlate with some the licenses obtained for taking whales off shore or in the channels. While such licenses provided general information about the fishing ground, none specify whether the applicant intends to engage specifically or exclusively in shore whaling. One license, however, indicates that the king would supply the oil casks and the licensed party owed a share/duty of the oil catch to the king.

Foreigners dominated whaling interests in Hawaii's fisheries. American whaling vessels account for most of the pelagic catches. The primary parties that engaged in shore whaling consisted of foreign residents, including some experienced pelagic whalers. At least one Native Hawaiian shore whaling enterprise operated on Maui. Several parties also engaged in one or more pelagic whaling or whaling/sharking cruises. These Hawaii-based whaling enterprises mainly employed native crew, some of which also may have been experienced pelagic whalers.

### **Whale Sightings**

Sightings spurred shore parties and pelagic whalers to launch whaleboats in pursuit of humpback and sperm whales while strandings fueled locals to harvest opportunistic bounties. Shore whaling parties erected try pots or stations near sighting "hotspots," places where whales often congregated yearly. Pelagic whalers often targeted such "hotspots" to enhance their catch while navigating between ports, between cruises, or while making a short spring cruise within the Hawaiian fishery. Some local residents harvested whales that became stranded or washed near or ashore, whether from storms, hunting strikes, disease, or other factors. Other residents sold beached whales.

Whale sightings primarily occurred between early January and late April and only infrequently between mid-October and the end of December. These sightings occurred most often along the leeward coasts of Hawai'i and Maui. They involved solitary whales, as well as small and large pods, ranging from whales of unknown species to humpback, sperm, and a single mention of "bowhead." Humpback whales dominated sightings made from shore or from whaling, trading, or inter-island vessels anchored in or sailing near island bays or harbors. Often such sightings mentioned humpback whales migrations to the fishery in the spring for breeding. The sightings made in channels between islands or in waters more distant from the islands primarily involved sperm whales.<sup>68</sup>



**Figure 4. Places of known whale sightings, shore whaling, and bay whaling in the main Hawaiian Islands during the mid-1800s. Map drawn by Elizabeth L. Kahahane, 2009.**

Whales seen along the Kohala-Kona coastline of Hawai'i, included sperm whales off Māhukona and sperm and humpback whales off Kawaihae in the Kohala District. Sperm whales, as well as whales not identified to species, appeared at Kailua and at Kealahakua Bay in the Kona District. Some cruises searched for sperm whales off Ka Lae Point (South Point) at the

southern tip of the island, while others sighted humpback whales at the entrance of Hilo harbor on the windward side. In 1867, Captain Hathaway, bark *Lydia*, New Bedford, observed a pod of sperm whales "off Kohala" [northwestern end of the island], which he estimated totaled nearly a hundred in number. He succeeded in capturing three. Whaling bark *Lark*, New Bedford, took a humpback whale off Kawaihae in March 1855. It yielded 45 barrels of oil, which sold for about \$1,400 in the Honolulu market. In February 1860, Captain Marchant, schooner *Kekauluohi*, reported seeing sperm whales off the Kona coast three times in the two previous months.<sup>69</sup>

Frequent sightings of humpback whales along the leeward coast of Maui occurred at Lahaina, opposite Lahaina in Mā'alaea Bay, and in Kalepolepo Bay near Kīhei. Sperm whales appeared in Kalepolepo Bay, and on the windward coast, at Kahului, Maui. In February 1860, Captain White, schooner *Queen*, reported a large number of humpbacks off Lahaina while six humpback cows and their calves were seen by captain McGregor, *Kilauea*, in Mā'alaea Bay in February 1872. Captain Molteno, schooner *Maria*, reported in February 1857 that a "school of sperm whales entered Kalepolepo Bay one day last week, and were driven out by two humpback whales. In the course of the day the sperm fish returned and were again driven away by the humpbacks, who appear to consider that their own territory. At all events, the latter are to be seen in the bay almost every day." A pod of sperm whales seen off Kahului in March 1858, appeared again off the west end of

Moloka‘i. The pod consisted of ten or twelve whales. Whaleboats from bark *Midas*, Captain Tallman, New Bedford, struck two, and killed one that yielded about seventy barrels.<sup>70</sup>

The few reported sightings off Lāna‘i and Moloka‘i primarily involved vessels "boiling out" or struck whales washing ashore. American whale ship *Stanton*, Captain Daggett, Fairhaven, returned to Honolulu March 23, 1829, having taken four whales of Lāna‘i, "not yet boiled out."<sup>71</sup>

Sightings described from O‘ahu in October include two vessels "boiling out" near Diamond Head on the leeward coast [southern], and one off the windward coast [northern]. The two leeward sightings involved the American whaling ship *Nautilus*, Captain Swift, New Bedford, in 1837 and the British bark *Admiral Cockburn*, Captain Lawrence, London, in 1838. An 1860 report from Ko‘olau, O‘ahu [windward side], mentioned a whaleship "boiling" quite near the land. Spring sightings included humpback whales off Honolulu harbor in March 1857. The two or three whaleboats that pursued them returned unsuccessful. A whale believed to have been struck and lost, washed ashore at Waialua, off the north shore of O‘ahu, in May 1876.<sup>72</sup>

In December 1838, ship *Harvest*, returned to Honolulu with 100 barrels taken between O‘ahu and Kaua‘i. Captain Cash reported that ship *Averick*, Captain Lawrence, had taken 200 barrels there in a fortnight. The *Averick* had departed Honolulu on November 28th. An observer in April 1860 reported a pod of 40 to 50 sperm whales spouting off Wai‘alae, Kaua‘i. In January 1861, Captain Candage of the schooner *Odd Fellow* reported "large-sized" sperm whales about twenty miles windward of Kaua‘i. Candage described them as "about eight in number, moving leisurely along within a space of perhaps a mile in diameter, two of them cooing within 300 yards of the schooner."<sup>73</sup>

### **Alongshore Whaling and Bay Whaling**

During the nineteenth century, various parties submitted applications to the Hawaiian government for fishing rights to take whales within Hawaiian waters. Upwards of a dozen whaling enterprises, largely known from local newspapers, established shore stations (probably seasonal and involving only a few trypots) on at least four islands—O‘ahu, Maui, Kaho‘olawe, and Hawai‘i. These enterprises primarily pursued whales in small whaleboats launched from shore. They targeted whales migrating through the archipelago along the coastlines or in bays. At least two enterprises appear to have carried out one or more pelagic whaling cruises.

The first effort to establish a local whaling enterprise dates to January 1845. The Hawaiian Whaling Company held a meeting of its stockholders on January 20th, at which time a committee was formed to assess the condition and to make recommendations about purchasing the American whaling ship *Wilmington and Liverpool Packet*. A carpenter's report estimated the cost of repairing and outfitting the vessel at \$27,173. At their next meeting, the stockholders decided the costs were prohibitive and they dissolved the company.<sup>74</sup>

The earliest known successful whaling enterprise in the fishery received fishing rights to whales off the leeward coast of O‘ahu in 1847. Later that year, a second company obtained rights to the whale fisheries off the leeward coast of Maui, including Mā‘alaea Bay. In 1856, the owners of this company chartered a schooner for bay whaling. By 1858, four or five companies operated along the leeward coast of Maui. Most of these clustered near the port of Lahaina, including a Native Hawaiian-owned whaling enterprise. Two shore whaling businesses established stations on the island of Kaho‘olawe in early 1859. One whaling enterprise on the leeward coast of Maui in 1862 engaged in shore whaling for at least several years, sailed a pelagic cruise in 1868, and was shore whaling in 1872. At least one shore whaling party operated at Hilo, Hawai‘i, in the spring of 1869 and possibly the same station or another was located there in 1870. A bay whaling enterprise established a station



on the leeward coast of Maui in 1870. The last known shore whaling effort centered at Lahaina in 1873.<sup>75</sup> These enterprises include the following:

John Freeman, Diamond Head, O'ahu. John Freeman submitted the first of the known applications for fishing rights. The Privy Council considered his application on May 26, 1847. Freeman's request stated he "wanted the whaling rights from Diamond Head to Puuloa", along with a 40-year lease on a piece of land at Diamond Head. The Privy Council voted that the "Minister of the Interior and the Minister of Finance act as they think proper in the matter."<sup>76</sup>

James Hough and Henry Fennes, Honua'ula, Maui. James Hough and Henry Fennes applied in October 1847 for "a charter of incorporation" for a whaling company. They requested a ten-year exclusive on fishing rights for taking whales "on the South Side of Mowi between Lahaina & Honolulu", including "Malaa Bay" [Mā'alaea Bay]. They agreed to pay the government "the one thirtieth Part of all Oil and bone taken" by them under the charter, with the stipulation that the government would furnish the casks. The government accepted the application and granted James Hough and Henry Fennes a charter for the Honuaula Whaling Establishment to be located at Honua'ula, Maui. The two men received the privilege of pursuing whales within the waters off Maui from the port of Lahaina to the point of land called Honua'ula and from there seaward one marine league to the limits of Hawaiian waters. The government granted them the right to legal redress for any infringements to their exclusive whale fishery. It also required them to provide the Minister of the Interior "a correct quarterly account of the number of whales and oil-yielding fish which may have been taken," to deliver "one thirtieth part of the oil taken" using casks obtained from the government, and to comply with all "orders from the Department of Finance," including requests to inspect their boats and vessels.<sup>77</sup>



Figure 5. A Shoal of Sperm Whale off the Island of Hawai'i, 1833. Sperm whales were often sighted off the leeward and southern point of Hawai'i. Some pelagic whalers targeted this area on their short cruises through the islands. Photograph courtesy of New Bedford Whaling Museum, image number 2001.100.6852[1].

This company captured a sperm whale, possibly its first, in May 1848. The blubber was tried out on shore, yielding about 80 barrels. The oil was estimated to be worth about \$800.<sup>78</sup>

Unidentified shore whaling enterprise, Keka'a, Maui. The single explicit reference to this enterprise appears in a collection of "Hawaiian Folklore." Reportedly the station kept the dead whales away from sharks in some type of enclosed area until they could be tried out. They used large trypots for "cooking whales", which probably were set along the beach. One of the employees was Keokiko. He worked there from 1849 to 1859 and over the years many people came to observe. Keokiko was described as follows:

Ua loa nui na ia, ua pui nui ia ke kohola.

He caught many fish, he cooked many whales.<sup>79</sup>



C. J. Clark and H. Sherman, Mā‘alaea Bay, Maui. On December 25, 1854, the Privy Council considered a petition from C. J. Clark and H. Sherman to obtain fishing rights for one year to take whales from Mā‘alaea Bay, Maui. Members of the council agreed and resolved that the Minister of the Interior would grant their petition. Clark and Sherman reportedly were two "mates of whaleships [who] bought boats and whaling tackle . . . to engage in humpback whaling at Kalepolepo Bay." On April 2, 1855, they "succeeded in capturing three humpbacks."<sup>80</sup>

In late 1856, the company chartered the schooner *Haalilio*, a regular inter-island trader to Kona, Hawai‘i. They planned to fit the schooner out "for the sperm whale business in the neighborhood of these islands."<sup>81</sup>

Captain Sherman cruised for humpback whales in Kalepolepo Bay in February 1857 and off Kawaihae, Hawai‘i, in March. "He struck a very large cow, in the bay, which headed for the open sea; his line becoming foul, the boat was swamped, and he was obliged to part with his prize, which had received her death blow." The captain secured a humpback whale with the mark "T.S." under his flukes and with palsy on one side. The whale yielded 40 barrels of oil. A sample of the oil was deposited at Kawaihae so that "any one who claims the whale can see [it], and if enabled to prove property can take the oil." In late April, the schooner *Haalilio* captured a humpback cow and calf off Lahaina, which were estimated to yield about 40 to 50 barrels of oil.<sup>82</sup>

Kaikainahaole, near Lahaina, Maui. Native Hawaiian whaler, Kaikainahaole operated a whaling station near Lahaina in 1858. On March 1st, his native crew killed a cow and a calf in sight of the town, and a bull was killed by crew from the American whale ship *Sharon*, Captain King. Reportedly Mr. Kaikainahaole's wife and crew made the capture while he was away at Honolulu. His "wife had taken charge of the business and went in the boat herself, superintending the capture and saving of the whales." On March 26th, a "boat's crew of natives", possibly from this station fastened to a humpback whale off Lahaina. The whale "started to run, heading direct for Honolulu." The crew, unable to bring him in, cut their line." On April 5th, two whaleboats manned by native crews fastened to a humpback in Kalepolepo Bay. They killed and saved a small calf, but parted the line on the cow after having been fast for over 12 hours. On Saturday, April 18th, a pod of humpback whales appeared off Lahaina. Three "ships sent their boats together with the native boats" from Kalepolepo, but did not secure any whales. Later that day, the native boats "got fast to a humpback, but the iron drew; they again got fast and the whale run them over to Kahoolawe—the natives became hungry and tired and they cut, getting home on Sunday noon."<sup>83</sup>

Reverend Dwight Baldwin recorded the following first-hand description of this catch in his journal:

Lahaina. 1858. Tues. March 2d 1858. We have five whaling companies in & about Lahaina formed to whale from the shore. Some of these consist entirely of natives. Today was the first this year that they have met with any success. A company of natives from Oahu, under Kaikainahaole, were out early in the morning, & three boats were fast to a cow whale & calf, while one or two bull whales followed them wherever they went. When they had been fast 2 or 3 hours without killing them, Capt. King of the ship *Sharon* went with two boats & struck a loose whale & killed him. The natives killed theirs — & they brought them some 8 or 10 miles to Lahaina, but the next day they accepted of Capt. King's offer to cut them in & boil them out for half the oil. For most of this day hundreds of foreigners & natives about the shore were watching these new maneuvers on the ocean, & the next morning great numbers went to the ship & the boats outside the reef to see the three whales, myself & children among the rest.<sup>84</sup>

E. M. Mayor, Kaho‘olawe. In 1858, E. M. Mayor received permission from R. C. Wyllie to establish a whaling station on Kaho‘olawe "for the coming season."<sup>85</sup>

Turton and Lockwood, Kaho‘olawe. "Messrs. Turton and Lockwood of Lahaina" started a whaling company and located their station on the northeast part of Kaho‘olawe,<sup>86</sup> possibly in 1858.

O. J. Harris, Lahaina, Maui. Captain Morse, schooner *Kamehameha*, reported that on April 8, 1862, Mr. O. J. Harris, of Lahaina, "captured a large bowhead" in Kalepolepo Bay. Harris erected try works at the bay for "boiling out" all the whales he takes. It was estimated that the captured whale would yield about fifty barrels of oil. In early 1863, Captain O. J. Harris, sloop *Laanui*, took a whaling cruise to the Windward Islands. Captain Harris took a large humpback whale off Lahaina where the *Laanui* was seen on March 25th "trying out the oil, laying at anchor." The *Laanui* arrived at Honolulu harbor on May 12, 1863, and captain Harris delivered his catch of 70 barrels of humpback oil to Bolles & Co. for sale; a good catch for the owner, Mr. James Dawson.<sup>87</sup>

In 1868, Messrs. James Dawson and O. J. Harris purchased the schooner, *Emeline*, long engaged in the inter-island coasting trade at Kona and Ka‘ū, Hawai‘i. They fitted her out for a sperm whaling cruise to the Galapagos Islands and the Line. Captain Harris, schooner *Emeline*, left Honolulu on March 4th. The *Emeline* arrived at Panama about October 1st carrying 200 barrels of sperm oil.<sup>88</sup>

When O. J. Harris returned to shore whaling remains unknown. He captained a shore party from Lahaina that struck a whale in February 1872.<sup>89</sup>

Thomas Spencer, Hilo, Hawai‘i. In 1869, both shore parties from Spencer's station and pelagic whales pursued whales near the port of Hilo. Whales appeared in Hilo Bay on March 3rd. The American whaling bark, *Oliver Crocker*, Captain Fisher, New Bedford, lowered whaleboats, but returned unsuccessful. A few weeks later, the *Oliver Crocker* killed a humpback whale that yielded 60 barrels of oil. Captain Thomas Spencer's shore crew fastened to a large cow. They killed the cow before they had to cut their line. They also killed a calf, but it sank. A canoe from one of the plantation landings towed the cow to shore where it was tried out and yielded about 60 barrels. These activities led some to propose launching "an expedition . . . to whale off this group for the next three months."<sup>90</sup>

Unidentified shore whaling party, Hilo, Hawai‘i. Two whaleboats from this shore whaling enterprise and a whaleboat from the American ship *Champion*, captain Pease, captured a whale off Hilo in March 1870. The following description of this whaling success appeared in the *Pacific Commercial Advertiser*:

One day last week a whale boat went out in pursuit of whales which have been seen frequently from the shore. It was not long before one was made fast to, and then commenced what Jack calls rare sport. The whale darted off with the boat in tow, rushing from the point of land ten or fifteen miles to another, wounded just enough to make him desperate, but not mortally. The chase continued through the night, and early next morning the boat was seen still in tow rushing through the water like a steam plow. Another boat from shore went off, followed by one from the ship *Champion*, and the latter succeeded in killing the animal, which was towed into the harbor and turned out sixty barrels, which was divided equally between the ship and the shore party. The latter then towed the carcass ashore and tried it out, obtaining fifteen barrels more, giving them forty-five barrels of oil for their labor, worth \$1200.<sup>91</sup>

Thomas Welcome Roys, Olowalu, Maui. In January 1870, captain Roys erected try works at Olowalu, about four or five miles from Lahaina. He chartered the Hawaiian schooner *Annie* (also

spelled *Anne*) for a short whaling cruise off the leeward coast of Maui. The *Annie* secured two whales, probably humpbacks, using "Captain Roy's new whaling guns manufactured by Mr. Hopper" of Honolulu; reportedly "used for the first time in this locality" [Hawaii fishery]. One source estimated the whales would yield fifty or sixty barrels of oil while another estimated an average of forty barrels each. "Captain R. claims that no whale that allows him to get within one hundred feet of it with his gun, can escape alive, as the weapon is carried with extraordinary accuracy, and it[']s striking or entering the whale causes instant death by explosion."<sup>92</sup>

The schooner *Annie* entered Honolulu harbor on March 29, 1870. Captain Roys reported he was in from "Off Maui" with 43 barrels of whale oil on board, of the 70 taken for the season. The schooner sailed on March 31, bound on a coasting voyage, Captain Babcock, and returned July 12, 1870.<sup>93</sup>

Unidentified shore whaling party, Lahaina, Maui. A shore party from Lahaina captured a whale, probably a humpback, in March 1872. The shark that devoured the whale before it could be hauled to shore and tried out was afterwards caught. In February 1873, "Parties in Lahaina" were reported fitting out boats with crews for pursuing humpback whales "in Kalepolepo Bay and opposite Lahaina."<sup>94</sup> The number of shore parties involved and their success remains unknown.

### **Pelagic Whaling**

Pelagic whaling in the Hawaiian fishery began in 1819 and remained largely opportunistic in nature for nearly three decades. The occasional sighting of whales in the fishery offered foreign whalers a chance to augment their primary purpose for visiting the islands—i.e., to make repairs or to obtain recruits, crew, or foreign goods. Foreign whalers rarely targeted the relatively small Hawaiian fishery as a destination for hunting whales. Rather, they primarily passed through this fishery en route to the more densely populated fisheries off Japan, the Pacific Northwest, the Coast of California, the Line, and other parts of the Pacific Ocean.

In 1819, two American whaling vessels captured a sperm whale while trading off Kealakekua Bay, Hawai'i. Faced with scurvy among his men, Captain Edmund Gardner, *Balaena*, had headed to the Sandwich Islands for refreshments. On September 3rd, he left the coast of California in the company of Captain Elisha Folger, *Equator*. They anchored in Kealakekua Bay on September 19th. There, they traded with "more than two hundred" Native Hawaiians who had paddled their canoes out to the vessels. About a week after their arrival, one of the Native Hawaiians visiting aboard the *Balaena* sighted a whale spouting. The captains agreed to divide the catch and each lowered two whaleboats. About nine hours later, two canoes carried news that the whale had been killed. Gardner sent another whaleboat out to assist. Several more hours passed and it was sunset before the whaleboats returned "with fifty canoes helping tow." The next day they began "cutting in." Canoes came "from far and near, and hundreds came swimming, not having any conveyance." And as soon as the blubber had been removed, "they commenced with our leave, to flinch off the lean part from the carcass and fill their canoes with the meat. . . They had a great festival from what they got from the whale." The sperm whale yielded 102 barrels of oil.<sup>95</sup>

Pelagic whalers primarily secured small catches in the fishery. Most of these vessels belonged to the American fleet, but British, French, and North German whalships also cruised in Hawaiian waters. Honolulu boasted its own pelagic fleet after 1850, some of which took short cruises among the islands. For example, while on such a cruise the Hawaiian schooner *Giovanni Apiani*, Captain Dority, captured a humpback whale off Lāna'i in March 1873. The schooner arrived at Honolulu Harbor on March 31st. Captain Dority reported he was in from "off Maui" with a catch of 15 barrels of whale oil. On April 15th, the *Giovanni Apiani* left Honolulu on a whaling cruise to the Arctic.<sup>96</sup>

Among the pelagic vessels, catches in the Hawaiian fishery often involved a single sperm whale, less frequently several, or a humpback whale or two. Not infrequent are catches described only as "a whale" or "whales" or so many "barrels of oil," with no reference to species. For example, in March 1829, whale ship *Stanton*, Captain Daggett, Fairhaven, "took four whales off Ranai" [Lānaʻi] and returned to Honolulu harbor "not yet boiled out." Captain Cash, ship *Harvest*, Nantucket, arrived at Honolulu on December 7, 1838. He carried 100 barrels of oil taken between Oʻahu and Kauaʻi. Cash reported that the ship *Averick*, Captain Lawrence, New Bedford, had taken 200 barrels there in a fortnight. In 1877, a vessel, thought to be the bark *Mount Wollaston*, Barker, San Francisco, reportedly took four whales off the Kona coast where she was seen "boiling down."<sup>97</sup>

On occasion pelagic whalers lowered their whaleboats and pursued whales they sighted while sailing in or out of a harbor or while at anchor. For example, the whale ship *France*, Captain Edwards, Sag Harbor, arrived at Honolulu on August 20, 1844, carrying 2400 barrels of oil, 1500 for the season. His seasonal catch included oil from two sperm whales taken "off Molokai." In 1856, the ship *Omega*, Captain Sanborn, Fairhaven, captured a whale while lying in the harbor at Lahaina. It was estimated that the whale would produce 60 barrels of oil. Another catch at this port involved the ship *Sharon*, Captain King, Fairhaven. On March 1, 1858, King stopped at Lahaina after cruising among the "Society Isles." While at anchor, the *Sharon* captured a male humpback whale. A cow and calf in the company of the bull were taken by "natives from Honolulu stationed at Lahaina," a party from the enterprise operated by Kaikainahaole. About a week later, the ship *Dover*, Captain Jeffrey, New London, captured a whale in the harbor at Hilo. In the spring of 1860, the bark *Hercules*, Athearn, took a humpback whale while lying off and on at Kawaihae. The whale netted them 36 barrels. The British bark *Robert Towne*, Captain Barber, Sydney, arrived at Hilo Harbor on October 21, 1864. Captain Barber reported a catch of 240 barrels of sperm oil, 850 barrels of whale oil, and three whales taken "off Hawaii" on October 17th. The yield of the latest catch was as yet unknown, as the *Robert Towne* "came into port boiling." And in March 1865, the bark *Oliver Crocker*, Lapham, New Bedford, caught a whale while at anchor at Lahaina. Reportedly, it yielded "32 barrels, which will pay all her expenses while in port."<sup>98</sup>

Whalers often lowered for whales sighted in the channels among the islands and in deeper waters both within and beyond one marine league limits of Hawaiian waters. For example, in March 1858, the bark *Midas*, Captain Tallman, New Bedford, fell in with a pod of sperm whales off the port of Kahului, Maui. The *Midas* struck two whales, killing one. The whale was expected to yield about 70 barrels of sperm oil. In the spring of 1859, the ship *Europa*, Manter, captured a large humpback whale while on her passage from Kawaihae to Honolulu. In 1867, the bark *Lydia*, Captain Hathaway, New Bedford, sighted a large pod of sperm whales off Kohala, Hawaiʻi [northwest district of Hawaiʻi]. He succeeded in capturing three.<sup>99</sup>

Beginning about 1857, some pelagic whalers started targeting the Hawaiian fishery as a whaling ground in which to conduct a "short cruise." Such cruises often lasted for only a few weeks, although a few exceeded several months. Short pelagic cruises in the fishery primarily occurred in the spring, taking advantage of the humpback breeding season and "hotspots" where sperm or humpback whale sightings frequently happened. Many of these short cruises targeted sperm whales "off Hawaii" or involved cruises to the "leeward." These latter cruises pursued both sperm and humpback whales. Short cruises began at various ports within the islands, including Honolulu, Oʻahu; Lahaina, Maui; and Kawaihae and Hilo, Hawaiʻi. Many, however, appear to have started or ended there short cruise at Honolulu. Some short cruises extended beyond the Hawaiian fishery and incorporated an adjacent whaling ground. For example, a circular route that included waters "off Hawaii" and waters on "the Line."<sup>100</sup>



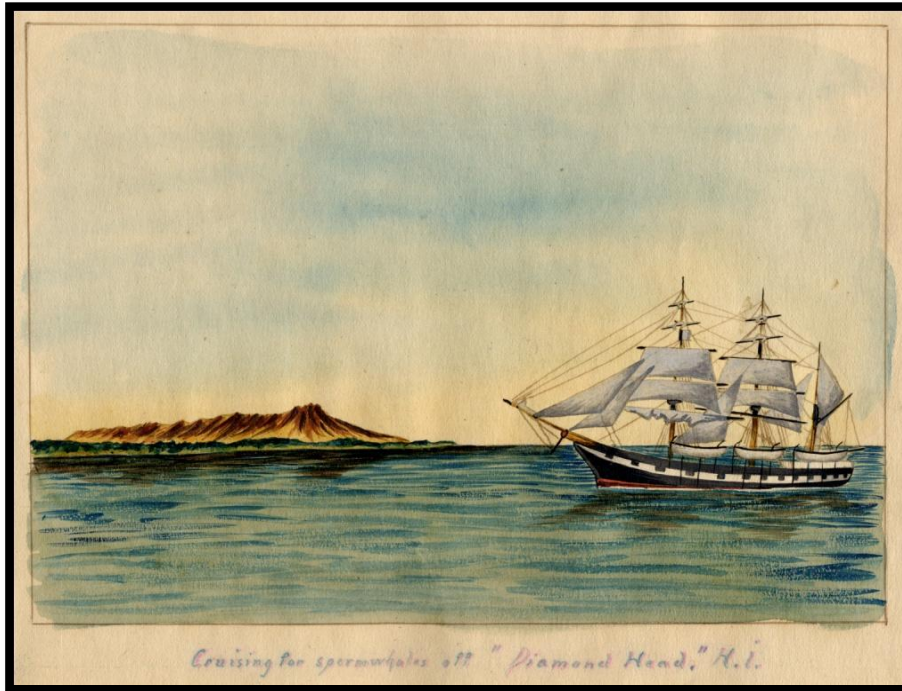


Figure 6. "Cruising for sperm whales off 'Diamond Head, H.I.'" Photo courtesy of New Bedford Whaling Museum, 2001.100.4479.7[1].

Four short cruises in 1857 involved the New Bedford whaling vessels *Magnolia*, *Marengo*, *Gratitude*, and *Barnstable*. The ship *Magnolia*, Captain Cox, touched at Honolulu harbor on January 7th. She sailed the next day for a cruise off Hawaii and possibly to the Line. That same day, ships *Marengo*, Captain Skinner, and *Gratitude*,

Captain Cornell, reached Honolulu harbor from a cruise off Hawai'i and the Line. The ship *Barnstable*, Captain Fisher, left Kawaihae on January 9th for a cruise off the southern end of the island. She arrived at Hilo on February 9th, after having taken two small sperm whales on her short cruise.<sup>101</sup>

In February 1858, several vessels cruised for at least several weeks off the leeward coast of Hawai'i, including the ship *Montezuma*, Captain Homan. Some, such as the ship *George Washington*, Captain Brightman, cruised in the company of other vessels. The New Bedford barks *Martha II* and *Pacific* began short cruises in the fishery in December 1863. Both had arrived in the islands from cruises in the Arctic. The *Pacific*, Captain Rose, hailed into Honolulu Harbor on October 27, 1863, and *Martha II*, Captain Daily, on November 2nd. The two vessels left the port for short sperm whaling cruises about the islands on December 19th. They were seen lying at Kealahou, Hawai'i, in early March 1864. The *Martha II* had taken six sperm whales, and the *Pacific* had captured four, averaging 18 to 20 barrels each. On March 16th, Captain Daily reported at Honolulu Harbor a spring catch of 100 barrels of sperm oil. This catch was expected to realize "as much as the average of the California fleet." Captain Rose arrived April 9th, after having visited Kawaihae, carrying a spring catch of 70 barrels of sperm oil.<sup>102</sup>

Sometimes pelagic whalers took short cruises in the Hawaiian fishery while they waited for a captain or officer to recover their health, or while they waited for another vessel to arrive. For example, in December 1867, whaling ship *Thomas Dickason* left the port of Honolulu under the command of the mate for a short "sperm whale" cruise to the "leeward of the islands." The next day, the New Bedford vessel lowered for a sperm whale sighted between Hawai'i and Lāna'i. The bull whale yielded 90 barrels of oil. Two days later, they lowered for a cow whale off Kaho'olawe and obtained another 27 barrels—a total of 117 barrels of sperm oil worth \$8,000 at present rates in New Bedford. The *Thomas Dickason* returned to Honolulu on April 16, 1868. Two days later, the ship left port for another cruise under Captain Jernegan.<sup>103</sup>

The whaling bark *Camilla*, New Bedford, arrived at Honolulu in late March 1873. Captain Pulver reported the vessel in from "Southward via Hilo" with a seasonal catch of 54 barrels of sperm oil. He



left the harbor two days later for a "cruise off the coast of Hawaii, waiting for the arrival of the next San Francisco steamer."<sup>104</sup>

Several short cruises by Hawaiian vessels included whaling in the Hawaiian fishery surrounding the main islands and a combination of sharking, sealing, and/or whaling in the leeward fishery (i.e., Northwestern Hawaiian Islands). For example, the bark *Gambia*, Captain Brooks, is listed among the vessels "under the Hawaiian flag," which are engaged in guano mining and/or sealing. The vessel returned to the port of Honolulu on April 14, 1859. She reported her spring catch as "1,650 galls oil, 150 seal skins, 14 turtle." Captain Brooks indicated in his report that "On the passage down, saw two large sperm whales, but the weather was too rugged to attempt to fasten to them." As such, their catch did not include any whale oil. In early August, 1859 she arrived at Honolulu from a cruise to "Middlebrook Isld." Her catch remains unclear. The Honolulu harbormaster recorded she had a catch of 230 gallons of sperm oil, 1500 gallons of whale oil, along with seal and shark skins. In the *Polynesian*, the vessel reportedly had "240 bbls seal oil, etc."<sup>105</sup>

In February 1872, the yacht schooner *Henrietta*, Captain Gilley, had "struck three whales since leaving" Honolulu. The whalers secured one, which they "tried out" at Ukumehame, Maui. Of the other two, one sank and one was lost. The *Henrietta* later was seen fastened to a whale in the channel between Moloka'i and Lāna'i. In March, they secured a whale in Mā'alaea Bay, Maui. The *Moikeiki* transported to Honolulu the catch of 45 barrels of oil belonging to *Henrietta*, arriving on March 29th. In May, the *Henrietta* returned to Honolulu from its "sharking and whaling cruise" in the Northwestern Hawaiian Islands.<sup>106</sup>

## Discussion

In Hawai'i today, as in ancient times, whales symbolize the cultural significance and physical connection of all living things and the potential devastating effects of ignoring or severing these relationships. Whales appear in the rich oral traditions recorded in the nineteenth century, including stories of beached whales that transported boys and men on spiritual journeys. They occur in first-hand accounts, in traditional and western-style songs and dances, and in stories, proverbs, and art influenced, created, or performed by Native Hawaiian sailors and shared by past and present members of their *o'hana*, families. The teeth of sperm whales, both those of beached whales and those supplied by traders and whalers, remained an important material used in making the prized *nihopalaoa*. Some dead whales brought ashore by fishermen and those found beached yielded meat and oil for domestic use while commercial sale of others provided local revenue.

The arrival of the American whaling ship *Balaena* and bark *Equator* in 1819 set the stage for Hawaii's participation in the global expansion of pelagic whaling throughout the waters of the Pacific and the seas of the western Arctic. The sperm whale taken off Kealakekua Bay by the crews of these two American vessels marked the first hunting of whales along Hawaii's coasts. This kill yielded for the vessels' captains and crew over 100 gallons of oil and for the Native Hawaiians sufficient whale meat for a large feast; taboos prohibited women from eating whale meat. While at Maui, two Native Hawaiians shipped as sailors aboard the *Balaena*. When they returned to the islands the following year, Gardner replaced them and one deserter with four other native seamen, two from Maui, one from O'ahu, and one from Ni'ihau.

The shipping abroad of hundreds of native seamen each year contributed both to Hawaii's increasing economic reliance on foreign whaling fleets and to Hawaii's declining indigenous population. Many young native sailors died overseas or returned home penniless, injured, or suffering from infectious diseases. For almost two decades these native sailors primarily filled crew vacancies, often with only one or two shipping together aboard the same vessel. Over time, more

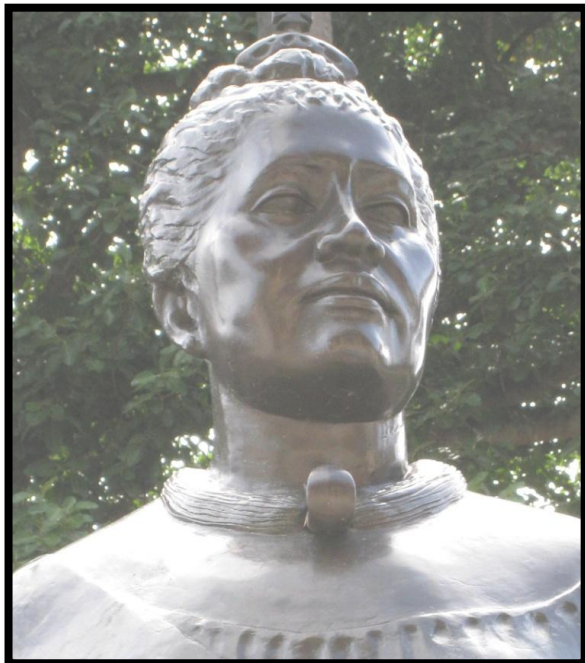
captains began shipping larger crews of native sailors, often taking aboard several from each Pacific island they visited, as well as more at the Hawaiian ports of Lahaina, Maui, and Honolulu, O‘ahu.

By the late 1830s, the Hawaiian government aimed to bolster the nation's economy through active legislation and enforcement of statutes regulating both foreign and local maritime activities within the archipelago. The acts pertaining to native sailors centered on balancing between promoting their overseas employment and regulating their shipping and discharging from Hawaiian ports. In promoting their employment, the government sought to entice more foreign whalers to visit the islands. Conversely, the government tried to ensure native seamen returned by requiring masters to post bonds and by limiting the length of their voyages.

In 1845, the Minister of the Interior assumed responsibility for supervising the fisheries and two years later he granted the first known licenses for taking whales in Hawaiian waters. He appointed fishing agents to assist him and the island governors in administering the sale and disposal of all catches and catch shares from the government's fisheries, including whale catches and oil shares. While only a few documents related to these early alongshore or bay whaling enterprises survive, more than a dozen parties engaged in this business between 1847 and 1874. Each of these enterprises employed native seamen, two conducted at least one pelagic voyage, and at least one was owned by a Native Hawaiian.

The government's fisheries regulations, however, did not extend to pelagic whaling by foreign vessels within Hawaii's territorial limits. The sperm and humpback whales taken by pelagic whalers often occurred in waters beyond the reach of shore parties. More than a few whaling masters conducted short cruises off the island of Hawai‘i or lowered for whales sighted among or en route to the islands. Such catches remained small, frequently involving only a single whale.

This exploratory study reveals that Hawaiian whale and whaling traditions are preserved in both nineteenth-century and modern oral and written narratives. Historical documents indicate the Hawaiian government played an integral role in shaping the kingdom's whaling economy. The government actively regulated the shipping and discharging of native sailors in foreign and local fleets. The kingdom's fishery regulations controlled access to marine resources and divided the fisheries among the king, the *konoiki*, and the public.



**Figure 7. Queen Liliuokalani statue on the grounds between Hawaii's state capitol building and Iolani Palace, Honolulu. Around her neck she wears a *lei niho palaoa* (necklace made of human hair and a carved whale tooth).**

Hawaii's fisheries laws made no specific references to whales or to the taking of whales. Fishermen desiring to take whales were subject to the same regulations as those taking fish or other marine resources for sustenance. Whales taken on the "grounds of the common people" were not subject to duty or taxes, unless tabooed. Pelagic whaling largely took place in these grounds, and as such, no evidence has been found that the government regulated this activity. Whales taken on the "grounds of a landlord or of the king" generally required acquiring permission in the form of a license. The earliest identified license for taking whales dates to 1847. Such licenses applied to shore-whaling parties launching small

whaleboats from island beaches. A few such parties appear to have also engaged in at least one pelagic whaling voyage.

### **Future Directions**

We need to research Hawaii's indigenous and western traditions to construct genuine Hawaiian narratives. This exploratory review indicates three future directions for constructing such narratives about Native Hawaiian seamen, Hawaii's whaling economy, and Hawaii's fisheries. First, we must research Hawaii's traditions from within rather than only from without. Second, we must make use of both indigenous and western primary oral and written traditions. Third, we must integrate these indigenous and western traditions to construct narratives based on traditions that originate in Hawai'i rather than elsewhere. Constructing Hawaiian narratives about the kingdom's native sailors, whaling economy, and fisheries allows us to examine the islands' history from a synthetic local rather than only from a foreign perspective. Such narratives may contribute to broader future efforts to more fully integrate local (Hawaii's indigenous and western) and foreign (outside Hawaii) perspectives into genuine multi-cultural narratives and into Hawaii's fisheries educational and/or resource management initiatives and programs.

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<sup>1</sup> Creutz, *Influence of Whales*; E. K. Foundation, *E Mau Ana O Kanaloa*; Malo, *Hawaiian Antiquities*, 26; NOAA, *Cultural Significance of Whales*; Oliveira, *Importance of Whales*.

<sup>2</sup> Lum, *Legend of Kuamo'o*; Maly and Maly, *Hana Lawai'a*.

<sup>3</sup> *Friend*, September 4, 1844, 2(9):79; Hawaiian Government, *Seamen's Records*, (1849-1867); Hawaiian Government, *Shipping Articles*, (1862-1900); Hawaiian Government, *Ministerial Reports* (1846).

<sup>4</sup> Hawaiian Government, ". . . Of the Foreign Imposts," *Statute Laws*, (1845-1846); Hawaiian Government, ". . . the Enlistment of Native Sailors," *Laws of His Majesty*, (1845-1846); Hawaiian Government, *Ministerial Reports* (1846); Joy to owner of Ship *Charles and Henry*, *Letter*, November 24, 1838; Maly and Maly, *Hana Lawai'a*.

<sup>5</sup> Creutz, *Influence of Whales*; E. K. Foundation, *E Mau Ana O Kanaloa*; Malo, *Hawaiian Antiquities*, 26; NOAA, *Cultural Significance of Whales*; Oliveira, *Importance of Whales*.

<sup>6</sup> Emerson, *Hawaiian Antiquities*, 47; Malo, *Hawaiian Antiquities*, 47; NOAA, *Cultural Significance of Whales*, 1-2; Pukui and Elbert, *Hawaiian Dictionary*, 159 and 309; Titcomb, *Native Use of Fish*, 81.

<sup>7</sup> E. K. Foundation, *E Mau Ana O Kanaloa*, 2-6; Handy, Handy, and Pukui, *Native Planters*, 156-158; Ii, *Fragments of Hawaiian History*, 26; Johnson, *Kumulipo*, 106; Pukui and Elbert, *Hawaiian Dictionary*, 27.

<sup>8</sup> Johnson, *Kumulipo*, 106.

<sup>9</sup> Kamakau, *Ruling Chiefs*, 107; Malo, *Hawaiian Antiquities*, 47, 189, 211; NOAA, *Cultural Significance of Whales*, 1-2; Titcomb, *Native Use of Fish*, 11.

<sup>10</sup> Pukui, *Ōlelo No'eau*, 273.

<sup>11</sup> E. K. Foundation, *E Mau Ana O Kanaloa*, 5; Malo, *Hawaiian Antiquities*, 29; NOAA, *Cultural Significance of Whales*, 1-2; Pukui and Elbert, *Hawaiian Dictionary*, 221.

<sup>12</sup> Westervelt, *Legends of Old Honolulu*, 145-147; Thrum, *Hawaiian Annual for 1925*, 77-78; Beckwith, *Hawaiian Mythology*, 69-70; Green, 61-63; Rice, *Hawaiian Legends*, 116-132; Handy, Handy, and Pukui, *Native Planters*, 472-473; Anonymous, *Moolelo o Haumumu*.

<sup>13</sup> Handy, et al., *Native Planters*, 472-473; Sterling and Summers, *Sites of Oahu*, 5-6.

<sup>14</sup> Creutz, *Influence of Whales*; Desha, *Kamehameha and His Warrior*, 156-158; Fornander, *Collection of Hawaiian Antiquities*, 178-235; Ii, *Fragments of Hawaiian History*, 15; Kamakau, *Ruling Chiefs*, 21; Kanae, *I lelo ka niho*; Malo, *Hawaiian Antiquities*, 77; Oliveira, *Importance of Whales*; Rose, *The Royal Isles*, 196; Sterling and Summers, *Sites of Oahu*, 21-22.

<sup>15</sup> Abbott, *Lā'au Hawai'i*, 124-125; Creutz, *Influence of Whales*, 18-22; Fornander, *Collection of Hawaiian Antiquities*, 178-235; Ii, *Fragments of Hawaiian History*, 15; Halley, *Polynesian Culture History*, 411-424; Kamakau, *Ruling Chiefs*, 16; Klarr, *Hawaiian Hula*, 40; Malo, *Hawaiian Antiquities*, 77; McDonald, *Ka Lei*, 4-10; McDonald and Weissich, *Nā Lei Makamae*, 153; Pickens, *Ornament* 6(1):10-12; NOAA, *Cultural Significance of Whales*, 1-2; Peard, *To the Pacific and Arctic*, 188; Young, *Nā Mea Makamae*, 91-95.

<sup>16</sup> Kealoha, *Ka Lahui Hawaii*, November 8 and 15, 1877.

<sup>17</sup> Lebo, "Native Hawaiian Seamen's Accounts", 99-129; Lebo, "Two Hawaiian Documents", 257-281.

<sup>18</sup> Bacon and Napoka, *Nā Mele Welo*, 206-207.



<sup>19</sup> Frank, "No Ke Ano Ahiahi", 22–27; Pukui and Elbert, *Hawaiian Dictionary*, 174.

<sup>20</sup> Anonymous, Mariner's Song; Kalaiwaa, *Pau makemake ia Maleka*.

<sup>21</sup> *Pacific Commercial Advertiser*, January 15, 1859, 3(29):2; *Pacific Commercial Advertiser* (Whalemen's Supplement), April 1859, 3(43):1; Pukui, Elbert, and Mookini, *Place Names*, 200-201; for another whaling desertion adventure story, see, *Polynesian*, September 17, 1859, 16(20):2.

<sup>22</sup> Pukui, 'Ōlelo No 'eau, (Proverb 1962) 211, (Proverb 2026) 218.

<sup>23</sup> *Polynesian*, May 29, 1841, 1(51):203.

<sup>24</sup> *Pacific Commercial Advertiser*, January 28, 1871, 15(31):3; *Pacific Commercial Advertiser*, July 9, 1857, 2(2):2; *Hawaiian Gazette*, February 1, 1871, 7(3):3.

<sup>25</sup> *Pacific Commercial Advertiser*, March 7, 1874, 18(35):3.

<sup>26</sup> *Hawaiian Gazette*, February 28, 1877, 13(9):3; *Pacific Commercial Advertiser*, May 20, 1876, 20(47):3.

<sup>27</sup> *Pacific Commercial Advertiser*, January 21, 1858, 2(30):2.

<sup>28</sup> *Friend*, September 4, 1844, 2(9):79.

<sup>29</sup> Kame'eiehiwa, *Native Land*, 140; Rifkin, *American Quarterly* 60(60):43-66.

<sup>30</sup> *Friend*, September 4, 1844, 2(9):79; Malo, *Hawaiian Spectator*, 2(2):121-130.

<sup>31</sup> Hawaiian Government, *Ministerial Reports* (1846).

<sup>32</sup> Joy to owner of Ship *Charles and Henry*, *Letter*, November 24, 1838.

<sup>33</sup> Bockstoce, *Whales, Ice & Men*; Bockstoce, *The Northern Mariner/Le marin du nord*, XVI No. 2 (April 2006):53-68; Hawaiian Government, *Seamen's Records*, (1849-1867); Hawaiian Government, *Shipping Articles*, (1862-1900); Lebo, "Native Hawaiian Seamen's Accounts", 99-129; Lebo, "Two Hawaiian Documents", 257-281.

<sup>34</sup> William C. Hunter to Kekuamaoa, *Letter*, July 11, 1840.

<sup>35</sup> T. W. Bonbyes to Kekuamaoa, *Letter*, October 13, 1840.

<sup>36</sup> Hawaiian Government, Hawaiian Shipping Articles . . . Bark *Hero*, November 26, 1840.

<sup>37</sup> Captain Cornelius Hoyer, *Letter*, March 26, 1841.

<sup>38</sup> The Bill of Rights and laws of 1839, the Constitution and amended laws of 1840, and the amended laws of 1841 are available in Hawaiian in the following publications: Hawaiian Government, *He Kumu Kanawai . . .*, (1840); Hawaiian Government, *He Kumu Kanawai . . .*, (1841); They are available as English translations in the following publications: Hawaiian Government, *Translation of the*

*Constitution and Laws . . .*, (1842); Thurston, *Fundamental Law of Hawaii* (1904).

<sup>39</sup> Thurston, *Fundamental Law of Hawaii*.

<sup>40</sup> Hawaiian Government, ". . . Of the Foreign Imposts," *Statute Laws*, (1845-1846); Kuykendall, *The Hawaiian Kingdom, Volume 1*.

<sup>41</sup> Hawaiian Government, ". . . the Enlistment of Native Sailors," *Laws of His Majesty*, (1845-1846).

<sup>42</sup> Hawaiian Government, ". . . Channels, Coasting Trade and Fisheries," *Statute Laws*, (1845-1846).

<sup>43</sup> Privy Council, *Minutes*, January 2, 1847.

<sup>44</sup> Hawaiian Government, "An Act . . . the Enlistment of Native Sailors," *Laws of His Majesty*, (1851).

<sup>45</sup> Hawaiian Government, "An Act . . . Pay of Native Sailors . . .," *Constitution and Laws*, (1852).

<sup>46</sup> Hawaiian Government, "An Act . . . Port of Hilo," *Laws of His Majesty*, (1855).

<sup>47</sup> Hawaiian Government, "An Act . . . of Native Seamen," *Laws of His Majesty*, (1855).

<sup>48</sup> Hawaiian Government, "An Act . . . of Native Seamen," *Laws of His Majesty*, (1855).

<sup>49</sup> *Polynesian*, April 9, 1859, 15(49):2.

<sup>50</sup> Hawaiian Government, "The Civil Code . . .," (1859); Hawaiian Government, ". . . Sections 143 and 146 of the Civil Code," *Laws of His Majesty*, (1864-65).

<sup>51</sup> Hawaiian Government, ". . . Section 146 of the Civil Code," *Laws of His Majesty*, (1870).

<sup>52</sup> Hough and Fennes to William Young, *Letter*, October 25, 1847; Hough and Fennes to William Young, *Letter*, October 28, 1847; Jones, *Whaling*, 20; *Pacific Commercial Advertiser*, January 21, 1858, 2(30):2; *Pacific Commercial Advertiser*, August 2, 1860, 5(5):2; *Pacific Commercial Advertiser*, April 26, 1873, 17(43):3; *Pacific Commercial Advertiser*, May 11, 1872, 16(46):3; Reynolds, *Journal*, Vol. 2, 211.

<sup>53</sup> Hawaiian Government, ". . . Channels, Coasting Trade and Fisheries," *Statute Laws*, (1845-1846); Hawaiian Government, ". . . Rights of Piscary, May 15, 1851, *Laws of His Majesty*, (1851); Hawaiian Government, ". . . Fishing Grounds, May 24, 1851, *Laws of His Majesty*, (1851); Hawaiian Government, "Rights of Piscary, May 24, 1851, *Laws of His Majesty*, (1851); Hawaiian Government, "The Civil Code . . .," *Kingdom-Laws-Civil*, (1859); Maly and Maly, *Hana Lawai'a*, 243, 246, 250; Thurston, *Fundamental Law of Hawaii*, 21-23.

<sup>54</sup> The Bill of Rights and laws of 1839 were signed by Kamehameha III on June 7, 1839, and reconfirmed on in the Constitution and the revised laws on November 2, 1840. Some amendments were made to these laws in 1841 and a translation of these laws became available in 1842; see: Anonymous, "ART. V.—Sandwich Islands Laws", 345-352; Hawaiian Government, *He Kumu Kanawai . . .*, (1840);

- Hawaiian Government, *He Kumu Kanawai* . . . , (1841); Hawaiian Government, *Translation of the Constitution and Laws* . . . , (1842); Thurston, *Fundamental Law of Hawaii* (1904).
- <sup>55</sup> Maly and Maly, *Hana Lawai 'a*, v, 243.
- <sup>56</sup> Anonymous, *Hawaiian Spectator*, 349.
- <sup>57</sup> see *He 'e*, octopus, (*Polypus sp.*), commonly known as squid; *Kilohe 'e*, the fisherman spit chewed *kukui* nut (candlenut tree, *Aleurites moluccana*) on the sea to calm the water, allowing him to examine (*kilo*) the sea bottom for octopus; *Mālolo* (flying fish, *Parexocoetus brachypterus* and others); Pukui and Elbert, *Hawaiian Dictionary*, 63, 151, 177, 214, 233.
- <sup>58</sup> Hawaiian Government, *Translation of the Constitution and Laws*, 36, 39.
- <sup>59</sup> Hawaiian Government, *Translation of the Constitution and Laws*, 36, 37.
- <sup>60</sup> Hawaiian Government, *Translation of the Constitution and Laws*, 38.
- <sup>61</sup> Thurston, *Fundamental Law of Hawaii*, 84.
- <sup>62</sup> Hawaiian Government, *Translation of the Constitution and Laws*, 38, 39.
- <sup>63</sup> Hawaiian Government, *Translation of the Constitution and Laws*, 37, 39.
- <sup>64</sup> Thurston, *Fundamental Law of Hawaii*, 85-86.
- <sup>65</sup> Hawaiian Government, ". . . Channels, Coasting Trade and Fisheries," *Statute Laws*, (1845-1846).
- <sup>66</sup> Hawaiian Government, ". . . Channels, Coasting Trade and Fisheries," *Statute Laws*, (1845-1846); Hawaiian Government, ". . . Rights of Piscary. . . May 15, 1851," *Laws of His Majesty*, (1851); Hawaiian Government, ". . . Certain Fishing Grounds. . . May 24, 1851," *Laws of His Majesty*, (1851); Hawaiian Government, ". . . Rights of Piscary. . . May 24, 1851," *Laws of His Majesty*, (1851); Hough and Fennes to William Young, *Letter*, October 25, 1847; Hough and Fennes to William Young, *Letter*, October 28, 1847; Jones, *Whaling*, 20; Maly and Maly, *Hana Lawai 'a*, 243, 246, 250; Privy Council, *Minutes*, October 28, 1847; Privy Council, *Minutes*, November 1, 1847; Thurston, *Fundamental Law of Hawaii*, 21-23; William Young to James Hough, *Letter*, November 1, 1847.
- <sup>67</sup> Hawaiian Government, ". . . Rights of Piscary. . . May 15, 1851," *Laws of His Majesty*, (1851); Hawaiian Government, ". . . Certain Fishing Grounds. . . May 24, 1851," *Laws of His Majesty*, (1851); Hawaiian Government, ". . . Rights of Piscary. . . May 24, 1851," *Laws of His Majesty*, (1851).
- <sup>68</sup> *Hawaiian Gazette*, December 8, 1867, 3(48):3; *Hawaiian Gazette*, March 26, 1873, 9(11):3; *Hawaiian Gazette*, February 28, 1877, 13(9):3; *Pacific Commercial Advertiser*, April 19, 1860, 4(47):2; *Pacific Commercial Advertiser*, March 12, 1864, 8(37):2; *Pacific Commercial Advertiser*, March 2, 1868, 11(35):3.
- <sup>69</sup> *Friend*, April 2, 1855, 4(4):29; *Hawaiian Gazette*, February 28, 1877, 13(9):3; *Pacific Commercial Advertiser*, March 19, 1857, 1(38):2; *Pacific Commercial Advertiser*, March 11, 1858, 2(37):2; *Pacific Commercial Advertiser*, March 12, 1864, 8(37):2; *Pacific Commercial Advertiser*, March 11, 1865, 9(36):2; *Pacific Commercial Advertiser*, March 30, 1867, 11(39):3; *Pacific Commercial Advertiser*, April 20, 1867, 11(42):3; *Pacific Commercial Advertiser*, June 19, 1869, 13(51):3; *Polynesian*, February 4, 1860, 16(40):3.
- <sup>70</sup> *Hawaiian Gazette*, February 19, 1873, 9(6):3; Lund, *Whaling*; *Pacific Commercial Advertiser*, February 19, 1857, 1(34):2; *Pacific Commercial Advertiser*, April 2, 1857, 1(40):2; *Pacific Commercial Advertiser*, April 9, 1857, 1(41):2; *Pacific Commercial Advertiser*, April 23, 1857, 1(43):2; *Pacific Commercial Advertiser*, February 18, 1858, 2(34):2; *Pacific Commercial Advertiser*, March 11, 1858, 2(37):2; *Pacific Commercial Advertiser*, March 18, 1858, 2(38):2; *Pacific Commercial Advertiser*, February 17, 1872, 16(34):3; *Polynesian*, February 11, 1860, 16(41):3; *Polynesian*, March 28, 1863, 19(48):3.
- <sup>71</sup> Reynolds, *Journal*, vol. 2, 211; Lund, *Whaling*.
- <sup>72</sup> *Pacific Commercial Advertiser*, May 20, 1876, 20(47):3; *Polynesian*, March 14, 1857, 13(45):179; *Polynesian*, October 13, 1860, 17(24):2; Reynolds, *Journal*, vol. 4, 537; Reynolds, *Journal*, vol. 5, 29; *Sandwich Island Gazette and Journal of Commerce*, October 6, 1838, 3(10):3.
- <sup>73</sup> *Pacific Commercial Advertiser*, April 19, 1860, 4(47):2; *Polynesian*, January 19, 1861, 17(38):2; Reynolds, *Journal*, vol. 5, 51.
- <sup>74</sup> *Polynesian*, January 25, 1845, 1(36):146-147.
- <sup>75</sup> Day, *Hawaii and Its People*, 161; *Hawaiian Gazette*, March 4, 1868, 4(7):3; *Hawaiian Gazette*, November 11, 1868, 4(43):3; *Hawaiian Gazette*, March 17, 1869, 5(9):3; *Hawaiian Gazette*, October 6, 1869, 5(38):3; *Hawaiian Gazette*, February 19, 1873, 9(6):3; Hawaiian Government, *Collector General* . . . , Series 104, Vol. 6, (1868-1880); Hough and Fennes to William Young, *Letter*, October 25, 1847; Hough and Fennes to William Young, *Letter*, October 28, 1847; Jones, *Whaling*, 20; *Pacific Commercial Advertiser*, February 18, 1858, 2(34):2; *Pacific Commercial Advertiser*, April 17, 1862, 6(4):2; *Pacific Commercial Advertiser*, May 14, 1863, 7(43):2; *Pacific Commercial Advertiser*, March 9, 1872, 16(37):3; *Pacific Commercial Advertiser*, March 11, 1858, 2(37):2; *Pacific Commercial Advertiser*, January 27, 1859, 3(31):2; *Pacific Commercial*

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