CONSTITUTION

OF THE

REPUBLIC OF HAWAII

PROMULGATED JULY 4th, 1894

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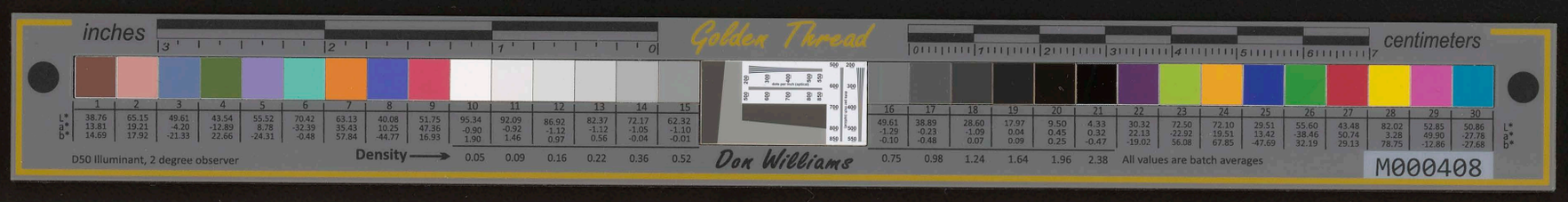


CONSTITUTION

OF THE

REPUBLIC OF HAWAII.

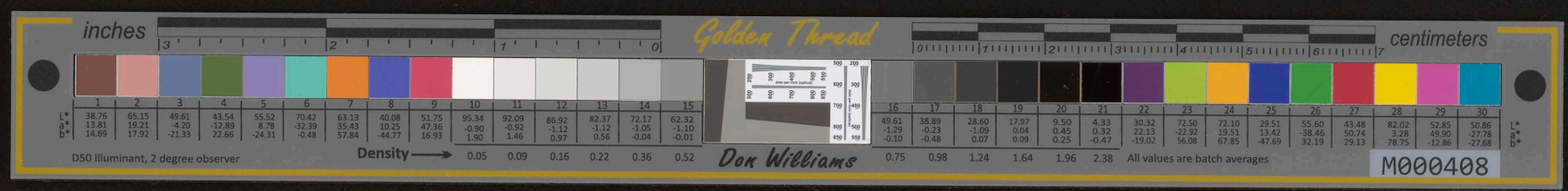
RIGHTS OF PERSON AND PROPERTY.

Article 1.—Rights of the Person.

Section 1. God hath endowed all men with certain inalienable Rights, among which are Life, Liberty and the Right of acquiring, possessing and protecting Property, and of pursuing and obtaining Happiness.

Section 2. The Government is conducted for the common good, and not for the profit, honor or private interest of any one man, family or class of men.

Section 3. The Legislature may provide by law, however, for the supervision, registration, control and identification of all persons, or any class or nationality of persons; and may also by law restrict and limit the term of residence, and the business or employment of



CONSTITUTION

OF THE

REPUBLIC OF HAWAII.

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all persons or of any class or nationality of persons coming into the Republic.

ARTICLE 2.—RELIGIOUS FREEDOM.

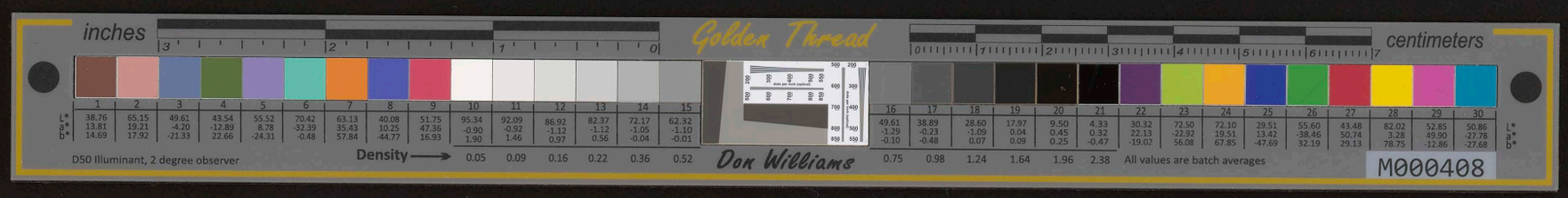
All men are free to worship God according to the dictates of their own consciences; but this privilege shall not be so construed as to justify acts of licentiousness or practices inconsistent with the peace or safety of the Republic.

ARTICLE 3.—FREEDOM OF SPEECH AND OF THE PRESS.

All men may freely speak, write and publish their sentiments on all subjects; and no law shall be enacted to restrain the liberty of speech or of the press; but all persons shall be responsible for the abuse of such right. Provided however, that the Legislature may enact such laws as may be necessary, to restrain and prevent the publication or public utterance of indecent or seditious language.

ARTICLE 4.—MEETING AND PETITION.

All men shall have the right to assemble in an orderly and peaceable manner, without arms, to consult upon the common good and to petition the President or Legislature for redress of grievances.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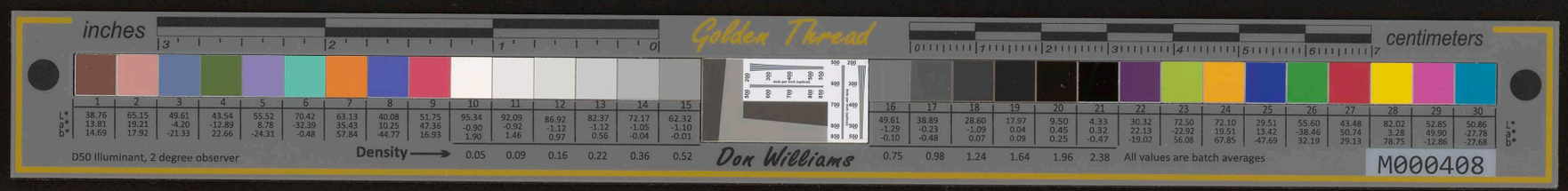


ARTICLE 5.—WRIT OF HABEAS CORPUS.

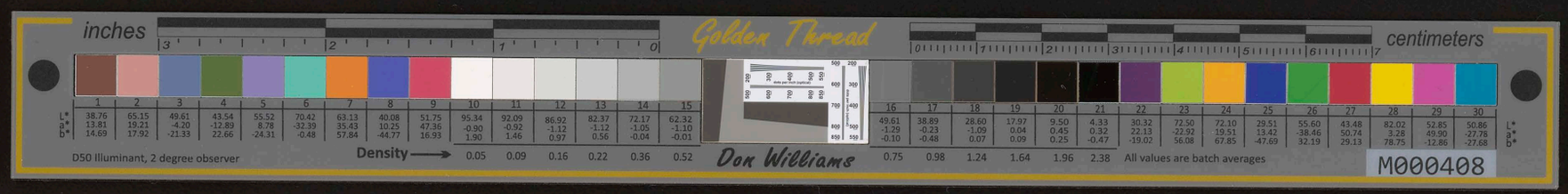
The privilege of the Writ of Habeas Corpus belongs to all men, and shall not be suspended, except by the President or by one of the Cabinet Ministers as herein provided, when in case of rebellion or invasion, or imminent danger of rebellion or invasion, the public safety shall require its suspension.

Provided however, that no alien unlawfully entering the Republic shall be entitled to this Writ as of right.

ARTICLE 6.—RIGHT OF TRIAL.

SECTION 1. No person shall be subject to punishment for any offense except on due and legal conviction thereof by a tribunal having jurisdiction of the case.

SECTION 2. Except in case of impeachment or offenses within the jurisdiction of a district magistrate, or in summary proceedings for contempt, no person shall be held to answer for any offense except upon indictment, information or complaint, describing such offense; and he shall in all cases have the right to meet the witnesses who are produced against him, face to face; to produce witnesses and proofs in his own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favor; and by himself or his counsel, at his election, to examine the witnesses produced by himself and cross-examine those produced against him, and to be heard in his own defense.

Section 3. Subject to such changes as the Legislature may from time to time make in the number of jurors for the trial of any case, and concerning the number required to agree to a verdict and the manner in which the jury may be selected and drawn, and the composition and qualifications thereof, the right of trial by jury in all cases in which it has been heretofore used, shall remain inviolable except in actions for debt or assumpsit in which the amount claimed does not exceed one hundred dollars, and such offenses less than felonies as may be designated by law. And provided that no capital case shall be tried by a jury of less than twelve men.

The jury may be waived in all civil cases under such conditions as may be prescribed by law, and by defendants in all criminal cases except capital.

Article 7.—Previous Conviction or Acquittal.

No person shall be required to answer for any of-

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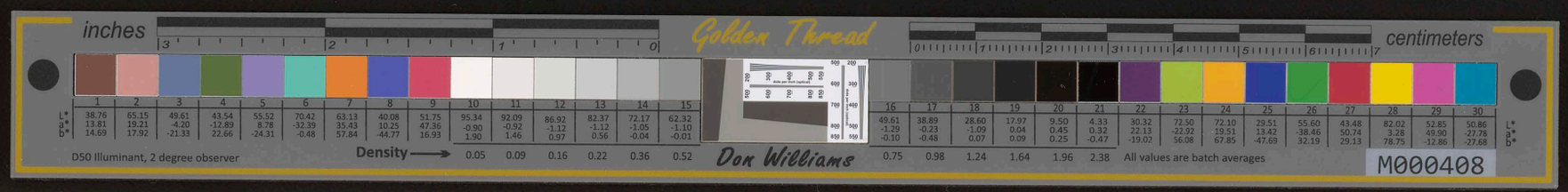

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fense identical both in law and fact with an offense of which he has been duly convicted or of which he has been duly acquitted.

ARTICLE 8.—PRIVILEGE OF ACCUSED.

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

ARTICLE 9.—SLAVERY.

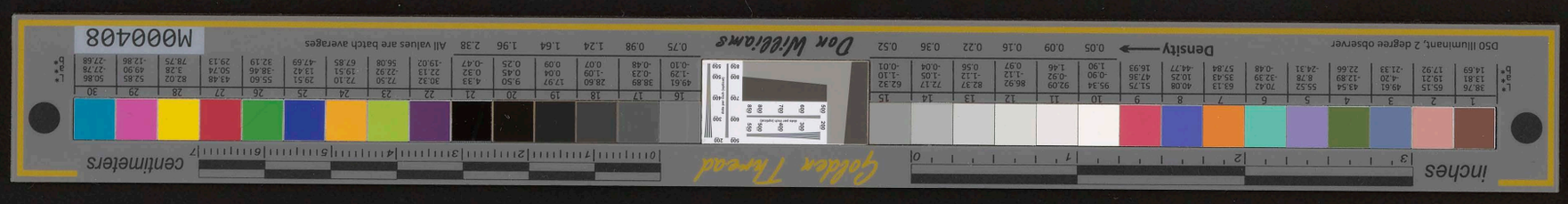
Involuntary servitude, except for crime, is forever prohibited in this Republic. Whenever a slave shall enter the territory of this Republic he shall be free.

ARTICLE 10.—SECURITY FROM SEARCH AND ARREST.

Every person has the right to be secure from all unreasonable searches and seizures of his person, his house, his papers and effects; and no warrant shall issue, except on probable cause, supported by oath or affirmation and describing the place to be searched and the persons or things to be seized.

ARTICLE 11.—TAXING AND APPROPRIATING POWER.

SECTION 1. No Subsidy, Duty or Tax, of any description, shall be established or levied without the consent of the Legislature; nor shall any money be drawn from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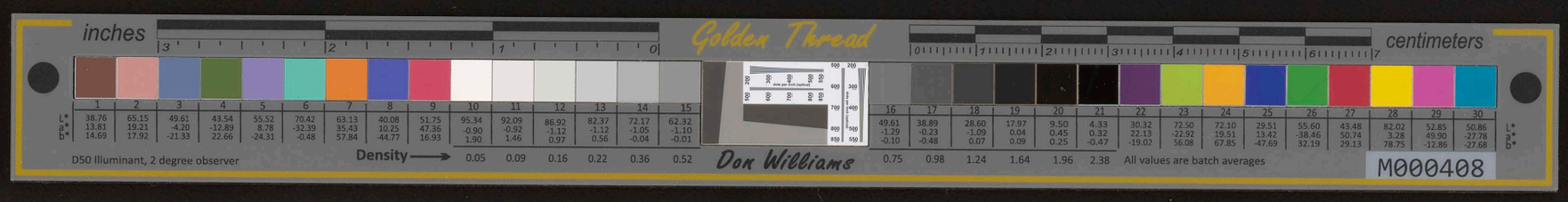

the Public Treasury without such consent, except in the manner directed by this Constitution.

SECTION 2. Each member of society has the right to be protected in the enjoyment of his life, liberty and property, according to law; and therefore, he shall be obliged to contribute his proportion or share to the expense of this protection; and to give his personal services, or an equivalent when necessary, as may be provided by law.

ARTICLE 12.—EMINENT DOMAIN.

Private property may be taken for public use, and private rights of way may be obtained across the lands of others for railways, drains, flumes, water-pipes and ditches for agricultural, milling, manufacturing, mining, domestic or sanitary purposes; but only upon due process of law and just compensation.

Public use shall include such purposes as shall be required or designated by treaty stipulations between the Republic of Hawaii and any other nation.

ARTICLE 13.—MILITARY SUBJECT TO LAW.

SECTION 1. The Military shall always be subject to the laws of the land.

SECTION 2. No soldier shall, in time of peace, be

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quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by the Legislature.

THE REPUBLIC.

Article 14.—Form and Name of Government.

The Government hereby instituted is a Republic under the terms and conditions of this Constitution.

The name of this Government is, and shall be, the Republic of Hawaii.

Article 15.—Territory.

The Territory of the Republic of Hawaii shall be that heretofore constituting the Kingdom of the Hawaiian Islands, and the territory ruled over by the Provisional Government of Hawaii, or which may hereafter be added to the Republic.

Article 16.—Ensign.

The Ensign heretofore in use as the Hawaiian National Ensign, shall continue to be the National Ensign of the Republic of Hawaii.

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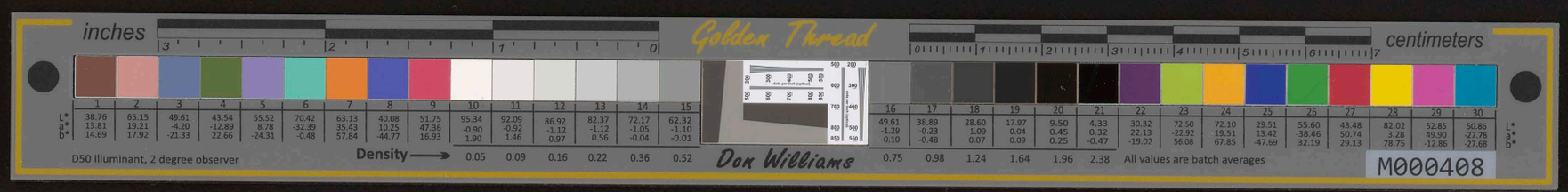


ARTICLE 17.—CITIZENSHIP.

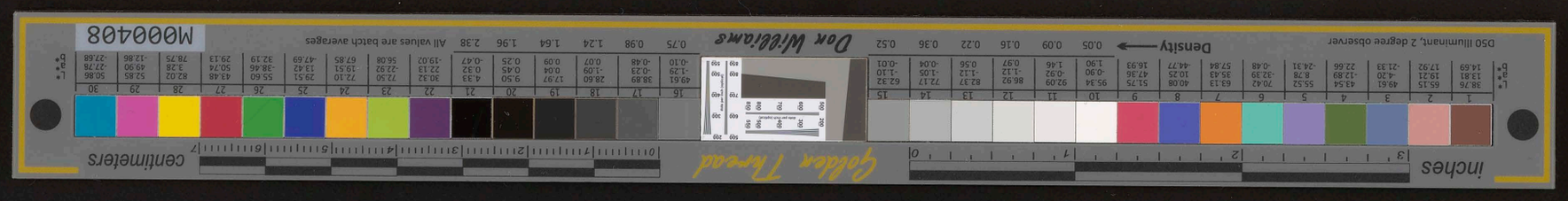
SECTION 1. All persons born or naturalized in the Hawaiian Islands, and subject to the jurisdiction of the Republic, are citizens thereof.

SPECIAL RIGHTS OF CITIZENSHIP.

SECTION 2. Any person not a Hawaiian citizen, who took active part, or otherwise rendered substantial service in the formation of, and has since supported the Provisional Government of Hawaii, who shall within six months from the promulgation of this Constitution procure from the Minister of the Interior a certificate of such service, as herein set forth; and who shall take an oath to support this Constitution and the laws of the Republic so long as he shall remain domiciled in the Republic, shall be entitled to all the privileges of citizenship without thereby prejudicing his native citizenship or allegiance.

SECTION 3. For the purpose of identifying the person entitled to such certificate, the Minister of the Interior shall appoint such number of examiners as he may deem best, to receive applications and take evidence upon such subject.

Such examiners shall certify to the said Minister a description of each person found to be entitled to such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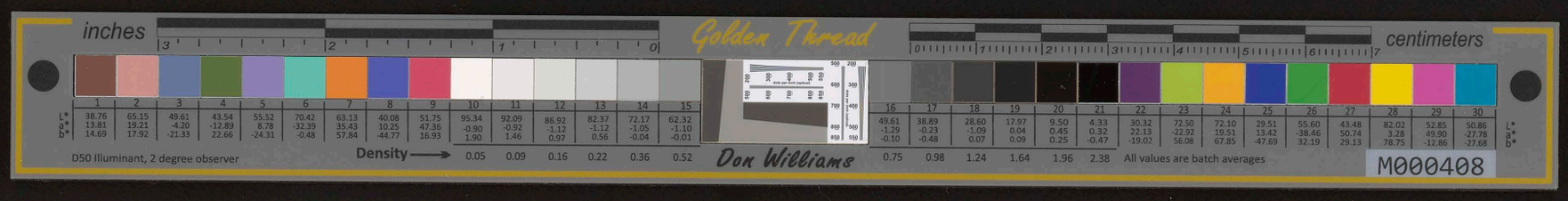

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certificate, which description shall include the name, age, country of birth, occupation, length of residence in Hawaii and present residence.

SECTION 4. It shall be in the discretion of the Minister of the Interior to reverse the decision of any such examiner and issue a certificate to any person in his opinion entitled thereto; and to refuse to issue a certificate to any person, who, in his opinion, is not entitled thereto.

The decision of the Minister shall be final and not subject to appeal or review.

SECTION 5. Any person to whom such certificate shall be granted shall be admitted, upon application, to naturalization, without showing any further qualifications.

ARTICLE 18.—NATURALIZATION.

SECTION 1. The Naturalization of Aliens shall be exclusively within the jurisdiction of the Justices of the Supreme Court.

The procedure shall be such as may be provided by law.

SECTION 2. An alien may be admitted to citizenship upon the following conditions, viz:

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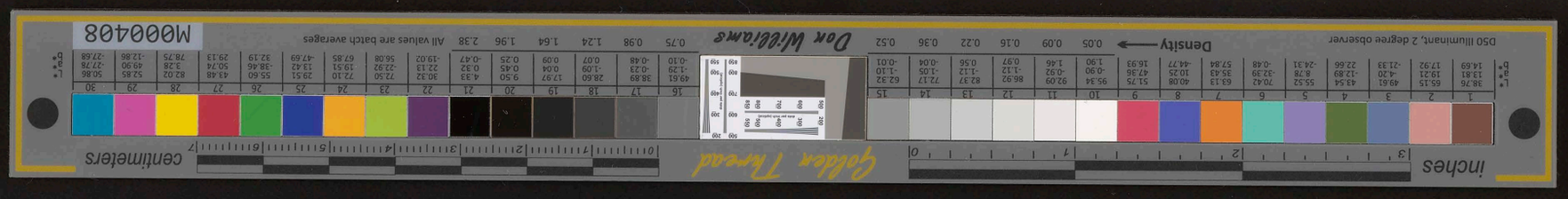


1. He shall have resided in the Hawaiian Islands for not less than two years.

2. He must intend to become a permanent citizen of the Republic.

3. He shall be able understandingly to read, write and speak the English language.

4. He shall be able intelligently to explain, in his own words, in the English language, the general meaning and intent of any article or articles of this Constitution.

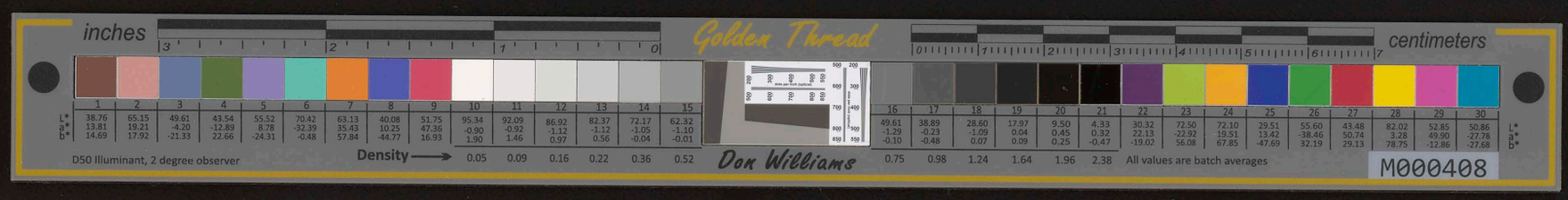
5. He shall be a citizen or subject of a country having express treaty stipulations with the Republic of Hawaii concerning naturalization.

6. He shall be of good moral character and not a refugee from justice.

7. He shall be engaged in some lawful business or employment or have some other lawful means of support.

8. He shall be the owner in his own right of property in the Republic of the value of not less than Two Hundred Dollars over and above all encumbrances.

9. He shall have taken the oath prescribed in Article 101 of this Constitution and an oath abjuring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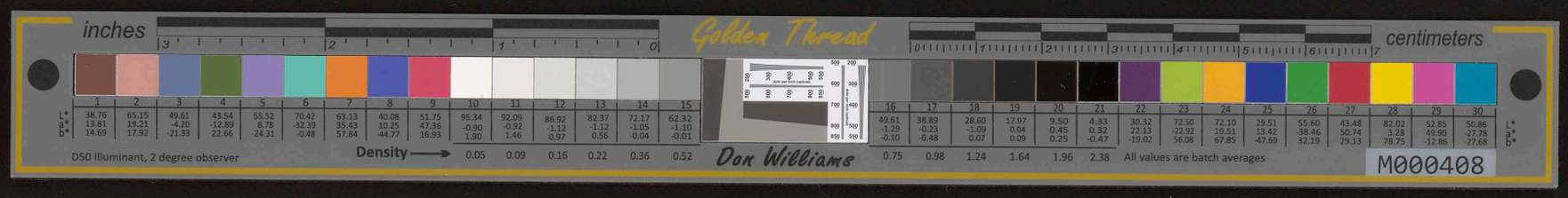


allegiance to the Government of his native land or that under which he has heretofore been naturalized, and of allegiance to the Republic of Hawaii.

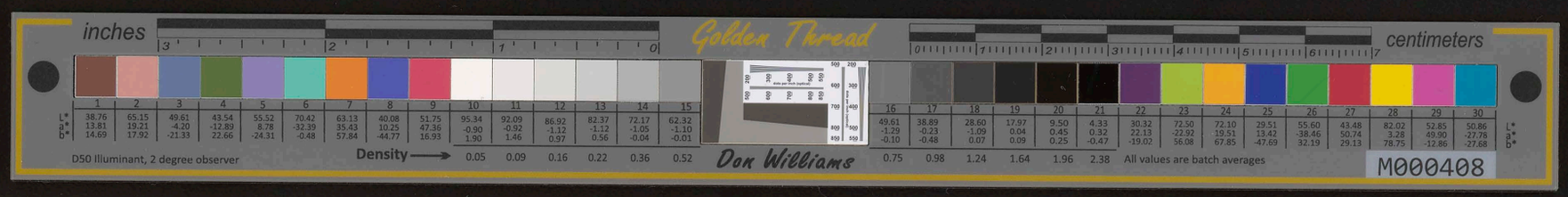
10. He shall make written application, verified by oath, to a Justice of the Supreme Court, setting forth his possession of and compliance with all of the foregoing qualifications and requirements, and shall prove the same to the satisfaction of such Justice.

ARTICLE 19.—DENIZATION.

SECTION 1. Letters of Denization of the following classes may be granted by the Executive Council:

1. Letters conferring all of the privileges of citizenship, except the right to vote, which may be granted to any person.

2. Special Letters conferring all of the rights of citizenship including the right to vote, which shall be granted only to persons eligible to become naturalized; provided however that the conditions of intention to become a permanent citizen, of an oath abjuring allegiance to the Government of his native land, of an oath of allegiance to the Republic and of application to the Supreme Court shall not be required; and provided further that the condition of being a citizen or subject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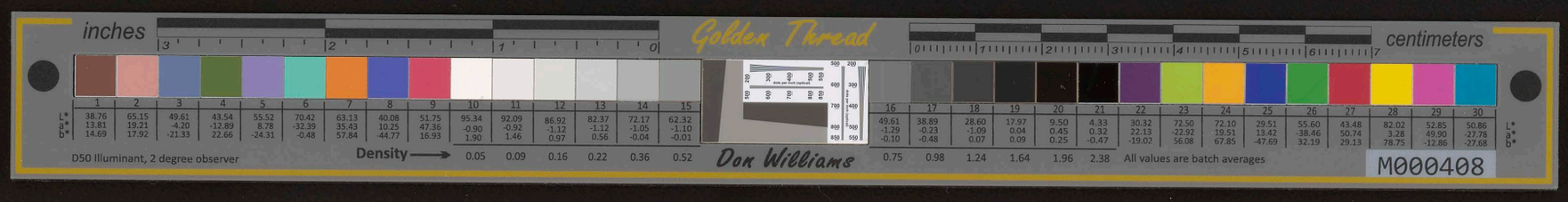


of a country having treaty relations with this Republic concerning naturalization shall not apply to persons who have resided in the Hawaiian Islands for a period of seven years or more prior to the date of the promulgation of this Constitution, and who may apply for Letters of Denization within five years from such promulgation.

SECTION 2. Every person receiving letters of denization shall take the oath prescribed in Article 101 of this Constitution and shall thereupon be subject to all of the duties and obligations of a citizen.

SECTION 3. All Letters of Denization heretofore granted are hereby revoked.

ARTICLE 20.—DIVISION OF POWERS OF GOVERNMENT.

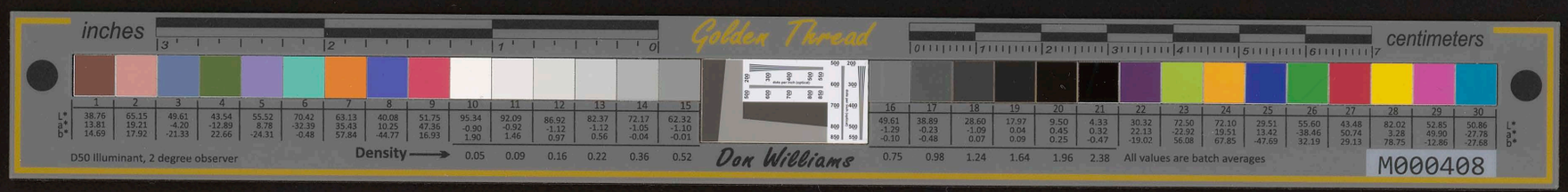
The Supreme Power of the Republic is divided into the Executive, Legislative and Judicial. Except as herein provided, these shall be preserved distinct.

THE EXECUTIVE POWER.

ARTICLE 21.—EXECUTIVE COUNCIL.

SECTION 1. The Executive Power of the Republic shall be vested in a President and Cabinet.

SECTION 2. The Cabinet shall consist of a Minister



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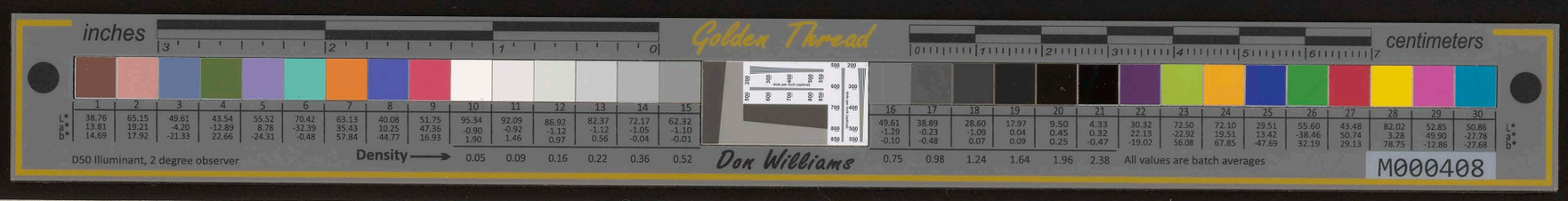

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of Foreign Affairs; a Minister of the Interior; a Minister of Finance and an Attorney General.

SECTION 3. The President and Cabinet sitting together shall constitute the Executive Council.

THE PRESIDENT.

ARTICLE 22.—QUALIFICATIONS OF PRESIDENT.

In order to be eligible to the office of President, a person shall:

Be not less than thirty-five years of age;

Have been born in the Hawaiian Islands or resided therein for not less than fifteen years;

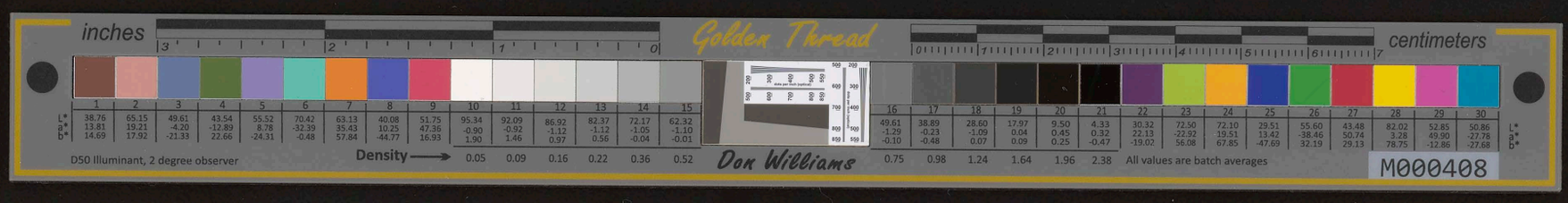
And be a citizen of the Republic.

ARTICLE 23.—FIRST PRESIDENT.

Sanford Ballard Dole is hereby declared to be the President of the Republic of Hawaii, to hold office until and including the 31st day of December, 1900, and thereafter until a successor shall have been duly elected and qualified.

ARTICLE 24.—ELECTION OF PRESIDENT.

SECTION 1. On the third Wednesday of September, 1900, and on the third Wednesday of September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in every sixth year thereafter, the Legislature shall meet to elect a President for a term of six years to begin with the first day of January of the year following.

SECTION 2. For the purposes of such election the Senate and the House of Representatives shall sit together.

The election shall be by ballot, and the person receiving a majority vote of all the elective members to which the Legislature is entitled, which majority shall include a majority of all the Senators, shall be President for the succeeding term; or for the unexpired portion of such term in case no person shall have been elected prior to the first day of such term.

SECTION 3. If the Legislature shall fail to elect a President before the first day of January following the date when the Legislature is required to meet for such election, the President whose term has then expired or the Minister who is acting as President shall continue to be or act as President until his successor is elected and qualified; but such failure to elect shall in no case discharge the Legislature from their duty to immediately proceed with such election.

SECTION 4. No President shall be eligible for re-

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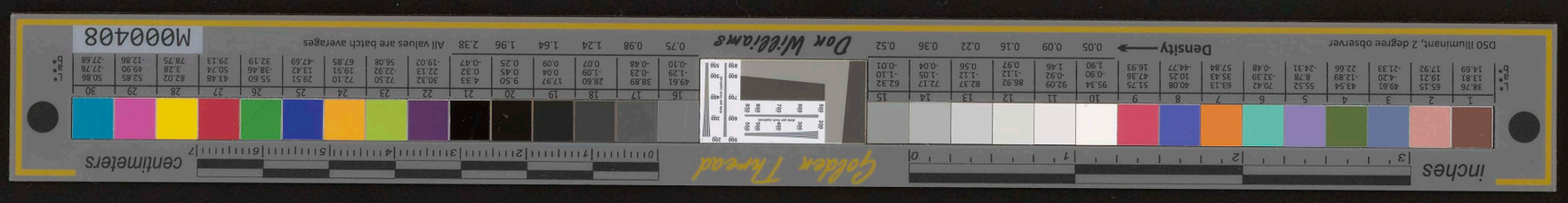
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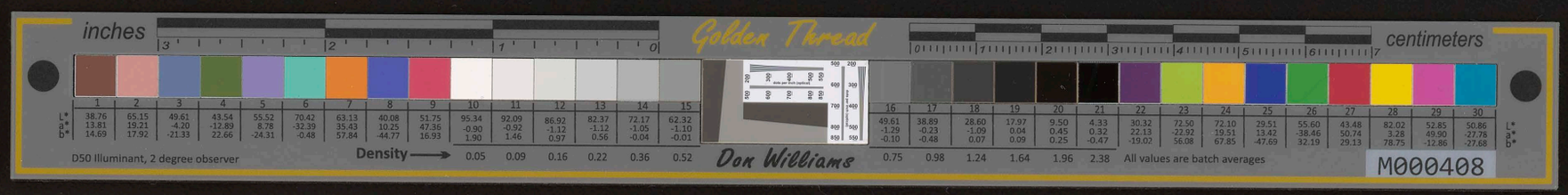


election for the term immediately following that for which he was elected.

ARTICLE 25.—SALARY OF PRESIDENT.

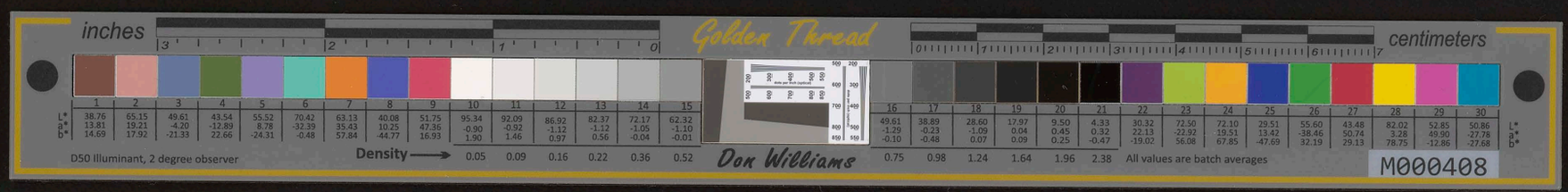
The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Republic.

ARTICLE 26.—POWER OF APPOINTMENT.

SECTION 1. The President, with the approval of the Senate, shall appoint the members of the Cabinet; the Judges of the Supreme and Circuit Courts; the Auditor General and all Diplomatic and Consular Representatives to foreign countries; and until the end of the first session of the Senate, the appointees of the President shall act.

SECTION 2. In case a vacancy in any such office shall occur while the Senate is not in session, the President may fill such vacancy by granting a commission which shall, unless confirmed, expire at the end of the next session of the Senate.

SECTION 3. In case of the absence from the seat of Government or temporary disability of any member of the Cabinet, the President may appoint one of the re-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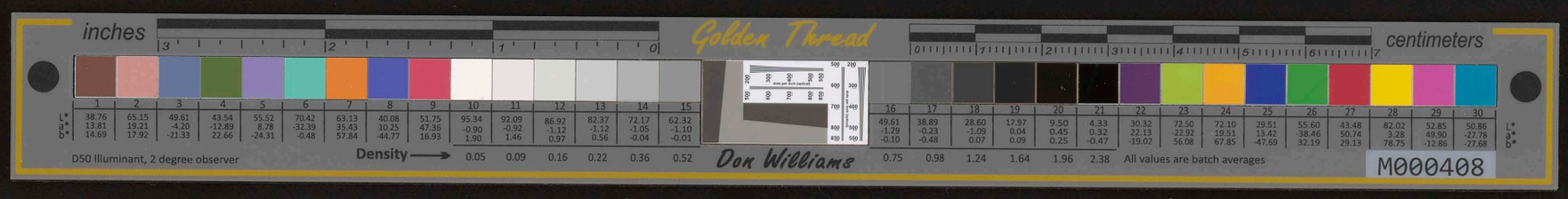


maining members of the Cabinet to temporarily perform the duties of the member so absent or disabled.

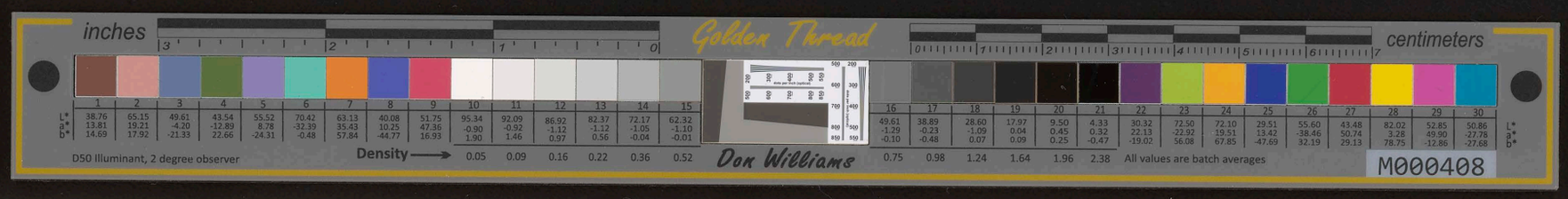
No such ad interim appointment shall, however, be valid for more than sixty days from the date of the appointment.

Section 4. The President shall also, with the approval of the Cabinet, appoint the members of the Board of Health; Board of Education; Board of Immigration; Board of Prison Inspectors and any other Boards of a Public character which may be created by law; and the District Magistrates.

Section 5. The President shall have the appointment and removal of all officers of the Government, whose appointment or removal is not otherwise provided for.

Article 27.—Power of Removal.

The President shall have the power, with the approval of the Cabinet, to remove any of the officers enumerated in the last Article, except the Auditor General, and the District Magistrates, who shall be removable as provided by law; and except the Judges of the Supreme and Circuit Courts, who shall be removable only as herein prescribed; and except the members of the Cabinet, who shall be removable only by the President with the



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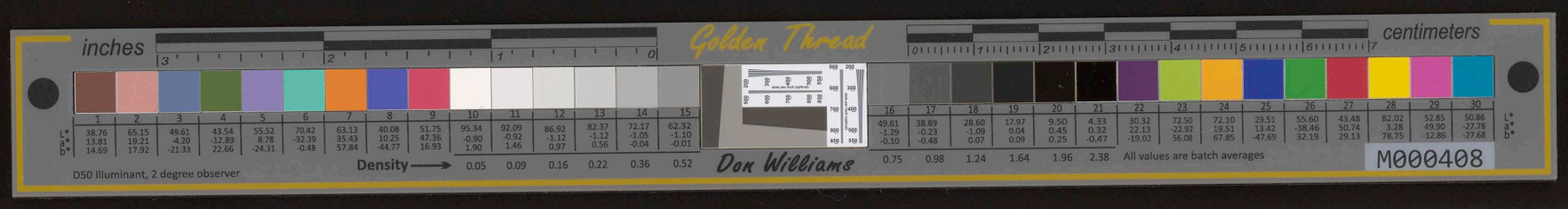

consent of the Senate. The President with the approval of three members of the Cabinet may remove any member of the Cabinet.

ARTICLE 28.—CONVENING THE LEGISLATURE.

The President may convene the Legislature or the Senate alone, in special session; and in case the seat of government shall be insecure from an enemy, riot, or insurrection or any dangerous disorder, direct that any regular or special session shall be held at some other than the regular meeting place.

ARTICLE 29.—RECEIVING FOREIGN REPRESENTATIVES.

The President shall receive and acknowledge all Diplomatic Representatives accredited to the Republic by other Governments.

ARTICLE 30.—MESSAGES TO THE LEGISLATURE.

The President shall, upon the meeting of the Legislature, and at such other times as he may deem proper, inform such body, by message in writing, as to the condition of the Republic; or concerning other matters of public interest; and recommend the consideration of such measures as to him shall seem best.

ARTICLE 31.—MARTIAL LAW—SUSPENSION OF HABEAS CORPUS.

The President, or one of the Cabinet Ministers as

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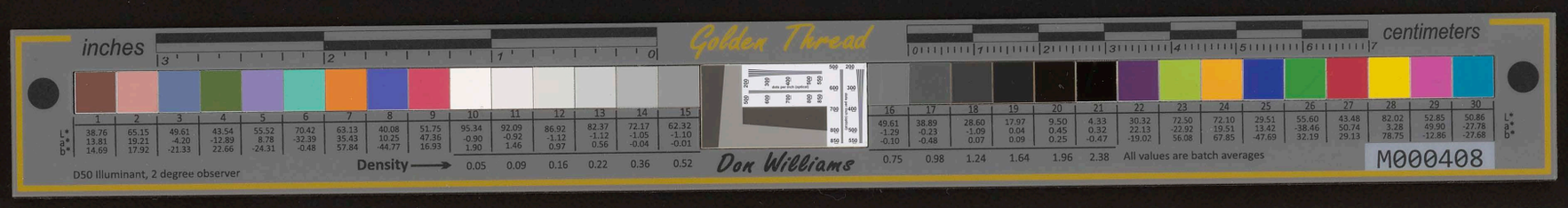


herein provided, may, in case of rebellion or invasion, or imminent danger of rebellion or invasion, when the public safety requires it, suspend the privilege of the writ of habeas corpus or place the whole or any part of the Republic under martial law.

ARTICLE 32.—TREATIES.

The President, with the approval of the Cabinet, shall have the power to make Treaties with Foreign Governments, subject to the ratification of the Senate.

The President, with the approval of the Cabinet, is hereby expressly authorized and empowered to make a Treaty of Political or Commercial Union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate.

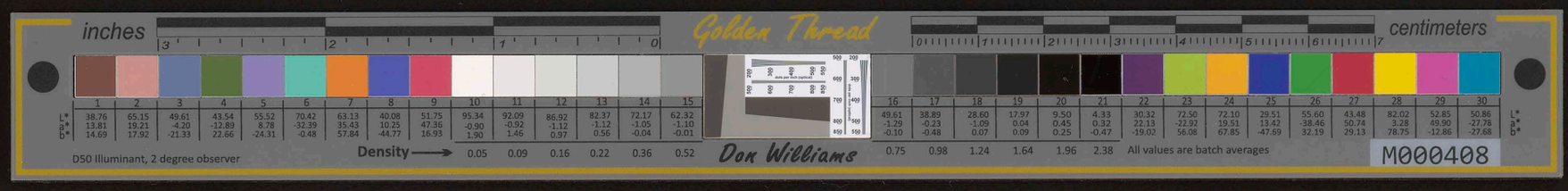
ARTICLE 33.—COMMANDER-IN-CHIEF.

The President is the Commander-in-Chief of all the Military Forces of the Republic.

THE CABINET.

ARTICLE 34.—COUNSELLORS OF THE PRESIDENT.

The Cabinet shall be the special counsellors of the President and shall be consulted by him concerning all matters of public policy, appointments to office, and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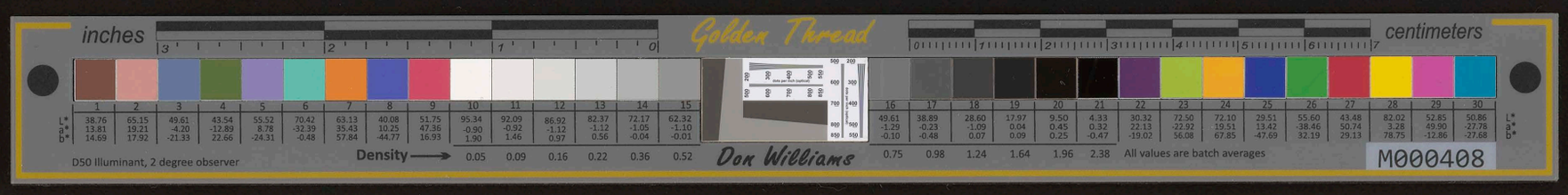

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other matters of importance concerning which action is contemplated.

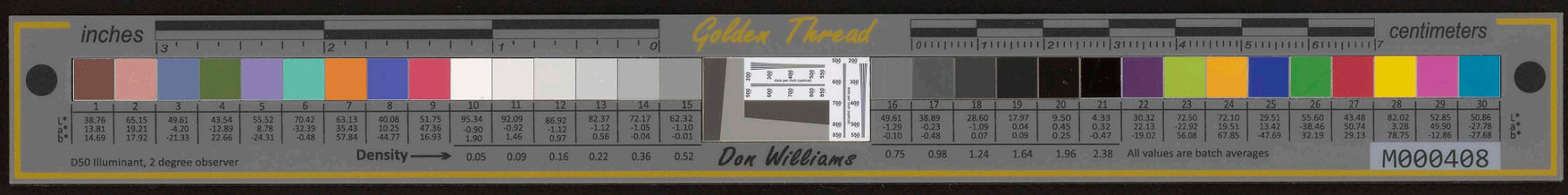
The President shall not be bound to follow the advice of the Cabinet, except in the instances where, by this Constitution, the approval of the Cabinet is required as a prerequisite for his action.

ARTICLE 35.—REPORTS—RESPONSIBILITY—POWERS OF APPOINTMENT AND REMOVAL.

SECTION 1. Each member of the Cabinet shall keep an office at the seat of Government, and shall, not later than the last Wednesday in February in each year, present to the President a full report of the principal transactions within his department during the year ending December thirty-first last preceding, together with such recommendations as he may think proper.

He shall also at any time, when requested in writing by the President, report to him on any subject within the scope of his authority.

SECTION 2. The members of the Cabinet shall be responsible for the conduct of their respective Departments; and, with the approval of the President, shall have the appointment and removal of the following heads of Bureaus, under their respective Departments, viz: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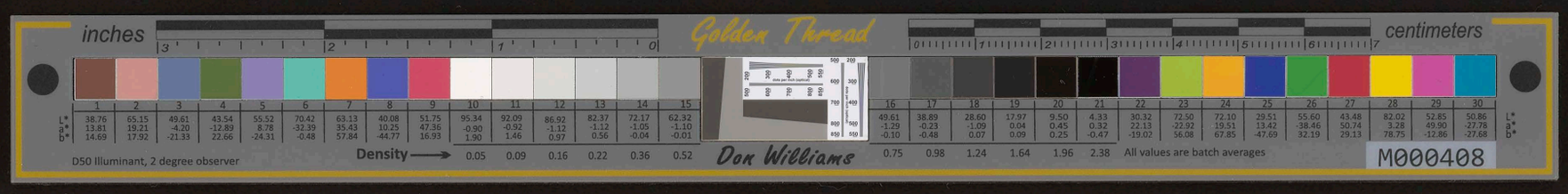


The Superintendent of Public Works; the Surveyor General; the Registrar of Conveyances; the Superintendent of the Honolulu Water Works; the Marshal; the Collector General of Customs; the Tax Assessors in Chief and the Post Master General, and also the heads of any other Bureaus created by law.

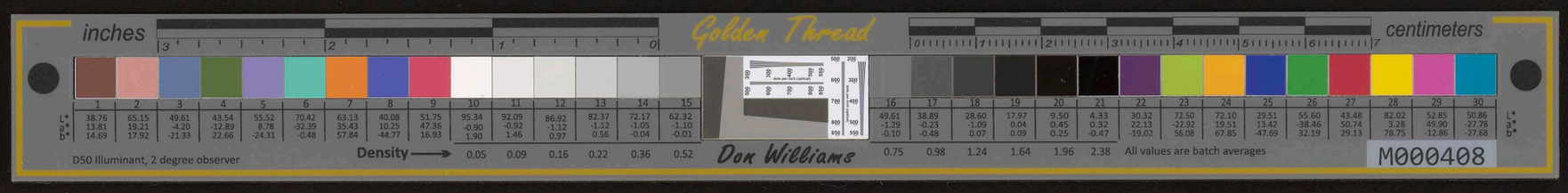
Section 3. Each head of a Bureau shall be responsible for the conduct of his Bureau, and shall have the appointment and removal of the officers under him, subject to the approval of the Minister in whose Department he is employed.

Section 4. The financial responsibility of any officer of the Government, for his own conduct, or that of his subordinates, shall be determined by law.

Article 36.—Acting President in Case of Death, Disability or Absence of President.

Section 1. In case of the temporary disability or absence from the Country of the President, the Minister of Foreign Affairs, while such disability or absence continues, shall act as President; or,

In case of the disability or absence from the country of such Minister, the Minister of the Interior, while such disability or absence of the President continues, shall act as President; or,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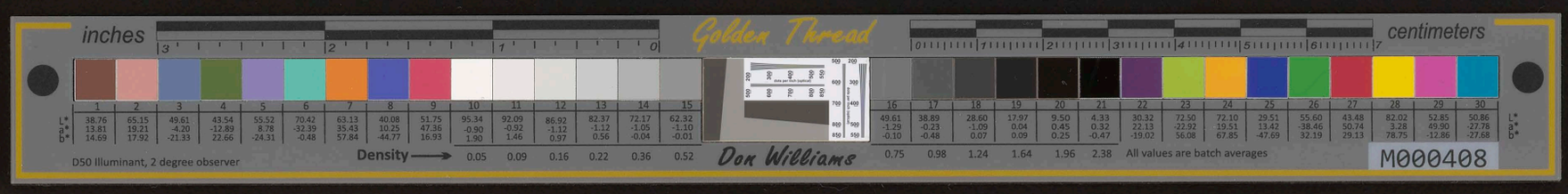

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In case of the disability or absence of both such Ministers, the Minister of Finance, while such disability or absence of the President continues, shall act as President; or,

In case of the disability or absence from the Country of the three Ministers aforesaid, then the Attorney General, while such disability or absence of the President continues, shall act as President.

Section 2. In case of the death, resignation, removal or permanent disability of the President, the Minister of Foreign Affairs shall thereupon act as President until a successor to the President is elected in the manner herein designated; or,

In case of the disability or absence from the Country of such Minister, the Minister of the Interior shall act as President for the time aforesaid; or,

In case of the disability or absence from the Country of both such Ministers, the Minister of Finance shall act as President for the time aforesaid; or,

In case of the disability or absence from the Country of the three Ministers aforesaid, the Attorney General shall act as President for the time aforesaid.

Section 3. If at any time during the absence of the

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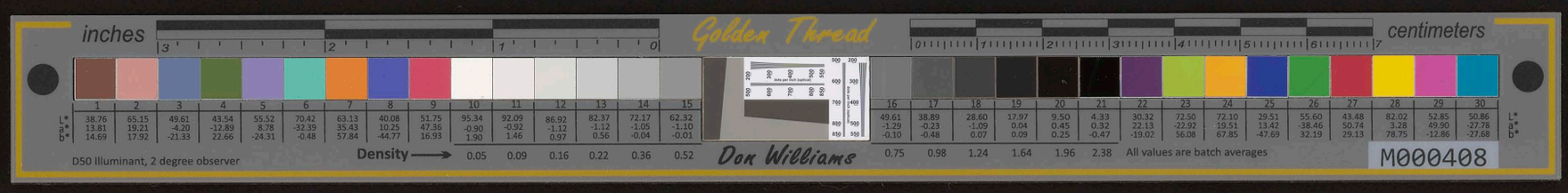

President or acting President from the seat of Government, an occasion shall arise requiring a declaration of martial law, or suspension of the writ of habeas corpus, the powers in and concerning such matters herein granted to the President, may be exercised by one of the Cabinet Ministers, who shall act in order of priority and in the manner named in Section 2 of this Article.

Section 4. In case of the death, resignation, removal or permanent disability of the President, before six months prior to the expiration of his term, the Minister who shall thereupon act as President, shall, unless the Legislature is in session, immediately summon a special session of the Legislature to meet within thirty days, to elect a President to fill the unexpired term of the President who has died, resigned, been removed or become permanently disabled.

Section 5. In case any Minister shall act as President as herein provided, he shall, while so acting, have all the rights and powers and be subject to all the duties and obligations by this Constitution granted to or prescribed for the President.

Article 37.—Ex-Officio Members of the Legislature.

The members of the Cabinet shall be ex-officio members of both Houses of the Legislature, with all the

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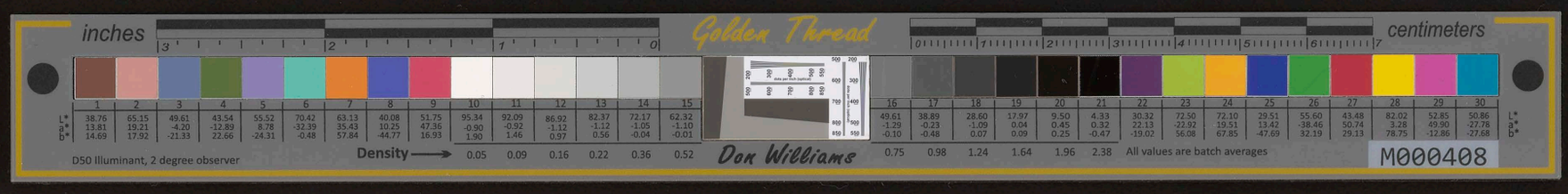

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rights, powers and privileges of elected members, except the right to vote.

THE LEGISLATIVE POWER.

Article 38.—The Legislature.

Section 1. The Legislative Power of the Republic is vested in a Legislature, and, subject to the limitations herein provided, a Council of State.

The Legislature shall consist of two Houses, styled the Senate and the House of Representatives, which shall organize and sit separately, except as otherwise herein provided.

The two Houses shall be styled "The Legislature of the Republic of Hawaii."

Section 2. No person shall sit as a Senator or Representative in the Legislature, unless elected under and in conformity with this Constitution.

Article 39.—General Elections.

Section 1. A General Election shall be held on the last Wednesday of September, 1897, and General Elections shall be held on the last Wednesday in September every two years thereafter.

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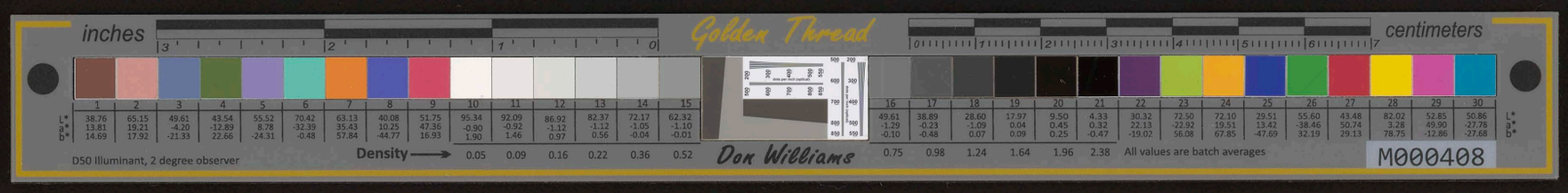
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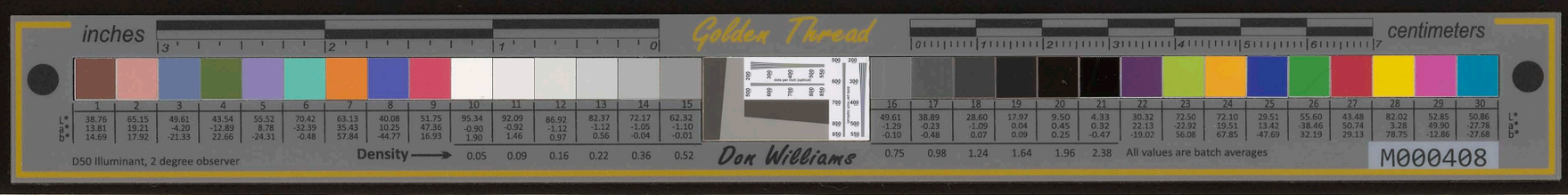

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SECTION 2.—If from any cause a general election shall not be held at the appointed time, the Minister of the Interior shall without unnecessary delay, appoint another time for the holding of such election.

And the election so held upon such appointment shall be deemed to be a general election.

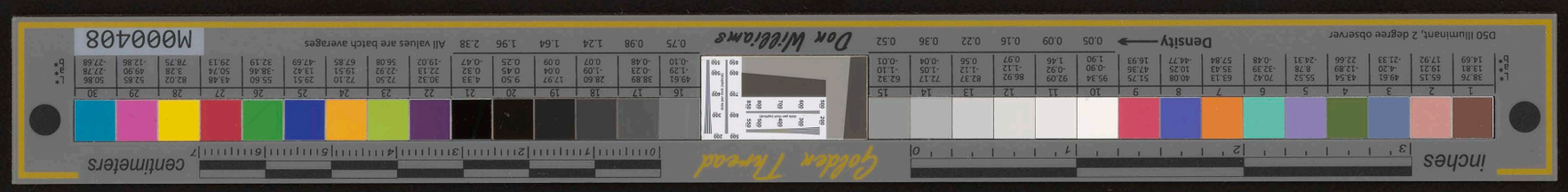
ARTICLE 40.—SUPREME COURT JUDGE OF QUALIFICATIONS OF MEMBERS.

In case any election to a seat in either House is disputed, and legally contested, the Supreme Court shall be the sole judge of whether or not a legal election for such seat has been held; and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

ARTICLE 41.—BURDEN OF PROOF OF ELIGIBILITY.

In case the eligibility of any person to be a Senator or Representative, or an elector of Senators or Representatives, is questioned by any legal voter, before any Court or tribunal having authority to consider such matter, the burden of proof shall rest upon the person whose eligibility is so questioned to establish his eligibility.

The unsupported statement or oath of the person whose eligibility is so questioned shall not be deemed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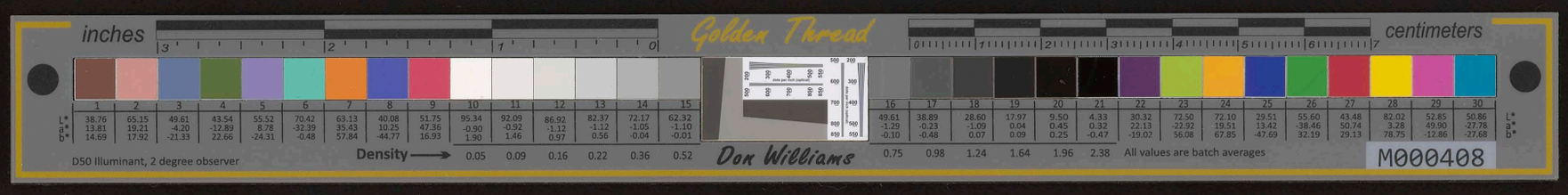


sufficient to shift the burden of proof; but he shall show by other evidence, to the satisfaction of the Court or tribunal, that he is eligible.

ARTICLE 42.—DISQUALIFICATIONS OF LEGISLATORS.

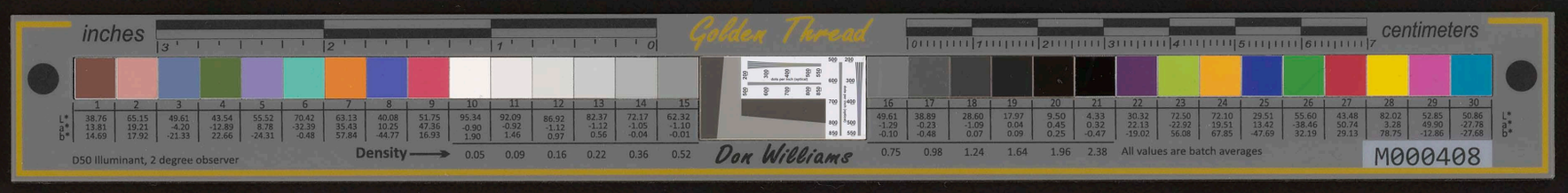
No member of the Legislature shall, during the term for which he is elected, be appointed or elected to any office of the Government except that of President, Cabinet Minister, Justice of the Supreme Court, or member of the Council of State.

ARTICLE 43. DISQUALIFICATIONS OF GOVERNMENT OFFICERS AND EMPLOYEES.

Except members of the Council of State, no person holding office in, or under, or by authority of the Government, including Notaries Public and Agents to take Acknowledgments, nor any employee of the Government, shall be eligible to election to the Legislature or to hold the position of an elected member of the same.

ARTICLE 44.—DISQUALIFICATION OF CERTAIN CLASSES.

No idiot or insane person, and no person who shall be expelled from the Legislature for giving or receiving bribes, or being accessory thereto; and no person who in due course of law shall have been convicted of larceny, bribery, gross cheat, or of any criminal offense punishable by imprisonment, whether with or without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hard labor, for a term exceeding two years, whether with or without fine, shall register to vote or shall vote or hold any office in or under or by authority of the Government, unless the person so convicted shall have been pardoned and restored to his civil rights.

ARTICLE 45.—OATH OF OFFICE.

Every elective member of the Legislature shall take the following oath or affirmation :

I solemnly swear (or affirm) in the presence of Almighty God, that I will faithfully support the Constitution and laws of the Republic of Hawaii; and conscientiously and impartially discharge my duties as a member of the Legislature.

ARTICLE 46.—OFFICERS AND RULES.

The Senate and the House of Representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with this Constitution, and keep a journal.

ARTICLE 47.—AYES AND NOES.

The ayes and noes of the members on any question, shall, at the desire of one-third of the members present, be entered on the journal.

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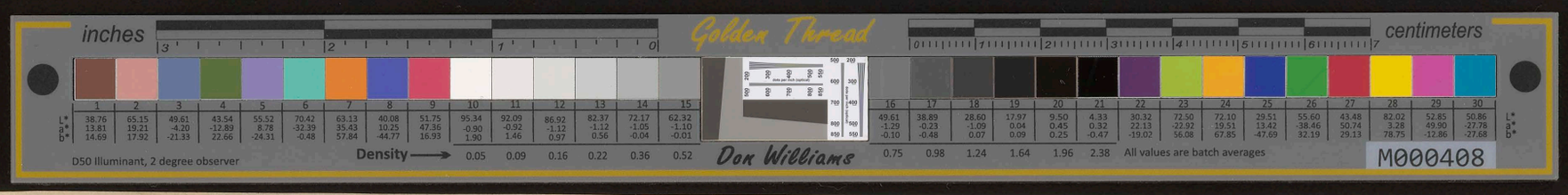


ARTICLE 48.—QUORUM.

SECTION 1. A majority of the number of elective members to which each House is entitled, shall constitute a quorum of such House for the conduct of ordinary business, of which quorum a majority vote shall suffice. But the final passage of a law in each House shall require the vote of a majority of all the members to which such House is entitled.

SECTION 2. A smaller number than a quorum may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may provide.

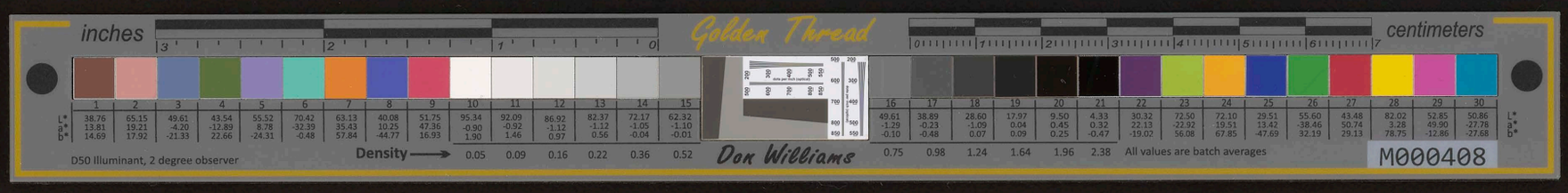
SECTION 3. For the purpose of ascertaining whether there is a quorum present, the chairman shall count the number of members present.

ARTICLE 49.—PUNISHMENT OF PERSONS NOT MEMBERS.

Each House may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either House, who shall be guilty of disrespect of such House by any disorderly or contemptuous behavior in its presence; or,

Who shall publish any false report of its proceedings; or,

Who shall, on account of the exercise of any legis-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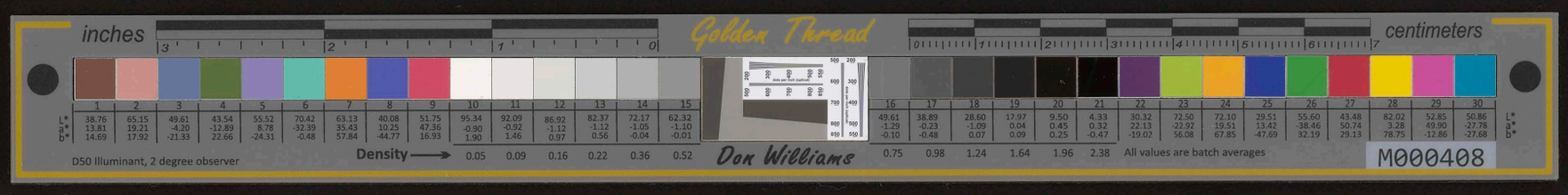


lative function, threaten harm to the body or estate of any of the members of such House; or,

Who shall assault, arrest or detain any witness or other person ordered to attend such House, on his way going to or returning therefrom ; or,

Who shall rescue any person arrested by order of such House.

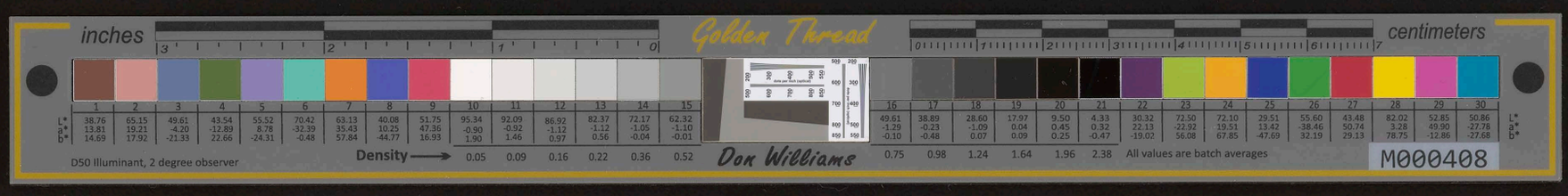
But the person charged with the offense shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

ARTICLE 50.—COMPENSATION OF MEMBERS.

The Members of the Legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of Four Hundred Dollars for each regular Session of the Legislature, payable in three equal installments on and after the first, thirtieth and sixtieth days of the Session ; and the sum of Two Hundred Dollars for each extra Session of the Legislature, except a Session for the sole purpose of electing a President, for which members shall receive mileage only.

ARTICLE 51.—PUNISHMENT OF MEMBERS.

Each House may punish its own members for dis-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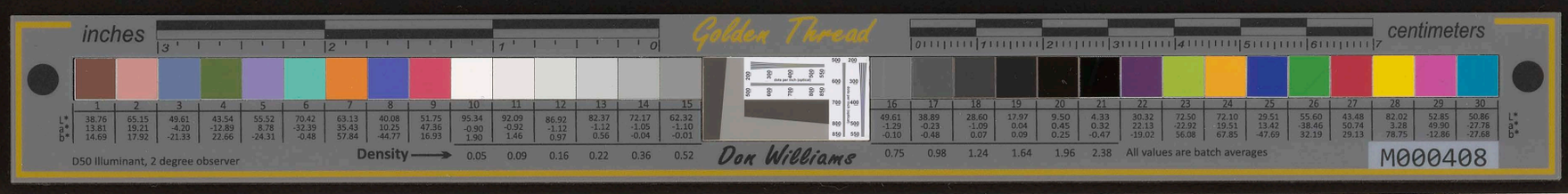

orderly behavior or neglect of duty, by censure, suspension or expulsion.

ARTICLE 52.--EXEMPTION FROM LIABILITY.

No member of the Legislature shall be held to answer for any words uttered in the exercise of his legislative functions in either House, before any other tribunal.

ARTICLE 53.—EXEMPTION FROM ARREST.

The members of the Legislature shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at the sessions of the respective Houses; and in going to and returning from the same. Provided that such privilege as to going and returning shall not cover a period of over ten days each way.

THE SENATE.

ARTICLE 54.—NUMBER OF MEMBERS.

SECTION 1. The Senate shall be composed of fifteen members. The Senators to be elected at the first election held under this Constitution, shall hold office until the general election held in the year 1899.

ELECTIONS.

SECTION 2. Senators shall be elected at the general

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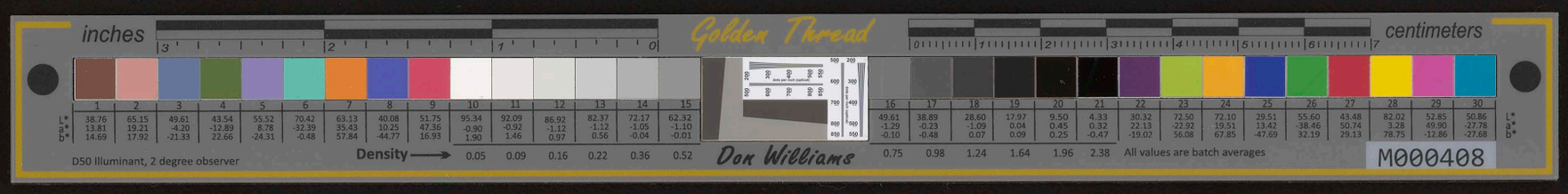

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election to be held on the last Wednesday of September, 1899, in three classes to hold office for two, four and six years respectively, and thereafter in terms of six years. The details of such election and apportionment of terms shall be provided for by the Legislature.

VACANCIES.

SECTION 3. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term at special elections.

ARTICLE 55.—SENATORIAL DISTRICTS.

SECTION 1. For the purpose of representation in the Senate, until otherwise provided by law, the Republic is divided into the following Senatorial Districts, viz :

First District; the Island of Hawaii.

Second District; the Islands of Maui, Molokai, Lanai and Kahoolawe.

Third District; the Island of Oahu.

Fourth District; the Islands of Kauai and Niihau.

SECTION 2. The electors in the said districts shall be entitled to elect Senators as follows :

In the First District, four;

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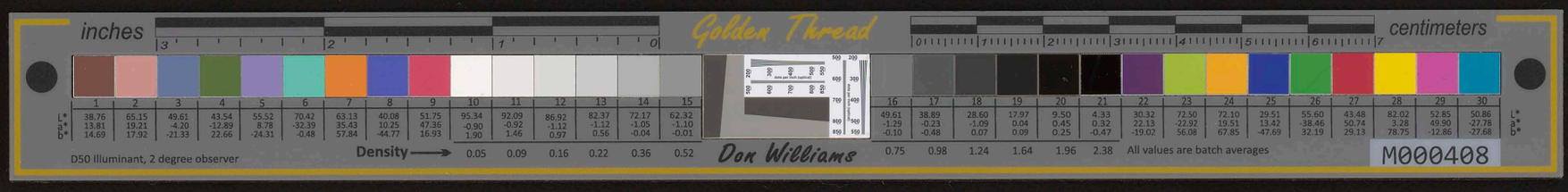
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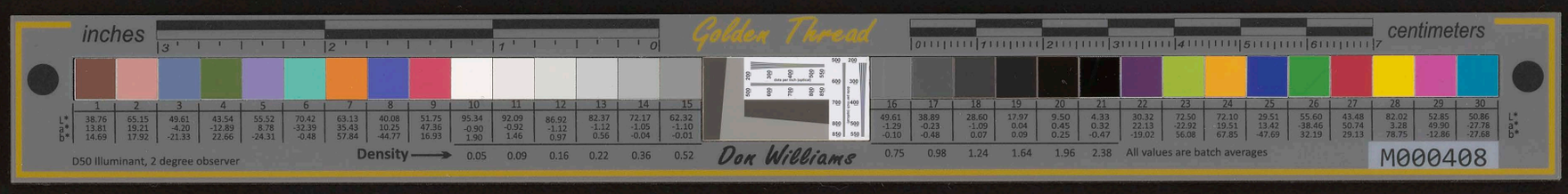


In the Second District, three;

In the Third District, six;

In the Fourth District, two.

ARTICLE 56.—QUALIFICATIONS OF SENATORS.

In order to be eligible to election as a Senator, a person shall:

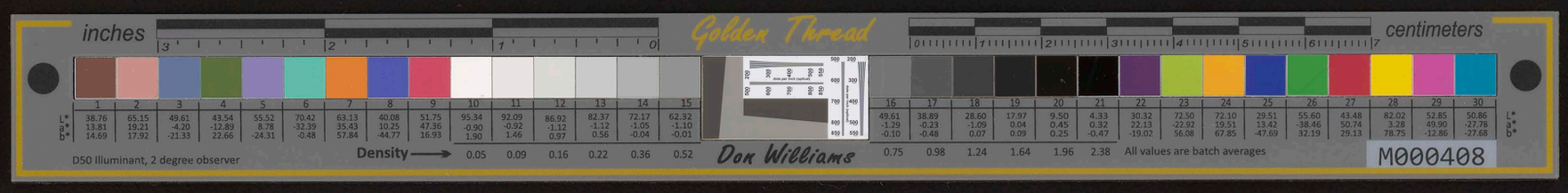
Be a male citizen of the Republic ;

Have attained the age of thirty years ;

Be able understandingly to speak, read and write the English or the Hawaiian language ;

Have resided in the Hawaiian Islands not less than three years ;

Be the owner, in his own right, of property in the Republic of the value of not less than Three Thousand Dollars over and above all encumbrances ; or have been in the receipt of a money income of not less than Twelve Hundred Dollars during the year immediately preceding the date of the election, for the proof of which he may be required to produce original accounts of the receipt of such income.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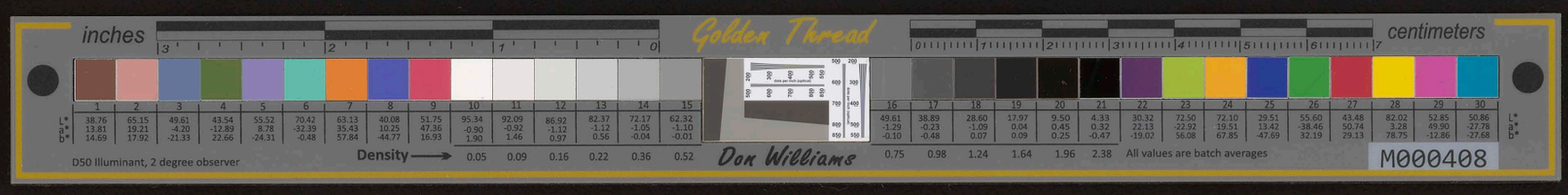

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THE HOUSE OF REPRESENTATIVES.

ARTICLE 57.—NUMBER OF REPRESENTATIVES.

SECTION 1. The House of Representatives shall be composed of fifteen members, elected, except as herein provided, every second year.

TERM OF OFFICE.

SECTION 2. The term of office of the Representatives elected at the first election held under this Constitution, shall extend to the last Wednesday in September, 1897, and the term of those thereafter elected at general or special elections, shall be until the next general election held thereafter.

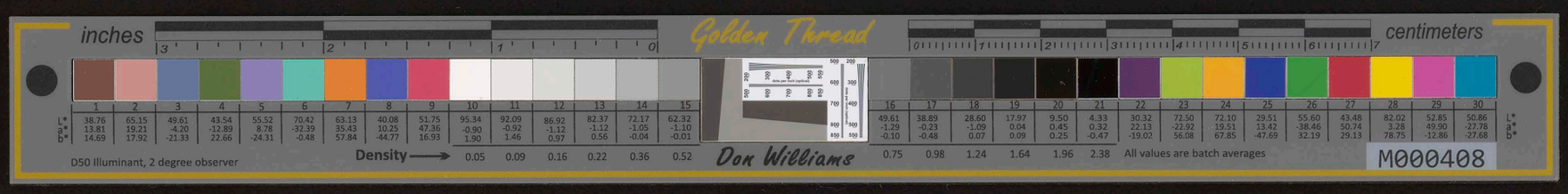
VACANCIES.

SECTION 3. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term at special elections.

REPRESENTATIVE DISTRICTS.

SECTION 4. For the purpose of representation in the House of Representatives, until otherwise provided by law, the Republic is divided into the following Representative Districts, viz:

First District; that portion of the Island of Hawaii known as Puna, Hilo and Hamakua.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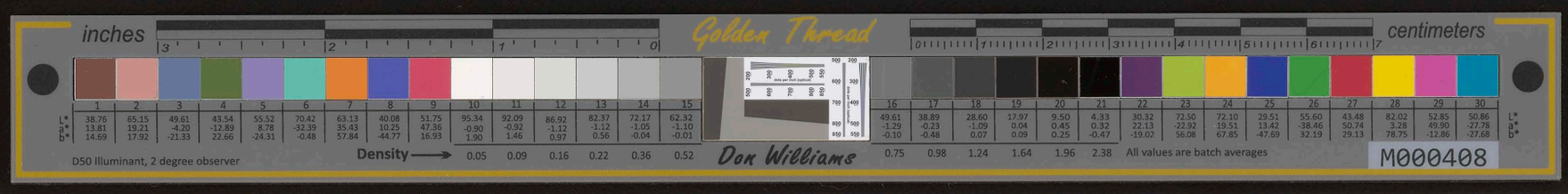


Second District; that portion of the Island of Hawaii known as Kau, Kona and Kohala.

Third District; the Islands of Maui, Molokai, Lanai and Kahoolawe.

Fourth District; that portion of the Island of Oahu lying east and south of Nuuanu street, and a line drawn in extension thereof from the Nuuanu Pali to Mokapu point.

Fifth District; that portion of the Island of Oahu lying west and north of the fourth district.

Sixth District; the Islands of Kauai and Niihau.

APPORTIONMENT.

SECTION 5. The electors in the said districts shall be entitled to elect Representatives as follows:

In the First District, two;

In the Second District, two;

In the Third District, three;

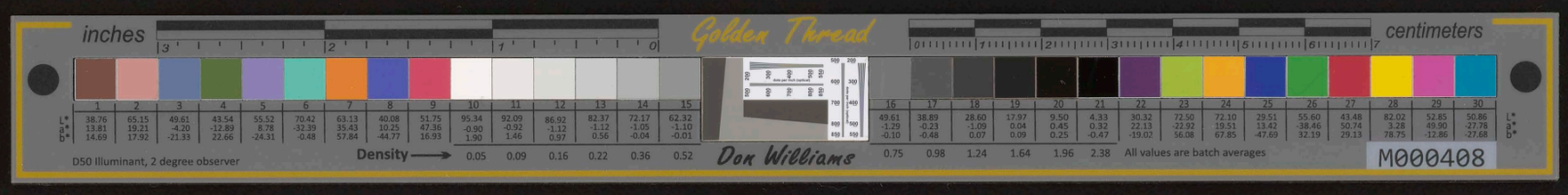
In the Fourth District, three;

In the Fifth District, three;

In the Sixth District, two.

ARTICLE 58.—QUALIFICATIONS OF REPRESENTATIVES.

In order to be eligible to be a member of the House of Representatives, a person shall, at the time of election :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Have attained the age of twenty five years ;

Be a male citizen of the Republic ;

Be able understandingly to read, write and speak the English or Hawaiian language ;

Have resided in this country not less than three years :

And shall either own property in the Republic worth not less than One Thousand Dollars over and above all encumbrances, or have received a money income of not less than Six Hundred Dollars during the twelve months immediately preceding the date of election.

LEGISLATION.

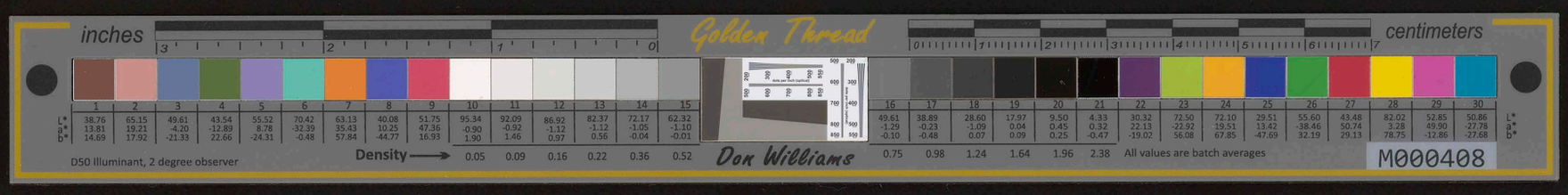
Article 59.

The Legislature has the power to enact wholesome Laws not inconsistent with this Constitution.

Article 60.—Sessions of the Legislature.

Section 1. The first regular Session of the Legislature shall be held on the third Wednesday in February, 1896, and biennially thereafter, in Honolulu.

Section 2. Neither House shall adjourn, during any session, for more than three days, or sine die, without the consent of the other.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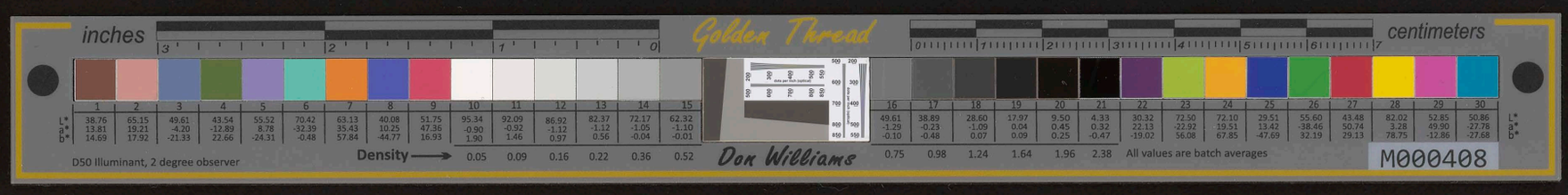

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Section 3. If either House shall so adjourn without the consent of the other, the other House may proceed to legislate as though it were the sole legislative body, and may exercise the full powers of the Legislature.

Section 4. Each session of the Legislature shall continue not longer than ninety days, excluding Sundays and holidays.

Provided however, that the President, with the approval of the Cabinet, may extend such session for not more than thirty days.

Section 5. Special sessions of the Legislature shall be held at such times as may be indicated by the President in manner herein provided; or upon the call of the Presiding Officer of the Senate, when requested in writing so to do by two-thirds of the members of the Senate; or at such other times as are herein specially provided.

Article 61.—Enacting Clause.

The Enacting Clause of all Laws shall be, "Be it enacted by the Legislature of the Republic of Hawaii."

Article 62.—Introduction of Bills.

No bill shall be introduced into either House by any member of such House, unless it shall have first

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received thereon the written endorsement of three members of such House.

ARTICLE 63.—TITLE OF LAWS.

Each Law shall embrace but one Subject, which shall be expressed in its Title.

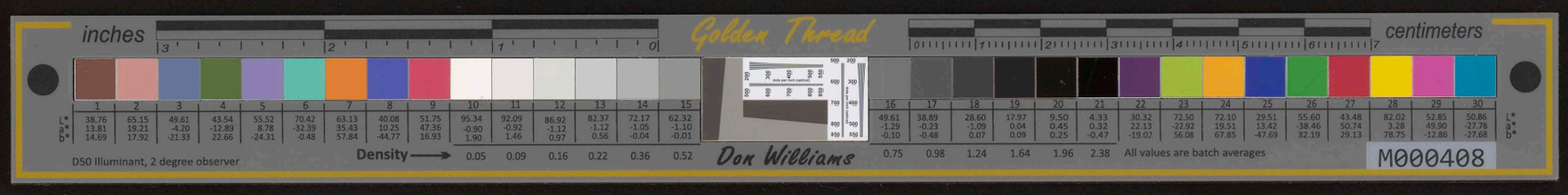
The Title of a Law amending or repealing another law shall refer to the section or chapter of the law amended or repealed, and to the subject-matter involved.

ARTICLE 64. —READINGS OF BILLS.

A Bill, in order to become law, shall, except as herein provided, pass three readings in each House, the final passage of which in each House, shall be by a majority vote of all the elective members to which such House is entitled, taken by ayes and noes and entered upon its journal.

ARTICLE 65.—CERTIFICATION OF BILLS FROM ONE HOUSE TO THE OTHER.

Every Bill when passed by the House in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the Chairman and Clerk and sent to the other House for consideration.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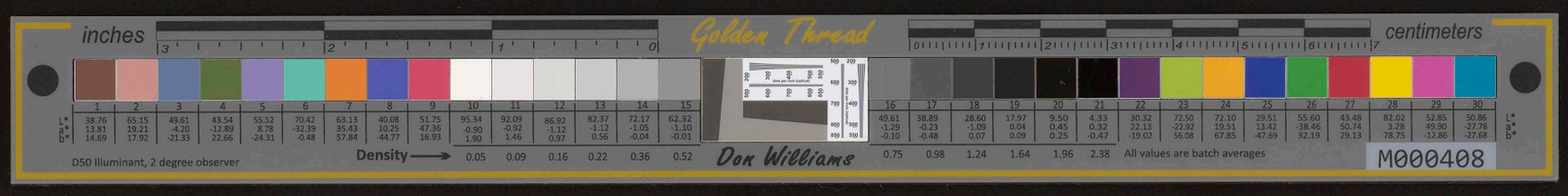

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ARTICLE 66.—SIGNING BILLS.

Except as herein provided, all Bills passed by the Legislature shall, in order to be valid, be signed by the President.

ARTICLE 67.—VETO OF PRESIDENT.

Every Bill which shall have passed the Legislature shall be certified by the Chairman and Clerk of the House last considering it, and shall thereupon be presented to the President. If he approves it, he shall sign it and it shall become a law. If the President does not approve such bill, he may return it with his objections, to the Legislature.

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole.

ARTICLE 68.—PROCEDURE UPON RECEIPT OF VETO.

Upon the receipt of a veto message from the President, each House of the Legislature shall enter the same at large upon its journal, and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal.

If after such reconsideration such bill, or part of a

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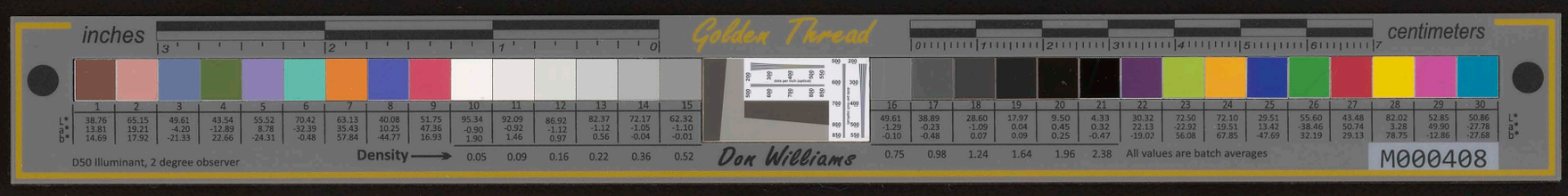

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bill, shall be approved by a two-thirds vote of all the elective members to which each House is entitled, it shall thereby become law.

ARTICLE 69.—FAILURE TO SIGN OR VETO.

If the President neither signs nor vetoes a bill within ten days after it is delivered to him, it shall become law without his signature, unless the Legislature adjourns sine die prior to the expiration of such ten days

In computing such period of ten days, Sundays, holidays recognized by the laws of the Republic, and the day upon which the bill is delivered to the President shall be excluded.

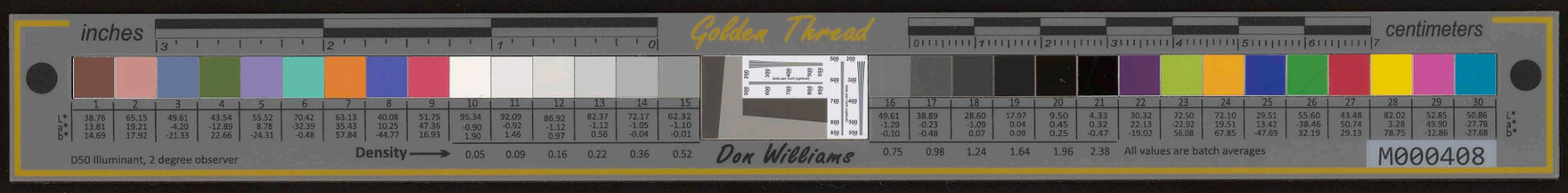
ARTICLE 70.—APPROPRIATIONS.

SECTION 1. Appropriations, except as otherwise herein provided, shall be made biennially by the Legislature.

SECTION 2. The Minister of Finance shall submit to the Senate, at each regular session of the Legislature, Appropriation Bills for the succeeding biennial period.

SECTION 3. No Appropriation Bill or bill providing for a national loan shall be introduced by any one except a member of the Cabinet.

Provided however, that any member may introduce a bill amending the permanent appropriation bill for salaries and pay rolls herein provided for.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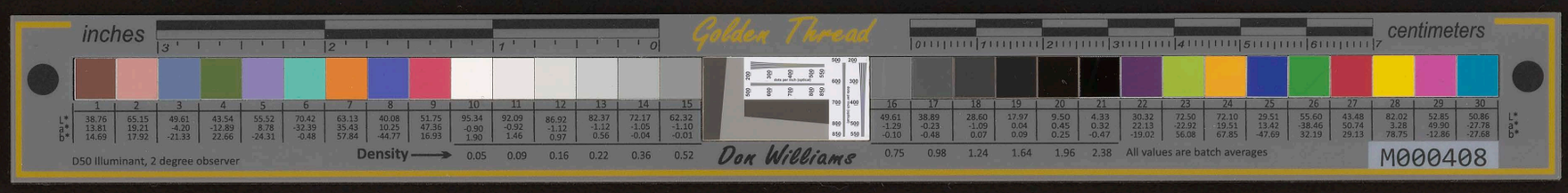


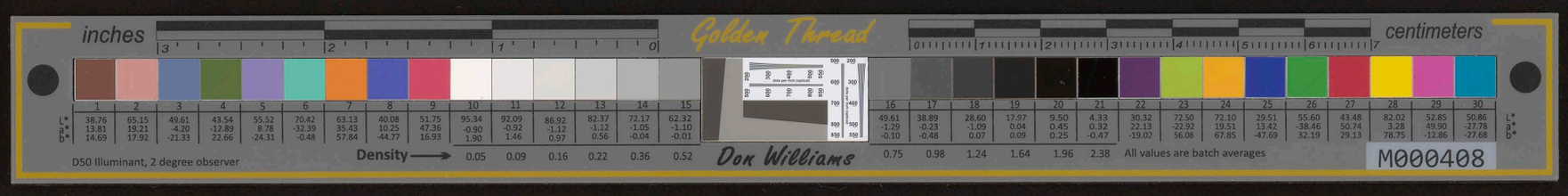
Section 4. In case of a failure of the Legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the Government, and meeting its legal obligations, the Minister of Finance may, with the advice of the Executive Council, make such payments for and during the new biennial period, for which purpose the sums appropriated in the last appropriation bill shall be deemed to have been re-appropriated.

Section 5. The appropriation bill for salaries and pay rolls shall be a permanent one, and the items and amounts therein enumerated, and such salaries and pay rolls as may hereafter be incorporated therein, shall continue, until stricken out or amended, to be the basis for payment in future, and shall not be required to be reappropriated from time to time.

Section 6. The appropriation bill for salaries and pay rolls passed on the 26th day of April, 1894, shall continue in force, and be the permanent appropriation bill for the purposes therein set forth, subject to such amendments and additions thereto, as may from time to time be made by the Legislature.

Article 71.—Retrospective Laws.

Except as herein provided, no Retrospective Law shall ever be enacted.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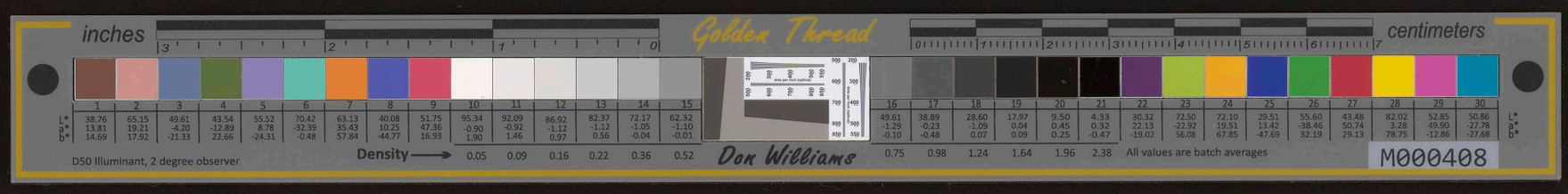

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ARTICLE 72.—EXEMPTION OF ELECTORS ON ELECTION DAY.

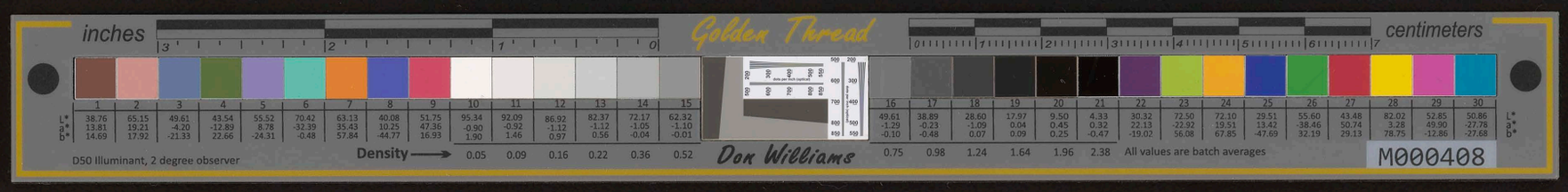
SECTION 1. Every Elector shall be privileged from arrest on election day, during his attendance at election, and in going to and returning therefrom, except in case of breach of the peace then committed, or in case of treason or felony.

SECTION 2. No elector shall be so obliged to perform military duty on the day of election, as to prevent his voting, except in time of war or public danger, or in case of absence from his place of residence in actual military service, in which case provision may be made by law for taking his vote.

ARTICLE 73.—METHOD OF VOTING FOR REPRESENTATIVES.

Each voter for Representatives may cast as many votes as there are Representatives to be elected from the Representative District in which he is entitled to vote. He may cast them all for one Representative, or may apportion them among the several Representatives in such manner as he sees fit; provided however, that any fractional division of a vote other than one-half shall be void.

The required number of candidates receiving the highest number of votes in the respective Represent-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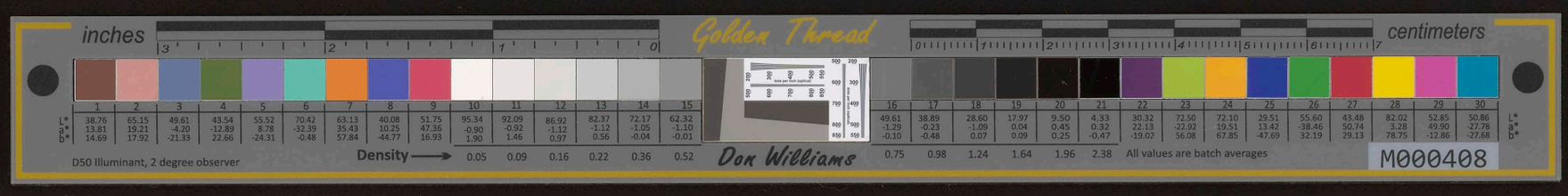

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ative Districts shall be the Representatives for such Districts.

ARTICLE 74.—QUALIFICATIONS OF VOTERS FOR REPRESENTATIVES.

In order to be eligible to vote for Representatives, a person shall :

1. Be a male citizen of the Republic; and if naturalized prior to January 17th, 1893, be a native of a country having, or having had treaty relations with Hawaii; or,

Have received special letters of denization entitling him to all the privileges of Hawaiian citizenship; or,

Have received from the Minister of the Interior the Certificate of Service herein provided for ;

2. Have resided in the Representative District in which he offers to register, not less than one month immediately preceding the time at which he offers to register ;

3. Have attained the age of twenty years ;

4. Have taken and subscribed the oath set forth in Article 101 of this Constitution ;

5. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the Register of Voters for Representatives for his district ;

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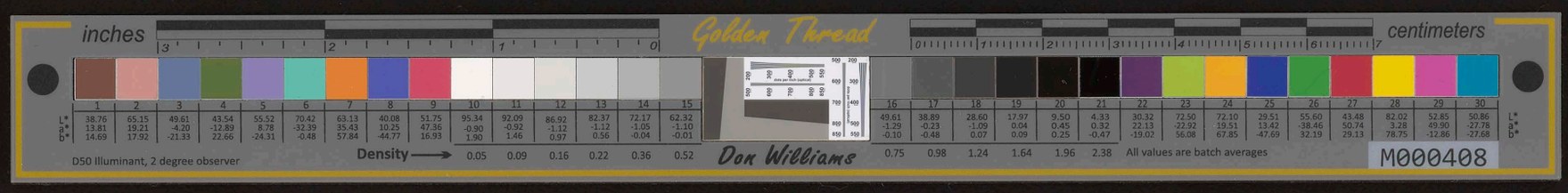


6. Prior to such registration have paid, on or before the first day of January next preceding the date of registration, all taxes due by him to the Government. Provided however, that for the registration for the first election held under the provisions herein, taxes may be paid at any time prior to the application for registration;

7. Be able understandingly to speak, read and write the English or Hawaiian language.

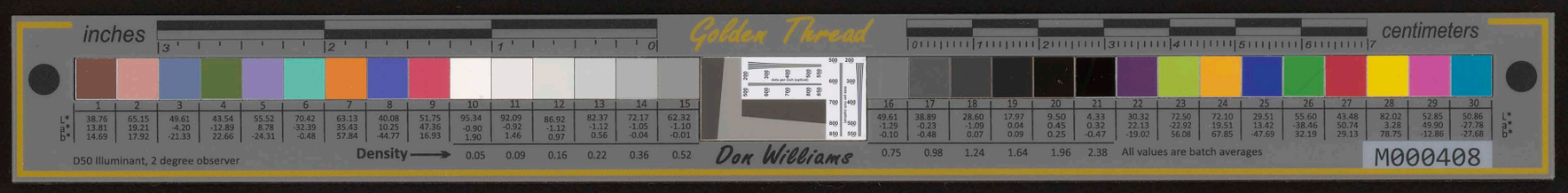
In order to comply with this requirement he shall be able to read and write, with ordinary fluency any section or sections of this Constitution.

Provided however, that the requirement that he shall be able understandingly to speak, read and write the English or Hawaiian language, shall not apply to those persons who shall obtain the certificate of service as provided for in Article 17.

ARTICLE 75.—METHOD OF VOTING FOR SENATORS.

Each voter for Senators may cast one vote only for each Senator to be elected from the Senatorial District in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective Senatorial Districts shall be the Senators for such District.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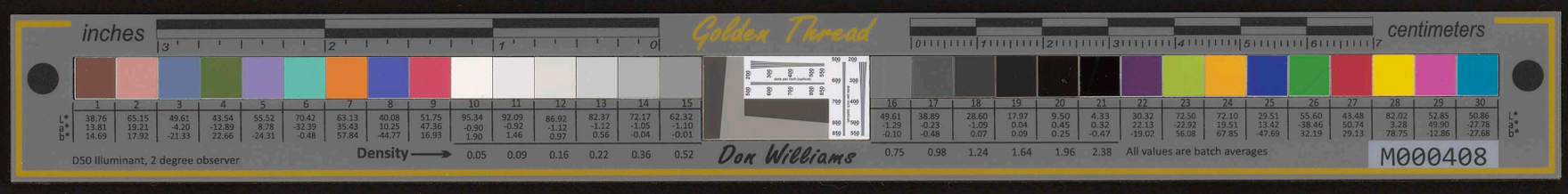


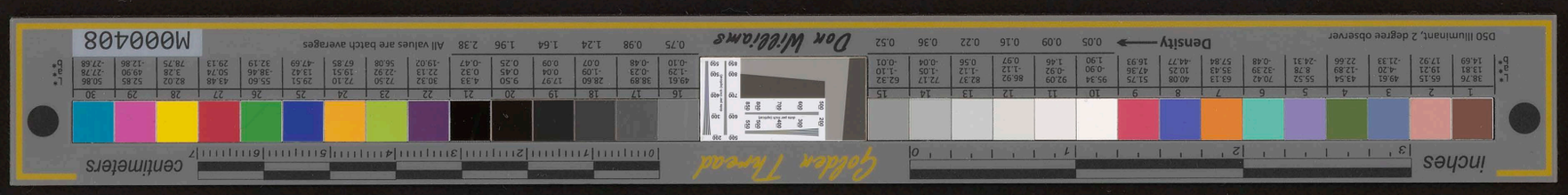
ARTICLE 76.—QUALIFICATIONS OF VOTERS FOR SENATORS.

In order to be eligible to vote for Senators, a person must possess all the qualifications and be subject to all the conditions required by this Constitution of voters for Representatives, and, in addition thereto, he shall own and be possessed in his own right, of real property in the Republic of the value of not less than Fifteen Hundred Dollars over and above all encumbrances, and upon which legal taxes shall have been paid on that valuation for the year next preceding the one in which such person offers to register; or personal property of the value of not less than Three Thousand Dollars over and above all encumbrances; or shall have actually received a money income of not less than Six Hundred Dollars during the year next preceding the first day of April next preceding the date of each registration; for the proof of which he may be required to produce original accounts of the receipt of such income.

REGISTRATION OF VOTERS.

ARTICLE 77.

SECTION 1. No person shall vote for the election of Representatives or Senators unless he is qualified as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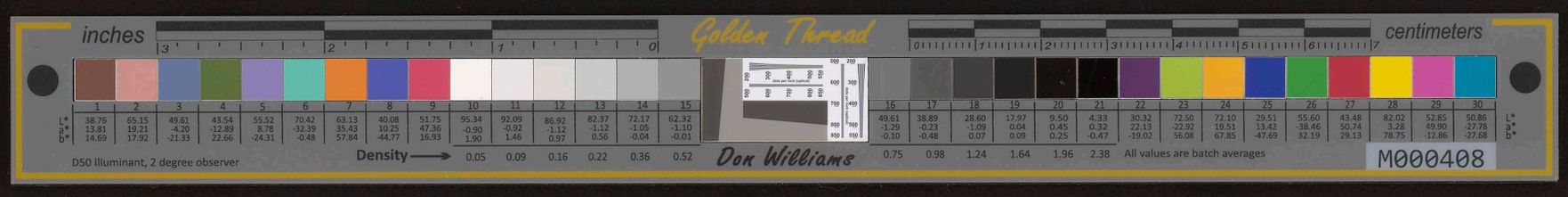
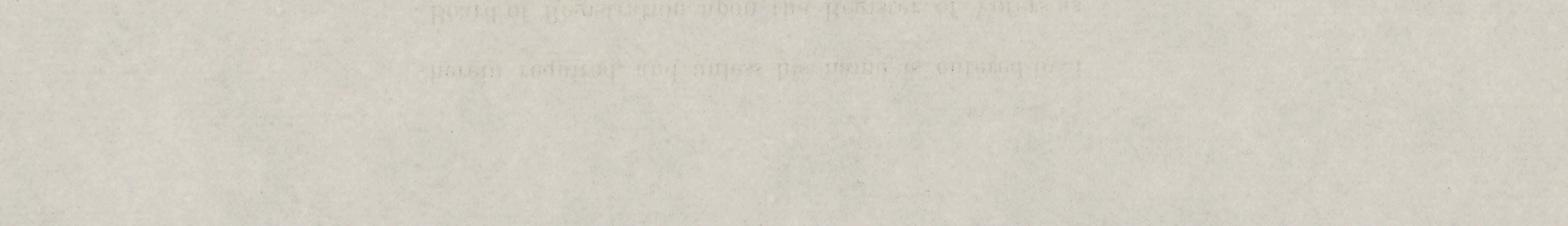


herein required, and unless his name is entered by a Board of Registration upon the Register of Voters as herein provided.

REGISTRATION BOARDS.

SECTION 2. For the purpose of examining applicants for registration as voters and determining their eligibility, there shall be five Boards of Registration, one for that portion of the Island of Hawaii known as Puna, Hilo and Hamakua; one for that portion of the Island of Hawaii known as Kau, Kona and Kohala; one for the Islands of Maui, Molokai, Lanai and Kahoolawe; one for the Island of Oahu; and one for the Islands of Kauai and Niihau. Such Boards shall consist of three members each, who shall be appointed by the President with the approval of the Senate. The President, subject to such approval, may fill all vacancies in any of such Boards. Provided however, that for the first election held under this Constitution, the President with the approval of the Cabinet shall have the power to appoint and remove the members of such Boards, and with like approval may fill any vacancies in such Boards which shall occur before the first meeting of the Senate. Appointments made by the President during a vacation of the Senate shall be valid until the succeeding meeting of that body.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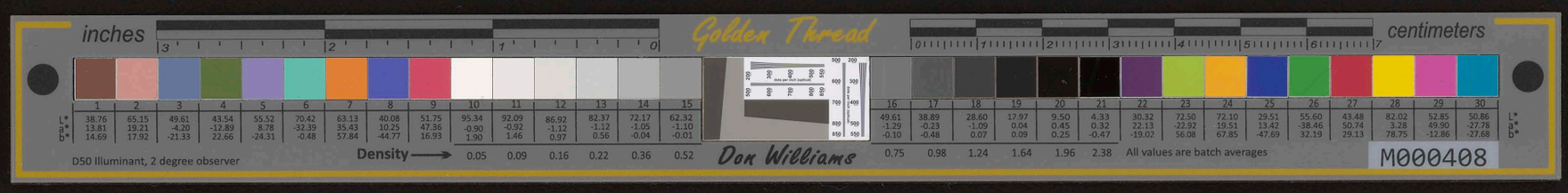

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Members of any such Boards may be removed by the President with the approval of the Senate.

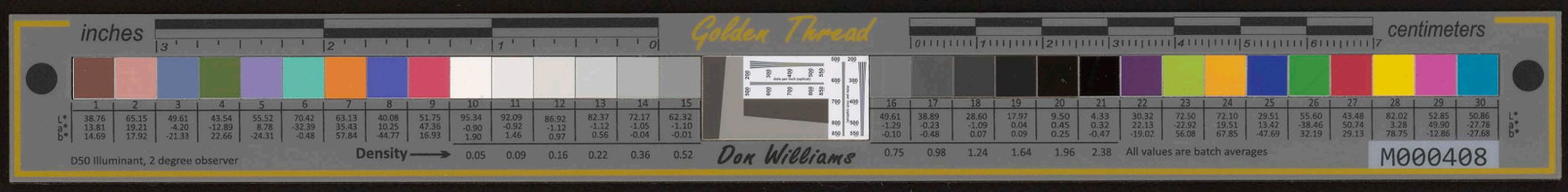
TIME OF MEETING.

SECTION 3. The Boards of Registration shall meet within thirty days after this Constitution takes effect, for the purpose of registering persons entitled to be registered to vote for Senators and Representatives, and shall continue to meet at such points within their respective districts, for such time as will give all persons entitled to register a reasonable opportunity so to do. Provided however, that the final sitting of such Boards shall not be less than twenty-one days prior to the first election held under the provisions herein.

SECTION 4. The Boards shall meet within their respective districts at such times between the first day of April and the thirtieth day of June in the year 1897, and between such days in each second year thereafter, as many times as may be necessary to enable them to register all persons entitled to register.

REGISTER AT SPECIAL ELECTIONS.

SECTION 5. At any intermediate special election the Register of Voters used at the last preceding general election shall be used without change.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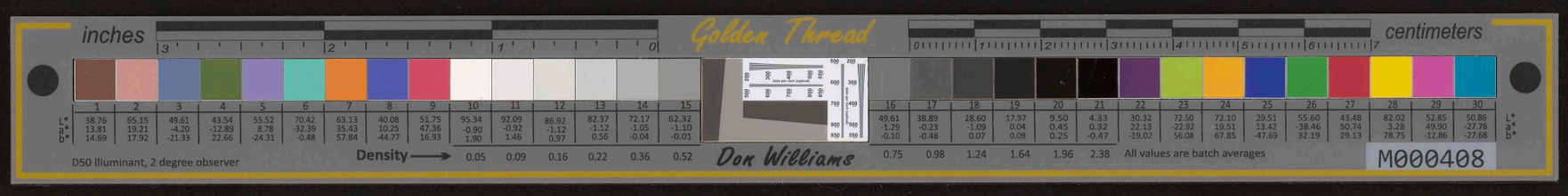


PERSONAL APPEARANCE OF APPLICANT.

SECTION 6. No name shall be placed upon the Register of Voters for either Senators or Representatives, except upon the personal appearance of the applicant before the Board of Registration at an advertised public meeting of the Board.

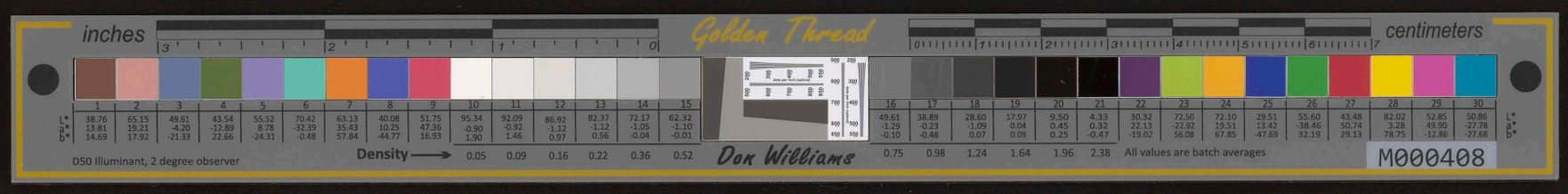
EXAMINATION OF APPLICANTS.

SECTION 7. Each Applicant to be placed upon the Register of Voters for either Senators or Representatives shall, upon each application for registration, be examined under oath by the Board of Registration as to each one of the required qualifications.

Provided however, that after an Applicant shall once have passed an examination concerning his ability understandingly to speak, read and write the English or Hawaiian language, it shall be at the discretion of the Board to examine him further or not, concerning such qualification.

The examination of the applicant, and of all witnesses examined before any Board of Registration, shall be under oath, administered by any of the members of such Board, who are hereby authorized to administer oaths for such purpose.

The examination, number of witnesses, and time or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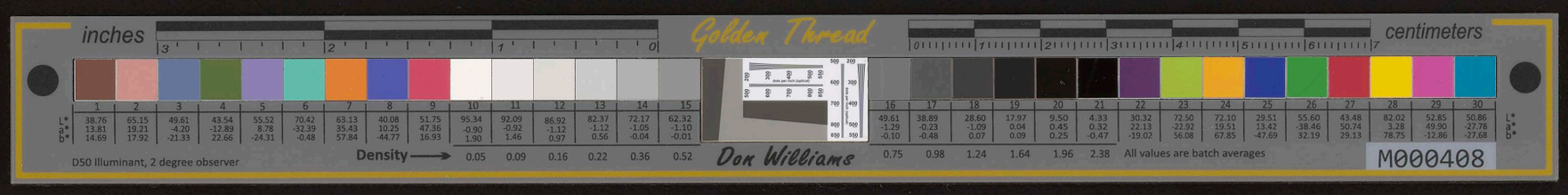

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times of examination, shall be under the reasonable control and discretion of the Board.

Powers of Board.

Section 8. Each Board of Registration is hereby given all of the powers and authority, for the summoning and examination of witnesses and the maintenance of order, including the power to punish for contempt, given by law to Circuit Courts.

Perjury.

Section 9. Any person who shall, under oath, knowingly make any false statement before any such Board, or who, knowing that he is not entitled to register or to vote, shall so register or vote, shall be guilty of the offense of Perjury.

Summary Commital for Perjury.

Section 10. The several Boards are hereby given power to summarily commit any person for trial for perjury committed before any such Board, if, in their opinion, there is probable cause to believe that, upon the trial, such person would be convicted of such offense.

Challenging.

Section 11. Any lawful voter may challenge the

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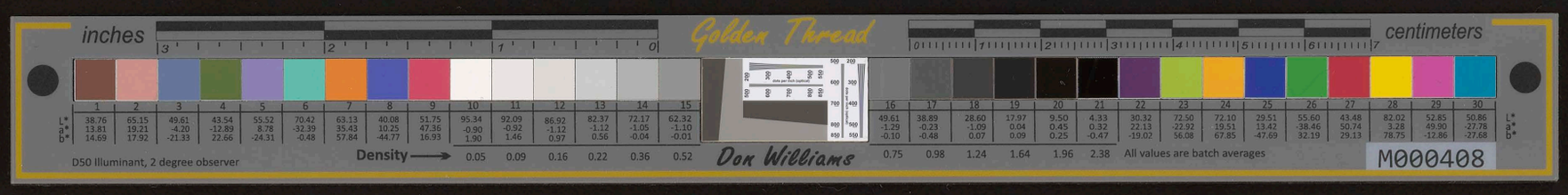


right to register of any person claiming to be eligible to register as a voter; cross-examine the applicant and any witnesses produced by him, and produce and examine witnesses against such eligibility.

SECTION 12. No Board of Registration shall enter the name of any person upon the Register of voters until satisfied that such person possesses the requisite qualifications.

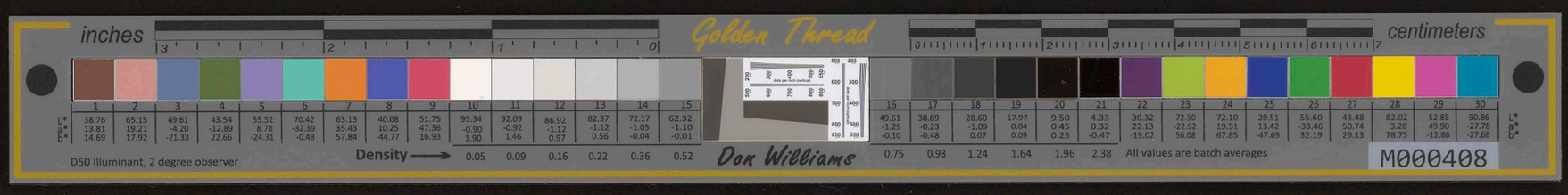
APPEAL FROM BOARD.

SECTION 13. If any Board shall refuse to register the name of any person applying to be registered, the person refused, and, in case any name has been registered, any legal voter, may, at any time within ten days after the decision of such Board, appeal to the Supreme Court in the manner provided by law for civil appeals to the Supreme Court from the Circuit Court, or in such manner as may hereafter be provided by law.

SECTION 14. Upon such appeal being perfected, the Supreme Court shall proceed to hear such cause either in term time or in vacation, as soon thereafter as reasonably may be; and the determination by such Court of such question shall be final.

NOTICE OF DECISION TO BOARD.

SECTION 15. Immediately upon rendering a decision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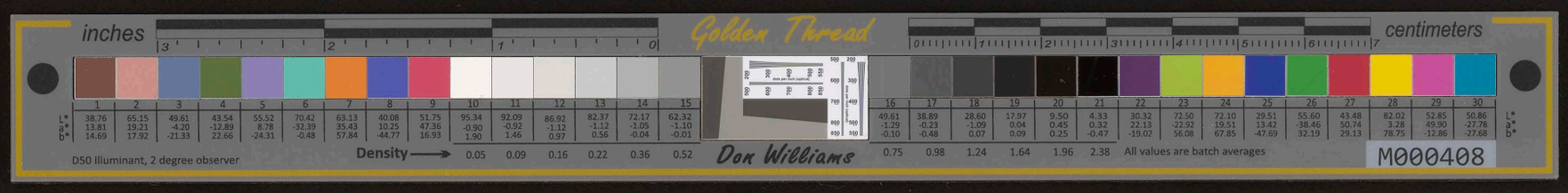


upon any such appeal, the Supreme Court shall notify the Board of Registration from which such appeal was taken; and if such decision shall reverse the decision of the Board, such Board shall immediately cause the Register to be corrected to conform with such decision.

STATUS OF PERSON REGISTERED PENDING APPEAL.

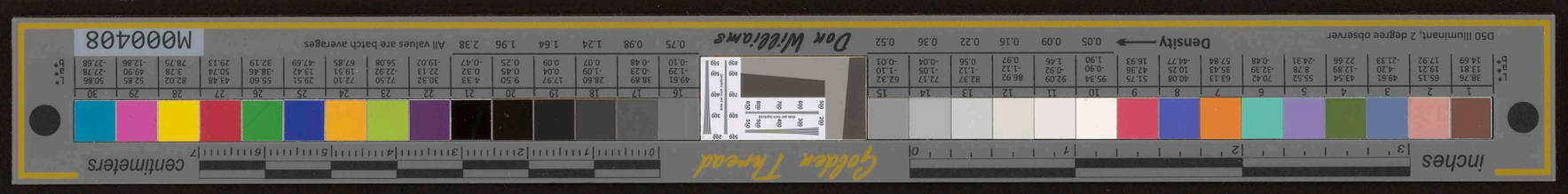
SECTION 16. In case of an appeal from a decision of any Board admitting the name of any person to registration, the name of such person shall remain upon the Register pending the decision of the Supreme Court concerning the same.

If the person so registered shall vote at any election before a decision of the Court shall have been made and acted upon, such vote shall not invalidate such election, even though the decision of the Court shall be adverse to the registration of such name.

NOTICE OF MEETINGS.

SECTION 17. The time and place of all meetings of the several Boards shall be advertised in the English and Hawaiian languages, in newspapers, or by notices posted in at least three frequented places in the locality where such meetings are to be held.

This section shall not be construed to prohibit the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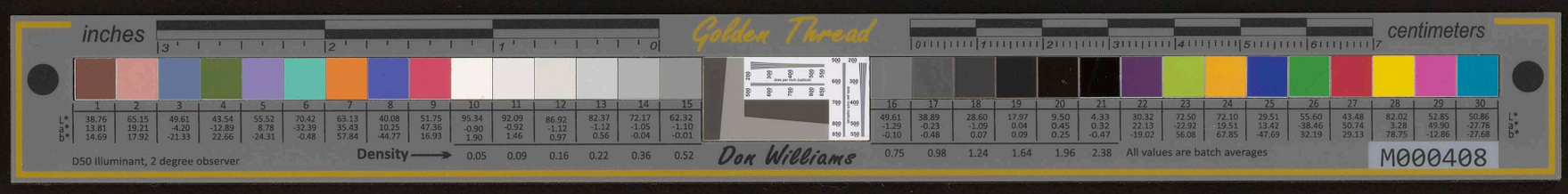

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adjournment of any such advertised meeting from day to day to a time certain, announced at the time of adjournment.

TIME OF REGISTERING.

SECTION 18. No name shall be registered or stricken from the Register except in an open meeting of the Board and upon public announcement, except for the following causes, viz:

1. In case the Supreme Court shall render a decision upon appeal, reversing the decision of the Board.

2. In case the Board has decided that a person is entitled to registration and his name has been accidentally omitted from the Register, mis-spelled, or he has therein been misnamed.

COPIES OF REGISTER TO BE SENT TO INSPECTORS OF ELECTION.

SECTION 19. The respective Boards shall, as soon as reasonably may be after the Register of Voters for any voting precinct is completed, prepare four copies thereof and forward them to the Chairman of Inspectors of Election for such precinct; or, in case such officer shall not then have been appointed, to the Deputy Sheriff of the District in which such precinct is located.

The officer receiving such copies shall retain one for

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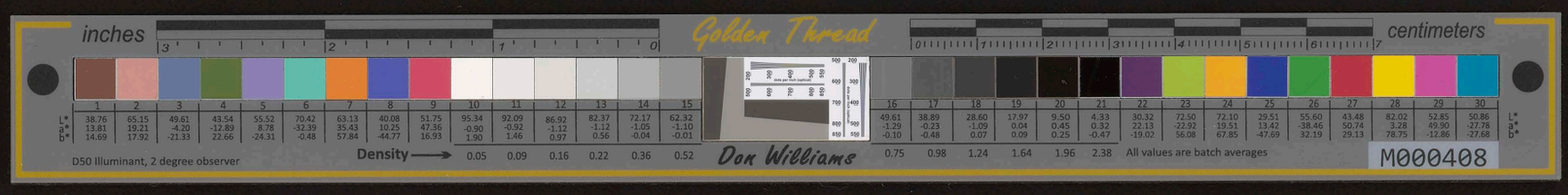


use at the election, and immediately post the other copies in three frequented places within the precinct, for the inspection of the public.

INSPECTORS NOT TO CHANGE REGISTERS.

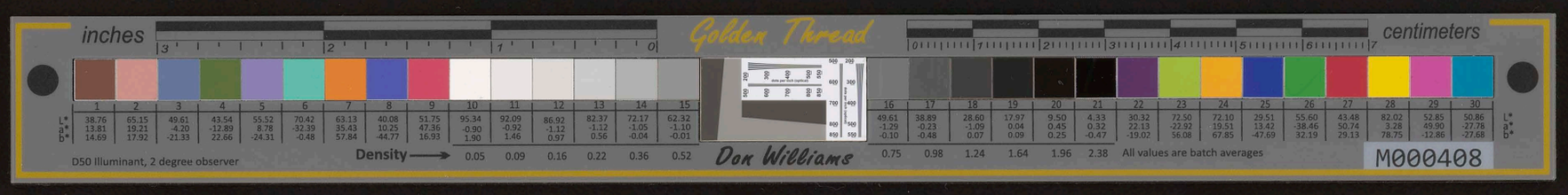
SECTION 20. No name shall be added to or stricken from the Register of Voters, or in any manner changed by the Inspectors of Election, except upon the written order of the Board of Registration for such District.

CORRECTION OF REGISTER.

SECTION 21. If it shall be manifest to any Board, at any time, that the name of a person admitted to registration has been accidentally omitted from the Register or mis-spelled, or that he has been misnamed therein, such Board shall immediately remedy such omission or mistake; and, if a copy of the Register has been sent to the election precinct in which such person is entitled to vote, shall immediately in writing, order the Inspectors of Election for such precinct to correct such copy of the Register.

Such order shall set forth the reasons for the action directed to be taken, and shall be retained and filed by the Inspectors of Election as a part of the records of the election.

The power of revision and correction hereby con-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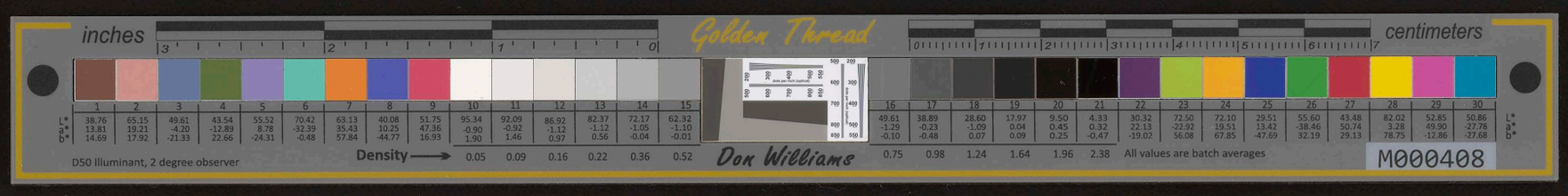

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ferred, shall not be construed to allow the reopening of the question of the qualifications of any person registered by the Board.

RECORD OF PROCEEDINGS.

SECTION 22. The several Boards shall each keep books of record in which minutes shall be preserved of all their proceedings.

ARTICLE 78.—REPEAL OF ELECTION LAWS.

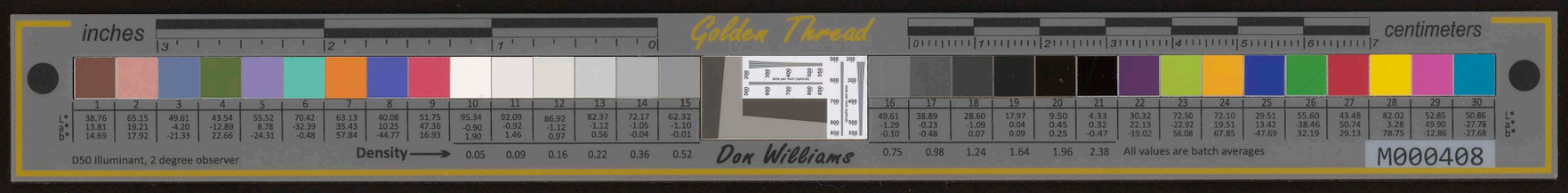
All election laws in force when this Constitution is promulgated are hereby repealed.

ARTICLE 79.—RULES AND REGULATIONS FOR OATHS AND ELECTIONS.

Until otherwise provided by law the President, with the approval of the Cabinet, shall have power to make rules and regulations not inconsistent herewith, for administering oaths and holding elections provided for by this Constitution.

ARTICLE 80.—FIRST ELECTION.

The first election of the Legislature shall be held at such time and places, within four months after the promulgation of this Constitution, as shall be directed by the President, with the approval of the Cabinet.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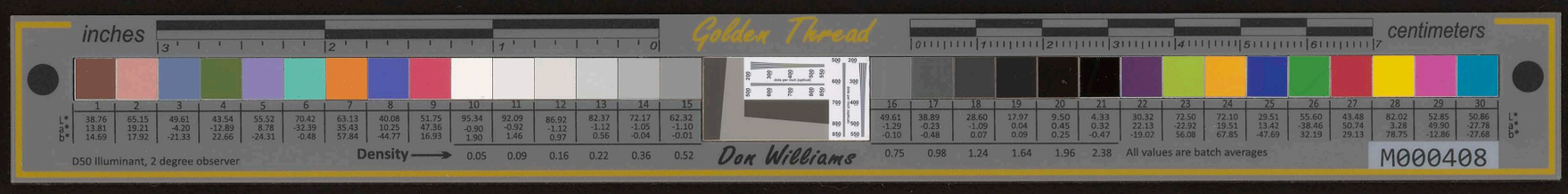

COUNCIL OF STATE.

ARTICLE 81.—HOW CONSTITUTED.

SECTION 1. There shall be a Council of State of fifteen members, five of whom shall be elected by the Senate, five by the House of Representatives, and five appointed by the President with the approval of the Cabinet. The members of the Executive Council may sit and take part in the meetings of the Council of State, but shall not vote.

SECTION 2. The Council of State shall be elected and appointed during the first session of the Legislature; and at each regular session held thereafter.

TERM OF OFFICE.

SECTION 3. The term of office of the members thereof shall expire at the end of each regular session of the Legislature held after their election.

VACANCIES.—HOW FILLED.

SECTION 4. Vacancies among the elective members of the Council occurring between sessions of the Legislature may be filled by the Council.

Vacancies among the appointed members of the Council occurring at any time, may be filled by the President with the approval of the Cabinet.

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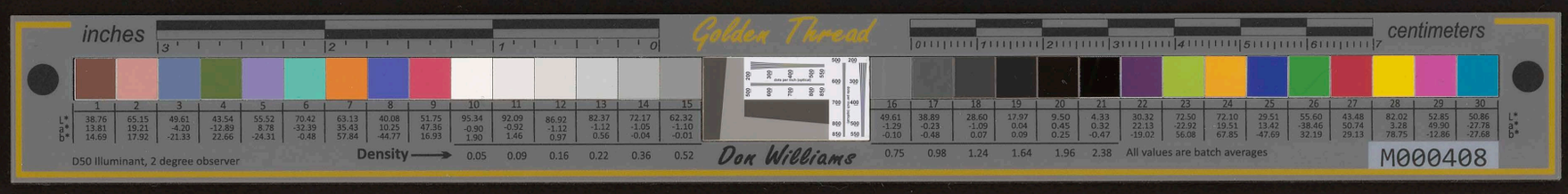

QUALIFICATIONS OF MEMBERS.

SECTION 5. Persons who are eligible to become elective members of the Legislature, or who are such members, and no others, shall be eligible to be elected or appointed as members of the Council.

POWERS OF COUNCIL OF STATE.

SECTION 6. The Council of State may, upon the request of the Executive Council, appropriate public moneys, when, during the time intervening between the sessions of the Legislature, the emergencies of war, invasion, rebellion, pestilence or other great public necessity shall arise.

In case of such appropriation, the Minister of Finance shall render a detailed account of the expenditures made under such authority to the next regular session of the Legislature.

PARDONS.

SECTION 7. The President, by and with the advice of the Cabinet and the Council of State, shall have the power to grant reprieves and pardons and to commute sentences, after conviction, for all offenses except in cases of impeachment.

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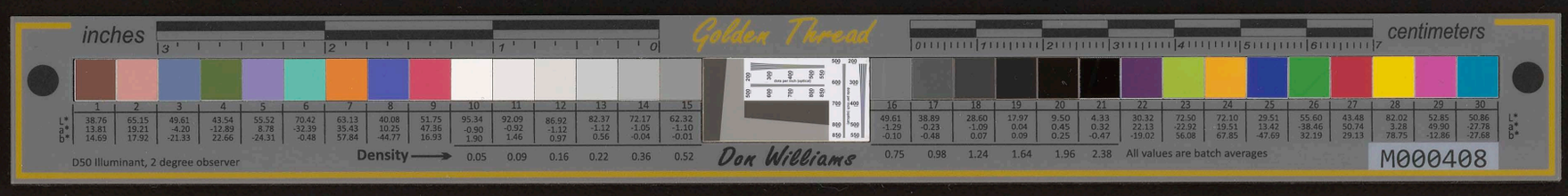

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ADVISORY POWERS.

SECTION 8. The Council of State shall also, when called upon by the President, advise him in all matters for the good of the State, wherein he shall require its advice.

MEETINGS.

SECTION 9. The Council of State may be convened at any time by the President. Its members shall serve without pay.

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THE JUDICIAL POWER.

ARTICLE 82.

The Judicial Power of the Republic shall be vested in one Supreme Court, and in such Inferior Courts as the Legislature, may, from time to time, establish.

ARTICLE 83.—SUPREME COURT—IMPEACHMENT—REMOVAL.

SECTION 1. The Supreme Court shall consist of a Chief Justice and not less than two Associate Justices. Provided however, that in case of the disqualification or absence of any Justice thereof, in any cause pending before the Court, his place for the trial and determination of said cause shall be filled as provided by law.

SECTION 2. The Justices of the Supreme Court shall

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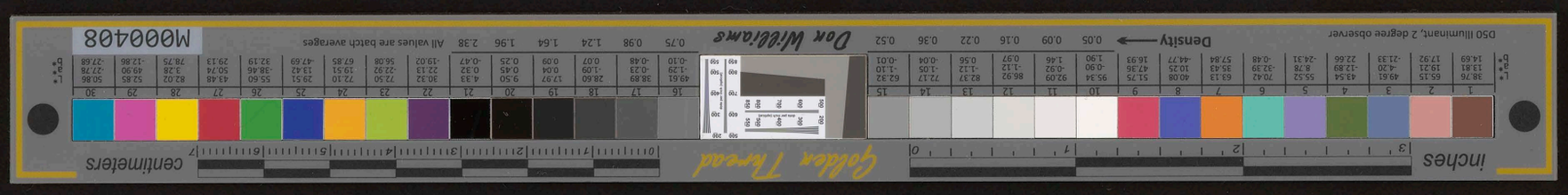
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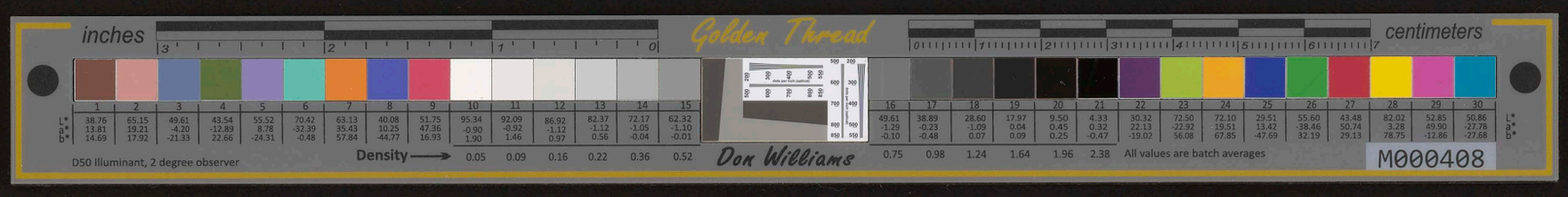

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hold their offices during good behavior, subject to removal upon impeachment, and shall receive for their services a compensation which shall not be diminished during their continuance in office. Provided however, that any Justice of the Supreme Court, or a Judge of any other Court of Record, upon recommendation of the Executive Council, may be removed from said office, on a resolution passed by two-thirds of all the elective members of the Legislature sitting together.

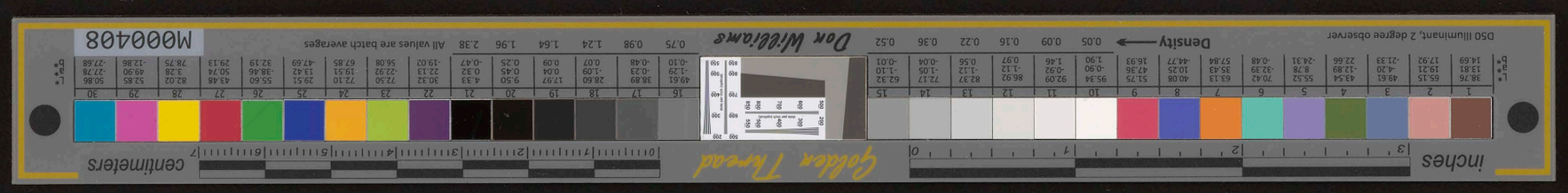
Section 3. The Justice or Judge against whom the Legislature may be about to proceed, shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the Legislature shall act thereon. He shall be heard before the Legislature.

Article 84.—Supreme and Inferior Courts.

The Judicial Power shall be divided among the Supreme Court, the Justices thereof, and the several Inferior Courts of the Republic in such manner as the Legislature may, from time to time, prescribe; and the tenure of office of the Judges of the Inferior Courts shall be such as may be fixed by the law creating them.

Article 85.—Jurisdiction.

The judicial power shall extend to all cases in law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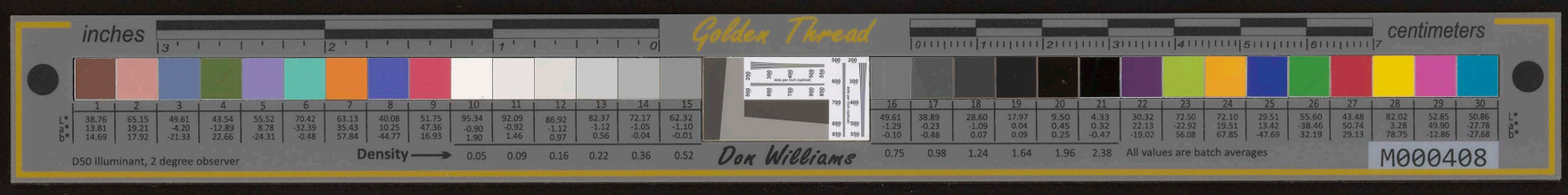

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and equity, arising under the Constitution and Laws of the Republic, and Treaties; to all cases affecting Public Ministers and Consuls, and to all cases of Admiralty and Maritime Jurisdiction.

ARTICLE 86.—DECISIONS.

The Decisions of the Supreme Court shall be final and conclusive upon all parties, when made by a majority of the Justices thereof or by a majority of those who constitute the Court as provided by law in case a Justice thereof is disqualified or absent.

ARTICLE 87.—OPINIONS TO THE EXECUTIVE.

The Justices of the Supreme Court, when requested by the President or the Cabinet, shall render opinions upon questions of law upon solemn occasions.

ARTICLE 88.—DISQUALIFICATION BY PREVIOUS JUDGMENT.

No Judge or Magistrate shall sit on an appeal or new trial, in any case in which he may have given a previous judgment.

ARTICLE 89.—DISQUALIFICATION BY RELATIONSHIP OR PECUNIARY INTEREST.

No person shall sit as a judge or juror in any case in which his relative by affinity, or by consanguinity within the third degree, is interested, either as plaintiff or

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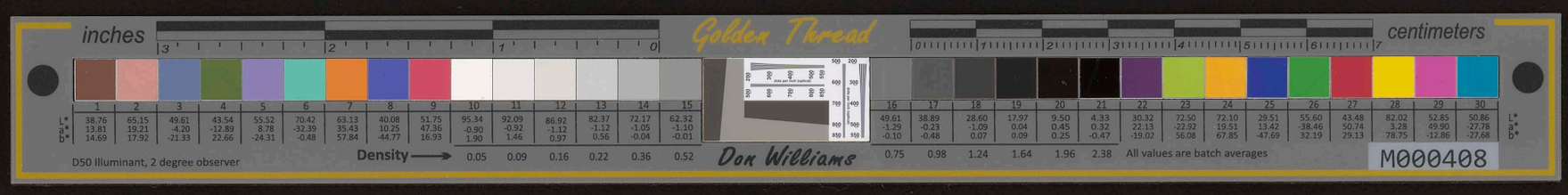

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defendant, or in the issue of which the said judge or juror may have, either directly or through such relative, any pecuniary interest.

ARTICLE 90.—IMPEACHMENT.

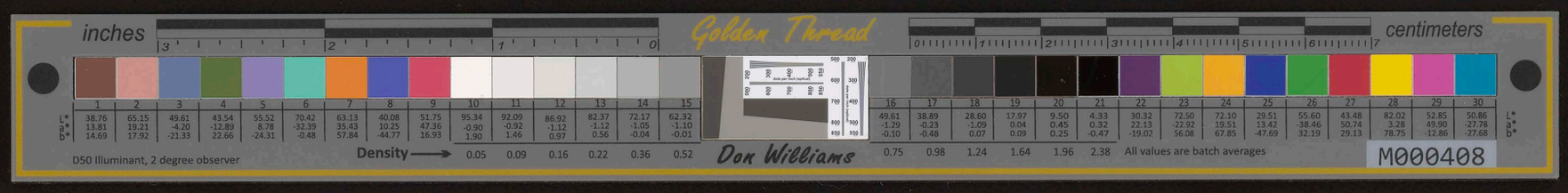
SECTION 1. The President and all civil officers of the Republic shall be liable to removal from office on impeachment by the House of Representatives upon any of the following grounds, namely :

Any act or negligence involving moral turpitude punishable by law as an offense and committed while in office, incapacity for the due performance of official duty, maladministration in office, and assessment of office-holders for partisan or political expenses.

SECTION 2. The Senate shall be a Court, with full and sole authority to hear and determine all impeachments made by the House of Representatives.

SECTION 3. The Chief Justice of the Supreme Court shall be ex-officio President of the Senate in all cases of impeachment, unless when impeached himself. Should the Chief Justice be impeached, some person specially commissioned by the President shall preside over the Senate during such trial.

SECTION 4. Previous to the trial of any impeachment the Senators shall respectively be sworn truly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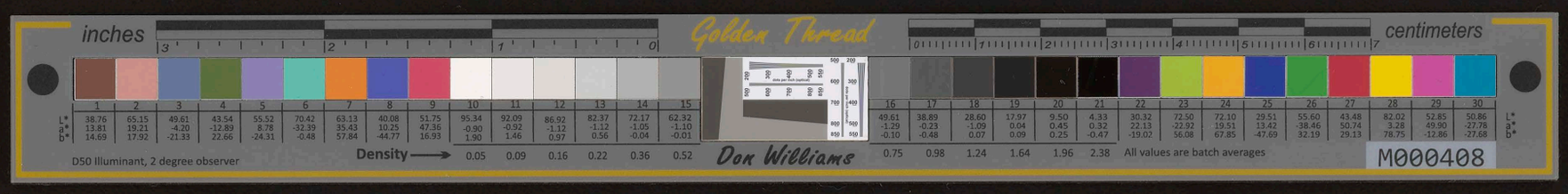

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and impartially to try and determine the charge in question according to law and the evidence.

SECTION 5. The judgment of the Senate, in case of the conviction of the person impeached, shall not extend further than to removal from office and disqualification to hold any place of honor, trust or profit under the Republic; but the person so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment according to law.

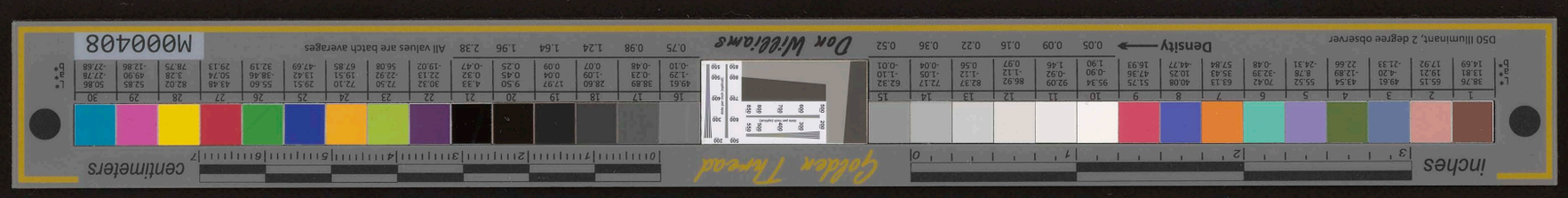
MISCELLANEOUS PROVISIONS.

ARTICLE 91.—CONSTITUTION SUPREME LAW.

This Constitution when promulgated, shall thereupon become the Supreme Law of the Republic, and the Constitution promulgated on the 7th day of July, 1887, and all other Constitutions at any time the Supreme Law in the Hawaiian Islands, and also all Laws and parts of laws inconsistent herewith, are hereby expressly abrogated and are declared to be null and void.

ARTICLE 92.—EXISTING STATUTES AND OFFENSES.

SECTION 1. All statutes and enactments in force in the Hawaiian Islands at the time this Constitution takes effect, not inconsistent therewith, and all rights, actions,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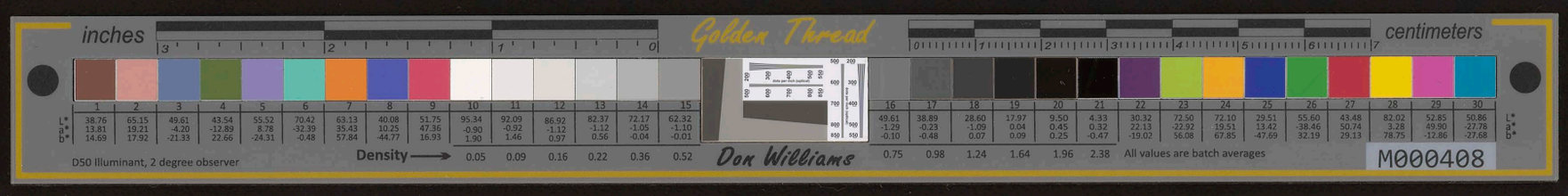

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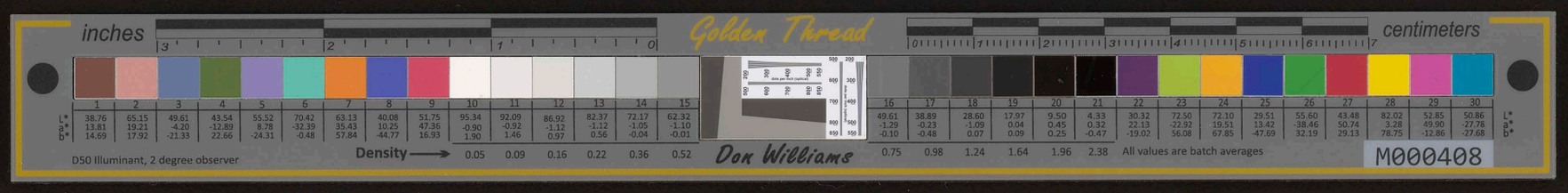
prosecutions, judgments and contracts then existing and valid, shall continue as if this Constitution had not been adopted, unless the same are inconsistent with this Constitution, or are herein specifically abrogated, or are otherwise herein provided for.

SECTION 2. Statutes heretofore enacted, which are not inconsistent herewith, which refer to the King, or the Government, or the Kingdom, or to the Provisional Government, shall be construed to refer to the President, or to the Republic or Government of the Republic of Hawaii, as the case may be.

All acts which, by statute in force at the time when this Constitution takes effect, have heretofore been defined to be offences against the King, or the Provisional Government, or otherwise, shall be deemed to be offenses against the Republic or Government of Hawaii, unless such statute shall be inconsistent herewith, or shall be repealed or changed by law.

Acts heretofore committed, which were prohibited by statutes existing at the time such acts were committed, shall be punishable under said statutes the same being construed as above provided.

SECTION 3. All criminal and penal proceedings arising or now depending within the limits of the Hawaii-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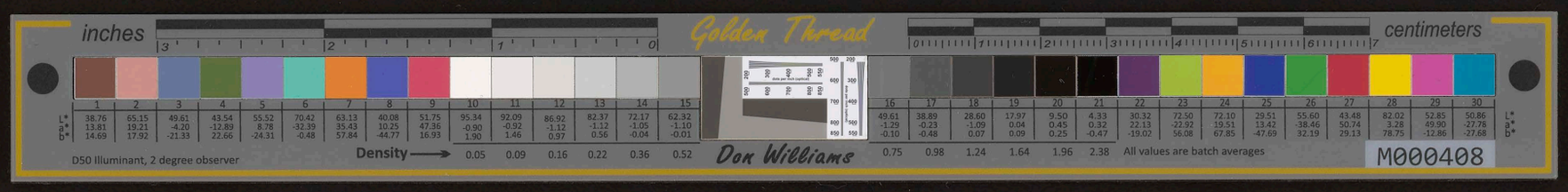
an Islands, shall be prosecuted to final judgment and execution in the name of the Republic of Hawaii; and all causes of action arising to individuals or corporations, and all actions at law and suits in equity now depending in the several courts within the limits of the Hawaiian Islands, not already barred by law, may be commenced or carried on to final judgment and execution in the corresponding courts of the Republic.

The style of all processes shall be "The Republic of Hawaii," and all prosecutions shall be carried on in the name and by the authority of the Republic of Hawaii.

Nothing in this Constitution contained shall be the basis or ground for a writ of error or habeas corpus or certiorari or prohibition or quo warranto, nor for an appeal in any pending judicial proceeding, and all process heretofore issued, or which may be issued prior to the day when this constitution shall go into effect, shall be as valid as if issued in the name of the Republic of Hawaii; but such writs or appeals shall lie in respect of all judgments, decrees, orders or other proceedings heretofore made or had or pending in the several courts of the Hawaiian Islands, in conformity with the laws in force when such writs, decrees, orders or other proceedings were made or were pending.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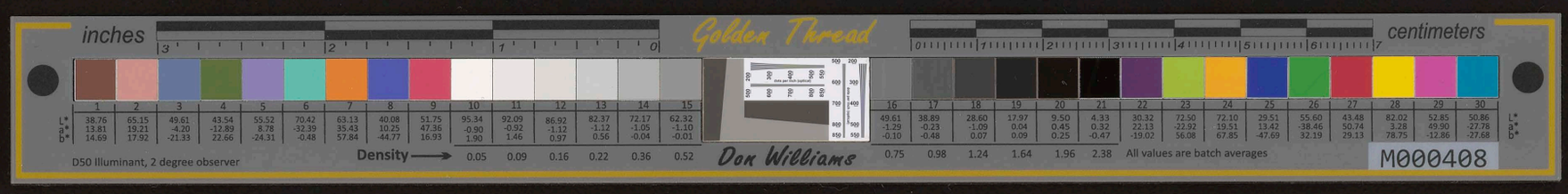

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ARTICLE 93.—OFFICE HOLDERS.

SECTION 1. All persons holding office under the Provisional Government of the Hawaiian Islands, at the date of the promulgation of this Constitution, shall continue to hold and exercise all the power to them granted until their respective offices shall become vacant.

SECTION 2. All commissions issued by or under authority of the late Monarchy, or of the Provisional Government of the Hawaiian Islands, are hereby declared to be vacated, null and void, from and after the first day of September, 1894, unless cancelled prior to that date.

ARTICLE 94.—TREATIES, BONDS, ETC., CONFIRMED.

All existing treaties and all bonds and notes heretofore made or authorized under the authority of the late Monarchy or of the Provisional Government of Hawaii, and all obligations of the Postal Savings Bank are hereby recognized, ratified and confirmed.

ARTICLE 95.—CROWN LAND.

That portion of the public domain heretofore known as Crown Land is hereby declared to have been heretofore, and now to be, the property of the Hawaiian Gov-

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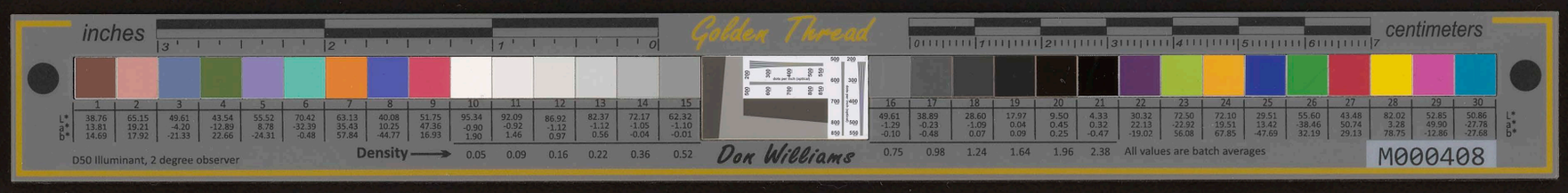
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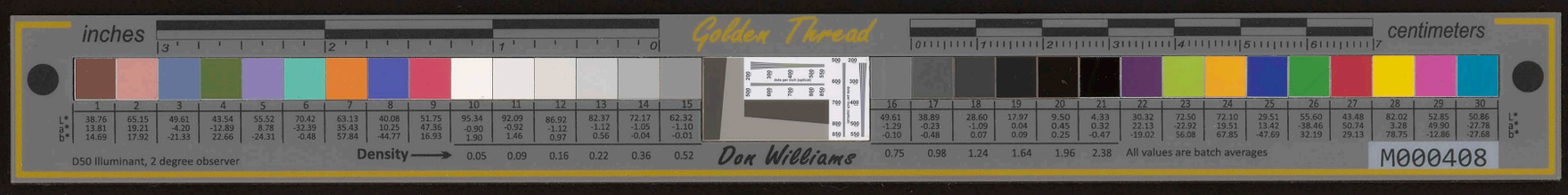

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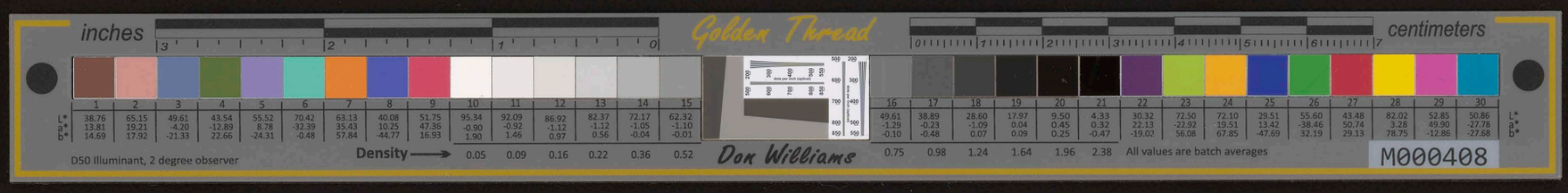
ernment, and to be now free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever, upon the rents, issues and profits thereof. It shall be subject to alienation and other uses as may be provided by law. All valid leases thereof now in existence are hereby confirmed.

ARTICLE 96.—MAJORITY RULE.

The approval, concurrence, consent, advice, agreement or action of the Legislature or either House thereof, or of the Executive Council or of the Council of State, or of any Board of Registration or other public Board, shall not for its validity require the assent of more than a majority, unless otherwise herein required; but in respect of the Executive Council such majority shall be required to include the President.

ARTICLE 97.—NO PUBLIC AID TO SECTARIAN OR PRIVATE SCHOOLS.

From and after December thirty-first, 1895, no public money shall be appropriated nor public land conveyed to or for the support or benefit of any sectarian denominational or private school, or any school not under the exclusive control of the Government.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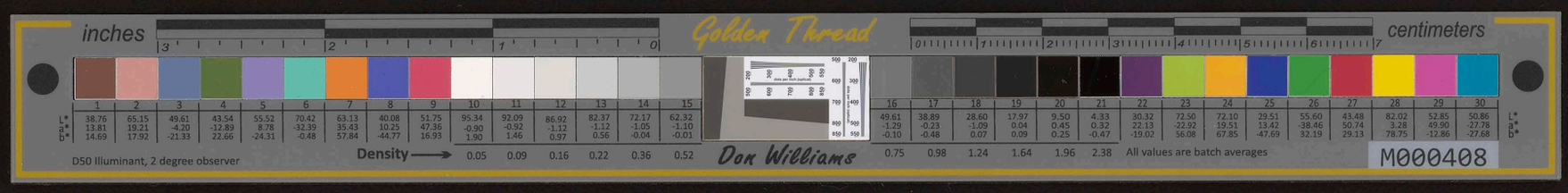


ARTICLE 98.— LOTTERIES.

No lottery shall be authorized in this Republic, nor shall the sale of lottery tickets be allowed.

ARTICLE 99.—GOVERNMENT OFFICERS NOT TO TAKE FOREIGN EMPLOYMENT.

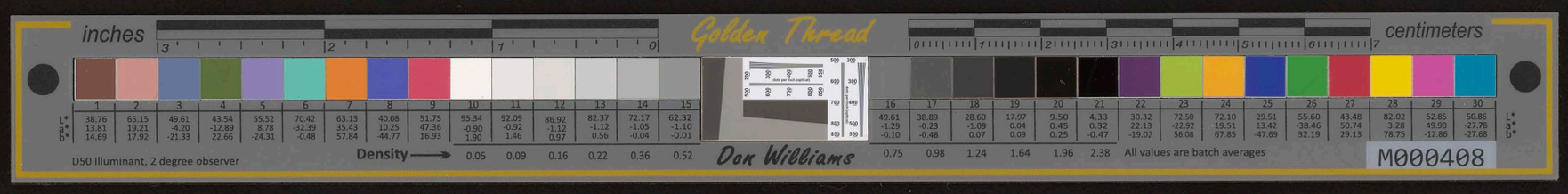
No officer of the Republic nor member of the Legisture shall hold any office or receive any pay from any other Government or Power whatever.

ARTICLE 100.—ADVISORY COUNCIL.

Until the convening of the first Legislature, in either special or regular session, the members of the Advisory Council of the Provisional Government of the Hawaiian Islands shall constitute a council to be styled the "Advisory Council of the Republic of Hawaii."

The Advisory Council of the Republic of Hawaii and the Executive Council, sitting together, shall be vested with all the powers, and authority heretofore vested in the Executive and Advisory Councils of the said Provisional Government, and also all the powers and authority by this Constitution granted to the Senate or to the Legislature.

Such convening of the Legislature shall thereby terminate the existence, power and authority of the Advisory Council.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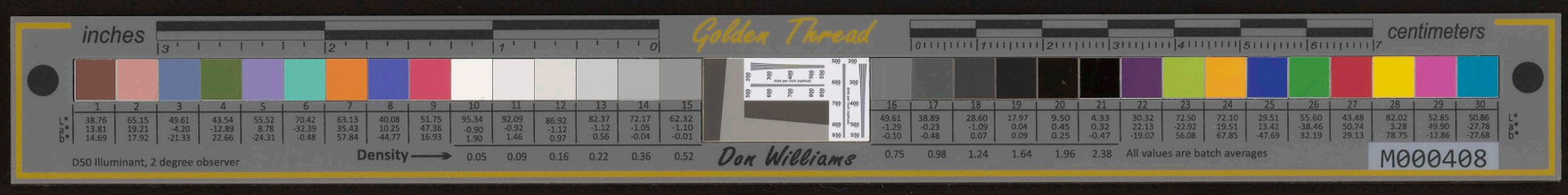

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ARTICLE 101.—OATH OF OFFICERS, ELECTORS, LEGISLATORS AND JURORS.

No person shall be eligible to be an Officer, Senator or Representative under the Republic, or an Elector of Senators or Representatives, or a Juror, until he shall have taken and subscribed the following oath or affirmation, viz: I do solemnly swear, (or affirm.) in the presence of Almighty God, that I will support the Constitution, Laws and Government of the Republic of Hawaii; and will not, either directly or indirectly, encourage or assist in the restoration or establishment of a Monarchical form of Government in the Hawaiian Islands.

ARTICLE 102.—INTERPRETATION.

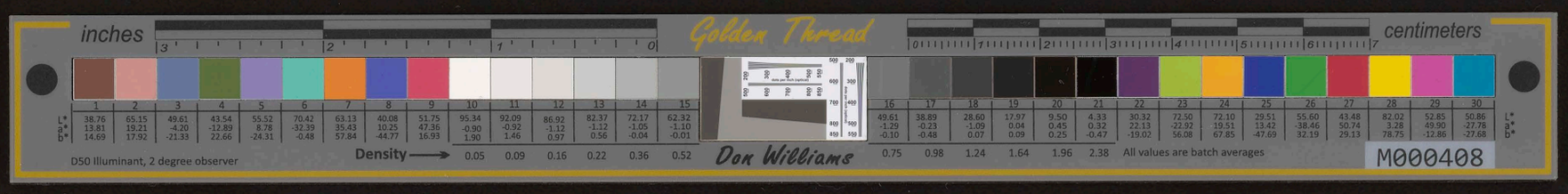
Wherever the word "herein" is used in this Constitution it shall be deemed to mean and include anything contained in this Constitution or any article or clause thereof, unless the context indicates another construction thereof.

The Titles to Articles and Sections of this Constitution shall not be construed to be a part thereof.

AMENDMENT OR REVISION OF THE CONSTITUTION.

ARTICLE 103.

SECTION 1. This Constitution may be amended or revised in the following manner and no other.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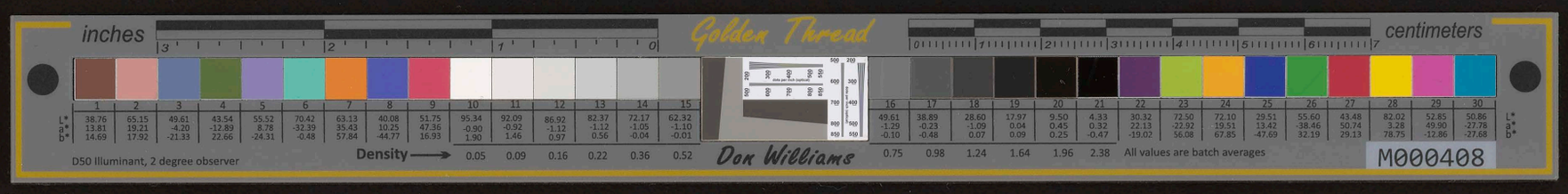

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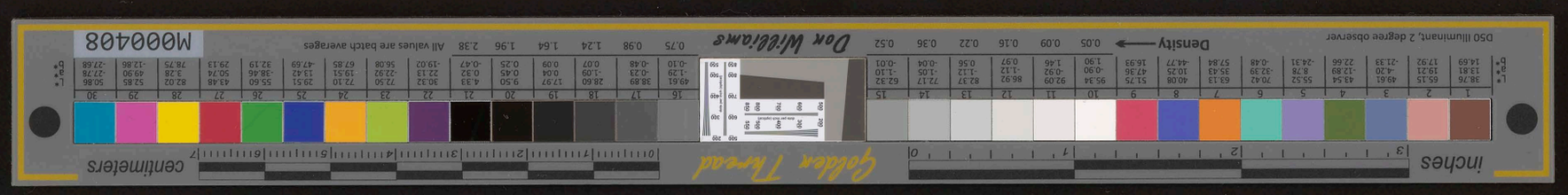
SECTION 2. Amendments to this Constitution or a revision thereof, may be proposed by not less than five members of either house at any regular session of the Legislature.

SECTION 3. In order to pass any amendment or revision it shall receive three readings in each House, at each of which readings it shall receive an affirmative vote in each House of not less than a majority of the elective members to which such House is entitled.

The vote shall be taken by a call of the ayes and noes, which, with the proposed amendment or revision, shall be entered on the journal.

SECTION 4. Upon the passage by the Legislature of any amendment or revision of the Constitution as aforesaid, it shall be the duty of the Minister of the Interior to publish such amendment or revision weekly, for the twelve weeks next preceding the succeeding general election to the Legislature, in not less than two newspapers published in Honolulu in the English and Hawaiian languages respectively.

SECTION 5. Such amendment or revision shall be considered by the Legislature at its first regular session following the succeeding general election; and, in order to be finally adopted, shall receive three readings, on dif-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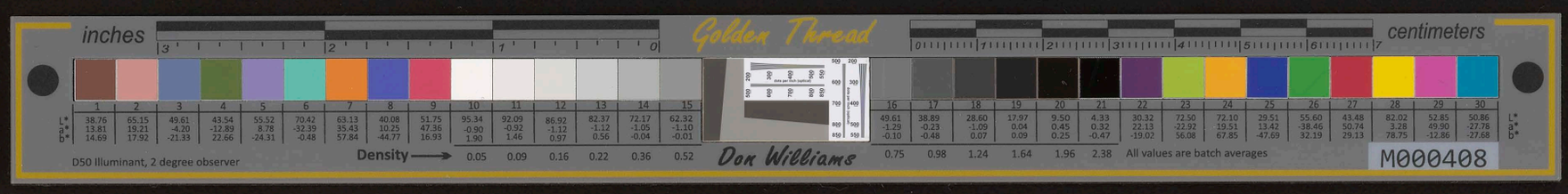

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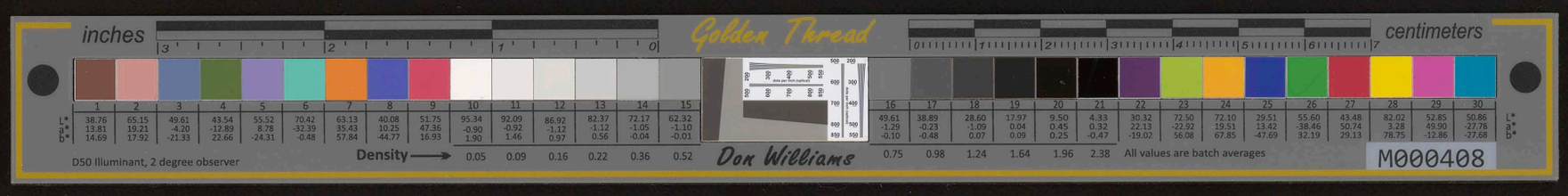
ferent days, in each House, at the first and second of which readings it shall receive an affirmative vote in each House of a majority of the elective members to which such House is entitled; and at the last of which readings it shall receive an affirmative vote in each House, of not less than two-thirds of the elective members to which such House is entitled.

The voting shall be taken by a call of the ayes and noes, which, together with the proposed amendment or revision, shall be entered in the journal.

Section 6. Each amendment shall be considered and voted upon separately, in each session of the Legislature in which it shall come up for consideration, as herein provided.

Section 7. In case of a proposed revision of the Constitution, each component part of such revision forming a separate proposition, shall, in like manner, be considered and voted on separately, except upon the final reading at the second session of the Legislature at which such revision shall be considered, when it shall be voted on as a whole.

Section 8. Any amendment or revision which shall have been adopted in manner aforesaid by two successive Legislatures, shall thereupon and without further act, become a part of the Constitution of the Republic.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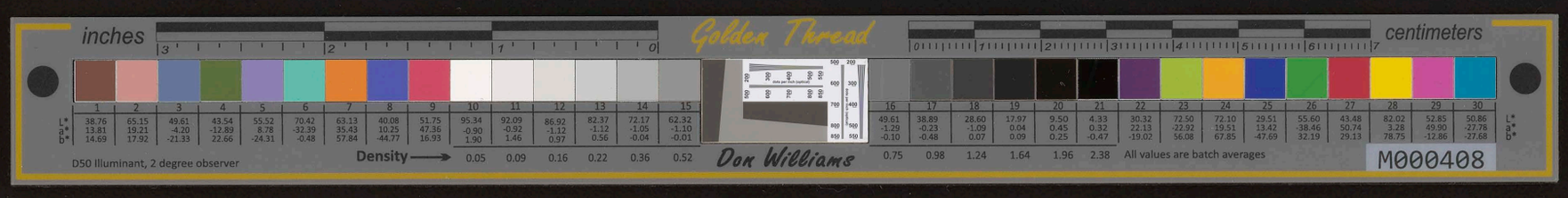


The Constitutional Convention, convened in Honolulu, Island of Oahu, Hawaiian Islands, on the 30th day of May, A. D. 1894, pursuant to the provisions of Act 69 of the Acts of the Provisional Government of the Hawaiian Islands, entitled "An Act to Provide for a Constitutional Convention," approved the 15th day of March, A. D. 1894, and pursuant to the Proclamation of the President summoning said Convention to assemble, having framed and adopted the Constitution hereinbefore set forth; now it is hereby declared, enacted and proclaimed by the Executive and Advisory Councils of the Provisional Government and by the elected Delegates, constituting said Constitutional Convention, that on and after the Fourth day of July, A. D. 1894, the said Constitution shall be the Constitution of the Republic of Hawaii and the Supreme Law of the Hawaiian Islands.

Done in Convention by unanimous consent this third day of July, A. D. One thousand eight hundred and ninety four, in witness whereof we have hereunto subscribed our names.

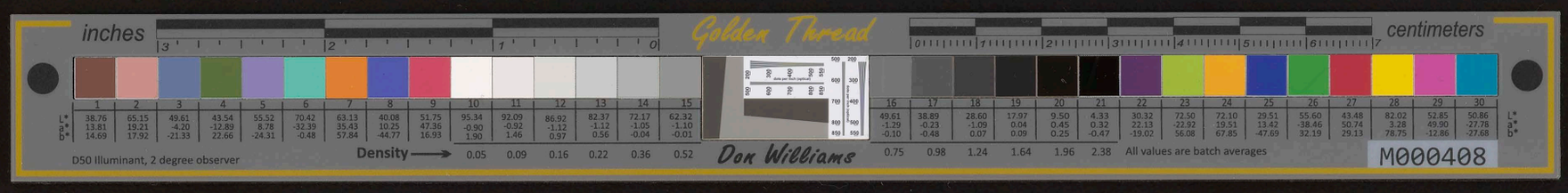
Sanford B. Dole
President of the Provisional Government

William Chauncey Wilder
Vice President

Francis Marde Hatch
Minister of Foreign Affairs

James Anderson King
Minister of the Interior

Samuel Mills Damon
Minister of Finance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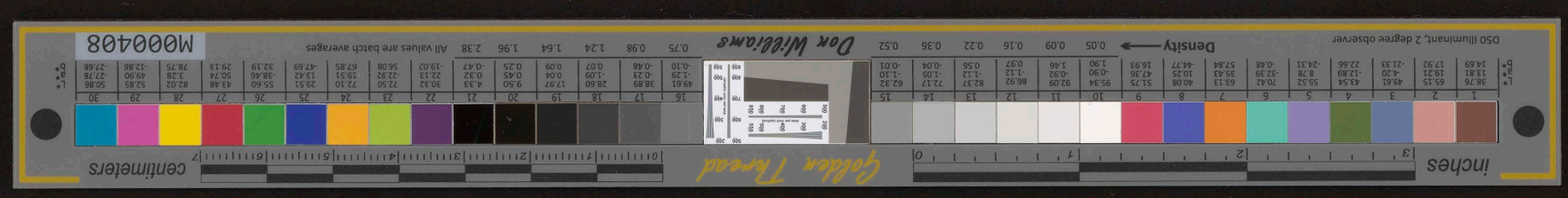
William Owen Smith
Attorney General
William Bessenden Allen

Cristel Bolte.
Cecil Brown
John Emmeluth
John Ena
John. A. McCandless
Josah P Mendonça
James Francis Morgan
John Nott
David J. Bowers Smith
Edward Davis Tenney
Henry Watrous
Alexander Young
Samuel Clark Ables
Henry Perrin Baldwin
Charles Lunt Carter

Antone Fernandes
William Horner
Jese. Kekahuna. Josepa.
David Kalli Kahaulelio
John William Kalua
John. Kauhane
Albert Kukailimoku Kinaiakea
Frederick S. Lyman
William Fawcett Pogue
William Hyde Rice
Alexander George Monson Robertson.
John Mark Vivas.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Albert Spencer Wilcox

George Norton Wilcox

Attest.

Charles T. Rogers

Secretary of Commonwealth

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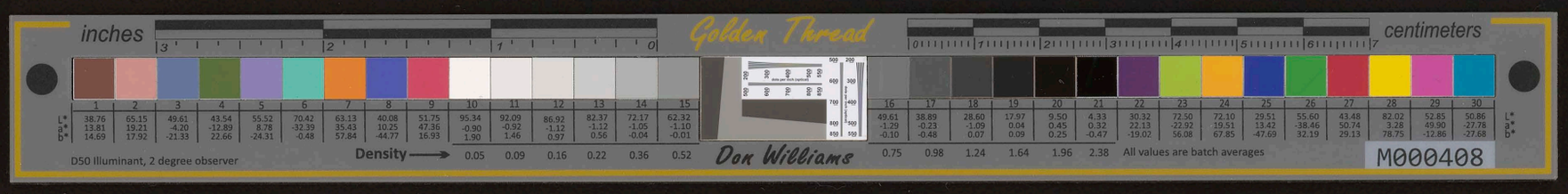
~~Attest~~.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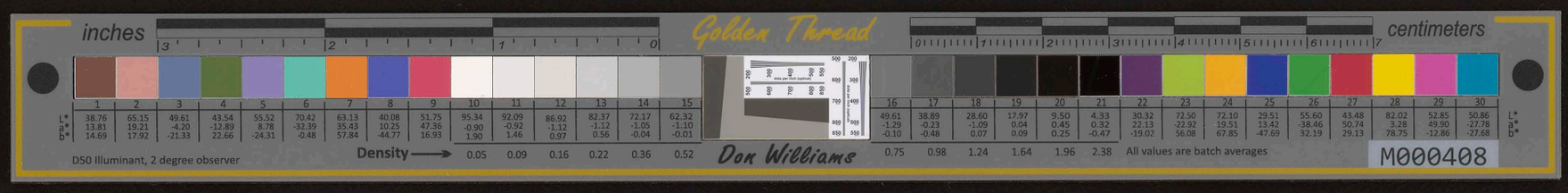
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