

The First Constitution of 1840

In the early years of the unified Kingdom of Hawai'i, tradition and custom regulated behavior, as well as the ancient practice of *kapu*, or prohibitions declared and imposed by the king and the high chiefs.

In 1839 Kamehameha III signed the Declaration of Rights which provided his subjects with the right to "...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." The Declaration of Rights also recognized three classes of persons with vested rights in the lands: the king or government, the chiefs and the native tenants.

In 1840 Kamehameha III enacted the first constitution displayed below in both Hawaiian and English. The Constitution of 1840 changed the government from one of an absolute monarchy to a constitutional monarchy. It provided for a separation of powers between three branches of government, with executive power in the hands of the king, the *kuhina nui* (similar to a prime minister) and four governors; a bicameral legislative body consisting of a house of nobles and a house of representatives, with the house of representatives elected by the people; and a judiciary system, including a supreme court.

In 1852 Kamehameha III enacted a second constitution. Among the changes in the Constitution of 1852 from the 1840 version was a reduction in the powers of the monarchy.

A link to the first constitution is provided below.

http://www.alohaquest.com/archive/constitution_1840.htm