



PROJECT MUSE®

Ke Kumukanawai o ka Makahiki 1839 = The 1839 Constitution

Hawaii, Jason Kapena Achiu

Ka Ho'oilina/The Legacy, Puke (Volume) 1, Helu (Number) 1, Malaki
(March) 2002, pp. 30-33 (Article)

Published by University of Hawai'i Press

DOI: <https://doi.org/10.1353/kah.2003.0002>



➔ *For additional information about this article*

<https://muse.jhu.edu/article/44936>

Ke Kumukānāwai o ka Makahiki 1839

E ho'opuka hou 'ia ana ma kēia māhele o ka puke pai nā palapala aupuni e ho'omaka ana me nā kumukānāwai o Hawai'i.

‘O ke kumukānāwai mua a Kamehameha III a me nā ali'i ka mea e ho'ākāka ana i nā pono o nā kānaka a pau a e ho'opa'a ana i ka ho'omalua like 'ia o nā kānaka a me nā ali'i. Ua kau 'ia ma ka lā 7 o Iune, 1839. Ho'opuka 'ia: *He Kumukānāwai a me ke Kānāwai Ho'oponopono Waiwai no ko Hawai'i Nei Pae 'Āina*, Honolulu, 1839; a ma ka 'ōlelo Pelekānia: *The Hawaiian Spectator*, Puke II, Helu 3, Honolulu, Iulai 1839. Forbes 1147 (II:211–213) a me 1099 (II:181–183).

1. HE
KUMU KANAWAI,
A ME
KE KANAWAI
HOOPONOPONO WAIWAI,
NO
KO HAWAII NEI PAE AINA.
NA
KAMEHAMEHA III
I KAU.
Honolulu:
1839.

KUMU KANAWAI,
NO
KO HAWAII NEI PAE AINA.

1 HE
KUMUKĀNĀWAI,
A ME
KE KĀNĀWAI
HO'OPONOPONO WAIWAI,
NO
KO HAWAI'I NEI PAE 'ĀINA.
NA
KAMEHAMEHA III
I KAU.
Honolulu:
1839.

KUMUKĀNĀWAI,
NO
KO HAWAI'I NEI PAE 'ĀINA.

Ua hana mai ke Akua i na lahuikanaka a pau i ke koko hookahi, e noho like lakou ma ka honua nei me ke kuikahi, a me ka pomaikai. Ua haawi mai no ke Akua i kekahi mau waiwai like, no na kanaka a pau, me na'lii a pau o na aina a pau loa.

2. Eia kekahi mau waiwai ana i haawi like mai ai i kela kanaka keia kanaka, i kela alii keia alii; o ke

Ua hana mai ke Akua i nā lāhui kānaka a pau i ke koko ho'okahi, e noho like lākou ma ka honua nei me ke ku'ikahi, a me ka pōmaika'i.¹ Ua hā'awi mai nō ke Akua i kekahi mau waiwai like, no nā kānaka a pau, me nā ali'i a pau o nā 'āina a pau loa.

2. Eia kekahi mau waiwai āna i hā'awi like mai ai i kēlā kanaka kēia kanaka, i kēlā ali'i kēia ali'i. 'O

The 1839 Constitution

This section of the journal will reproduce government documents beginning with the constitutions of Hawai‘i.

The first constitution, granted by King Kamehameha III, proclaimed the rights of the people, ensuring equal protection for both the people and the chiefs. Written by Kamehameha III and the Chiefs, and enacted on June 7, 1839; published as *He Kumukānāwai a me ke Kānāwai Ho‘oponopono Waiwai no ko Hawai‘i Nei Pae ‘Āina*, Honolulu, 1839, and in English in *The Hawaiian Spectator*, Vol. II, No. 3, Honolulu, July 1839. Forbes 1147 (II:211–213) and 1099 (II:181–183).

1. THE
HAWAIIAN SPECTATOR.

Conducted by
AN ASSOCIATION OF
GENTLEMEN.

VOLUME II. 1839.

PRINTED FOR THE PROPRIETORS.

HONOLULU, O‘AHU, SANDWICH
ISLANDS.
1839.

<Translation of the
Constitution
of
Our Hawaiian Islands.>¹

kolamu (column) 2

1. ‘Oihana 17:26 o ka Paipala.
Acts 17:26 of the Bible.

kolamu (column) 3

1. ‘O ke po‘oinoa ma ‘ane‘i, mai kekahi ho‘opuka ‘ana mai ia o ka makahiki 1839 i komo pū ai ka unuhi ‘ōlelo Pelekānia o ke Kumukānāwai.
- The title presented here is from a separate publication in 1839 that published the English translation of the Constitution.

God hath made of one blood all nations of men, to dwell on the face of the earth in unity and blessedness. God has also bestowed certain rights alike on all men, and all chiefs and all people of all lands.

2. These are some of the rights which he has given alike to every man and every chief, life,

ola, o na lala o ke kino; o ka noho hoopaa ole ia, a me ke keakea ole ia, o na mea a kona lima i hana’i, a me na mea a kona mana o hooponopono ai.

3. Na ke Akua mai no hoi ka oihana alii, a me ka noho alii ana i mea e malu ai; aka, i ka hana ana i na kanawai o ka aina, aole pono e hanaia kekahi kanawai hoomalu alii wale no, a hoomalu ole i na makaainana. Aole hoi e pono ke kau i ke kanawai hoowaiwai i na’lii wale no, a waiwai ole na makaainana; a mahope aku nei, aole loa e kauia kekahi kanawai ku e i keia mau olelo i oleloia maluna, aole hoi e auhau wale ia, aole e hookauwaia, aole e hoohana wale ia kekahi kanaka ma ke ano ku e i ua mau olelo la.

4. Nolaila, e hoolahaia aku ai keia olelo, i mea hoomalu like i na kanaka a pau a me na’lii a pau o keia pae aina; i keakea ole ai kekahi alii i kekahi o na makaainana, i like hoi ka malu o na’lii, a me na kanaka malalo o ke kanawai hookahi.

5. Ua hoomaluia ke kino o na kanaka a pau, a me ko lakou aina, a me ko lakou mau pahale, a me ko lakou waiwai a pau; aole hoi e laweia kekahi mea, ke olelo ole ia kela mea ma ke kanawai. O ke alii e hana i kekahi mea ku e i keia Kumu kanawai, e pau kona noho alii ana ma keia pae aina o Hawaii nei, ke hoomau ia malaila, pela na kiaaina, a me na luna a me na konohiki a pau.

ke ola, ‘o nā lālā o ke kino, ‘o ka noho ho‘opa‘a ‘ole ‘ia, a me ke ke‘ake‘a ‘ole ‘ia, ‘o nā mea a kona lima i hana ai, a me nā mea a kona mana‘o i ho‘oponopono ai.

3. Na ke Akua mai nō ho‘i ka ‘oihana alii‘i, a me ka noho alii‘i ‘ana i mea e malu ai; akā, i ka hana ‘ana i nā kānāwai o ka ‘āina, ‘a‘ole pono e hana ‘ia kekahi kānāwai ho‘omalū alii‘i wale nō, a ho‘omalū ‘ole i nā maka‘āinana. ‘A‘ole ho‘i pono ke kau i ke kānāwai ho‘owaiwai i nā alii‘i wale nō, a waiwai ‘ole nā maka‘āinana; a ma hope aku nei, ‘a‘ole loa e kau ‘ia kekahi kānāwai kū‘ē i kēia mau ‘ōlelo i ‘ōlelo ‘ia ma luna, ‘a‘ole ho‘i e ‘auhau wale ‘ia, ‘a‘ole e ho‘okauā ‘ia, ‘a‘ole e ho‘ohana wale ‘ia kekahi kanaka ma ke ‘ano kū‘ē i ua mau ‘ōlelo lā.

4. No laila e ho‘olaha ‘ia aku ai kēia ‘ōlelo, i mea ho‘omalū like i nā kānaka a pau a me nā alii‘i a pau o kēia pae ‘āina; i ke‘ake‘a ‘ole ai kekahi alii‘i i kekahi o nā maka‘āinana, i like ho‘i ka malu o nā alii‘i, a me nā kānaka ma lalo o ke kānāwai ho‘okahi.

5. Ua ho‘omalū ‘ia ke kino o nā kānaka a pau, a me ko lākou ‘āina, a me ko lākou mau pā hale, a me ko lākou waiwai a pau; ‘a‘ole ho‘i e lawe ‘ia kekahi mea, ke ‘ōlelo ‘ole ‘ia kēlā mea ma ke kānāwai. ‘O ke alii‘i e hana i kekahi mea kū‘ē i kēia Kumukānāwai, e pau kona noho alii‘i ‘ana ma kēia pae ‘āina ‘o Hawai‘i nei, ke ho‘omau ‘ia ma laila, pēlā nā kia‘āina, a me nā luna a me nā konohiki a pau.

limb, liberty, the labor of his hands and productions of his mind.

kolamu (column) 3

2. Ua ho'ololi 'ia 'o "some" 'o ia 'o "same."
 "Some" was changed to "same."

3. God has also established governments and rule for the purposes of peace, but in making laws for a nation it is by no means proper to enact laws for the protection of rulers only, without also providing protection for their subjects; neither is it proper to enact laws to enrich the chiefs only, without regard to the enriching of their subjects also; and hereafter, there shall by no means be any law enacted which is inconsistent with what is above expressed, neither shall any tax be assessed, nor any service or labor required of any man in a manner at variance with the above sentiments.

4. These sentiments are hereby proclaimed for the purpose of protecting alike, both the people and the chiefs of all these islands, that no chief may be able to oppress any subject, but that chiefs and people may enjoy the same² protection under one and the same law.

5. Protection is hereby secured to the persons of all the people, together with their lands, their building lots and all their property and nothing whatever shall be taken from any individual, except by express provision of the laws. Whatever chief shall perseveringly act in violation of this Constitution, shall no longer remain a chief of the Sandwich Islands, and the same shall be true of the governors, officers and all land agents.