The 1864 Constitution

This section of the journal reproduces government documents, starting with the constitutions of Hawai‘i.

In 1864, a small group of individuals, working with the monarch, illegally cancelled the existing Constitution of 1852, ruled for a short time without any law, and then issued a new constitution without benefit of public participation or approval. This new fundamental law, established on August 20, 1864, was substantially less democratic than its predecessor, the Constitution of 1852. Published as Nā Kānāwai o ka Mō‘ī Kamehameha V, Honolulu, 1865, and Laws of His Majesty, Kamehameha V, Honolulu, 1865. Forbes 2633 (III:394-395), 2632 (III:394).

1. CONSTITUTION

Granted by His Majesty Kamehameha V, by the Grace of God, King of the Hawaiian Islands, on the Twentieth Day of August, A.D. 1864

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 His Majesty the King and the royal family.

1. KUMUKĀNĀWAI


Paukō 1. Ua haawi mai ke Akua i na kanaka a pau he mau pono e pili pa a ia laokou; oia ho‘i, o ke eia, o ka noho hooliikia ole ia mai, a me na pono e laoa mai ai, a e maluhia io ahi ka wa‘iwi, a e imi aku a i na mea e olu‘olu‘olu‘olu‘olu aia ka noho ana.

2. Paukō 2. E hoomalualu na kanaka a pau i ko laokou ho‘omana ana ia ia lehoa e like me ko laokou mana‘o; aole nae e hanaia malalo iho o keia haawina maika‘i kekahi hana koloho, a me ke kue i ka maluhia a me ka pono o ke Aupuni.

3. Paukō 3. E hiki no i na kanaka a pau ke olole, a ke palapala, a ke hoolaha wale aku paha i ko laokou mana‘o no na mea a pau, a maluna o laokou ka hiihi; aole ho‘i e kauia kekahi kanawai e hooihi aina i ka olole a i ke paipalapala, koe wale no na kanawai kuponu no na hoomalu ana ia i ka Mo‘i a me ka Ohana Mo‘i.

1. KUMUKĀNĀWAI


Paukō 1. Ua hui‘awi mai ke Akua i nā kānaka a pau he mau pono e pili pa a ia laokou; ‘o ia ho‘i, ‘o ke eia, ‘o ka noho ho‘opi‘i‘i‘i ‘ole ia mai, a me nā pono e ‘a‘a mai ai, a e maluhia ‘i‘o aia ka wa‘iwi, a e ‘imi aku a i na mea e ‘olu‘olu‘olu‘olu aia ka noho ‘ana.

2. Paukō 2. E ho‘omalu ‘ia nā nā kānaka a pau i ko laokou ho‘omana ‘ana ia lehoa e like me ko laokou mana‘o; ‘o ‘aole na‘e e hana ‘ia a ma lalo iho o keia haawina maika‘i kekahi hana koloho, a me ke kū‘e i ka maluhia a me ka pono o ke Aupuni.

3. Paukō 3. E hiki nō i nā kānaka a pau ke ‘olole, a ke palapala, a ke ho‘ohala wale aku paha i ko laokou mana‘o no na mea a pau, a maluna o laokou ka hiihi; aole ho‘i e kauia kekahi kanawai e hooihi aina i ka ‘o lole a i ke pa‘i palapala, koe wale nō nā kānāwai kīpono no ka ho‘omalu ‘ana ia i ka Mo‘i a me ka ‘ohana Mo‘i.

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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 His Majesty the King and the royal family.

This English translation is from the official publication of the government of Hawai‘i and, in parts, is not a literal translation.

2. ‘Oiai he pili ka manā o ‘nā kānaka’i ke kāne a me ka wahine, ua unuhi ‘ia ia ‘olelo o ‘men’ ia a ma ka ‘olelo Pelekania. While “nā kānaka” refers to people and is gender-neutral, the term is translated as “men” in the English version.
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 King or Legislative Assembly for redress of grievances.

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

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

7. No person shall be held to answer for any crime or offence, except in cases of impeachment, or for offences 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 offence, and he shall have the right to meet the witnesses who are produced 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 defence.

8. No person shall be held to answer for any crime or offence, except in cases of impeachment, or for offences 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 offence, and he shall have the right to meet the witnesses who are produced 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 defence. 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 assumpsit in which the amount claimed is less than fifty dollars.
8. No person shall be required to
 no kekahi ofeni, a ua hoopaiia, a ua hoopukaia
 pada mamului o ka palapala hoopai kupono,
alaila, aole e hiki ke hookolokolo hou ia ia no ia
 hewa hookahi.

9. Ma ka hookolokolo ana no kekahi
 karaima, aole e koiai kekahi kanaka e hoike tue
 ia ia ino, aole hoa i a hoonele ia i ke ola, a i ka
 malu, a i ka waaiwai pada; aia wai no mamului o
 ke kanawai.

10. Aole no e noho kekahi i
 lunakanawai, a i mea jure pada, a hoopukoloko o
 kona hoahanaanu, ina oia ka mea hoopiiia a hoopiiia
 pada; aole hoi i ka mea i pilia i ia, a i kono
 hoahanaanu pada, ma ke ano hui waaiwai.

11. Aole loa e noho kaua kuapaa
 kekahi kanaka maloko o keia Aupuni, koe ka
 hoopai ana no ke karaima. Ina hoi i ka hewa hoa
 kanaka, a mea 'o e paha e hopu 'ia.

12. E malu no koa malu kea kanaka me keia
 kanaka ma kona kino, a me kona halo, a me
 kono mau palapala a me kona waaiwai; aole e
 hopuia, aole hoi e huliali me ka kumu; ole; aole hoi e
 hoopukaia ka palapala kena ke maopopo ole ke
 kumu pono ma ka hoo huhiu, a ma ka hoo huhiu o
 ka mea nana hoopii; a e hoakahia ioko o ua
 palapala nei, kahi e huliali a me na kanaka, a mea
 e a peha e hopuia.

13. Ke hoomalu nei ka Moi i kona
 Aupuni, no ka pono o na kanaka a pau malalo
 ona; aole hoi i imia ka pono a me a me ha no hano hoa,
a me ka waaiwai o ka mea hookahi, a o ka ohana
 hookahi paha, a o ka pae ano hoookahi pada o
 kona lahului kanaka.
14. Paukū 14. He kuleana ko kēla kanaka kēia kanaka e noho ana maloko o ka lahihi, e hoomalu pono ia ma na hana makaiki o kōna ola, o a kōna waiwai, a o kōna kakeaka kumu ole ia paha, e like me na kanaawai; a nōaila, e koia akua oia e haawi mai i kekahi mahele kupono o kōna waiwai, i mea e mau ai ia maluhia; e a kokua mai hoi me kōna kino pono; a i ole ia, me kekahi mea like paha, ke pono. Ake, aole nae e oihia ke kauwahi o ka waiwai i kekahi kanaka, aole hoi e hawii na kōna pomaikai i ke Aupuni, me kōna ae; a i ole ia ma ka hōoolo ana o a Hale Ahāoelole, koe nae na hana kaua o ke Aupuni, i ka wa kaua, a me ka manawa hōoahaunaele kūloko. I na e laeia i kekahi manawa ka waiwai o ke kēla kanaka no ka pilikia o ke Aupuni, e loa no ia ia ka uku kupono no ia waiwai.

15. Paukū 15. Aole loa e kaulia, a e oihia kekahi dala koku, a o kekahi dute paha, a o ake ahihua paha, o kele ahi o kea ano kea ano, me ka ae ole o ka Hale Ahāoelole; aole hoi e hūniiia e kekahi dala oloko o ka Waihona Dala o ke Aupuni, me ka ae ole o ia ia Ahaolelo; koe nae na hana kaua ke Aupuni, a ka wā kaua, a me ka manawa hōoahaunaele kūloko. Ina e laweia kekahi koa ma ka hale o kekahi kanaka i ke kauwahi o na kanawai o ka aina; aole loa e ho‘onohoia o kōna waiwai, i mea e mau ai ia maluhia; a e kōkua mai ho‘i me kōna kino pono; a i ‘ole ia, me kekahi mea like paha, ke pono. Akā, ‘a‘ole na‘e e ‘ōhi‘a ia ke kauwahi o ka waiwai i kekahi kanaka, ‘a‘ole ho‘io e hā‘awī ‘ia no ka pōmaka‘i o ke Aupuni, me kōna ‘ae‘ole; a i ‘ole ia ma ka ho‘ohōlo ‘ana o a Hale ‘Aha‘ōelole, koe na‘e na hana kaua o ke Aupuni, i ka wā kaua, a me ka manawa hōoohaunaele kūloko. Inā e laweia ‘ia i kekahi manawa ka waiwai o ke kēla kanaka no ka pilikia o ke Aupuni, e loa‘nō ia ia ka uku kūpono no ia waiwai.


17. Paukū 17. E noho no na koa a pau malalo iho o na kanaawai o ka aina; aole loa e ho‘onohoia kekahi koa ma ka hale o kekahi kanaka i ka wa haunaæle ole, me ka ae ole o ka mea hale; aole hoi i ka wa kaua, aka, ma ke ano wale no i hoakakaia e ka Ahāoelole kau Kanaawai.
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.
It shall not be lawful for any E ho'ohiki ka Moi Kamehameha Aole no e ku i ke Kanawai ka Aole loa e noho ma ka Nohoalii 'O ke Ali'i ka 'alihikaua ma luna ku'ikahi male, e hiki no ke kapae

23. PUAKU 23. Aole no e ku i ke Kanawai ka mare ana o kekahi o ka Ohana Moi o Hawaii nei, ina hoi he hoolina ia no ka Leialali malalo o ke Kanawai, me ka ae ole mamua o ka Moi e noho ana ia manawā. O na mea a pau o ka Ohana Moi i hana i kuikahi mare ma ia anoa, e lilo ko lakou mare ana i mea o ale; a o ka mea i hana ia kuikahi mare, e hiki no ke ka'apea kona kuleana i ka Nohoalii mamuli o ka hoolahaia ana pela e ka Moi. Mahope iho i o ia hoolaha ana, e hooliloia ke kuleana Moi o ka mea i hana ia hewa, i ka hoolina mahope iho ona, e like me he mea la ua make ka mea nana i hana ia hewa.

24. PUAKU 24. E ho'ohiki ka Moi Kamehameha V, a o kona mau Hope Alii i ko lakou wa e hiki aku ai i ka Nohoalii, penēi: Ke ho'ohiki nei au imua o ke Akua Mana Loa, e malama mau i ke Kumukanawai o ke Aupuni, e ho'oponoopo no au i ke Aupuni e like me ke Kumukanawai.

25. PUAKU 25. Aole loa e noho ma ka Nohoalii kekahai kanaka i hoahewaia mamua no kekahai karaima nui, aole hoi kekahai pupule a hupo paha. 25. PUAKU 25. 'Aole loa e noho ma ka noho ali'i kekahai kanaka i ho'ahewa 'ia ma mau no kekahai kalaima nui, 'aole ho'i kekahai pupule a hupo paha.

26. PUAKU 26. O ke Alii ka Alihikaua maluna o na koa me na manaua, a me na mea kaua e ae ma ka moana a ma ka aina, a nona ka mana ma ona iho, a ma o kekahai Luna Koā, a mau Luna paha ana e koho ai, a o e ho'oponoopo i ua mau mea kaua nei, mamuli o kona mana he pono a e malu ai ke Aupuni. Aka, aole e pono ia ia ke hapai i ke kaua me ka ae ole o ka Hale Aha'olelo.

26. PUAKU 26. O ke Alii ka 'alihikaua ma luna o na koa e me na manaua, a me na mea kaua 'e a e ma ka moana a ma ka 'aina, a nona ka mana ma ona iho, a ma o kekahai luna koa, a mau Luna paha ana e koho ai, a o e ho'oponoopo i ua mau mea kaua nei, a muli o kona mana'o he pono a e malu ai ke Aupuni. Aka, 'aole e pono ia ia ke hapai i ke kaua me ka 'ae ole o ka Hale 'Aha'olelo.
27. Pauku 27. Na ka Moi e kukakuka pu ana me kona Ahakukukamalu, e hoopane i ka hoopai, a e kalua i ka hala, mahoe o ka hoahewaiana ana, no na hewa a pau, koe nae na hospi luna nui imua o na 'Li.

28. Pauku 28. Na ka Moi e kukakuka pu ana me kona Ahakukukamalu, e hoakoaao i ka Ahaolelo ma kahi e noho ai ke Aupuni, a ma kahi e paha, ke pilikia ia wahi no kekahi enemi, a no kekahai mai ino paha; a ina e kae ka Hale Ahaolelo me ka Moi, nana no e hoopane, a hoopau, a houkuu pana i ka Hale Ahaolelo, aole nae mawaho o kea halawai ae. Iana hoi he pilikia, e hiki no ia ia ke hoakoaao mai i ka Hale Ahaolelo no ia wa pilikia.

29. Pauku 29. Na ka Moi ka mana e hana ia na kaukahi. O na kaukahi e hooolii ana i na dute maluna o ka waiwai o na aina e mai, a e hoolii ana paha i kekahai kanawai, e hooleika imua o ka Hale Ahaolelo no kona ae ana. Na ka Moi e hoko i na Elele Aupuni e houinaia'ku, a e haawina ka lakou palapa hookoku me na kauhau e like me na kanawai iwaena o na aupuni.

30. Pauku 30. Na ka Moi no e ae, a e hooia i na Elele Aupuni i hoouinaia mai; nana no hoi e hai aku imua o ka Hale Ahaolelo i ke ano o ka noho ana o ke Aupuni i kea manawa i keia manawa, ma kana Olelo Alii; a e hai aku hoi ia lakou i na mea ana i manao ai he pono na lakou e imi.

31. Pauku 31. He kapu loa ke kine o ka Moi a me ka maluiahia; maluna o na Kuhina ka hiiia o na Oihana. Na ka Moi ka Mana Hooko. Aole no e paa na kanawai i hooholua i ka Hale Ahaolelo, aia kakau ka Moi i kona inoa.
32. **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.

33. **Article 33.** It shall be lawful for the King at any time when he may be about to absent himself from the kingdom, to appoint a regent or council of regency, who shall administer the government in his name; and likewise the King may, by his 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 leaving no last will and testament, the Cabinet Council at the time of such decease shall be a council of regency, until 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 King, and exercise all the powers which are constitutionally vested in the King, until he shall have attained the age of eighteen years, which age is declared to be the legal majority of such Sovereign.

34. **Article 34.** The King is Sovereign of all the chiefs and of all the people; the kingdom is his.
36. Article 36. The King coins money, and regulates the currency by law.

37. Article 37. The King, in the case of invasion or rebellion, can place the whole kingdom or any part of it under martial law.

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

39. Article 39. The King's private lands and other property are inviolable.

40. Article 40. The King cannot be sued or held to account in any court or tribunal of the realm.

41. Article 41. There shall continue to be a Council of State, for advising the King in all matters for the good of the state, wherein he may require its advice, and for assisting him in administering the executive affairs of the government, in such manner as he may direct; which Council shall be called the King’s Privy Council of State, and members thereof shall be appointed by the King, to hold office during His Majesty's pleasure.

42. Article 42. The King'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 His Majesty's special advisers in the executive affairs of the government; and they shall be ex officio members of His Majesty’s Privy Council of State. They shall be appointed and commissioned by the King, and hold office during His Majesty's pleasure, subject to impeachment. No act of the King shall have any effect unless it be countersigned by a minister, who by that signature makes himself responsible.
43. **Article 43.** Each member of the King’s Cabinet shall keep an office at the seat of government, and shall be accountable for the conduct of his deputies and clerks. The ministry hold seats *ex officio*, as Nobles, in the Legislative Assembly.

44. **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 the Hawaiian and English languages.

45. **Article 45.** The Legislative power of the three estates of this kingdom is vested in the King, and the Legislative Assembly; which Assembly shall consist of the Nobles appointed by the King, and of the Representatives of the people, sitting together.

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

47. **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.

48. **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.
49. Article 49. The King shall signify his approval of any bill or resolution, which shall have passed the Legislative Assembly, by signing the same previous to the final rising of the Legislature. But if he shall object to the passing of such bill or resolution, he will return it to the Legislative Assembly, who shall enter the fact of such return on its journal, and such bill or resolution shall not be brought forward thereafter during the same session.

50. 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.

51. Article 51. The Legislative Assembly shall choose its own officers and determine the rules of its own proceedings.
53. Article 53. The Legislative Assembly may punish its own members for disorderly behavior.

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

55. Article 55. The members of the Legislative Assembly shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the 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.

56. 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 one hundred and fifty dollars for each session.

57. Article 57. The King appoints the Nobles, who shall hold their appointments for disorderly behavior.

58. Article 58. No person shall be appointed a Noble who shall not have attained the age of twenty-one years and resided in the kingdom five years.
59. The Nobles shall be a court,  
60. E māhele like 'ia ka Po'e i Koho  
59. E noho na Alii i Ahahookolokolo,  
60. The representation of the  
kono lau wale no ka mana a pau e hooloe a e  
hooponopono i na hoopii nui a kona hoopii i e  
ka Poekohoaia ma ka lako awo Anahin nanau  
Nui o ke Aupuni, i kekahai Luna Nui, a mau Luna  
Nui paha, no ka lauok Ohana; mamua aku o ka  
hookolokolo ana i kea hoopii nui kea hoopii  
nui, e hoohiki pakahi na Alii e hoookolokolo pono  
me ka e awea ole i ka mea i hoopii'a'i, mamuli o  
a hoike a me ke kanawai. Aole nae e o ai aku ka  
lauok oloho hoahewa i ka hoopau ana i kona noho  
luna ana, a me ka hoole loa i kona noho hou ana  
ma kekahai oihana e hanohano ai e a waiwai ai  
paha, malalo iho o keia Aupuni. Aka, e hiki no i  
ka mea i hoahewai a pele ke hoopii hou ia, a e  
hoookolokolo hou ia, a e hoahewa hou ia, a e  
hoopai hou ia mahope, mamuli o ke kanawai a  
ka aina. Aole e noho kekahai Kuhina i Alii ma ka  
hoookolokolo ana i kekahai hoopii luna nui.  

60. Pauku 60. E mahelo like ka Poekohoaia  
e na Makaainana, a e hooponoponio e ka  
Ahuolo kau kanawai mamuli o ka nui o na  
kanaa, e hoakakea i kela manawa keia manawa  
ma ko ke Aupuni helu ana. Aole e emi mai ka nui  
o ka Poekohoaia malalo o ka iwkalaakukumamaha,  
aole hoi e o ai akua multa o ka kanaha; a ke hoko  
lauok i kela makahiki alua, keia makahiki alua.  

61. Pauku 61. Aole no e kohoia kekahai  
Lunamakaainana ina he pupule a he hupo  
paha, a ke oie ia, he kanaka malalo o ka Moi,  
a ke hiki oie akua oia i na makahiki he  
iwkalaakukumamahiki, a ke ike oie hoi i ka  
heluhelu a me ke kakaulima, a ke maopopo  
ole hoi ia ia ka helu waiwai, a ke oie hoi oia i  
noho ma keia Aupuni i kela makahiki, a o ka  
makahiki hope mamua iho o kona kohohia ana; a  
ke oie hoi ona waiwai paa hibbia ike oloko o keia  
Aupuni e like me elima haneri dala, a i oie ia, o  

Pauku 60. E mahelo like 'ia ka Po'e i Koho  
'ia e na maka 'ainana, a e ho-o-oponono e ka  
'Ahao'ele Kau Kanaaia ma multi o ka nui o  
na kanaa, e ho'akakaia 'ia i ka helu  
manawa ma ko ke Aupuni helu ana. 'Aole e emi  
mai ka nui o ka Po'e i Koho 'ia ma lao o ka  
iwkalaakukumamaha, 'aole ho'oi e o akua ma  
luna o ke kanaha; a e koko 'ia lauok i keia  
akahiki 'alua, keia makahiki 'alua.

61. Pauku 61. 'Aole no e kohoia kekahai  
Lunamakaainana ina he pupule a he hupo  
paha, a ke oie ia, he kanaka malalo o ka Moi,  
a ke hiki oie akua oia i na makahiki he  
iwkalaakukumamahiki, a ke ike oie hoi i ka  
heluhelu a me ke kakaulima, a ke maopopo  
ole hoi ia ia ka helu waiwai, a ke 'ole ho'i oia i  
noho ma keia Aupuni i kela makahiki, a o ka  
makahiki hope ma mua iho o kona koho 'ia; a  
ke 'ole ho'i ona waiwai pa'a hibbia 'ole i loko o  
keto aupuni e like me 'elima haneli kalâ, a i 'ole

59. 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 officers of the  
kungdom, for misconduct or mal-administration  
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  
any place of honor, trust, or profit, under  
this government; but the party so convicted  
shall be, nevertheless, liable to indictment,  
trial, judgement and punishment according to  
the laws of the land. No minister shall sit as a  
Noble on the trial of any impeachment.

60. 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 as nearly as may be equal, and shall be  
regulated and apportioned so as to be  
determined by the Legislature. The Representatives  
shall not be less in number than forty,  
whence they shall be elected biennially.

61. 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—nor who shall know how to read  
and write—and who shall understand accounts—and  
who shall have been domiciled in the kingdom for  
at least three years, the last of which shall be in the  
kingdom, who shall have arrived at the full age of  
twenty-one years—nor who shall know how to read  
and write—and who shall understand accounts—and  
who shall have been domiciled in the kingdom for  
at least three years, the last of which shall be in the  
year immediately preceding his election; and  
who shall own real estate, within the kingdom,  
of a clear value, over and above all incumbrances.
Every male subject that no insane or idiotic person, nor the property qualification of the judicial power of the kingdom shall be vested in one Supreme Court, of one hundred and fifty dollars–or of a lease-hold 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. 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 some lawful employment.

62. Article 62. Every male subject of the kingdom, who shall have paid his taxes, and 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 in such inferior courts as the Legislature may, from time to time, establish.

Provided, however, that no insane or idiotic person, nor any person who shall have been convicted of any infamous crime within this kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to all the rights of a subject, shall be allowed to vote.

63. Article 63. The property qualification of the Electors, may be increased by law.

64. Article 64. The judicial power of the kingdom shall be vested in one Supreme Court, and in such inferior courts as the Legislature may, from time to time, establish.
The Supreme Court shall be vested with the judicial power shall extend to all cases in law and equity, arising under the Constitution and laws, of this kingdom, and to all cases of admiralty and maritime jurisdiction. The inferior courts of the kingdom shall be such as the Legislature may, from time to time, provide for. The justices of the Supreme Court shall hold their offices during good behavior, subject to removal upon impeachment, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. Provided, however, that any judge of the Supreme Court or 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 King. The judge against whom the Legislative Assembly may be about to proceed, shall receive 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.

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 laws of the land.

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 treaties made, or which shall be made under the Constitution and laws of the United States, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. Provided, however, that any judge of the Supreme Court or 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 King. The judge against whom the Legislative Assembly may be about to proceed, shall receive 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.
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 King shall preside at the Supreme Court during such trial.

The decisions of the Supreme Court, when made by a majority of the justices thereof, shall be final and conclusive upon all parties.

In the trial of impeachments, the President of the Supreme Court shall be the Chancellor of the Kingdom; he shall be

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

The King appoints the justices of the Supreme Court, and all other judges of courts of record; their salaries are fixed by law.

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

No person shall ever hold any office of honor, trust, or profit under the government of the Hawaiian Islands, who shall, in due course of law, have been convicted of theft, bribery, perjury, forgery, embezzlement, or other high crime or misdemeanor, unless he shall have been pardoned by the King, and

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.

No person shall ever hold any office of honor, trust, or profit under the government of the Hawaiian Islands, who shall, in due course of law, have been convicted of theft, bribery, perjury, forgery, embezzlement, or other high crime or misdemeanor, unless he shall have been pardoned by the King, and
74. **Article 74.** No officer of this government shall hold any office, or receive any salary from any other government or power whatever.

75. **Article 75.** 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 expenditure of the two succeeding years, which shall be submitted to them by the minister of finance.

76. **Article 76.** The enacting style in making and passing all acts and laws shall be, "Be it enacted by the King, and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled."

77. **Article 77.** To avoid improper influences which may result from intermixing in one and the same act, such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in its title.

78. **Article 78.** 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.

79. **Article 79.** This Constitution shall be in force from the twentieth day of August in the year One Thousand Eight Hundred and Sixty-Four, restored to his civil rights, and by the express terms of his pardon, declared to be appointable to offices of trust, honor, and profit.
hemahema na hana hoʻoponopono, a hihia paha ke Aupuni no ka hoololi ana, nolaila, o na Luna o keia Aupuni, i ka wa e paa pono ai keia Kumukanawai, e malama pono laokou, a e hana hoʻi me na mana a pau i haawiia la laokou, a koloha kekahai poe e aku paha e panī i ko laokou hakahaka.

80. PAUKU 80. E hiki no ke hoakaka aku i kekahai mea hoololi hou, a i mau mea hoololi hou paha, i keia Kumukanawai iloko o ka Hale Ahaolelo, a ina e aeia ka mea, a mau mea mea nei paha i ka hapanaui iloko o ka Hale, alaila, e kakauia ua mea la iloko o ka buke mooolelo o ka Hale, me na inoa o ka poe ae me ka poe hoole; a e hoopaneperia ia mea, no ka akoaka hou ana ae o ka Ahaolelo. E hoopukaalania ua mea hou nei i ekolu malama mamua ae o ka la e koho ai ka Poeikohoa e na Makaainana; a ina ma ia Ahaolelo hou ana, a aeia ua mau hoololi hou nei paha, e kaha hapakolu o na hou a pau o ka Hale Ahaolelo, a e hooia ia e ka Moi, alaila, e loa keia mea hoololi hou iloko o ko Kumukanawai o keia Aupuni.

81. KAMEHAMEHA R.

80. ARTICLE 80. 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 amendment or amendments shall be entered on its journal, with the yeas and nays taken thereon, and referred to the 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 King, such amendment or amendments shall become part of the Constitution of this country.

81. KAMEHAMEHA R.
1. AN ACT

To Amend the Constitution Granted by His Majesty Kamehameha V on the 20th Day of August, 1864, Proposed in Accordance with Article 80 of the Constitution

Be it enacted, by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

That Article 56 be, and the same is hereby amended by striking out the words "one hundred and fifty," and inserting in the place thereof, the words "two hundred and fifty," so that the Article as amended shall read as follows:

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 two hundred and fifty dollars for each session.

Passed this 13th day of May, A.D. 1868.

KAMEHAMEHA R.

Passed in 1868, this amendment to the Constitution of 1864 raised the maximum allowable pay for the elected members of the legislature. Both the old maximum pay ($150) and the new one ($250) were substantial amounts at that time. Besides this raise in maximum pay, the amendment included minor changes to punctuation and wording in the Hawaiian version and to punctuation in the English version. Published as Nā Känäwai o ka Mö‘ï Kamehameha V, Honolulu, 1868, and Laws of His Majesty Kamehameha V, Honolulu, 1868. Forbes 2789 (III:460), 2788 (III:460).
Nā Mea Ho'ololi Hou o ka MH 1874 i ke Kumukānāwai o ka MH 1864

These two 1874 amendments struck down the 1864 Constitution’s requirement that voters had to own a substantial amount of property. Besides the property requirement change, the amendments included minor changes for Article 62 in punctuation (Hawaiian and English versions) and in wording (English version). Published as Nā Kānāwai o ka Mōi Kalākaua, Honolulu, 1874, and Laws of His Majesty Kalākaua, Honolulu, 1874. Forbes 3034 (III:565), 3033 (III:564-565).

1. **CHAPTER I**

**PROPOSED AMENDMENT**

To Article Sixty-Three of the Constitution Granted on the Twentieth Day of August, A.D. 1864, in Accordance with Article Eighty of said Constitution

That Article 63 be, and the same is hereby amended by striking out the words “and of the Representatives of the people may be increased,” and substituting therefor the word “changed,” so that the Article as amended will read as follows:

2. “Article 63. The property qualification of the Representatives of the people may be changed by law.”

3. Approved this 13th day of July, A.D. 1874.

4. **KALĀKUA R**

5. **CHAPTER II**

**PROPOSED AMENDMENT**

To Article Sixty-Two of the Constitution Granted on the Twentieth Day of August, A.D. 1864, in accordance with Article Eighty of said Constitution

That Article Sixty-Two be, and the same is hereby amended by striking out the words: “And shall be possessed of real property in this...”
me Kanalima Dala, a i ole ia he aina ho'olimalima kona, a o ka uku ho'olimalima he Iwakaluaumamalima Dala i ka makahiki, a i ole ia o kona loa makahiki, aole e emi malalo o na dala he Kanahikumamalima i loa no loko mai o kekahi waiwai, a o kekahi hana kupono ma ke kanawai paha," a penei e heluhelu ia ia ka Pauku a me ka ho'oolo'i:

6. "Pauku 62. O kele kanaka keia kanaka malalo o ka Moi, ima ua hookai ia kona auhau, a ima ua hiki aku oia i na makahiki he iwakalua, a ima ua noho paa ma keia Aupuni i hookahi makahiki mamua iho o ka la koho, a ua ia oia i ka heluhelu a i ke kaulalima, ima i hanauia mahope mai o ka makahiki 1840; a ima ua hookai oia i kona inoa ma ka papa inoa o ka poe koho o kona apana e like me ke kanawai, e hiki no iaia ke koho i kekahi kanaka, a mau kanaka paha o ka poe i koho ia no ia apana; aia hoi, aole e hiki i kekahi kanaka pupule a hupo paha ke koho, aole hoi i kekahi kanaka hihia i ke kairaima nui ma ka hoolokoloko ana ma keia Aupuni, ke ole i kala e ia kona hewa e ka Moi, a ke ole hoi i loaia iaia na pono o pau o ke kanaka kupa ma ia kala anama."

7. Aponoia i keia ia 13 o Uluai, M.H. 1874.

8. KALAkAUA R

6. "Pauku 62. O kele kanaka keia kanaka ma lalo o ka Mō'i, ina ua ho'oka'a 'ia kona 'auhau, a ina ua hiki aku oia i ia i ke kahanakakamalima makahiki ma mua iho o ka la kaho, a ua 'ike'i o ia i ka heluhelu a i ke kākau lima, ina i hānau 'ia ma hope mai o ka makahiki 1840; a ina ua ho'okomo oia i kona inoa ma ka papa inoa o ka po'e koho o kona 'apana e like me ke kānāwai, e hiki nō ia ia ke koho i kekahi kanaka, a mau kānaka paha o ka Po'e i Koho 'ia no ia 'apana; aia hō'i, 'aole e hiki i kekahi kanaka pupule a hupua paha ke koho, 'aole hō'i i kekahi kanaka hihia i ke kalaaima nui ma ka hoolokoloko 'ana ma keia kāpuni, ke 'ole i kala i 'e ia kona hewa e ka Mō'i, a ke 'ole ho'i i loaia ia ia nā pono o pau o ke kanaka kupa ma ia kala anama."

7. 'Apono 'ia i keia lā 13 o Uluai, MH 1874.

8. KALAKAUA R3

Kingdom to the value, over and above all incumbrances, of one hundred and fifty dollars—or of 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." So that the Article as amended will read as follows:

6. "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 who 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 for his district as may be provided by law, shall be entitled to one vote for the Representative or Representatives of that district. Provided, however, that no insane or idiotic person, or any person who shall have been convicted of any infamous crime within this kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to all the rights of a subject, shall be allowed to vote."

7. Approved this 13th day of July, A.D. 1874.

8. KALAKAUA R
This 1882 amendment to the Constitution of 1864 again raised the maximum allowable pay for the elected members of the legislature (the maximum pay had been raised once before in 1868). Besides this raise in maximum pay, the amendment included minor changes for Article 56 in punctuation (Hawaiian and English versions) and in wording (Hawaiian version). Published as Nā Känäwai o ka Mōʻi Kaläkaua, Honolulu, 1882, and Laws of His Majesty Kaläkaua I, Honolulu, 1882. Forbes 3434 (IV:39).