

Privy Council Resolution

establishing a Council of Regency
(September 26, 1999)

Whereas, Article 33 of the Hawaiian Constitution, 1864, provides that the Cabinet Council shall be a “temporary” Council of Regency until the Legislative Assembly can be assembled to choose by ballot, a “permanent” 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; and

Whereas, Article 42 of the Constitution, 1864, provides that the Cabinet Council consists of the Minister of Foreign Affairs, the Minister of Interior, the Minister of Finance and the Attorney General of the Kingdom; and

Whereas, extrapolation of this Law allows the Minister of Interior to assume the powers vested in the Cabinet Council in absentia of the Minister of Foreign Affairs, the Minister of Finance and the Attorney General, and consequently serve as the Council of Regency; and

Whereas, §1249 of the Civil Code of the Hawaiian Islands, provides that “there shall be a bureau in the Department of the Interior to be called the Bureau of Conveyances; and His Majesty shall appoint, upon the nomination of the Minister of the Interior, some suitable person to superintend said Bureau, under the direction of said Minister, who shall be styled the ‘Registrar of Conveyances’”; and

Whereas, extrapolation of this Law allows the Registrar of Conveyances to assume the powers vested in the Minister of the Interior in absentia of the same; *secondly*, the powers vested in the Cabinet Council in absentia of the Minister of Foreign Affairs, the Minister of Finance and the Attorney General; and finally the Council of Regency; and

Whereas, *An Act to Provide for the Registration of Co-partnership Firms*, August 9, 1880, provides that whenever any two or more persons shall carry on business in this Kingdom in co-partnership, it shall be incumbent for such persons to file in the office of the Minister of Interior a statement of their business; and

Whereas, extrapolation of this Law allows general partnerships registered in compliance with the said Act of 1880, the capability of assuming the powers vested in the Registrar of the Bureau of Conveyances in absentia of the same; *secondly*, the powers vested in the Minister of Interior in absentia of the same; *thirdly*, the powers vested in the Cabinet Council in absentia of the Minister of Foreign Affairs, the Minister of Finance and the Attorney General; and finally the Council of Regency; and

Whereas, on December 10, 1995, Donald A. Lewis and David Keanu Sai, both being native Hawaiian subjects, established the Perfect Title Company as a general partnership in compliance with the said Act of 1880, and filed at the Bureau of Conveyances, being a part of the Interior Department, nineteen days previous to its commencement on November 27, 1995 at 2:00 p.m., and assigned document no. 95-153346; and

Whereas, being the only registered co-partnership firms existing under and by virtue of Kingdom law, the Perfect Title Company and the Hawaiian Kingdom Trust Company, were equally authorized to assume the power vested in the Registrar of the Bureau of Conveyances in absentia of the same; *secondly*, the powers vested in the Minister of Interior in absentia of the same; *thirdly*, the powers vested in the Cabinet Council in absentia of the Minister of Foreign Affairs, the Minister of Finance and the Attorney General; and finally the Council of Regency, provided there were no other partnerships registered in accordance with said Act of 1880 as of January 2, 1996, at 2:30 p.m.; and

Whereas, between the two partnerships, its general partners chose to have the Hawaiian Kingdom Trust Company, by its Trustees, assume the role of the *Council of Regency* in compliance with Article 33 and Article 42 of the 1864 Constitution; §1249 of the Hawaiian Civil Code; and *An Act to Provide for the Registration of Co-partnership Firms*, August 9, 1880; and

Whereas, Article 1 of the Hawaiian Kingdom Trust Company's deed of general partnership provided that the company will serve in the capacity of acting for and on behalf of the Hawaiian Kingdom government, and had adopted the Hawaiian Constitution of 1864 and the laws lawfully established in the administration of the trust; and

Whereas, in the absence of the Government class and the Landlord (Chiefly) class, native Hawaiian subjects of the Tenant class, which also included David Keanu Sai and Donald A. Lewis, conveyed by Deeds of Trust all of their “vested” undivided right, title and interest in and to all the lands of the Hawaiian Islands, secured to them by the Constitution and laws of the Kingdom to the Hawaiian Kingdom Trust Company, a general partnership, in Trust to carry out the duties as a company acting for and on behalf of the Government of the Hawaiian Kingdom in such manner as Kingdom law prescribes for the best interest of its beneficiaries; and

Whereas, the Deeds of Trust stated that the beneficiary “...in consideration aforesaid and in order to more effectually carry out the intention of this deed doth hereby grant unto the said trustee, its successors and assigns full power to serve in the place of the absentee government, for the benefit of the same; and in the name of the trust to institute and prosecute to final judgment and execution all suits and actions at law, in equity and in admiralty for any breach or violation of Hawaiian law, at the expense of the grantors; and the same to defend if brought against the said grantors by any pretended proprietor or foreign government; and to refer any matter in dispute to arbitration and the same to settle and compromise; and to do all acts in the management of the affairs of said parties as if it were the absentee government in the capacity aforementioned”; and

Whereas, the Trustees of the Hawaiian Kingdom Trust Company, a general partnership, determined that one of its Trustees, namely David Keanu Sai, should be appointed to the office of Regent, *pro tempore*, to direct the Executive Branch of Government of the Kingdom in the formation and execution of the election of the House of Representatives in accordance with Article XXXI, Chapter XI, Title 3 of the Civil Code of the Hawaiian Kingdom, before a permanent Regent or Council of Regency can be confirmed or amended by law; and

Whereas, in order to receive an appointment to the public office of Regent of the Hawaiian Kingdom, *pro tempore*, Trustee David Keanu Sai, on February 28, 1996, did convey by deed all of his fifty percent (50%) undivided right, title and interest as a general partner and trustee in and to the businesses of the Perfect Title Company and the Hawaiian Kingdom

Trust Company, to Trustee Donald A. Lewis, the other general partner and Trustee of the partnerships, thereby releasing any and all of his interests in the said partnerships before accepting the appointment by the said Trustees as Regent, *pro tempore*; and

Whereas, in a simultaneous transaction, Trustee Donald A. Lewis, did convey by deed a one percent (1%) undivided right, title and interest in and to the businesses of the Perfect Title Company and the Hawaiian Kingdom Trust Company to Nai'a-Ulumaimalu, as a general partner and trustee of the said partnerships, in order to maintain a co-partnership within the meaning of an "Act to Provide for the Registration of Co-partnership Firms"; and

Whereas, on March 1, 1996, the Trustees of the Hawaiian Kingdom Trust Company had appointed David Keanu Sai to the public office of Regent, *pro tempore*, entrusted with the administration of the Government of the Hawaiian Kingdom during the absence of a Monarch, and shall hold office until such time as the Legislative Assembly (i.e. House of Representatives) shall hereafter convene to confirm or amend this appointment in accordance with Article 33 of the Constitution of 1864; and

Whereas, on June 30, 1996, the Hawaiian Kingdom Trust Company was dissolved in accordance with the provisions of its deed of general partnership, which provided that the company would remain in existence until the absentee government is re-established upon which all records and monies of the same will be transferred and conveyed over to the office of the Minister of Interior, to have and to hold under the authority and jurisdiction of the Hawaiian Kingdom; and

Whereas, by virtue of the appointment of the Regent, *pro tempore*, on March 1, 1996, as chief executive of the Government of the Hawaiian Kingdom, and the Regent's authority to appoint the Minister of Interior under §30, Chapter VI, Title II, Civil Code of the Hawaiian Kingdom, Compiled Laws of 1884, p. 8, the Hawaiian Kingdom Trust Company, by its Trustees, did remise, release and forever quitclaim unto David Keanu Sai, as appointed Regent of the Hawaiian Kingdom, *pro tempore*, all of its right, title and interest acquired by certain "Deeds of Trust" under the exclusive authority and jurisdiction of the Hawaiian Kingdom; and

Whereas, the Regent, *pro tempore*, has recently commissioned Kau‘i P. Goodhue as Minister of Finance, Peter Umialiloa Sai as Minister of Foreign Affairs and Gary V. Dubin, *Esquire*, as Attorney General, excepting one office in the Cabinet Council, namely the Minister of Interior; and

Whereas, upon the appointment of the Regent, *pro tempore*, by and through the authority of the Trustees of the Hawaiian Kingdom Trust Company acting for and on behalf of the Minister of Interior in the absence of the other members of the Cabinet Council, it is proper that the Regent, *pro tempore*, should resume the office of Minister of Interior and that the Cabinet Council, comprised of all four officers, be the Council of Regency within the meaning of Article 33 of the Hawaiian Constitution; and

Be it Resolved, by the Regent, *pro tempore*, in Privy Council assembled, that the office of the Minister of Interior shall be resumed by David Keanu Sai, thereby absolving the office of the Regent, *pro tempore*, and the same to be replaced by the Cabinet Council as a Council of Regency, *pro tempore*, within the meaning of Article 33 of the Constitution of the Country.