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Ke Kumukanawai o ka Makahiki 1840 = The 1840 Constitution

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Ka Ho'oilina/The Legacy, Puke (Volume) 1, Helu (Number) 1, Malaki  
(March) 2002, pp. 34-59 (Article)

Published by University of Hawai'i Press

DOI: <https://doi.org/10.1353/kah.2003.0003>



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## Ke Kumukānāwai o ka Makahiki 1840

‘O ke Kumukānāwai o ka makahiki 1840 ko Hawai‘i nei kumukānāwai piha pono mua e ho‘onohono ana i nā māhele o ke aupuni o ia manawa a me ko lākou mau kuleana pākahi. ‘O kekahi mea nui o ia kumukānāwai ka ho‘okumu ‘ana i ka ‘Aha‘ōlelo, i lohe ‘ia ka leo maka‘ainana ma ka hana aupuni. Na Kamehameha III lāua ‘o Kekāuluohi (ke Kuhina Nui) i ho‘oholo, a ua kau ‘ia ma ka lā 8 o ‘Okakopa, 1840. Ho‘opuka ‘ia: *Ke Kumukānāwai a me nā Kānāwai o ko Hawai‘i Pae ‘Āina*, Honolulu, 1841; a ma ka ‘ōlelo Pelekānia: *Translation of the Constitution and Laws of the Hawaiian Islands, Established in the Reign of Kamehameha III*, Lahaina Luna, 1842. Forbes 1269 (II:280–282) a me 1337 (II:318–320).

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1. KE KUMU KANAWAI,  
A ME  
NA KANAWAI  
O KO  
HAWAII PAE AINA.

Ua kauia i ke kau ia KAMEHAMEHA III.  
HONOLULU, OAHU.  
1841.

HE OLELO HOAKAKA  
i ka pono o na kanaka a me na’lii.

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 hoi 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 mai ai i kela kanaka keia kanaka, i kela alii keia alii i noho pono; o ke 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 pono ai, a me na mea a kona manao i hooponopono ai. Aole nae na mea i papaia e na kanawai a pau.

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1. KE KUMUKĀNĀWAI,  
A ME  
NĀ KĀNĀWAI  
O KO  
HAWAI‘I PAE ‘ĀINA.

Ua kau ‘ia i ke kau iā KAMEHAMEHA III.  
HONOLULU, O‘AHU.  
1841.

HE ‘ŌLELO HO‘ĀKĀKA  
i ka pono o nā kānaka a me nā ali‘i.

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.<sup>1</sup> Ua hā‘awi mai nō ho‘i 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 mai ai i kēlā kanaka kēia kanaka, i kēlā ali‘i kēia ali‘i i noho pono: ‘o 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 pono ai, a me nā mea a kona manao i ho‘oponopono ai. ‘A‘ole na‘e nā mea i pāpā ‘ia e nā kānāwai a pau.

## The 1840 Constitution

The 1840 Constitution was Hawai‘i’s first detailed constitution. It organized the parts and the functions of government at that time. One important aspect of this constitution was the establishment of the House of Representatives as part of the legislative body, allowing the people a voice in government. Written by Kamehameha III and Kekāuluohi (the Premier), enacted October 8, 1840; published as *Ke Kumukānāwai a me nā Kānāwai o ko Hawai‘i Pae ‘Āina*, Honolulu, 1841, and *Translation of the Constitution and Laws of the Hawaiian Islands, Established in the Reign of Kamehameha III*, Lahaina Luna, 1842. Forbes 1269 (II:280–282) and 1337 (II:318–320).

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1. TRANSLATION  
OF THE  
CONSTITUTION AND LAWS  
OF THE  
HAWAIIAN ISLANDS,  
ESTABLISHED IN THE REIGN  
OF  
KAMEHAMEHA III.  
  
LAHAINA LUNA.  
1842.<sup>1</sup>  
  
CONSTITUTION, LAWS &c.  
  
DECLARATION OF RIGHTS, BOTH  
OF THE PEOPLE AND CHIEFS.

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*kolamu (column) 2*

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

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*kolamu (column) 3*

1. ‘O kēia unuhi ‘ōlelo Pelekānia, mai ka ho‘opuka kūhelu mai nō ia na ke aupuni o Hawai‘i o ka makahiki 1842, a, ma kauwahi, ‘a‘ole he unuhi hāiki.

This English translation is from the 1842 official publication of the government of Hawai‘i and, in parts, is not a literal translation.

“God hath made of one blood all nations of men to dwell on 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 of correct deportment; life, limb, liberty, freedom from oppression; the earnings of his hands and the productions of his mind, not however to those who act in violation of the laws.

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 hooohana wale ia kekahi kanaka ma ke ano ku e i ua mau olelo la.

4. Hoomalu na Kanaka a pau.

Nolaila, e hoolaha’i aku ai keia olelo, i mea hoomalu like i na kanaka a pau, a me na’lii a pau o keia pae aina, i ko lakou noho pono ana, 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; ke malama lakou i na kanawai o ke aupuni, 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.

6. Aka, ina huli hou ka mea i hewa, a hooonopono e like me na kanawai, alaila, hiki no i na’lii ke hooku hou ia ia i kona wahi ku ai mamua aku o kana hana hewa ana.

3. Na ke Akua mai no ho’i ka ‘oihana ali’i, a me ka noho ali’i ‘ana i mea e malu ai; akā, i ka hana ‘ana i na kânāwai o ka ‘āina, ‘a’ole pono e hana ‘ia kekahi kânāwai ho’omalua ali’i wale nō, a ho’omalua ‘ole i na maka‘āinana. ‘A’ole ho’i e pono ke kau i ke kânāwai ho’owaiwai i na ali’i wale nō, a waiwai ‘ole na maka‘āinana; a ma hope aku nei, ‘a’ole loa e kau ‘ia kekahi kânāwai kû‘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 kû‘ē i ua mau ‘ōlelo lā.

4. Ho’omalua na Kānaka a pau.

No laila e ho’olaha ‘ia aku ai kēia ‘ōlelo, i mea ho’omalua like i na kânaka a pau, a me na ali’i a pau o kēia pae ‘āina, i ko lākou noho pono ‘ana, i ke’ake‘a ‘ole ai kekahi ali’i i kekahi o na maka‘āinana, i like ho’i ka malu o na ali’i, a me na kânaka ma lalo o ke kânāwai ho’okahi.

5. Ua ho’omalua ‘ia ke kino o na kânaka a pau, a me ko lākou ‘āina, a me ko lākou mau pā hale, a me ko lākou waiwai a pau; ke mālama lākou i na kânāwai o ke aupuni, ‘a’ole ho’i e lawe ‘ia kekahi mea, ke ‘ōlelo ‘ole ‘ia kēlā mea ma ke kânāwai. ‘O ke ali’i e hana i kekahi mea kû‘ē i kēia Kumukānāwai, e pau kona noho ali’i ‘ana ma kēia pae ‘āina ‘o Hawai’i nei, ke ho’omau ‘ia ma laila, pēlā na kia‘āina, a me na luna a me na konohiki a pau.

6. Akā, inā huli hou ka mea i hewa, a hooonopono e like me na kânāwai, a laila, hiki nō i na ali’i ke ho’okū hou ia ia i kona wahi i kû ai ma mua aku o kāna hana hewa ‘ana.

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

#### 4. PROTECTION FOR THE PEOPLE DECLARED.

The above sentiments are hereby published for the purpose of protecting alike, both the people and the chiefs of all these islands, while they maintain a correct deportment; that no chief may be able to oppress any subject, but that chiefs and people may enjoy the same 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, while they conform to the laws of the kingdom, and nothing whatever shall be taken from any individual except by express provision of the laws. Whatever chief shall act perseveringly in violation of this Constitution, shall no longer remain a chief of the Hawaiian Islands, and the same shall be true of the governors, officers and all land agents.

6. But if any one who is deposed should change his course, and regulate his conduct by law, it shall then be in the power of the chiefs to reinstate him in the place he occupied previous to his being deposed.

## 7. Kumu Kanawai.

Mamuli o ia pono i oleloia maluna, ke manao nei makou e hooponopono i keia aupuni, e imi hoi i ka maikai no na’lii a pau, a me na makaainana a pau o keia pae aina o Hawaii nei.

8. Ua maopopo ia makou, aole loa makou e hiki, o makou wale; o ke Akua ka mea e hiki ai, no ka mea, oia ke alii maluna o na aupuni a pau, a oia wale no ka mea e malu ai, a e pomaikai ai: nolaila ke nonoi mua aku nei makou ia ia, e kuhikuhi mai ia makou i mea e pono ai, a e kokua hoi mamuli o ka makou hana ana.

9. Nolaila, ua paa ko makou manao:

I. Aole loa e hanaia kekahi kanawai ku e i ka olelo a ka Haku, a Iehova, aole hoi i ku e i ke ano nui o ia olelo. E ku like no na kanawai a pau o keia pae aina me ke ano nui o ko ke Akua kanawai.

10. II. E hoomaluia no na kanaka a pau o kela pule o keia pule, i ko lakou hoomana ana ia Iehova, a me ko lakou malama ana ia ia, e like me ko lakou manao, aole nae e hoopaiia ke kanaka no kona malama ole ana i ke Akua, ke hana ino ole oia i kekahi kanaka, a hoopoino i ke aupuni paha.

11. III. E kokua no ke kanawai i kela kanaka i keia kanaka i hoopoinoia e kekahi, me kona hewa ole, a e hoomaluia na kanaka a pau ma na hana pono a pau; a e hoopaiia na kanaka a pau i hoopoino i ke aupuni, a i kekahi kanaka paha. Aole hoi e kauia kekahi kanawai paewaewa e hoopomaikai ai i kekahi ma ka poino o kekahi.

12. IV. Aole e hoopaiia kekahi kanaka ke hoakaka ole ia kona hewa mamua, aole hoi e hoopaiia ke hookolokolo ole ia imua o ke alo o ka mea nana i hoopii, a halawai laua, he maka

## 7. Kumukānāwai.

Ma muli o ia pono i ‘ōlelo ‘ia ma luna, ke mana‘o nei mākou e ho‘oponopono i kēia aupuni, e ‘imi ho‘i i ka maika‘i no nā ali‘i a pau, a me nā maka‘āinana a pau o kēia pae ‘āina ‘o Hawai‘i nei.

8. Ua maopopo iā mākou, ‘a‘ole loa mākou e hiki, ‘o mākou wale; ‘o ke Akua ka mea e hiki ai, no ka mea, ‘o ia ke ali‘i ma luna o nā aupuni a pau, a ‘o ia wale nō ka mea e malu ai, a e pōmaika‘i ai; no laila ke nonoi mua aku nei mākou iā ia, e kuhikuhi mai iā mākou i mea e pono ai, a e kōkua ho‘i ma muli o kā mākou hana ‘ana.

9. No laila, ua pa‘a ko mākou mana‘o:

I. ‘A‘ole loa e hana ‘ia kekahi kānāwai kū‘ē i ka ‘ōlelo a ka Haku, a Iehova, ‘a‘ole ho‘i i kū‘ē i ke ‘ano nui o ia ‘ōlelo. E kū like nō nā kānāwai a pau o kēia pae ‘āina me ke ‘ano nui o ko ke Akua kānāwai.

10. II. E ho‘omalū ‘ia nō nā kānaka a pau o kēlā pule o kēia pule, i ko lākou ho‘omana ‘ana iā Iehova, a me ko lākou mālama ‘ana iā ia, e like me ko lākou mana‘o, ‘a‘ole na‘e e ho‘opa‘i ‘ia ke kanaka no kona mālama ‘ole ‘ana i ke Akua, ke hana ‘ino ‘ole ‘o ia i kekahi kanaka, a ho‘opō‘ino i ke aupuni paha.

11. III. E kōkua nō ke kānāwai i kēlā kanaka i kēia kanaka i ho‘opō‘ino ‘ia e kekahi, me kona hewa ‘ole, a e ho‘omalū ‘ia nā kānaka a pau ma nā hana pono a pau; a e ho‘opa‘i ‘ia nā kānaka a pau i ho‘opō‘ino i ke aupuni, a i kekahi kanaka paha. ‘A‘ole ho‘i e kau ‘ia kekahi kānāwai pā‘ewa‘ewa e ho‘opōmaika‘i ai i kekahi ma ka pō‘ino o kekahi.

12. IV. ‘A‘ole e ho‘opa‘i ‘ia kekahi kanaka ke ho‘ākāka ‘ole ‘ia kona hewa ma mua, ‘a‘ole ho‘i e ho‘opa‘i ‘ia ke ho‘okolokolo ‘ole ‘ia i mua o ke alo o ka mea nāna i ho‘opi‘i, a hālāwai lāua, he maka

## 7. CONSTITUTION.

It is our design to regulate our kingdom according to the above principles and thus seek the greatest prosperity both of all the chiefs and all of the people of these Hawaiian Islands. But we are aware that we cannot ourselves alone accomplish such an object – God must be our aid, for it is His province alone to give perfect protection and prosperity. Wherefore we first present our supplication to HIM, that he will guide us to right measures and sustain us in our work.<sup>2</sup>

9. It is therefore our fixed decree,

I. That no law shall be enacted which is at variance with the word of the Lord Jehovah, or at variance with the general spirit of His word. All laws of the Islands shall be in consistency with the general spirit of God's law.

10. II. All men of every religion shall be protected in worshipping Jehovah, and serving Him, according to their own understanding, but no man shall ever be punished for neglect of God unless he injures his neighbor, or brings<sup>3</sup> evil on the kingdom.

11. III. The law shall give redress to every man who is injured by another without a fault of his own, and shall protect all men while they conduct <themselves> properly, and shall punish all men who commit crime against the kingdom or against individuals, and no unequal law shall be passed for the benefit of one to the injury of another.

12. IV. No man shall be punished unless his crime be first made manifest, neither shall he be punished unless he be first brought to trial in the presence of his accusers, and they have met face

*kolamu (column) 3*

2. 'O nā hopuna 'ōlelo hope 'elua o kēia paukū 'ōlelo Pelekānia, 'o ia ka unuhi o ka 'ōlelo Hawai'i ma ka paukū 8.

The last two sentences of this paragraph in English is a translation of paragraph 8 in the Hawaiian.

3. Ua ho'ololi 'ia 'o "bring" 'o ia 'o "brings."  
"Bring" was changed to "brings."

no, he maka, a hookolokoloia e like me ke kanawai, a ku ka hewa imua o laua, alaila hoopai.

13. V. Aole pono i kekahi kanaka, aole hoi i kekahi alii ke noho lunakanawai, a i juri hoi e hookolokolo i kona makamaka ponoī, a me ka mea i pili pono ia ia. Nolaila, ina hoahewaia kekahi kanaka, a hooponoia paha, a mahope iho, ikeia, ua hana paewaewa kekahi o ka poe hookolokolo, i mea e kokua wale i kona mea aloha, a i mea e waiwai ai paha, alaila, hookolokolo hou imua o ka poe paewaewa ole.

14. Ka hoakaka ana i ke Ano  
o ka Noho o na’lii.

Eia ke ano o ka noho ana o na’lii a me ka hooponopono ana i ka aina. *O Kamehameha I*, oia ke poo o keia aupuni, a nona no na aina a pau mai Hawaii a Niihau, aole nae nona ponoī, no na kanaka no, a me na’lii, a o Kamehameha no ko lakou poo nana e olelo i ka aina. Nolaila, aohe mea pono mamua, aohe hoi mea pono i keia manawa ke hoolilo aku i kekahi lihi iki o keia mau aina me ka ae ole o ka mea ia ia ka olelo o ke aupuni.

15. Eia ka poe nana ka olelo mai ia manawa mai, O Kamehameha II, o Kaahumanu I, a i keia wa hoi, o Kamehameha III. Na keia poe wale no e olelo o ke aupuni, a hiki i keia wa, a o na palapala a pau a lakou i kakau ai, oia wale no na palapala o ke aupuni.

16. E mau loa aku hoi ke aupuni ia Kamehameha III, a me kona hooilina aku. Eia

nō, he maka, a ho‘okolokolo ‘ia e like me ke kōnāwai, a kū ka hewa i mua o lāua, a laila ho‘opa‘i.

13. V. ‘A‘ole pono i kekahi kanaka, ‘a‘ole ho‘i i kekahi ali‘i ke noho luna kōnāwai, a i kiule ho‘i e ho‘okolokolo i kona makamaka ponoī, a me ka mea i pili pono iā ia. No laila, inā ho‘āhewa ‘ia kekahi kanaka, a ho‘opono ‘ia paha, a ma hope iho, ‘ike ‘ia, ua hana pā‘ewa‘ewa kekahi o ka po‘e ho‘okolokolo, i mea e kōkua wale i kona mea aloha, a i mea e waiwai ai paha, a laila, ho‘okolokolo hou i mua o ka po‘e pā‘ewa‘ewa ‘ole.

14. Ka ho‘ākāka ‘ana i ke ‘Ano  
o ka Noho o nā Ali‘i.

Eia ke ‘ano o ka noho ‘ana o nā ali‘i a me ka ho‘oponopono ‘ana i ka ‘āina. *O Kamehameha I*, ‘o ia ke po‘o o kēia aupuni, a nona nō nā ‘āina a pau mai Hawaii‘i a Niihau, ‘a‘ole na‘e nona ponoī, no nā kōnaka nō, a me nā ali‘i, a ‘o Kamehameha nō ko lākou po‘o nāna e ‘olelo i ka ‘āina. No laila, ‘a‘ohe mea pono ma mua, ‘a‘ohe ho‘i mea pono i kēia manawa ke ho‘olilo aku i kekahi lihi iki o kēia mau ‘āina me ka ‘ae ‘ole o ka mea iā ia ka ‘ōlelo o ke aupuni.

15. Eia ka po‘e nāna ka ‘ōlelo mai ia manawa mai, O Kamehameha II, ‘o Ka‘ahumanu I, a i kēia wā ho‘i, ‘o Kamehameha III. Na kēia po‘e wale nō e ‘ōlelo no<sup>2</sup> ke aupuni, a hiki i kēia wā, a ‘o nā palapala a pau a lākou i kākau ai, ‘o ia wale nō nā palapala o ke aupuni.

16. E mau loa aku ho‘i ke aupuni iā Kamehameha III, a me kona ho‘oilina aku. Eia



to face, and the trial having been conducted according to law, and the crime made manifest in their presence, then punishment may be inflicted.

13. V. No man or chief shall be permitted to sit as judge or act on a jury to try his particular friend (or enemy), or one who is especially connected with him. Wherefore if any man be condemned or acquitted, and it shall afterwards be made to appear, that some one who tried him acted with partiality for the purpose of favoring his friend (or injuring his enemy,) or for the purpose of enriching himself, then there shall be a new trial allowed before those who are impartial.

14. EXPOSITION OF THE PRINCIPLES ON WHICH THE PRESENT DYNASTY IS FOUNDED.

The origin of the present government, and system of polity, is as follows. KAMEHAMEHA I, was the founder of the kingdom, and to him belonged all the land from one end of the Islands to the other, though it was not his own private property. It belonged to the chiefs and people in common, of whom Kamehameha I was the head, and had the management of the landed property. Wherefore, there was not formerly, and is not now any person who could or can convey away the smallest portion of land without the consent of the one who had, or has the direction of the kingdom.

15. These are the persons who have had the direction of it from that time down, Kamehameha II, Kaahumanu I, and at the present time Kamehameha III. These persons have had the direction of the kingdom down to the present time, and all documents written by them, and no others are the documents of the kingdom.

16. The kingdom is permanently confirmed to Kamehameha III, and his heirs, and his heir shall

*kolamu (column) 2*

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2. Ua ho'ololi 'ia 'o "o" 'o ia 'o "no."  
"O" was changed to "no."

hoi kona hooilina, o ka mea ana e olelo pu ai me na’lii i kona wa e ola ana, a i ole ia e olelo, alaila lilo ka olelo i na’lii wale no, a me ka poe i kohoia no hoi.

17. Na Pono o ke Alii nui.

Eia hoi ko ke alii nui wahi. Oia ka mea maluna o na kanaka a pau, a me na’lii a pau. Nona no ke aupuni. Ia ia na koa, a me na mea kaua o ke aupuni, na pu, na pa kaua, a me na mea kaua a pau. Ia ia ka waiwai o ke aupuni, ke kala o ke kino, ka auhau o ka aina, a me na la hana ekolu o ka malama, e like nae me ka olelo o ke kanawai. Nona no kona mau aina pono, a me na aina hemo i ka makahiki.

18. Oia ka mea nui o na lunakanawai kiekie, a ia ia no ka hooko i na kanawai o ka aina, a me na olelo kupaa, a me na kuikahi o ko na aina e, e like hoi me ka olelo o kooni kanawai.

19. Nana no e hana i na kuikahi me na’lii o na aupuni e a pau, a oia ka mea olelo pu me na lunakiekie i hoounaia mai, mai na aina e mai, a nana no e hooholo i ka olelo.

20. Nana no ka olelo o ke kaua, ke hiki i ka manawa pilikia, a pono ole i na’lii a pau ke akoakoa mai, a oia hoi ka alihikaua. Nana no hoi na olelo nui a pau o ke aupuni, ke haawi ole ia kela olelo ia hai ma ke kanawai.

21. No ke Kuhina nui o ke Aupuni.

He mea pono i ke alii nui ke koho i kekahi alii akamai, i alii nui hoi, a e lilo oia i kanaka pono nona, a e kapaia oia ke kuhina nui o ke aupuni. A e like no kona noho ana a me kana hana me ka

ho’i kona ho’oilina, ‘o ka mea āna e ‘ōlelo pū ai me nā ali’i i kona wā e ola ana, a i ‘ole ia e ‘ōlelo, a laila lilo ka ‘ōlelo i nā ali’i wale nō, a me ka Po‘e i Koho ‘ia nō ho’i.

17. Nā Pono o ke Ali’i Nui.

Eia ho’i ko ke Ali’i Nui wahi. ‘O ia ka mea ma luna o nā kānaka a pau, a me nā ali’i a pau. Nona nō ke aupuni. Iā ia nā koa, a me nā mea kaua o ke aupuni, nā pū, nā pā kaua, a me nā mea kaua a pau. Iā ia ka waiwai o ke aupuni, ke kālā o ke kino, ka ‘auhau o ka ‘āina, a me nā lā hana ‘ekolu o ka malama, e like na‘e me ka ‘ōlelo o ke kānāwai. Nona nō kona mau ‘āina pono‘ī, a me nā ‘āina hemo i ka makahiki.

18. ‘O ia ka mea nui o nā Luna Kānāwai Kī‘eki‘e, a iā ia nō ka ho‘okō i nā kānāwai o ka ‘āina, a me nā ‘ōlelo kūpa‘a, a me nā ku‘ikahi o ko nā ‘āina ‘ē, e like ho‘i me ka ‘ōlelo o ko ‘one‘i kānāwai.

19. Nāna nō e hana i nā ku‘ikahi me nā ali’i o nā aupuni ‘ē a pau, a ‘o ia ka mea ‘ōlelo pū me nā luna kī‘eki‘e i ho‘ouna ‘ia mai, mai nā ‘āina ‘ē mai, a nāna nō e ho‘oholo i ka ‘ōlelo.

20. Nāna nō ka ‘ōlelo o ke kaua, ke hiki i ka manawa pilikia, a pono ‘ole i nā ali’i a pau ke ‘ākoakoa mai, a ‘o ia ho’i ka ‘alihikaua. Nāna nō ho’i nā ‘ōlelo nui a pau o ke aupuni, ke hā‘awi ‘ole ‘ia kēlā ‘ōlelo iā ha’i ma ke kānāwai.

21. No ke Kuhina Nui o ke Aupuni.

He mea pono i ke Ali’i Nui ke koho i kekahi ali’i akamai, i ali’i nui ho’i, a e lilo ‘o ia i kanaka pono‘ī nona, a e kapa ‘ia ‘o ia ke Kuhina Nui o ke Aupuni. A e like nō kona noho ‘ana a me kāna

be the person whom he and the chiefs shall appoint, during his lifetime,<sup>4</sup> but should there be no appointment, then the decision shall rest with the chiefs and House of Representatives.

*kolamu (column) 3*

4. Ua ho'ololi 'ia 'o "life time" 'o ia 'o "lifetime."  
"Life time" was changed to "lifetime."

#### 17. PREROGATIVES OF THE KING.

The prerogatives of the King are as follows: He is the sovereign of all the people and all the chiefs. The kingdom is his. He shall have the direction of the army and all the implements of war of the kingdom. He also shall have the direction of the government property – the poll tax – the land tax – the three days monthly labor, though in conformity to the laws. He also shall retain his own private lands, and lands forfeited for the nonpayment of taxes shall revert to him.

18. He shall be the chief judge of the Supreme Court, and it shall be his duty to execute the laws of the land, also all decrees and treaties with other countries, all however in accordance with the laws.

19. It shall also be his prerogative to form treaties with the rulers of all other kingdoms, also to receive ministers sent by other countries, and he shall have power to confirm agreements with them.

20. He shall also have power to make war in time of emergency, when the chiefs cannot be assembled, and he shall be the commander in chief. He shall also have power to transact all important business of the kingdom which is not by law assigned to others.

#### 21. RESPECTING THE PREMIER OF THE KINGDOM.

It shall be the duty of the King to appoint some chief of rank and ability, to be his particular minister, whose title shall be *Premier of the Kingdom*.

Kaahumanu I, a me ka Kaahumanu II. No ka mea i ka wa e ola ana o Kamehameha I, ia Kaahumanu no ke ola a me ka make, ka hewa, a me ka pono. A i kona wa i make ai, kauoha mai oia “No Liholiho ke aupuni, a o Kaahumanu ke kanaka.” A o kela pono a Kamehameha I, i imi ai i kuhina, e hoomauiia kela pono ma Hawaii nei, e like nae me ka olelo o ke kanawai.

22. Eia ka hana a ke Kuhina nui. O na mea i pili i ke aupuni a ke alii e manao ai e hana, na ke Kuhina no e hana ma ka inoa o ke alii; a o na olelo, a me na hana o ke aupuni a ke Kuhina e hana’i, na ke alii ia olelo a me ia hana. E ike no hoi oia i ka waiwai a pau o ke aupuni, a nana no e haawi i ke alii nui. O ke Kuhina nui ka mea olelo pu me ke alii ma na mea nui o ke aupuni. Aole hoi e hana wale ke alii me ka lohe ole o ke Kuhina, aole hana wale ke Kuhina me ka lohe ole o ke alii; a ina hoole ke alii i kana, o ka ole no ia. A o na hana nui a pau a ke alii e manao ai nana pono i e hana, e hana no oia, me ka lohe nae o ke Kuhina.

23.

Na Kiaaina.

Eha no Kiaaina ma Hawaii nei. No Hawaii kekahi. No Maui a me na moku e pili ana kekahi, no Oahu kekahi, a no Kauai a me na moku e pili ana kekahi. Malalo o ke alii nui ka noho ana o na Kiaaina a pau mai Hawaii a Kauai. Eia hoi ke ano o ko ke Kiaaina noho ana, a me kana hana hoi.

hana me ka Ka‘ahumanu I, a me ka Ka‘ahumanu II. No ka mea i ka wa e ola ana ‘o Kamehameha I, ia Ka‘ahumanu no ke ola a me ka make, ka hewa, a me ka pono. A i kona wa i make ai, kauoha mai ‘o ia, “No Liholiho ke aupuni, a ‘o Ka‘ahumanu ke kuhina.”<sup>3</sup> A ‘o kela pono a Kamehameha I, i ‘imi ai i kuhina, e ho‘omau ‘ia kela pono ma Hawai‘i nei, e like na’e me ka ‘olelo o ke kanawai.

22. Eia ka hana a ke Kuhina Nui. ‘O na mea i pili i ke aupuni a ke alii e mana‘o ai e hana, na ke Kuhina no e hana ma ka inoa o ke Ali‘i; a ‘o na ‘olelo, a me na hana o ke aupuni a ke Kuhina e hana ai, na ke Ali‘i ia ‘olelo a me ia hana. E ike no ho‘i ‘o ia i ka waiwai a pau o ke aupuni, a nana no e haawi i ke alii nui. ‘O ke Kuhina Nui ka mea ‘olelo pu me ke Ali‘i ma na mea nui o ke aupuni. ‘A‘ole ho‘i e hana wale ke Ali‘i me ka lohe ‘ole o ke Kuhina, ‘a‘ole hana wale ke Kuhina me ka lohe ‘ole o ke Ali‘i; a ina ho‘ole ke Ali‘i i kana, ‘o ka ‘ole no ia. A ‘o na hana nui a pau a ke Ali‘i e mana‘o ai nana pono i e hana, e hana no ‘o ia, me ka lohe na’e o ke Kuhina.

23.

Na Kia‘aina.

‘Eha no kia‘aina ma Hawai‘i nei. No Hawaii kekahi. No Maui a me na moku e pili ana kekahi, no O‘ahu kekahi, a no Kaua‘i a me na moku e pili ana kekahi. Ma lalo o ke Ali‘i Nui ka noho ‘ana o na Kia‘aina a pau mai Hawai‘i a Kaua‘i. Eia ho‘i ke ‘ano o ko ke kia‘aina noho ‘ana, a me kana hana ho‘i.

His office and business shall be the same as that of Ka‘ahumanu I and Ka‘ahumanu II. For even in the time of Kamehameha I, life and death, condemnation and acquittal were in the hands of Ka‘ahumanu. When Kamehameha I died his will was, “The kingdom is Liholiho’s, and Ka‘ahumanu is his minister.” That important feature of the government, originated by Kamehameha I, shall be perpetuated in these Hawaiian Islands, but shall always be in subserviency to the law.

22. The following are the duties of the Premier. All business connected with the special interests of the kingdom, which the King wishes to transact, shall be done by the Premier under the authority of the King. All documents and business of the kingdom executed by the Premier, shall be considered as executed by the King’s authority. All government property shall be reported to him (or her) and he (or she) shall make it over to the King.

22a. The Premier shall be the King’s special counsellor in the great business of the kingdom.

22b. The King shall not act without the knowledge of the Premier, nor shall the Premier act without the knowledge of the King, and the veto of the King on the acts of the Premier shall arrest the business. All important business of the kingdom which the King chooses to transact in person, he may do it but not without the approbation of the Premier.<sup>5</sup>

## 23. GOVERNORS.

There shall be four governors over these Hawaiian Islands – one for Hawai‘i – one for Maui and the Islands adjacent – one for O‘ahu, and one for Kaua‘i and the adjacent Islands. All the governors, from Hawai‘i to Kaua‘i shall be subject to the King.

### *kolamu (column) 2*

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3. Ua ho‘ololi ‘ia ‘o “kanaka” ‘o ia ‘o “kuhina.”  
“Kanaka” was changed to “kuhina.”

### *kolamu (column) 3*

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5. Aia kēia mau paukū ‘ekolu ma ka ‘ōlelo Pelekānia i loko o ka paukū 22 ma ka ‘ōlelo Hawai‘i.

These three paragraphs in English are included within the single paragraph 22 in the Hawaiian.

24. E noho luna no oia maluna o na luna auhau a pau o kona moku, a nana no e hooko i ka lakou olelo a pau, ke ike oia he pono, e hooko nae e like me ka olelo o ke kanawai, aole ma kona mana wale. Oia hoi ka luna maluna o na lunakanawai a pau o kona moku, a nana no e hooko i ka lakou olelo, e like me ka olelo maluna. Nana no e koho i na Lunakanawai, a haawi ia lakou i ka palapala hoolilo.

25. O ke Kiaaina, oia ke alii nui o kona moku, a o kona mau moku paha. Ia ia hoi na mea kaua o ka moku. Ia ia na pakaua, a me na koa, a me na pu, a me na mea kaua a pau. Malalo o ke alii nui laua o ke Kuhina nui ka noho ana o na kiaaina a pau, mai Hawaii a Kauai. Ia ia ka waiwai auhau o ka moku, a nana no e haawi i ke Kuhina nui. Ia ia no hoi ka olelo i ka manawa pilikia, ke ole ke alii nui, a o ke Kuhina nui paha. Ia ia no hoi ka ke alii hana a pau o ka moku, ka auhau, a me na hana hou, a me na mea e waiwai ai, a e noho no na luna a pau malalo ona. Ia ia hoi na olelo, a me na hana a pau o ka moku i haawi ole ia ia hai ma ke kanawai.

26. I ka manawa e make ai ke Kiaaina, alaila, e akoakoa na’lii a pau, i kahi a ke alii nui e olelo ai, a e imi pu lakou i hope no ke Kiaaina i make, a o ka mea a lakou e koho like ai, a ae ke alii nui ma ka palapala, oia ke Kiaaina hou.

24. E noho luna nō ‘o ia ma luna o nā luna ‘auhau a pau o kona moku, a nāna nō e ho‘okō i kā lākou ‘ōlelo a pau, ke ‘ike ‘o ia he pono, e ho‘okō na‘e e like me ka ‘ōlelo o ke kānāwai, ‘a‘ole ma kona mana‘o wale. ‘O ia ho‘i ka luna ma luna o nā luna kānāwai a pau o kona moku, a nāna nō e ho‘okō i kā lākou ‘ōlelo, e like me ka ‘ōlelo ma luna. Nāna nō e koho i nā luna kānāwai, a hā‘awi iā lākou i ka palapala ho‘olilo.

25. ‘O ke kia‘āina, ‘o ia ke Ali‘i Nui o kona moku, a ‘o kona mau moku paha. Iā ia ho‘i nā mea kaua o ka moku. Iā ia nā pā kaua, a me nā koa, a me nā pū, a me nā mea kaua a pau. Ma lalo o ke Ali‘i Nui lāua ‘o ke Kuhina Nui ka noho ‘ana o nā kia‘āina a pau, mai Hawai‘i a Kaua‘i. Iā ia ka waiwai ‘auhau o ka moku, a nāna nō e hā‘awi i ke Kuhina Nui. Iā ia nō ho‘i ka ‘ōlelo i ka manawa pilikia, ke ‘ole ke Ali‘i Nui, a ‘o ke Kuhina Nui paha. Iā ia nō ho‘i kā ke Ali‘i hana a pau o ka moku, ka ‘auhau, a me nā hana hou, a me nā mea e waiwai ai, a e noho nō nā luna a pau ma lalo ona. Iā ia ho‘i nā ‘ōlelo, a me nā hana a pau o ka moku i hā‘awi ‘ole ‘ia iā ha‘i ma ke kānāwai.

26. I ka manawa e make ai ke kia‘āina, a laila, e ‘akoakoa nā ali‘i a pau, i kahi a ke Ali‘i Nui e ‘ōlelo ai, a e ‘imi pū lākou i hope no ke kia‘āina i make, a ‘o ka mea a lākou e koho like ai, a ‘ae ke Ali‘i Nui ma ka palapala, ‘o ia ke kia‘āina hou.

24. The prerogatives of the governors and their duties, shall be as follows: Each governor shall have the general direction of the several tax gatherers of his island, and shall support them in the execution of all their orders which he considers to have been properly given, but shall pursue a course according to law, and not according to his own private views. He also shall preside over all the judges of his island, and shall see their sentences executed as above. He shall also appoint the judges and give them their certificates of office.

25. All the governors, from Hawai'i to Kaua'i shall be subject not only to the King, but also to the Premier.

25a. The governor shall be the superior over his particular island or islands. He shall have charge of the munitions of war, under the direction of the King, however, and the Premier. He shall have charge of the forts, the soldiery, the arms and all the implements of war. He shall receive the government dues and shall deliver over the same to the Premier. All important decisions rest with him in times of emergency, unless the King or Premier be present. He shall have charge of all the King's business on the island, the taxation, new improvements to be extended, and plans for the increase of wealth, and all officers shall be subject to him. He shall also have power to decide all questions, and transact all island business which is not by law assigned to others.<sup>6</sup>

26. When either of the governors shall de cease, then all the chiefs shall assemble at such place as the King shall appoint, and shall nominate a successor of the deceased governor, and whosoever they shall nominate and be approved by the King, he shall be the new governor.

*kolamu (column) 3*

6. Aia kēia mau paukū 'elua ma ka 'ōlelo Pelekānia i loko o ka paukū 25 ma ka 'ōlelo Hawai'i. 'O ka hopuna 'ōlelo o ka paukū 25 ma ka 'ōlelo Pelekānia, 'o ia ka hopuna 'ōlelo 'ekolu ma ka 'ōlelo Hawai'i.

These two paragraphs in English are included within the single paragraph 25 in the Hawaiian. And, the sentence making up paragraph 25 in the English is not the first sentence, but rather the third sentence, in the Hawaiian.

27. No na’lii malalo o ke Alii nui.

I ka ahaolelo ana a na’lii, eia ka poe olelo i keia manawa, o Kamehameha III, o Kekāuluohi, o Hoapili wahine, o Kuakini, o Kekauonohi, o Kahekili, o Paki, o Konia, o Keohokalole, o Leleiohoku, o Kekuanāoa, o Kealiiahonui, o Kanaina, o Ii, o Keoniana, a me Haalilio, a ina komo ka mea hou na ke kanawai e hoakaka ia. Na lakou nei kekahi olelo o ke aupuni. Aka, ina mana lakou e komo wale mai kekahi mea e ae e olelo pu, pono no. O keia poe nae ka poe hooholo i ka olelo. Aole e hana ia kekahi kanawai no ka aina me ko lakou lohe ole.

28. Penei hoi ka lakou hana ana. E akoakoa lakou i kela makahiki i keia makahiki, e imi i na mea e pono ai ka aina, i kanawai hoi no ke aupuni. I ka malama o Aperila e akoakoa’i, i ka la, a i kahi a ke alii nui e olelo ai.

29. He mea pono no hoi i ke alii nui ke olelo pu me lakou nei ma na mea nui a pau o ke aupuni, i mea e kuikahi ai, a i mea hoi e pono ai. A e hana no hoi lakou i na hana a pau a ke alii nui e haawi ai ia lakou.

30. No lakou hoi ko lakou mau aina ponoī, ina he moku, oia, ina he kalana, oia no, a ina he mea e, oia no hoi; a e hana no lakou ma ko lakou aina e like me ko lakou mana, aole nae e ku e i ke kanawai o ke aupuni.

31. No ka Poe i Kohoia.

I kela makahiki i keia makahiki e kohoia kekahi mau kanaka e ahaolelo pu me na’lii, a e imi pu i kanawai no ka aina. No Hawaii kekahi, a no Maui kekahi, a no Oahu kekahi, a no Kauai kekahi. Na na makaainana e koho, e like me ko lakou makemake. E hoakaka no ke kanawai i ke

27. No nā Ali’i ma lalo o ke Ali’i Nui.

I ka ‘aha ‘olelo ‘ana a nā ali’i, eia ka po’e ‘olelo i kēia manawa, ‘o Kamehameha III, ‘o Kekāuluohi, ‘o Hoapiliwahine, ‘o Kuakini, ‘o Kekau‘ōnohi, ‘o Kahekili, ‘o Pākī, ‘o Konia, ‘o Keohokālōle, ‘o Leleiohoku, ‘o Kekūānāo‘a, ‘o Keali‘iahonui, ‘o Kana‘ina, ‘o ‘Ī‘ī, ‘o Keoniana, a me Ha‘alilio, a ina komo ka mea hou, na ke kānāwai e ho‘ākāka ‘ia. Na lākou nei kekahi ‘olelo o ke aupuni. Akā, inā mana‘o lākou e komo wale mai kekahi mea ‘ē a‘e e ‘olelo pū, pono nō. ‘O kēia po‘e na‘e ka po‘e ho‘oholo i ka ‘olelo. ‘A‘ole e hana ‘ia kekahi kānāwai no ka ‘āina me ko lākou lohe ‘ole.

28. Penei ho‘i kā lākou hana ‘ana. E ‘ākoakoa lākou i kēlā makahiki i kēia makahiki, e ‘imi i nā mea e pono ai ka ‘āina, i kānāwai ho‘i no ke aupuni. I ka malama ‘o ‘Apelila e ‘ākoakoa ai, i ka lā, a i kahi a ke Ali’i Nui e ‘olelo ai.

29. He mea pono nō ho‘i i ke Ali’i Nui ke ‘olelo pū me lākou nei ma nā mea nui a pau o ke aupuni, i mea e ku‘ikahi ai, a i mea ho‘i e pono ai. A e hana nō ho‘i lākou i nā hana a pau a ke Ali’i Nui e hā‘awi ai iā lākou.

30. No lākou ho‘i ko lākou mau ‘āina ponoī, inā he moku, ‘o ia, inā he kalana, ‘o ia nō, a inā he mea ‘ē, ‘o ia nō ho‘i; a e hana nō lākou ma ko lākou ‘āina e like me ko lākou mana‘o, ‘a‘ole na‘e e kū‘ē i ke kānāwai o ke aupuni.

31. No ka Po‘e i Koho ‘ia.

I kēlā makahiki i kēia makahiki e koho ‘ia kekahi mau kānaka e ‘aha ‘olelo pū me nā ali’i, a e ‘imi pū i kānāwai no ka ‘āina. No Hawai‘i kekahi, a no Maui kekahi, a no O‘ahu kekahi, a no Kaua‘i kekahi. Na nā maka‘āinana e koho, e like me ko lākou makemake. E ho‘ākāka nō ke kānāwai i ke



## 27. HOUSE OF NOBLES.

At the present period, these are the persons who shall sit in the government councils, Kamehameha III, Kekāuluohi, Hoapiliwahine, Kuakini, Kekau'ōnohi, Kahekili, Pākī, Konia, Keohokālōle, Leleiohoku, Kekūanāo'a, Keali'iahonui, Kana'ina, Keoni Ī'i, Keoni Ana and Ha'alilio. Should any other person be received into the council, it shall be made known by law. These persons shall have part in the councils of the kingdom. No law of the nation shall be passed without their assent. They shall act in the following manner: They shall assemble annually, for the purpose of seeking the welfare of the nation, and establishing laws for the kingdom. Their meetings shall commence in April, at such day and place as the King shall appoint.<sup>7</sup>

29. It shall also be proper for the King to consult with the above persons respecting all the great concerns of the kingdom, in order to promote unanimity and secure the greatest good. They shall moreover transact such other business as the King shall commit to them.

30. They shall still retain their own appropriate lands, whether districts or plantations, or whatever divisions they may be, and they may conduct the business on said lands at their discretion, but not at variance with the laws of the kingdom.

31. RESPECTING  
THE REPRESENTATIVE BODY.

There shall be annually chosen certain persons to sit in council with the nobles and establish laws for the nation. They shall be chosen by the people, according to their wish, from Hawai'i, Maui, O'ahu and Kaua'i. The law shall decide the form

*kolamu (column) 3*

7. 'O nā hopuna 'ōlelo hope 'elua o kēia paukū 'ōlelo Pelekānia, 'o ia ka unuhi o ka 'ōlelo Hawai'i ma ka paukū 28.

The last two sentences in this paragraph in English are a translation of paragraph 28 in the Hawaiian.

ano o ke koho ana a me ka nui o ka poe e kohoia’i.  
Na keia poe i kohoia kekahi olelo o ke aupuni.  
Aole kanawai e kauia ke ae ole ka nui o lakou.

‘ano o ke koho ‘ana a me ka nui o ka po‘e e koho  
‘ia ai. Na kēia po‘e i koho ‘ia kekahi ‘olelo o ke  
aupuni. ‘A‘ole kânāwai e kau ‘ia ke ‘ae ‘ole ka nui  
o lākou.

32. No ka Halawai ana  
o ka Poe Hana Kanawai.

Hookahi no halawai ana o ka makahiki, e like  
me ka olelo maluna. Aka, ina e manao na’lii e  
halawai e i kekahi manawa, e halawai no, e like  
me ko lakou manao.

32. No ka Hālāwai ‘ana  
o ka Po‘e Hana Kānāwai.

Ho‘okahi nō hālāwai ‘ana o ka makahiki, e like  
me ka ‘olelo ma luna. Akā, inā e mana‘o nā ali‘i  
e hālāwai ‘ē i kekahi manawa, e hālāwai nō, e like  
me ko lākou mana‘o.

33. I ka akoakoa ana, pono e kaawale na’lii  
maoli, a me ka poe i kohoia. Aka, ina manao  
lakou e olelo pu i kekahi manawa, aia no e like  
me ko lakou manao.

33. I ka ‘ākoakoa ‘ana, pono e ka‘awale nā ali‘i  
maoli, a me ka po‘e i koho ‘ia. Akā, inā mana‘o  
lākou e ‘olelo pū i kekahi manawa, aia nō e like  
me ko lākou mana‘o.

34. Penei hoi lakou e hana’i: E koho na’lii maoli  
i kakauolelo na lakou, a i ka la e akoakoa’i, nana  
no e kakau i ka lakou olelo a pau, o na olelo hoi i  
hooholoia, a e malama mau loa ia kela buke i ole  
ai e nalowale na olelo a lakou e imi ai no ke  
aupuni. Pela no hoi ka poe i kohoia: E koho no  
lakou i kakauolelo na lakou, a i ko lakou la e  
akoakoa’i e imi ka pono no ke aupuni, a holo  
kekahi olelo ia lakou, alaila e kakauia kela olelo  
iloko o kekahi buke, a e malama loa ia buke i  
mea e nalowale ole ai na pono i imiia no ke  
aupuni. Aole hoi e kauia kekahi kanawai hou ke  
ae ole ka nui o na’lii maoli, a me ka poe i kohoia.

34. Penei ho‘i lākou e hana ai: E koho nā ali‘i  
maoli i kākau ‘olelo na lākou, a i ka lā e ‘ākoakoa  
ai, nāna nō e kākau i kā lākou ‘olelo a pau, ‘o nā  
‘olelo ho‘i i ho‘oholo ‘ia, a e mālama mau loa ‘ia  
kēlā puke i ‘ole ai e nalowale nā ‘olelo a lākou e  
‘imi ai no ke aupuni. Pēlā nō ho‘i ka po‘e i koho  
‘ia: E koho nō lākou i kākau ‘olelo na lākou, a i  
ko lākou lā e ‘ākoakoa ai e ‘imi i ka pono no ke  
aupuni, a holo kekahi ‘olelo iā lākou, a laila e  
kākau ‘ia kēlā ‘olelo i loko o kekahi puke, a e  
mālama loa i ia puke i mea e nalowale ‘ole ai nā  
pono i ‘imi ‘ia no ke aupuni. ‘A‘ole ho‘i e kau ‘ia  
kekahi kânāwai hou ke ‘ae ‘ole ka nui o nā ali‘i  
maoli, a me ka po‘e i koho ‘ia.

35. A ina holo kekahi olelo ia lakou, alaila e  
laweia kela olelo ma ka pepa, a i ke alii nui, a  
ina i pono i kona manao, a kakauia kona inoa

35. A inā holo kekahi ‘olelo iā lākou, a laila e  
lawe ‘ia kēlā ‘olelo ma ka pepa, a i ke Ali‘i Nui, a  
inā i pono i kona mana‘o, a kākau ‘ia kona inoa

of choosing them, and also the number to be chosen. This representative body shall have a voice in the business of the kingdom. No law shall be passed without the approbation of a majority of them.

32. RESPECTING THE MEETINGS  
OF THE LEGISLATIVE BODY.

There shall be an annual meeting as stated above; but if the rulers think it desirable to meet again they may do it at their discretion.

33. When they assemble, the nobles shall meet by themselves and the representative body by themselves, though at such times as they shall think it necessary to consult together, they may unite at their discretion.

34. The form of doing business shall be as follows: The nobles shall appoint a secretary for themselves who at the meetings shall record all decisions made by them, and that book of records shall be preserved in order that no decrees affecting the interests of the kingdom may be lost.

34a. The same shall be done by the representative body. They too shall choose a secretary for themselves, and when they meet for the purpose of seeking the interests of the kingdom, and shall come to a decision on any point, then that decision shall be recorded in a book, and the book shall be preserved, in order that nothing valuable, affecting the interests of the kingdom should be lost; and there shall no new law be made, without the approbation of a majority of the nobles and also a majority of the representative body.<sup>8</sup>

35. When any act shall have been agreed upon by them, it shall then be presented to the King, and if he approve and sign his name, and also the

*kolamu (column) 3*

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8. Aia kēia mau paukū 'elua ma ka 'ōlelo Pelekānia i loko o ka paukū 34 ma ka 'ōlelo Hawai'i.

These two paragraphs in English are included within the single paragraph 34 in the Hawaiian.

malalo, a me ko ke Kuhina nui, alaila lilo ia i kanawai no ke aupuni. Aole hoi e noa ia kanawai, a na ka poe nana i kau e hoonoa.

36. No na Lunaauhau.

Na ke alii laua o kona Kuhina nui e koho i mau luna auhau, a e haawi ia lakou i palapala hoolilo. Okoa na lunaauhau o kekahi moku, okoa na lunaauhau o kekahi moku. Ina ekolu luna o ka moku hookahi, oia no. Ina i oi aku a emi mai paha, aia no i ka manao o ke alii, laua o ke Kuhina nui.

37. A loa i kekahi luna ka palapala hoolilo, alaila, aole ia e hemo me ka hookolokolo ole ia mamua; a maopopo kona hewa, alaila, hemo. Aka, ina i hai mua ia ma ke kanawai na makahiki o ko lakou noho luna ana, pono no ia.

38. Eia ka hana maopopo a na lunaauhau. Na lakou e hoike aku i na kanaka a pau i ka nui o ka hookupu, i lohe mua ia i ka manawa pono. E hoike aku na luna e like me ka olelo a na’lii kiaaina, e like hoi me ka olelo o ke kanawai. A hiki i ka manawa e hookupu ai, na lakou no e hoiliili i ka waiwai, a haawi i ke kiaaina, a na ke kiaaina e haawi aku i ke Kuhina nui, a na ke Kuhina nui aku, a i ke alii nui. E malama no hoi na lunaauhau i ka paahao o ke alii, a ina manao lakou e haawi i na konohiki e hana, pono loa ia, e noho nae na luna maluna o na konohiki ma ia hana. E malama no hoi na lunaauhau i na hana hou a ke alii e manao ai e hoolaha ae maluna o ke aupuni. E hana nae lakou malalo o na kiaaina.

ma lalo, a me ko ke Kuhina Nui, a laila lilo ia i kânāwai no ke aupuni. ‘A‘ole ho‘i e noa ia kânāwai, a na ka po‘e nāna i kau e ho‘onoa.

36. No nā Luna ‘Auhau.

Na ke Ali‘i lāua ‘o kona Kuhina Nui e koho i mau luna ‘auhau, a e hā‘awi iā lākou i palapala ho‘olilo. ‘Oko‘a nā luna ‘auhau o kekahi moku, ‘oko‘a nā luna ‘auhau o kekahi moku. Inā ‘ekolu luna o ka moku ho‘okahi, ‘o ia nō. Inā i ‘oi aku a emi mai paha, aia nō i ka mana‘o o ke Ali‘i, lāua ‘o ke Kuhina Nui.

37. A loa‘a i kekahi luna ka palapala ho‘olilo, a laila, ‘a‘ole ia e hemo me ka ho‘okolokolo ‘ole ‘ia ma mua; a maopopo kona hewa, a laila, hemo. Akā, inā i ha‘i mua ‘ia ma ke kânāwai nā makahiki o ko lākou noho luna ‘ana, pono nō ia.

38. Eia ka hana maopopo a nā luna ‘auhau. Na lākou e hō‘ike aku i nā kânaka a pau i ka nui o ka ho‘okupu, i lohe mua ‘ia i ka manawa pono. E hō‘ike aku nā luna e like me ka ‘ōlelo a nā ali‘i kia‘āina, e like ho‘i me ka ‘ōlelo o ke kânāwai. A hiki i ka manawa e ho‘okupu ai, na lākou nō e hō‘ili‘ili i ka waiwai, a hā‘awi i ke kia‘āina, a na ke kia‘āina e hā‘awi aku i ke Kuhina Nui, a na ke Kuhina Nui aku, a i ke Ali‘i Nui. E mālama nō ho‘i nā luna ‘auhau i ka pa‘ahao o ke Ali‘i, a inā mana‘o lākou e hā‘awi i nā konohiki e hana, pono loa ia, e noho na‘e nā luna ma luna o nā konohiki ma ia hana. E mālama nō ho‘i nā luna ‘auhau i nā hana hou a ke Ali‘i e mana‘o ai e ho‘olaha a‘e ma luna o ke aupuni. E hana na‘e lākou ma lalo o nā kia‘āina.

Premier, then it shall become a law of the kingdom, and that law shall not be repealed until it is done by the voice of those who established it.

36. RESPECTING THE TAX OFFICERS.

The King and Premier shall appoint tax officers, and give them their certificates of office. There shall be distinct tax officers for each of the islands, at the discretion of the King and Premier.

37. When a tax officer has received his certificate of appointment, he shall not be dismissed from office without first having a formal trial, and having been convicted of fault, at which time he shall be dismissed. Though if the law should prescribe a given number of years as the term of office, it may be done.

38. The following are the established duties of the tax officers. They shall assess the taxes and give notice of the amount to all the people, that they may understand in suitable time. The tax officers shall make the assessment in subserviency to the orders of the governors, and in accordance with the requirements of the law. And when the taxes are to be gathered, they shall gather them and deliver the property to the governor, and the governor shall pay it over to the Premier, and the Premier shall deliver it to the King.

38a. The tax officers shall also have charge of the public labor done for the King, though if they see proper to commit it to the land agents it is well, but the tax officers being above the land agents shall be accountable for the work. They shall also have charge of all new business which the King shall wish to extend through the kingdom. In all business however they shall be subject to the governor.<sup>9</sup>

*kolamu (column) 3*

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9. Aia kēia mau paukū ‘elua ma ka ‘ōlelo Pelekānia i loko o ka paukū 38 ma ka ‘ōlelo Hawai‘i.

These two paragraphs in English are included within the single paragraph 38 in the Hawaiian.

39. Aia no i na lunaauhau ka olelo no ke kanawai auhau. Ia lakou na olelo a pau no ka hookaumaha ana o na konohiki a me na hakuaina, i na makaainana, a me na hihia a pau iwaena o na konohiki, a me na hoaina, a me na mea a pau i oleloia iloko o ke kanawai auhau i kauia i ka malama o Iune, i ka la ehiku i ka makahiki o ka Haku, 1839.

40. Penei hoi ka lakou hana ana: E hana no kela lunaauhau keia lunaauhau ma kona wahi iho. Ina ku ka hihia mawaena o na konohiki a me na hoaina, na ka lunaauhau e hookokololo, a i hewa ka hoaina na ka luna a me ke konohiki e hooko i ke kanawai maluna ona. Aka, ina i hewa ke konohiki i ko ka luna mana, alaila e kii aku ka luna i na lunaauhau a pau o ia moku, a ina i like ko lakou mana a pau, alaila, ua hewa ke konohiki, a na ke kiaaina e hooko i ke kanawai maluna ona. Aka i na hookokololo ana a pau, ina mana kekahi ua hewa ka na luna hana ana, pono e hoike aku i ke Kiaaina, a nana e hookokololo hou. A ina e manaia ua hewa ka ke Kiaaina hana ana, e hoikeia’ku ia i na lunakanawai kiekie, a na lakou e hookokololo hou.

41. No na Lunakanawai.

E koho no kela Kiaaina keia Kiaaina i mau Lunakanawai no ka moku, e like me kona mana, ina elua oia, a ina i nui aku, oia no, e like hoi me kona mana, a e haawi no hoi oia ia lakou i palapala hoolilo. A loa ia lakou ia, aole lakou e hemo me ka hookokololo ole, aka ina hoakaka ke kanawai i na makahiki o ko lakou noho lunakanawai ana, ua pono ia.

42. Penei hoi lakou e hana’i: E hai mua ia na la hookokololo. A hiki i ka la i oleloia, alaila, e hookokololo lakou e like me ka olelo o ke kanawai. Eia na kanawai i haawiia ia lakou,

39. Aia nō i nā luna ‘auhau ka ‘ōlelo no ke kānāwai ‘auhau. Iā lākou nā ‘ōlelo a pau no ka ho‘okaumaha ‘ana o nā konohiki a me nā haku ‘āina, i nā maka‘āinana, a me nā hihia a pau i waena o nā konohiki, a me nā ho‘āina, a me nā mea a pau i ‘ōlelo ‘ia i loko o ke kānāwai ‘auhau i kau ‘ia i ka malama ‘o Iune, i ka lā ‘ehiku i ka makahiki o ka Haku, 1839.

40. Penei ho‘i kā lākou hana ‘ana: E hana nō kēlā luna ‘auhau kēia luna ‘auhau ma kona wahi iho. Inā kū ka hihia ma waena o nā konohiki a me nā ho‘āina, na ka luna ‘auhau e ho‘okolokolo, a i hewa ka ho‘āina na ka luna a me ke konohiki e ho‘okō i ke kānāwai ma luna ona. Akā, inā i hewa ke konohiki i ko ka luna mana‘o, a laila e ki‘i aku ka luna i nā luna ‘auhau a pau o ia moku, a inā i like ko lākou mana‘o a pau, a laila, ua hewa ke konohiki, a na ke kia‘āina e ho‘okō i ke kānāwai ma luna ona. Akā i nā ho‘okolokolo ‘ana a pau, inā mana‘o kekahi ua hewa kā nā luna hana ‘ana, pono e hō‘ike aku i ke kia‘āina, a nāna e ho‘okolokolo hou. A inā e mana‘o ‘ia ua hewa kā ke kia‘āina hana ‘ana, e hō‘ike ‘ia aku ia i nā Luna Kānāwai Ki‘eki‘e, a na lākou e ho‘okolokolo hou.

41. No nā Luna Kānāwai.

E koho nō kēlā kia‘āina kēia kia‘āina i mau luna kānāwai no ka moku, e like me kona mana‘o, inā ‘elua ‘o ia, a inā i nui aku, ‘o ia nō, e like ho‘i me kona mana‘o, a e hā‘awi nō ho‘i ‘o ia iā lākou i palapala ho‘olilo. A loa‘a iā lākou ia, ‘a‘ole lākou e hemo me ka ho‘okolokolo ‘ole, akā inā ho‘ākāka ke kānāwai i nā makahiki o ko lākou noho luna kānāwai ‘ana, ua pono ia.

42. Penei ho‘i lākou e hana ai: E hai mua ‘ia nā lā ho‘okolokolo. A hiki i ka lā i ‘ōlelo ‘ia, a laila, e ho‘okolokolo lākou e like me ka ‘ōlelo o ke kānāwai. Eia nā kānāwai i hā‘awi ‘ia iā lākou,

39. The tax officers shall be the judges in all cases arising under the tax law. In all cases where land agents or landlords are charged with oppressing the lower classes, and also in all cases of difficulty between land agents and tenants, the tax officers shall be the judges, and also all cases arising under the tax law enacted on the 7th of June, <in the year of our Lord> 1839.

40. They shall moreover perform their duties in the following manner: Each tax officer shall be confined in his authority to his own appropriate district. If a difficulty arises between a land agent and his tenant, the tax officer shall try the case and if the tenant be found guilty, then the tax officer, in connection with the land agent shall execute the law upon him. But if the tax officer judge the land agent to be in fault, then he shall notify all the tax officers of his particular island, and if they are agreed, they shall pass sentence on him and the governor shall execute it. But in all trials, if any individual take exception to the decision of the tax officer, he may appeal to the governor who shall have power to try the case again, and if exceptions are taken to the decision of the governor, on information given to the Supreme Judges, there shall be a new and final trial before them.

41. OF THE JUDGES.

Each of the governors shall at his discretion, appoint judges for his particular island, two or more as he shall think expedient, and shall give them certificates of office. After having received their certificates, they shall not be turned out, except by impeachment, though it shall be proper at any time for the law to limit the term of office.

42. They shall act in the following manner: They shall give notice before hand of the days on which courts are to be held. When the time specified arrives, they shall then enter on the trials

o na kanawai a pau loa i pili ole i ka auhau, a me na hihia iwaena o na konohiki a me na hakuaina a me na hoaina. O ke Kiaaina hoi ko lakou kokua nana e hooko i ka lakou olelo. Aka, ina i manaioa ua hewa ka lakou hana ana, o ka mea manaioa, pono no ia ia e hoopii i na Lunakanawai Kiekie.

43. No na Lunakanawai Kiekie.

O ka poe i kohoia, e koho lakou i mau luna eha, e kokua i ke alii nui, laua o kona Kuhina nui. A o keia poe eono, o lakou na lunakanawai kiekie no ke aupuni.

44. Eia ka lakou hana, o na hihia pono ole i na lunaauhau a me na lunakanawai, na lakou e hookolokolo hou e like me ka olelo o ke kanawai. E hai mua ia no hoi na la hookolokolo i mea e hiki ai ka poe pilikia ke hoopii. A o ka olelo a keia poe, ua ko. Aohe olelo i koe mahope o ka lakou. O ke ola, a me ka make, o ka hoopaa, a me ka wehe, o ka uku a me ka uku ole, aia no ia lakou ia, a ia lakou ua pau ka olelo ana.

45. No ka Hoololi hou ana i keia Kumu Kanawai.

Aole e manaioa ua paa loa keia olelo, a lohe na kanaka a pau mai o a o, a kohoia kekahi mau mea e like me ka olelo maloko, a ae lakou alaila, ua paa loa keia Kumu Kanawai.

46. A mahope aku, ina e manaioa e hoololi hou, E hai muaia a lohe na kanaka a pau i ke ano o kela olelo hou i manaioa e hookomo, a ia makahiki iho i ka halawai ana o na'lii, a me ka poe i kohoia, ina i manaioa like lakou e hookomo hou i kekahi olelo, a e hoole i kekahi olelo paha, pono no ia hana ana.

‘o nā kānāwai a pau loa i pili ‘ole i ka ‘auhau, a me nā hihia i waena o nā konohiki a me nā haku ‘āina a me nā ho‘āina. ‘O ke kia‘āina ho‘i ko lākou kōkua nāna e ho‘okō i kā lākou ‘ōlelo. Akā, inā i mana‘o ‘ia ua hewa kā lākou hana ‘ana, ‘o ka mea mana‘o pēlā, pono nō iā ia e ho‘opī i nā Luna Kānāwai Ki‘eki‘e.

43. No nā Luna Kānāwai Ki‘eki‘e.

‘O ka po‘e i koho ‘ia, e koho lākou i mau luna ‘ehā, e kōkua i ke Ali‘i Nui, lāua ‘o kona Kuhina Nui. A ‘o kēia po‘e ‘eono, ‘o lakou nā Luna Kānāwai Ki‘eki‘e no ke aupuni.

44. Eia kā lākou hana, ‘o nā hihia pono ‘ole i nā luna ‘auhau a me nā luna kānāwai, na lākou e ho‘okolokolo hou e like me ka ‘ōlelo o ke kānāwai. E ha‘i mua ‘ia nō ho‘i nā lā ho‘okolokolo i mea e hiki ai i ka po‘e pilikia ke ho‘opī. A ‘o ka ‘ōlelo a kēia po‘e, ua kō. ‘A‘ohe ‘ōlelo i koe mahope o kā lākou. ‘O ke ola, a me ka make, ‘o ka ho‘opa‘a, a me ka wehe, ‘o ka uku a me ka uku ‘ole, aia nō iā lākou ia, a iā lākou ua pau ka ‘ōlelo ‘ana.

45. No ka Ho‘ololi hou ‘ana i kēia Kumukānāwai.

‘A‘ole e mana‘o ‘ia ua pa‘a loa kēia ‘ōlelo, a lohe nā kānaka a pau mai ‘ō a ‘ō, a koho ‘ia kekahi mau mea e like me ka ‘ōlelo ma loko, a ‘ae lākou a laila, ua pa‘a loa kēia Kumukānāwai.

46. A ma hope aku, inā e mana‘o ‘ia e ho‘ololi hou, e ha‘i mua ‘ia a lohe nā kānaka a pau i ke ‘ano o kēlā ‘ōlelo hou i mana‘o ‘ia e ho‘okomo, a i ia makahiki iho i ka hālāwai ‘ana o nā ali‘i, a me ka po‘e i koho ‘ia, inā i mana‘o like lākou e ho‘okomo hou i kekahi ‘ōlelo, a e hō‘ole i kekahi ‘ōlelo paha, pono nō ia hana ‘ana.



according as the law shall direct. They shall be the judges in cases arising under all the laws excepting those which regard taxation, or difficulties between land agents, or landlords and their tenants. They shall be sustained by the governor, whose duty it shall be to execute the law according to their decisions. But if exceptions are taken to their judgment, whosoever takes them may appeal to the Supreme Judges.

#### 43. OF THE SUPREME JUDGES.

The representative body shall appoint four persons whose duty it shall be to aid the King and Premier, and these six persons shall constitute the Supreme Court of the kingdom.

44. Their business shall be to settle all cases of difficulty which are left unsettled by the tax officers and common judges. They shall give a new trial according to the conditions of the law. They shall give previous notice of the time for holding courts, in order that those who are in difficulty may appeal. The decision of these shall be final. There shall be no further trial after theirs. Life, death, confinement, fine and freedom, from it, are all in their hands, and their decisions are final.

#### 45. OF CHANGES IN THIS CONSTITUTION.

This Constitution shall not be considered as finally established, until the people have generally heard it and have appointed persons according to the provisions herein made, and they have given their assent, then this Constitution shall be considered as permanently established.

46. But hereafter, if it should be thought desirable to change it, notice shall be previously given, that all the people may understand the nature of the proposed change, and the succeeding year, at the meeting of the nobles and the representative body, if they shall agree as to the addition proposed or as to the alteration, then they may make it.

47. O keia olelo i oleloia maluna, ua hooholoia i na’lii, a ua kauia ko maua inoa, i keia la 8 o Okatoba, i ka makahiki o ka Haku, 1840, ma Honolulu, Oahu.

KAMEHAMEHA III.  
KEKAULUOHI.

47. ‘O kēia ‘ōlelo i ‘ōlelo ‘ia ma luna, ua ho‘oholo ‘ia i nā ali‘i, a ua kau ‘ia ko māua inoa, i kēia lā 8 o ‘Okakopa, i ka makahiki o ka Haku, 1840, ma Honolulu, O‘ahu.

KAMEHAMEHA III.  
KEKĀULUOHI.

47. The above constitution has been agreed to by the nobles, and we have hereunto subscribed our names, this eighth day of October, in the year of our Lord 1840, at Honolulu, O'ahu.

(Signed) KAMEHAMEHA III.  
KEKĀULUOHI.<sup>10</sup>

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10. Ma kona 'ao'ao Kuhina Nui, ua kau pū 'o Kekāuluohi i kāna pūlima me kā ke Ali'i Nui e kūhelu ai kēia palapala. E nānā i ka paukū 22.

Kekāuluohi, as Kuhina Nui (Premier), co-signed with the King to make the document official. See paragraph 22.