

Draft Constitution of January 14, 1893.

PREAMBLE

Whereas the constitution of this Kingdom contains many provisions inconsistent, ambiguous and contradictory in its terms, and is subversive and restrictive of civil and popular rights, and incompatible with enlightened constitutional monarchical government; and

Whereas the prayers of my people, coming in the form of petitions from all parts of this Kingdom, to myself and to the Legislature, asking for a new constitution embodying in it provisions equal rights among all my subjects; which prayer to the Legislature of this Kingdom has not been duly recognized by that body through undue and unjust influences; and

Whereas it has become imperative in order to restore order and tranquility, and to gratify the just demand of my subjects for a new constitution to be remodeled upon the most liberal and popular form of Constitutional Monarchical Government, that a new constitution be at once promulgated.

Now, therefore, I, Liliuokalani, Queen of the Hawaiian Islands, in my capacity as Sovereign of this Kingdom, and as the representative of the people, and in accordance with their almost universal desire, and in conformity with their wishes, do annul and abrogate the constitution promulgated by Kalakaua on the [7th day of July, A.D. 1887](#), and do proclaim and promulgate this constitution.

CONSTITUTION

ARTICLE 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 safety and happiness.

ARTICLE 2. All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured shall not be so construed as to justify acts of licentiousness or practices inconsistent with the peace or safety of the Kingdom.

ARTICLE 3. All men may freely speak, write, and publish their sentiments on all subjects, being responsible for the abuse of that right, and no law shall be enacted to restrain the liberty of speech or of the press, except such laws as may be necessary for the protection of Her Majesty, the Queen, and the royal family.

ARTICLE 4. All men shall have the right, in an orderly and peaceable manner, to assemble, without arms, to consult upon the common good, and to petition the Queen or legislative assembly for redress of grievances.

ARTICLE 5. The privilege of the writ of habeas corpus belongs to all men, and shall not be suspended, unless by the Queen, when in case of rebellion or invasion the public safety shall require its suspension.

ARTICLE 6. No person shall be subject to punishment for any offense, except on due and legal conviction thereof in a court having jurisdiction of the case.

ARTICLE 7. No person shall be held to answer for any crime or offense (except in case of impeachment or for offenses within the jurisdiction of a police or district justice, or in summary proceedings for contempt), unless upon indictment, fully and plainly describing such crime or offense, and he shall have the right to meet the witnesses who are produced against him face to face; to produce witnesses and proofs are reduced against him face to face; to produce witnesses and proofs in his own 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 fully heard in his defense. In all cases in which the right of trial by jury has been heretofore used, it shall be held inviolable forever, except in actions of debt or assumption in which the amount claimed is less than \$50.

ARTICLE 8. No person shall be required to answer again for any offence of which he has been duly convicted, or of which he has been duly acquitted.

ARTICLE 9. 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 10. 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 a plaintiff or defendant, or in the issue of which the said judge or juror may have either directly or through such relative any pecuniary interest.

ARTICLE 11. Involuntary servitude, except for crime, is forever prohibited in this Kingdom; whenever a slave shall enter Hawaiian territory he shall be free.

ARTICLE 12. 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 warrants shall issue but on probable cause, supported by oath or affirmation, and describing the place to be searched and the person to things to be seized.

ARTICLE 13. The Queen conducts her government for the common good, and not for the profit, honor, or private interests of any one man, family, or class of men among Her subjects.

ARTICLE 14. Each member of society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to law, and therefore he shall be obliged to contribute his proportional share to the expense of his protection and to give his personal services or an equivalent when necessary; but no part of the property of any individual shall be taken from him or applied to public uses without his own consent or the enactment of the legislative assembly, except in time of war or insurrection; and whenever the public exigencies may require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

ARTICLE 15. No subsidy, duty, or tax of any description shall be established or levied without the consent of the legislative assembly, nor shall any money be drawn from he

public treasury without such consent, except when between the sessions of the legislative assembly the emergencies of war, invasion, rebellion, pestilence, or other public disaster shall arise, and then not without the concurrence of all the cabinet and of a majority of the whole privy council; and the minister of finance shall render a detailed account of such expenditure to the legislative assembly.

ARTICLE 16. No retrospective laws shall ever be enacted.

ARTICLE 17. The military shall always be subject to the laws of the land, and no soldier shall in times of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by the Legislature.

ARTICLE 18. Every elector shall be privileged from arrest on election days, during his attendance at election and in going to and returning therefrom, except in cases of treason, felony, or breach of the peace.

ARTICLE 19. 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.

ARTICLE 20. The supreme power of the Kingdom in its exercises is divided into the executive, legislative, and judicial; these shall always be preserved distinct, and no executive or judicial officer or any contractor or employee of the Government or any person in the receipt of salary or emoluments from the Government shall be eligible to election to the Legislature of the Hawaiian Kingdom, or to hold the position of an elective member of the same, except members of the privy council, notary public, attorney at law, and agent to take acknowledgment. And no member of the legislative assembly shall, during the time for which he is a member, be appointed to any civil office under the Government, except

ARTICLE 21. The government of this Kingdom is that of a constitutional monarchy, under Her Majesty Liliuokalani, her heirs and successors.

ARTICLE 22. The Crown is hereby permanently confirmed to Her Majesty Liliuokalani and to the heirs of her body lawfully begotten, and to their lawful descendants in a direct line; failing whom, the Crown shall descend to Her Royal Highness the Princess Victoria Kaiulani and the heirs of her own body lawfully begotten, and their descendant in a direct line; failing whom, the Crown shall descend to His Royal Highness the Prince David Kawanakoa and the heirs of his body lawfully begotten, and their descendant in a direct line; failing whom, the Crown shall descend to His Royal Highness the Prince Jonah Kuhio Kalanianaʻole and the heirs of his body lawfully begotten, and their lawful descendant in the direct line. The succession shall be to the senior male child and to the heirs of his body; failing a male child the succession shall be to the senior female child and to the heirs of her body. In case there is no heir, as above provided, then the successor shall be the person whom the Sovereign shall appoint, with the consent of the nobles, and publicly proclaimed during the Sovereign's life; but should there be no such vacancy, shall cause a meeting of the legislative assembly, who shall elect by ballot some native alii of the Kingdom as successor to the throne; and the successor so elected shall become a new stirps for a royal

family; and the succession from the Sovereign thus elected shall be regulated by the same law as the present royal family of Hawaii.

ARTICLE 23. It shall not be lawful for any member of the royal family of Hawaii who may by law succeed to the Throne to contract marriage without the consent of the reigning Sovereign. Every marriage so contracted shall be void, and the person so contracting a marriage may, by the proclamation of the reigning Sovereign, be declared to have forfeited his or her right to the Throne, and after such proclamation the right of succession shall vest in the next heir as though such offender were dead.

ARTICLE 24. Her Majesty Liliuokalani will, and her successors upon coming to the Throne shall, take the following oath: "I solemnly swear in the presence of Almighty God to maintain the Constitution of the Kingdom of whole and inviolable, and to govern in conformity therewith."

ARTICLE 25. No person shall ever sit upon the Throne who has been convicted of any infamous crime, or who is insane, or an idiot.

ARTICLE 26. The Queen is the Commander in Chief of the Army and Navy, and of all other military forces of the Kingdom by sea and land, and has full power by herself, or by any officer or officers she may appoint, to train and govern such forces as she may judge best for the defense and safety of the Kingdom. But she shall never proclaim war without the consent of the legislative assembly.

ARTICLE 27. The Queen, by and with the consent of her privy council, has the power to grant reprieves and pardon, after conviction, for all offenses, except in cases of impeachment.

ARTICLE 28. The Queen, by and with the consent of her privy council, convenes the Legislature at the seat of Government, or at a different place, if that should become dangerous from an enemy or any dangerous disorder; and in case of disagreement between Her Majesty and the legislative assembly, she adjourns, prorogues, or dissolves it, but not beyond the next ordinary session; under any great emergency, she may convene the legislative assembly to extraordinary sessions.

ARTICLE 29. The Queen has the power to make treaties. Treaties involving changes in the tariff or in any law of the Kingdom shall be referred for approval to the Legislative Assembly. The Queen appoints public minters, who shall be commissioned, accredited, and instructed agreeably to usage and [law of nations](#).

ARTICLE 30. It is the Queen's prerogative to receive and acknowledge public ministers; to inform the Legislative Assembly by royal message, from time to time, of the state of the Kingdom, and to recommend to its consideration such measures as she shall judge necessary and expedient.

ARTICLE 31. The person of the Queen is inviolable and sacred. Her ministers are responsible. To the Queen belongs the executive power. All laws that have passed the Legislative Assembly, shall require Her Majesty's signature in order to their validity.

ARTICLE 32. Whenever upon the decease of the reigning sovereign the heir shall be less than eighteen years of age the royal power shall be exercised by a regent or council of regency, as hereinafter provided.

ARTICLE 33. It shall be lawful for the Queen at any time, when she may be about to absent herself from the Kingdom, to appoint a regent or council of regency, who shall administer the Government in her name; and likewise the Queen may, by her last will and testament, appoint a regent or council of regency to administer the Government during the minority of any heir to the throne, and should a sovereign decease, leaving a minor heir, and having made no last will and testament, the cabinet council at the time of such decease shall be a council of regency, until the Legislative Assembly, which shall be called immediately, may be assembled, and the Legislative Assembly, immediately that it is assembled, shall proceed to choose by ballot a regent or council of regency, who shall administer the Government in the name of the Queen, and exercise all the powers which are constitutionally vested in the Queen, until she shall have attained the aged of eighteen years, which age is declared to be the legal majority of such sovereign.

ARTICLE 34. The Queen is Sovereign of all the chiefs and of all the people; the Kingdom is Her.

ARTICLE 35. All titles of honor, orders, and other distinctions, emanate from the Queen.

ARTICLE 36. The Queen coins money and regulates the currency by law.

ARTICLE 37. The Queen in case of invasion or rebellion can place the whole Kingdom or any part of it under martial law.

ARTICLE 38. The national ensign shall not be changed, except by act of the Legislature.

ARTICLE 39. The Queen's private lands and other property are inviolable.

ARTICLE 40. The Queen can not be sued or held to account in any court or tribunal of the realm.

ARTICLE 41. There shall continue to be a council of state, for advising the Queen in all matters for the good of the state, wherein she may require its advice, and for assisting her in administering the executive affairs of the Government in such manner as she may direct; which council shall be called the Queen's privy council of state, and the members thereof shall be appointed by the Queen, to hold office during Her Majesty's pleasure.

ARTICLE 42. The Queen's cabinet shall consist of the minister of foreign affairs, the minister of the interior, the minister of finance, and the attorney-general of the Kingdom, and these shall be the Queen's special advisers in the executive affairs of the Kingdom; and they shall be ex-officio members of the Queen's privy council of state. They shall be appointed and commissioned by the Queen, and hold office during the Queen's pleasure, subject to impeachment, or upon a vote of want of confidence passed by a majority of all the members of the legislative assembly. No act of the Queen shall have any effect unless it be countersigned by a minister, who, by that signature, makes himself responsible.

ARTICLE 43. Each member of the Queen's cabinet shall keep an office at the seat of Government, and shall be accountable for the conduct of his deputies and clerks. The ministers hold seat ex-officio, as nobles, in the legislative assembly with the right to vote, except on a question of want of confidence in them.

ARTICLE 44. The minister of finance shall present to the legislative assembly, in the name of the Government, on the first day of the meeting of the Legislature, the financial budget, in Hawaiian and English languages.

ARTICLE 45. The legislative power of the three estates of this Kingdom is vested in the Queen, and the legislative assembly, which assembly shall consist of nobles appointed by the Queen, and the representatives of the people, sitting together.

ARTICLE 46. The legislative body shall assemble biennially, in the month of April, and at such other time as the Queen may judge necessary, for the purpose of seeking the welfare of the nation. This body shall be styled the Legislature of the Hawaiian Kingdom.

ARTICLE 47. Every member of the legislative assembly shall take the following oath: I most solemnly swear, in the presence of Almighty God, that I will faithfully support the constitution of the Hawaiian Kingdom, and conscientiously and impartially discharge my duties as a member of this assembly.

ARTICLE 48. The Legislature has full power and authority to amend the constitution, as hereinafter provided, and, from time to time, to make all manner of wholesome laws not repugnant to the provisions of the constitution.

ARTICLE 49. The Queen shall signify her approval of any bill or resolution which shall have passed the legislative assembly by signing the same. If she approve not, she shall return it with her objections to the legislative assembly, which shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, it shall be approved by a two-thirds vote of all the members of the legislative assembly, it shall be presented again to the Queen, and she shall sign it, and it shall therefore be a law. In all such cases the vote shall be determined by yeas and nays, and the names of the persons voting for and against the bill or resolution shall be entered on the journal of the Legislature.

ARTICLE 50. The legislative assembly shall be the judge of the qualifications of its own members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties as the assembly may provide.

ARTICLE 51. The legislative assembly shall choose its own officers and determine the rules of its own proceedings.

ARTICLE 52. The legislative assembly shall have authority to punish by imprisonment, not exceeding thirty days, every person, not a member, who shall be guilty of disrespect to the assembly, by any disorderly or contemptuous behavior in its presence; or who, during disorderly or contemptuous behavior in its presence; or who, during the time of its sitting,

shall publish any false report of its proceedings, or insulting comment upon the same; or who shall threaten harm to the body or estate of any of its members, for anything said or done in the assembly; or who shall assault any of them therefor, or who shall the assault or arrest any witness or other person ordered to attend the assembly, in his way going or returning, or who shall rescue any person arrested by order of the assembly.

ARTICLE 53. The legislative assembly may punish its own members for disorderly behavior.

ARTICLE 54. The legislative assembly shall keep a journal of its proceedings; and the yeas and nays of its members, on any question, shall, at the desire of one-fifth of those present, be entered on the journal

ARTICLE 55. The members of the legislative assembly shall, in all cases, except treason, felony, or breach of peace, be privileged from arrest during their attendance at the sessions of the Legislature, and in going to and returning from the same; and they shall not be held to answer for any speech or debate made in the assembly, in any other court or place whatsoever.

ARTICLE 56. The representatives shall receive for their services a compensation to be ascertained by law, and paid out of the public treasury, but no increase of compensation shall take effect during the year in which it shall have been made; and no law shall be passed increasing the compensation of said representatives beyond the sum of five hundred dollars each for each biennial term.

ARTICLE 57. The Queen appoints during life, shall hold their appointments during life, subject to the provisions of [article 53](#); but their number shall not exceed twenty-four.

ARTICLE 58. No person shall be appointed a noble who shall not have attained the age of twenty-one years and reside in the Kingdom five years.

ARTICLE 59. The nobles shall be a court with full and sole authority to hear and determine all impeachments made by the representatives, as the grand inquest of the Kingdom against any officer of the Kingdom, for misconduct or maladministration in their offices; but previous to the trial of every impeachment the nobles shall respectively be sworn truly and impartially to try and determine the charge in question according to evidence and the law. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy and any place of honor trust or profit, under this Government; but the party so convicted shall be nevertheless liable to indictment, trial, judgment, and punishment according to the laws of the land. No minister shall sit as a noble on the trial of any impeachment.

ARTICLE 60. The representation of the people shall be based upon the principle of equality, and shall be regulated and apportioned by the Legislature according to the population to be ascertained, from time to time, by the official census. The representatives shall not be less in number than twenty-four nor more than forty-eight, who shall be elected biennially.

ARTICLE 61. No person shall be eligible for a representative of the people who is insane or an idiot, nor unless he be a male subject of the Kingdom who shall have arrived at the full age of twenty-one years, who shall know how to read and write, who shall understand three years, the last of which shall be the year immediately preceding his election; and who shall own real estate, within the Kingdom, of clear value, over and above all incumbrances, of at least five hundred dollars, or who shall have an annual income of at least two hundred and fifty dollars derived from any property or lawful employment.

ARTICLE 62. Every male subject of the Kingdom who shall have paid his taxes, who shall have attained the age of twenty years, and shall have been domiciled in the Kingdom for one year immediately preceding the election, and be possessed of real property in the Kingdom, to the value over and above all incumbrances of one hundred and fifty dollars, or a leasehold property on which the rent is twenty-five dollars per year, or of an income of not less than seventy-five dollars per year, derived from any property or some lawful employment and shall know how to read and write, if born since the year 1840 and shall have caused his name to be entered on the list of voters of his district as may be provided by the law, shall be entitled to one vote for the representative or representatives of that district. Provided, however, that no insane or idiotic person, nor any person who shall have been convicted of any infamous crimes within this Kingdom, unless he shall have been pardoned by the Queen, and by the terms of such pardon have been restored to all rights of a subject, shall be allowed to vote.

ARTICLE 63. The property qualifications of the representatives of the people, and of the electors, may be increased or decreased by law.

ARTICLE 64. The judicial power of the Kingdom shall be vested in on supreme court and in such inferior courts as the Legislature may, from time to time, establish.

ARTICLE 65. The supreme court shall consist of a chief justice and not less than two associate justices, any of whom may hold the court. The justices of the supreme court shall hold their offices for a term of six years, during good behavior, subject to removal upon impeachment. Provided, however, that any judge of the supreme court of any other court of record may be removed from office on a resolution passed by two-thirds of the legislative assembly, for good cause shown to the satisfaction of the Queen.

The judge against whom the legislative assembly may be about to proceed, shall receive due notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the legislative assembly shall act thereon. He shall be heard before the legislative assembly.

ARTICLE 66. The judicial power shall be divided among the supreme court and the several inferior courts of the Kingdom in such manner as the Legislature may from time to time prescribe, and the tenure of office in the inferior courts of the Kingdom shall be such as may be defined by the law creating them.

ARTICLE 67. The judicial power shall extend to all cases in law and equity arising under the constitution and laws of this Kingdom and treaties made, or which shall be made, under

their authority to all cases affecting public ministers and council and to all cases of admiralty and maritime jurisdiction.

ARTICLE 68. The chief justice of the supreme court shall be the chancellor of the Kingdom; he shall be ex officio president of the nobles in all cases of impeachment, unless when impeached himself, and exercise such jurisdiction in equity or other cases as the law may confer upon him, his decisions being subject, however, to the revision of the supreme court on appeal. Should the chief justice ever be impeached, some person specially commissioned by the Queen shall be president of the court of impeachment during such trial.

ARTICLE 69. The decision of the supreme court, which made by a majority of all the justices thereof, shall be final and conclusive upon all parties.

ARTICLE 70. The Queen, her cabinet, and the legislative assembly, shall have authority to require the opinions of the justices of the supreme court upon important questions of law and upon solemn occasions.

ARTICLE 71. The queen appoints the justices of the supreme court and all other judges of court of records; their salaries are fixed by law.

ARTICLE 72. No judge or magistrate can sit alone on an appeal or new trial in any case on which he may have given a previous judgment.

ARTICLE 73. The Queen also appoints and commissions the governors of the several islands; the governors hold office for the term of four years, subject to impeachment.

ARTICLE 74. The following persons shall not be permitted to register for voting, to vote, or to hold office under any department of the Government, or to sit in the legislative assembly, namely: Any person who is insane or an idiot, or any person who shall have been convicted for any of the following named offenses, viz: Arson, barratry, bribery, burglary, counterfeiting, embezzlement, felonious branding of cattle, forgery, gross cheat, incest, kidnapping, larceny, malicious burning, man slaughter in the first degree, murder, perjury, rape, robbery, sodomy, treason, subornation of perjury, and malfeasance in office, unless he shall have been pardoned by the Queen and restored to his civil rights and by the express term of his pardon declared to be eligible to office of trust, honor, and profit.

ARTICLE 75. No officer of this Government shall hold any other office or receive any salary from any other Government or power whatever.

ARTICLE 76. The Legislature votes the appropriations biennially, after due consideration of the revenue and expenditure for the two preceding years and the estimates of the revenue and expenditures of the two succeeding years, which shall be submitted to them by the minister of finance.

ARTICLE 77. The enacting style in making and passing all acts and laws shall be: "Be it enacted by the Queen and the legislative assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled."

ARTICLE 78. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relations to each other, every law shall embrace but one object, and that shall be expressed in its title.

ARTICLE 79. All laws now in force in this Kingdom shall continue and remain in full effect, until altered or repealed by the Legislature; such parts only excepted as are repugnant to this constitution. All laws heretofore enacted, or that may hereafter be enacted, which are contrary to this constitution, shall be null and void.

ARTICLE 80. This constitution shall be in force from the ____ day of ____, in the year ____, but that there may be no failure of justice, or inconvenience to the Kingdom, from any change all officers of this Kingdom, at the time this constitution shall take effect, shall have, hold, and exercise all power to them granted, until other persons shall be appointed in their stead.

ARTICLE 81. Any amendment or amendments to this constitution may be proposed in the legislative assembly, and if the same shall be agreed to by a majority of the members thereof, such proposed amendments shall be entered on its Journal, with the yeas and nays taken thereon, and referred to next Legislature; which proposed amendment or amendments shall be published for three months previous to the next election of Representatives; and if in the next Legislature such proposed amendment or amendments shall be agreed to by two-thirds of all the members of the legislative assembly, and be approved by the Queen, such amendment or amendments shall become part of the constitution of this country.

We have read the document purporting to be a copy of the constitution presented to us by Queen Liliuokalani on January 14th last, and we deem it to be almost identical, except as to [Article 62](#), which, according to our recollection, did not contain any property qualification

We are yours, respectfully,

SAMUEL PARKER,
A. P. PETERSON,
WM. H. CORNWELL.

HONOLULU, HAWAIIAN ISLANDS, *July 16, 1893*

The proposed changes to the Kalakaua constitution were these:

[ARTICLE 20](#). By adding to exceptions: Members of the privy council, notary public, agents to take acknowledgments.

[ARTICLE 22](#). By adding Princess Kawanakoa and Kalaniana'ole as heirs to the throne.

[ARTICLE 46](#). Changing the session of the Legislature to the month of April.

[ARTICLE 49](#). That the Queen shall sign and approve all bills and resolutions, even to those that are voted when passed over her vote.

[ARTICLE 56](#). Pay of representatives raised to \$500 instead of \$250 for biennial term.

[ARTICLE 57](#). The Queen shall appoint the nobles not to exceed 24.

[ARTICLE 60](#). The representatives may be increased from 24 as at present to 48.

[ARTICLE 62](#). Only subjects shall vote, and the qualification of voter reduced.

[ARTICLE 65](#). The term of appointment of the supreme court judges, not for life, as before, but for six years.

[ARTICLE 72](#). The appointment of governors of each island for four years term.