

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
TERRITORY OF HAWAII.

AT CHAMBERS

IN EQUITY

BALDWIN PACKERS, LIMITED,)	
)	
Petitioner,)	
)	
vs.)	Equity #235
)	
KAPAHU AFONG (w), MRS. MARY AHALANI,)	
et al,)	
)	
Respondents.)	

ANSWER OF SONNY KAHUE, KALAMA KAHUE,
LETITIA KAHUE AND PEKEKEO KAHUE.

COMES NOW SONNY KAHUE, KALAMA KAHUE, LETITIA KAHUE and PEKEKEO KAHUE, minors, Respondents in the above entitled cause, by WENDELL F. CROCKETT, their duly appointed Guardian Ad Litem, and claiming a legal interest in and to the lands described in the petition filed herein and sought to be partitioned, to-wit, the Mailepai Hui Lands, allege and answer the said 7 petition as follows:

I.

That they are the owners in fee simple of .168 of the undivided share of Kalauwao, .332 of the undivided share of Lanikaula, .168 of the undivided share of Malo, and .332 of the undivided share of Keaka, the said Kalauwao, Lanikaula, Malo and Keaka being original grantees of the said lands, under the deed of Bernice P. Bishop to Malepo et al dated June 28, 1860 and recorded in the Bureau of Conveyances of the Territory of Hawaii, in Book 13, at page 84, making a total interest in said lands of 1.000 of a whole share less 1/3 of 5 acres conveyed to the Roman Catholic Church, and also subject to a right of curtesy in Kauhane Kahue.

II.

That the source, derivation and devolution of the title, interest and claim of these Respondents in the share of the said Kalauwao is as follows:

(a) That the said Kalauwao died intestate without having sold or otherwise disposed of his interest in said lands, leaving as his heirs at law three children, namely Kawehe, Kanehaku, and Haulewahine.

(b) That the said Kanehaku died intestate without having sold or otherwise disposed of his interest in said lands, leaving as his heirs at law Kawehe and Haulewahine.

(c) That the said Kawehe, also known as J. O. Kawehe by deed dated May 13, 1882, and recorded in the Bureau of Conveyances for the Territory of Hawaii in Book 72, page 456, sold and conveyed all of his share and interest in said lands to Iaela.

(d) That the said Iaela, whose full name was Iaela Kaaukea by deed dated March 31, 1920, and recorded in the Bureau of Conveyances for the Territory of Hawaii in Book 551, page 287, sold and conveyed all of his share and interest in said lands to his children, namely Mrs. Victoria, Iaela Kaaukea (Jr), Mrs. Helena Pili, Willie Lanikaula, Mrs. Rose Niau and his foster child Mary Inea.

(e) That Mary Inea died intestate, without having sold or otherwise disposed of her interest in said lands, leaving as sole heir her mother, Mrs. M. P. Kauhi.

(f) That Mrs. M. P. Kauhi thereafter by deed dated October 30, 1926, and recorded in the Bureau of Conveyances for the Territory of Hawaii in Book 842, page 479, sold and conveyed to Mrs. Helena Pili Kahue all of the interest in said lands acquired by her through Mary Inea.

(g) That Mrs. Helena Pili Kahue died intestate without having sold or otherwise disposed of her interest in said lands, leaving as her heirs at law Sonny Kahue, Kalama Kahue, Letitia Kahue and Pekekeo Kahue.

III.

That the source, derivation and devolution of the title, interest and claim of these Respondents in the share of Lanikaula is as follows:

(a) That the said Lanikaula died intestate, without having sold or otherwise disposed of his interest in said lands, leaving as his sole heir at law Iaela Kaaueka, his brother.

(b) That the interest acquired in the said lands by the said Iaela Kaaueka through Lanikaula was sold and conveyed by the said Iaela Kaaueka to his children and foster child as above set forth and descended to these Respondents through their mother, Mrs. Helena Pili Kahue, as fully set forth above in paragraph II.

IV.

That the source, derivation and devolution of the title, interest and claim of these Respondents in the share of Malo is as follows:

(a) That the said Malo died intestate, without having sold or otherwise disposed of his interest in said lands, leaving as his heirs at law, his widow Mrs. Malo, and the son of his brother, Kaaueka.

(b) That the said Kaaueka died intestate, without having sold or otherwise disposed of his interest in said lands, leaving as his sole heir, his son Iaela Kaaueka.

(c) That the interest acquired in the said lands by Iaela Kaaueka through Malo was sold and conveyed by the said Iaela Kaaueka to his children and foster child as above set forth and descended to these Respondents through their mother, Mrs. Helena Pili Kahue, as fully set forth above in paragraph II.

V.

That the source, derivation and devolution of the title, interest and claim of these Respondents in the share of Keaka is as follows:

(a) That the said Keaka either by deed or indorsement of the original certificate of ownership of a share in the said Mailepai Hui Lands, sold and conveyed to one Giles B. Norton all of his right, title and interest in and to the said lands.

(b) That the said Giles B. Norton thereafter entered into possession of and exercised all of the rights pertaining to such share and interest, and the said Giles B. Norton and/or his heirs and assigns have thereafter for more than forty years been in the open, notorious, exclusive, hostile and continued possession of the share and interest of the said Keaka in and to the said lands.

(c) That the said Giles B. Norton thereafter by deed dated December 1, 1888 and recorded in the Bureau of Conveyances for the Territory of Hawaii in Book 119, page 398 sold and conveyed all of his said right, title and interest in and to the said lands to Giles Kaaueka whose true name was Iaela Kaaueka, and the said Iaela Kaaueka entered into possession of and exercised all of the rights appertaining to the said share and interest and he and his heirs and assigns thereafter for more than forty years have been in the continued, exclusive, hostile, open and notorious possession of the share and interest in and to the said lands conveyed as aforesaid.

(d) That the interest acquired by Iaela Kaaueka as aforesaid was sold and conveyed by the said Iaela Kaaueka to his children and foster child as above set forth and descended to these Respondents through their mother, Mrs. Helena Pili Kahue, as fully set forth above in paragraph II.

VI.

That these Respondents have no knowledge or information as to how the Petitioner herein or any other party hereto acquired its, or his, or her interest if they have any interest in and to the said lands and therefore leave it and them to their own proof thereof.

VII.

That these Respondents have no knowledge or information as to the other matters in said Petition alleged and not by or in this answer specifically denied or admitted and therefore leave the Petitioner to its proof thereof.

WHEREFORE these Respondents pray that they be decreed to be the owners in fee simple of the share, claim or interest hereinabove set forth and that the same be allotted and set off to the said Respondents if reasonably practicable; that if such division should to Your Honor appear to be impracticable that the said property or the interest of these Respondents therein be sold and the proceeds of the sale of such interest be paid over to these Respondents or their duly appointed guardian.

July 17th 30
1947
John V. Crockett