



His Royal Majesty  
**Edmund K. Silva, Jr.**

*An autonomous independent sovereign nation-state contemplated under Article 1 of the 1933 Montevideo Convention on Rights and Duties of States requiring the state as a person of international law possessing the four qualifications of (a) a permanent population, (b) a defined territory, c) government; and (d) capacity to enter into relations with the other states.*

## **The Constitution of the Kingdom of Hawai'i** **October 22, 2003**

It is entirely meet to offer our respectful aloha to the Kings, Queens, Nobles, Chiefs, Kupuna's, and all the people of Hawai'i past. It is equally appropriate to express our profound gratitude to those people of Hawai'i present that fought for the restoration of and for the Kingdom of Hawai'i, for without their vision and perseverance the dream of the Kingdom of Hawai'i restored would never have come to fruition. They are our brave men and women that shall be remembered for their courage and unconditional love to stay the course even unto their death to see the substantial wrongs put right. I, His Royal Majesty Edmund Keli'i Silva, Jr., by the grace of our Heavenly Father thank those before me for their sacrifice to establish a noble government.

On November 23, 2002, the Proclamation announcing the restoration of the Kingdom of Hawai'i was published. On June 21, 2003, the Declaration of Independence proclaiming the sovereignty of the independent Kingdom of Hawai'i was promulgated. This instant document is the Constitution of the Kingdom of Hawai'i, and by its ratification the restoration of the Kingdom of Hawai'i is sealed. Done this 22<sup>nd</sup> day of October, 2003

### **Preamble to the Constitution:**

#### **The complete original 1797 law in Hawaiian:**

Kānāwai Māmalahoe:

E nā kānaka,  
E mālama 'oukou i ke akua  
A e mālama ho'i ke kanaka nui a me kanaka iki;  
E hele ka 'elemakule, ka luahine, a me ke kama  
A moe i ke ala  
'A'ohe mea nāna e ho'opilikia.

Hewa nō, make. — Kamehameha I

Law of the Splintered Paddle:

Oh people,  
Honor thy god;  
respect alike [the rights of] people both great and humble;  
May everyone, from the old men and women to the children  
Be free to go forth and lay in the road (roadside or pathway)  
without fear of harm.

Break this law and die. — Kamehameha I



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The law of the splintered paddled was declared by King Kamehameha I in 1797. The law, “Let every elderly person, woman and child lie by the roadside in safety,” is enshrined in the state constitution, Article 9, Section 10, and has become a model for modern human rights law regarding the treatment of civilians and other non-combatants. It was created when Kamehameha was fighting in Puna. While chasing two fishermen (presumably with the intention to kill them), his leg was caught in the reef, and one of the fishermen, Kaleleiki, hit him mightily on the head with a paddle in defense, which broke into pieces. Kamehameha was able to escape, and years later, the same fisherman was brought before Kamehameha. Instead of ordering for him to be killed Kamehameha ruled that the fisherman had only been protecting his land and family, and so the Law of the Splintered Paddle was declared.



The Kingdom of Hawai'i is established as a sovereign Constitutional Monarchy under the divine blessing of almighty God, Supreme Sovereign of all creation. This Constitution affirms the structure of the government of the Kingdom and directs the manner by which that government shall comport itself in advancing the interests of the people.

The Constitution of the Kingdom of Hawai'i guarantees fundamental rights to all, promotes peace and domestic tranquility, provides for the common defense, and insures the general welfare of the people.

The provisions of this Constitution shall be effected in conformance with the will of Almighty God, so that we may secure His blessings, for ourselves and our posterity, for all time.

The Constitution of the Kingdom of Hawai'i is ordained by almighty God and sustained by the free will of the people, and is thereby and therefore the law of the entire Archipelago of the Kingdom of Hawai'i. So say we all.

#### Article 1

The Kingdom of Hawai'i consists of all the islands comprising the historical Hawaiian archipelago and its territorial waters extending two hundred statute miles from their shores.

#### Article 2

The government of the Kingdom of Hawai'i is established as a Constitutional monarchy.

#### Article 3

Pursuant to Article 22 of the Kingdom of Hawai'i Constitution of 1893, the Crown is permanently confirmed to His Majesty – Ali'i Nui Mo'i Edmund Keli'i Silva, Jr., *Who's full Hawaiian Royal name: Nalikolauokalani-Ke'alohilanikikaupe'aokalani-kapahupinea-kaleikoa-keopuhiwa-Paki, was hidden from those who tried to destroy the royal lines.* His bloodline is indisputably connected to Kamehameha Nui 'Ai Lu'au. His royal lineage dates back to 387 A.D.



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His Genealogical record exhibits an impeccable chain of custody. It is the original record of the Royal Courts and last chanted in the Royal Court in 1836. In the event of His Majesties death the kingdom shall be properly transferred to the heirs of his body, lawfully begotten, and to their lawful descendants in a direct line except as otherwise herein provided. Succession shall be determined by primogeniture, with the Crown passing in due time to the senior male child of the Sovereign and, subsequently, to the lawful heirs of that child's body.

Failing a suitable male child, the succession shall pass in due time to the senior female child of the Sovereign and, subsequently, to the lawful heirs of that child's body. In the event that there is no heir as above described, then the successor shall be that person whom the Sovereign does so appoint, with the consent of the Nobles, and publicly proclaim as such during the Sovereign's life. Should there be no such appointment and proclamation and the Throne become vacant with no suitable heir, then the Cabinet Council, immediately upon the occurrence of such vacancy, shall convene a meeting of the Legislative Assembly for the purpose of electing a successor.

The Legislative Assembly shall then forthwith elect a successor to the Throne. Such successor shall be selected from among the noble families of the Kingdom and shall be in all other manners suitable to assume the Crown. The successor so selected shall become the new bloodlines for the Royal Family and succession from the Sovereign so selected shall conform in all respects to the provisions of this Article 3.

#### Article 4

Whenever upon the decease of the Sovereign (hereinafter King), the lawful heir is less than eighteen years of age, the Royal Powers shall be exercised by a Council of Regency as provided in Article 28 herein.

#### Article 5

No member of the Royal Family of Hawai'i who may by law succeed to the Throne shall contract marriage without the consent of the King. Any Royal Family member so contracting marriage may by proclamation of the King, be declared to have forfeited all rights to and claims upon the Throne, and after such proclamation the right of succession shall vest in the next successor as though the Royal Family member so alienated from succession did not exist.

#### Article 6

No person who has been convicted of any infamous crime, according to Kingdom law, or who is otherwise incompetent, shall sit upon the Throne.

#### Article 7

The King, upon coming to the Throne, shall take the following oath: I most solemnly swear, in the presence of almighty God, to maintain the Constitution of the Kingdom of Hawai'i whole and inviolate, and to govern in conformity therewith.



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#### Article 8

The King is the King of all the Nobles, and of all the People; the Kingdom is His under the Supreme Rule of GOD.

#### Article 9

The Person of the King is inviolable and sacred.

#### Article 10

The King's private lands and other property are inviolable.

#### Article 11

The King has Full Global Immunity under Universal Law and Order of the Most High Supreme GOD as an anointed King.

#### Article 12

All titles of Honor, Orders, and other Distinctions emanate solely from the King.

#### Article 13

The King has the power to coin money and regulate the currency of the Kingdom, by law.

#### Article 14

The King shall conduct His government for the common good and not for the profit, honor or private interest of any one man, family, or class of men.

#### Article 15

The King shall receive annual payments from the Kingdom, in an amount sufficient to discharge the responsibilities of the Throne and commensurate with His position. The King shall regulate such payments consistent with the public interest. Said payments, properties, and other assets of the King, including, inheritances, and other things personally received, shall be exempt from any and all taxes.

#### Article 16

The King shall organize His Royal Household, consistent with the public interest.



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#### Article 17

Members of the Royal Family may receive, consistent with the public interest, annual payments free from personal taxation. Said members and payments thereto shall be specified by the King.

#### Article 18

The King is the commander-in-chief of all military forces of the Kingdom, by sea, by air, and by land; and solely possesses full power, or by any officers or other persons He may appoint, to establish, train and govern such forces; and He may judge best for the defense and safety of the Kingdom, but He may not declare war without the consent of the Legislative Assembly.

#### Article 19

There is established a Council of State for advising the King in all matters of State wherein He may require its advice, and for assisting Him in administering the Executive affairs of the government in such manner as He may direct. Said Council is the King's Privy Council of State. Council Members shall be appointed by the King and hold office at His pleasure.

#### Article 20

The King by and with the advice of His Privy Council has the power to grant reprieves, and pardons after conviction, pursuant to Kingdom law, for all offenses except in matters or impeachment.

#### Article 21

The King, by and with the advice of His Privy Council, shall convene the Legislative Assembly at the seat of government or at a different place if the seat of movement should become dangerous. In the event of disagreement between the King and the Legislative Assembly, the King may adjourn, prorogue, or dissolve it, but not beyond the next ordinary Session. Under great emergency, the King may convene the Legislative Assembly in Extraordinary Session.

#### Article 22

The King possesses the sole power to make Treaties. Those Treaties involving changes in the tariff or in any law of the Kingdom shall be referred for consideration to the Legislative Assembly. The King shall appoint the Public Ministers, who shall be commissioned, accredited, and instructed so that the performance of their duties shall comport with the demands of their respective, offices.

#### Article 23



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It is the King's prerogative to receive and acknowledge public ministers and representatives of other governments, and He may delegate said prerogative at His convenience. The King shall inform the Legislative Assembly by Royal Message, from time to time, of the state of the Kingdom, and recommend for its consideration such measures as He deems necessary and expedient.

#### Article 24

The King shall have a Cabinet, which Cabinet shall consist of a Prime Minister, Minister of the Interior, Minister of Foreign Affairs, Minister of Finance, Minister of Human Services, Minister of Science and Technology, Minister of Agriculture, Minister of State, Minister of Defense and the Attorney General of the Kingdom. The Cabinet Members shall be the King's special advisors in the Executive affairs of the Kingdom, and they shall also be ex officio members of the King's Privy Council of State. Cabinet Members shall be appointed by the King and shall serve at His pleasure, except that they shall be subject to impeachment pursuant to Article 31 herein.

#### Article 25

The Prime Minister is the Chairman of the Council of Ministers. The Ministers shall take the following oath prior to assuming office: I most solemnly swear, in the presence of almighty God, that I shall faithfully support the King and the Constitution of the Kingdom of Hawai'i and conscientiously and impartially discharge my duties as a Cabinet Member thereof.

#### Article 26

The Minister of Finance shall, on the first day of the meeting of the Legislative Assembly, present to the Assembly, in the Hawaiian and English languages, the financial budget for the year.

#### Article 27

Each Member of the Cabinet shall maintain an office at the seat of government and shall be accountable for the conduct of his deputies and clerks. The Ministers shall hold ex officio seats, as Nobles, in the Legislative Assembly.

#### Article 28

It shall be lawful and appropriate for the King, at any time when He has need to absent Himself from the Kingdom or its duties, to appoint a Regent, or Council of Regency, who shall administer the government in the King's Name. The King may, by and through His Last Will and Testament, appoint a Regent, or Council of Regency, to administer the government during the minority of an heir to the Throne. Should the King decease leaving a minor heir and having made no such Last Will and Testament, the Cabinet Council at the time of such decease shall be a Council of Regency until such time as the Legislative Assembly, which shall be convened without delay, may be properly assembled; and the Legislative Assembly that is assembled shall instantly proceed to choose by ballot a Council of Regency, which



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Council shall administer the government in the Name of the King and exercise all powers which are Constitutionally vested in the King until the minor heir has attained the age of majority, which age is declared to be eighteen years.

#### Article 29

The King, in the event of invasion, civil unrest, or other great threat to the Kingdom, may place the Kingdom or any part thereof under martial law for an indefinite period of time.

#### Article 30

The King shall appoint the Nobles, who shall, at the King's pleasure hold their appointments for life but subject to the provisions of Article 31 herein. No person shall be appointed a Noble who has not attained the age of twenty-five and resided in the Kingdom for seven years, or appointed by Royal Decree as a special position that benefits the Kingdoms welfare and well-being.

#### Article 31

The House of Nobles may be convened as a Court, with full and sole authority to hear and determine all impeachments made by the House of Representatives against any officers of the Kingdom for misconduct or maladministration in their offices. Prior to the trial of any impeachment, the Nobles shall be sworn to truly and impartially determine the charges at issue, and to render judgment in accordance with the evidence and the law. Their judgment shall not extend beyond removal from office and disqualification to hold or enjoy any position of honor, trust, or profit within the government. Any person so convicted shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to the laws of the Kingdom. No Minister shall sit as part of a Court of Impeachment, nor shall any Noble who is impeached be part of the Court of that impeachment.

#### Article 32

The supreme power of government of the Kingdom is vested in the King. In its exercise it is divided into the Executive, the Legislative, and the Judicial. The Legislative Assembly shall consist of the House of Nobles and the House of Representatives sitting jointly.

#### Article 33

The Legislative Assembly shall convene annually, at a time established by the King and at such other times as the King may deem expedient, for the purpose of promoting the interests of the Kingdom.

#### Article 34



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Every member of the Legislative Assembly shall take the following oath prior to assuming office: I most solemnly swear, in the presence of almighty God, that I shall faithfully support the King and the Constitution of the Kingdom of Hawai'i, and conscientiously and impartially discharge my duties as a member of the Legislative Assembly thereof.

#### Article 35

The Legislative Assembly has the power and authority to amend the Constitution as provided in Article 89 herein and, from time to time, to make all manners of wholesome laws not repugnant to the provisions of this Constitution. The Legislative Assembly can, but with the authority and permission of the King makes such amendments.

#### Article 36

The Legislative Assembly shall be the judge of the qualifications of its members, and a majority of members shall constitute a quorum to do business; however, a smaller number may convene from day to day and compel for good cause the attendance of absent members, in such manner and under such penalties as the Assembly may provide. Providing those rules in no way interfere with the King's Supreme Rule and Power and must be presented to the King before such proceedings for the King's approval.

#### Article 37

The Legislative Assembly shall choose its own officers and determine the rules of its own proceedings.

#### Article 38

The Legislative Assembly may discipline its own members for disorderly behavior.

#### Article 39

The members of the Legislative Assembly shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the Sessions of the Assembly, and in going to and returning from the same; and they shall not be held to answer for any speech or debate made in the Assembly, or in any other court or place whatsoever while in furtherance of their official duties.

#### Article 40



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The Legislative Assembly shall keep a minute journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of at least one-fifth of those present, be entered in the journal.

#### Article 41

The Legislative Assembly shall have the authority to discipline, any person guilty of disrespect to the Assembly by any disorderly or contemptuous behavior in its presence; or who, during the time of its sitting, shall publish any false reports of, or comments upon, its proceedings or who shall threaten harm to the person, or estate of any of its members for anything said or done in the Assembly; or who shall assault any of them therefor; or who shall assault or arrest any witness or other person ordered to attend the Assembly, in his or her way going to or returning from; or who shall rescue any person arrested by order of the Legislative Assembly.

#### Article 42

The members of the Legislative Assembly shall receive for their services to the Kingdom compensation to be set by law and paid out of the public treasury; but no increase of compensation shall take effect in the year in which it shall have been made.

#### Article 43

The Legislative Assembly is established as a bicameral body with a House of Nobles and House of Representatives. The Nobles of the Kingdom shall, every four years, select from among their group a number of Nobles, said number to be set from time to time by Royal Decree, consistent with the needs of the Kingdom, for the purpose of constituting the House of Nobles. The members of the House of Representatives shall be selected pursuant to the provisions of this Constitution.

#### Article 44

No person shall be elected to the House of Representatives who has not reached the age of twenty-five and been seven years a citizen of the Kingdom prior to election.

#### Article 45

Representatives shall be apportioned among the major islands of the Kingdom in proportion to their respective populations, which populations shall be determined by census. The enumeration shall be done from time to time by law as appropriate. The number of Representatives shall be set from time to time by Royal Decree, consistent with the needs of the Kingdom, but each major island shall have at least one Representative.

#### Article 46



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The Representatives shall be elected pursuant to Article 48 herein and assembled in immediate consequence of this Constitution. Immediately after they are assembled, the Representatives shall be divided, as equally as possible, into three groups. The seats of the Representatives of the first group shall be vacated at the expiration of two years; the second group, at the expiration of four years; and the third group, at the expiration of six years, so that one-third of the Representatives shall be chosen every two years.

#### Article 47

If vacancies should occur, by resignation or otherwise, in the representation of any part of the Kingdom and the Legislative Assembly is in session, the Assembly shall fill the vacancies until the next general election. If vacancies should occur during the recess of the Legislative Assembly, then the King shall make temporary appointments until the next meeting of the Assembly, at which time the Assembly shall fill the vacancies until the next general election. At the next general election following said vacancies, the vacancies shall be filled pursuant to Article 48 herein.

#### Article 48

Representatives shall be elected by the people, by majority vote. The term of a Representative shall be six years. No Representative shall serve more than two terms in the Legislative Assembly. The Legislative Assembly shall make laws for the election of Representatives, and other public officials, consistent with the provisions of this Constitution

#### Article 49

Acts, Bills, and Resolutions may originate in either House and be brought for vote pursuant to the rules of that House. Passage of any such Act, Bill, or Resolution shall be by majority vote. Upon passage of an Act, Bill, or Resolution by either House, said Act, Bill, or Resolution shall then be submitted to the other House for consideration, which House may make any changes it deems appropriate. Any differences shall be settled jointly and pursuant to the rules of both Houses. The resulting Act, Bill, or Resolution shall be passed by majority vote of Both Houses, but no Act, Bill, or Resolution so passed shall assume the force of law without the approval and signature of the King.

#### Article 50

The King shall signify approval of any Act, Bill, or Resolution which has properly passed the Legislative Assembly by affixing His signature to the same prior to the final rising of the Legislative Assembly. Should the King object to any Act, Bill, or Resolution, He may return it to the Legislative Assembly without His signature and the Legislative Assembly shall enter the fact of the return in its minute journal. Any Act, Bill or Resolution so disapproved of by the King shall not thereafter be brought forward during the same session.

#### Article 51



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To avoid improper influences which may result from intermixing in one and the same Act, Bill, or Resolution such things which have no proper relation to one another, every Act, Bill, or Resolution shall embrace but one purpose and that purpose shall be clearly expressed in its title.

#### Article 52

The Legislative Assembly shall vote the appropriations annually after due consideration of the revenues and expenditures of the two preceding years, which revenues and expenditures shall be submitted to the Assembly in a timely manner by the Minister of Finance.

#### Article 53

Except that Governors shall be appointed by the King and serve at His pleasure, the Legislative Assembly shall enact laws for the formation and administration of subordinate governmental entities to affect the day-to-day business of the islands of the Kingdom, and to appropriate and disburse such funds as are necessary for their efficient operation.

The Legislative Assembly shall have the power to lay and collect taxes; borrow money on credit of the Kingdom of Hawai'i; regulate commerce, domestically and with foreign nations; establish rules for naturalization and bankruptcies; define and provide for the punishment of crimes; establish post offices; provide for the punishment of piracies and felonies on the high seas; and make all laws necessary to exercise the foregoing powers with the approval of the King. All lawmaking powers not specifically reserved to the Legislative Assembly are reserved to the King.

#### Article 54

The enacting style in making and passing all Acts, Bills, and Resolutions shall be: Be it enacted by the King and the Legislative Assembly, in the Legislature of the Kingdom so assembled.

#### Article 55

Any Representative of the Legislative Assembly shall be subject at any time to a recall vote at the King's pleasure or upon petition by the people. If by the King, He shall direct the appropriate Executive authority to hold, in a timely fashion, a vote on the matter. If by the people, they may submit the recall petition to the King. The successful petition shall contain the signatures of electors from the subject Representative's district equal to or more than one-half the number of votes the Representative received on election. Said petition shall be submitted to the King, who shall, pursuant to the provisions of this Article 55, institute timely proceedings for a recall vote. For the recall to succeed, a majority of those voting must favor recall. In such a case, the subject Representative shall vacate his office upon proper certification of the vote. Any seat so vacated shall be filled pursuant to Articles 47 and 48 herein. Failing a majority vote on the question of recall, the matter shall not again be raised during the remainder of the subject Representative's term of office.



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#### Article 56

Every citizen of the Kingdom who has attained the age of eighteen years and who has been domiciled in the Kingdom for not less than one year on the day of election, but not serving a sentence upon conviction for any infamous crime, according to Kingdom law, shall be eligible to vote. All persons of indigenous Hawaiian lineage, who were born in the Kingdom of Hawai'i or who have resided continuously therein for a period of at least seven years, are citizens of the Kingdom; other persons may be naturalized pursuant to the laws thereof, or by Royal Decree.

#### Article 57

The Judicial Powers of the Kingdom are Supreme to the King.

#### Article 58

The Supreme Court shall consist of a Chief Justice and four Associate Justices, who shall hold their offices during good behavior but subject to removal upon impeachment, according to Kingdom law. The Supreme Court shall be responsible for the making and promulgation of rules necessary for the efficient administration of justice in the courts of the Kingdom with the King having Supreme Judicial Power. The Justices shall, at times and in amounts fixed by the Legislative Assembly, receive compensation for their services, which compensation shall not be diminished during the continuance of their terms of office.

#### Article 59

The day-to-day judicial functions of the Kingdom shall be divided amongst the Supreme Court and the several inferior courts in such manner as the Legislative Assembly may, from time to time, prescribe.

#### Article 60

The King shall have jurisdiction over all laws of sea land or courts and supreme rule of law lies with the King. The judicial power of the Kingdom shall extend in all cases in law and equity arising under the Constitution and the laws of the Kingdom; to Treaties that are made under their authority; to all cases affecting public ministers and consuls; and to all cases of admiralty and maritime jurisdiction. Disputes which do not lie within the competency of the judiciary may be settled by Royal Decree.

#### Article 61

The Chief Justice shall be the Chancellor of the Kingdom; he or she shall be ex officio president of the Nobles in cases of impeachment, except when he or she himself or herself is impeached; and shall exercise such jurisdiction in equity in other cases as the law may confer upon him or her, his or her decisions being subject, however, to revision by the Supreme Court on appeal. Should the Chief Justice



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ever be impeached, some person specially commissioned by the King shall be president during the Court of Impeachment at such trial.

#### Article 62

The decisions of the Supreme Court, when made by a majority of the Justices thereof, shall be final and conclusive upon all parties; except that in demonstrable miscarriages of justice an aggrieved party may petition the King for redress; and the King, at His discretion, may consider the petition and grant or deny relief as He deems appropriate. In all such cases, the King's determination shall be binding upon the courts and all interested parties.

#### Article 63

The King, His Cabinet, and the Legislative Assembly shall have authority to require the opinions of the Justices of the Supreme Court upon important questions of law and upon solemn occasions.

#### Article 64

The King appoints the Justices of the Supreme Court and all other judges of courts of record, and they serve at His pleasure. Every judge of the Kingdom shall take the following oath prior to assuming office: I most solemnly swear, in the presence of almighty God, that I shall faithfully support the King and the Constitution of the Kingdom of Hawai'i, and conscientiously and impartially discharge my duties as a judge thereof.

#### Article 65

No judge or magistrate shall sit on an appeal or trial in any case in which he or she may have given a previous judgment.

#### Article 66

No person shall ever hold any office of honor, trust, or profit under the government of the Kingdom who shall, in due course of law, have been convicted of theft, bribery, perjury, forgery, embezzlement, or other infamous crimes and misdemeanors, unless he shall have been pardoned by the King and restored his civil rights, and by the express terms of his pardon be declared to be appoint-able to offices of trust, honor, and profit.

#### Article 67



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No officer of this government shall hold any office or receive any compensation from any other government or power whatever.

#### Article 68

The National Ensign shall not be changed except by Act of the Legislative Assembly and approved by the King.

#### Article 69

Almighty God has endowed all men and women with certain inalienable rights, among which are life, liberty, the right of acquiring, possessing, and protecting property, and of pursuing and securing safety and happiness.

#### Article 70

All men and women are free to worship God according to the dictates of their own consciences; but this sacred right shall not be construed as to justify acts of licentiousness or practices inconsistent with the peace and safety of the Kingdom.

#### Article 71

All men and women have the right to speak and write freely, and to publish their sentiments on all subjects, with attendant responsibility for any abuse of that right. No law shall be enacted which restrains their freedom of speech or that of the press, except such laws which may be reasonably necessary for the protection of His Majesty the King and the Royal Family.

#### Article 72

All men and women have the right to assemble in an orderly and peaceable manner, without arms, to consult upon the common good and to petition the King or Legislative Assembly for redress of grievances.

#### Article 73

The privilege of the Writ of Habeas Corpus belongs to all men and women and shall not be suspended, unless by the King, who may, in cases of rebellion or other great threats to the safety of the Kingdom temporarily suspend the Writ.

#### Article 74



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No person shall be subject to discipline for any offense except upon due process of law and legal conviction thereof in a court having jurisdiction in the matter.

#### Article 75

No person shall be held to answer for any crime or offense, except in cases of impeachment or in summary proceeding for contempt, unless upon indictment fully and plainly describing such crime or offense; and he/she shall have the right to counsel, to meet and confront witnesses who are produced against him/her face-to-face, to present witnesses and proofs in his/her own favor, to have a speedy and public trial by Jury, according to Kingdom law, and to be fully heard in his/her defense. In all cases in which the right of trial by Jury has been heretofore used, it shall be held inviolable forever.

#### Article 76

No person shall be required to answer again for an offense of which he/she has been duly convicted, or of which he/she has been duly acquitted upon a good and sufficient indictment.

#### Article 77

No person shall be compelled in any criminal case to be a witness against himself/herself; nor shall he/she be deprived of life, liberty, or of property without due process of law.

#### Article 78

No person shall sit as a judge or juror in any case in which he/she or his/her relative is interested, or in which said judge or juror may have, either directly or indirectly, any pecuniary or other tangible interest.

#### Article 79

Involuntary servitude, except as punishment for crime, is forever prohibited in this Kingdom; and whenever a slave shall enter Hawaiian territory he/she shall be free.

#### Article 80

Every person has the right to be secure from all unreasonable searches and seizures of his/her person, his/her house, his/her papers and his/her effects. No warrants shall be issued for such but on probable cause supported by oath or affirmation describing the place to be searched and the person and things to be seized.



#### Article 81

Every member of society has the right to the enjoyment of life, liberty, the possession of property, and the pursuit of safety and happiness under this Constitution. Therefore, he/she shall be required to contribute his/her proportional share to the costs attendant upon the protection of those rights, as prescribed by law, and to give his/her personal services, or equivalent thereof, when necessary. However, no part of the property of any person shall be taken from him/her, or applied to public use, without his/her consent, except that which may be necessary for the operation of military forces in time of war, insurrection or other great public need. Whenever the public exigencies require that the property of an individual be appropriated for public use, he/she shall receive a reasonable compensation therefor.

#### Article 82

No subsidy, duty, or tax of any description shall be established or levied without the consent of the Legislative Assembly. Neither shall any monies be drawn from the public treasury without such consent, except when between Sessions of the Legislative Assembly the emergencies of war, invasion, pestilence, or other great public need shall arise, and then not without the approval of the King. In all such instances, the Minister of Finance shall tender a detailed account of the expenditures to the Legislative Assembly at its next Session.

#### Article 83

No retrospective laws shall ever be enacted.

#### Article 84

The military shall always be subject to the laws of the land, and no soldier shall in time of peace be quartered in any house without the consent of the owner; or in time of war but in a manner prescribed by the Legislative Assembly.

#### Article 85

Every elector shall be privileged from arrest on election days during his/her attendance at election, and in going to and returning therefrom, except in cases of treason, felony, or breach of the peace.

#### Article 86

No elector shall be so obliged to perform military duty on the day of election as to prevent his/her voting, except in time of war or of great public danger.



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#### Article 87

All laws now in force in the Kingdom shall continue to remain in full effect until and unless altered or repealed by the Legislative Assembly, such parts only excepted as are repugnant to this Constitution. All laws heretofore enacted, or that may hereafter be enacted, which are contrary to this Constitution are null and void. However, the King has absolute power and no laws can be changed or amended unless approved by the King. The King's power is absolute and His words are law.

#### Article 88

This Constitution shall be enacted by Royal Decree and upon two-thirds vote of the present Legislative Assembly, but there shall be no failure of justice or inconvenience to the Kingdom from any change of officers of this Kingdom; and at the time this Constitution shall take effect the officers of government then in office shall have, hold, and exercise all powers them granted until other persons may be appointed, as appropriate and necessary, in their place.

#### Article 89

Any amendment or amendments to this Constitution may be proposed in the Legislative Assembly, or proposed by the King and delivered to the Legislative Assembly. If the same is agreed to by a majority of the members thereof, such proposed amendment or amendments shall be entered in its minute journal, with the yeas and nays taken thereon, and referred to the next Legislative Assembly for consideration. The proposed amendment or amendments shall be published for three months prior to the next election of Representatives. If in that next Legislative Assembly such proposed amendment or amendments shall be agreed to by two-thirds of all its members, and approved by the King, then such amendment or amendments shall become part of the Constitution of this Kingdom.

### **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.

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.



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The above constitution has been agreed to by The Honorable Samuel Kaluna Chairperson for the House of Nobles and hereunto subscribed his name, this eighth day of October, in the year of our Lord 2004, at Pahala Ka'u – Hawai'i Island.

***Prime Minister Samuel Kaluna – Kingdom of Hawai'i***

**Ua mau ke ea o ka `aina i ka pono**

*Edmund K. Silva Jr.*

Edmund K. Silva, Jr.

cc: Ali'i Mana'o Nui Lanny Sinkin  
Na Kupuna Council O Hawai'i Nei



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