

# The Organic Act of 1900

Following the Newlands Resolution, on April 30, 1900, President McKinley signed the Organic Act which formally made the Hawaiian Islands a territory of the United States. (An Act to Provide for a Government for the Territory of Hawaii, 31 Stat. 141, 56<sup>th</sup> Cong. Sess. 1 (April 30, 1900)).

The Organic Act defined the political structure and powers of the newly established territorial government and its relationship to the United States. The Act established the Office of the Territorial Governor, appointed by the sitting American president, as well as a supreme court led by a chief justice. The Act also created the territorial legislature, a bicameral body comprised of the House of Representatives and Senate. Members of the legislature were elected by popular vote. The Act provided for United States congressional representation in the form of a single non-voting delegate.

The Organic Act retained most of the laws created under the Kingdom of Hawai'i including traditional tenant land rights, and the recognition of Hawaiian tradition and custom.

As to the crown and government lands that were ceded to the United States under the Newlands Resolution, the 'ceded lands', the Organic Act gave "possession, use, and control" to the territory consistent with the Newlands Resolution's land trust provisions. The federal government continued to hold title, however, and reserved the right to withdraw lands.

The first six sections of Article 1 of the Organic Act are produced below.

## Chapter 339.—An Act To provide a government for the Territory of Hawaii. (Act of April 30, 1900, C 339, 31 Stat 141)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### Chapter 1. General Provisions.

#### § 1. Definitions.

That the phrase "the laws of Hawaii," as used in this Act without qualifying words, shall mean the constitution and laws of the Republic of Hawaii, in force on the twelfth day of August, eighteen hundred and ninety-eight, at the time of the transfer of the sovereignty of the Hawaiian Islands to the United States of America.

The constitution and statute laws of the Republic of Hawaii then in force, set forth in a compilation made by Sidney M. Ballou under the authority of the legislature, and published in two volumes entitled "Civil Laws" and "Penal Laws," respectively, and in the Session Laws of the Legislature for the session of eighteen hundred and ninety-eight, are referred to in this Act as "Civil Laws," "Penal Laws," and "Session Laws."

#### § 2. Territory of Hawaii.

That the islands acquired by the United States of America under an Act of Congress entitled "Joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July seventh, eighteen hundred and ninety-eight, shall be known as the Territory of Hawaii.

#### § 3. Government of the Territory of Hawaii.

That a Territorial government is hereby established over the said Territory, with its capital at Honolulu, on the island of Oahu.

#### § 4. Citizenship.

That all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

And all citizens of the United States resident in the Hawaiian Islands who were resident there on or since August twelfth, eighteen hundred and ninety-eight and all the citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

#### § 5. United States Constitution.

That the Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States; Provided, That sections 1841 to 1891, inclusive, 1910 and 1912, of the Revised Statutes, and the amendments thereto, and an act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes," approved July 30, 1886, and the amendments thereto, shall not apply to Hawaii. Annotations.

#### § 6. Laws of Hawaii.

That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this Act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.