

# Native & Naturalized Hawaiians

Since the early days prior to the writing of 103-150 (107 Stat. 1510) known as the “Apology Bill” and all Federal, State, and Local legislation have been knowingly or unknowingly using defective historical and legal terms for “Native Hawaiians”, “Hawaiian People”, and so on.

In 103-150 (107 Stat. 1510) Sec. 2 Definitions it states:

As used in this Joint Resolution, the term “Native Hawaiian” means any individual who is a **descendent of the aboriginal people** who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

The definition above is only partially accurate, however, it is misleading and deceptive, causing the disenfranchising of the rights of the Naturalized citizens and their decedents of the Kingdom of Hawai`i. Those naturalized citizens swore an oath to a full Sovereign Nation that exercised their full Sovereign rights, duties, and obligations until the *coup d’etat* in 1893. Furthermore, the Kingdom of Hawai`i formally recognized as an independent nation in 1843 becoming a member of the “*Family of Nations*”. Therefore, all legislation after 1993 that used the aforementioned definition of “Native Hawaiian” is historically and factually defective. Continued use of this defective definition will result in the perpetuation of the loss of integrity and truthfulness in the history of Hawai`i.

The Kingdom of Hawai`i being a full Sovereign Nation had the right to determine who its subjects, and or citizens were. They provided a process for any foreigner that wished to become a citizen of the Kingdom as shown below:

Kingdom of Hawai`i had the following Laws:

SUPPLEMENT TO THE STATUTE LAWS 1848

AN ACT TO ALTER AND AMEND CERTAIN PARTS OF "THE ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS OF THE HAWAIIAN ISLANDS," RELATING TO THE NATURALIZATION OF FOREIGNERS.

*Whereas*, It appears both desirable and proper that foreigners of good character, coming to reside in this Kingdom, should be allowed the privilege of becoming subjects of His Majesty, after a shorter residence than two years,

*And whereas*, The present law relative to Naturalization is inconvenient in practice;

*Therefore*, Be it enacted by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled, that Section 10 of Article 1, of Chapter 5, of Part first, of the "Act to organize the Executive Departments of the Hawaiian Islands," shall be, and the same is hereby altered and amended, to read as follows :

SECTION X. **Any alien foreigner may, at any time, apply to the Minister of the Interior for permission to become a naturalized subject of His Majesty**, and said Minister shall have power, either in person or through his Chief Clerk, to administer the oath of allegiance to such foreigner, if satisfied that it will be for the good of the Kingdom, and that such foreigner is not of immoral character, nor a refugee from the justice of some other country, nor a deserting sailor, marine, soldier or officer, belonging thereto.

*And be it further enacted*, That that part of Section 11 of the same article, which follows the form of the oath of allegiance, shall be, and the same is hereby altered and amended, to read as follows:

Which oath shall always be subscribed by the foreigner so naturalized, be sworn to on the Holy Evangelists, and the *jurat* thereof subscribed by the Minister of the Interior, or his Chief Clerk ; for which services such foreigner shall pay the fees prescribed in the third part of this Act.

*And be it further enacted*, That this Act shall take effect and become a law of the land, on the day of its publication in the “Polynesian” newspaper.

Done and passed at the Council House, Honolulu, this 2d day of June, A. D., 1848.

KAMEHAMEHA.

KEONI ANA.

# Native & Naturalized Hawaiians

In the *Constitution of 1852* for the Kingdom of Hawai`i, it states:

**ART. 78.** Every male subject of His Majesty, whether native or naturalized, and every denizen of the Kingdom who shall have paid his taxes, who shall have attained the full age of twenty years, and who shall have resided in the Kingdom for one year immediately preceding the time of election, shall be entitled to one vote for the representative, or representatives, of the district in which he may have resided three months next preceding the day of election; provided that no insane person, nor any person who shall at any time 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 been restored to all the rights of a subject, shall be allowed to vote.

The Kingdom of Hawai`i – *Civil Code of 1858-59* also in *Compiled Laws of 1884* it states:

## ARTICLE VIII.-NATURALIZATION OF FOREIGNERS.

SECTION (§) 432. Every foreigner so naturalized, shall be deemed to all intents and purposes a native of the Hawaiian Islands, be amenable only to the laws of this Kingdom, and to the authority and control thereof, be entitled to the protection of said laws, and be no longer amenable to his native sovereign while residing in this Kingdom, nor entitled to resort to his native country for protection or intervention. He shall be amenable, for every such resort, to the pains and penalties annexed to rebellion by the Criminal Code. And every foreigner so naturalized, shall be entitled to all the rights, privileges and immunities of a Hawaiian subject.

The usage of the Native Hawaiian or Hawaiian as defined in 103-150 (107 Stat. 1510) used in Federal, State and other legislation is historically and lawfully incorrect and defective, attend amount to discrimination to all those descendants of lawfully naturalized subjects of the Kingdom of Hawai`i.

Registry of Naturalized Subjects in the Hawaiian Kingdom 1840–1893 shows all the foreigners that became native subjects of the Kingdom and a Hawaiian National, and their descendants born in the Hawaiian Archipelago are Native Hawaiian.

With all the facts and evidence in the historical records of the Kingdom of Hawai`i, Hawaiian Kingdom, Government of the Sandwich Islands, as so-forth, both natural born or naturalized persons were **native Hawaiian** according to law.

All future legislation or issues should correct and reflect this longtime common error.

We also question the use of the words “occupied” and “sovereignty” in the clause below:

In 103-150 (107 Stat. 1510) Sec. 2 Definitions it states:

As used in this Joint Resolution, the term “Native Hawaiian” means any individual who is a descendent of the aboriginal people who, prior to 1778, **occupied** and exercised **sovereignty** in the area that now constitutes the State of Hawaii.

Nevertheless, that is another discussion.

## SUPPLEMENT TO THE STATUTE LAWS.

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### AN ACT TO PROVIDE FOR THE HOLDING OF THE CIRCUIT COURT IN THE SECOND JUDICIAL DISTRICT.

*Be it enacted by the House of Nobles and Representatives of the  
Hawaiian Islands, in Legislative Council assembled:—*

That from and after the passage of this act, there shall be held in the Second Judicial District, composed of the Islands of Maui, Molokai, and Lanai, whose seat of Justice is at Lahaina, in the Island of Maui, semi-annual terms of the Circuit Court. The first commencing on the second Monday of May, and the second on the second Monday of November.

Done and passed at the Council House in Honolulu, this first day of May, A. D. 1848.

KAMEHAMEHA.

KEONI ANA.

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### AN ACT TO ALTER AND AMEND CERTAIN PARTS OF "THE ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS OF THE HAWAIIAN ISLANDS," RELATING TO THE NATURALIZATION OF FOR- EIGNERS.

*Whereas,* It appears both desirable and proper that foreigners of good character, coming to reside in this Kingdom, should be allowed the privilege of becoming subjects of His Majesty, after a shorter residence than two years,

*And whereas,* The present law relative to Naturalization is inconvenient in practice ;

*Therefore,* Be it enacted by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled, that Section

10 of Article 1, of Chapter 5, of Part first, of the "Act to organize the Executive Departments of the Hawaiian Islands," shall be, and the same is hereby altered and amended, to read as follows :

**SECTION X.** Any alien foreigner may, at any time, apply to the Minister of the Interior for permission to become a naturalized subject of His Majesty, and said Minister shall have power, either in person or through his Chief Clerk, to administer the oath of allegiance to such foreigner, if satisfied that it will be for the good of the Kingdom, and that such foreigner is not of immoral character, nor a refugee from the justice of some other country, nor a deserting sailor, marine, soldier or officer, belonging thereto.

*And be it further enacted,* That that part of Section 11 of the same article, which follows the form of the oath of allegiance, shall be, and the same is hereby altered and amended, to read as follows :

Which oath shall always be subscribed by the foreigner so naturalized, be sworn to on the Holy Evangelists, and the *jurat* thereof subscribed by the Minister of the Interior, or his Chief Clerk ; for which services such foreigner shall pay the fees prescribed in the third part of this Act.

*And be it further enacted,* That this Act shall take effect and become a law of the land, on the day of its publication in the "Polynesian" newspaper.

Done and passed at the Council House, Honolulu, this 2d day of June, A. D., 1848.

KAMEHAMEHA.

KEONI ANA.

#### AN ACT TO REGULATE THE COSTS IN THE JUDICIARY DEPARTMENT.

*Be it enacted by the House of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :—*

That the costs in the several Courts created by the "Act to organize the Judiciary" shall be as follows :

**SECTION I.** *In the District Justices' Courts—*For every oral or written summons, warrant, attachment, execution, or other process, issued by any District Justice, one dollar.

For every subpoena, fifty cents.

For administering any oath, twelve and a half cents.

For filing every paper required to be filed with him by either party, twenty-five cents.

THE  
CIVIL CODE  
OF THE  
HAWAIIAN ISLANDS,  
PASSED IN THE YEAR OF OUR LORD  
1859:  
TO WHICH IS ADDED  
AN APPENDIX,  
CONTAINING  
LAWS NOT EXPRESSLY REPEALED BY THE CIVIL  
CODE; THE SESSION LAWS OF 1858-9; AND  
TREATIES WITH FOREIGN NATIONS.

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PUBLISHED BY AUTHORITY.  
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HONOLULU:  
PRINTED FOR THE GOVERNMENT.  
1859.

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for each stamp: provided, however, that the Collector-General of Customs, and other public officers required to use stamps in the execution of their duties, shall be entitled to receive them without such payment, they giving receipts therefor, and being bound to account for the use and proceeds of the same, to the proper department, in their returns, as required by law.

SECTION 426. Said Director shall keep a true and faithful account of all the receipts and expenditures of his office, and present the same, quarterly, to the Minister of the Interior, and he shall also submit to the said minister, annually, a full and correct report of all the business of his office, accompanied by such suggestions, or recommendations, as he may have to offer, for the regulation and improvement thereof.

SECTION 427. The Minister of the Interior shall have the power, with the approval of the King, to sell or lease the Government Press, and all the appurtenances thereto belonging, whenever, in his discretion, it shall seem for the best interests of the Government.

#### ARTICLE VIII.—NATURALIZATION OF FOREIGNERS.

SECTION 428. The Minister of the Interior shall have the superintendence and direction of the naturalization of foreigners.

SECTION 429. The said minister shall have the power, either in person, or through his chief clerk, upon the application of any alien foreigner, stating his intention to become a permanent resident of the kingdom, to administer the oath of allegiance to such foreigner, if satisfied that it will be for the good of the kingdom, and that such foreigner is not of immoral character, nor a refugee from the justice of some other country, nor a deserting sailor, marine, soldier or officer.

SECTION 430. The oath of allegiance to be administered as aforesaid, shall be as follows :

The undersigned, a native of ———, lately residing in ———, being duly sworn, upon his oath, declares that he will support the Constitution and Laws of the Hawaiian Islands, and bear true allegiance to His Majesty, ———, the King.

Subscribed and sworn to this ———, day of ——— A. D. 18—, before me,  
\_\_\_\_\_.

SECTION 431. The oath of allegiance shall always be subscribed by the person so naturalized, be sworn to in the form most obligatory upon his conscience, and the jurat thereof shall be subscribed by the Minister of the Interior, or his chief clerk.

SECTION 432. Every foreigner so naturalized, shall be deemed to all intents and purposes a native of the Hawaiian Islands, be amenable only to the laws of this Kingdom, and to the authority and control thereof, be entitled to the protection of said laws, and be no longer amenable to his native sovereign while residing in this Kingdom, nor entitled to resort to his native country for protection or intervention. He shall be amenable, for every such resort, to the pains and penalties annexed to rebellion by the Criminal Code. And every foreigner so naturalized, shall be entitled to all the rights, privileges and immunities of an Hawaiian subject.

SECTION 433. It shall be competent for His Majesty to confer upon any alien resident abroad, or temporarily resident in this Kingdom, letters patent of denization, conferring upon such alien, without abjuration of allegiance, all the rights, privileges and immunities of a native. Said letters patent shall render the denizen in all respects accountable to the laws of this Kingdom, and impose upon him the like fealty to the King, as if he had been naturalized as hereinbefore provided.

SECTION 434. The fee for administering the oath of allegiance, subscribing the jurat, and granting certificate of the same, shall be five dollars.

SECTION 435. The following TARIFF OF CHARGES, for the Department of the Interior, not elsewhere provided for, is hereby established :



For every Royal Patent, lease, or other grant of land, inclusive of stamp, \$5.

For every charter, \$10.

For every patent for any invention, \$10.

For every copy of any patent, charter, or other document, 50 cents per hundred words.

For all other acts and duties, the fees for which are not otherwise provided for, such charges as the Minister of the Interior may, from time to time, prescribe.

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# COMPILED LAWS.

OF THE

# HAWAIIAN KINGDOM.

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PUBLISHED BY AUTHORITY.

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HONOLULU :

PRINTED AT THE HAWAIIAN GAZETTE OFFICE,

1884

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§426. Said Director shall keep a true and faithful account of all the receipts and expenditures of his office, and present the same, quarterly, to the Minister of the Interior, and he shall also submit to the said Minister, annually, a full and correct report of all the business of his office, accompanied by such suggestions, or recommendations, as he may have to offer, for the regulation and improvement thereof.

§427. The Minister of the Interior shall have the power, with the approval of the King, to sell or lease the Government Press, and all the appurtenances thereto belonging, whenever, in his discretion, it shall seem for the best interests of the Government.

TO AUTHORIZE THE MINISTER OF THE INTERIOR TO  
SELL OR LEASE THE GOVERNMENT PRESS.

Act  
Approved Feb-  
ruary 14, 1869.

SECTION 1. The Minister of the Interior is hereby authorized to sell or lease the Government Press and all the appurtenances belonging to the same, whenever, in his discretion, he shall deem it best for the public interests.

SECTION 2. The Minister of the Interior is hereby authorized to contract for Government printing, and for the publication of all laws, orders, proclamations, reports, decisions, circulars and notices, that may be required by either of the departments of Government, with any person or persons, upon such terms, and for such a length of time as he may deem best for the interests of the Government.

**ARTICLE VIII.—NATURALIZATION OF FOREIGNERS.**

§428. The Minister of the Interior, with the approval of the King, shall have the superintendence and direction of the naturalization of foreigners.

§429. The said Minister, with the approval of the King, shall

have the power in person upon the application of any alien foreigner who shall have resided within the Kingdom five years or more next preceding such application, stating his intention to become a permanent resident of the Kingdom, to administer the oath of allegiance to such foreigner, if satisfied that it will be for the good of the Kingdom, and that such foreigner owns without encumbrance taxable real estate within the Kingdom, and is not of immoral character, nor a refugee from the justice of some other country, nor a deserting sailor, marine, soldier or officer.

As amended  
1862,  
Chap. XVIII.

§430. The oath of allegiance to be administered as aforesaid, shall be as follows:

The undersigned, a native of ———, lately residing in ———, being duly sworn, upon his oath, declares that he will support the Constitution and laws of the Hawaiian Islands, and bear true allegiance to His Majesty ———, the King.

Subscribed and sworn to this — day of —, A. D. 18—, before me,

§431. The oath of allegiance shall always be subscribed by the person so naturalized, be sworn to in the form most obligatory upon his conscience, and the jurat thereof shall be subscribed by the Minister of the Interior (or his chief clerk).\*

§432. Every foreigner so naturalized, shall be deemed to all intents and purposes a native of the Hawaiian Islands, be amenable only to the laws of this Kingdom, and to the authority and control thereof, be entitled to the protection of said laws, and be no longer amenable to his native sovereign while residing in this Kingdom, nor entitled to resort to his native country for protection or intervention. He shall be amenable, for every such resort, to the pains and penalties annexed to rebellion by the Criminal Code. **And every foreigner so naturalized, shall be entitled to all the rights, privileges and immunities of an Hawaiian subject.**

See Sections  
428 and 429,  
as amended in  
1862.

§433. It shall be competent for His Majesty to confer upon any alien resident abroad, or temporarily resident in this Kingdom, letters patent of denization, conferring upon such alien, without

\*See Sections 428 and 429 as amended in 1862, Chapter XVIII.

abjuration of allegiance, all the rights, privileges and immunities of a native. Said letters patent shall render the denizen in all respects accountable to the laws of this Kingdom, and impose upon him the like fealty to the King, as if he had been naturalized as hereinbefore provided.

As amended  
1868.

§434. The fee for administering the oath of allegiance, subscribing the jurat and granting certificate of the same, shall be Five Dollars; *provided, however*, that the Minister of the Interior may, in his discretion, remit part or the whole of said fee, when the aforesaid oath shall be administered to immigrants introduced here through the agency of the Board of Immigration.

Act  
1874.  
Chapter XLIII

TO PROVIDE FOR THE TAKING THE OATH OF ALLEGIANCE BY PERSONS IN THE EMPLOY OF THE HAWAIIAN GOVERNMENT.

*Whereas*, it is expedient that all persons who may be appointed to places of profit or emolument under the Hawaiian Government should take the oath of allegiance.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled.*

As amended  
1876.  
Chapter VIII.

SECTION 1. From and after the passage of this Act every person of foreign birth who may be appointed to any office of profit or emolument under the Government of this Kingdom shall, before entering upon the duties of his office, take and subscribe the oath of allegiance, in manner and form prescribed by Sections 430 and 431 of the Civil Code.

SECTION 2. Every person now holding any office of profit or emolument under the Government of this Kingdom, who shall not already have taken such oath as aforesaid, and who shall neglect or refuse to take such oath within three months from the passage of this Act, shall be deemed to have resigned his office, which shall become vacant at the expiration of such period.

(SECTION 3. The said oath may be taken and subscribed by

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LAWS  
OF  
HIS MAJESTY KALAKAUA I.  
KING OF THE HAWAIIAN ISLANDS,  
PASSED BY THE  
LEGISLATIVE ASSEMBLY,  
AT ITS SPECIAL SESSION,  
1887.

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PRINTED BY ORDER OF THE GOVERNMENT.

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HONOLULU, H. I.  
HAWAIIAN GAZETTE PRINT.  
1887.

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CHAPTER X.

AN ACT

TO AMEND THE LAW RELATING TO THE NATURALIZATION  
OF FOREIGNERS.

*Be it enacted by the King and the Legislature of the Hawaiian Kingdom:*

SECTION 1. Sections 428, 429, 431 and 433, under Article VIII. of Chapter VII. of the Civil Code are hereby amended so that the same shall read as follows:

“SECTION 428. The Minister of the Interior shall have the superintendence and direction of the naturalization of foreigners.

“SECTION 429. The Minister of the Interior shall upon the application of any alien foreigner who shall, have resided within the Kingdom two years or more next preceding such application stating his intention to become a permanent resident of the Kingdom, administer or cause to be administered, the oath of allegiance to such foreigner, and cause such foreigner to subscribe thereto, provided that such foreigner is not a pauper nor a refugee from the justice of some other country.

“If such applicant shall be a resident of any Island other than Oahu, he may, after the Minister of Interior shall have approved of his application, take the oath of allegiance before any Judge of a Court of Record, which Judges are hereby authorized to administer such oaths.

“SECTION 431. The oath of allegiance shall always be subscribed by the person so naturalized, be sworn to

in the form most obligatory upon his conscience, and the jurat thereof shall be subscribed by the Minister of the Interior (or his chief clerk) or in case the applicant is a resident of another Island by a Judge of a Court of Record.

“SECTION 433. It shall be competent for His Majesty, by and with the advice and consent of the Cabinet, to confer upon any alien resident abroad, or temporarily resident in this Kingdom, letters patent of denization, conferring upon such alien without abjuration of allegiance, all the rights, privileges, and immunities of a native, said letters patent shall render the derizen in all respects accountable to the laws of this Kingdom, and impose upon him the like fealty to the King, as if he had been naturalized as hereinbefore provided.”

SECTION 2. Any Judge of a Court of Record shall immediately upon administering the oath of allegiance to any foreigner in accordance with the foregoing section, send to the Minister of the Interior, the original of such oath, retaining a copy thereof.

SECTION 3. Chapter XVIII. of the Session Laws of 1882, and all other laws and parts of laws inconsistent herewith, are hereby repealed.

Approved this 25th day of November, 1887.

KALAKAUA REX.

BY THE KING :

L. A. THURSTON,

Minister of the Interior.