His assertion of and action in pursuance with this claim has now come to such a point that the orderly progress of the business of the Government is seriously interfered with and the preservation of the public peace menaced.

Under these circumstances the cabinet this day formulated and presented to His Majesty the following statement of principles, viz:

"Before going further, the cabinet desire a thorough understanding with Your Majesty upon the following point, viz: The Government in all its departments must be conducted by the cabinet, who will be solely and absolutely responsible for such conduct. Your Majesty shall in future sign all documents and do all acts which under the laws or the constitution require the signature or act of the Sovereign, when advised so to do by the cabinet, the cabinet being solely and absolutely responsible for any signature of any document or act so done or performed by their advice."

The cabinet advised His Majesty that such statement of principles is in accordance with the constitution and that it was his duty to assent thereto.

In reply to such advice by the cabinet His Majesty replied that he considered the request to consent to such statement of principles as uncalled for and insulting, and declined to assent thereto.

The cabinet, therefore, respectfully request the opinion of the supreme court upon the following question, viz:

Is the authority and responsibility of the cabinet, as set forth in the above statement of principles, in accordance with and in pursuance of the constitution or not?

L. A. Thurston,
Minister Interior.

Jona. Austin,
Minister Foreign Affairs.

S. M. Damon
Minister of Finance.

C. W. Ashford,
Attorney General.

DEPARTMENT OF THE JUDICIARY,
Honolulu, August 3, 1889.

To His Majesty's Cabinet:

Gentlemen: The justices of the supreme court have received your letter of today's date, in which you state certain circumstances under which you to-day formulated and presented to His Majesty the following statement of principles:

"Before going further the cabinet desire a thorough understanding with Your Majesty upon the following point, viz:

"The Government, in all its departments, must be conducted by the cabinet, who will be solely and absolutely responsible for such conduct.

"Your Majesty shall in future sign all documents and do all acts which, under the laws or the constitution, require the signature or act of the Sovereign, when advised so to do by the cabinet, the cabinet being solely and absolutely responsible for any signature of any document or act so done or performed by their advice."

You further state that you advised His Majesty that such statement of principles is in accordance with the constitution, and that it was his duty to assent thereto.

You request the opinion of the justices of the supreme court upon the following question, viz:

"Is the authority and responsibility of the cabinet, as set forth in the above statement of principles, in accordance with and in pursuance of the constitution or not?"

We respectfully submit the following reply:

By article 21 of the constitution "the Government of this Kingdom is that of a constitutional monarchy," and although the constitution devolves upon the King, as the head of the Government, certain powers and directs that certain acts shall be done by him, so far certainly as these are executive powers and acts, the exercise of them is controlled by article 78 of the constitution, which reads that "wherever by this constitution any act is to be done or performed by the King or Sovereign, it shall, unless otherwise expressed, mean that such act shall be done and performed by and with the advice and consent of the cabinet."

Article 31 of the constitution declares that the King's person is sacred and inviolable and that his ministers are responsible, and article 41 prescribes that "no act of the King shall have any effect unless it be countersigned by a member of the cabinet who, by that signature, makes himself responsible."

There can be no dual government. There can be no authority without responsibility. The King is without responsibility. The constitution confirms the respon-