

The Law . . . Shall Punish All Men Who Commit Crime . . .

from the Constitution of 1840

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Constitutional law came to Hawaii with an impact that left no doubt in the minds of the people that a new *kapu* was in effect and that it was not a *kapu* to be taken lightly. Twelve days after the first Hawaiian Constitution was signed, a chief, Kamanawa II, grandfather of future monarchs David Kalakaua and Lydia Makaeha Liliuokalani, was hung for the murder of his wife Kamokuiki.

Kamanawa, born during the days of the ancient customs with an unstructured approach to marriage, had found it difficult to live according to the increasingly Christian ways of his peers. When “one-to-one” marriage had been declared the law by royal *fiat*, his roving habits were not changed, and whenever he was attracted to a new love he followed his old ways. Kamokuiki, adhering to the new faith, had little sympathy with his wanderings and finally went to the chiefs seeking a divorce.

As early as 1825 the chiefs in various districts had issued edicts of law that, following Christian teachings, included prohibitions against adultery and the biblical relief of divorce and the right to remarry given the injured party. And so it was with Kamokuiki whose divorce, dated August 16, 1840, stated:

Because Kamanawa has committed adultery repeatedly, his wife Kamokuiki has requested a separation.

I therefore give unto you, Kamanawa, a certificate granting you two a separation. You shall not marry another woman until after the death of your wife. Kamokuiki can however marry again, even now.

To Kamokuiki, I give unto you a certificate granting you two a separation as provided by law. He shall not marry another woman during your life time, only after your death can he do so. But you, Kamokuiki, are permitted to marry another husband even now.¹

There is no record of how Kamanawa received the decree but six weeks later on September 26, Kamokuiki was dead. Murder being instantly suspected, an autopsy was performed and the stomach found to be “much inflamed while every thing else was in order.”² Kamanawa was soon in irons.

Justice was swift and on the 30th a jury of 12 chiefs was empaneled to try

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Kamanawa and his friend Lonoapuakau, captain of the Hawaiian vessel *Hooikaika*.³ During the trial, perhaps in an attempt to save himself, Kamanawa reported that his friend had confided that he had killed not only the *Hooikaika*'s previous captain and his former wife but also had "it in purpose to poison his present wife." The Captain admitted having made the statement but denied the act.⁴

The two confessed⁵ that Kamanawa had administered the fatal dose and that the Captain had prepared the mixture of 'ākia, 'auhuhu and 'awa⁶ that had caused Kamokuiki's death.⁷ But they attempted to defend themselves by Kamanawa pleading that he did not know the "medicine" would kill and Lonoapuakau that while he had mixed the preparation, he had not administered it.

The defense did not work and the jury found the two guilty. Kekauluohi, the *kuhina nui*, passed a sentence of death. On the 5th of October the Order of Execution, setting the date for October 20 and signed by both the King, who had been in Honolulu since the day before the trial, and Kekauluohi was delivered.⁸

There is no indication as to why Kamanawa as a chief of some rank (his grandfather was Kameeiamoku and his grand-uncle Kamanawa I, the twins who appeared on the Great Seal of Hawaii) was not given some special consideration. His sentence seems to have been given under the laws issued in 1834 that had included besides the death penalty for murder, options of fines of \$50.00 to \$100.00 or four years imprisonment. However the sentence was not without precedent as Hawaiian traditions and recorded history report numerous incidents of chiefs being executed not only for murder but for such crimes as sleeping with the wrong woman, violating the eating *kapu* and for being on the losing side in a war.

Three days after signing the execution order, the King signed the nation's first constitution, which had been drawn up in consultation with a council of chiefs⁹ that included the condemned man's daughter-in-law, Keohokalole. The following day the King and his retinue sailed for Lahaina, leaving the two prisoners to await the fatal day.

The night before the execution, Kamanawa sent word to the Chiefs' Children's School asking to see his grandsons, the children of his son Kapaakea.¹⁰ According to his wishes, the next morning, soon after breakfast, the Chief John Ii took eight-year-old James Kaliokalani and not yet four-year-old David Kalakaua for their last visit with their grandfather. It is not known if their two-year-old¹¹ sister Lydia Makaeha, who was still living with her foster parents Konia and Paki,¹² was taken by them to see the old man.

On the 24th, the *Polynesian* carried a four-line item that succinctly summed up the execution: "The murderers Kamanawa and Lonoapuakau expiated their crime on the scaffold on Tuesday last, at the fort, in the presence of a large concourse of people."

NOTES

- ¹ Original in Hawaiian. F.O. & Ex. August 16, 1840.
- ² Amos Starr Cooke, Journal, entry for September 28, 1840. (HMCS)
- ³ Walter Frear, "The Evolution of the Hawaiian Judiciary" in *Papers HHS*, no. 7, p. 14. Lonoapuakau's name appears variously as Lonoopuakau, Lonopaukau and just Lono.
- ⁴ Levi Chamberlain, Journal, entry for September 28, 1840. (HMCS)
- ⁵ *Ibid.*
- ⁶ 'Ākia, *Wikstroemia* and 'auhuhu, *Tephrosia purpurea*, were used to stupefy fish in shallow pools. 'Awa, *Piper methysticum* was a popular narcotic drink.
- ⁷ Unsigned document addressed to B.M. and filed under the date of October 5, 1840. F.O. & Ex.
- ⁸ Document dated October 5, 1840. F.O. & Ex.
- ⁹ P, February 6, 1841.
- ¹⁰ Cooke, Journal, entry for October 20, 1840.
- ¹¹ Ages are computed from the chart appearing on page v, Mary A. Richards, *The Chiefs' Children's School*, (Honolulu, 1937).
- ¹² Liliuokalani, *Hawaii's Story by Hawaii's Queen*, reprint edition (Rutland, Vermont & Tokyo, Japan, 1964), pp. 4 & 5.