

· APPENDIX

TO THE

CIVIL CODE.

- (1) COMPRISING LAWS NOT EXPRESSLY REPEALED
OR EXPRESSLY RE-ENACTED BY THE PROVISIONS
OF THE CIVIL CODE,
- (2) THE SESSION LAWS PASSED BY THE LEGISLATURE
IN 1858-59,
- (3) AND TREATIES BETWEEN THE HAWAIIAN ISLANDS
AND FOREIGN COUNTRIES.

NOTE.—The above appendix comprises 145 pages in the original edition of the Civil Code.

The third part of seventy pages containing the treaties is omitted entirely, in accordance with the plan of this work.

In the first part we omit the Act of June 7, 1848, Relating to the lands of His Majesty the King and of the Government, the enumeration occupying twenty-five pages, and not being referred to in the common use of a collection of statutes.

Very little remains which has not been repealed, superseded, or placed in the Penal Code.

LAWS NOT EXPRESSLY REPEALED.

SECTIONS 3, 4, 5, 6 AND 7 OF ARTICLE 5, CHAPTER 4, PART FIRST, OF
THE ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS.

SECTION 3. All male subjects of His Majesty, between the ages of eighteen and forty years, shall be liable to do military duty in the respective islands where they have their most usual domicile, whenever so required by proclamation from the governor thereof.

They shall rendezvous at such place and at such time as said governor shall, in and by his proclamation direct, upon the pains and penalties to be prescribed in the criminal code of this Kingdom.

SECTION 4. The governor shall have power to excuse any subject residing in his island, liable to do military duty, on account of sickness or any other bodily infirmity, and not otherwise, from the military service required by his proclamation. Every subject liable to do military duty as aforesaid, who shall neglect or refuse to report himself at rendezvous, pursuant to the governor's proclamation, shall be punishable as in the criminal code prescribed, for desertion: provided, that the following persons shall be exempt from military duty, viz. : All professed ministers of the Christian religion, of every denomination ; all teachers of youth, holding the certificates required by the fourth part of this Act, and actually employed as such in some of the school districts hereby created ; all members of the Privy Council of state, and all heads of bureaux in the respective executive departments ; all members of the House of Nobles and Representatives, when in actual session as a legislative body ; all judges and justices of the respective courts of this Kingdom ; all sheriffs ; all notaries public ; all registers of wills and conveyances ; all collectors of the customs ; all poundmasters, and all civil constables in the respective islands.

SECTION 5. The governors shall be commanders-in-chief of the military power in their respective islands, with the military title of general. They shall have power to nominate for appointment by the King, through the Minister of the Interior, their military staffs respectively, and all officers necessary to the operations in prospect. They shall have power to constitute courts martial for the trial of military offenders, and to confirm or reverse their sentences. They shall have power to direct and control the movements and operations of the said military power, when embodied as aforesaid, or they may devolve such command upon an adjutant-general. They shall have power in aid of their military

operations, to declare martial law in their respective islands, and to lay embargoes upon the several ports thereof, when directed by His Majesty the King, through the Minister of the Interior.

SECTION 6. The governors, as generals, shall be under military subordination to His Majesty the King, whose rank is generalissimo of the naval and military forces of the Hawaiian Islands. They shall receive the military orders of the King from the Minister of the Interior, and shall report in like manner to His Majesty. Said governors shall be punishable for disobedience of military orders, as regulated in the criminal code, and shall be triable therefor, as prescribed in the Act to organize the judiciary.

SECTION 7. His Majesty may rendezvous the respective island forces at any designated point within the Kingdom; may assign military duty to be specially performed by them, when in his estimation required; and may, by proclamation, prescribe rules and regulations for the government of the military power of the Kingdom.

AN ACT TO REMOVE ALL DISABILITIES OF ALIENS BY REASON
OF NOT OBTAINING CERTIFICATES OF NATIONALITY.

Approved June 28th, 1854.

*Be it enacted by the King, the Nobles and Representatives of the
Hawaiian Islands in Legislative Council assembled.*

SECTION 1. All disabilities of aliens, by reason of not obtaining certificates of nationality, shall be, and the same are hereby removed.

SECTION 2. Any objections that may be made to the validity of any transaction with an alien residing in this Kingdom, on account of his not having obtained a certificate of nationality, shall be filed with the clerk of the Supreme Court within two months from the publication of this Act, or the person making the same shall be forever barred from raising such objection.

SECTION 3. This Act shall take effect from and after its passage, and Sections 6 and 7, of Article 1, Chapter 5, part 1, of the second Act of Kamehameha III., and all other laws, or parts of laws, in contravention of this Act, shall be, and the same are hereby repealed.

AN ACT TO PROMOTE FENCING.

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

SECTION 1. That the Minister of the Interior shall upon the petition of twenty-five owners of land in any taxation district of this Kingdom, appoint three persons residing on the island where such district is situated, to be commissioners of fences for that district. Such commissioners shall hold office during good behavior; and the Minister of the Interior shall fill all vacancies occurring in their number, from death, resignation or otherwise.

SECTION 2. It shall be the duty of said commissioners, when called upon by any person or persons desirous of fencing their land, or who having fenced their lands, desire to provide for the maintenance of the fence, to give public notice of the same, and to appoint a day upon which they will meet all parties interested, or their agents, upon the land; to pass over and view the line of such fence; to decide equitably on the kind of fence to be built by the owners of adjoining lands, and the share which each owner shall build or maintain, designating the time within which the work shall be done; and to decide all disputes arising between the parties interested, in relation to the fence.

SECTION 3. In case any party shall refuse or neglect to build or maintain the portion of any fence assigned to him by the commissioners, the same may be done by the aggrieved party in the manner directed by the commissioners, and he shall be entitled to recover the expenses thereby incurred, as the same shall be assessed by said commissioners, a certified copy of whose assess-

ment filed with any district justice of the district, shall entitle the party to judgment and execution for the amount assessed, as in civil suits.

SECTION 4. In all cases where, in the opinion of the commissioners it is expedient to establish a fence between adjoining lands, either from the nature of the land, the scarcity of fencing materials, or the conflicting rights of land-owners, said commissioners shall, upon the application of either of such owners, decide how many animals each shall be at liberty to pasture upon his land, under a penalty to be specified by the commissioners, a certified copy of whose decision, filed with any district justice of the district, shall upon satisfactory proof of a violation thereof, entitle the aggrieved party to judgment and execution as in civil cases, for so much of the penalty as such justice shall deem just.

SECTION 5. Any party deeming himself aggrieved by a decision of the fence commissioners, or of the district justice, under the provisions of this Act, may appeal therefrom to the circuit court of the island, or if the controversy is on the Island of Oahu, to the Supreme Court, which Circuit or Supreme Court shall hear and determine the case in *banco*: provided, however, that any party desirous of so appealing shall give notice of the same to the commissioners or to the district justice, respectively, within five days after the rendition of their decision.

SECTION 6. The fence commissioners shall be entitled to demand and receive for their services two dollars each for every case acted upon by them, and five cents per mile for all necessary travel in the performance of their duty, to be paid by the party applying for their intervention.

SECTION 7. This law shall not apply to any fence erected between lands belonging to private individuals and those of the Government.

SECTION 8. This Act shall take effect and become the law of the land from and after the day of its passage.

Approved this 14th day of February, A.D. 1859.

KAAHUMANU.

KAMEHAMEHA.

AN ACT TO PROVIDE HOSPITALS FOR THE RELIEF OF HAWAIIANS
IN THE CITY OF HONOLULU AND OTHER LOCALITIES.

*Be it Enacted by the King, the Nobles and Representatives of the
Hawaiian Islands in Legislative Council assembled :*

Repealed as
to Honolulu by
Act 1860.

SECTION 1. It shall be competent for the Minister of the Interior, under the regulations prescribed by the general law in regard to corporations, to grant a perpetual charter to any of the inhabitants of the city of Honolulu applying for the same, being subjects or denizens of the Kingdom, and to their successors, for the establishment of a hospital in said city, or the vicinity thereof, for the relief of sick and destitute Hawaiians.

SECTION 2. The said corporation when duly organized, shall have power to raise funds by subscription, donation, or otherwise, which may be invested for the purpose of medicines, the establishment of a dispensary and hospital, the payment of physicians, superintendents and nurses, or the renting or purchase of suitable buildings and hospital grounds, or the erection of such buildings in accordance with the discretion of such corporation, or the proper executive board thereof, authorized to act in behalf of the same.

SECTION 3. The said corporation may receive donations of lots of land in any part of the Kingdom, and use or dispose of the same for the purpose herein contemplated, in accordance with the intention of the donors thereof.

SECTION 4. Whenever the said corporation shall acquire funds, or the evidences thereof, in money and property, to the extent of five thousand dollars, and shall exhibit to the Minister of the Interior satisfactory proof of the same, the said Minister with consent of the King, may convey to such corporation any quantity of Fort or other Government lands and lots, or the proceeds of any such lands or lots, at his discretion, equivalent in value to said sum, to be used or held, as may be deemed advisable, for the proper uses and purposes of said corporation.

SECTION 5. In case the Government shall, as aforesaid, or otherwise, become a contributor to such corporation; the Board of

Health shall be entitled to a voice in its management, in proportion to the property or funds contributed.

SECTION 6. The said corporation shall be empowered to make all needful by-laws and regulations for the management and government of a hospital, not inconsistent with the Constitution and laws of the Kingdom; to hold real estate for its use, not exceeding in value at any one time, thirty thousand dollars, except hospital lots and buildings, and to sell, lease and convey the same as the interests of such institution may require.

SECTION 7. Such corporation may, as soon as the same may be done, without interfering with the primary object of said institution, as hereinbefore expressed, contract to receive and provide for sick and disabled seamen of other countries, or patients of any description who are fit subjects for hospital treatment.

SECTION 8. The Supreme Court shall be entitled to exercise a general supervision over said corporation, to enforce its uses and trusts in cases of misapplication or mismanagement, to declare the same dissolved on conviction of palpable misconduct, and thereupon to wind up its affairs, so as best to secure the rights of all parties interested.

SECTION 9. One hospital may be established on each of the islands of Maui, Hawaii, and Kauai, on the same terms and conditions and under the same restrictions as hereinbefore prescribed: provided, however, that whenever a fund in money or property for a hospital on either of said islands shall be raised to the amount of twenty-five hundred dollars, the Government may aid the same by donation of land to the same amount.

SECTION 10. This Act shall take effect and be in force from and after the date of its passage.

Approved this 20th day of April, A.D. 1859.

KAMEHAMEHA.

KAAHUMANU.

**Statutes of
1860.**

AN ACT IN AID OF THE QUEEN'S HOSPITAL CORPORATION.

Be it Enacted by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :

SECTION 1. Whenever the corporation known as the "Queen's Hospital," shall acquire funds or the evidence thereof, in money and property to the extent of five thousand dollars, and shall exhibit to the Minister of the Interior satisfactory proof of the same, the said Minister, with the consent of the King, may convey to said corporation any quantity of Fort or other Government lands and lots, or the proceeds of any such lands or lots, at his discretion, equivalent in value to said sum, to be used or held as may be deemed advisable for the proper uses and purposes of said corporation.

SECTION 2. That so much of the Act of 1859, entitled an Act to provide hospitals for the relief of Hawaiians in the city of Honolulu and other localities, as refer to the city of Honolulu, shall be, and the same is hereby repealed.

SECTION 3. This Act shall take effect from and after the day of its passage.

Approved this 5th day of July, A.D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO AUTHORIZE THE MINISTER OF THE INTERIOR TO TAKE POSSESSION OF WHATEVER LAND AND WATER MAY BE REQUIRED FOR THE USE OF THE HONOLULU WATER WORKS.

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

As amended
1878, chap. xxx.

SECTION 1. The Minister of Interior is hereby authorized and empowered, in accordance with the provisions of this Act, to enter upon and take possession of and hold for the use of the Government, such land and water, real estate and property, saving and excepting the water springs of Kunawai, Wailuakio

and Kanewai, as may be required for the use, maintenance, increase, and development of the Honolulu Water Works, in the way of laying water pipes, digging water leads, building dams and reservoirs, and reserving forest land, or land for the growth of forest vegetation, on the southern and western slopes of the Konahuanui range of mountains in the district of Honolulu, and laying between and including the eastern side of Palolo Valley and the western side of Kalihi Valley, with all spurs and gulches of the said slope between the said limits. Statutes of
1860.

SECTION 2. The Minister of the Interior shall appoint three competent and disinterested parties, who shall be sworn before entering upon the duties of their office, and any one of them shall have power to administer oaths, to act as commissioner to ascertain and determine upon the compensation to be made to the owner or owners, person or persons interested, for the taking or injuriously affecting such land and water, real property, as may be required for the said works.

SECTION 3. The said commissioners shall, by printed or written notice, notify the owners and others interested in the land and water, real property, proposed to be taken or injuriously affected, to meet them, within thirty days thereafter, at some convenient place, and lodge their claims for compensation; thereafter the commissioners shall proceed with dispatch to take what testimony may by them be deemed necessary, and after having viewed the premises, the said commissioners, or a majority of them, shall determine upon the compensation proper to be made to each of the parties claimant and interested.

SECTION 4. The said commissioners, or a majority of them, shall make, subscribe and file with the Minister of the Interior, within such reasonable time after their appointment, as may be fixed upon by the said Minister, a certificate of their finding and appraisement, in which the land and water, real estate and property so valued, and to be taken, shall be described by map, diagram, or otherwise, with convenient accuracy and certainty.

SECTION 5. Upon the filing of the certificate, as provided in

**Statutes of
1860.**

the preceding section, the Minister of the Interior is hereby authorized to pay to the persons named in said certificate, the several amounts determined upon by the said commissioners, out of the appropriations for the Honolulu Water Works, and to take possession of and occupy all land and water, real estate and property, described in the said certificate, and to hold and use the same for the benefit of the Honolulu Water Works: Provided always, that either party feeling aggrieved by the decision of the commissioners, may appeal to the Supreme Court of the Hawaiian Islands at the first regular term thereafter, on giving security for costs as provided in civil cases, and further provided, that such appeal shall not prevent the Minister of the Interior from proceeding with the works, or retaining or taking possession of all land and water property mentioned and valued in the said certificate of the commissioners.

SECTION 6. The Minister of the Interior, upon payment being made or tendered to all the parties entitled to payment under the certificate of the commissioners, shall cause to be entered on the records of his office said certificate, and a certified copy of the same shall be recorded in the office of the Registrar of Conveyances, with the like effect as if it was a deed of conveyance, in fee simple from the said owners and parties interested, to the Hawaiian Government.

SECTION 7. The Minister of the Interior shall, on receiving the certificate of appraisment, pay to the commissioners such reasonable compensation as he may determine upon, and he shall have power to fill any vacancy in their number from death or other cause.

SECTION 8. This Act shall take effect from and after the date of its passage.

Approved this 18th day of August, A. D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO AUTHORIZE THE MINISTER OF THE INTERIOR TO TAKE POSSESSION OF CERTAIN REAL ESTATE IN HONOLULU, FOR THE USE OF THE HONOLULU WATER WORKS. **Statutes of 1860.**

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

SECTION 1. The Minister of the Interior is hereby authorized and empowered to enter upon, and take possession of, and hold, for the use of the Government, such land, real estate, and property in the city of Honolulu, as may be required for the laying of pipes in connection with the Honolulu Water Works.

SECTION 2. Compensation shall be made to all parties from whom such land, real estate and property is taken, as provided in Sections 2, 3, 4, 5, 6 and 7 of "An Act to authorize the Minister of the Interior to take possession of whatever land and water may be required for the use of the Honolulu Water Works," approved on the 18th day of August, A.D. 1860.

SECTION 3. This Act shall take effect from and after the date of its passage.

Approved this 23rd day of June, A.D. 1868.

KAMEHAMEHA R.

AN ACT TO PROTECT GOVERNMENT LANDS AT THE SOURCE OF ALL STREAMS FROM TRESPASS, LYING MAUKA OF BERETANIA STREET IN THE CITY OF HONOLULU, AND BEING BETWEEN THE WESTERN SLOPE OF KALIHI VALLEY AND THE EASTERN SLOPE OF PALOLO VALLEY, IN THE DISTRICT OF KONA, ISLAND OF OAHU. **1880. Chap. XLII.**

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

SECTION 1. If any horse, mule, ass, hog, goat, sheep or neat cattle shall trespass upon any of the Government land at the source of the streams, and upon which are the sources of the water which supply the reservoirs now erected or hereafter to be erected

Statutes of 1860. for furnishing water to Honolulu, the owner of such animal or animals shall forfeit and pay for the use and benefit of the Hawaiian Government the sum of one dollar per head, excepting sheep and goats, for which they shall pay fifty cents per head. And if any trees or plants growing upon said lands be injured or destroyed, or the grass be uprooted or damaged by such animal or animals, the owner or owners thereof shall pay for the use and benefit of the Hawaiian Government the full amount of any such damage, to be recovered before the police court in Honolulu, if the amount claimed shall not exceed five hundred dollars.

SECTION 2. And be it further enacted, that the agent or luna appointed by the Minister of the Interior to take charge of said Government lands, shall be and is hereby authorized to sue for and recover such damages in his own name to the use and benefit of the Hawaiian Government.

SECTION 3. And be it further enacted, that all such damages recovered shall be applied by the Minister of the Interior for the purpose of protecting said Government lands and guarding the same against trespass.

SECTION 4. And be it further enacted, that if the owner or owners of such animal or animals neglect or refuse to pay for such trespass after demand made by such agent, and said animal or animals shall be taken to the Government pounds, then all subsequent proceedings relative thereto shall be regulated by the general law on the subject in the Civil Code, from Section 245 to 250 inclusive.

SECTION 5. This Act shall take effect and be in force from and after its passage.

Approved this 13th day of August, A.D. 1880.

KALAKAUA R.

AN ACT TO FACILITATE THE ARREST OF CRIMINALS.

Be it Enacted by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :

SECTION 1. The circuit judges shall have power to countersign

the warrant of any district justice within their respective circuits, for the apprehension of any offender who may have fled beyond the limits of the district where the warrant may have been issued, and such warrant so countersigned may be served anywhere within the judicial circuit where the same may have been issued.

SECTION 2. The district justices shall in like manner be empowered to countersign the warrant of arrest for any offender, which may have been issued by any other district justice within the same judicial circuits, provided said offenders be found within the district of the judge so countersigning said warrant.

SECTION 3. This Act shall take effect from and after the date of its publication.

Approved this 28th day of July, A.D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO FACILITATE THE SERVICE OF CRIMINAL PROCESS.

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

Note.

SECTION 1. Whenever any warrant of arrest has been issued by any court of competent jurisdiction, and the accused party shall escape beyond the jurisdiction of such court, it shall be lawful for the officer to whom such warrant shall have been directed, to pursue and arrest such accused party in any part of the Kingdom: provided, that the warrant shall be first endorsed with proper words of authority from some circuit judge or district justice, in the island where the actual arrest shall be made.

This Act does not apply to warrants for deserting husbands or wives, 1876 'ch. xxxvi.

SECTION 2. Any officer authorized to serve warrants at the place of arrest may also serve any warrant endorsed as aforesaid.

SECTION 3. The Supreme Court may from time to time, by general rules, prescribe forms for carrying this Act into effect, and make all other needful regulations.

Statutes of
1860.

SECTION 4. The expenses of serving such warrant shall be adjudged by the court originally issuing the warrant, and accounted for out of any fines and penalties in its possession.

Approved this 23d day of June, A.D., 1868.

KAMEHAMEHA R.

AN ACT TO REGULATE NAMES.

Be it Enacted by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :

SECTION 1. All married women now living, and all that may be married hereafter on these Islands, shall, from and after the passage of this Act, adopt the names of their husbands as a family name.

SECTION 2. All children born in wedlock after the passage of this Act shall have their father's name as a family name. They shall, besides, have a Christian name suitable to their sex.

SECTION 3. All illegitimate children born after the passage of this Act shall have their mother's name as a family name. They shall, besides, have a Christian name suitable to their sex.

SECTION 4. All children up to the age of twenty years shall adopt the names of their fathers as a family name.

SECTION 5. All names so adopted shall be reported to the agents appointed to take the census of the people during the present year.

SECTION 6. It shall not be lawful to change any name adopted or conferred under this law. It shall also not be lawful to change any name adopted or conferred before the operation of this law, except upon a decree of His Majesty the King in Privy Council, which decree shall be founded upon the petition of the person desirous of changing his or her name, and shall be duly published for the information of the public, for at least four consecutive weeks in some public journal in such decree mentioned.

As amended
1872, ch. xxx.

SECTION 7. The father or mother of any children born subsequently to the passage of this Act, shall report the name or names of such child to the registrar of births for the district in which such child was born, within three months after the birth of such child.

SECTION 8. This law shall take effect, and be the law of the land, from and after the date of its passage.

Approved this 24th day of August, A.D. 1860.

KAMEHAMEHA.

KAAHUMANU.

AN ACT TO ESTABLISH AN INSANE ASYLUM.

Be it Enacted by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :

SECTION 1. There shall be erected in Honolulu, at such place as the Minister of the Interior shall direct, a suitable building for the reception of all insane persons, to be styled an Insane Hospital.

SECTION 2. The Minister of the Interior shall have the power to make such arrangement for management of said hospital as he shall deem requisite and necessary.

SECTION 3. The judges of the Supreme, circuit, police and district courts shall have the power to commit any person to the said hospital on a satisfactory complaint being made before them that such person is insane, and that the public safety requires his restraint until he becomes of sane mind, or is ordered to be discharged as hereinafter provided.

SECTION 4. The judges of the Supreme and Circuit Courts shall have the power to discharge any person confined in said hospital upon application to them, if upon examination they shall be satisfied that said person is of sound mind.

SECTION 5. Any person indicted for any crime who shall be acquitted by reason of insanity or mental derangement, the court before whom such trial shall be heard, shall have the power to

**Statutes of
1862.**

commit such person to the Insane Hospital, there to remain until restored to his right mind or discharged, as provided in Section 4.

SECTION 6. The property of all persons committed to the said hospital shall be liable for the expenses attending their confinement; and the Attorney-General shall institute suits for the recovery of the same, when requested to do so by the Minister of the Interior.

As amended
1870, ch. xxxi.

SECTION 7. Whenever the physician of the hospital shall certify to the Minister of the Interior, that any person committed to the hospital is either restored to a sound mind, or that he has recovered so far that he has ceased to be dangerous to the public safety, the Minister aforesaid shall have power to discharge such person, provided that his friends stand ready to receive him.

SECTION 8. The physician of the hospital shall keep a register of the name, age, and sex of each person committed, the date of his admission and discharge from the hospital.

SECTION 9. The Minister of Finance is hereby authorized to pay to the Minister of the Interior a sum not to exceed seven thousand dollars, to carry out the above mentioned object.

SECTION 10. This Act shall become a law from and after the day of its publication.

Approved this 23rd day of August, A.D. 1862.

KAAHUMANU.

KAMEHAMEHA.

AN ACT TO PROVIDE FOR THE ENDOWMENT OF THREE SCHOLARSHIPS IN OAHU COLLEGE AT PUNAHOU.

Be it Enacted by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :

SECTION 1. That the Minister of Finance be, and he is hereby authorized, upon the passage of this Act, to issue exchequer bills or certificates of Government stock, to the amount of fifteen hundred dollars, bearing interest at the rate of twelve per cent. per annum, payable to the President of the Board of Education.

SECTION 2. That the fund hereby provided shall be applied to the endowment of three scholarships in Oahu College, to be filled from time to time by such indigent and deserving pupils, being aboriginals of this Kingdom, or of mixed aboriginal descent, as shall be nominated thereto by the trustees of said college, and approved by the Board of Education. Statutes of
1864.

SECTION 3. That the exchequer bills or Government stock, to be issued under the provisions of this Act, shall be considered as representing a part of the Government debt, authorized by "An Act to authorize the Minister of Finance to negotiate a Loan," passed on the 25th day of June, A.D. 1855, and shall be accounted for accordingly by the Minister of Finance.

SECTION 4. The said exchequer bills, or stock certificates shall be renewable, from time to time, when due, or shall be paid and cancelled at the option of His Majesty's Government.

Approved this 25th day of July, A.D. 1862.

KAMEHAMEHA.

KAAHUMANU.

AN ACT AUTHORIZING THE MINISTER OF THE INTERIOR TO GRANT ONE LICENSE, OR MORE, FOR THE ESTABLISHMENT OF A DISTILLERY, OR DISTILLERIES, IN THE CITY OF HONOLULU.*

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

SECTION 1. The Minister of the Interior is hereby authorized to grant licenses, not exceeding two, for the manufacture of spirits in the City of Honolulu, subject to the conditions and restrictions hereinafter set forth.

SECTION 2. All spirits manufactured by the authority of said license, or licenses, shall be discharged, by the means of their stills, into a warehouse, which shall be directly under the supervision of the Collector-General of Customs; and no spirits shall be withdrawn without the permit of the said Collector-General.

*Act 1874, Ch. XXIII., Licenses to sugar mills.

**Statutes of
1864.**

SECTION 3. All spirits, other than alcohol, manufactured as aforesaid, shall pay, when withdrawn for consumption, in this Kingdom, an excise equal to the specific duty that is now, or may hereafter be levied on spirits of like strength of alcohol of foreign manufacture imported into this Kingdom. Alcohol, manufactured as aforesaid, and entered for internal consumption, according to Section 517, of the Civil Code, shall pay an *ad valorem* duty of fifty per cent. on the manufacturing cost. If withdrawn for export, the said spirits shall be subject to the same surveillance and restrictions to which liquors of foreign manufacture are now, or may hereafter be, subjected when withdrawn for re-exportation.

SECTION 4. The licensee shall pay all expenses incidental to the storage of his spirits in such bonded warehouse.

SECTION 5. An account shall be kept by the licensee of the quantity of molasses, or other materials so converted, and spirits so manufactured; and a report of the same, if required, shall be made to the Minister of the Interior, at the expiration of each three months, from the date of the license.

SECTION 6. Any person introducing any spirits for consumption, which may be manufactured by authority of licenses granted under this Act, without having paid the excise thereon, shall be subject to the same pains and penalties as though the said spirits were of foreign manufacture, and had been smuggled; and, if he shall be an owner or employee of the distillery from which the same is introduced, the license shall be forfeited, and the buildings and apparatus of the said distillery shall be liable to confiscation and sale, for the benefit of the public treasury.

SECTION 7. Such license shall be valid for the space of five years; and, before granting such license, the Minister of the Interior shall demand and receive, at the hands of the applicant, for the benefit of the Royal Exchequer, the sum of fifty dollars; and, at the expiration of one year from the date of said license, the licensee shall pay fifty dollars further, and so on, at the expiration of each year, during the time of the license; it being, however,

expressly understood that the Minister of the Interior may, at his discretion, set such licenses up for sale at public auction, at an upset price of fifty dollars per year. **Statutes of 1864.**

SECTION 8. The applicant for a license under this Act shall deposit, with the Minister of the Interior, a bond in the sum of two thousand dollars, with two approved sureties, conditioned that he will faithfully observe and obey all the provisions of this Act, as well as of all other laws of the Kingdom pertaining to spirituous liquors.

SECTION 9. This Act shall take effect from and after the date of its passage.

Approved this 30th day of December, A.D. 1864.

KAMEHAMEHA R.

AN ACT TO PROHIBIT THE MAINTENANCE OF SUITS FOR THE RECOVERY OF DEBTS CONTRACTED IN PUBLIC HOUSES.

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

SECTION 1. That no suit brought for the recovery of any debt contracted after the promulgation of this Act, for spiritous liquors sold, or furnished to any person, by any licensed retail dealer in such liquors, shall be maintained in any court of this Kingdom. Bardick vs. Rhodes, 3 H.R. p. 250.

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 10th day of January, A.D. 1865.

KAMEHAMEHA R.

AN ACT TO REGULATE THE CARRYING OF PASSENGERS BETWEEN THE ISLANDS OF THIS KINGDOM.

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

SECTION 1. That from and after the first day of February, 1865, it shall not be lawful for any vessel to carry passengers

**Statutes of
1864.**

between the different islands of the Kingdom, except such vessels as shall be especially licensed for that purpose, under a penalty of twenty dollars for each passenger so carried, to be recovered before any police or district justice.

As amended
1874, ch xii.

SECTION 2. Before obtaining the said license, it shall be necessary that the vessel for which such license is desired shall be thoroughly inspected by some person to be appointed for that purpose by the Collector General of Customs; and the person so appointed shall be entitled to a fee of three dollars for such inspection and his certificate, which fee shall be paid by the owners of such vessel before the inspector shall proceed on board; and if the inspector shall certify the said vessel to be staunch, and well equipped and of sufficient capacity and accommodation to carry passengers, on presenting such certificate to the Collector General of Customs, the owners of such vessel shall be entitled to receive a license to carry passengers between the Islands of the Kingdom for one year, subject to the rules and regulations hereinafter provided; it being expressly understood and enacted, that the force and effect of Article second of the Civil Code, entitled "Of the internal trade and commerce," is not changed or altered, but is applicable to goods only.

As amended
June 22, 1868.

SECTION 3. No vessel shall carry more than one passenger for every two tons registered burthen, excepting steam vessels, the same being allowed to carry two passengers for every three tons burthen; and in case of any violation thereof, the master of such vessel shall be liable to a fine of five dollars for each passenger so carried, the same to be recovered, for the use of the Hawaiian Government, before any police or district justice. And each vessel licensed to carry passengers between the Islands shall carry on all her passages, secured on deck, one spare extra cask, of the capacity of at least two barrels, filled with water, and under her deck, easily accessible, as many barrels of good sound bread or rice, and salt provisions, and water, as may, from time to time, be required by the Harbor Master of Honolulu; and for disobedience of the orders of the Harbor Master, by not carrying the quantity of water and provisions required and commanded by him, the vessel; the master of which has so neglected to obey the

P. C.
ch. LV., sec. 16.

order of the said Harbor Master, shall be liable to have her license revoked by the Collector-General of Customs, and the master shall be further liable to a fine not exceeding the sum of one hundred dollars, to be recovered before any police or district justice.

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Sections 4 and 5 repealed 1870, Ch. XXVIII.

SECTION 6. It shall not be lawful for any vessel engaged in inter-island navigation to receive on board, at either of the islands of Hawaii, Maui, Lanai, Molokai, Kahoolawe or Kauai, any female under the age of twenty-five years, with the intention of affording a passage for such female to Oahu, or to bring any female under the said age of twenty-five years from one of the aforesaid islands to Oahu, unless such female shall first have produced and delivered to the master or supercargo of the vessel a passport, signed by some person duly authorized, as in the succeeding section set forth, and the master of any vessel who shall afford a passage for any female, in contravention of this law, shall be fined not less than five nor more than twenty-five dollars for each passenger so carried in contravention of this law.

P. C.
ch. LV., sec 17.

SECTION 7. The several governors, circuit judges, district justices, sheriffs and collectors of customs, are hereby authorized to grant a passport, without charge to any female applying therefor, who may show, to the satisfaction of such governor, circuit judge, district justice, sheriff or collector of customs, that she has a reasonable cause for wishing to proceed to Oahu; and it shall be the duty of the officers aforesaid to refuse a passport to all females who cannot show a reasonable cause for their desire to proceed to Oahu; and the said passport shall set forth the cause and probable duration of such visit.

SECTION 8. The master or supercargo of every vessel licensed to carry passengers, immediately on his arrival at Honolulu, shall deliver to some officer of the customs or police, or to some other person authorized thereto by the Governor of Oahu, all the passports of the passengers by his vessel; and it shall be the duty of the person receiving the same to compare the number of passports with the number of persons on board the vessel liable to the law,

P. C.
ch. LV., sec 18.

**Statutes of
1864.**

and to verify the description, if there be any description on the passport, and to report the passports and all information pertaining to them to the headquarters of the police at Honolulu. And every female under the age of twenty-five years, whose habitual place of residence is on one of the other islands, who shall have visited Oahu without having procured a passport, as in the preceding sections set forth, shall be liable to be arrested and sent back to her place of residence, at the expense of the vessel on which she came to Oahu.

Approved this 10th day of January, A.D. 1865.

KAMEHAMEHA R.

AN ACT TO RE-ENACT AN ACT ENTITLED "AN ACT TO PROHIBIT NATIVES FROM LEAVING THE ISLANDS," PASSED ON THE SECOND DAY OF JULY, A.D. 1850.

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

That so much of Section 1491 of the Civil Code, as repeals the Act entitled "An Act to prohibit natives from leaving the Islands," passed on the 2d day of July, 1850, is hereby repealed, and the said Act* to prohibit natives from leaving the Islands, is hereby re-enacted, and shall be of full force and effect from and after the date of the publication of this Act.

Approved this 31st day of December, A.D. 1864.

KAMEHAMEHA R.

*See the following Act.

AN ACT TO PROHIBIT NATIVES FROM LEAVING THE ISLANDS.

Statutes of
1864.

CONTENTS:

- SECTION 1. No native to leave the Islands without permission of the governor.
2. This Act does not relate to sailors, &c.
 3. Cases where the natives have previously received permission to leave the Islands.

WHEREAS, by the census of the Islands, taken in 1849, the population decreased at the rate of 8 per cent. in 1848, and by the census taken in 1850, the population decreased at the rate of 5 1-7 per cent. in 1849: Whereas, the want of labor is severely felt by planters and other agriculturists, whereby the price of provisions and other produce has been unprecedently enhanced to the great prejudice of the Islands: Whereas many natives have emigrated to California and there died, in great misery, and whereas, it is desirable to prevent such loss to the nation, and such wretchedness to individuals, therefore,

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

1. That from the day of the publication hereof, no native subject of the King shall be allowed to emigrate to California, or other foreign country, unless for some urgent necessity connected with his private interests, of which necessity he or she shall give proof satisfactory to the governor of the island to which he or she may belong, in which case it shall be lawful for said governor to grant a letter to such person, stating that such person may obtain a passport to leave the Kingdom.

2. Be it enacted, as aforesaid, that nothing in this Act shall prevent the governors of islands from granting, as heretofore, under the bonds prescribed by law, permission for native sailors to embark in such foreign ships as may be in distress from want of men to prosecute their voyages, nor shall anything in this Act prevent a family leaving the Islands, from obtaining permission and a passport to take with them such native nurse or domestic servants as they may urgently require, they giving satisfactory bond for the return of each individual, as required in the case of native sailors embarked in foreign vessels.

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1864.**

3. And be it further enacted as aforesaid, that in all cases where natives may have obtained permission to leave the Islands, prior to the promulgation of this Act, or previous to its becoming known on distant islands, and where such natives may have paid for their passages, it shall be lawful, on satisfactory proof thereof, to grant such natives passports allowing them to proceed.

The Minister of the Interior is charged to publish this Act immediately, in Hawaiian and English in the *Polynesian*, and in Hawaiian in the *Elele*, and to transmit copies thereof by circular to the governors, collectors of customs, captains of ports and pilots of the respective islands.

Done and passed at the council house in Honolulu this 2d day of July, A.D. 1850.

KAMEHAMEHA.

KEONI ANA.

AN ACT TO PROVIDE FOR THE IMPORTATION OF LABORERS, AND
FOR THE ENCOURAGEMENT OF IMMIGRATION.

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

SECTION 1. That there shall be, and is hereby created, a "Bureau in the Department of the Interior, to be styled the Bureau of Immigration," for the purpose of superintending the importation of foreign *laborers*, and the introduction of immigrants.

SECTION 2. That the said Bureau shall be under the control of the Minister of the Interior, assisted by a committee of five members of the Privy Council of State, to be appointed by His Majesty the King for that purpose.

SECTION 3. That it shall be the duty of the Minister of the Interior, with the assistance of the committee of Privy Council aforesaid, as soon as convenient after the passage of this Act to devise and recommend for the adoption of His Majesty the King in Privy Council, such measures as may be necessary to secure the importation of a sufficient number of foreign laborers to supply

the wants of planters and others; and such regulations as may be deemed expedient, touching the contracts to be made with such laborers, as well as the terms and conditions upon which they are to be assigned after their arrival in this Kingdom.

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SECTION 4. It shall also be the duty of the Minister of the Interior, with the assistance of the aforesaid committee, from time to time, to recommend for the adoption of His Majesty the King in Privy Council, such measures and regulations as may be deemed expedient, to promote and encourage the introduction of free immigrants from abroad.

SECTION 5. Moneys appropriated by the Legislature for the objects contemplated by this Act, shall be paid out of the public treasury, upon the order of the Minister of the Interior.

SECTION 6. Such measures and regulations as shall, from time to time, be adopted by His Majesty the King in Privy Council, under the provisions of this Act, shall be embodied in ordinances of the King in Council; and the same shall be published in a newspaper published in Honolulu.

Approved this 30th day of December, A.D. 1864.

KAMEHAMEHA R.

AM ACT TO EXTEND THE POWERS OF THE BUREAU OF IMMIGRATION.

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

SECTION 1. It shall be the duty of the Minister of the Interior, with the assistance of the committee of Privy Council constituting the Board of Immigration, as soon as convenient after the passage of this Act, to devise and recommend, for the adoption of His Majesty the King in Privy Council, such rules and regulations as may be deemed necessary for the good government and control of immigrants that have been brought or admitted, or that may be brought or admitted into this Kingdom, as servants or laborers, under license or permission from the Bureau of Immigration, or contract with the Minister of the Interior.

Statutes of 1864. SECTION 2. Such rules and regulations as shall, from time to time, be adopted by His Majesty the King in Privy Council, under the provisions of this Act, shall be embodied in ordinances of the King in Council, and the same shall be published in a newspaper published in Honolulu.

SECTION 3. All such ordinances shall specify the penalties for violation of the same, and shall have the force of laws, and all courts of justice shall take judicial notice thereof.

SECTION 4. It shall be the duty of the police and of the police and district justices to enforce the rules and regulations that may be adopted and published in accordance with Sections 1 and 2 of this Act.

SECTION 5. This Act shall take effect and become a law from and after the date of its passage.

Approved this 23d of June, A.D. 1868.

KAMEHAMEHA R.

AN ACT TO PROMOTE IMMIGRATION.

Whereas, it is of great importance to prevent the depopulation of these Islands, and the diminution of the native race; therefore,

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

The Board of Immigration are hereby authorized and directed to take prompt and efficient measures for the introduction of Polynesians, of both sexes, from other islands of the Pacific Ocean, and to provide by contract for their support and employment, for a term of years. But all such contracts shall provide, as far as may be, that the employers shall receive as many women as men, and that suitable provisions shall be made for the support of such women.

Approved this 23d day of June, A.D. 1868.

KAMEHAMEHA R.

AN ACT REQUIRING CONSULAR CERTIFICATES TO BE ATTACHED **Statutes of**
TO INVOICES OF GOODS IMPORTED FROM FOREIGN COUNTRIES. **1864.**

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

SECTION 1. That there shall be attached to all invoices of goods imported into this country, from any port within the consular jurisdiction of any of his Majesty's consuls or commercial agents, an oath and a certificate in the following form:

CERTIFICATE TO INVOICE.

I, of do solemnly and truly swear that the invoice now produced and hereunto annexed, contains a true and faithful account of the goods, wares and merchandise therein described, at their market value at at the time the same were procured, and of all charges thereon, and that the said invoice contains no discounts, bounties, or drawbacks, but such as have been actually allowed.

(Signed)

I, His Hawaiian Majesty's Consul for do hereby certify that on the day of of the year personally appeared before me who subscribed and swore to the above ; and I further certify that I am satisfied that is the person he represents himself to be, that he is a credible person, and that the statements made by him under said oath are true.

[Seal]

(Signed)

H. H. M.'s Consul.

And that it shall be lawful for such consul or commercial agent to charge and receive from the person requiring such certificates, as for his own proper fee or reward, the sum of one dollar on all invoices under five hundred dollars, and two dollars on all invoices of five hundred dollars and upwards.

SECTION 2. It shall be lawful for any collector of customs in this Kingdom, on the presentation of any invoice purporting to be shipped at any port where one of His Majesty's consuls is resident, when said invoice be not attached to the oath and certificate as in the preceding section set forth, to cause to be added to the invoice twenty-five per cent., and the duties shall be collected on the said increased valuation.

SECTION 2A. The Collector of Customs shall be authorized to grant a further time of six months to parties not having a consular

Amended 1874,
ch. xx.

Statutes of
1864.

certified invoice, upon their filing a bond with good security to produce the same within that time, the charge for which bond shall be two dollars.

SECTION 3. This law shall take effect as regards all invoices of goods shipped by vessels sailing from the ports on the Pacific Coast of North America, after the full expiration of three months from the date of its publication, and as regards those shipped from ports in Europe, or on the Atlantic Coast of North America, after the full expiration of six months from the date of its publication; and upon all invoices of goods arriving from other ports, after the full expiration of one year from the date of its publication.

Approved this 30th day of December, A.D. 1864.

KAMEHAMAHA R.

AN ACT TO PREVENT THE SPREAD OF LEPROSY.

P. C.
ch. LXII.

WHEREAS, the disease of Leprosy has spread to considerable extent among the people, and the spread thereof has excited well grounded alarms; *and whereas, further*, some doubts have been expressed regarding the powers of the Board of Health in the premises, notwithstanding the 302d Section of the Civil Code; *and whereas*, in the opinion of this Assembly, the 302d Section is properly applicable to the treatment of persons afflicted with the Leprosy; yet for greater certainty and for the more sure protection of the people—

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

SECTION 1. The Minister of the Interior, acting as President of the Board of Health, is hereby expressly authorized, with the approval of the said Board, to reserve and set apart any land or portion of land now owned by the Government, for a site or sites of an establishment or establishments to secure the isolation and seclusion of such leprous persons as in the opinion of the Board of Health or its agents may, by being at large, cause the spread of leprosy.

SECTION 2. The Minister of the Interior, as President of the Board of Health, and acting with the approval of the said Board, may acquire for the purpose stated in the preceding section, by purchase or exchange, any piece or pieces, parcel or parcels of land, which may seem better adapted to the use of lepers than any land owned by the Government.

SECTION 3. The Board of Health, or its agents, are authorized and empowered to cause to be isolated and confined, in some place or places for that purpose provided, all leprous patients who shall be deemed capable of spreading the disease of leprosy; and it shall be the duty of every police and district justice, when properly applied to for that purpose by the Board of Health, or its authorized agents, to cause to be arrested and delivered to the Board of Health or its agents, any person alleged to be a leper, within the jurisdiction of such police or district justice; and it shall be the duty of the Marshal of the Hawaiian Islands and his deputies, and of the police officers, to assist in securing the conveyance of any person so arrested, to such place as the Board of Health or its agents may direct, in order that such person may be subjected to medical inspection, and thereafter to assist in removing such person to a place of treatment; or isolation, if so required by the agents of the Board of Health.

SECTION 4. The Board of Health is authorized to make such arrangements for the establishment of a hospital, or the securing of a ward in some hospital, where leprous patients in the incipient stages may be treated in order to attempt a cure; and the said Board and its agents shall have full power to discharge all such patients as it shall deem cured, and to send to a place of isolation contemplated in Sections 1 and 2 of this Act, all such patients as shall be considered incurable or capable of spreading the disease of leprosy.

SECTION 5. The Board of Health or its agents may require from patients such reasonable amount of labor as may be approved of by the attending physicians; and may further make and publish such rules and regulations as by the said Board may be considered

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adapted to ameliorate the condition of lepers, which said rules and regulations shall be published and enforced as in the 284th and 285th sections of the Civil Code provided.

Secs. 5A and
5B by Act 1870,
ch. xxxiii.

SECTION 5A. No person, not being a leper, shall be allowed to visit or remain upon any land, place or inclosure set apart by the Board of Health for the isolation and confinement of lepers, without the written permission of the President of the Board, or some officer authorized thereto by the Board of Health, under any circumstances whatever, and any person found upon such land, place or inclosure without a written permission, shall, upon conviction thereof before any police or district justice, be fined in a sum not less than ten nor more than one hundred dollars for such offense, and in default of payment, to be imprisoned at hard labor until the fine and costs of court are discharged in due course of law.

SECTION 5B. It shall be lawful for the Board of Health, through its president, to make and promulgate such rules and regulations as may be from time to time necessary for the government and control of the lepers placed under their charge, and such rules and regulations shall have the same force and effect as a statute law of the Kingdom : Provided, always, that the sanction of the King, in Cabinet Council, be given thereto, and that they be published in two newspapers, published in Honolulu, one in the Hawaiian the other in the English language.

Section 6 repealed 1874, chapter XI.

SECTION 7. The Board of Health, while keeping an accurate and detailed account of all sums of money expended by them out of any appropriations which may be made by the Legislature, shall keep the account of sums expended for the leprosy, distinct from the general account. And the said Board shall report to the Legislature at each of its regular sessions, the said expenditures in detail, together with such information regarding the disease of leprosy, as well as the public health generally, as it may deem to be of interest to the public.

Approved this 3d day of January, A. D. 1865.

KAMEHAMEHA R.

NOTE.—This Act constitutes Chapter LXII, P. C., and the new Sections 5A and 5B inserted, and the repeal of Section 6 should pertain likewise to said chapter.

AN ACT TO RELIEVE THE ROYAL DOMAIN FROM ENCUMBRANCES
AND TO RENDER THE SAME INALIENABLE.

Statutes of
1864.

WHEREAS, by the Act entitled "An Act relating to the lands of His Majesty the King, and of the Government," passed on the 7th day of June, A. D. 1848, it appears by the preamble that His Most Gracious Majesty Kamehameha III., the King, after reserving certain lands to himself as his own private property, to surrender and make over unto his chiefs and people, the greater portion of his Royal Domain. *And whereas*, by the same Act it was declared that certain lands therein named shall be the private lands of Kamehameha III., to have and to hold to himself, his heirs and successors forever; and that the said lands shall be regulated and disposed of according to his royal will and pleasure, subject only to the rights of tenants. *And whereas*, by the proper construction of the said statute the words "heirs and successors," mean the heirs and successors to the Royal Office. *And whereas*, the history of said lands shows that they were vested in the King for the purpose of maintaining the Royal State and Dignity; and it is therefore disadvantageous to the public interest that the said lands should be alienated, or the said Royal Domain diminished. *And whereas*, further, during the two late reigns, the said Royal Domain has been greatly diminished, and is now charged with mortgages to secure considerable sums of money; now, therefore,

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

SECTION 1. The Minister of Finance is hereby authorized to issue Exchequer Bonds, with coupons attached, to the amount of not more than thirty thousand dollars, said bonds to bear interest at not more than twelve per cent. per annum, payable half yearly, and to be redeemable at such times within the next twenty years, as the said Minister of Finance shall deem expedient, which said bond shall be issued whensoever necessary to the Commissioners of Crown Lands, hereinafter provided for, to be used to extinguish those mortgages which may remain unsatisfied after the

These bonds
assumed by the
Government.

See resolution
following this
Act.

Statutes of 1864. administrator of his late Majesty's estate has exhausted all the estate belonging to his late Majesty, in a private capacity, which the said administrator may be legally entitled to use for the payment of the debts of the estate.

SECTION 2. Full authority is hereby given to such Commissioners, jointly with the Minister of Finance, to negotiate for the redemption of the mortgages in the preceding section referred to, and dispose of the said exchequer bonds for that purpose, in such manner as may be most advantageous to the public interest.

SECTION 3. It is further enacted that so many of the lands which by the statute enacted on the 7th of June, 1848; are declared to be the private lands of His Majesty Kamehameha III., to have and to hold to himself, his heirs and successors forever, as may be at this time unalienated, and have descended to His Majesty Kamehameha V., shall be henceforth inalienable, and shall descend to the heirs and successors of the Hawaiian Crown forever; and it is further enacted that it shall not be lawful hereafter to execute any lease or leases of the said lands, for any term of years to exceed thirty.

SECTION 4. The Commissioners of the Crown Lands shall have full power and authority to make good and valid leases of the said lands for any number of years not exceeding thirty; but in no case shall it be lawful to collect the rents on the same for more than one year in advance, or to receive anything in the nature of a bonus for signing the said lease, and all the rents, profits and emoluments derived from the said lands, after deducting the necessary and proper expenses of managing the same, shall be for the use and benefit of the reigning Sovereign, and payable by the said commissioners to the order of the King, except when the King shall be a minor, and then they shall be invested for the benefit of the said minor King, as the Legislature may direct, until the said minor shall have arrived at the age of majority, and excepting further as in the succeeding section set forth.

SECTION 5. There shall be set apart by the said commissioners, one-fourth part of the annual revenue of the said estate, which shall be paid into the public treasury, and be devoted first to the

payment of the interest on the exchequer bonds herein above provided for, and so much of the said fourth part of the said income as may be in excess of the said interest on the said bonds, shall be applied to the payment of the principal of the said bonds, until the entire sum by this Act authorized to be issued shall be fully paid.

**Statutes of
1864.**

SECTION 6. The Board of Commissioners of Crown Lands shall consist of three persons, to be appointed by His Majesty the King, two of whom shall be appointed from among the members of his Cabinet Council, and serve without any remuneration, and the other shall act as land agent, and shall be paid out of the revenues of the said land, such sum as may be agreed by His Majesty the King.

Approved this 3d day of January, A.D. 1865.

KAMEHAMEHA R.

RESOLUTION.

WHEREAS, this Legislative Assembly has become apprised that nearly all of the revenue of the Royal domain, accruing since the death of His late Majesty Kamehameha IV., of gracious memory, has been used to liquidate the debts with which the estate had been burdened during His late Majesty's life-time, so that His Majesty, our most gracious Sovereign, to this time has derived but small advantage therefrom :

AND WHEREAS, this Assembly has likewise been apprised that the amount of indebtedness upon the said estate at the time of His late Majesty's decease was very large, and greatly exceeded the amount which was supposed to be due :

AND WHEREAS, this Legislative Assembly gratefully appreciate the consideration of His Majesty in allowing nearly the entire revenue of the estate to be devoted to the liquidation of the debt :

Statutes of 1864. AND WHEREAS, more especially this Assembly and the nation gratefully appreciate His Majesty's generosity in consenting to the limitation of the Royal domain, as at present by law provided :—

Now, therefore, be it Resolved, That this Legislative Assembly do, in the name of the Hawaiian nation, assume the payment of the exchequer bonds, issued by the Minister of Finance, to the Commissioners of Crown Lands, by virtue of Section 1 of "An Act to relieve the Royal Domain from incumbrances, and to render the same inalienable," passed on the 3rd day of January, A.D., 1865; and do hereby discharge the Commissioners of Crown Lands having in charge the said domain, and their successors in office, from all liabilities to pay the said bonds, principal or interest, or any part thereof.

Approved this 6th day of July, A.D. 1866.

KAMEHAMEHA R.

AN ACT TO MAKE A PERMANENT SETTLEMENT ON HER MAJESTY QUEEN EMMA.

WHEREAS, by the law of this Kingdom, as at present existing, the Consorts of the Kings of Hawaii are entitled to dower in the Royal domain ; *and whereas*, it is not advantageous to the Kingdom, that the Royal domain should be diminished ; *and whereas*, it is just and proper that Queen Emma should be enabled to maintain a style of living suitable to her station and dignity ; therefore,

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

SECTION 1. That the sum of six thousand dollars shall be paid annually out of the public treasury to Her Majesty Queen Emma, during the term of her natural life, upon condition as in the succeeding section set forth.

SECTION 2. Before Her Majesty Queen Emma shall receive any sum by virtue of this Act, she shall release all claim of dower in and to the Royal domain, by good and sufficient conveyances.

SECTION 3. Her Majesty Queen Emma shall be entitled to draw the annuity as provided in the first section, from the date of the decease of His late Majesty Kamehameha IV.; *provided always*, that Her Majesty Queen Emma's release of dower, as well as of all other allowances by the State, shall take effect from that date. **Statutes of
1864.**

Approved this 31st day of December, A.D. 1864.

KAMEHAMEHA R.

AN ACT TO INCREASE THE PERMANENT SETTLEMENT ON HER MAJESTY QUEEN DOWAGER EMMA. Act 1882, ch ix.

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

SECTION 1. From and after the date of the approval of this Act, Her Majesty Queen Dowager Emma shall be paid the sum of two thousand dollars per annum, in addition to the annuity provided by the Act approved on the 31st day of December, A.D. 1864.

Approved the 5th day of July, A.D. 1882.

AN ACT TO CREATE A SINKING FUND.

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

SECTION 1. That the Minister of Finance be, and is hereby authorized to set apart, as a sinking fund, all moneys paid into the Treasury as proceeds from the sale of Government lands.

SECTION 2. That the said fund be applied to the purchase and redemption of such Government stocks and other evidence of Government indebtedness, as may, from time to time, be offered for purchase and redemption at the Treasury.

SECTION 3. That the Minister of Finance be, and is hereby authorized to credit to the said fund the net proceeds received by the Treasury from the sale of Government lands from the first of January, 1864.

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SECTION 4. That interest at the rate of seven per cent. per year be allowed and paid by the Minister of Finance upon all moneys deposited in the Treasury, in pursuance of the provisions of this Act, and not invested as above provided for.

SECTION 5. This Act shall take effect from and after the date of its publication.

Approved this 31st day of December, A.D. 1864.

KAMEHAMEHA R.

AN ACT TO FACILITATE THE SETTLEMENT OF BOUNDARIES, BY THE APPOINTMENT OF COMMISSIONERS, AND EXTEND THE TERM OF THE COMMISSION OF BOUNDARIES, ESTABLISHED BY AN ACT APPROVED 23D AUGUST, 1862.

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

As amended
by Act 1880, ch.
XLIV.

SECTION 1. That the term of the continuance of the Commission of Boundaries established by an Act approved on the twenty-third day of August, one thousand eight hundred and sixty-two, and extended to the twenty-third day of August, one thousand eight hundred and seventy-four, by an Act approved on the twenty-second day of June, one thousand eight hundred and sixty-eight, and extended to the twenty-third day of August, one thousand eight hundred and eighty, by an Act approved on the thirteenth day of July, one thousand eight hundred and seventy-four, be and the same is hereby extended to the twenty-third day of August, one thousand eight hundred and eighty-six, for the purpose of deciding and certifying the boundaries of Ahupuaas and portions of Ahupuaas, Ilis and portions of Ilis, and other denominations of lands upon application now pending before the several Commissioners of Boundaries, and upon such application as may hereafter be made under the provisions of Section 9 of the said Act of the twenty-second day of June, one thousand eight hundred and sixty-eight.

SECTION 2. It shall be the duty of the Minister of the Interior, by and with the approval of His Majesty the King, from and

after the date of the passage of this Act, to appoint one or more Commissioners of Boundaries to hold office during his pleasure, but in no case shall any judge of the Supreme Court be appointed such commissioner; and he shall have power to fill a vacancy caused by death, removal, or other cause. There shall not be more than one commissioner for each judicial circuit, and the same person may be appointed for one or more circuits.

**Statutes of
1868.**

SECTION 3.* That the time allowed to the owners of Ahupuaas and Ilis of land for filing their applications to have the boundaries of their land decided and certified by the Commissioner of Boundaries, be and the same is hereby extended to the 23rd day of August, A.D. 1873.

SECTION 4. All owners of Ahupuaas and Ilis of land within this Kingdom, whose land have not been awarded by the Land Commissioners, patented or conveyed by deed from His Majesty the King, by boundaries decided in such award, patent, or deed, are hereby required within five years from the 23d day of August, A.D. 1868, to file with the Commissioner of Boundaries for the circuit in which the land is situated, an application to have the boundaries of said land decided and certified to by said commissioner or his successor in office. The application shall state the name of the land, the names of the adjoining land or lands, and the names of the owners of the same where known, and it shall also contain a general description, by survey or otherwise, of the boundaries as claimed.

Re Palehunni,
4 H.R., p. 239.

SECTION 5. It shall be the duty of the commissioner, on receipt of such application as above provided, to notify the owner or owners of the land, and also those of the land adjoining, of the time when he will be prepared to hear their case. The commissioner shall receive at such hearing all the testimony offered; shall go on the ground when requested by either party, and shall endeavor otherwise to obtain all information possible to enable him to arrive at a just decision as to the boundaries of said lands.

Keelikolani vs.
Trustees of
Lunallilo, 4 H.R.
p. 627.

*NOTE.—By Act 1872, Ch. XXI., following this Act, *portions* of the Ahupuaas and Ilis may be determined. See also Sec. 1 above, as amended in 1880.

Statutes of
1868.

Upon giving a decision, the commissioner shall therein describe the boundaries decided on by survey, by natural topographical features, or by permanent boundary marks, or partly by each ; and he shall have the power to order such surveys and marks to be made or erected as he may consider necessary, at the expense of the parties in interest, but he shall in no case alter any boundary described by survey in Royal Patent, in deed from the King, or in Land Commission award.

SECTION 6. Any party deeming himself aggrieved by the decision of any Commissioner of Boundaries, may appeal therefrom to the circuit court of the island on which such hearing is had, or the Supreme Court ; which circuit or Supreme Court shall hear and determine the case *in banco*, and take such further testimony as may be presented ; *provided, however*, that any party desirous of so appealing shall give notice of the same to the commissioner within thirty days after the rendition of his decision, and paying the costs already incurred, and depositing a bond for costs, as required on appeals to the Supreme Court in civil cases ; *and further provided*, that any land-owner absent from the Kingdom, and not represented by an authorized agent within the Kingdom, shall have the right of appeal for one year from the rendition of said decision.

SECTION 7. Whenever any person shall appeal from the decision of any commissioner, as provided in the last preceding section, it shall be the duty of the commissioner to send up a statement of the case, together with a copy of his decision, to the court to which the appeal has been taken ; and such record shall be read in evidence, and the court shall allow the introduction of the evidence of witnesses whose testimony is not on record, but not otherwise.

SECTION 8. Each commissioner shall have the like power to administer oaths, to punish contempts, to grant adjournments, to subpoena and compel the attendance of witnesses, and the production of books and papers, and issue execution for costs, as is conferred by law upon the police and district justices.

SECTION 9. If the owner of any Ahupuaa or Ili of land, coming within the purview of this law, shall make default in filing a

proper application with the commissioner, on or before the 23d day of August, 1873, he may be summoned by the commissioner, at the instance of His Majesty's Minister of the Interior or Attorney-General, and it shall be lawful for the commissioner to proceed to decide and certify the boundaries of said Ahupuaa or Ili, and the owner thereof shall be mulcted in double costs, as a penalty for his default, subject to appeal, as provided in Section 6 of this Act.

SECTION 10. The Minister of the Interior is not authorized, and is hereby forbidden to issue any patent from and after the passage of this Act, in confirmation of an award by name, made by the commissioners, to quiet land titles, without the boundaries being defined in such patent, according to the decision of some commissioner of boundaries, appointed under this Act, or by the late sole commissioner, or the circuit court, or Supreme Court, on appeal.

SECTION 11. Each commissioner shall keep a record of his proceedings in books, to be furnished him by the Minister of the Interior, which records, at the close of his commission, or other determination thereof, shall be returned to the Minister of the Interior.*

SECTION 12. The certificates of each commissioner shall be made on stamped paper, furnished by the Minister of the Interior, and each commissioner shall collect and account to the Minister of the Interior, for the benefit of the Royal Exchequer, one dollar for each stamped certificate issued by him.

SECTION 13. All applications on file with the commissioner appointed under the Act to amend the law relating to the commissioner of boundaries, approved the 27th day of July, A. D. 1866, and all records in the possession of the said commissioner, duly appointed under said Act, at the time of his decease, shall, immediately after the passage of this Act, be transferred to the commissioner having jurisdiction under this Act.

SECTION 14. Each commissioner shall receive the sum of ten dollars for each and every day he shall be employed in settling

*Copies of certificates to be deposited in the office of the Minister of the Interior, by Act 1876, following second after this.

**Statutes of
1868.**

boundaries, and his traveling expenses in viewing the *locus in quo*; and in all cases he shall receive two dollars for each certificate granted, fifty cents for every hundred words contained in the description in such certificate, and twenty-five cents for every hundred words contained in the record of the testimony in the case.

SECTION 15. The costs in each case shall be borne by the petitioner or respondent, or shall be apportioned between them, as equity and justice may require, in the judgment of the commissioner, subject to appeal, as aforesaid.

SECTION 16. This Act shall take effect and become a law from and after the date of its passage; and all laws and parts of laws inconsistent or in contravention herewith, are hereby repealed.

Approved this 22d day of June, 1868.

KAMEHAMEHA R.

AN ACT TO REGULATE THE ISSUING OF ROYAL PATENTS.

Act
1872, ch. XXI.

WHEREAS, large numbers of Ahupuaas and Ilis of land in this Kingdom were awarded by the Commissioners to Quiet Land Titles, by name only, and not by survey or defined boundaries; And, whereas, the Government commutation in many instances is not paid, nor the boundaries of such lands certified to; And whereas in many cases the original holders of such awards have deceased, or the title to the said lands, or to portions of said lands, has passed into other hands; Therefore,

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

Brunz vs. Minister of Interior
3 H.R., p. 787.

SECTION 1. Every Royal Patent hereafter issued upon an award of the Board of Commissioners to Quiet Land Titles, shall be in the name of the person to whom the original award was made, even though such person be deceased, or the title to the real estate thereby granted have been alienated; and all Royal Patents so issued shall inure to the benefit of the heirs and assigns of the holder of such original award.

SECTION 2. The Commissioners of Boundaries provided for by the Act approved on the 22d of June, A. D. 1868, entitled "An Act to facilitate the settlement of boundaries," &c., shall receive and hear any and all applications for settlement of boundaries of portions of Ahupuaas, Iis, or other denominations of lands situated within the jurisdiction of such commissioners and shall determine upon the same agreeably with the provisions of the said Act. **Statutes of 1868.**

SECTION 3. Upon presentation to the Minister of the Interior of a certificate of a commissioner of boundaries defining the boundaries of a portion of an Ahupuaa, Ili or other denomination of land, as by Section 2 of this Act provided, the said Minister shall cause an appraisement to be made of the unimproved value of the said portion of land; and upon payment to the Minister of the Interior of the Government commutation in the said portion of land, upon the appraisement as above provided, the said Minister shall cause to be issued a Royal Patent for the said portion of land which said Royal Patent shall define the boundaries of said portion of land.

Approved this 29th day of July, A. D. 1872.

KAMEHAMEHA R.

AN ACT TO PROVIDE FOR THE DEPOSIT IN THE OFFICE OF THE MINISTER OF THE INTERIOR BY THE COMMISSIONERS OF BOUNDARIES OF COPIES OF ALL CERTIFICATES OF BOUNDARIES ISSUED BY THEM.

Act
1876 ch. LI.

WHEREAS, it is expedient that copies of all certificates of boundaries issued by the Commissioners of Boundaries should be deposited in the office of the Minister of the Interior for reference; therefore,

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

SECTION 1. It shall be the duty of the several commissioners of boundaries to deposit in the office of the Minister of the Interior a certified copy of all certificates of boundaries which may hereafter be issued by them, within thirty days after the issuing

**Statutes of
1870.**

thereof, and also certified copies of all such certificates which have heretofore been issued by them or their predecessors in office, within six months from the date of the approval of this Act.

SECTION 2. Such commissioners shall be entitled to and shall be paid by the said Minister, twenty-five cents for every one hundred words comprised in each of such copies.

SECTION 3. This Act shall become a law from and after the date of its passage.

Approved this 25th day of September, A. D. 1876.

KALAKAUA R.

**Act
1870, ch. 1.**

AN ACT TO DECLARE THE PENAL CODE, AS COMPILED AND PUBLISHED BY THE JUDGES OF THE SUPREME COURT, TO BE THE LAW OF THE LAND.

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

SECTION 1. The Code of Penal Laws of the Kingdom, as compiled and published under the direction of the Judges of the Supreme Court, in conformity with the Act approved upon the twenty-second day of June, in the year one thousand eight hundred and sixty-eight, is hereby declared to be the law of the land, and shall be respected accordingly in all the courts of the Kingdom.

SECTION 2. This Act shall take effect immediately.

Approved this 7th day of July, A. D. 1870.

KAMEHAMEHA R.

**Act
1870, ch. v.**

AN ACT TO AMEND THE LAW RELATIVE TO GAMING.

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

SECTION 1. Whoever is guilty of gaming shall be punished by fine, not exceeding one hundred dollars, and by imprisonment at hard labor not exceeding sixty days.

SECTION 2. The second, third and fourth sections of Chapter XXXIX. in the Penal Code, relative to gaming, are hereby repealed. **Statutes of 1870.**

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

AN ACT RELATING TO LIENS ON DOMESTIC SHIPS AND VESSELS.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled : **Act 1870, ch. vi.**

SECTION 1. There shall be a lien on all domestic ships and vessels, for necessary supplies furnished and repairs made, which shall be effective for twenty days and no longer, except as provided in the succeeding section. But no such lien shall attach unless there be a written order, or some other memorandum in writing, signed by the master, at or before the time when such supplies were furnished, or repairs made, which said written order or memorandum must set forth that said supplies or repairs were necessary, and that the same were demanded on the credit of the vessel.

SECTION 2. If any ship or vessel to which such lien shall attach by force of the preceding section, shall leave port before the expiration of twenty days, and shall afterwards arrive at, or return to the port of Honolulu, such lien shall continue effective for ten days after the arrival or return of such ship to Honolulu.

SECTION 3. Such liens may be enforced by a libel in the Admiralty, to be filed in the office of the clerk of the Supreme Court, all subsequent proceedings upon which shall be according to the ordinary proceedings in admiralty courts. But no proceedings shall be had upon any libel not filed while such lien continues effective.

SECTION 4. All Acts and parts of Acts inconsistent herewith are repealed. Nor shall any lien for repairs and supplies, in cases not provided for in this Act, be enforced against any domestic ship or vessel.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

Act
1870, ch. xiii.

AN ACT TO AMEND SECTIONS 3 AND 7 AND REPEAL SECTION 5
OF CHAPTER LXXXV. OF THE PENAL CODE.

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

SECTION 1. That Section 3 of Chapter LXXXV., of the Penal
Code be and hereby is amended to read as follows :

3. Any person who shall shoot, snare or otherwise destroy any
bird brought from a foreign country for the purpose of propagating
its species within this Kingdom, or any of the progeny of such
imported bird ; or who shall disturb the eggs and nests of such
birds, shall, on conviction before any police or district justice, be
fined not less than ten dollars nor more than twenty dollars for
each offense, and in default of payment be imprisoned until such
fine is paid.

Davis vs Green
2d H.R., p. 367.
The King vs.
Manu, 4th H.R.
p. 409.

SECTION 2. That Section 7 of said chapter be and hereby is
amended to read as follows :

7. No person shall shoot or otherwise destroy any animal *Feræ*
Naturæ, which shall have been introduced into this Kingdom,
within ten years, nor the progeny of such animals, under a
penalty of not more than fifty dollars for each offense.

SECTION 3. That Section 5 of said chapter is hereby repealed.

SECTION 4. This Act shall take effect and become a law from
and after the date of its passage.

Approved this 8th day of July, A.D. 1870.

KAMEHAMEHA R.

Act
1870, ch. xiv.

AN ACT TO AMEND THE STATUTE REGULATING THE SALE OF
AWA.

As amended
by Act of 1876,
ch. v.

1. The Minister of the Interior may grant licenses for the term
of one year to sell awa to any person of good character making
application for the same, on receiving from the applicant the sum
of five hundred dollars in Honolulu, three hundred dollars in
Lahaina, Wailuku, or Hilo, and one hundred dollars in each

other district. Provided that no more than three licenses shall be granted in Honolulu, and two in Lahaina, Wailuku, and Hilo, and one in each other collection district. **Statutes of 1870.**

It being, however, expressly understood that every one wishing for the licenses shall make his application on or before the first day of November of each year, and the license shall take effect on the first day of January following, and if there shall be more applicants than the number of licenses which may be allowed by law, the licenses shall be set up at auction at such place in the district as the Minister of the Interior may direct, at an upset price not less than the price hereinabove prescribed.

2. Upon receiving from the Minister of the Interior a license to sell awa, the licensee shall give to the Minister of the Interior a bond in the penal sum of five hundred dollars, with sufficient surety or sureties, to be approved by said Minister, conditioned that he will sell no awa contrary to the provisions of this statute; that he will immediately, upon every sale, file away and preserve every certificate as hereinafter provided, upon which he may have sold awa, and also keep an account of all purchases and sales made by him, under his license, which shall be open for the inspection and information of all who may desire to examine the same, and that he shall render to the Minister of the Interior, at the close of every quarter, an account of the number of purchases and sales made by him during the said quarter, and also the amount of the same; and that he shall also, at the end of each quarter, deliver over to the sheriff or deputy sheriff of his district, by him to be delivered to the Minister of the Interior, all certificates for the sale of awa, received by him during said quarter.

This Sec. 2, so far as requiring sales to be made to persons having certificates, is repealed by the following amendment.

SECTION 1. That Section 3 of said Act be and the same is hereby amended so as to read as follows :

Act
1878. ch. vi.

It shall not be lawful for the cultivators of awa to sell awa to any other person but the licensed agents of Government. And it shall not be contrary to law for the licensed agents of the Government to sell to any person who has not a certificate from a duly licensed physician or surgeon, and the latter part of this section is hereby repealed.

**Statutes of
1870.**

That Section 4 of the said Act be and the same is hereby amended so as to read as follows :

Every cultivator of awa who shall sell to any but licensed agents of the Government, and every other person who shall sell without a license shall be subject to a fine not exceeding one hundred dollars, and in default of payment thereof shall be imprisoned at hard labor of the Government for a period not exceeding six months.

SECTION 2. Licensed agents of the Government shall be held responsible for all sales made on their premises, unless they shall show satisfactory evidence that such sales were not authorized by them.

SECTION 3. That Section 5, of Chapter LV. of the Penal Code, prohibiting the use of Awa, be and the same is hereby repealed.

SECTION 4. All laws and parts of laws, in conflict with the provisions of this Act, are hereby repealed.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

**Act
1870, ch. xviii.**

AN ACT TO ASCERTAIN AND FIX THE MILEAGE OF THE ROADS
OF THE KINGDOM.

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

SECTION 1. The Minister of the Interior is hereby authorized to have all the Government roads of this Kingdom surveyed, and the distances fixed by suitable mile stones ; and to publish the said distances in the Government newspapers ; which published tables shall be recognized by the Courts of the Kingdom as the established mileage.

SECTION 2. This Act shall become a law from the day of its publication.

Approved this 18th day of July, A. D. 1870.

KAMEHAMAHA R.

AN ACT TO LICENSE THE CARRYING OF FOWLING PIECES AND
OTHER FIRE-ARMS.

Act
1870, ch. xx.

WHEREAS, The Act for the protection of KOLEA or Plover and other useful birds, approved on the 20th day of April, A. D. 1859, has proved ineffectual for the purposes intended thereby, and

WHEREAS, The general and indiscriminate use of fire-arms, which are frequently used for the destruction of useful, imported and migratory insectivorous birds and their progeny, is an injury to the agricultural and pastoral interests of this Kingdom, therefore,

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

SECTION 1. That the Minister of the Interior may at any time license for a term of one year, any applicant for such license, to use and carry fire-arms for sporting purposes, in the District of KONA, Island of OAHU, on receiving for such license the sum of five dollars.

SECTION 2. Any person in said district who shall use or carry for sporting purposes, any gun, carbine, rifle, pistol, or other fire-arms, without having at first obtained a license as hereinbefore provided, shall, upon conviction therefor, before any police or district justice, be fined in a sum not to exceed fifty dollars for every such offense, and in default of payment of such sum, shall be imprisoned at hard labor, until such fine and costs are paid, according to law.

SECTION 3. All such licenses shall be signed by the Minister of the Interior, numbered according to their respective dates and impressed with the seal of his department, and no such license shall be transferable.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

Statutes of 1870. **AN ACT LIMITING THE TIME WITHIN WHICH ACTIONS MAY BE BROUGHT TO RECOVER POSSESSION OF LAND.**

Chap. XXII.

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

SECTION 1. No person shall commence an action to recover possession of any lands, or make any entry thereon, unless within twenty years after the right to bring such action, first accrued.

SECTION 2. If such right first accrued to any ancestor or predecessor of the person bringing such action, or making such entry, or to any persons from, by or under whom he claims ; the said twenty years shall be computed from the time when the right first accrued to such ancestor, predecessor or other person.

SECTION 3. In the construction of this Act, the right to make an entry or commence an action, shall be deemed to have first accrued at the times respectively hereinafter mentioned, that is to say :

First—When any person shall be disseized, his right of entry or action shall be deemed to have accrued at the time of such disseizin.

Secondly—When he claims as heir or devisee of one who died seized, his right shall be deemed to have accrued at the time of such death, unless there is an estate by the curtesy or in dower, or some other estate intervening after the death of such ancestor or devisor, in which case his right shall be deemed to have accrued when such intermediate estate shall expire, or when it would have expired by its own limitation.

Thirdly—Where there is such an intermediate estate, and in all other cases, where a party claims in remainder, or reversion, his right so far as it is affected by the limitation herein prescribed, shall be deemed to accrue when the intermediate or precedent estate would have expired by its own limitation, notwithstanding any forfeiture thereof, for which he might have entered at an earlier time.

Fourthly—The preceding clause shall not prevent any person from entering, when entitled to do so, by reason of any forfeiture or breach of condition, but if he claims under such a title, his

right shall be deemed to have accrued when such forfeiture was incurred or condition broken.

Fifthly—In the cases not otherwise specially provided for, the right shall be deemed to have accrued when the claimant, or the person under whom he claims, first became entitled to the possession of the premises under the title upon which the entry or action is founded.

SECTION 4. If, when such right of entry or of action shall first accrue as aforesaid, the person entitled to such entry or action, shall be within the age of twenty years, or a married woman, or insane, or imprisoned, such person, or anyone claiming from, by or under him, may make the entry or bring the action at any time within five years after such disability shall be removed, notwithstanding the twenty years before limited in that behalf, shall have expired.

SECTION 5. If the person first entitled to make such entry or bring such action, shall die during the continuance of any of the disabilities mentioned in the preceding section, and no determination or judgment shall have been had, of or upon the title, right or action, which accrued to him, the entry may be made, or the action brought by his heirs, or any other person claiming from, by or under him, at any time within ten years after his death, notwithstanding the said twenty years shall have expired.

SECTION 6. If, when such right of action shall first accrue, the person entitled thereto shall be under any of the disabilities before mentioned, and shall die without having recovered the premises, no further time for making such entry or bringing such action, beyond what is hereinbefore prescribed, shall be allowed by reason of the disability of any other person.

SECTION 7. No person shall be deemed to have been in possession of any lands, within the meaning of this chapter, merely by reason of having made an entry thereon, unless he shall have continued in open and peaceable possession of the same for the space of one year after such entry; or unless an action shall have been commenced upon such entry within one year after ouster.

**Statutes of
1870.**

SECTION 8. The limitations hereinbefore prescribed, shall take effect from and after the thirty-first day of July, which shall be in the year one thousand eight hundred and seventy-one; and if any person who shall then be entitled to bring any action to recover the possession of land, shall then be under the age of twenty years, or a married woman, or insane, or imprisoned, the action may be brought at any time within five years after the disability shall cease, or after the death of the person disabled: But no such action shall be maintained after it would have been barred by the statutes of limitation in force immediately before the time when this Act shall become a law.

SECTION 9. If any action, of which the commencement is limited by this Act, shall be abated by the death of any party thereto, or if, after verdict, the judgment shall be arrested, or if the judgment be reversed on error, the party bringing the action or any person claiming by, through or under him, may bring a new action for the same cause, within one year after the determination of the original action, on the reversal of the judgment thereon.

Approved this 18th day of July, A.D. 1870.

KAMEHAMEHA R.

Chap. xxiii.

AN ACT TO PROHIBIT KEEPERS OF COFFEE, VICTUALING, LIQUOR AND BILLIARD SALOONS, AND BOWLING ALLEYS, FROM ALLOWING SCHOOL CHILDREN TO FREQUENT THEIR PREMISES, BETWEEN THE HOURS OF SUNSET AND SUNRISE.

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

SECTION 1. All keepers of coffee, victualing, liquor and billiard saloons, and bowling alleys, and also sugar mills, are hereby strictly forbidden to allow any school children, boys, or girls, to remain upon their premises any time between the hours of sunset and sunrise, unless the same be accompanied by their parents or guardians. Any keeper of a coffee, victualing, liquor

or billiard saloon or bowling alley, upon whose premises any school child, boy or girl, may be found between the hours above named, unless the same be accompanied by its parent or guardian, shall be deemed guilty of an offense, and shall be punished by a fine, of not more than twenty dollars, upon conviction before any police or district magistrate, and his license may be revoked by the Minister of Interior, in his discretion.

SECTION 2. If any keeper or keepers of any of the public places enumerated in Section 1 of this Act shall find difficulty in clearing their premises of school children, the same may call in the assistance of the police or constables, who shall first order all such school children to return to their homes; and, if such order be not obeyed by the said children, the police or constables shall proceed to apprehend all such children who shall not have proceeded to their homes, and cause them to be detained in the lock-up over night, to be brought before the police or district magistrate on the following morning, to be punished according to the provisions of the law relating to truancy.

SECTION 3. This Act shall become a law from and after the date of its approval.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

AN ACT DESIGNATING THE OWNERS OF CATTLE, HORSES, MULES, DONKEYS, SHEEP, GOATS AND SWINE, NOT MARKED OR BRANDED, ACCORDING TO LAW, AND WHICH MAY BE RUNNING WILD AND AT LARGE, ON THE LANDS OF THIS KINGDOM.

Chap. xxx.

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

SECTION 1. All cattle, horses, mules, donkeys, sheep, goats, and swine, over twelve months of age, not marked' or branded according to law, and which may have been running wild and at large for six months or over, upon any of the lands of this Kingdom shall belong to, and be the property of the owners or lessees of the lands on which the said animals may be found running.

As amended
1874, ch. xxvii.

**Statutes of
1870.**

SECTION 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

Chap. XXXV.

**AN ACT TO REGULATE THE AWARDING AND DISTRIBUTION OF
WATER IN THE DISTRICT OF LAHAINA, ISLAND OF MAUI.**

WHEREAS, Great distress has been felt of late years in Lahaina, from the manner in which the cultivation of the soil is carried on, and

WHEREAS, It will be of great advantage to increase the jurisdiction of the Commissioners of Private Ways and Water Rights, therefore,

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

SECTION 1. Upon the application in writing, duly made by any parties, to the Commissioners of Private Ways and Water Rights, for a re-adjustment of water rights, in the District of Lahaina, Island of Maui, the said Commissioners shall cause notice to be given to all parties known to be interested, by delivering them a copy of such application, and a notice of the time and place appointed for hearing and shall also cause public notices to be posted up at the Court-House in Lahaina and at least three other public places in said Lahaina, all of which notices shall be delivered and posted at least ten days before the day appointed for a hearing.

As amended
1872, ch. xiv.

SECTION 2. At the time and place appointed for the hearing, the Commissioners shall hear the parties and such witnesses as they may produce, and also view the premises, after which they shall determine and award what new apportionment of water rights will be just and equitable, and thereupon they shall also award what damages, if any, shall be received or paid by any party. By such determination or award, the said Commissioners may enlarge or reduce the amount of water which any party may use.

"SECTION 2A. No person who is entitled to any portion of **Statutes of 1870.** the water which has been awarded, or which may hereafter be awarded, to any ahupuaa, ili, or parcel of land, shall take the said allowance of water away from the ahupuaa, ili, or parcel of land, to which the same has been awarded, to be used on any other ahupuaa, ili, or parcel of land." **As amended 1874, ch. XXI.**

SECTION 3. At the hearing of all cases arising under this Act, the Circuit Judge of the Second Judicial Circuit shall act as Commissioner, and preside at all proceedings.

SECTION 4. The Commissioners shall receive, as a compensation for their services, the amount fixed by Section 1001 of the Civil Code, as amended on the 28th day of August, A. D. 1860.

SECTION 5. Any party aggrieved by any award of such commissioners, may appeal therefrom, to the circuit court of the second judicial circuit, in the same manner as from other awards of said commissioners.

Approved this 19th day of July, A. D. 1870.

KAMEHAMEHA R.

AN ACT TO PUNISH THE CRIME OF FALSE PERSONATION.*

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

Act of 1870,
ch. XXXVI.

SECTION 1. Every person who shall falsely represent or personate another, and in such assumed character shall cause a license for marriage to be granted by falsely representing himself or herself to be the parent or guardian of a minor, or shall perform the marriage ceremony by falsely representing himself to be authorized by law to perform that ceremony, or shall falsely personate another before any public officer in doing any act required or authorized by law, or shall become bail or surety for any party, in any proceeding, civil or criminal, before any court or officer au-

*See Act requiring identification of persons offering acknowledgments to instruments, follows Section 1255.

Statutes of 1870. thorized to take such bail or surety; or confess any judgment, or acknowledge the execution of any conveyance of real estate, or of any other instrument which by law may be recorded; or do any other act in the course of any suit, proceeding or prosecution, whereby the person so represented or personated may be liable in any event of any debt, damages, costs or sums of money, or his rights or interests may in any matter be affected, shall upon conviction, be punished by imprisonment at hard labor, not exceeding five years, and by fine not exceeding one thousand dollars.

Approved this 19th day of July, A. D. 1870.

KAMEHAMEHA R.

AN ACT TO REGULATE INDEPENDENT SCHOOLS IN RELATION TO
SESSIONS AND QUALIFICATIONS OF TEACHERS.

Ch. xxxvii.,
Acts of 1870.

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

SECTION 1. Independent schools throughout the Kingdom, and all schools other than Government schools, shall hold sessions at least one hundred and eighty days during each year, and each daily session shall be at least three hours long.

SECTION 2. Any person desirous of establishing an independent school, shall make an application in writing to that effect, to the school agent of the district in which he may desire to establish his school; which application shall be accompanied by a memorial from the parents and guardians of the children proposed to be gathered into a school, stating that the applicant is the person of their choice for a teacher of their children.

SECTION 3. Upon receiving an application from any person, as provided for in Section 2 above, the district school agent shall, within five days of the reception thereof, notify the applicant that an examination will be held in regard to his qualifications as an instructor of youth, at a time, not later than three days from the date of such notification, and at such place as he may deem best. He shall also notify the applicant that it is his privilege to nom-

inate any person he may deem fit, to act on a committee in conjunction with two other persons, one of whom shall be appointed by the school agent and the other be chosen by the two appointees of the school agent and applicant.

SECTION 4. The committee, as constituted in Section 3 above, shall immediately after organization, proceed to examine the applicant, in respect to his qualifications as an instructor of the young. If the result of such examination shall be favorable to the applicant, the committee shall make a written report to that effect to the school agent, and shall forthwith issue to the applicant, a certificate, setting forth his qualifications; and such certificate shall be signed by all the members of the committee and attested by the school agent, and shall be deemed full authority, permitting the holder thereof to establish a school, under the provisions of this Act.

SECTION 5. Any person who may receive a certificate as provided for in Section 4, of this Act, and who shall nevertheless violate any of the provisions of this Act, shall be liable to a withdrawal of his certificate as teacher, upon complaint entered and proved before any police or district magistrate, school agent or the Inspector General of Schools.

SECTION 6. Nothing in this Act contained shall be construed to forbid the establishment of select and independent schools, when established by competent persons possessing good certificates from abroad, or by persons who shall have been known to have been successfully employed as teachers, either at home or abroad, provided the same be not of an immoral tendency.

SECTION 7. No assemblage of children for the avowed purpose of instruction, shall be deemed a school, within the provisions of law, unless the same shall conform to the provisions of this Act.

SECTION 8. This Act shall become a law, from and after the date of its approval, and all laws and parts of laws in conflict with this Act are hereby repealed.

Approved this 19th day of July, A. D. 1870.

KAMEHAMEHA R.

Statutes of
1870.
Chap. XLI.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT AUTHORIZING THE BOARD OF EDUCATION TO ESTABLISH AN INDUSTRIAL AND REFORMATORY SCHOOL FOR THE CARE AND EDUCATION OF HELPLESS AND NEGLECTED CHILDREN, AS ALSO FOR THE REFORMATION OF JUVENILE OFFENDERS," APPROVED DECEMBER 30TH, A. D. 1864, AND TO AUTHORIZE THE BOARD OF EDUCATION TO CONTINUE THE INDUSTRIAL AND REFORMATORY SCHOOL AT KEONEULA, KAPALAMA, OAHU; AS WELL AS TO INSTITUTE OR ESTABLISH, WHEN NECESSARY, OTHER INDUSTRIAL AND REFORMATORY SCHOOLS.

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

SECTION 1. That the Act, entitled "An Act authorizing the Board of Education to establish an Industrial and Reformatory School, for the care and education of helpless and neglected children, as also for the reformation of juvenile offenders," approved December 30th, 1864, be, and the same is hereby repealed, from Section 1 to Section 10, inclusive.

SECTION 2. The Board of Education is hereby authorized to continue the Industrial and Reformatory School established in March, A. D. 1865, at Keoneula, Kapalama, Oahu, under the Act of December 30th, 1864, authorizing the same; to be, as heretofore, conducted under the direction and supervision of the Board of Education.

SECTION 3. It shall be lawful for the Board of Education to institute and establish industrial and reformatory schools in any part of the Kingdom, when the same shall be deemed necessary, and when funds shall be available by Legislative appropriation, for that object. All such schools shall be conducted under the direction and supervision of the Board of Education.

SECTION 4. The only object of the said industrial and reformatory schools shall be the detention, management, education, employment, reformation and maintenance of such children as shall be committed thereto, as orphans, vagrants, truants, living an idle or dissolute life, who shall be duly convicted of any crime or

misdemeanor, who shall be surrendered to the Board of Education as guardians thereof, for the term of their minority, or who shall be received at such schools as hereinafter provided.

SECTION 5. The police or district justices are hereby authorized to commit all offenders duly convicted before them, under fifteen years of age, to said industrial and reformatory schools, in all cases where they shall deem such sentence to be more suitable than the punishment otherwise authorized by law.

SECTION 6. The said police or district justices, on the representation of any member of the Board of Education, its agents, the Attorney General or his authorized deputy, the Marshal or his deputy, or the sheriff or deputy sheriff of any island; shall have power to hear and determine any case, and to sentence for any term within their minority to some industrial and reformatory school, any child under fifteen years of age, who lives an idle or dissolute life, whose parents are dead, or if living, from drunkenness or other vices or causes, shall neglect to provide suitable employment for, or exercise salutary control over such child.

SECTION 7. The Board of Education, or its agents, if authorized by the said board, shall have power to accept from the parents or guardian of any child, the surrender of such child for the term of his or her minority, to be entered at some industrial and reformatory school; and all the rights of parents or guardians, to keep, control, educate, employ, indenture or discharge such child, shall vest solely in the Board of Education.

SECTION 8. It shall be lawful for the Board of Education, in its discretion, to receive into such industrial and reformatory schools, the children under fifteen years of age, of parents, guardians or adoptive parents, who shall desire the same; and the said Board is hereby authorized to charge fees, or remit the same in special cases, for the children so admitted, as in the judgment of the said Board shall seem proper.

SECTION 9. The principals of said schools shall receive and detain at said industrial and reformatory schools, all children who shall be committed thereto, or placed therein, as provided in Sections 5, 6, 7 and 8 of this Act, and they shall be charged with the

**Statutes of
1870.**

detention and custody of all children so committed or admitted and with the execution of all orders, as well as process of Court, respecting such children.

SECTION 10. It shall be lawful for the Board of Education, or its agents if authorized by said Board, to bind out as apprentices, with their consent, all children over ten years of age, as shall be committed or surrendered for their minority,¹ and who shall have been admitted at any industrial and reformatory school, to such useful trades, employments, or occupations as shall be suitable to their years and capacity, and as in the judgment of the said Board will tend to the future benefit and advantage of such children.

SECTION 11. Whenever it can be found that apprenticeships cannot be obtained, or suitable employment be provided at any industrial and reformatory school, for children over fifteen years of age, who shall have been committed or surrendered thereto for their minority, or sentenced for a shorter time, for any crime or misdemeanor, the Board of Education or its agents, if authorized by the said Board, shall have authority to put them out to labor to families, or other suitable persons, upon such terms and conditions as in the opinion of the said Board shall be deemed proper.

SECTION 12. The Board of Education shall have power, for good reasons shown to its satisfaction, to discharge or temporarily release any child committed to or admitted at any industrial and reformatory school, who shall not have been bound out as an apprentice or adopted. And the police or district justices shall also have power to discharge from such schools children committed from their respective districts, who shall not have been bound out as apprentices or adopted, if, upon the hearing of any application for the same, said judges shall consider that such discharge is expedient. But it shall be incumbent on said police or district justices, before granting any discharge that shall be applied for, to give thirty days notice of the same in writing to the Board of Education.

SECTION 13. Any person who shall secretly or illegally abduct, or who shall be accessory to the secret or illegal abduction of any

child from any industrial and reformatory school, shall be fined, not exceeding one hundred dollars, or imprisoned at hard labor not exceeding one year; and any police or district justice shall have jurisdiction of any case arising under this section within his district.

SECTION 14. Any person who shall knowingly or intentionally entice away any child from any industrial and reformatory school, or who shall knowingly harbor or secrete any child who shall have been enticed away, or who shall have deserted from any such school, or who shall have left or forsaken his guardian or employer without permission, shall be fined not exceeding one hundred dollars, in the discretion of the police or district justice having jurisdiction of the case, as in the last preceding section provided.

SECTION 15. All commitments to industrial and reformatory schools, shall be directed to the Board of Education, or its authorized agents in the respective districts, but the Marshal of the Kingdom, or his deputies shall be charged by such commitments, with the execution of all orders for the custody and safe keeping of the children committed to the said industrial and reformatory schools, until delivered over to the principal of the school to which such children shall have been committed, and shall defray all expenses attending the conveyance of such children to their place of destination, from the funds under his or their control, available for such purposes.

SECTION 16. It shall be incumbent on the Marshal or any of his deputies, to assist, as far as in their power lies, in the apprehension and recovery of deserters from any industrial and reformatory school, when requested to do so by the Board of Education, its agents or the principal of any such school; and likewise to assist as far as possible in enforcing order and maintaining discipline therein, should circumstances at any time arise necessitating the exercise of such authority.

SECTION 17. The Board of Education shall have full authority to prescribe rules and regulations, not in contrariety to the laws of the land, for the government, discipline and care of all industrial and reformatory schools, continued, established, or instituted under this Act.

Statutes of
1872.

SECTION 18. The Board of Education shall cause to be kept in every industrial and reformatory school, a journal, in which shall be regularly entered, the reception, discharge, release, escape or death of each of the inmates; together with all the particulars relating to such as shall be apprenticed, adopted or put out to work. An exact account shall also be kept by the principal of each of the said schools, of all moneys and other avails received for work performed by the children, as well as of the expenditure of such moneys and avails as shall be authorized from time to time by the Board of Education.

SECTION 19. This Act shall take effect and become a law, at the expiration of two months from the date of its approval.

Approved this 21st day of July, A. D. 1870.

KAMEHAMEHA R.

NOTE.—See Act 1882 Ch. XXX, for the jurisdiction to transfer inmates of above schools to prison.

Chap. II

AN ACT TO PREVENT THE USE OF EXPLOSIVE SUBSTANCES IN TAKING FISH

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

SECTION 1. No person shall use giant powder, or any other explosive substance in taking fish within or upon any harbors, streams, reefs or waters within the jurisdiction of this Kingdom.

SECTION 2. Whoever violates the provisions of the preceding section shall be punished by a fine, not exceeding five hundred dollars and not less than twenty-five dollars, or by imprisonment at hard labor, not exceeding five years and not less than three months or both, at the discretion of the court.

SECTION 3. The several district justices and police courts shall have concurrent jurisdiction in all cases under this Act.

Approved this 3d day of June, A.D. 1872.

KAMEHAMEHA R.

AN ACT TO PREVENT VICTUALING HOUSE, RESTAURANT AND COFFEE SHOP KEEPERS FROM KEEPING OPEN HOUSE ON SABBATH EVENING. Statutes of
1872.
Chap. iv.

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

SECTION 1. No keeper of a victualing house, restaurant or coffee shop, shall keep his house, restaurant or coffee shop open after seven o'clock on Sabbath afternoon.

SECTION 2. Any one violating Section 1 of this Act shall be fined, on conviction before any police or district justice, not more than one hundred dollars nor less than twenty dollars for each offense, in the discretion of the court.

SECTION 3. All laws and parts of laws, in contravention of this Act are hereby repealed.

Approved this 29th day of July, A. D. 1872.

KAMEHAMEHA R.

AN ACT TO AMEND SECTION 18 AND SUBDIVISIONS 1, 2, 3, AND 4 OF SAME SECTION, CHAPTER XXIX OF PENAL CODE. Chap. xiii.

WHEREAS it is inexpedient that persons adjudged guilty of contempt of court should be liable to be punished with imprisonment at hard labor, therefore,

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

SECTION 1. Hereafter it shall not be lawful for any court, judge, police justice, district justice, coroner or any other person having power to inflict punishment upon any person who may be adjudged guilty of contempt, to add the punishment of hard labor to any sentence which may be passed upon any such person adjudged guilty as aforesaid.

This also
amends §1096,
Civil Code,

Approved this 29th day of July, A. D. 1872.

KAMEHAMEHA R.

**Statutes of
1872.**

This Act
amends P.C.,
ch. LXXXVIII.

Chap. XVI.

AN ACT TO AMEND AN ACT APPROVED ON THE 23D DAY OF JUNE, A.D. 1868, ENTITLED, "AN ACT TO REGULATE THE SALE OF DEADLY POISONS."

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

SECTION 1. Section 1 of said Act shall be amended so as to read as follows :

No person shall sell or deliver any deadly poison, or any wooden vessel or container which shall have contained any deadly poison, except for scientific, medicinal or mechanical purposes, nor to any person not known to the vendor to be careful and well disposed. Provided that sales may be made to a person not known to the vendor, if some responsible person known to the vendor, will certify in writing that the person desiring to purchase may safely be entrusted with the same, but in all cases the vendor shall require the purchaser to disclose the intended use of such poison, vessel or container, as the case may be.

SECTION 2. The book required to be kept by Section 2 of the said Act shall contain a record of the sale of any vessel or container which shall have contained a deadly poison in like manner as is required with respect to the sale or delivery of the poison itself.

Approved this 29th day of July, A.D. 1872.

KAMEHAMEHA R.

Chap. XXVI.

AN ACT TO AMEND SUBDIVISION 4, OF SECTION 15, OF CHAPTER XVI., OF THE PENAL CODE.

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

SECTION 1. That the 4th subdivision of Section 15, of Chapter XVI., of the Penal Code, be and the same is hereby amended by striking out the words "a public whipping not exceeding twenty lashes or," and "provided, however, that the punishment by whipping shall never be inflicted on any female," so that the section as amended shall read as follows :

SECTION 15. Larceny is of four degrees, viz: * * * Statutes of
1872.
“(4) All larceny to an amount less than five dollars, and all other larceny, not being in one of the preceding degrees, is such in the fourth degree, and shall be punished by imprisonment at hard labor not more than six months.”

SECTION 2. This Act shall take effect from and after the date of its passage, and all laws and parts of laws conflicting with or repugnant to the provisions of this Act are hereby repealed.

Approved this 29th day of July, A. D. 1872.

KAMEHAMEHA R.

AN ACT TO ESTABLISH A NATIONAL MUSEUM OF ARCHÆOLOGY,
LITERATURE, BOTANY, GEOLOGY AND NATURAL HISTORY OF Chap. xxxiii.
THE HAWAIIAN ISLANDS.

WHEREAS, We, as a nation, have taken our position among the civilized and enlightened nations of the earth, both in respect to capabilities of self-government and in the facilities which we enjoy in our high and common schools in the diffusion of popular intelligence : And,

WHEREAS, a national museum, representing the archæology, literature, botany, geology and natural history of our Kingdom would be but another form of school for the education of our youth, as well as a repository for reference to the scientific world at large : And,

WHEREAS, every succeeding year is rendering it more difficult to gather from the archives of the past the mementos and relics of our early existence as a nation, as well as of the pre-historic age of these Islands, Therefore :

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

SECTION 1. That the Board of Education be, and are hereby authorized to cause to be established in some suitable Government building, or chamber therein, to be designated and specially set apart therefor by the Minister of the Interior, a national museum

Statutes of in which shall be collected and preserved all such articles illustrating the archæology, literature, botany, geology and natural history of the Kingdom, as may come into its possession from time to time, either by gift or by purchase.
1874.

SECTION 2. The Board of Education is hereby further empowered to frame such rules and regulations in connection with the museum to be established as hereinbefore mentioned, not in contravention with existing statutes, as it may deem best adapted to secure its permanency and efficiency as a repository for reference in the various branches of science which may be represented therein, and to cause such rules and regulations to be published for the benefit of the public. It may also employ such means as may be placed at its disposal from time to time, in such a manner as it may deem best to further the objects of this Act.

Approved this 29th day of July, A.D. 1872.

KAMEHAMEHA R.

Chap. VII.

AN ACT TO MAKE A PERMANENT SETTLEMENT ON HIS EXCELLENCY P. KANOA.

WHEREAS, His Excellency P. Kanoa has long and faithfully served this Kingdom in the capacity of Governor, and no irregularities have ever been known to have existed in his office, and he is now advanced in years, and no longer able to perform the duties of said office ; therefore,

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

SECTION 1. That the sum of twelve hundred dollars per year is hereby granted to His Excellency P. Kanoa during the term of his natural life, and that the Minister of Finance is hereby authorized and required to pay the same out of the public treasury in such proportion as it may be usual to pay any other salaries or allowances due by the Government, whether the same be paid yearly or for fractions of a year.

SECTION 2. His Excellency shall be entitled to draw from the public treasury as in the preceding section set forth, from and after the date of the passage of this Act; *provided, however*, that no sums shall be paid out of the public treasury, and no allowance made under this Act, until His Excellency may have resigned or ceased to have any right to draw any sums for any appointment or office under Government.

Approved this 14th day of July, A. D. 1874.

KALAKAUA R.

AN ACT TO REPEAL SECTION 6 OF AN ACT "TO PREVENT THE SPREAD OF LEPROSY," APPROVED ON THE 3D DAY OF JANUARY, A. D. 1865. Chap. xi.

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

Amended to P.
C., as said Act
constitutes ch.
LXII., of P.C.

SECTION 1. That Section 6 of an Act entitled "An Act to prevent the spread of Leprosy" be, and the same is hereby repealed.

SECTION 2. This Act shall become a law from and after the date of its approval.

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

KALAKAUA R.

AN ACT TO PROMOTE AGRICULTURE AND INDUSTRIAL PURSUITS IN THE PUBLIC SCHOOLS OF THE KINGDOM. Chap. xiv.

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

SECTION 1. It shall be lawful for the Board of Education to include agricultural and industrial pursuits among the branches of instruction taught by the public schools of the Kingdom.

SECTION 2. The Board of Education shall have power to prescribe the manner and designate the places in which such pursuits

**Statutes of
1874.**

shall be conducted, and also to determine the extent to which they shall be followed, either generally or to suit particular cases.

SECTION 3. For the purposes of this Act it shall be lawful for the Board of Education, after due notice to the Minister of the Interior, to use free of rent as much of any Government land, not otherwise employed, as shall be advantageously cultivated by the teachers and pupils of any public school, and the teachers and pupils aforesaid shall have the right to continue to cultivate such Government land so long as the same shall not be otherwise disposed of by the Minister of the Interior, or otherwise ordered by the Board of Education; and in case of disposal of the same by the Minister of the Interior sufficient notice shall be given to enable the removal of improvements, and the gathering of growing crops, without loss to the owners thereof.

SECTION 4. Whenever it shall deem the same desirable the Board of Education may also acquire, on such terms as may be agreed upon, land other than Government, that may be advantageously employed for the purposes herein stated.

SECTION 5. All net profits arising from agricultural and industrial pursuits, under this Act, shall belong to the teachers and pupils actually engaged in such pursuits, and shall be divided among the same in such proportions as the Board of Education shall deem proper; but the provisions of this section shall not be deemed applicable to schools otherwise regulated by law.

SECTION 6. All laws at present in force, or that shall be enacted hereafter for the government, discipline and welfare of the public schools of the Kingdom, shall in their operation be construed to include the enforcement of the provisions of this Act in relation to agricultural and industrial pursuits in said schools.

SECTION 7. This Act shall take effect from and after the date of its approval.

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

KALAKAUA R.

AN ACT TO AMEND SECTION 9, CHAPTER IX., OF THE NEW **Statutes of**
PENAL CODE. **1874.**

Chap. xv.

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

SECTION 1. That Section 9, Chapter IX., of the new Penal Code, be and the same is hereby amended to read as follows :

SECTION 9. Whoever inflicts a slight corporal injury upon another, as by striking him with his fist, spitting in his face, inciting and causing a dog to bite him, or any injury of a like gravity, however slight, is guilty of an assault and battery, and shall be punished by a fine of not more than one hundred dollars, or by imprisonment at hard labor not more than six months, in the discretion of the court.

SECTION 2. This Act shall take effect and become a law thirty days after its approval, and all laws conflicting with the provisions of this Act are hereby repealed.

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

KALAKAUA R.

AN ACT TO PROHIBIT THE PEDDLING AND HAWKING FOR SALE **Chap. xix.**
OF CAKES OF EVERY DESCRIPTION, IN THIS KINGDOM, WITH-
OUT A LICENSE.

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

SECTION 1. The peddling of cakes of every description, in this Kingdom, without first obtaining a peddling license from the Minister of the Interior, is hereby prohibited.

SECTION 2. The Minister of the Interior may issue licenses for the peddling and hawking of cakes, for one year, upon receiving the sum of twenty-five dollars for each license.

SECTION 3. Whoever violates any of the provisions of this Act shall be punished by a fine of not more than one hundred dollars, or be imprisoned for not more than one year, in the discretion of the court.

**Statutes of
1874.**

SECTION 4. This Act shall take effect and become a law from and after the date of its passage.

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

KALAKAUA R.

Chap. **xxiii.**

AN ACT AUTHORIZING THE MINISTER OF THE INTERIOR TO GRANT TO OWNERS OF MILLS FOR THE MANUFACTURE OF SUGAR, LICENSES TO DISTILL SPIRITUOUS LIQUOR.*

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

SECTION 1. The Minister of the Interior is hereby authorized to grant to any owner or owners of any mill for the manufacture of sugar, a license to distill spirituous liquor subject to the conditions and restrictions hereinafter set forth.

SECTION 2. All persons applying for a license under this law, shall before receiving the same file a bond, (in form similar to the following,) the same being always subject to the approval of the Minister of the Interior.

Know all men by these presents that we,, principal, and, surety, are held and firmly bound unto the Minister of the Interior for the use of the Hawaiian Government in the penal sum of one thousand dollars, lawful money, to be levied on our respective joint and several property in case the conditions hereinafter set forth shall be violated.

For the just and full payment of which we hereby jointly and severally bind ourselves, our heirs, executors, administrators and assigns.

Sealed with our seals and dated this day of, A. D. 18...

The condition of this obligation is as follows: *That whereas*, the above bounden principal has this day applied for a license to distill spirituous liquor in accordance with the law enacted on the day of, 18..., and has complied with the requisitions of the said law, and has consequently become entitled to a license to distill spirituous liquor in accordance with the statute in such cases made and provided, for the term of five years from date; *Now therefore*, if during the continuance of this license the said shall not contribute to the violation of any of the laws of this Kingdom nor

*Act 1864, page 29, Distilling License in Honolulu.

violate any of the conditions of this license, copy of which is hereto annexed, then this obligation shall be void, otherwise upon proof being made to the satisfaction of a common magistrate without the intervention of a jury, the penalty mentioned in this bond shall be forfeited and the license of the said..... this day granted shall be void. **Statutes of 1874.**

Given under our hands and seals the day and year above written.

In the presence of

SECTION 3. Such license shall be valid for the space of five years, and before granting such license, the Minister of the Interior shall demand and receive at the hands of the applicant for the benefit of the Royal Exchequer the sum of fifty dollars, and at the expiration of one year from the date of said license the licensee shall pay fifty dollars further, and so on at the expiration of each year during the time of the license.

SECTION 4. All spirits manufactured by authority of this law, shall pay when withdrawn for consumption in this Kingdom an excise equal to the specific duty that is now, or may be hereafter levied on spirits of like strength of alcohol of foreign manufacture imported into this Kingdom. If withdrawn for export, the said spirits shall be subject to the same surveillance and restrictions to which liquors of foreign manufacture are now, or may hereafter be subjected when withdrawn for re-exportation.

SECTION 5. All spirituous liquor manufactured under the authority of this law shall be delivered into the charge and keeping of the Custom House authorities, and shall so remain until lawfully withdrawn for consumption or exportation by a permit of the Collector-General of Customs or his deputy, and all the expenses of storage shall be paid by the owner of such spirits in like manner as though the same were of foreign manufacture and had been imported into this country.

SECTION 6. The licensee, or the manager of the plantation, or some person acting for and on behalf of such licensee or manager and acquainted with the facts, shall report to the Minister of the Interior, and to the Collector-General of Customs, the quantity of spirits manufactured by him and delivered to the Custom House

Statutes of
1874.

authorities, each quarter, and oftener if required, and shall at the same time subscribe an oath as follows or to the following effect:

I solemnly swear that the report hereinabove subscribed by me, contains a true account of all the spirituous liquors manufactured by me or by my authority on this plantation during the time set forth in such report. The subscribing of such an oath shall subject one so subscribing it to all the pains and penalties of perjury, *provided* the report so sworn to shall be proved to be untrue.

SECTION 7. Any person introducing for consumption any spirits manufactured under the authority of this Act, without paying the excise thereon, shall be liable to the same penalties as though the same had been smuggled, and if any such person be an owner or an employee in a distillery the apparatus of such distillery shall be liable to confiscation and sale for the benefit of the public treasury.

SECTION 8. His Majesty the King in Privy Council shall have authority to make from time to time such regulations, not inconsistent with the provisions of this enactment, which he, upon the advice of a majority of those present at any duly called meeting of his said Privy Council, may deem requisite for the protection of the revenue.

SECTION 9. *Whereas* the bond provided for in the second section of this Act runs for a long time, the surety may withdraw upon giving two months notice to the Minister of the Interior, and to the principal, and it shall be the duty of the principal in such a case to supply another surety, and upon his failing so to do his license shall be void.

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

KALAKAUA R.

**AN ACT TO AMEND CHAPTER LII. OF THE PENAL CODE OF THIS
KINGDOM BY ADDING A NEW SECTION THERETO, TO BE EN-
TITLED SECTION 10TH OF CHAPTER LII.**

**Statutes of
1874.**
Chap. xxvi.

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

SECTION 1. That the several police and district justices throughout the Kingdom shall have jurisdiction to hear and determine all complaints for any violation of Sections 1, 3 and 5 of Chapter XVII., of the Penal Code, relating to violation of letters and postal laws.

SECTION 2. This Act shall take effect and become a law from and after the date of its passage.

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

KALAKAUA R.

**AN ACT TO PROVIDE FOR THE SALE OF MORTGAGED PROPERTY
WITHOUT SUIT AND DECREE OF SALE.***

Chap. xxxiii.

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

SECTION 1. When a power of sale is contained in a mortgage, the mortgagee, or any person having his estate therein, or authorized by such power to act in the premises, may, upon a breach of the condition, give notice of his intention to foreclose such mortgage, by publication of such notice in the Hawaiian and English languages for a period of three consecutive weeks, before advertising the mortgaged property for sale ; and also give such notices and do all such acts, as are authorized or required by the power contained in the mortgage ; and he shall within thirty days after selling the property in pursuance of the power, file a copy of the notice of sale and his affidavit setting forth his acts in the premises fully and particularly in the office of the Registrar of Conveyances, in Honolulu. The affidavit and copy of the notice

*Ch. XLVIII, 1874, Act giving time to mortgagors to redeem in certain cases.

Statutes of 1874. shall be recorded by the registrar with a notice of reference thereto in the margin of the record of the mortgage deed if recorded in his office.

SECTION 2. If it appears by such affidavit that he has in all respects complied with the requisitions of the power of sale, in relation to all things to be done by him before selling the property, and has sold the same in the manner required by such power, the affidavit, or a duly certified copy of the record thereof, shall be admitted as evidence that the power of sale was duly executed.

SECTION 3. If the mortgage was executed by a man having at the time no lawful wife, or if being married, the wife of the mortgagor joined in the deed in token of her release of dower, the sale of the property in the mode aforesaid shall be effectual to bar all claim and possibility of dower in the property.

SECTION 4. No sale or transfer by the mortgagor shall impair or annul any right or power of attorney given in the mortgage to the mortgagee to sell or transfer the mortgaged property, as attorney or agent of the mortgagor. And when public sale shall be made of the mortgaged property under this Act, the remainder, if any there be, shall be paid over to the owner of the mortgaged property, after deducting the amount of claim and all expenses attending the same.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 18th day of July, A.D. 1874.

KALAKAUA R.

Chap. XLIII. **AN ACT TO AUTHORIZE THE MINISTER OF FINANCE TO NEGOTIATE A LOAN FOR THE SCHOOL FUND BELONGING TO THE BOARD OF EDUCATION.**

WHEREAS, during the current biennial period, most of the school fund belonging to the Board of Education, on deposit at the Hawaiian Treasury, will become due ;

AND WHEREAS, the interest only of said fund having by law been made available for the uses and purposes of the said board, interest at the rate of twelve per cent. per annum has always heretofore been allowed thereon; now, therefore,

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

SECTION 1. That the Minister of Finance, by and with the advice and approval of His Majesty the King in Cabinet Council, is hereby authorized to renew, when due, exchequer bonds with coupons attached, for the amount of the school fund at present on deposit at the Hawaiian Treasury, viz.: Twenty-five thousand six hundred dollars (\$25,600)—in such sums as shall be convenient, for such a length of time as shall be agreed upon and which shall be specified upon the face of said bonds, at interest not to exceed twelve per cent. per annum, payable semi-annually.

The said bonds shall be signed by the Minister of Finance and countersigned by the Registrar of Public Accounts.

SECTION 2. The Minister of Finance is hereby likewise authorized to issue exchequer bonds with coupons attached, for all future deposits that shall be made by the Board of Education at the Hawaiian Treasury, on account of the school fund, and the same shall bear interest at rates not to exceed that stated in the foregoing section of this Act.

Approved this 1st day of August, A. D. 1874.

KALAKAUA R.

AN ACT TO ENCOURAGE STEAM NAVIGATION WITH FOREIGN COUNTRIES.

Chap. XLIV

Whereas, the maintenance of frequent and regular communication with foreign countries by steam is important to the welfare of the Kingdom, and cannot fail to promote the prosperity of the Hawaiian Islands ;

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1874.

And whereas, to encourage such steam communication certain facilities should be offered ; therefore,

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

SECTION 1. For the purpose of encouraging the establishment of steam communication with foreign countries, the Minister of the Interior, on behalf of the Hawaiian Government, is hereby authorized, in his discretion, to permit and allow any steam line or lines which may make regular trips and stoppages at the port of Honolulu, to and from foreign countries, to enter and leave and load and discharge freight and passengers at Honolulu on payment of lawful charges thereon, but without port charges for light houses, buoys, wharfage, or water from the Government pipes ; *provided* such water is not wasted, or used in washing decks.

SECTION 2. That for the purposes aforesaid, the Hawaiian Government will admit free of duty, coals, machinery and supplies required for the use of said steam line or lines, and all vessels arriving laden with coals, machinery, and supplies, imported by said steam line or lines for its own use, shall be exempt from port charges for light house, buoys, or wharfage ; unless such vessel or vessels be only partially so laden, in which case they shall be exempt from such charges in the ratio of such cargo imported as aforesaid by such steam line or lines to the entire capacity of the vessel, such rate to be fixed without appeal by the Collector-General of Customs. And all property of such steam line or lines shall be exempt from taxation. *Provided, however,* that such vessel or vessels shall be charged wharfage after they have discharged their coals, machinery, and supplies, if they remain at the wharf twenty-four hours after such discharge.

SECTION 3. The Minister of the Interior is hereby authorized to set apart for the use of said steam line or lines, a lot or lots of land on the Esplanade for a coal depot, and to allow the storage of machinery and supplies imported for the use of said steam line or lines free of charge.

SECTION 4. This Act shall take effect and become a law from and after the date of its approval.

Statutes of
1874.

Approved this 1st day of August, A.D. 1874.

KALAKAUA R.

AN ACT FOR THE ENCOURAGEMENT AND AID OF ANY COMPANY NOW INCORPORATED, OR THAT MAY BE HEREAFTER INCORPORATED, FOR THE TRANSMISSION OF INTELLIGENCE BY ELECTRICITY.

Chap. XLV.

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

SECTION 1. The Minister of the Interior is hereby authorized and empowered to permit and allow any company now incorporated in any foreign country, or that may be hereafter incorporated in this Kingdom or any foreign country, for the transmission of intelligence by electricity, to construct lines of telegraph upon and along the highways and public roads, and across the lands and waters of this Kingdom, by the appropriation of any trees growing by nature, or by the erection of the necessary fixtures, including posts, piers, abutments, or bridges, for sustaining the cords or wires of said lines ; *provided*, the same shall not be so constructed as to incommode the public use of said road or highway, or injuriously interrupt the navigation of said waters.

SECTION 2. The Minister of the Interior is hereby authorized to take up and set apart for the use of such telegraph company or companies, sufficient land and premises for telegraph stations and other needful uses in operating said telegraph line or lines, and to grant every facility for the landing of subaqueous cables, telegraph cord or wires, instruments, apparatus, and all and every article, goods, wares and merchandise appertaining to the building of such telegraphic line or lines and the transmission of intelligence by electricity, and such articles and merchandise shall be exempt from duties, and the vessel or vessels chartered, or otherwise

**Statutes of
1874.**

specially engaged in the laying or maintenance of a telegraphic line or lines, shall be exempt from all port charges except pilotage.

SECTION 3. If any person over whose lands said line or lines shall pass, upon which posts, piers or abutments shall be placed, or standing trees appropriated, or such person's lands shall be taken for public use by the Minister of the Interior for necessary stations and other needful uses in operating said telegraphic lines, shall consider himself aggrieved or damaged thereby, upon sworn application to the Minister of the Interior, the said Minister shall appoint three disinterested persons who shall be sworn before entering upon the duties of their office, and any one of whom shall have power to administer oaths, to act as commissioners to ascertain and determine upon the compensation to be made to the owner or owners, person or persons interested, for the taking or injuriously affecting such real property as may be required for such telegraph line or lines.

SECTION 4. The said commissioners or a majority of them shall determine upon the compensation proper to be made to each of the parties claimant and interested, and upon filing of the certificate of their finding and appraisal with the Minister of the Interior, the said Minister is hereby authorized to pay to such owner or owners or persons interested the sum of money to which he may become entitled by reason of such appraisal; such sum of money to be drawn upon any funds in the treasury not otherwise appropriated.

SECTION 5. The Minister of the Interior on receiving the certificate of appraisal may pay to the commissioners such reasonable compensation as he may determine upon, and shall have power to fill any vacancy in their number from death or otherwise.

SECTION 6. Any person who shall unlawfully and intentionally injure, molest or destroy any of the said lines, posts, piers or abutments, or the material or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or im-

prisonment at hard labor not exceeding one year, or both at the discretion of the court before which the conviction shall be had. Statutes of
1874.

SECTION 7. This Act shall take effect and become a law from and after the date of its approval.

Approved this 4th day of August, A. D. 1874.

KALAKAUA R.

*AN ACT GIVING TIME TO MORTGAGORS TO REDEEM IN CERTAIN CASES. Chap. XLVIII.

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

SECTION 1. That after breach of the condition, if the mortgagee, or any one claiming under him, is desirous of obtaining possession of the premises for the purposes of foreclosure, he may proceed in either of the following ways, viz.:

First. He may enter into possession and hold the same by consent in writing of the mortgagor or the person holding under him.

Second. He may enter peaceably and openly, if not opposed, in the presence of two witnesses and take possession of the premises, in which case a certificate of the fact and time of such entry shall be made and signed and sworn to by such witnesses before any judge of a court, and such written consent and such certificate shall be recorded in the Registry of Conveyances, and no such entry shall be effectual unless such certificate or consent in writing shall be recorded within thirty days next after such entry is made.

SECTION 2. The mortgagee in possession is authorized to make such expenditure as is necessary to carry on the estate or to keep the same in good condition, giving credit for the income, and the balance shall be placed in the account for or against the estate, as the case may be, if the mortgagor makes a tender for redemption.

*See Ch. XXXIII., 1874.

Statutes of 1874. SECTION 3. Such possession obtained in either of the two modes above described being continued for the term of one year shall forever foreclose the right of redemption.

Approved this 7th day of August, A.D. 1874.

KALAKAUA R.

Chap. XLIX. AN ACT TO ALLOW THE PEDDLING OF IMPORTED GOODS IN THIS KINGDOM.

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

SECTION 1. The Minister of the Interior may grant a license to any person or persons applying in writing for the same, permitting them to peddle goods, wares and merchandise, which are the produce of foreign countries, for one year; *provided*, that the said person or persons shall pay the sum of fifty dollars. .

SECTION 2. It shall not be lawful for any person following the above mentioned avocation to allow debts to be contracted to him for any sum above five dollars by any single person trading with him, and whoever violates the above shall have no redress in any court of this Kingdom.

SECTION 3. This Act prohibits all Chinamen who are not naturalized citizens from following the above avocation.

SECTION 4. This Act shall take effect and become a law from and after the date of its passage.

Approved this 28th day of July, A. D. 1874.

KALAKAUA R.

AN ACT TO RESTRICT THE IMPORTATION AND SALE OF OPIUM,
OR PREPARATIONS THEREOF.

Title as
amended 1876,
ch. LXIII.

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

Act.
1884.
Chap. LVI

“SECTION 1. The importation of opium or any preparation thereof into this Kingdom, except as authorized by Section 2 of this Act, is hereby strictly prohibited ; and whoever shall import, sell, give, or furnish opium or any preparation thereof to any person in this Kingdom, except as provided in said Section 2, shall be liable to a penalty of not less than one hundred dollars, nor more than five hundred dollars, and to be imprisoned at hard labor for any term not exceeding two years, one-half of which pecuniary penalty shall be paid to the party giving the information which shall lead to the conviction of the offender.”

As amended
1880, ch. XVIII.

SECTION 2. The Board of Health may, from time to time, import such quantities of opium or preparations thereof as the said Board shall deem necessary for medical purposes in this Kingdom, and shall furnish it at a cost to any physician or surgeon having a diploma or certificate from some medical college or university and who has a license to practice medicine in this Kingdom, also to the person in charge of the medicines at the Leper Settlement at Molokai, to be used exclusively for medical purposes. And the said Board may also furnish it to the captain or surgeon of any vessel bound to a foreign port for use on board said vessel.

As amended
1876, ch. XXIII.

SECTION 3. Any person who shall have in his possession opium or any preparation thereof, which he shall not have received from the Board of Health, or from a duly licensed physician or surgeon, as prescribed in Section 2 of this Act, shall forfeit such opium or preparation thereof to the Hawaiian Government, and the same shall be seized and delivered to the Board of Health ; and such person shall be liable to a penalty of not less than fifty nor more than two hundred and fifty dollars, and to be imprisoned at hard labor for a term of not more than one year, one-half of which pecuniary penalty shall be paid to the party giving the information which shall lead to the conviction of the offender.

As amended
1880, ch. XVIII.

**Statutes of
1876.**

SECTION 4. Any physician or surgeon who shall sell, prescribe or furnish opium, or any preparation thereof, to any person in the habit of smoking, or otherwise using the same, or to any other person except as a remedy in case of sickness, shall forfeit to the Hawaiian Government all opium, or preparations thereof, which may be in his possession, and it shall be seized and delivered to the Board of Health, and he shall be fined in the sum of not less than twenty-five nor more than one hundred dollars, and if he shall violate this Act more than once he shall not again be furnished with opium by the Board of Health.

Amendment of
1876, ch. LXIII.

SECTION 4A. The several police and district courts of the Kingdom are hereby invested with authority to try and determine all cases arising under this law.

SECTION 5. Nothing in this Act shall be construed to exempt any person or vessel from the pains and penalties prescribed by the laws of the Kingdom against smuggling.

SECTION 6. This Act shall take effect and become a law one year from and after the date of its publication, and all laws or parts of laws opposed to or inconsistent with its provisions are hereby repealed.

Approved this 8th day of August, A. D. 1874.

KALAKAUA R.

Chap. III.

AN ACT TO AMEND SECTION 1, CHAPTER XXXVII., OF THE
PENAL CODE.

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

That Section 1 of Chapter XXXVII., of the Penal Code be, and the same is hereby amended so as to read as follows :

SECTION 1. Any idle person who is able to work, who habitually goes about begging for his own support and profit, or for the support of his family, or, who without visible means of support lives in idleness eating the food of others, and any person wandering abroad and not giving a good account of himself, may be

arrested and carried before any police or district justice, who shall have the power of committing such person to prison with hard labor for any period not exceeding one year, or to bind out such idler to labor for a term not exceeding two years at any one time, with any agriculturist, planter or farmer, or with any mechanic, artisan or housekeeper. The hire (if any) paid for the services of such idler shall go, two-thirds to the person bound and one-third to the Government, and in case the idler thus bound shall neglect or refuse to do the reasonable labor required of him, the person to whom he is bound is authorized to use such reasonable coercive measures as the police or district justice of the district in which he resides may from time to time indicate.

**Statutes of
1876.**

Approved this 18th day of July, A. D. 1876.

KALAKAUA R.

AN ACT TO AMEND SECTION 1, CHAPTER XXXIV., OF THE Chap. IV
PENAL CODE.

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

SECTION 1. That Section 1 of Chapter XXXIV., of the Penal Code be, and the same is hereby amended so that the section shall read as follows :

SECTION 1. Whoever is found drunk in any street, road or other public place, from the voluntary use of any intoxicating liquor, shall, on the first conviction for such offense, be punished by a fine not exceeding six dollars, and on any conviction for any like offense committed after the first conviction by a fine not exceeding twelve dollars, or by imprisonment at hard labor not more than three months, but no prosecution for such offense shall be sustained unless it shall be commenced within six days after the commission thereof.

SECTION 2. This Act shall take effect and become a law from and after the date of its approval, and all laws and parts of laws inconsistent with its provisions are hereby repealed.

Approved this 3d day of August, A. D. 1876.

KALAKAUA R.

Statutes of
1876.
Chap. XII.

AN ACT TO AUTHORIZE THE MINISTER OF THE INTERIOR TO
GRANT LICENSES FOR CARRYING ON THE BUSINESS OF BANK-
ING.

WHEREAS, It is evident that the business of banking is now conducted on the same principles as other mercantile pursuits, which said mercantile pursuits, however, are subject to license fees, while that of banking, though a profitable business to those engaged in it, pays no license whatever, and

WHEREAS, It is equally just and proper that the business of banking should pay a license to the Government, as well as other mercantile pursuits; therefore,

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

SECTION 1. The Minister of the Interior is hereby authorized to issue a license to carry on the business of banking within this Kingdom, to any person or persons applying therefor in writing, for the term of one year, on receiving from such applicant or applicants the sum of five hundred dollars for the use of the Hawaiian Treasury.

SECTION 2. Any person or persons who shall now or hereafter carry on the business of banking within this Kingdom, without first having obtained a license as prescribed in Section 1 of this Act, shall, on conviction before any police or district justice, be fined in a sum of not less than one thousand dollars.

SECTION 3. The term banking for the purposes of this Act, shall mean the receiving or taking the money of another, and the lending or advancing the same to others, and the deriving a profit from charging a higher rate of interest than allowed to the depositor, or the engaging wholly or partly in the business of buying or selling drafts or bills of exchange on persons in other countries.

SECTION 4. This Act shall become a law from and after the date of its approval.

Approved this 15th day of September, A.D. 1876.

KALAKAUA R.

AN ACT TO AMEND CHAPTER XL., OF THE PENAL CODE.

Statutes of
1876.
Chap. xv

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

SECTION 1. That Chapter XL., of the Penal Code, relating to the disturbing of the quiet of the night, be and the same is hereby amended by inserting "in the streets and roads" in the second line of the Hawaiian version, so as to read as follows :

All loud noise by night is taboo. Whoever after sunset shall by hallooing, singing in the streets, or in any other way make any disturbing or disorderly noise in any village, town or port of this Kingdom, without justifiable cause for so doing, shall be liable to summary arrest and imprisonment by any constable or police officer, and upon conviction be punished by a fine not exceeding ten dollars.

SECTION 2. This Act shall take effect and become a law from and after the date of its approval.

Approved this 15th day of September, A. D. 1876.

KALAKAUA R.

AN ACT TO AMEND SECTION 3 OF CHAPTER L., OF THE PENAL CODE. Chap. xvi.

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

SECTION 1. That Section 3 of Chapter L., of the Penal Code be, and the same is hereby amended so as to read as follows :

SECTION 3. Bail may be taken by district and police justices before committing the accused for trial, but after commitment, no one but the justice who has heard the case, or a judge of a court of record, can let a prisoner to bail. Provided, however, that when such bail is not furnished, the prisoner shall be committed to prison.

SECTION 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved this 15th day of September, A. D. 1876.

KALAKAUA R.

Statutes of
1876.

Chap. XIX.

AN ACT TO AMEND SECTION 49 OF CHAPTER LV., OF THE PENAL
CODE.

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

SECTION 1. That Section 49 of Chapter LV., of the Penal Code, be and the same is hereby amended by adding certain words so as to read as follows :

SECTION 49. Said Board, or a majority thereof, shall give to each candidate of whose qualifications they are satisfied, a certificate to that effect, and for the convenience of those residing in the other islands, the said Board shall appoint three commissioners in each taxation district of this Kingdom except the district of Honolulu, Oahu, who shall also be empowered to grant like certificates, which shall, however, be countersigned by the President of the Hawaiian Board of Health.

Approved this 15th day of September, A.D. 1876.

KALAKAUA R.

Chap. XX.

AN ACT TO AMEND SECTION 53 OF CHAPTER LV., OF THE PENAL
CODE.

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

SECTION 1. That the said section be and the same is hereby amended so as to read as follows :

SECTION 53. Any native Hawaiian who shall practice medicine without a license, shall, upon conviction thereof before a police or district justice, be fined in a sum of not more than fifty nor less than fifteen dollars, provided, however, that no person shall be punished for doctoring any person afflicted with leprosy.

SECTION 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved this 15th day of September, A.D. 1876.

KALAKAUA R.

AN ACT TO PREVENT THE SPREAD OF DISEASE AMONG SHEEP.

Statutes of
1876.

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

Chap. xxv.

SECTION 1. The Minister of the Interior may appoint a sheep inspector in each of the gubernatorial districts of the Kingdom, upon the application of the majority of the sheep owners in such district. The term of service of said inspector shall be two years, unless sooner removed for cause by said Minister. He shall receive no compensation for the duties of such office from the Government.

SECTION 2. It shall be the duty of the sheep inspector, upon the written complaint of any person that any sheep or flock of sheep is infected with scab, or other infectious or contagious disease, to examine such sheep or flock in the presence of the owner or keeper thereof, and determine whether or not such complaint is true. If it be found that any such disease exists in said sheep or flock of sheep, the inspector shall thereupon in writing notify the owner of the same or his agent of the fact. For such services, he shall be entitled to receive the sum of five dollars for each day actually engaged in such duty and his traveling expenses, which shall be paid by the person complaining. If such complainant in the written application shall not agree to become liable for such payment, the inspector may disregard the application.

SECTION 3. It shall not be lawful to drive any sheep infected with scab or other infectious or contagious disease along any public road, without the consent first obtained in writing of the owners of sheep whose runs adjoin such roads, or on or through lands in use as sheep runs, without such consent so obtained.

SECTION 4. The owner of any sheep driven contrary to the provisions of Section 3 of this Act shall be liable, on conviction before any district or police magistrate, to a fine of not less than two hundred dollars, and higher, in the discretion of such justice; and for diseased sheep straying upon the sheep run of another, may be fined not less than twenty-five dollars for each sheep.

Statutes of
1876.

SECTION 5. Chapter LVIII., of the Penal Code, and all other laws and parts of laws contrary to the provisions of this Act, are hereby repealed.

Approved this 18th day of September, A. D. 1876.

KALAKAUA R.

Chap. xxvii.

AN ACT TO REGULATE THE PASSAGE OF, WATER OVER THE
LANDS OF THOSE NOT BENEFITTED THEREBY.

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

SECTION 1. Whenever any person having a right to any water, shall be desirous of leading the same on to any land in his possession for the purpose of irrigation and other uses, and it shall be necessary in order that such water should reach such land, that a ditch, irrigating canal or flume, should be constructed, or water pipes laid over the land or lands of another person, and the person so owning a right to such water is not able to agree with the person or persons over whose land or lands it is desired to lead such water, a petition may be made to any circuit judge of the judicial district within which such lands are situated, and if the lands are situated on the Island of Oahu, then to any justice of the Supreme Court, setting forth the name or names of the owner or owners of the land or lands through which it is desired that such water-way should be constructed, and all the facts necessary for the understanding of the case, and shall be accompanied with maps sufficient to show the route of the proposed water-way, and praying that a right of way may be granted to the petitioner for such ditch, canal or other water-way.

SECTION 2. On receiving a petition as in the preceding section, the judge or justice to whom such petition is addressed, shall issue a citation to the party or parties over whose land or lands such water-way may be proposed to be constructed, such citation shall be returnable in not less than twenty days, and shall be to show cause why such water-way may not be constructed over such land or lands. The judge to whom such petition is addressed, shall

hear the testimony which may be offered regarding the propriety and utility of constructing such canal or other water-way, and the amount of damages which may be done to the owner or owners of the land or lands over which such water-way be led, including therein not only the value of the land taken, but also the consequential damage, if any, occasioned by the severance of the lands or otherwise as well as the proper place for locating such water-way, and shall record the testimony taken, and if he shall find that the construction of such water-way is reasonable, proper and useful, he shall enter judgment accordingly, adjudging a right of way for the proposed water course and authorizing its construction. But no water-way, as provided by such judgment, shall be constructed until after the amount of damages and costs adjudged as aforesaid shall have been paid by the party petitioning for the right of water-way, and the judge may include in the bill of costs, at his discretion, a reasonable fee for counsel for the respondent or respondents.

SECTION 3. The judgment referred to in the second section of this Act, if in favor of the petitioner, shall set forth the route and description of the proposed water course, and what fences, if any, shall be maintained by the applicant to protect the same, and what bridges or crossing places, if any, shall also be maintained by the applicant, and a certificate fully setting forth such judgment shall be given to both parties, and after the construction of such water-way it shall be incumbent on the owner of such water right, his heirs and assigns, to keep such water-way, fences, bridges, and crossing places in repair, and for that purpose shall have the right of entry at all reasonable times, and such owner of such water right, his heirs and assigns, shall be answerable at all times to the owner of the land, his heirs and assigns, for any damage that may occur by reason of such water-way overflowing the same or the fences, bridges or crossing places not being kept in proper and reasonable repair. If the judge, before whom any such case may be heard, shall find that the proposed water-way is unreasonable or inexpedient, he shall enter a judgment for the respondent.

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1876.

SECTION 4. The costs in the cases provided for in this Act, shall be the same as allowed in the Supreme Court for like services, and if on the application of either party it shall be deemed necessary for the judge before whom such petition is heard, to visit and view the premises over which such water is to be conducted, there shall be likewise paid as costs for the personal benefit of said judge, the sum of ten dollars for each visit, and ten cents for each mile traveled in going and returning on such visit; provided, however, that the costs of such viewing the *locus in quo* shall be paid by the party requesting such visit.

SECTION 5. If any person shall desire to drain wet land, and it shall be necessary for him to cross with drains the land or lands of others in order that the said drains may reach a water course, the sea or some place whence to convey such drainage, such person shall proceed and judgment shall be rendered in such case in like manner as hereinbefore provided for the transmission of water, for the purpose of irrigation and other uses.

SECTION 6. If either party shall be dissatisfied with the decision of any judge, before whom any cause arising under this Act shall be brought, he may appeal to the judges of the Supreme Court sitting in banco, and his appeal shall be heard upon the record, but either party may adduce before such judges such further testimony as he may be enabled. If the respondent shall appeal, and shall not succeed in reversing the judgment below or increasing the damages by one-third, he shall pay the costs of the appeal, but in all other cases, the costs of said appeal shall be borne by the petitioner.

SECTION 7. The several judges before whom any case provided for by this Act may be brought, shall have like power to compel the attendance of witnesses, and to enforce their orders and decrees as are now customary or may hereafter be granted to any of the courts of this Kingdom.

SECTION 8. The word "person" as used in this Act shall be held to mean not only individuals, but any and all associations or

corporations, the Commissioners of Crown Lands and any department of His Majesty's Government, and shall also include owner as well as occupier.

**Statutes of
1876.**

Approved this 18th day of September, A.D. 1876.

KALAKAUA R.

AN ACT TO PROMOTE INTER-ISLAND STEAM COMMUNICATION. Chap. xxviii.

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

SECTION 1. The Minister of the Interior is hereby authorized to accept and enter into a contract with responsible parties tendering for the same, and giving satisfactory bonds, to maintain a suitable steamer of not less than 500 tons register according to present mode of admeasurement, in the inter-island steam service, as hereinafter specified, for a period not to exceed ten years, and to pay therefor an annual subsidy of not exceeding twelve hundred and fifty dollars per month, provided such contract be tendered for and entered into on or before the first day of December next.

SECTION 2. The said service shall consist of not less than two trips each month from Honolulu, around the Island of Hawaii, touching at the usual ports, and back to Honolulu, one trip each month to Hilb or Kealakekua, alternating and touching at the usual ports and back to Honolulu, and one trip each month around the Island of Kauai, touching at the usual ports and back to Honolulu.

SECTION 3. In the event of no contract being entered into as provided by Section 1, the Minister of the Interior is hereby authorized to contract for the delivery at the port of Honolulu, of a steamer for the Government of not less than 500 tons Hawaiian register, suitable for the performance of the inter-island steam service of this Kingdom. The said steamer to be delivered at the said port within one year from the first day of January next, and the said Minister is further authorized to pay for the said steamer a sum not to exceed one hundred thousand dollars.

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SECTION 4. The Minister of Finance is hereby authorized to issue bonds of the Hawaiian Government, with coupons attached, for such amounts as such Minister may deem expedient, to the aggregate amount of not more than one hundred thousand dollars, said bonds shall be payable at the Hawaiian Treasury at such times within the term of ten years from the date of the bonds, as the Minister of Finance shall deem expedient. and shall bear interest at not more than nine per cent. per annum, such interest to be paid semi-annually.

SECTION 5. The Minister of the Interior is hereby authorized at any time after the delivery to him of the said steamer, to sell the same to any responsible party or parties, for a sum not less than the cost of said steamer, with interest added, always provided that the purchasers of said steamer shall enter into a contract with the Minister of the Interior to maintain the inter-island steam service of this Kingdom, for a period not less than six years, in as efficient a manner as such a steamer may be able to do, making the same number of trips as provided in Section 2. And the said contractors shall give a bond with sufficient sureties and penalties, conditioned for the full and efficient performance of such contract, such bond to be to the Minister of the Interior, and the sureties and penalties to be to the satisfaction of the said Minister.

SECTION 6. The Minister of the Interior in case he shall sell the steamer, which he is authorized by the preceding section to purchase or contract for, shall enter into a contract with the purchasers thereof, to perform the inter-island steam service, and is hereby authorized to pay to the parties with whom he may contract as aforesaid in consideration for such service, a sum of money not exceeding twelve hundred and fifty dollars for each and every month of such service, such payments shall be made by the warrant of the Minister of the Interior on the public treasury, and the Minister of Finance is hereby authorized and required to pay such warrants out of any money in the treasury not otherwise specifically appropriated.

SECTION 7. If at any time within one year previous to the expiration of the contract authorized by the fifth section of this

Act, the Minister of the Interior shall deem it expedient and for the public interest to extend the said contract, he is hereby authorized so to do, provided the said extension shall not exceed four years from and after the expiration of the first contract, and upon making such extension, the said Minister of the Interior is hereby authorized to make such modifications in the terms of such contract as he may deem for the public interest.

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SECTION 8. The Minister of the Interior is hereby directed in case he shall make a sale of the steamer by this Act authorized, to return the proceeds of said sale immediately into the public treasury.

SECTION 9. The parties entering into a contract with the Minister of the Interior, either under the first or third sections of this Act, shall in addition to the subsidies previously provided for, be entitled to import free of duty, all materials required for the construction and use of the vessels employed in such service, and shall also be entitled to all the rights, privileges and immunities now secured to foreign steam lines, by an Act approved on the 1st day of August, A. D. 1874, entitled "An Act to encourage steam navigation with foreign countries."

SECTION 10. Any contract entered into under the authority of this Act, shall provide for the carriage and delivery of the public mails, free of charge, and such contract may fix a price for carrying passengers and freight, and be subject to such other terms as the Minister of the Interior may deem expedient.

Approved this 18th day of September, A. D. 1876.

KALAKAUA R.

**Statutes of
1876.****AN ACT FOR THE PROTECTION AND PRESERVATION OF WOODS
AND FORESTS.**

Chap. xxx.

WHEREAS, It is an established fact that the destruction of forests in any country tends to diminish the supply of water, therefore,

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

SECTION 1. That the Minister of the Interior is hereby authorized to set apart and cause to be protected from damage by trespass of animals or otherwise, such woods and forest lands, the property of Government, as may in his opinion be best suited for the protection of water sources, and the supply of timber and fruit trees, cabinet woods and valuable shrubbery.

SECTION 2. For the purposes contemplated in this Act, the Minister of the Interior is hereby authorized to appoint some competent person as superintendent of woods and forests, who shall, under the direction of the said Minister, enforce such rules and regulations as may be established to protect and preserve such reserved woods and forest lands from trespass. Said superintendent shall have charge of the construction of all fences and barriers required to protect the said woods and forest lands, and shall be responsible for their being kept in good condition. He shall, under the direction of the said Minister, be empowered to cause the arrest of any trespassers on such lands, and all constabulary or police of the districts in which such woods and lands may be situated, are hereby required to assist the said superintendent in carrying out the directions of the said Minister in the premises. And it is hereby made an offense punishable by a fine not to exceed one hundred dollars, or imprisonment at hard labor not to exceed one year, upon conviction before any police or district justice, of any person who shall violate any of the rules or regulations established as aforesaid tabuing such woods and forest lands.

SECTION 3. The Minister of the Interior is hereby authorized to secure from the Commissioners of Crown Lands, by lease or otherwise, such woods and lands being the property of the Crown,

as may be suitable for carrying out the purposes set forth in this **Statutes of 1876.**
Act.

SECTION 4. Whenever it shall be necessary to extinguish any private right or title in any woods or lands required to fully carry out the intention of this Act, the fair valuation of the same shall be determined by referees agreed upon by and between the parties interested therein and the Minister of the Interior, and the valuation so adjudged and determined shall be the extreme limit of the price to be paid by the Government for such woods or lands, and upon making tender of such price so determined by the referees, it shall be lawful for the said Minister to take possession of such woods and lands for the purposes aforesaid.

SECTION 5. The superintendent of woods and forests shall receive for the faithful performance of the duties of his office, such sum as the Minister of the Interior shall direct.

SECTION 6. The sum of ——— dollars is hereby appropriated for the purpose of carrying out the provisions of this Act.

Approved this 19th day of September, A.D. 1876.

KALAKAUA R.

AN ACT TO AMEND CHAPTER LVI., OF THE PENAL CODE, BY
THE ADDITION THERETO OF A NEW SECTION TO BE DENOMINATED SECTION 5. **Chap. xxxvi.**

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

That Chapter LVI., of the Penal Code be, and the same is hereby amended by the addition thereto of a new section to be denominated Section 5, which shall read as follows:

5. The provisions of an Act entitled "An Act to facilitate the service of criminal process," approved on the 23d day of June, 1868, shall not be applied to the warrant provided for by Section 1 of this chapter.

Warrants for deserting husband or wife may not be endorsed and served in other districts.

Approved this 19th day of September, A. D. 1876.

KALAKAUA R.

Statutes of 1876. AN ACT TO AMEND SECTION 1 OF CHAPTER IV., BEING AN ACT APPROVED ON THE 8TH DAY OF JULY, A. D. 1870, AMENDING SECTION 17, CHAPTER XVI., OF THE PENAL CODE.
 Chap. xxxvii.

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

SECTION 1. That Section 1 of Chapter IV., being an Act approved on the 8th day of July, A. D. 1870, amending Section 17, Chapter XVI., of the Penal Code of this Kingdom, be and the same is hereby amended so as to read as follows :

SECTION 17. Whoever shall steal any neat cattle, horse, mule, sheep, ass or deer, not exceeding the value of one hundred dollars, shall upon conviction before any police or district justice, be punished by imprisonment at hard labor, not less than one year nor more than three years.

SECTION 2. Whoever shall steal any goat, swine, dog or poultry, not exceeding the value of fifty dollars, shall upon conviction before any police or district justice, be punished by imprisonment at hard labor, not less than one month nor more than one year.

SECTION 3. This Act shall take effect and become a law from and after the date of its approval, and all laws and parts of laws in conflict with the provisions of the same are hereby repealed.

Approved this 19th day of September, A. D. 1876.

KALAKAUA R.

Chap. xxxviii. AN ACT TO AMEND CHAPTER LXXXVI., OF THE PENAL CODE, "REGARDING THE QUALIFICATION OF ELECTORS," BY ADDING A NEW SECTION TO BE NUMBERED 17A.

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

SECTION 1. Chapter LXXXVI., of the Penal Code, regarding the qualification of electors shall be, and the same is hereby amended by adding the following section to be inserted after Section 17, and to be designated Section 17A :

This is Sec. 788
C. C.

SECTION 17A. The inspectors of election shall previously to opening the polls, set apart a sufficient space around the polling place, to prevent persons not thereto authorized from interfering with the conduct of the election, and no person other than the inspectors of election, their clerk and any electors not exceeding six in number being actually engaged in voting, to be designated, if necessary, by the presiding officer, shall be permitted at any one time to enter or remain within the polling room or the space so set apart during the taking of the poll.

Approved this 19th day of September, A. D. 1876.

KALAKAUA R.

AN ACT TO DEFINE THE NATURE AND TO REGULATE THE ISSUING OF WRITS OF MANDAMUS, PROHIBITION, CERTIORARI, AND QUO WARRANTO. Chap. xxxix.

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

I.—OF THE WRIT OF MANDAMUS.

SECTION 1. This is an order issuing in the name of the Sovereign, by the Supreme Court in term or any justice thereof in vacation, and addressed to an individual, or corporation, or court of inferior jurisdiction, directing him or it to perform some certain act belonging to the place, duty or quality, with which he or it is clothed.

SECTION 2. The object of this order is to prevent a denial of justice, and it therefore issues in all cases where the law has assigned no specific relief by the ordinary means, or even where a party has other means of relief, if the slowness of ordinary legal forms is likely to produce such a delay, that the public good and the administration of justice will suffer from it, and where justice and reason require that some mode should exist of redressing a wrong, or an abuse of any nature whatever.

SECTION 3. The order may be directed to individuals, whether holding offices or not, to corporations, and to judges of inferior tribunals.

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SECTION 4. It may be directed to a simple individual, as to the heir or other legal representative of a deceased public officer, or to such officer himself, if he be alive, or has resigned, or has been removed, to compel him to deliver to the successor of such officer, the papers and other effects belonging to his office.

SECTION 5. It may be directed to public officers to compel them to fulfill any of the duties attached to their office, or which may be legally required of them.

SECTION 6. It may be directed to all corporations established by law:

I.—To compel them to make elections and to perform the other duties required by their charter.

II.—To compel them to receive or restore to their functions, such of their members as they shall have refused to receive, although legally chosen, or whom they shall have removed without sufficient cause.

SECTION 7. It may be directed to judges of inferior courts commanding them to render justice, and to perform the other duties of their office conformably to law.

SECTION 8. In this last case the order or Writ of Mandamus, issues not only when the judges of inferior courts are guilty of a denial of justice, or unreasonable delay in pronouncing judgment on causes before them, but also if they refuse or neglect to perform any of the duties required of them by law.

SECTION 9. The party wishing to obtain an order in any of the cases before mentioned, must apply by petition addressed to the Judges of the Supreme Court, or if in vacation, to any single justice thereof, stating the nature of his right, or of the injury he sustains, or of the denial of justice which he experiences, which petition shall be sworn to by the party, or by some person on his behalf cognizant of the facts.

SECTION 10. The court or judge, if sufficient ground is shown, shall issue an order addressed to the party against whom the complaint is made, by which he shall be directed to do what has been

demand of him, or show cause to the contrary, within a certain time after the service of the order, to be fixed by the court or judge.

SECTION 11. If on the day assigned for answering the order, the party to whom it is directed answers and shows sufficient reasons to justify his conduct, the complaint shall be dismissed, and the petitioner shall pay the costs occasioned by the application.

SECTION 12. But if the party shall fail to appear and show cause, or if the cause shown shall be deemed insufficient, then a peremptory mandate shall issue to do the thing absolutely and to pay the cost of the proceedings, to which no other return shall be admitted but a certificate of perfect obedience and due execution of the writ. If the party does not obey, an order of arrest may issue, upon due proof of the service of the writ, under which the party shall be imprisoned until he has rendered obedience to the mandate.

SECTION 13. When the mandate, directing the performance of a specified act, shall have issued against a corporation, the notice may be served upon the presiding officer, secretary, clerk or treasurer of such corporation, and if the corporation or the body of the directors disobey the order, it shall be punished for the contempt by the sequestration of its property until it yield obedience to the mandate.

SECTION 14. The writ or order may be served by the marshal or any sheriff or other peace officer, and service may be effected by delivering to the party on whom the writ or order is directed, a true and certified copy thereof, and at the same time showing to him the original.

II.—OF THE WRIT OF PROHIBITION.

SECTION 15. This is a mandate which issues in the name of the Sovereign from the Supreme Court in term, or from any justice thereof in vacation, directed to the judge and the party suing in any inferior court, forbidding them to proceed any further in the cause, on the ground that the cognizance of the said

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cause does not belong to such court, or that the cause or some collateral matter arising therein is beyond its jurisdiction, or that it is not competent to decide it.

SECTION 16. The defendant who applies for this writ shall apply by petition addressed to the judges of the Supreme Court, or if in vacation to any single justice thereof, stating the cause and nature of the action brought against him, and showing that the inferior court is not competent to try it, or that it has exceeded its jurisdiction in the trial or hearing of such action, which petition shall be verified by the oath of the applicant or by some person on his behalf cognizant of the facts.

SECTION 17. The court or judge, if sufficient ground is shown, shall issue an order forbidding the judge to take cognizance of the cause, and forbidding the plaintiff or party prosecuting to prosecute it further.

SECTION 18. When on being served with such order the inferior judge acknowledges he has no jurisdiction, he shall abstain from proceeding further in the case.

SECTION 19. But if the judge, or the plaintiff or party prosecuting shall believe the inferior court is competent, he or they may file a written answer to the order, after which the court or justice issuing it shall pronounce summarily on the matter; and if the court or judge shall be of opinion that the applicant has made out his case, the prohibition shall be made perpetual, otherwise it shall allow the inferior judge to proceed to the trial and judgment of the case.

SECTION 20. If an inferior judge has rendered judgment in any of the cases before mentioned and the execution has issued, the order may be directed as well to the plaintiff or party prosecuting as to the officer charged with the execution, forbidding them to proceed in the execution in the same manner as if the prohibition had been addressed to the judge before issuing the execution.

SECTION 21. The plaintiff or party prosecuting may reply to the order in the same manner as above directed, for obtaining judgment with regard to the jurisdiction of the inferior judge.

SECTION 22. The costs shall be awarded to the parties according to the ultimate event of the application.

SECTION 23. The order may be served in like manner as before provided with respect to the writ of mandamus.

SECTION 24. If in contempt of the order the judge or the party shall proceed any further in the suit, the superior tribunal shall cause them to be arrested and shall punish them for such contempt, and the opposite party shall have an action for his damages against them.

III.—OF THE WRIT OF CERTIORARI.

SECTION 25. This also is an order issuing in the name of the Sovereign by the Supreme Court in term or any justice thereof in vacation, and directed to an inferior judge commanding him to send to the Supreme Court a certified copy of the proceedings in a suit pending before him, to the end that their validity may be ascertained.

SECTION 26. This mandate concludes by enjoining the inferior judge to proceed no further in the case until judgment shall be pronounced on the regularity of his proceedings.

SECTION 27. This mandate is only granted in cases where the suit is to be decided in the last resort, and where no appeal lies by means of which proceedings absolutely void may be set aside, as when the inferior judge has refused to hear the party or his witnesses, or has pronounced sentence without having cited him to appear.

SECTION 28. The party wishing to obtain this mandate shall address his petition to the Supreme Court in term, or justice thereof in vacation, in which he shall state the causes of nullity of the acts done by the lower court to his prejudice.

SECTION 29. The truth of the facts contained in the petition shall be sworn to by the complainant or by some person cognizant of the facts, on his behalf, but with respect to the nullities alleged, he need only affirm their existence to the best of his knowledge.

SECTION 30. The inferior judge to whom this mandate is directed shall immediately send to the Supreme Court, or to the

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justice thereof by whose order the mandate was issued, a certified copy of the record called for, which copy shall be sealed with the seal of the court, if it have one.

SECTION 31. If after the service of the mandate and the injunction contained in it, the inferior judge does not send the copy of the record called for, or if he proceeds further in the cause, an order of arrest may issue, upon due proof of the service of the writ, under which the inferior judge may be imprisoned until he shall have obeyed the mandate directed to him.

SECTION 32. The mere service of the order to send up the record renders void every act which may have been subsequently performed by the judge to whom it was directed, or by his order.

SECTION 33. If upon examining the record thus sent, it shall appear to the Supreme Court, or to the justice thereof by whose order the mandate was issued, that the proceedings are null and void, and have not been sanctioned by the party complaining of them, the court or judge shall avoid the proceedings, and may direct the inferior judge to try the case anew, in conformity to law.

SECTION 34. If the Supreme Court or the said justice finds that the proceedings have been regular, or that the party has waived his objection to them, the order shall be dissolved, with costs to be paid by the party who applied for it.

SECTION 35. The order may be served in like manner as before provided with respect to the writ of mandamus.

IV.—OF THE WRIT OF QUO WARRANTO.

SECTION 36. This also is an order issuing in the name of the Sovereign by the Supreme Court in term or by any justice thereof in vacation, and directed to a person who claims or usurps an office in a corporation, inquiring by what authority he claims to hold such office.

SECTION 37. It may also be granted upon the application of the Attorney-General against individuals acting as a corporation without being legally incorporated, and against any corporate body offending against the provisions of any law relating to such cor-

poration, for misuser, for non-user, for doing or omitting any acts amounting to a surrender of its charter, and for exercising rights not conferred upon it.

SECTION 38. The order is obtained by petition addressed to the Supreme Court in term, or any justice thereof in vacation, setting out facts sufficient to show a right to the order, and sworn to if the application is made by a private individual.

SECTION 39. The party to whom the order is directed shall file his answer in writing, within the time limited by the order, and state the authority under which he claims to act.

SECTION 40. If the party to whom the order is directed does not answer within the time allowed, the court or justice, as the case may be, shall declare him not qualified to fill the office of which he performs the duties, and shall forbid him to perform them any longer, shall condemn him to pay the costs, and shall direct the corporation to proceed to a new appointment.

SECTION 41. But if the person to whom the order is directed, answer within the time allowed, judgment shall be pronounced upon the answer in a summary manner, and after hearing the parties, if the court or judge who issued the order thinks that the person to whom the mandate was directed has usurped the office which he holds, or that he continues in it unlawfully, judgment shall be rendered against him in the manner provided in the preceding article, otherwise the petition shall be dismissed with costs to be paid by the applicant.

SECTION 42. In all cases contemplated by Article 4th, judgment shall be given according to the nature of the complaint made, provided, however, that in the event of the application being dismissed the Attorney-General shall not be ordered to pay costs.

SECTION 43. The writ or order shall be served in like manner as before provided with respect to the writ of mandamus.

SECTION 44. Where the Legislature has granted to a corporation the right to determine the validity of the elections of its

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members or officers, a writ shall not be issued for the purpose of inquiring into that fact.

SECTION 45. When writs of mandamus, prohibition, certiorari or quo warranto are issued by a justice in vacation, the same may in his discretion be made returnable before him or before the Supreme Court at the next ensuing term thereof.

Approved this 19th day of September, A.D. 1876.

KALAKAUA R.

Chap. XLI.

AN ACT TO REGULATE THE CURRENCY.

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

SECTION 1. From and after the first day of March, in the year of our Lord one thousand eight hundred and seventy-seven, the gold coins of the United States of America shall be the standard and a legal tender in this Kingdom in all payments of debts, at their nominal value.

SECTION 2. Be it further enacted, that the silver coins of the United States shall be a legal tender at their nominal value in payment for all debts within this Kingdom, for any amount not exceeding fifty dollars, and for debts between fifty and one hundred dollars, fifty dollars may be paid in silver coins and the remainder shall be paid in gold coins as aforesaid.

SECTION 3. And be it further enacted, that for all debts of one hundred dollars in amount not exceeding one thousand dollars, the legal tender for such debts shall be twenty-five per cent. thereof in silver coin of the United States as aforesaid, and seventy-five per cent. in gold coin of the United States as aforesaid.

SECTION 4. And be it further enacted, that for all debts exceeding one thousand dollars, for the first thousand thereof the payments may be made as is provided in the preceding sections, and for the remaining sum fifteen per cent. may be paid in silver coins as aforesaid, and the remainder shall be paid in gold coins as aforesaid.

SECTION 5. And be it further enacted, that the gold and silver coins other than those of the United States bearing the legalized impress of any Sovereign State, shall also be receivable in payment of Government dues, duties and taxes, at the exchequer, and in tender or payment of debts contracted by private individuals and payable in this Kingdom, at their value as fixed by the King in Privy Council and published by the Minister of Finance.

SECTION 6. And be it further enacted, that silver coins to the value of twenty-five cents or less shall be legal tender for all payments not exceeding ten dollars ; but in all other cases whenever silver shall be paid in accordance with the preceding sections, coins of twenty-five cents and less may be paid at the rate of fifteen dollars to every hundred dollars so to be paid in silver.

SECTION 7. There shall be levied, collected and paid upon all silver coins imported into this Kingdom from any country with which His Majesty has not any treaty to the contrary, a duty of ten per cent. ad valorem. Provided, that this section shall not come into operation until a proclamation* to that effect has been issued by His Majesty, by and with the advice and consent of a majority of his Privy Council, at a duly convened meeting thereof.

SECTION 8. And be it further enacted, that from and after the date of the passage of this Act, it shall be the duty of the Minister of Finance to require that all duties paid on imports shall be paid in gold coins of the United States, or its equivalent.

SECTION 9. And be it further enacted, that from and after the first of March, eighteen hundred and seventy-seven, the interest on all Government bonds shall be paid in the gold coin of the United States, or its equivalent, whensoever the interest on any one bond shall be or shall exceed five dollars, and when less than five dollars, shall be paid in silver coin as aforesaid.

SECTION 10. And be it further enacted, that from and after the first of March, eighteen hundred and seventy-seven, an Act entitled "An Act to regulate the currency," (Chapter XXVII. of

*Proclamation made May 29th, 1880.

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the Session Laws of 1872, approved the 29th day of July, 1872), shall be utterly void and of no effect, as well as all other Acts or parts of Acts inconsistent with and contrary to the provisions of this Act.

Approved this 19th day of September, A.D. 1876.

KALAKAUA R.

Chap. XLII.

AN ACT TO AMEND SECTION 17 OF CHAPTER XLI., OF THE
PENAL CODE.

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

SECTION 1. That Section 17 of Chapter XLI., of the Penal Code, be and the same is hereby amended by striking out the word "one" in the third line, and inserting in the place the words "two hundred and fifty," and by striking out the words "two hundred and fifty" in the fourth line, and inserting the words "five hundred" in the place thereof, so that the said section shall read as follows :

SECTION 17. Before granting such wholesale license to vend spirituous liquors, the applicant shall pay for the use of the Royal Exchequer two hundred and fifty dollars, and give a bond to the Minister of the Interior in the penalty of five hundred dollars, with at least one sufficient surety to be approved by the said Minister.

SECTION 2. This Act shall become a law from and after the date of its approval.

Approved this 25th day of September, A.D. 1876.

KALAKAUA R.

AN ACT TO AMEND SECTION 3, AND REPEAL SECTION 9, OF **Statutes of 1876.**
CHAPTER XLVIII., OF THE PENAL CODE.

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

Chap. LII.

SECTION 1. Section 3 of Chapter XLVIII., of the Penal Code is hereby amended by striking out the word "crime," the last word of said section, and substituting in place thereof the words "criminal offense."

Cncerning
search
warrants.

SECTION 2. Section 9, of Chapter XLVIII., of the Penal Code is hereby repealed.

Approved this 25th day of September, A.D. 1876.

KALAKAUA R.

AN ACT TO AID THE DEVELOPMENT OF THE RESOURCES OF THE **Chap. LIII.**
KINGDOM.

WHEREAS, there are large tracts of land in this Kingdom adapted for the cultivation of sugar cane, rice, coffee and other crops, which are now inaccessible for the want of suitable landings and facilities for the shipment of produce, and roads leading from such landings thereto and throughout the same ; and

WHEREAS, there are also other tracts of land in this Kingdom, upon which sugar cane and other products could be raised, if water should be brought on the same for the purpose of irrigating them, and for furnishing power for mills and for other uses in connection with the cultivating the soil and preparing its products for market ; and

WHEREAS, it is advisable that the Government should aid in encouraging and developing the agricultural resources of the Kingdom ; therefore, ‘

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

SECTION 1. That His Majesty the King in Privy Council appoint a commission, consisting of three suitable persons, whose

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duty it shall be to visit any and all districts of the various Islands of this group, which may be thought to possess agricultural resources hitherto undeveloped or but partially developed, and after a careful examination to report to the Minister of the Interior in writing an estimate of the quality of land in any one locality capable of being cultivated to advantage, the nature of the crops which can be raised thereon, and the feasibility of constructing landings therefor, or other facilities for the shipment of produce, or roads leading to the same, or water courses thereon for the purpose of irrigation, or for furnishing power for mills, or whatever other improvements may to them appear feasible and necessary in order to the development of the agricultural resources of the locality visited ; and the said commission shall prepare or cause to be prepared careful estimates of the probable cost of such improvements, sufficient surveys and other recommendations which to them shall seem advisable to report.

SECTION 2. In order for the proper carrying out of the provisions of the preceding section, the said commissioners shall receive the reasonable assistance when required, of the Superintendent of Public Works, the Surveyor-General and his assistants, and the Harbor Master of Honolulu, in preparing said estimates, surveys, and reports, and who shall serve without further compensation.

SECTION 3. Upon the coming in of any such report, the Minister of the Interior shall present the same for the consideration of His Majesty in Privy Council, and if the same be approved of, the said Minister shall proceed to construct the landings, laying of buoys, roads, water courses, or other improvement, either according to the original report or as modified in Privy Council, and the said Minister is hereby authorized to use whatever prison labor is available in constructing such improvements or to contract for their construction, as may to him seem advisable. Provided, however, that no such improvement or undertaking shall be commenced until a written request therefor signed by three or more land-holders in such district shall have been filed with the Minister of the Interior.

SECTION 4. In order to provide means for the carrying out the object of this Act, the Minister of Finance is hereby authorized from time to time, as the various improvements shall progress, to issue bonds with coupons attached, to an amount not to exceed in the aggregate two hundred thousand dollars, said bonds to bear interest not exceeding nine per cent. per annum, payable semi-annually; said bonds shall be signed by the Minister of Finance and countersigned by the Registrar of Public Accounts, and to have endorsed on them these words, "Public Improvement Bonds, Act of 1876;" and such bonds shall be made payable at such time as shall be specified on their face, but not later than twenty-five years from the day of their date. **Statutes of 1876.**

SECTION 5. The Minister of the Interior is hereby authorized and empowered to enter upon and take possession and hold for the use of the Government such land and water, real estate and property as may be required for the use and maintenance of the various enterprises and improvements ordered to be proceeded with as by Section 3 of this Act provided, and the compensation to those whose land or water may be taken or injuriously affected, shall be determined in like manner as is provided in Sections 2, 3, 4, 5, 6 and 7 of an Act approved on the 18th day of August, 1860, entitled "An Act to authorize the Minister of the Interior to take possession of whatever land and water may be required for the use of the Honolulu Water Works;" and in case the land and water necessary to be taken and made use of by such improvement is the property of the Hawaiian Government, the Minister of the Interior is hereby authorized to take and use the same for such purposes without further process, and without compensation to the Government.

SECTION 6. Upon completion of each or any of the improvements authorized to be made by this Act, there shall be levied and collected for the benefit of the public treasury a special tax upon all lands directly benefitted by the said improvements, the said tax to be adjusted equitably per acre of cultivated land, but in no case to exceed the sum of two dollars per acre per annum, and in case the improvements be the introduction of water for irrigation purposes, then not to exceed the sum of eight dollars

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per annum for each acre of cultivated land, and for other purposes such a tax as may seem just and equitable to said Minister.

SECTION 7. The Minister of Finance is hereby authorized to pay the reasonable travelling expenses of said commissioners and of such officers as may accompany them while actually employed in such service, and these amounts, as well as the damages that may be determined and awarded in pursuance of Section 5 of this Act, shall be paid out of the avails of the bonds authorized to be issued by Section 4 of this Act, and the Minister of Finance is hereby required to keep a special account of the avails of such bonds as may be issued for each improvement carried out, and for all payments made for the construction of each of the improvements authorized by this Act, as well as other payments in pursuance thereof required by this section herein above, and to report the same to each session of the Legislature, and any excess of receipts over expenditures shall go to the benefit of the public treasury.

SECTION 8. The Minister of the Interior is hereby authorized to make all and needful regulations in regard to the use of any landings and roads, or other facilities for the shipment of produce, constructed in pursuance of the provisions of this Act, and in case a water course for irrigation or other purposes be constructed, to regulate the quantity of water which the various land-owners within reach of such water course may use, and the time and method of such use, as well as such other regulations as may be deemed reasonable and necessary.

SECTION 9. On the adoption of any report by the King in Privy Council, as provided by Section 3 of this Act, if the same be in reference to the construction of any water course for the purpose of irrigation, or for the furnishing power for the manufacturing of agricultural products, it shall be the duty of the Minister of the Interior to advertise in two or more newspapers published in Honolulu, for such time as he may deem advisable, for sealed proposals from individual or corporations to do the work required to construct the contemplated water course at their own cost and expense, and in consideration therefor the Minister of the Interior

is hereby authorized and directed to grant to the successful bidder the lease of the proposed water course for a term not to exceed thirty years, with the privilege of all profits to be made thereon. The same with all its improvements to revert to the Government at the expiration of the term granted, the Government to guarantee an interest on the cost of such water courses not to exceed the sum of six per cent. The bid to be considered the best which proposes the shortest term of the concession and the lowest rate of interest on the cost required to be guaranteed by the Government, provided always that the successful bidder shall execute to the Minister of Interior a good and sufficient bond, under a penalty to be therein named, conditioned for the construction of the said water course within a reasonable time to be therein appointed. In case no satisfactory tender be made, the Minister of Interior is then authorized to proceed with the work, anything in this section contained to the contrary notwithstanding; and in case a grant of the concession be made, the said Minister of Interior is hereby authorized to proceed as in Section 5 of this Act required for the condemnation of whatever land or water may be necessary, and all the provisions of said Section 5 shall be held to apply in such a case.

Approved this 25th day of September, A.D. 1876.

KALAKAUA R.

AN ACT TO REPEAL AN ACT, BEING CHAPTER LIV. OF THE Statutes of 1876.
 STATUTE LAWS OF 1874, ENTITLED AN ACT TO AUTHORIZE
 A NATIONAL LOAN, AND TO DEFINE TO WHAT USES SUCH
 LOAN SHALL BE DEVOTED.

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

SECTION 1. That the Act being Chapter LIV. of the Statute Laws of the year one thousand eight hundred and seventy-four, entitled "An Act to Authorize a National Loan, and to define to

Statutes of 1876. what uses such loan shall be devoted," shall be and the same is hereby repealed.

SECTION 2. This Act shall take effect and become a law from the date of its approval.

Approved this twenty-sixth day of September, A.D. 1876.

KALAKAUA R.

AN ACT RELATING TO STAMP DUTIES.

Chap. LV.

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

SECTION 1. From and after the coming into operation of this Act, there shall be due and payable to His Majesty in respect of the several deeds, documents, and instruments mentioned and specified in the schedule hereunder written, the several sums of money for stamp duty set forth in the said schedule.

SECTION 2. The Minister of Finance shall and he is hereby required to obtain a sufficient number of dies for stamps, and of adhesive stamps, to carry out the provisions of this Act.

SECTION 3. The said dies and adhesive stamps shall be placed in charge of the Registrar of Public Accounts, who shall stamp all instruments requiring to be stamped with the proper stamp denoting the amount of duty paid, and shall supply to any person applying therefor such adhesive stamps as he may require and pay for. Provided, that until the Minister of Finance shall, by public notification in all the newspapers published in Honolulu, give notice that he has adhesive stamps sufficient to supply the wants of the public, postage stamps of the Kingdom may be affixed by the parties to all instruments liable to a stamp duty of less than one dollar.

SECTION 4. All persons using adhesive stamps or postage stamps shall immediately deface and cancel the same by writing across them their names and the date of cancellation, or by some other means deface the same so that they may not be used a second time.

SECTION 5. Every instrument requiring to be stamped shall be stamped fairly, and so that the stamp cannot be used for another instrument on the same paper.

SECTION 6. Every instrument containing distinct matters, or made for more than one consideration, shall be stamped on each matter or consideration.

SECTION 7. All consideration money shall be set out in words at length in all instruments, and all other considerations affecting the liability of an instrument to duty shall be set out fully.

SECTION 8. All instruments except those for which adhesive stamps may be used, may be stamped by the Registrar of Public Accounts within three months after the execution thereof without any penalty being charged ; but if stamped after the said space of three months the instrument shall be liable to, and the person presenting the same, shall pay a penalty of one hundred per cent. of the value of the duty. Provided, however, that instruments executed in foreign countries may be stamped within three months after their arrival in this Kingdom without the payment of any penalty.

SECTION 9. No instrument requiring to be stamped shall be recorded by the Registrar of Conveyances, or be of any validity in any court of this Kingdom, unless the same shall be properly stamped. Provided that instruments improperly stamped may be received in evidence in Courts of Record if the unpaid duty and penalty be paid to the clerk of the court, and on such payment being made the clerk of the court shall forward the instrument to the Registrar of Public Accounts to be properly stamped.

SECTION 10. The Registrar of Public Accounts shall in all cases assess the duty payable upon instruments presented to him to be stamped, and on payment of the same he shall affix stamps denoting the amount paid and shall also denote the day of payment.

SECTION 11. If the Registrar of Public Accounts shall think an instrument presented to be stamped is not liable to duty, he shall affix a stamp thereon denoting such fact.

Statutes of 1876. SECTION 12. If the Registrar of Public Accounts shall be in doubt as to whether an instrument is liable to Stamp Duty, or as to the amount of duty payable, he shall refer the matter to the Minister of Finance.

SECTION 13. Any person dissatisfied with the assessment made by the Minister of Finance may, on paying the duty within twenty-one days, and depositing with the Minister of Finance the sum of ten dollars for costs, appeal to the Supreme Court on a case which he may require the Minister to furnish, and the court shall decide the question at the next ensuing term thereof. If the decision of the Minister is sustained, the sum deposited for costs shall be paid to the clerk of the court; otherwise shall be returned to the appellant.

SECTION 14. When the consideration for a conveyance consists of periodical payments for a definite period, duty shall be charged on the total amount of such payments.

SECTION 15. If such payments are for a period not terminable with a life, then duty shall be paid on the total amount of the payments for twelve years after the execution of the deed.

SECTION 16. When the consideration is a life annuity, duty shall be paid on the amount of the payments for seven years after the execution of the deed.

SECTION 17. When property sold for one consideration shall be conveyed by separate instruments to a purchaser, the consideration shall be apportioned as the purchaser may think fit.

SECTION 18. When a purchaser who has not obtained a conveyance shall sell to another and the property shall be conveyed direct to the latter, duty shall be charged on the consideration from the sub-purchaser to the first purchaser.

SECTION 19. When the consideration for any conveyance or other transfer of property consists of goods or other lands, the duty shall be calculated upon the market value of such goods or lands, to be ascertained in such manner as the Minister of Finance may direct.

SECTION 20. Where property is conveyed subject to a mortgage, the amount due upon such mortgage shall be stated in the

body of the conveyance, and duty shall be calculated and paid upon the amount so due and the amount expressed to be paid in addition. **Statutes of 1876.**

SECTION 21. In case of the sale of a sugar plantation, rice plantation, sheep or cattle run, then duty shall be charged and paid upon the whole amount paid for the plantation, run, improvements, stock and growing crops.

SECTION 22. The Registrar of Public Accounts may impress stamps upon blanks and furnish them to the courts, executive departments, collectors of customs, members of the bar and others as the public convenience may from time to time require, upon receiving the amounts of such stamps. 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 payments, 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 23. The Minister of the Interior may stamp all instruments which are now by law liable to stamp duty, if executed before this Act shall come into operation, and if presented to him for that purpose before the expiration of one month after that date; but all instruments not so presented within such time shall be liable to and shall be charged with the duties payable under this Act.

SECTION 24. The following laws and parts of laws shall be and the same are hereby repealed: Sections 422, 423, 424, and 425 of the Civil Code; an Act approved on the 13th day of May, A. D. 1868, entitled "An Act to amend Sections 422, 423, and 425 of the Civil Code."

SECTION 25. This Act shall come into operation and become a law on the first day of January next.

THE SCHEDULE HEREINBEFORE REFERRED TO.

Agreement\$ 1 00

When divers letters are offered in evidence to prove agreement between the writers it shall be sufficient to stamp one of such letters.

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1876.**

Annuity—Purchase of, re-lease, re-conveyance of, when the consideration does not exceed one thousand dollars\$	1 00
For every \$1000 or part of \$1000 after the first.....	1 00
Articles of co-partnership.....	5 00
Articles of adoption.....	1 00
Assignment of property, real or personal, not otherwise charged.....	1 00
Bill of exchange or promissory note for payment of any sum of money otherwise than when payable to bearer at sight or on demand, for the first \$500.....	25
And for every \$500 or part of \$500 after the first.....	25
Foreign bill, draft or order drawn in but payable out of this Kingdom, or drawn payable out of but indorsed and negotiated within this Kingdom, or drawn out of and payable within this Kingdom, otherwise than when payable to bearer at sight or on demand, the same duty as on an inland bill.	
Bill of lading (except when given in the coasting trade)...	25
Bill of sale of ships or vessels or other property, if absolute, the same duty as on a conveyance, if by way of security the same duty as on a mortgage.	
Bond—If given to secure the payment of a sum certain and without mortgage, the same duty as on a mortgage; if given with a mortgage, provided mortgage bears even date with and is referred to in the bond.....	exempt
All other bonds, official or otherwise.....	\$ 1 00
Charter party or agreement, or contract for charter of vessel, or relating to freight.....	10 00
Charters, public or private.....	25 00
Commission in Government service.....	1 00
Contracts between masters and servants for labor.....	1 00
If for more than one year, then for each year or part of a year after the first.....	1 00
(This duty to be charged on each copy, and to be paid by the employer).	
Conveyance upon the sale of any property real or personal, or rights therein, upon the principal or only deed or	

instrument, when the purchase or consideration money therein expressed shall not exceed \$500	\$ 1 00
And when exceeding \$500, then for every \$500, and also for any fractional part of \$500	1 00
Upon trust for sale as security, same duty as upon a mortgage.	
Deed not otherwise charged.....	1 00
Duplicate or counterpart of any deed or instrument of any description whatever chargeable with stamp duty not otherwise charged.....	1 00
Exchange deed, whereby any lands or other hereditaments are conveyed in exchange for others; if no sum or a sum not exceeding \$500 is paid, or to be paid, for equality of exchange	1 00
If above \$500 ad valorem duty as on sale on money to be paid.	
Entries, manifests, permits, and other documents or exhibits required by law at the Custom House.....	1 00
Lease in consideration of money paid by way of premium ad valorem duty the same as on conveyance upon the amount paid, and where a yearly rent is reserved in addition to the premium or no premium is paid, where such rent shall not exceed \$1000 per annum.....	1 00
If above \$1000 per annum, then for every \$1000, or fractional part thereof	1 00
Letter of license from creditors to a debtor.....	10 00
Letters testamentary, or of administration, or of guardianship	1 00
Licenses issued from the office of the Minister of the Interior, or other Government department	1 00
Mortgage, or charge on, or affecting any lands, estate, or property, real or personal whatsoever. Also, any conveyance of lands, estate, or property whatsoever in trust, to be sold or converted into money which shall be intended only as a security, and shall be redeemable before the sale or disposal thereof, either by express stipulation or otherwise (except where for benefit of	

**Statutes of
1876.**

creditors generally). Where respectively as a security for payment of any definite and certain sum of money advanced, or lent at the time, or previously due and owing, or forborne to be paid, being payable, not exceeding \$1000.....	\$ 1 00
And where exceeding \$1000, then for every \$1000 and fractional part of a \$1000.....	1 00
Future advances or sums to be due on account current together with any sum already advanced or due, or without, as the case may be.	
If total amount of money secured, or to be ultimately recoverable thereupon, shall be limited, not to exceed a certain sum duty as on mortgage for that sum.	
If such total amount uncertain, and without any limit, same shall be available as a security or charge for such an amount only as the ad valorem duty denoted by the stamp or stamps thereon will extend to cover.	
Partition, any deed whereby any lands or other hereditaments shall be conveyed in order to effect a partition.	
If no sum or under \$500 is paid or agreed to be paid for equality of partition.....	1 00
If exceeding \$500 ad valorem duty as on sale.	
Patents, Royal for land	1 00
For inventions.....	10 00
Policy of marine insurance or other instruments whereby any ship, vessel or merchandise is insured against marine risks. If the voyage insured against is to or from Europe, China, Japan, or the Eastern Coast of the Continent of America or any East or West Indian ports.	
For every \$1000 or part thereof assured	1 00
If the voyage insured against is to or from Australia, New Zealand, the Fijian or Samoan Islands, the Western Coast of the Continent of America, to the southward of the State of California, for every \$1000 or part thereof assured	50
If the voyage insured against is to or from California, Oregon, British Columbia, Washington Territory,	

Tahiti, or any other of the Polynesian or Micronesian Islands, and other places where insurance is of the like rates, for every \$1000 or part thereof assured.....\$	25	Statutes of 1876.
Power of Attorney.....	1 00	
Original petitions to Courts of Record, summonses to parties, attachments and executions issued by Courts of Record.....	2 00	As amended 1878, ch. ix.
Protest against granting of passport.....	3 00	
Release, reconveyance, or other discharge of mortgage.....	1 00	
Renunciation or disclaimer of any lands or other property, real or personal, or of any right or interest therein	2 00	
Settlement of real or personal property, money or government bonds upon the marriage of any person or otherwise, or upon good or valuable consideration other than bona fide pecuniary consideration	5 00	
Exemptions from ad valorem and other duties, wills, testaments, and testamentary instruments of what nature sover.		

Approved this 27th day of September, A.D. 1876.

KALAKAUA R.

AN ACT TO AUTHORIZE A LOAN.

Chap. LIX.

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

SECTION 1. The Minister of Finance, under the direction of His Majesty the King in Cabinet Council, is hereby authorized to issue exchequer bonds with coupons attached, to an amount not exceeding three hundred thousand dollars; said bonds to bear interest not exceeding nine per cent., payable semi-annually. Said bonds shall be signed by the Minister of Finance, and countersigned by the Registrar of Public Accounts, and shall bear upon their face the following words, to wit: "Issued under an Act to authorize a loan, approved the — day of — 1876.;" and said bonds shall be made payable at such time as shall be

Statutes of 1878. specified upon their face, but not later than twenty years from the day of their date.

SECTION 2. The Act to authorize a loan, approved the 29th day of July, 1872, is hereby repealed.

Approved this 27th day of September, A.D. 1876.

KALAKAUA R.

Chap. II.

AN ACT TO AMEND SECTION 2 OF CHAPTER XLI. OF THE
PENAL CODE.

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

SECTION 1. That Section 2 of Chapter XLI. of the Penal Code be, and the same is hereby amended so that the same shall read as follows:

SECTION 2. Whoever shall manufacture for sale any intoxicating drink or substance in this Kingdom, shall be liable to a fine of not more than five hundred dollars, and in default of payment of said fine, shall be imprisoned at hard labor not exceeding two years.

SECTION 3. This Act shall take effect and become a law from and after the date of its passage.

Approved this 30th day of July, A.D. 1878.

KALAKAUA R.

Chap. XII.

AN ACT TO REPEAL SECTION 2 OF CHAPTER LIII. OF THE
PENAL CODE.*

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

SECTION 1. That Section 2 of Chapter LIII. of the Penal Code be, and the same is hereby repealed.

SECTION 2. This Act shall take effect and become a law from and after the date of its passage.

Approved this 30th day of July, A.D. 1878.

KALAKAUA R.

*Concerning Rewards to Sheriffs, &c.

AN ACT TO PROVIDE FOR THE LIGHTING OF THE CITY OF HONOLULU WITH GAS, OR BY OTHER ARTIFICIAL MEANS. Statutes of
1878.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled : Chap. xiii.

SECTION 1. That whosoever any person or any persons associated together under the general Corporation Act of this Kingdom shall apply to His Majesty in Privy Council, and make evident the ability to perform his or their contract in the premises, it shall be lawful for the Minister of Interior, for the time being, by the advice and consent of His Majesty in Privy Council, on the majority of a vote of the Council, duly summoned to consider the question, to enter into a contract with such person or corporation for the purpose of furnishing the city of Honolulu with gas or artificial light.

SECTION 2. It shall be lawful for the said Minister, by and with the advice of the Privy Council as aforesaid, to stipulate and agree with any person so offering to contract for the furnishing of gas or artificial light to the said city of Honolulu, that such person so offering to contract shall have the exclusive and sole right of furnishing such light for a term not exceeding twenty years.

SECTION 3. In entering into any such contract, as in the preceding section set forth, there shall be a maximum rate expressed at which such light shall be furnished to the consumers; and whereas the proper lighting of the streets of the city is desirable as a police regulation, the said Minister of Interior shall, upon the advice and consent of His Majesty in Privy Council as aforesaid, include in such contract a stipulation for a sufficient number of lights to be set forth in such contract, for lighting streets of Honolulu, and the price to be charged for each light, such lights to be under the direction of the police authorities of the city, and to be paid for out of any moneys appropriated for the maintenance of the police of Honolulu.

SECTION 4. This Act shall take effect and become a law from and after the date of its approval.

Approved this 30th day of July, A.D. 1878.

KALAKAUA R.

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Chap. xiv.

**AN ACT TO AMEND SECTION 3 OF CHAPTER LVI. OF THE
PENAL CODE, RELATING TO THE ACT TO PREVENT MARRIED
PERSONS FROM LEAVING ONE ANOTHER.**

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

SECTION 1. That Section 3 of Chapter LVI. of the Penal Code be and the same is hereby amended by adding thereto a new section, to be called Section 3A.

Section 3A. If the party complained against shall again leave after the first complaint, if either the husband or wife, he or she shall be sentenced to imprisonment at hard labor for a period not exceeding one year.

SECTION 2. This Act shall take effect and become a law from and after the date of its passage.

Approved this 30th day of July, A.D. 1878.

KALAKAUA R.

Chap. xvii.

**AN ACT TO AMEND SECTIONS 7 AND 8 OF CHAPTER LXXIX.
OF THE PENAL CODE, RELATING TO THE BUREAU OF
PUBLIC INSTRUCTION.**

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

This is sec. 42
of Act of 1864,
to Regulate the
Bureau of Pub-
lic Instruction.

SECTION 1. That Section 7 of Chapter LXXIX. of the Penal Code, approved July 7, 1870, be and the same is hereby amended to read as follows :

SECTION 7. To enable the Board of Education to carry into execution the design of the last preceding section, relating to the census, it is hereby authorized to make, through its agents, all proper and necessary inquiries. And all persons are hereby required, under pain of a fine not to exceed fifty (\$50) dollars to be imposed by any police or district justice, to answer to the best of their knowledge, all such questions as shall be propounded by the agents of the Board, relating to, or necessary for, the making of a complete census.

SECTION 2. That Section 8 of Chapter LXXIX. of the Penal Code, approved July 7, 1870, be and the same is hereby amended to read as follows : Sec. 46 of Act 1864.

SECTION 8. It shall be the duty of every person authorized according to law to perform the marriage ceremony, to report quarterly to the school agent of the district, the names of all persons married by him.

It shall be incumbent upon the father, if living, of any child born in this Kingdom, and if not living, or if the child be illegitimate, upon the mother, within three months after the birth of such child, to notify some registrar of births and deaths in the district, of the name and sex and date of the birth of said child. It shall also be incumbent on any minister of religion officiating at burials, any undertaker, hospital officer, health agent, or near relative of legal age, of any deceased person, to inform some registrar of births and deaths in the district, of the name, sex, age and nationality of the deceased, at any time when applied to therefor by any registrar in the district.

Any neglect to comply with any of the foregoing provisions of this section, shall subject the delinquent on conviction before any police or district justice, to a fine not exceeding twenty-five dollars for each offense.

Approved this 1st day of August, A.D. 1878.

KALAKAUA R.

AN ACT TO REGULATE THE LANDING OF PASSENGERS ARRIVING AT THE DIFFERENT PORTS IN THIS KINGDOM. Act. 1878, Ch. xx.

WHEREAS, Large bodies of immigrants are now passing from Asia to the coast of South America, and the ships conveying them are liable to stop at ports of this Kingdom ; and whereas further, it is expedient that such passengers should be allowed to land in considerable numbers, without being subjected to observation and inspection ; therefore,

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

SECTION 1. That any ship passing from China or any other Asiatic port, and calling at any port in this Kingdom on her voyage, shall not be permitted to disembark passengers at any port in this Kingdom, without first having obtained the assent in writing of the Governor of the island, or the collector of the port at which such ship may call.

SECTION 2. Be it further enacted, Before the Governor or collector of the port as aforesaid shall grant such permit to land any passengers, as in the preceding section set forth, the commander of the vessel shall furnish in duplicate a list of the passengers whom he desires to land, and the permission, if granted by the Governor or collector as aforesaid, shall be signified by inscribing the same on one copy of the said list, and returning it to the master of the vessel as aforesaid.

SECTION 3. Be it further enacted, That if the commander of any vessel, passing from China or any Asiatic port, carrying passengers, as in the preceding sections set forth, shall disembark or allow to be disembarked, any passengers without first having obtained the permission as aforesaid, such commander shall be liable to a fine of twenty dollars for each and every passenger disembarked or allowed to disembark, which said fine shall be recoverable before any police or district justice.

SECTION 4. This Act shall take effect and become a law from and after the date of its approval.

Approved this 1st day of August, A.D. 1878.

KALAKAUA R.

This road tax
to be paid in
money and not
in work.
Chap. XXI.

AN ACT TO AMEND THE STATUTES AUTHORIZING PAYMENT OF
ROAD TAXES TO BE COMMUTED BY LABOR.

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

SECTION 1. The following laws relating to the road tax are hereby repealed, namely: Sections 488, 489, 173, 174, 175, 176,

177, 178, 179 and 183 of the Civil Code, and Chapter 13 of the Statutes of 1878. Act of 1874, being an Act entitled "An Act to amend Section 488 of the Civil Code," approved on the 13th day of July, A. D. 1874, and the Act approved August 23d, A. D. 1862, being an Act entitled "An Act to amend the existing laws relating to the road tax," except Section 8 of the last mentioned Act.

SECTION 2. All carts and drays shall be subject to an annual road tax of two dollars, in lieu of the work required to be performed by Section 7 of the said last mentioned Act.

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

AN ACT TO AMEND AN ACT APPROVED ON THE 13TH DAY OF MAY, A. D. 1868, PROVIDING "FOR THE PROTECTION OF LIFE AND PROPERTY AGAINST EXPLOSIVE SUBSTANCES OTHER THAN GUNPOWDER." Chap. xxx.

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

SECTION 1. That the Act entitled "An Act for the protection of life and property against explosive substances other than gunpowder," approved on the 13th day of May, A. D. 1868, is hereby amended by adding the following Section, to be designated Section 3A :

SECTION 3A. It shall not be lawful for any person or persons to import into this Kingdom, or sell within this Kingdom, benzole, petroleum, kerosene oil, or any oils of which the component part is naptha or gasoline, which gives off an inflammable vapor at a temperature of less than one hundred degrees Fahrenheit ; and whoever shall import, sell, give or furnish, to any person in this Kingdom, benzole, petroleum, kerosene oil, or any oils of which the component parts is naptha or gasoline, which gives off an inflammable vapor at a temperature of less than one hundred degrees Fahrenheit, shall be deemed guilty of a misdemeanor, and on conviction before a police magistrate or any district justice, shall be punished by a fine not less than fifty dollars nor more than

This Act forms ch. LXXXIX, P. C., and ch XXIV of 1880 further amends as being a part of the P.C.

Statutes of 1878. five hundred dollars, or by imprisonment at hard labor not more than one year, or both fine and imprisonment, in the discretion of the court.

SECTION 2. This Act shall become a law from and after thirty days from the date of its publication.

Approved this 1st day of August, A. D. 1878.

KALAKAUA R.

Chap. xxvii. AN ACT TO REGULATE THE CARRYING OF PASSENGERS AND FREIGHT AND THE LETTING TO HIRE OF CARRIAGES, WAGONS, CARTS, DRAYS, AND OTHER VEHICLES IN THE DISTRICT OF HONOLULU.

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

SECTION 1. The Minister of the Interior, subject to the conditions hereinafter contained, is hereby authorized to grant licenses, one year each in duration, in the district of Honolulu, for the carrying of passengers for hire in carriages, wagons and other vehicles. For each license so granted there shall be paid a sum equal to one dollar for each person up to the full carrying capacity of the vehicle.

SECTION 2. The Minister of the Interior, subject to like restrictions as mentioned in the preceding section, is authorized to grant licenses for one year each in duration, in the district of Honolulu, for the carrying and transportation of freight for hire in wagons, carts, drays and other vehicles upon payment of two and a half dollars for each license so granted.

SECTION 3. For the purposes of this Act the Marshal of the Kingdom, and in case of his absence his deputy, shall be ex-officio inspector of carriages and carts, and it shall be his duty to inspect all vehicles used and to be used for hire under the license provided for herein; and to prosecute for violations of the requirements of this Act, and of the rules and regulations to be made from time to time by the Minister of the Interior.

Section 2. The powers of inspection given to the Marshal and deputy marshal by Section 3 of the said Act shall apply in like manner to the animals and harness used in drawing the vehicle therein referred to as to the vehicles themselves.

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Amended 1880
ch. xxii.

SECTION 4. Before any license as herein provided for shall be issued, the applicant shall file with the Minister of the Interior, a certificate signed by the said inspector, which shall state that he has inspected the vehicle for which a license has been asked, and that it is sound and fit for the required service. If for the carrying of passengers, it shall also state how many adult passengers can be carried at one time; it shall further state what number of horses or other animals will be used to draw such vehicle.

SECTION 5. Upon the filing of the certificate required by Section 4, the license by this Act authorized, may be issued in place thereof, provided no good reasons to the contrary appear. Such license shall be classed as "Class A" for the carrying of passengers, and "Class B" for the transportation of freight, and shall be severally numbered in their respective classes according to the order of their issuing.

SECTION 6. The owner of each licensed vehicle shall continually exhibit in a conspicuous place the number of its license, under penalty of five dollars for failure thereof. No vehicle licensed to carry passengers, shall carry more than its full licensed capacity at any one time, under penalty upon the licensee of a fine of double the amount of the license for each passenger in such excess. (A) No vehicle licensed to transport freight shall carry more than one ton, of two thousand pounds, for each drawing horse or other animal, under penalty upon the licensee of double the license.

Section 1. So much of Section 6 of the above recited Act as provides that no vehicle licensed to transport freight under the said Act shall draw more than one ton of two thousand pounds for each drawing horse or other animal, shall be and the same is hereby repealed.

Amended 1880
ch. xxii.

SECTION 7. The Minister of the Interior may, from time to time, make rules and regulations to be observed by licensed

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carriers of passengers and freight, a copy of which rules and regulations shall be furnished to each holder of a license at the time of taking such license, and from time to time, whenever such regulations are changed, which regulations shall be published in some public newspaper, and shall have the force of law.

SECTION 8. The Police Justice of Honolulu is hereby authorized to take cognizance of all cases arising under this Act, and whenever, in his discretion it may seem just, he may, in addition to the fines prescribed by this Act, deprive any holder of a license of the same.

SECTION 9. If the owner of any vehicle shall hire or allow the same to ply for hire within the district of Honolulu, without obtaining such license as aforesaid, he shall forfeit and pay for every offense, the sum of twenty-five dollars.

SECTION 10. For the purposes of the last Section, the person or persons in charge of any such vehicle at the time of the commission of the offense therein mentioned, shall be deemed to be the owner thereof.

SECTION 11. Nothing in this Act shall be held to conflict with the provisions of Section 35 of Chapter 55 of the Penal Code.

Act 1882,
ch. XXXII.

Section 1. That the said Act shall be and the same is hereby amended by adding thereto the following words, that is to say,

SECTION 12. No person shall act as driver of or drive any licensed vehicle unless he shall hold a license for that purpose, and the owner of any such vehicle who shall allow any unlicensed person to drive the same, and any unlicensed person who shall drive any such vehicle, shall severally on conviction forfeit and pay for every such offense a fine of not less than five dollars nor more than twenty-five dollars.

SECTION 13. Any person who may be desirous of obtaining a license as a driver shall apply to the Marshal or his deputy, who on being satisfied that the applicant is a competent driver, shall grant to him a certificate to that effect; upon presentation whereof to the Minister of the Interior, shall receive a license accordingly. The fee for which shall be the sum of one dollar, and which license shall remain in force for one year.

SECTION 14. Any licensed owner or driver who shall violate any of the regulations made by the Minister of the Interior under the authority of Section 3 of the said Act shall upon conviction forfeit and pay for every such offense a fine not exceeding twenty-five dollars.

Statutes of
1878.

Approved this 5th day of August, A. D. 1882.

AN ACT TO MAKE FURTHER AND BETTER PROVISIONS FOR THE
PROTECTION OF THE PUBLIC IN THE DISTRICT OF HONOLULU.

Act 1880,
ch. XLIII.

SECTION 1. No dray used for the carriage of goods or freight of any description within the district of Honolulu, shall, whether laden or unladen, be driven at a faster pace than a walk.

SECTION 2. The driver of every vehicle which shall be driven after dark within the said district of Honolulu, shall cause a sufficient light or lights to be kept burning on every such vehicle during the hours of darkness.

SECTION 3. Any person violating the provisions of this Act shall, on conviction before the Police Justice of Honolulu, be fined in a sum not exceeding ten dollars for every such offense.

Approved on the 13th day of August, A. D. 1880.

AN ACT TO PROMOTE THE CONSTRUCTION OF RAILWAYS.

Chap. XXIX.

WHEREAS, good roads are absolutely necessary to develop the resources of many parts of the Kingdom, and railroads are essential to bring produce to safe ports; therefore,

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

SECTION 1. Power and authority is hereby given to the Minister of the Interior, by and with the consent of His Majesty in Privy Council, to enter into contract with any association of persons who may associate themselves together under the General Corporation Act of this Kingdom, and by the general law in re-

Statutes of 1878. lation to corporations and subject to all the provisions thereof, for the purpose of building and operating a railroad or railroads in any part of this Kingdom.

SECTION 2. And said Minister, with the consent of His Majesty in Privy Council, shall have power and authority to grant a right of way through all Government lands, and to grant such Government lands as may be necessary for their buildings, stations, depots, and stores, or other structures, and also the free use of water, to any corporation as aforesaid for the purpose of building such railroad or railroads.

SECTION 3. For the purposes and subject to the provisions and restrictions of this Act, the corporation may, from time to time, exercise any of the following powers :

It may enter upon any lands which may adjoin upon the line of any railway which may be authorized by charter to be made, and may bore, dig, cut, trench, embank and drain, and may remove or lay, take, carry away, and use any earth, gravel, stone, timber or other things dug or obtained therein or otherwise in the execution of any powers hereafter given, and which may be proper for the making, maintaining, altering, repairing, or using any railway lawfully authorized, or which may obstruct the making, maintaining, altering, repairing, or using of the same.

It may make, in, upon, across, under or over any such lands, or any street, roads, ways, railroads, tramways, hills, valleys, rivers, canals, water courses, or waters, such temporary or permanent inclined planes, tunnels, cuttings, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, fences, and other works and conveniences as it thinks proper.

It may alter the course of any rivers, not navigable, canals, brooks, streams or water courses during such time as is necessary for constructing or maintaining tunnels, bridges, or other works over, under, or affecting the same ; and may temporarily or permanently alter the course of any such rivers or streams, or raise or sink the level of any such rivers or streams, streets, roads or ways, in order the more conveniently to carry the same over or under or by the side of any railway.

It may make drains or conduits into, through, or under any lands adjoining the railway for the purpose of conveying water from or to the railway, and upon the railway, or any lands adjoining or near thereto.

It may make such piers, jetties, stations, sidings, wharves, warehouses, toll-houses, and other houses, yards, engines, machinery, signal posts and other apparatus, works and conveniences whatsoever connected with the railway as the corporation may think proper, and may from time to time, alter, repair, or discontinue any such apparatus, works and conveniences, and substitute others in their stead.

It may fell or remove any timber or other trees being within two hundred feet from either side of the railway which, by their liability to fall or otherwise, might obstruct or injure the railway.

It may also fell or cut down and remove any trees or wood, whether timber or other trees, or scrub or underwood, which, by reason of the line making a curve or otherwise, may obstruct or impede a view of any signal post from any portion of the line which shall be within one mile in a right line from any such signal post.

It may enter upon and use any existing private road, being a road graveled or formed with stones or other hard material, and not being an avenue or approach to any dwelling house.

It may enter upon and take, purchase and hold all such lands, tenements and hereditaments as may be required for the purposes of the railway and works connected therewith.

It may do all other things necessary or convenient for making, maintaining, altering, or repairing and using the railway.

SECTION 4. In the exercise of the powers mentioned in the last preceding section, the corporation shall do as little damage as can be; and shall make full compensation in manner in this Act provided, to all parties interested for all damage sustained by reason of the exercise of such power.

SECTION 5. The lands to be taken or used for the line of any railway lawfully authorized, shall not exceed one hundred feet in width, except where greater width is necessary for engines or carriages to turn, stand in, or pass each other, or for stations, or

Statutes of 1878. for raising embankments, or for crossing valleys or low grades, or for cutting through high grounds, or for the erection or establishment of any fixed or permanent wharf, warehouse, toll house, machinery, or other building or erection, or for excavating, removing or depositing earth or other material.

SECTION 6. Subject to the restrictions hereinafter mentioned, the corporation may, without previous payment, tender or deposit, enter upon and use any lands adjoining or lying near the railway for the purpose of taking earth or soil by side-cuttings therefrom, or of depositing, working or manufacturing upon such lands any earth, clay, stones, brick, slates, timber, lime or other materials, or of obtaining materials therefrom for the construction or repair of the railway or works, or for making temporary roads or approaches to or from the railway or works, or for any other purpose necessary to the construction and maintenance of the railway.

SECTION 7. Before it makes such temporary use of any such lands, the corporation shall give twenty-one days' notice of such intention to the owners or occupiers of such lands, except in the case of accident, the railway requiring immediate reparation, or where the owners cannot be ascertained; and shall separate, by sufficient railings or fences, so much of the lands as is required to be so used from the other lands adjoining thereto.

SECTION 8. The corporation shall not make such temporary use of any such lands lying at a greater distance than one hundred feet within a town, or three hundred feet elsewhere from the railway, or make bricks, or place a steam engine upon any of such lands at any place not distant at least five hundred yards from any dwelling house, without the consent of the owner or occupier thereof.

SECTION 9. The corporation shall, until any land taken by it for temporary use, be given up to the owner, or purchased by it under the provision hereinafter in this Act contained, pay to the owner, half yearly, reasonable compensation for the use of such land and for any damage or injury done to the crop or to the surface of the land or otherwise; and such compensation shall be settled—if the corporation cannot agree with the owner—as in the case of disputed compensation; but in determining the

amount of such compensation no payment or allowance shall be made for the earth, gravel or other materials taken, further or otherwise than as the removal or taking thereof shall or may have injuriously affected the value of the land or the occupation or enjoyment thereof. **Statutes of 1878.**

SECTION 10. Except in the case of such accident as aforesaid, no stone quarry which, for the period of twelve months immediately preceding, shall have been commonly worked or used for getting materials for the purpose of selling the same shall, without the consent of the owner and occupier thereof respectively, be taken or used for any of the purposes hereinbefore mentioned.

SECTION 11. The compensation to be paid for any lands to be purchased or taken from any person under any disability and not having power to sell and convey or release such lands, except under this Act, and the compensation to be paid for any damage or injury to any such lands, may be agreed on between the corporation and such persons.

SECTION 12. When the corporation gives notice of its intention to take any lands for railway purposes, and failing to agree as to the compensation to be paid in respect thereof, the compensation is to be determined as in cases of disputed compensation, if the corporation deem it inexpedient to pay the amount of compensation so determined, the corporation may, within twenty days after notice to it, of the amount of compensation so determined, withdraw the said first mentioned notice.

SECTION 13. In every case of disputed compensation for lands required for railway purposes, the person claiming the compensation shall deliver to the corporation a statement in writing of the estate or interest or of the damage or injury in respect of which he claims compensation and of the amount which he is willing to accept in full for such compensation; and every such statement so delivered shall be preserved by the corporation, and every such dispute may, by agreement, between the claimant and the corporation, be referred to the arbitration of two persons, one of whom shall be appointed by the corporation and the other by the person claiming the compensation; and in case of difference between

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them, of some person to be appointed by the other two before entering upon the reference.

SECTION 14. In every case of disputed compensation not so referred to arbitration, either of the parties in difference, and in every case in which the person entitled to compensation is absent from this Kingdom or is not known to the corporation, or cannot after diligent inquiry be found, or an agreement as to compensation is not come to, then the corporation may apply in the case of a claim against it to any Justice of the Supreme Court, to nominate some persons to determine the amount of compensation to be paid to the person claiming or entitled to compensation ; and the persons so nominated shall determine and award on the matter as the sole arbitrator thereon.

SECTION 15. Before making any such application, either party shall give at least fourteen days' notice to the other of the intention to make such application, or where the person interested in the compensation is absent from this Kingdom, or is not known to the other party in difference, or cannot, after diligent inquiry, be found, notice of such intention shall be given by advertisement in two newspapers, published in Honolulu, fourteen days at least, before making such application ; and every such notice shall describe the land in respect of which compensation is to be assessed, and shall specify the time and place at which such application will be made.

SECTION 16. The nomination by any Justice of a person to be such sole arbitrator, shall be made in writing, and in duplicate, and shall be delivered to each party, if known, and resident within this Kingdom.

SECTION 17. In determining the value of the land taken, and the damage (if any) to be sustained by reason of the severing of the lands taken from other lands of the same owner, or of such other lands being otherwise injuriously affected by the exercise of the powers of this Act, the enhancement of the value of such other lands by railways, or otherwise shall be taken into consideration in the reduction of the amount which would be otherwise awarded.

SECTION 18. Every award in cases of disputed compensation, shall state whether there are any lands of the same owner adjoining the lands taken or to be taken ; and if there be any such adjoining lands, what allowance (if any) has been made for the enhanced value of the same ; and if no such allowance is intended to be made, the award shall so state ; and if any award shall omit any statement hereby required to be made, the same shall be void. And every such award may be made a rule of the Supreme Court, and enforced accordingly. Statutes of
1878.

SECTION 19. Where lands are acquired by the corporation under the provisions of this Act, but are not required for the purposes thereof, the corporation, within the prescribed period, or if no period be prescribed, within ten years after the expiration of the time limited by the Charter for the completion of the works, shall absolutely sell and dispose of all such superfluous lands and apply the purchase money arising from such sale to the purpose of the Charter, and in default thereof, all such superfluous lands remaining unsold at the expiration of such period, shall thereupon vest in and become the property of the owners of the lands adjoining thereto in proportion to the extent of their lands respectively adjoining the same.

SECTION 20. Before the corporation dispose of any such superfluous lands, they shall, unless such lands be situated within a town, or be lands built upon, or used for building purposes, first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed ; or if such person refuse to purchase the same, or cannot, after diligent inquiry, be found, then the like offer shall be made to the person, or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands ; and when more than one such person shall be entitled to such right of pre-emption, such offer shall be made to such persons in succession, one after another, in such order as the corporation shall think fit.

SECTION 21. If any such persons be desirous of purchasing such lands, then within six weeks after such offer of sale they

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shall signify their desire in that behalf to the corporation ; or if they decline such offer, or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease ; and a declaration in writing made before a Justice by some person not interested in the matter in question, stating that such offer was made and was refused or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of the country, or could not, after diligent inquiry, be found, or were not capable of entering into a contract for the purchase of such lands, shall, in all Courts, be sufficient evidence of the facts therein stated.

SECTION 22. If any person entitled to such pre-emption be desirous of purchasing any such lands, and such person and the corporation do not agree to the price thereof, then such price shall be ascertained by arbitration ; and the costs of such arbitration shall be in the discretion of the arbitrators.

SECTION 23. The corporation shall fence in the line of railway with a good and sufficient legal fence.

SECTION 24. The corporation, may, from time to time, make by-laws and regulations for the management and control of the railway, and for regulating the traffic thereon ; and such by-laws and regulations on being approved by the King in Cabinet Council, shall have the force of law. Provided the corporation shall, at all times, cause a copy of such by-laws and regulations to be posted and exhibited at the principal stations on the line of railway.

SECTION 25. Any person violating any by-law or regulation approved as aforesaid, shall be subject to a fine not exceeding twenty-five dollars and costs ; and in default of payment, shall be imprisoned for any term not exceeding three months.

SECTION 26. Police and District Justices shall have jurisdiction to hear and determine all cases arising under this statute or the by-laws and regulations made under the authority thereof.

SECTION 1. That Section 27 of Chapter 29 of the laws of 1878, being an Act entitled "An Act to promote the construction of Railways," approved August 1st, A. D. 1878, be and the same is hereby amended so as to read as follows :

SECTION 27. And be it further enacted that the said Minister is hereby authorized to guarantee to any corporation that shall undertake any such railroad or railroads a subsidy of not more than two thousand five hundred dollars per mile of railroad actually constructed, equipped, and in complete running order, such completion to be evidenced by a certificate in writing of the Surveyor General, which certificate shall be filed in the office of said Minister.

SECTION 2. That Section 28 of said Chapter 29 be and the same is hereby amended so as to read as follows :

SECTION 28. And be it further enacted that the Minister of Finance is hereby authorized and required to pay on the certificate of the Minister of the Interior, to the corporation or corporations in this Act contemplated such sums of money as may be ascertained to be due by virtue and authority of the preceding section, but not in any case to exceed two thousand five hundred dollars per mile of railroad constructed, out of any moneys which may at the time be in the Public Treasury not otherwise appropriated. Provided, that should such moneys available not be sufficient at any time to meet such demand or demands, the said Minister of Finance, by and with the consent of the King, may issue in lieu of money bonds or other evidence of indebtedness, which shall bear interest at the rate of seven per cent. per annum until paid.

SECTION 3. That Section 29 of said Chapter 29 be and the same is hereby repealed.

Approved this 13th day of August, A. D. 1880.

SECTION 30. And be it farther enacted, that any corporation which may be organized, and undertake the building of any railroad or railroads, in pursuance of the authority of this Act, and in accordance with it, may issue bonds to raise money for the construction of such railroad or railroads, in such sums as may be convenient.

Statutes of 1880. SECTION 31. And be it farther enacted, that the aid by this Act contemplated, shall be only extended to railroads of public utility, and not to railroads of mere private or limited convenience.

Approved this 1st day of August, A.D. 1878.

KALAKAUA R.

AN ACT TO REPEAL AN ACT APPROVED ON THE THIRTY-FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR, ENTITLED "AN ACT FOR PREVENTING COLLISIONS AT SEA," AND TO MAKE OTHER PROVISIONS IN LIEU THEREOF.

Sessions Laws,
1880, ch. i.

WHEREAS, The Government of the United Kingdom of Great Britain and Ireland has invited the Hawaiian Government to adopt the rules and regulations framed and adopted by the British Government to prevent collisions at sea, and to substitute those rules and regulations which are specified in the first schedule hereto for the rules and regulations contained in the above-mentioned Act.

AND WHEREAS, It has been made to appear to the Hawaiian Government that the Governments of the several foreign countries mentioned in the second schedule hereto are respectively willing that the rules and regulations contained in the said first schedule shall apply to ships of the said countries, whether within their territorial jurisdiction or not.

AND WHEREAS, It is desirable that the Hawaiian Government should adhere to such substituted rules and regulation. Therefore,

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

SECTION 1. The said recited Act, approved on the 31st day of December, A. D. 1864, shall be and the same is hereby repealed.

SECTION 2. It shall be the duty of all masters of Hawaiian vessels to observe and enforce on board the vessels under their

command the several rules and regulations contained in the first schedule hereto.

SECTION 3. His Majesty may, from time to time, by an Order in Council, annul or modify any of the said rules and regulations, or make new regulations in addition thereto, or in substitution thereof; and any alterations in or additions to such regulations made in manner aforesaid shall be of the same force with respect to Hawaiian vessels as the regulations in the said first schedule hereto.

SECTION 4. It shall be the duty of the Collector-General of Customs to cause two copies of the said rules and regulations, in Hawaiian and English, to be delivered to all masters of Hawaiian vessels applying for the same.

SECTION 5. This Act shall come into force and take effect from and after the first day of September, one thousand eight hundred and eighty.

THE FIRST SCHEDULE.

PRELIMINARY.

ARTICLE 1. In the following rules, every steamship which is under sail, and not under steam, is to be considered a sailing-ship; and every steamship which is under steam, whether under sail or not, is to be considered a ship under steam.

RULES CONCERNING LIGHTS.

ARTICLE 2. The lights mentioned in the following Articles, numbered 3, 4, 5, 6, 7, 8, 9, 10 and 11, and no others shall be carried in all weathers, from sunset to sunrise.

ARTICLE 3. A sea-going steamship, when under way, shall carry—

(a) On or in front of the foremast, at a height above the hull of not less than 20 feet; and if the breadth of the ship exceeds 20 feet, then at a height above the hull, and not less than such breadth, a bright white light so constructed as to show an uniform and unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the ship, viz., from right ahead to two points abaft the beam

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on either side, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least five miles.

(b) On the starboard side a green light, so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles.

(c) On the port side a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles.

(d) The said green and red side-lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

ARTICLE 4. A steamship, when towing another ship, shall, in addition to her side-lights, carry two bright white lights in a vertical line, one over the other, not less than three feet apart, so as to distinguish her from other steamships. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light which other steamships are required to carry.

ARTICLE 5. A ship, whether a steamship or a sailing-ship, when employed either in laying or in picking up a telegraph cable, or which from any accident is not under command, shall at night carry in the same position as the white light which steamships are required to carry; and if a steamship, in place of that light, three red lights in globular lanterns, each not less than ten inches in diameter in a vertical line one over the other, not less than three feet apart, and shall by day carry in a vertical line, one over the other, not less than three feet apart, in front of, but not lower than her foremast-head, three black balls or shapes each two feet in diameter.

These shapes and lights are to be taken by approaching ships as signals that the ship using them is not under command, and cannot therefore get out of the way.

The above ships, when not making any way through the water, shall not carry the side lights, but when making way shall carry them.

ARTICLE 6. A sailing-ship under way, or being towed, shall carry the same lights as are provided by Article 3 for a steamship under way, with the exception of the white light, which she shall never carry.

ARTICLE 7. Whenever, as in the case of small vessels during bad weather, the green and red side-lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel ready for use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the color of the light they respectively contain, and shall be provided with proper screens.

ARTICLE 8. A ship, whether a steamship or a sailing-ship, when at anchor, shall carry where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a globular lantern of not less than eight inches in diameter, and so constructed as to show a clear, uniform and unbroken light, visible all round the horizon at a distance of at least one mile.

ARTICLE 9. A pilot vessel, when engaged on her station on pilotage duty, shall not carry the lights required for other vessels, but shall carry a white light at the mast-head, visible all round the horizon, and shall also exhibit a flareup light or flareup lights at short intervals, which shall never exceed fifteen minutes. A pilot vessel, when not engaged on her station on pilotage duty, shall carry lights similar to those of other ships.

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ARTICLE 10. (a) Open fishing boats and other open boats, when under way, shall not be obliged to carry the side-lights required for other vessels ; but every such boat shall, in lieu thereof, have ready at hand a lantern with a green glass on the one side and a red glass on the other side ; and, on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.

(b) A fishing vessel and an open boat, when at anchor, shall exhibit a bright white light.

(c) A fishing vessel when employed in drift net-fishing, shall carry on one of her masts two red lights in a vertical line, one over the other, not less than three feet apart.

(d) A tawler at work shall carry on one of her masts two lights in a vertical line, one over the other, not less than three feet apart, the upper light red and the lower green ; and shall also either carry the side-lights required for other vessels ; or, if the side-lights cannot be carried, have ready at hand the colored lights as provided in Article 7, or a lantern with a red and a green glass as described in paragraph (a) of this article.

(e) Fishing vessels and open boats shall not be prevented from using a flareup in addition if they desire to do so.

(f) All lights required by this article, except side-lights, shall be in globular lanterns, so constructed as to show all round the horizon.

ARTICLE 11. A ship which is being overtaken by another, shall show from her stern to such last-mentioned ship a white light or a flareup light.

SOUND SIGNALS FOR FOG, &c.

ARTICLE 12. A steamship shall be provided with a steam-whistle or other efficient steam-sound signal, so placed that the sound may not be intercepted by any obstructions, and with an efficient fog-horn to be sounded by a bellows or other mechanical means, and also with an efficient bell.

A sailing ship shall be provided with a similar fog-horn and bell. In fog, mist, or falling snow, whether by day or night, the

signals described in this article shall be used as follows, that is to say : Statutes of
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(a) A steamship under way shall make with her steam-whistle or other steam-sound signal, at intervals of not more than two minutes, a prolonged blast.

(b) A sailing ship under way shall make with her fog-horn, at intervals of not more than two minutes, when on the starboard tack, one blast ; when on the port tack, two blasts in succession ; and when with the wind abaft the beam, three blasts in succession.

(c) A steamship and a sailing ship, when not under way, shall, at intervals of not more than two minutes, ring the bell.

Speed of ships to be moderate in fog, &c.

ARTICLE 13. Every ship, whether a sailing ship, or steamship, shall, in a fog, mist, or falling snow, go at a moderate speed.

STEERING AND SAILING RULES.

ARTICLE 14. When two sailing-ships are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz. :—

(a) A ship which is running free shall keep out of the way of a ship which is close-hauled.

(b) A ship which is close-hauled on the port tack shall keep out of the way of a ship which is close-hauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the ship which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free, with the wind on the same side, the ship which is to windward shall keep out of the way of the ship which is to leeward.

(e) A ship which has the wind aft shall keep out of the way of the other ship.

ARTICLE 15. If two ships under steam are meeting end on, or nearly end on so as to involve risk of collision, each shall alter her course to starboard, so that each may pass the port side of the

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other. This article only applies to cases where ships are meeting end on or nearly end on, in such a manner as to involve risk of collision, and does not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are, when each of the two ships is end on, or nearly end on, to the other—in other words, to cases in which, by day, each ship sees the mast of the other in a line, or nearly in a line with her own, and by night, to cases in which each ship is in such a position as to see both the side-lights of the other.

It does not apply by day to cases in which a ship sees another ahead crossing her own course, or by night to cases where the red light of one ship is opposed to the red light of the other; or where the green light of one ship is opposed to the green light of the other; or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

ARTICLE 16. If two ships under steam are crossing, so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

ARTICLE 17. If two ships, one of which is a sailing-ship and the other a steamship, are proceeding in such directions as to involve risk of collision, the steam-ship shall keep out of the way of the sailing-ship.

ARTICLE 18. Every steamship when approaching another ship so as to involve risk of collision, shall slacken her speed, or stop and reverse if necessary.

ARTICLE 19. In taking any course authorized or required by these Regulations, a steamship under way may indicate that course to any other ship which she has in sight by the following signals on her steam-whistle, viz. :—

One short blast to mean—"I am directing my course to star-board."

Two short blasts, to mean—"I am directing my course to port."

Three short blasts to mean—"I am going full speed astern."

The use of these signals is optional; but if they are used, the course of the ship must be in accordance with the signal made.

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ARTICLE 20. Notwithstanding anything contained in any preceding Article, every ship, whether a sailing-ship or a steamship, overtaking any other, shall keep out of the way of the overtaken ship.

ARTICLE 21. In narrow channels every steamship shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard of such ship.

ARTICLE 22. Where by the above rules, one of two ships is to keep out of the way, the other shall keep her course.

ARTICLE 23. In obeying and construing these rules, due regard shall be had to all dangers of navigation, and to any special circumstances which may render a departure from the above rules necessary, in order to avoid immediate danger.

No ship, under any circumstances, to neglect proper precautions.

ARTICLE 24. Nothing in these rules shall exonerate any ship, or the owner or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

RESERVATION OF RULES FOR HARBORS AND INLAND NAVIGATION.

ARTICLE 25. Nothing in these rules shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbor, river, or inland navigation.

SPECIAL LIGHTS FOR SQUADRONS AND CONVOYS.

ARTICLE 26. Nothing in these rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for two, or more ships of war, or for ships sailing under convoy.

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THE SECOND SCHEDULE.

AUSTRO-HUNGARY,	ITALY,
BELGIUM,	NETHERLANDS,
CHILE,	NORWAY,
DENMARK,	PORTUGAL,
FRANCE,	RUSSIA,
GERMANY;	SPAIN,
GREAT BRITAIN,	SWEDEN,
GREECE,	UNITED STATES.

Approved this 30th day of July, A.D. 1880.

KALAKAUA R.

Chapter II. AN ACT TO AMEND CHAPTER XXXIX. OF THE SESSION LAWS OF 1874, BEING AN ACT ENTITLED "AN ACT TO ABOLISH THE OFFICE OF THE SECRETARY AT WAR AND THE NAVY."

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

SECTION 1. That Section 1 of Chapter XXXIX., of the Session Laws of 1874, being "An Act to abolish the office of Secretary at War and of the Navy," be and the same is hereby amended to read as follows :

SECTION 1. That from and after the passage of this Act, the Minister of Foreign Affairs is authorized to draw from the Government Treasury the several appropriations as set apart for the King's Guards, the band, flags and salutes and the volunteers, and pay over the appropriation for the King's Guards to whomsoever the King may appoint to receive the same. The appropriation for the band, flags and salutes shall be paid to the Governor of Oahu. The appropriation for the volunteers shall be paid to the commanding officer of each volunteer corps, and the said Minister shall account for such disbursements biennially to the Legislature.

SECTION 2. This Act shall take effect from and after the date of its passage, and all rules and regulations, laws or parts of laws

The Act of 1874 is comprised in this amended section.

inconsistent or in contravention herewith, shall be and the same are hereby repealed. Statutes of
1880.

Approved this 30th day of July, A. D. 1880.

KALAKAUA R.

AN ACT TO PROVIDE FOR THE SANITARY CONDITION OF
DWELLING HOUSES. Chapter III.

WHEREAS, on account of the over-crowding of persons in certain localities, it is expedient to provide for the sanitary condition of dwelling-houses and their surroundings, therefore,

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

SECTION 1. Every house or tenement used or occupied as a dwelling for lodgers or contract laborers shall be kept by its owner in good repair, with the roof water-tight, and shall have the capacity of not less than three hundred cubic feet of space for each adult, or nine hundred cubic feet for one man and woman and two children.

SECTION 2. The yard and grounds about all dwellings shall be well drained and kept free from rubbish of every description, with a closet or privy, also to be kept in repair by the lodging-house keeper or employer of laborers, for every six adults.

SECTION 3. Every owner or keeper and every other person having the care or management of a lodging-house or of a dwelling for contract laborers, shall at all times when required by the Board of Health or its agents give free access to such house or any part thereof.

SECTION 4. Every lodging-house keeper or employer of laborers who shall fail to comply with the provisions of this Act shall pay a fine not exceeding fifty dollars.

SECTION 5. Every person who shall keep his dwelling in so filthy a state as to be a nuisance or injurious to health, or who shall refuse or neglect to remove any nuisance or substance he may have caused or placed in the vicinity of the dwelling he

Statutes of 1880. occupies or any other dwelling, or shall commit any nuisance in any stream or thoroughfare, shall, on conviction, pay a fine not exceeding three dollars, or be imprisoned at hard labor for any term not exceeding thirty days.

SECTION 6. This Act shall take effect ninety days after its passage.

Approved on the 9th day of August, A. D. 1880.

KALAKAUA R.

Chap. VII. AN ACT TO PERPETUATE THE GENEALOGY OF THE CHIEFS OF HAWAII.

WHEREAS, it is provided by the 22d article of the Constitution that the Kings of Hawaii shall be chosen from the native chiefs of the Kingdom ;

AND WHEREAS, at the present day it is difficult to ascertain who are the chiefs, as contemplated by said article of the Constitution, and it is proper that such genealogies of the Kingdom be perpetuated, and also the history of the chiefs and kings from ancient times down to the present day, which would also be a guide to the King in the appointment of Nobles in the Legislative Assembly, therefore,

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

SECTION 1. His Majesty the King in Cabinet Council shall appoint some proper person or persons to collect from genealogical books, and from the knowledge of old people the history and genealogy of the Hawaiian chiefs, and shall publish a book of the doings of such Board, which shall be called "The Board of Genealogy of Hawaiian Chiefs," during such time as it may be in session.

As amended
1882, ch. XXI.

SECTION 2. The Minister of the Interior is hereby authorized to pay the expenses of said Board to an amount not exceeding the sum of ten thousand dollars for the biennial period, including pay of president and members of the Board, for advertising, purchase

of books of genealogy, and of ancient history, traveling expenses, books of record, paper, pens, ink, establishing the arms and insignia of chief families, searching for ancient relics which have been lost or concealed in places of concealment, and for ascertaining and preserving from violation the ancient places of sepulture of the chiefs, which sums shall be payable out of any moneys in the public treasury not otherwise appropriated by the Appropriation Bill.

SECTION 3. Said Board may make such rules and regulations as may be necessary for them and for their work, and shall submit the same to His Majesty the King in Cabinet Council before commencing their duties.

SECTION 4. This Act shall become a law from the date of its approval.

Approved on the 9th day of August, A.D. 1880.

KALAKAUA R.

AN ACT RELATING TO LAUNDRIES AND WASH HOUSES.

Chapter VIII.

WHEREAS, the increasing number of laundries and wash houses within the limits of the city of Honolulu, tends to the propagation and dissemination of disease;

AND WHEREAS, it is advisable that all laundries and wash houses should be placed under the control and inspection of the Board of Health, therefore,

The King v.
Tong Lee, Oct.,
1880, 4 H.R., p.
335.

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

SECTION 1. It shall be lawful for, and the Minister of the Interior is hereby authorized and empowered to cause to be built and erected on the banks of the stream known as the "Makaho stream," on the land called "Kaliukai," a sufficient number of laundries and wash houses, and to let the same to such persons applying therefor at such rents and upon such terms as the said Minister shall deem reasonable.

Statutes of
1880.

SECTION 2. Such laundries and wash houses when erected shall be under the supervision and control of the Board of Health.

SECTION 3. From and after the commencement of this Act, every person who shall carry on the business of laundry keeping, or washing for hire within the limits of the city of Honolulu, except in such buildings as shall be erected as provided by Section 1 of this Act, shall be liable to a fine of fifty dollars for each and every day, or part of a day, during which he shall so carry on such business, and in default of payment of such fine shall be imprisoned at hard labor until such fine is paid.

SECTION 4. The city of Honolulu, for the purposes of this Act, shall be deemed to be included within a circuit of three miles, from the junction of Nuuanu and King streets.

SECTION 5. Nothing in this Act contained shall be deemed or construed to prevent persons washing in or on the banks of streams, in places hitherto used for that purpose.

SECTION 6. This Act shall take effect and become a law on the 1st day of October next.

Approved this 9th day of August, A.D. 1880.

KALAKAUA R.

Chap. XIV. AN ACT TO ENCOURAGE STEAM NAVIGATION BETWEEN HONOLULU AND SAN FRANCISCO.

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

SECTION 1. The Minister of the Interior on behalf of the Hawaiian Government is hereby authorized to contract for a term not exceeding ten years, with individuals or corporated companies, for running efficient and sea-worthy steamships of not less than fifteen hundred tons each, and registered under the laws of this Kingdom, between Honolulu and San Francisco, in consideration of which there shall be paid to said individuals or companies a sum not exceeding Twenty-Four Thousand Dollars per annum, provided that no such contract shall be executed without the con-

sent of His Majesty the King in Privy Council, and such contract shall require under suitable penalties, that trips shall be regularly run, not less frequently than twice each month from each end of the route, that the running time shall not be more than nine days from port to port, and that the rate demanded for first-class passage shall not exceed seventy-five dollars for every passenger, and that the rate of freight upon ordinary merchandise from either port shall not exceed five dollars per ton and five per cent. primage, and that the rate of freight on specie shall not exceed one-half of one per cent., and that the mails shall be carried between said ports free of charge to the Hawaiian Government or the Post Office Department.

SECTION 2. Said individuals or companies shall have and be entitled to all the privileges and exemptions to which foreign steam lines are now entitled by law.

SECTION 3. The Minister of Finance is hereby authorized and required to pay such subsidy to the contracting parties, out of any money in the Public Treasury, not otherwise appropriated by law.

Approved on this 13th day of August, A. D. 1880.

KALAKAUA R.

AN ACT TO LICENCE THE SLAUGHTER AND SALE OF PORK.

Chapter XV.

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

SECTION 1. The Minister of the Interior shall at any time license for the term of one year, any applicant to slaughter and sell pork, upon receiving for such license the sum of twenty dollars, provided, however, that the provisions of this Act shall not be held to apply to the sale of pork which is "kaluaed" or cooked in the Hawaiian style.

SECTION 2. Whoever shall slaughter or sell pork without having first obtained a license therefor, as provided in Section 1 of

Statutes of 1880. this Act, shall be subject to a fine of not less than ten nor more than twenty-five dollars for each offense, in the discretion of the Court.

SECTION 3. Every license to slaughter and sell pork shall be signed by the Minister of the Interior, and impressed with the Seal of his Department, and no such license shall be transferable.

SECTION 4. This Act shall take effect and become a law from and after the date of its publication.

Approved this 13th day of August, A. D. 1880.

KALAKAUA R.

Chapter XIX. **AN ACT RELATING TO THE PRACTICE OF MEDICINE BY CHINESE PHYSICIANS.**

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

SECTION 1. It shall be lawful for the Minister of the Interior, or on the recommendation of the Board of Health, to grant and issue a license to practice medicine to any native of China applying therefor, and who shall produce to such Board of Health a diploma or authority to practice medicine in China, together with a certificate of the good moral character of such applicant, and evidence of identity with the person named in such diploma or authority to practice.

SECTION 2. Such applicant shall also produce to such Board of Health a certificate from the Chinese Consul or Commercial Agent residing in Honolulu, that the aforesaid documents are in proper form according to the laws of China, and that the same are signed or issued by the proper officers; and that to the best of his knowledge and belief the applicant is the person mentioned in such documents, and that he is a fit and proper person to receive such license as aforesaid, which certificates, diploma, or authority shall be filed in the office of the Minister of the Interior.

SECTION 3. Every such person so licensed as aforesaid shall be subject to the same laws and restrictions as other licensed physicians and surgeons.

SECTION 4. This Act shall become a law from the date of the **Statutes of 1880.**
approval.

Approved this 13th day of August, A. D. 1880.

KALAKAUA R.

AN ACT TO PROVIDE FOR THE LICENSING OF KEEPERS OF Chapter XX
LIVERY STABLES WITHIN THE DISTRICT OF HONOLULU.

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

SECTION 1. Every keeper of a Livery Stable within the district of Honolulu shall pay an annual license fee of fifty dollars.

SECTION 2. On payment of the said sum of fifty dollars the Minister of the Interior may issue a license under his hand and Seal of his Department, to the person or persons named therein to carry on the business of a livery stable keeper on the premises therein designated, for the term of one year.

SECTION 3. Every person who shall keep a livery stable within the district of Honolulu without having previously obtained a license under this Act, shall, for every such offense, forfeit and pay a sum not less than fifty nor more than one hundred dollars

SECTION 4. This Act shall become a law on the first day of September next.

Approved on the 13th day of August, A. D. 1880.

KALAKAUA R.

AN ACT TO PROVIDE FOR THE DRAINAGE AND SEWERAGE OF Chap. XXIII.
THE CITY OF HONOLULU.

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

SECTION 1. It shall be lawful for His Majesty, by and with the advice and consent of his Privy Council, to decide upon and adopt a scheme for the drainage or sewerage of the city of Honolulu, as may be deemed expedient.

Statutes of
1880.

SECTION 2. For the purpose of this Act the Minister of the Interior shall, as soon as convenient, cause to be made surveys of the area within the limits of the city of Honolulu, and of the suburbs thereof which he may think necessary to include in such surveys, and a map or maps thereof, on such scale and with such indications of levels and particulars of sewers and underground works and of the surface as to him seems fit, and may cause such map or maps, or any part thereof, to be from time to time copied, engraven and published ; and shall from time to time cause such map or maps to be revised and such additions made thereto as may show the sewers and drains, houses or other alterations, and such map shall be submitted to His Majesty in Privy Council for action thereon as specified in Section 1, and after such action, shall be kept in the office of the Minister, and the same, or a copy thereof, shall be open at all reasonable times to the inspection of the owners or occupiers of lands or houses within the said city and suburbs.

SECTION 3. The said Minister, with such advice and consent as aforesaid, may make any sewers or drains of such construction, and in such manner as may be thought proper, and may (subject to the restrictions hereinafter mentioned) break up the soil of any public or private street, and may excavate and sink trenches for the purpose of laying down, making and constructing common sewers or drains therein ; and may cause such common sewers or drains to communicate with the sea or any arm thereof, and also from time to time may open, cleanse and repair such sewers or drains or alter the position thereof ; and also from time to time may make any drains or sewers from any main sewer or drain laid in any street by virtue of this Act into any dwelling house or houses, public or private buildings and premises, for the purpose of cleansing and draining any such house or houses or other premises by means of such sewers or drains ; and may do all such other Acts, matters and things as the said Minister shall from time to time deem proper for making, amending, repairing, completing or improving any such sewers and drains, or other works to be made, done and provided for the purpose of this Act.

SECTION 4. In the execution of the several powers hereby

granted, the said Minister shall do as little damage as may be, and shall build and construct the said sewers in a sufficient and effectual manner for accomplishing all the purposes hereby intended, and subject to the restrictions hereinafter mentioned ; and after laying or removing or altering or repairing any such drains or sewers, shall immediately fill in the trenches or excavations and make good the ground, soils, pavement of any such public or private street and other drainage, and remove the rubbish occasioned thereby, and shall in the meantime fence or guard the place or places where any ground shall be opened in such manner as to prevent danger or accidents to passengers, carriages, horses, cattle or sheep, and agreeably in all respects to the provisions in this Act contained ; and this Act shall be sufficient to indemnify the said Minister, and all persons acting under his authority, for all acts and things done by virtue hereof.

SECTION 5. The cost of all works authorized by virtue of this Act shall be paid out of any moneys in the Treasury not otherwise appropriated, by and with the consent of the King in Privy Council, and the Minister of the Interior shall report to the next Legislature specifically the amount so expended, and the works upon which the expenditure was made.

SECTION 6. His Majesty in Privy Council as aforesaid shall determine what portion, if any, of such expenditure shall be borne by the owners of property in the city of Honolulu and its suburbs, and how and in what manner the same shall be repaid.

Approved this 14th day of August, A. D. 1880.

KALAKAUA R.

AN ACT TO AMEND SECTION 1 OF CHAPTER LXXXIX. OF THE
PENAL CODE.

Ch. XXIV.

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

SECTION 1. That Section 1 of Chapter LXXXIX. of the Penal Code be and the same is hereby amended so as to read as follows :

**Statutes of
1880.**

SECTION 1. No person shall receive, keep or store or cause to be received, kept or stored, or aid or assist any person in receiving, keeping or storing, or have at any one time on any premises owned, leased or occupied by him, except the storehouse provided therefor by the Government, more than one case of naptha and one case of benzole, nor more than ten cases of petroleum, kerosene oil, or any oil of which the component part is petroleum, naptha, or spirits of turpentine.

SECTION 2. This Act shall become a law from and after the date of its approval, and all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved this 9th day of August, A. D. 1880.

KALAKAUA R.

Chap. XXV. AN ACT TO AUTHORIZE THE MINISTER OF THE INTERIOR TO GRANT LICENSES FOR THE IMPORTATION AND SALE OF POISONOUS DRUGS.

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

SECTION 1. The Minister of the Interior may grant a license to any duly qualified physician or surgeon or to any other suitable person who may be recommended by the Board of Health, to import and sell poisonous drugs for the term of one year in the district of Honolulu upon receiving the sum of forty dollars, and in any other district upon receiving the sum of twenty dollars.

SECTION 2. No such license shall authorize the licensee to import, sell or furnish opium or any preparation thereof except on the prescription of a duly qualified physician.

SECTION 3. The Board of Health by its President may authorize any duly qualified physician or surgeon or any licensee under this Act to enter opium and preparations thereof at the Custom House on the payment of the duties thereon, anything in the Act approved on the 8th day of August, A. D. 1874, entitled "An Act to restrict the importation and sale of opium and preparations thereof" to the contrary notwithstanding.

SECTION 4. Any person who shall import, sell or furnish any poisonous drug without license, or contrary to the provisions of this Act, shall be fined not less than fifty nor more than five hundred dollars, or to be imprisoned at hard labor not exceeding six months, in the discretion of the court. Nothing in this Act contained shall be construed to prevent the Government or the Board of Health from importing any drugs or medicines. Statutes of
1880.

SECTION 5. Every license issued under the authority of this Act shall be signed by the Minister of the Interior, and impressed with the seal of his department, and shall not be transferable.

SECTION 6. The provisions of Chapter LXXXVIII. of the Penal Code shall apply to all persons holding licenses under this Act.

SECTION 7. This Act shall come into operation and become law on the 1st day of September next.

Approved this 9th day of August, A.D. 1880.

KALAKAUA R.

AN ACT TO PROVIDE A SPECIAL LICENSE FOR THE SALE OF Chap. XXVI.
SALMON.

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

SECTION 1. The Minister of the Interior shall give to every person applying therefor a license to sell salmon, at retail, for the term of one year. The price of the said license shall be twenty dollars.

SECTION 2. This Act shall not be construed to apply to salmon placed in stores for sale as merchandise from abroad in accordance with the provisions of Section 57 of the Civil Code.

SECTION 3. This Act shall become a law from and after the date of its approval ; and all laws and parts of laws in contravention herewith are repealed.

SECTION 4. Any persons who shall contravene the provisions

Statutes of 1880. of this Act shall, for every offense, forfeit and pay a fine not exceeding fifty dollars.

Approved this 13th day of August, A.D. 1880.

KALAKAUA R.

Chap. XXVII. **AN ACT TO PROVIDE FOR A PERMANENT SETTLEMENT FOR HENRY S. SWINTON.**

WHEREAS, Henry S. Swinton has been in the employ of this Government during the reigns of the late Kings Kamehameha III., Kamehameha IV., Kamehameha V., Lunalilo, and His Majesty Kalakaua; having during all that period maintained a character for honesty and reliability, and whereas he has become aged and enfeebled in the service of the Government; therefore,

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

SECTION 1. That the sum of three hundred dollars per annum is hereby permanently settled upon Henry S. Swinton during his lifetime; and the Minister of Finance is hereby directed to pay the same out of the public treasury in like manner with other salaries and appropriations annually or by the month.

SECTION 2. The said Henry S. Swinton shall be entitled to draw upon the public Treasury for the pension provided for in Section 1, from and after the date of the passage of this Act.

Approved this 9th day of August, A. D. 1880.

KALAKAUA R.

Ch. XXVIII. **AN ACT TO PROVIDE FOR THE REGISTRATION OF CO-PARTNERSHIP FIRMS.**

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

SECTION 1. 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 the Interior **Statutes of 1880.**
a statement of

1. The names and residences of each of the members of such co-partnership.
2. The nature of the business of such co-partnership.
3. The firm name of co-partnership, and
4. The place or places of business of the co-partnership.

SECTION 2. All persons who at the time of the commencement of this Act, shall be carrying on business in co-partnership, shall within two months of the time of the commencement of this Act, cause such statement as aforesaid to be filed in the office of the Minister of the Interior.

SECTION 3. Whenever any change shall take place in the constitution of any such firm by the death or withdrawal of any member thereof, or by the addition of any member thereto, or by the dissolution thereof, a statement of such change or dissolution shall also be filed in the said office of the Minister of the Interior, within one month from such change, death or dissolution, as the case may be.

SECTION 4. All such statements as are required to be made by the preceding sections shall also be published by the members of each co-partnership at least twice in the Hawaiian and English languages, in two newspapers published in Honolulu.

SECTION 5. The Minister of the Interior shall cause a book to be kept in his office, in which shall be recorded the several particulars hereinbefore required to be filed in his office; and which book shall be open for public inspection on payment of a fee of twenty-five cents for each inspection.

SECTION 6. There shall be paid to the Minister of the Interior a fee of fifty cents for each name so recorded as aforesaid.

SECTION 7. The members of every co-partnership who shall neglect or fail to comply with the provisions of this law, shall severally and individually be liable for all the debts and liabilities of such co-partnership and may be severally sued therefor, without the necessity of joining the other members of the co-partnership

**Statutes of
1880.**

in any action or suit, and shall also severally be liable upon conviction, to a penalty not exceeding five dollars for each and every day while such default shall continue; which penalties may be recovered in any Police or District Court.

SECTION 8. Nothing in this Act contained shall be deemed or construed to apply to corporations or incorporated companies.

SECTION 9. All fees received by virtue of this Act shall be accounted for, as part of the revenue of the Hawaiian Government.

SECTION 10. This Act shall come into operation and become law on the 1st day of September next.

Approved this 9th day of August, A. D. 1880.

KALAKAUA R.

Chap. XXXI.

AN ACT TO AMEND SECTION 2 OF CHAPTER XLI. OF THE PENAL CODE, HAWAIIAN VERSION, AS AMENDED BY AN ACT APPROVED ON THE THIRTIETH DAY OF JULY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT, BY MAKING THE SAME CONFORM TO THE ENGLISH VERSION.

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

SECTION 1. That Section 2 of Chapter XLI. of the Penal Code, Hawaiian version, as amended by an Act approved on the thirtieth day of July, one thousand eight hundred and seventy-eight, be and the same is hereby amended to conform with the English version of the said section, so that such section as amended shall read as follows:

PAUKU 2. O ka mea hana i kekahi wai ikaika a me kekahi mea e ae e ona ai i mea kuai aku, e hoouku ia no ia i na dala aole oi aku i elima haneri, a ina kaa ole ia uku, e hoopaahao ia oia ma ka hana oolea, aole e oi aku i na makahiki elua.

Approved this 13th day of August, A.D. 1880.

KALAKAUA R.

AN ACT TO PROVIDE FOR THE CODIFICATION AND REVISION OF
THE LAWS OF THE KINGDOM.

Statutes of
1880.

Chap. XXXII.

WHEREAS, the existing laws of the Kingdom are defective in many essential particulars, and from continual amendments having been made therein are inconvenient of reference, and from various decisions having been made by the Supreme Court, adopting in whole or in part the principles of the laws of other countries, the law has become doubtful ; and

WHEREAS, for the foregoing and other reasons, it is expedient that the laws should be codified and revised ; therefore

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

SECTION 1. That it shall be lawful for and His Majesty the King is hereby empowered to appoint three commissioners whom His Majesty may deem competent for the purpose, to codify and revise the existing laws of the Kingdom, including the laws passed during this present session, adding notes and references to important decisions of court, and to report the same to the next session of the Legislative Assembly.

SECTION 2. The sum of five thousand dollars is hereby appropriated for the expense of preparing such code, which sum the Minister of Finance is hereby authorized to pay to such commissioners in such sums as may be deemed proper.

SECTION 3. This Act shall become a law from and after the date of its approval.

Approved this 13th day of August, A. D. 1880.

KALAKAUA R.

AN ACT TO PROVIDE FOR THE CORONATION OF THE KINGS OF
HAWAII.

Chap. XXXIII.

WHEREAS, it has been the custom from time immemorial to crown the Kings of Hawaii, and perpetuate the dignity of the Throne ; and

Statutes of 1880. WHEREAS, the Constitution fails to provide for such an Act, and it is advisable that such a Coronation be provided for by the laws of this Kingdom ; therefore,

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

SECTION 1. That His Majesty, the King, in Privy Council, shall ascertain and proclaim by public proclamation a time when he shall be crowned, and he, in Privy Council may make such rules and regulations for such occasion as he shall deem proper, and all the expenses attending such event shall be paid out of any moneys in the Treasury, not otherwise appropriated in the Appropriation Bill, provided they shall not exceed the sum of ten thousand dollars.

SECTION 2. This Act shall become a law from the date of its passage.

Approved this 9th day of August, A. D. 1880.

KALAKAUA R.

Chap. XXXV. **AN ACT TO AUTHORIZE THE ISSUANCE OF ROYAL PATENTS FOR SCHOOL LANDS AND SCHOOL SITES SOLD BY THE BOARD OF EDUCATION.**

WHEREAS, by Section 1 of an Act entitled "An Act to provide for the better support and greater efficiency for the Public Schools," passed July 9th, 1860, it is enacted as follows, viz. : Section I. That there shall be set apart certain lands amounting as nearly as can be ascertained without actual measurement to the one-twentieth part of all lands now belonging to the Government, not otherwise appropriated, for the general purposes of education ;

AND WHEREAS, by Section 2 of the said Act it is enacted as follows : "Section 2. It shall be the duty of the Minister of Public Instruction in consultation with the Minister of the Interior to designate said lands, which designation when approved by the Privy Council shall be valid;"

AND WHEREAS, by Section 3 of the said Act, it is enacted as follows, viz. : "Section 3. The Minister of Public Instruction shall be authorized to dispose of said lands for the purpose above mentioned, either by sale, lease, or otherwise, as in his judgment and that of the King's Cabinet, shall best subserve the interests of education on the Islands;"

AND AGAIN, in Section 32 of an Act entitled "An Act to repeal Chapter 10 of the Civil Code, and to regulate the Bureau of Public Instruction," approved January 10th, A. D. 1865, it is enacted as follows, viz. : "Section 32. The Board of Education is hereby authorized to dispose by sale, lease, or otherwise, of any of the lands which have been or hereafter may be set apart for the general purposes of education;"

AND WHEREAS, in pursuance of the provisions of Sections 1 and 2 above recited, of the Act of July 9th, 1850, before mentioned, the Minister of Public Instruction, in consultation with the Minister of the Interior, did designate and set apart for the general purposes of education, certain lands and school sites which, approved by the Privy Council on the 23rd day of December, 1850, in the following Resolution, viz. : "*Resolved*, That in accordance with Section first of the late School Act, to provide for the better support and greater efficiency of the public schools, the following lands be, and are hereby appropriated for the general purposes of education on the Islands, to be disposed of as provided in said Act. And all lands now occupied by the Government Schools and known as having been appropriated to their use, either by individuals, chiefs, or by the Government ;"

AND WHEREAS, owing to changes of population and of centres of industrial and agricultural pursuits throughout the country, it has become necessary in many cases to exchange the former original sites for sites better adapted for present school purposes ;

AND WHEREAS, many of the sites so exchanged are in localities where their use for the permanent improvement of contiguous property is essential, and the necessity for a perfect title to them, therefore apparent ; therefore,

Statutes of 1880. *Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. That the Board of Education shall be and is hereby authorized to make requisitions, in writing, on the Minister of the Interior for the issuance of Royal Patents to the said Board, or to such grantees as the said Board shall name in its requisitions for such school lands, school sites, or school reserves as it shall, from time to time, dispose of under the provisions of existing statutes relating thereto.

SECTION 2. Royal Patents signed by the King, and countersigned by the Minister of the Interior, shall issue under the Great Seal of the Kingdom to the Board of Education or to such grantees as the said Board shall name in its requisitions on the Minister of the Interior for such school lands as it shall, from time to time, dispose of and as shall have been set apart and designated as such by the resolution of the Privy Council of December 23d, A. D. 1850, or by any subsequent Act or authority and also for all original school sites and school reserves as shall have been set apart and surveyed as such, and as shall have been approved by the Minister of Public Instruction and the Minister of the Interior, pursuant to the provisions of the School Act of July 9th, A. D. 1850, before mentioned, or by any subsequent Act or authority relating thereto.

SECTION 3. This Act shall become law and take effect from and after the date of its approval.

1880

Approved this 13th day of August, A. D. 1850.

KALAKAUA R.

Ch. XXXVII.

AN ACT TO PROVIDE FOR A NATIONAL COINAGE.

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

SECTION 1. It shall be lawful for the Minister of Finance, and he is hereby authorized to purchase gold and silver bullion with any money which may from time to time be in the Treasury, and to cause to be coined therefrom gold and silver coins of the values

following, that is to say, gold coins of the value of twenty dollars, ten dollars, five dollars, and two dollars and fifty cents; and silver coins of the value of one dollar, fifty cents, twenty-five cents, and twelve and one-half cents. Statutes of
1880.

SECTION 2. All such coins shall be of equal weight and fineness with United States gold and silver coins of the same values, and shall bear such impress or devices thereon as His Majesty may from time to time approve.

Approved this 14th day of August, A.D. 1880.

KALAKAUA R.

AN ACT TO PREVENT FRAUDULENT EXPORTATION OF FOREIGN HAWAIIAN PRODUCE TO PORTS OF THE UNITED STATES. Ch. XXXIX.

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

SECTION 1. Every person who shall be in any way engaged in fraudulently exporting or attempting to export to any port of the United States, produce of foreign growth or manufacture, especially rice and sugar, whether mixed with the Hawaiian article of the same name and character or in separate packages, shall, on conviction, be subject to a fine not exceeding one thousand dollars, or imprisonment at hard labor not exceeding two years, in the discretion of the court, and all goods, wares and merchandise, especially the articles rice and sugar, so exported or attempted to be exported shall be forfeited, and may be seized, condemned and sold for the benefit of the Hawaiian Government.

SECTION 2. In order to carry into effect the provisions of the preceding section, an officer skilled in distinguishing different growths of rice, to be called the "export guard," shall be appointed to examine all packages of that article destined for export. Any packages suspected by him to contain a mixed or spurious article and not entirely of Hawaiian growth and produce, shall be subjected to a careful examination, and on confirmation that the said rice is mixed or entirely of foreign growth and produce, the whole

Statutes of
1880.

quantity of which said package or packages form a part shall be confiscated and its owners dealt with as provided in Section 1.

SECTION 3. The officer so appointed shall be remunerated by a small fee, to be fixed by the Minister of Finance, to be paid by the exporter, and one-fourth of all sums realized from the confiscation of all attempted fraudulent exports.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 14th day of August, A.D. 1880.

KALAKAUA R.

Statutes of
1882.

Chapter I.

AN ACT TO AUTHORIZE THE HOLDING OF AN ELECTION FOR REPRESENTATIVE FOR THE DISTRICT OF KAA NAPALI, MAUI.

WHEREAS, the district composed of Kahakuloa and Kaanapali, on the Island of Maui, is by law a separate election district and entitled to elect a representative to the Legislative Assembly; and

WHEREAS, the said district is not a separate judicial or taxation district, and therefore there were not district justices, tax collectors or school superintendents available within the district from among whom the Minister of the Interior could designate inspectors to preside over and conduct the election held on the 1st day of February, 1882, and in consequence thereof no election was held in that district; therefore,

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

SECTION 1. There shall be an election for representative held in the district composed of Kahakuloa and Kaanapali, on the Island of Maui, at the schoolhouse in said district, of which at least ten days previous public notice shall be given by the inspectors of election.

SECTION 2. The Minister of the Interior is hereby authorized and required to appoint three suitable persons, as inspectors, to preside over and conduct the said election.

SECTION 3. The election provided for by this Act shall be conducted according to the law regulating elections, and the election hereby ordered shall be valid and binding to all intents and purposes, and the tenure of office of representative so elected shall be the same as if elected at regular election. **Statutes of 1882.**

SECTION 4. At all elections for representatives hereafter to be held, the Minister of the Interior is hereby authorized and empowered to establish a place for receiving the votes in said district composed of Kaanapali and Kahakuloa, Island of Maui, and to designate three suitable persons as inspectors to preside over and conduct the said election.

SECTION 5. This Act shall take effect immediately.

Approved this 2nd day of May, A.D. 1882.

KALAKAUA REX.

A PROPOSED AMENDMENT TO ARTICLE 56 OF THE CONSTITUTION GRANTED BY HIS MAJESTY KAMEHAMEHA V. ON THE 20TH DAY OF AUGUST, A.D. 1864, AS AMENDED AND APPROVED ON THE 13TH DAY OF MAY, A.D. 1868, ACCORDING TO ARTICLE 80 OF THE CONSTITUTION. Chapter III.

That Article 56 of the Constitution be and the same is hereby amended so as to read as follows :

SECTION 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 five hundred dollars for each session.

Approved on the 13th day of May, A. D. 1882.

KALAKAUA REX.

Statutes of
1882.
Chapter IV.

AN ACT TO AMEND SECTION 1 OF AN ACT ENTITLED "AN ACT TO ESTABLISH THE COMPENSATION OF REPRESENTATIVES," APPROVED ON THE 24TH DAY OF JUNE, A.D. 1868.

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

SECTION 1. That Section 1 of the Act entitled "An Act to establish the compensation of Representatives of the people," approved on the 24th day of June, A.D. 1868, be and the same is hereby amended so as to read as follows :

SECTION 1. The compensation of the Representatives of the people is hereby established at five hundred dollars for each session.

SECTION 2. This Act shall become a law from and after the date of its approval, and all laws and parts of laws inconsistent herewith are hereby repealed.

Approved this 22nd day of May, A. D. 1882.

KALAKAUA REX.

Chapter V. AN ACT TO AMEND SECTION 3 OF CHAPTER XXII. OF THE PENAL CODE.

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

SECTION 1. That Section 3 of Chapter XXII. of the Penal Code be and the same is hereby amended so as to read as follows :

SECTION 3. Whoever willfully and maliciously burns in the day time or night time the dwelling house of another is guilty of arson in the second degree, and shall be punished by imprisonment at hard labor for life, or any number of years in the discretion of the Court.

SECTION 2. All laws and parts of laws in contravention herewith are hereby repealed.

SECTION 3. This Act shall become a law from and after the date of its approval.

Approved this 22nd day of May, A. D. 1882.

KALAKAUA REX.

AN ACT TO AMEND SECTION 2 OF CHAPTER X. OF THE SESSION **Statutes of**
 LAWS OF 1880, APPROVED ON THE 13TH DAY OF AUGUST, **1882.**
 A.D. 1880. Chapter VI.

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

SECTION 1. That Section 2 of Chapter X. of the Session Laws of 1880 be and the same is hereby amended so as to read as follows :

SECTION 2. In cases where the offense is not of a highly aggravated character, the said Courts may punish the offender by fine not exceeding two hundred dollars, and by imprisonment at hard labor not exceeding two years, but in cases where such punishment would be inadequate the offender shall be committed for trial according to existing provisions of law.

SECTION 2. All laws and parts of laws in contravention herewith are hereby repealed.

SECTION 3. This Act shall become a law from and after the date of its approval.

Approved this 22nd day of May, A. D. 1882.

KALAKAUA REX.

AN ACT TO INCREASE THE PERMANENT SETTLEMENT ON HER **Chapter IX.**
 MAJESTY QUEEN DOWAGER EMMA.

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

SECTION 1. From and after the date of the approval of this Act, Her Majesty Queen Dowager Emma shall be paid the sum of two thousand dollars per annum, in addition to the annuity provided by the Act approved on the 31st day of December, A. D. 1864.

SECTION 2. This Act shall become a law on and after the date of its approval.

Approved this 15th day of July, A. D. 1882.

KALAKAUA REX.

Statutes of 1882. **Chapter X.** **AN ACT TO AUTHORIZE THE COMMISSIONERS OF CROWN LANDS TO CONVEY CERTAIN PORTIONS OF SUCH LANDS TO CLAUS SPRECKELS IN SATISFACTION OF ALL CLAIMS HE MAY HAVE ON SUCH LANDS.**

WHEREAS, Claus Spreckels claims to be entitled to an undivided moiety of the lands known as Crown Lands, by virtue of a conveyance from Her Highness Ruth Keelikolani ; and

WHEREAS, it is expedient and advisable that such claims should be satisfied or compromised ; therefore,

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

SECTION 1. The Commissioners of Crown Lands are hereby authorized and empowered to make proper deeds of assurance to the said Claus Spreckels, of the several lands specified in the schedule hereto, in full satisfaction and discharge of all claims the said Claus Spreckels may have or claim in the said lands known as Crown Lands.

SECTION 2. Before receiving such deeds or assurances, the said Claus Spreckels shall, by proper assurance, convey, relinquish and quit claim to the said Commissioners of Crown Lands, all his right and interest in and to the residue of the said Crown Lands.

SECTION 3. The Minister of the Interior is hereby authorized to prepare and deliver to the said Claus Spreckels a Royal Patent for the said lands, to be conveyed to him.

THE SCHEDULE.

The Ahupuaa of Wailuku, in the Island of Maui, with the Ilis therein or thereunto belonging, and estimated to contain twenty-four thousand acres or thereabouts.

Approved this 21st day of July, A. D. 1882.

KALAKAUA R.

AN ACT TO AMEND SECTIONS 1 AND 3 OF AN ACT APPROVED ON THE 22D DAY OF JUNE, A. D. 1868, RESPECTING THE SLAUGHTER AND SALE OF BEEF, AS AMENDED BY AN ACT, APPROVED ON THE 18TH DAY OF JULY, A. D. 1874, AND FURTHER AMENDED BY AN ACT, APPROVED ON THE 15TH DAY OF SEPTEMBER, A. D. 1876. .

Statutes of
1882.

Chapter XI.

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

SECTION 1. That Section 1 of the said Act be and the same is hereby amended so as to read as follows :

SECTION 1. The Minister of the Interior may at any time license for the term of one year, any applicant to slaughter and sell beef, either in Honolulu, Ewa, Waianae, Waialua, Koolauloa, Koolaupoko, Island of Oahu ; Lahaina, Wailuku, Makawao, Hana, Kipahulu, Island of Maui ; in the Island of Molokai ; Hilo, Hamakua, Kohala, North Kona, South Kona, Kau, Puna, Island of Hawaii ; Koloa, Lihue, Kawaihau, Hanalei, Waimea, Island of Kauai ; upon receiving for such license the sum of twenty dollars ; provided, however that this section shall not be held to apply to salted or corned beef, brought from other parts of the Kingdom.

SECTION 2. That Section 3 of the said Act be and the same is hereby amended so as to read as follows :

SECTION 3. Whoever shall slaughter or sell beef in Honolulu, Ewa, Waianae, Waialua, Koolauloa, Koolaupoko, Island of Oahu ; Lahaina, Wailuku, Makawao, Hana, Kipahulu, Island of Maui ; the Island of Molokai ; Hilo, Hamakua, Kohala, North Kona, South Kona, Kau, Puna, Island of Hawaii ; Koloa, Lihue, Kawaihau, Hanalei, Waimea, Island of Kauai ; without first obtaining a license therefor, as provided in Section 1 of this Act, shall be subject to a fine of not less than ten nor more than twenty-five dollars for each offense, in the discretion of the court.

SECTION 3. All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved this 21st day of July. A. D. 1882.

KALAKAUA REX.

Statutes of 1882. AN ACT TO AMEND SECTION 11 OF CHAPTER LV. OF THE PENAL CODE, RESPECTING DANCE HOUSES.

Chapter XIII.

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

SECTION 1. That Section 11 of Chapter LV. of the Penal Code be and the same is hereby amended so as to read as follows :

SECTION 11. The Minister of the Interior may, in his discretion, grant to any person applying therefor in writing, a license for one year, to keep a public dance house in the city of Honolulu, and in the town of Wailuku, Maui, upon receiving at the hands of such applicant the sum of one hundred dollars, for the benefit of the Royal Exchequer; provided, however, that no such license shall be granted to any person holding a spirit license, keeping a store, tea shop, or billiard saloon, or to any person interested in such.

SECTION 2. This Act shall become a law on the date of its approval.

Approved this 21st day of July, A.D. 1882.

KALAKAUA REX.

Chapter XIV. **AN ACT TO PROVIDE FOR THE HOLDING OF AN ADDITIONAL TERM OF THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT.**

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

SECTION 1. There shall be held on the first Thursday of September in every year, at Waiohinu, in the district of Kau, Island of Hawaii, a term of the Circuit Court of the Third Judicial Circuit of this Kingdom.

SECTION 2. Only cases arising within the districts of Puna, Kau, North and South Kona, of the said Island of Hawaii, shall be heard at the said term of the Court, but cases arising within other districts of the said Island of Hawaii may be heard by consent of parties.

NOTE.—Chapter XIV. is placed at page 248 of this compilation, and should not have been reprinted here.

SECTION 3. If there shall be only five cases, or a lesser number, to be tried at the term of the court by this Act established, then it shall be lawful for the Chief Justice of the Supreme Court to order, giving due publication of the same, that the said term be not held, and that the said cases be transferred to be tried at the regular term of the Circuit Court to be holden at Waimea, in the Island of Hawaii, in November. Statutes of
1882.

SECTION 4. This Act shall take effect upon its passage. •

Approved this 31st day of July, A.D. 1882.

KALAKAUA REX.

AN ACT TO PROVIDE A PERMANENT SETTLEMENT FOR NIHOA, Chapter XVI.
WIDOW OF S. KIPI, DECEASED.

WHEREAS, S. Kipi and his wife were in the service of the Government for many years—from the time of Kauikeaouli, Kamehameha III, and in the reigns of Kamehameha IV, Kamehameha V, Lunalilo, and of Kalakaua; and great confidence was reposed in him on account of his honesty and fidelity; and

WHEREAS, by the death of the Hon. S. Kipi, his widow is left desolate with a large family of children, and in needy circumstances; therefore

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

SECTION 1. That the sum of three hundred dollars per annum is hereby permanently settled upon Nihōa Kipi during her lifetime; provided, however, that in case she shall marry again, then this provision shall become void and of no effect.

SECTION 2. The Minister of Finance is hereby directed to pay the said sum out of the Public Treasury in like manner with other salaries and appropriations annually or by the month.

SECTION 3. The said Nihōa Kipi shall be entitled to draw upon the Public Treasury for the pension provided for in Section 1, from and after the passage of this Act.

Approved this 21st day of July, A. D. 1882.

KALAKAUA REX.

Statutes of 1882. **AN ACT TO PROVIDE A PERMANENT SETTLEMENT FOR THE
HON. H. KUIHELANI.**

Chapter XVII.

WHEREAS, the Honorable H. Kuihelani has long and faithfully served the Government, and no complaint has ever been made against him ; and

WHEREAS, he is now aged, and too feeble to continue in office ; therefore

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

SECTION 1. That the sum of twelve hundred dollars per annum is hereby granted to the Honorable H. Kuihelani during the term of his natural life ; and the Minister of Finance is directed to pay the said sum out of the Public Treasury in like manner with other salaries and appropriations, either annually or semi-annually.

SECTION 2. From the date of the approval of this Act it shall be lawful for the Honorable H. Kuihelani to draw upon the Public Treasury for the sum granted by Section 1 of this Act ; provided, however, that no part of said sum shall be paid until he shall have first released all claims to any other compensation for services rendered the Government.

SECTION 3. This Act shall become a law from the date of its approval.

Approved this 21st day of July, A. D. 1882.

KALAKAUA REX.

Chapter XIX. **AN ACT TO PROMOTE THE ENCOURAGEMENT OF AGRICULTURE.**

WHEREAS, it is expedient that the Government should devote a reasonable sum for the encouragement of agriculture, including the erection of factories for the preparation and preservation of fruits, as well as the erection of establishments for the pressing and otherwise preparing tobacco, and in other respects to encourage the agricultural production of the Kingdom ; and

WHEREAS, there are many valuable agricultural products and plants in foreign countries which are unknown in this Kingdom and which it is desirable that Government should import, including fruit-bearing and other valuable trees and plants for distribution and growth in this Kingdom ; therefore

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

SECTION 1. Out of such sums as the Legislature shall appropriate for the encouragement of agriculture, including the erection of factories for the preparation and preservation of fruits, such as pineapple, pear, peach, fig, apple and other valuable fruits, the Minister of the Interior is authorized to devote the requisite sum for the erection of a factory or factories for the purposes designed by this Act on application by any person, or any company duly incorporated, and undertaking to carry on the specified business for a term of not less than ten years.

SECTION 2. The encouragement of agriculture, as understood and provided for in this Act, shall include the sending abroad for varieties of fruit, either in plant or seeds, for introduction into this Kingdom ; trees also, which may be of a valuable sort ; the duty of procuring which from abroad and distributing to the public shall devolve upon the Minister of the Interior, the expense of which importation shall be defrayed out of the moneys which shall be appropriated by the Legislature for the encouragement of agriculture.

SECTION 3. The sum of five thousand dollars shall be inserted in the Appropriation Bill for the purpose of carrying out the provisions of this Act.

SECTION 4. This Act shall become a law on the date of its approval.

Approved this 3d day of August, A.D. 1882.

KALAKAUA R.

**Statutes of
1882.**

Chap. XX.

**AN ACT RELATING TO THE HOSPITAL TAX LEVIED UPON
PASSENGERS.**

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

SECTION 1. The Trustees of the Queen's Hospital are hereby authorized and directed to reserve and apply to uses hereinafter mentioned the sum of two thousand and five hundred dollars per annum out of all moneys received by them as and for hospital tax levied upon and received from passengers arriving at the several ports of this Kingdom ; anything in any existing law to the contrary notwithstanding.

SECTION 2. Such sum of two thousand and five hundred dollars per annum shall be used and applied by said trustees in their discretion, for distribution among the various charitable and benevolent societies in Honolulu for the relief of sick and indigent foreigners.

SECTION 3. This Act shall take effect and become law from and after the date of its approval.

Approved this 3d day of August, A.D. 1882.

KALAKAUA REX.

Chap. XXI.

**AN ACT TO AMEND SECTION 2 OF CHAPTER VII. OF THE SESSION
LAWS OF 1880.**

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

SECTION 1. That Section 2 of Chapter VII. of the Session Laws of 1880, be and the same is hereby amended so as to read as follows :

SECTION 2. The Minister of the Interior is hereby authorized to pay the expenses of said Board to an amount not exceeding the sum of ten thousand dollars for the biennial period including pay of President and Members of the Board, for advertising, purchase of books of genealogy, and of ancient history, traveling expenses, books of record, paper, pens, ink, establishing the arms and insignia of chief families, searching for ancient relics which

have been lost or concealed in places of concealment, and for ascertaining and preserving from violation the ancient places of sepulture of the chiefs, which sums shall be paid out of any moneys in the Public Treasury not otherwise appropriated by the Appropriation Bill. Statutes of
1882.

SECTION 2. This Act shall take effect and become a law from the date of its approval.

Approved this 3rd day of August, A. D. 1882.

KALAKAUA REX.

AN ACT TO RESTRICT THE ERECTION AND REPAIRING OF BUILDINGS OTHER THAN THOSE BUILT OF FIRE-PROOF MATERIALS WITHIN CERTAIN LIMITS IN THE CITY OF HONOLULU. Chap. XXII,

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

SECTION 1 The word "building," when used in this Act, shall mean and comprise any dwelling house, shop, store, warehouse, church, chapel, concert-room, hospital, theatre, manufactory, workshop, stable, privy or other building or erection whatsoever, and the words "hereafter to be built" shall apply to all buildings commenced after this Act shall come into operation, or which if commenced before this Act shall come into operation, shall not be covered in within one month thereafter.

SECTION 2. Any building hereafter to be built in the City of Honolulu within the limits specified in the schedule hereto (except such sheds as may be erected by the Government on the wharf frontage for wharf accommodation), shall have the external walls and roof thereof constructed of brick, stone, concrete, iron, or other fire-proof material. Provided that if iron be used, the frame work shall also be constructed of iron.

SECTION 3. Any persons who shall violate the provisions of this Act by constructing any building except of such materials as mentioned in Section 2, shall be deemed guilty of the offense of common nuisance, and may be proceeded against accordingly.

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SECTION 4. This Act shall take effect and become law from and after the date of its publication.

SCHEDULE BEFORE REFERRED TO.

All those parts of the City of Honolulu bounded by the water front and by a line running from the said water front and eighty feet easterly from the building lying on the Ewa side of Nuuanu street to the maikai side of King street, thence running along King street to a point eighty feet distant easterly from the Waikiki side of Fort street, and thence running eighty feet from the Waikiki side of Fort street to the water front.

And also all those parts of the City of Honolulu comprising the lands now reclaimed or which hereafter may be reclaimed from the land of Waikahalulu, makai of Queen street.

Approved this 4th day of August, A.D. 1882.

KALAKAUA REX.

Chap. XXIII.

AN ACT TO REGULATE THE RECEIPT, CUSTODY AND ISSUE OF THE PUBLIC MONEYS, AND TO PROVIDE FOR THE AUDIT OF PUBLIC ACCOUNTS.

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

PART I.—COLLECTION AND PAYMENT OF PUBLIC MONEYS.

SECTION 1. All persons who, by any law, regulation or appointment, are now, or shall hereafter, be charged with the duty of collecting or receiving revenue or other moneys on account of the Hawaiian Government, or with the duty of disbursing moneys on account of the Public Service, shall become and be "public accountants," and shall perform all such duties and render such accounts as this Act prescribes, and as the Minister of Finance and Auditor-General shall, from time to time, direct.

SECTION 2. Every such public accountant, collecting or receiving revenue or other moneys aforesaid in Honolulu, shall pay weekly, or at such times as may be otherwise specially appointed, into the office of the Minister of Finance, all sums of money collected or received by him on account of the revenue or other-

wise as aforesaid, accompanied by vouchers bearing his signature and containing a full and accurate description of the services for which such sums shall have been collected or received, and unless otherwise specially directed, shall, not later than the tenth day after the expiration of each month, transmit to the Auditor-General a return in the form contained in the first schedule to this Act, with such particulars in each case as may be required by the Auditor-General, of all moneys collected or received by him during the preceding month, and shall make and subscribe an oath in the form prescribed in such schedule.

SECTION 3. Every such public accountant, collecting or receiving revenue or other moneys as aforesaid out of Honolulu, shall transmit or pay monthly, or at such times as may be otherwise specially appointed, in to the Minister of Finance all sums of money collected or received by him on account of the revenue or otherwise, as aforesaid, accompanied by vouchers bearing his signature, and containing a full and accurate description of the service for which such sums shall have been collected or received, and unless otherwise specially directed shall, on or before the fourteenth day after the expiration of each quarter, transmit to the Auditor-General, by post or otherwise, a return in the form contained in the first schedule of this Act, with such particulars in each case as may be required by the Auditor-General, of all moneys collected or received by him during the preceding quarter, and shall make and subscribe an oath in the form prescribed in such schedule.

SECTION 4. On the death, resignation or removal of any such public accountant, the balance of public moneys remaining in his hands shall, upon the appointment of his successor, unless otherwise directed by law, vest in such successor, and shall not in the event of death of any such public accountant constitute assets of the deceased, or be in any manner subject to the control of his legal representative.

SECTION 5. The Auditor-General shall transmit to the Minister of Finance the name of any public accountant or other person failing to comply with any of the provisions contained in Sections 1, 2 and 3 of this Act, and thereupon, and until such failure shall have

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been made good to the satisfaction of the Auditor General, all salary or other moneys that may be due and payable to such public accountant or other person shall be withheld, and the Auditor General shall, from time to time, communicate with the Minister of Finance upon all matters relating to the collection, receipt and expenditure of the public moneys under the operation of this Act.

SECTION 6. All moneys paid into the office of the Minister of Finance, as hereinbefore directed, shall be drawn therefrom in the following manner only, (that is to say) the Minister of Finance shall, as often as occasion may require, calculate the amount of moneys likely to become due and payable during a period not exceeding one month next after such calculation, and shall thereupon prepare an instrument in the form contained in the second schedule to this Act, and shall set forth therein the said amount, classifying and arranging it under the same divisions and heads that shall have been employed in the appropriation thereof, and after having signed such instrument, shall transmit the same to the said Auditor-General, who shall, on ascertaining the facts required by the next succeeding section, countersign the same in the form contained in the same schedule.

SECTION 7. Before countersigning any such instrument as aforesaid, such Auditor-General shall ascertain that the sums therein mentioned are then legally available for and applicable to the service mentioned in such instrument, and after countersigning such instrument shall return the same to the Minister of Finance. Provided, that in case the Auditor-General shall find that the sums therein mentioned, or any of them, are not then legally available or applicable to the services or purposes therein set forth, he shall return the said instrument to the Minister of Finance for correction, attaching thereto a paper setting forth in writing the sum or sums not found by him to be legally available or applicable as aforesaid.

SECTION 8. When the said instrument shall have been returned to the Minister of Finance, he or the Registrar of Public Accounts may, from time to time, pay out of the public moneys in charge of the Minister of Finance all such sums not exceeding

collectively the amount of the items set forth in the said instrument and any previous instruments. **Statutes of
1882.**

SECTION 9. Every account shall be considered duly authorized that is in accordance with any existing law or regulation, or has been directly sanctioned by one or other of the responsible Ministers of the Crown, and covered by any Appropriation Act in force at the time of payment. Provided, that such authorities shall not be held as extending to the computations and rates of charges unless expressly mentioned therein.

SECTION 10. The correctness of every account in regard to computations, castings, rates of charge, and the faithful performance of the services charged for shall be specially certified to by the officer incurring the expense, who shall be surcharged by the Auditor-General the amount of any overpayment that may be made on the faith of the correctness of such officer's certificate.

SECTION 11. Unless expressly enacted to the contrary, all sums of money which shall be appropriated to the public service for any biennial period, and which shall not be expended during such period, or within the first three months thereafter, shall lapse, and shall not be issued or applied in any future biennial period to the particular service for which the appropriation shall have been so made, unless a contract or engagement shall have been made and entered into before the expiration of such biennial period by which a liability so to issue or apply the same shall have been incurred, and a certified copy of which contract or engagement shall have been deposited with the Auditor-General.

SECTION 12. The Minister of Finance shall keep in his office a book to be called the "Cash Book," with such subdivisions as he may deem fit, and shall enter or cause to be entered therein, daily, under specific heads, the several sums received from public accountants or others, and his several payments on account of the public service, and shall on every day on which the Audit Office is open, send to the Auditor-General a copy (to be called the "cash sheet") of so much of the said book as he shall not have previously sent to the said Auditor-General, so that the said cash sheet shall not contain any entries of older date than four days

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SECTION 13. The Minister of Finance, as soon as conveniently may be after the expiration of every quarter of the financial period, shall publish in some public newspaper a statement in detail of the receipts and expenditures on account of the public service during such quarter, together with a comparative statement of such receipts during the corresponding quarter of the previous year, and in like manner at the expiration of the year shall publish an annual statement of receipts and expenditure, with a comparative statement of such receipts during the previous year, and shall transmit copies of all such statements to the Auditor-General.

PART II.—AUDIT OF PUBLIC ACCOUNTS.

SECTION 14. The Auditor-General shall be appointed by the King in Privy Council, on the nomination of the Minister of Finance, and shall hold his office during good behavior; provided, nevertheless, that the King, with the advice of his Cabinet Council, may remove any Auditor-General upon the address of the Legislative Assembly. Provided also, that at any time it shall be lawful for the King, with the advice aforesaid, to suspend the Auditor-General from his office for incompetency or misbehavior, and when and so often as the same shall happen, a full statement of the cause of such suspension shall be laid before the Legislative Assembly, if it be then sitting; and if the Legislative Assembly be not sitting, then within seven days after the commencement of the next session thereof, and if an address shall at any time during that session be presented to the King by the Legislative Assembly, praying for the restoration of such Auditor-General to his office, such Auditor-General shall be restored accordingly; but if no such address shall be presented, it shall be lawful for the King, with the advice aforesaid, either to restore such Auditor-General to his office, or to confirm such suspension, and to declare the office of such Auditor-General to be and the same shall thereupon become and be vacant.

SECTION 15. The Auditor-General, before he shall enter upon the duties or exercise the powers vested in him by this Act, shall make and subscribe before one of the Judges of the Supreme Court an oath or declaration in the form of the third schedule hereto annexed, and every such oath or declaration shall be kept among the records of the said court.

SECTION 16. The Auditor-General shall not use, exercise or follow any profession or employment whatsoever during his tenure of office, and shall be paid such annual salary as the Legislative Assembly shall appropriate, which salary shall not be diminished during his continuance in office.

SECTION 17. In the case of the illness, suspension or absence of the Auditor-General, it shall be lawful for the King, with the advice aforesaid, to appoint some other person to act as the deputy of such Auditor-General during such illness, suspension or absence, and every such person shall make and subscribe an oath or declaration in the form last aforesaid, and shall, during the time for which he shall act as such deputy, have all the powers and perform all duties as such Auditor-General.

SECTION 18. The Auditor-General, on receipt by him of the returns required to be furnished by public accountants, receiving or collecting moneys as hereinbefore provided, shall examine and compare the same with the said cash sheets, and with the said vouchers and documents, and shall allow and discharge every such public accountant for all sums shown to have been by him respectively received or collected, and duly paid into the office of the Minister of Finance, and shall disallow and surcharge such public accountant all sums willfully or negligently omitted to be received or collected by him, which under any law or regulation it was his duty to receive or collect, and all sums not duly paid in by him to the credit of the proper head of receipts in the said office, and all such unsatisfied surcharges shall be transmitted by the said Auditor-General to the Minister of Finance to be by him enforced against such public accountant.

SECTION 19. The Auditor-General, on receipt by him of the cash sheet referred to in Section 13 of this Act, shall in the first

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place compare the debit and credit entries with the supporting vouchers and documents forwarded therewith, and examine their correctness as to rates, computations, and castings; and in the next place examine the supporting vouchers as to whether they bear upon the face of them a correct description of the proper heads of receipts or expenditure to which the moneys mentioned therein have been debited or credited respectively; and in the next place, ascertain whether the moneys mentioned on the debit side of the said cash sheet have been duly paid into the office of the Minister of Finance; and whether the sums mentioned as paid on the credit side of the said cash sheet have been actually and duly disbursed under competent authority and on the prescribed certificates, and the Auditor-General shall allow and discharge the Minister of Finance monthly for all receipts which shall be found correct in the particulars hereinbefore mentioned, and for all payments made and accompanied by the receipt or acquittances of the respective persons to whom such payments have been so made. Provided, that no such payments shall be made by the Minister of Finance, or by his authority, except sums voted for the civil list, permanent settlements and salaries, unless the several accounts therefor shall have been previously countersigned by the Auditor-General.

SECTION 20. In the examination of the cash sheet and all other documents produced as vouchers, or as subordinate vouchers, the Auditor-General shall make such queries and observations addressed to public accountants, officers certifying accounts, or persons in any way concerned, with the receipt of the disbursement of the moneys or funds referred to in this Act, and shall call for such further accounts, vouchers, statements, and explanations as he may think necessary, and after such queries and observations have been answered, and after such further accounts and explanations have been rendered the Auditor-General shall disallow and surcharge all sums not duly credited to the proper fund and paid into the office of the Minister of Finance, and disallow and surcharge all sums disbursed in excess or not duly vouched and authorized, and shall forward to the Minister of Finance a statement of all such unsatisfied surcharges to be enforced by him

against such public accountants, officers certifying accounts or other persons through whose default such surcharges have arisen. **Statutes of 1882.**

SECTION 21. In all cases in which a public accountant may be dissatisfied with any allowance or surcharge in his accounts made by the Auditor-General, such public accountants shall have a right of appeal to one of the judges of the Supreme Court at Chambers, who after such investigation as may by him be considered equitable may make such order directing the relief of the appellant wholly or in part from the disallowance or surcharge in question as shall appear to such judge to be just and reasonable, and the Auditor-General shall govern himself accordingly.

SECTION 22. No sum shall be allowed to have been duly received or paid without a written voucher for the actual receipt or payment of every sum so claimed to be allowed notwithstanding any allegation of papers having been lost or destroyed, or of the impossibility of obtaining the prescribed voucher or vouchers except on application to one of the Judges of the said Supreme Court at Chambers, who after summoning the Attorney-General and the Auditor-General and such other persons as he may think fit, may upon satisfactory evidence being produced that the requisite papers have been lost or destroyed, or that it is not possible to replace them, shall order that the said sum shall be allowed or disallowed as the case may be and shall make such other order in the premises as he shall think fit, which order shall be binding on the Hawaiian Government and all other parties and be acted on accordingly.

SECTION 23. When a voucher produced for a sum of money disbursed shall be defective from the want of any certificate or other document which ought to have accompanied it or in any other particular, it shall be lawful for the Auditor-General upon proof being made to his satisfaction that the public accountant did not willfully neglect to procure such certificate or document, and that the sum specified in the voucher has been actually and properly disbursed to admit such vouchers as a sufficient discharge of the said public accountant, and to allow the amount of the same to his credit.

**Statutes of
1882.**

SECTION 24. In all cases where any sum of money shall be disallowed in consequence of the absence of a written voucher or upon an imperfect voucher, or of an incorrect certificate, the particulars and amount of such disallowance shall be reported to the Minister of Finance by the Auditor-General, and the amount thereof shall be retained or stopped from any moneys payable to such public accountant, and shall be deemed and taken to be money paid by the Hawaiian Government to the use of such public accountant at his request, subject to appeal to one of the Judges of the Supreme Court as hereinbefore provided under Section 21.

SECTION 25. The Auditor-General, upon receipt of the annual statement of receipts and expenditure referred to in Section 13 of this Act, shall cause the same to be examined and shall within three months from the receipt thereof prepare and sign a report explaining such statement in full and showing in what particulars such statement agrees with or differs from the accounts of the Minister of Finance furnished to him under the provisions hereinbefore contained, and containing full particulars of every case in which the forms prescribed by this Act shall not have been adopted or shall in any manner have been varied or departed from, and of every case in which default shall have been made in accounting for public or other moneys, and of all sums disallowed in the absence of vouchers or upon imperfect vouchers or upon incorrect certificates and of any proceedings that may have been taken by or against any person in pursuance of the provisions herein contained.

SECTION 26. The Auditor-General shall, within seven days after making and signing the said statement and report, if the Legislature be sitting, and if the Legislature be not sitting, then within seven days after its next meeting transmit to the Legislative Assembly the said document accompanied by such report and by the said copies hereinbefore directed to be appended thereto.

SECTION 27. It shall be lawful for the Auditor-General in such yearly report, or in any special report which he may at any time think fit to make, to recommend any plans and suggestions that he may think worthy of adoption for the better collection and payment of the public moneys and the more economically auditing

and examining the public accounts and any improvements in the mode of keeping such accounts that may at any time be brought to his notice, and generally to report upon all matters relating to public accounts. **Statutes of 1882.**

SECTION 28. The Auditor-General is hereby authorized and empowered by precept under his hand in the form contained in the fourth schedule to this Act, or to the like effect, to require all such persons as he may think fit to appear personally before him at a place to be named in such precept, and to produce to him all such accounts, books and papers in the possession or control of such persons as shall appear to be necessary for the purposes of their examination; and it shall be lawful for the said Auditor-General, and he is hereby authorized when he shall see occasion to cause search to be made in, and extracts to be taken from, any book or record in the custody of the Minister of Finance, or in any public office, without paying any fee for the same.

SECTION 29. The said Auditor-General is hereby authorized and required to examine upon oath (which oath he is hereby empowered to administer) all persons whom he shall think fit to examine touching the receipts and expenditure of money, and touching all other matters and things necessary for the due execution of the powers vested in him by this Act.

SECTION 30. Any person who shall fail to attend the said Auditor-General for the purpose of being examined, or to produce any accounts, books, vouchers, or other documents, or to answer any other lawful question, when required so to do by the said Auditor-General, shall be liable to a penalty of not less than twenty-five dollars, nor more than one hundred dollars, on conviction before any police or district judge.

SECTION 31. If any person shall, in the course of his examination before the said Auditor-General, willfully and corruptly give false evidence, such person so offending shall incur the same penalties as are or may be provided against persons convicted of perjury in the second degree.

PART III.—MISCELLANEOUS PROVISIONS.

SECTION 32. The Minister of Finance and the Auditor-General may frame and promulgate such regulations not inconsistent with

THE SECOND SCHEDULE,

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WARRANT.

To the Auditor-General,

The amount of moneys likely to become due and payable out of the public accounts during.....now next is.....dollars and.....cents, and the services and purposes for which the same will be required, are as follows, that is to say :

FOR SERVICES PAYABLE OUT OF THE PUBLIC REVENUE.	FOR SERVICES PAYABLE OUT OF THE LOAN FUND.	AMOUNT.
HEAD OF APPROPRIATION.	PURPOSE.	
	TOTAL.....	

Dated this.....day of.....18.....

Minister of Finance.

I certify that the sums above mentioned are now legally available for and applicable to the services and purposes respectively above set forth.

Dated this.....day of.....18.....

Auditor-General.

THE THIRD SCHEDULE.

I,.....do solemnly swear that according to the best of my skill and ability I will faithfully, impartially and truly execute the office and perform the duties of Auditor-General.

(Signature.)

THE FOURTH SCHEDULE.

To.....

By virtue of the authority vested in me by an Act entitled "An Act to regulate the receipt, custody and issue of the public moneys and to provide for the audit of public accounts," you are hereby required to appear before me at.....on.....and to bring with you for the purpose of examination a certain book (*or as the case may be*) and to be examined by and before me touching and concerning certain matters required to be investigated by me pursuant to the provisions of the said Act.

As witness my hand this.....day of.....18.....

(A. B.) Auditor-General.

Approved this 4th day of August, A.D. 1882.

KALAKAUA REX.

Statutes of 1882. **AN ACT TO PROVIDE FOR LICENSING DAIRIES, AND THE SALE OF MILK, AND FOR THE INSPECTION OF MILK IN THE CITY OF HONOLULU.**
Chap. XXVII.

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

SECTION 1. The Minister of the Interior is hereby authorized to issue a license to carry on the business of dairying, and for the sale of milk in Honolulu to any person applying therefor, for the term of one year, on receiving from such applicant the sum of twenty-five dollars, for the use of the Hawaiian Treasury.

SECTION 2. Any person who shall sell milk or offer the same for public sale in Honolulu without having obtained a license as prescribed in Section 1 of this Act shall, on conviction before a Police Justice, be fined not less than five dollars, nor more than twenty-five dollars.

SECTION 3. Any person who shall sell or offer for public sale in Honolulu milk which has been adulterated by the addition of water, or any other substance, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than five dollars, nor more than twenty-five dollars.

SECTION 4. The Board of Health shall appoint one of its agents for the city of Honolulu to be Inspector of Milk. It shall be the duty of such Inspector to inspect from time to time milk sold or offered for sale in Honolulu. Said Inspector is hereby empowered, when he shall find milk which has been adulterated, to take and confiscate the same forthwith ; and it shall be his duty to institute prosecutions therefor.

SECTION 5. The provisions of this Act shall not be held to apply to persons keeping a cow or cows for private use, who may dispose of surplus milk to neighbors, not offering the same at public sale.

SECTION 6. This act shall go into operation thirty days after publication.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

AN ACT TO AUTHORIZE A NATIONAL LOAN AND TO DEFINE TO WHAT USES SUCH LOAN SHALL BE DEVOTED.

Statutes of
1882.

Chap. XXIX

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

SECTION 1. The Minister of Finance, under the direction of the King in Cabinet Council, is hereby authorized to borrow on the credit of the Hawaiian Government, from time to time, during the period of three years after the passage of this Act, such sums not exceeding in the whole the sum of two million dollars, for the purposes in this Act hereinafter set forth, for which sums the Minister of Finance may cause coupon bonds to be issued from time to time for such amounts each as he may deem advisable, such bonds to be issued at not less than par, and to bear interest not exceeding six per cent. per annum, payable semi-annually, and said bonds to be exempt from any Government tax whatsoever, and to be redeemable in not less than five nor more than twenty-five years, the principal and interest being payable in United States gold coin or its equivalent.

In re applica-
tion of Castle
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of mandamus
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SECTION 2. The loan so authorized shall be used and expended for the following purposes, that is to say :

Immigration for re-population	\$500,000
Government buildings, including hospitals.....	200,000
Filling in and reclaiming Water Lots in Waikahalulu	50,000
Landings and buoys.....	50,000
Making and building new roads and bridges	300,000
Sanitation of Honolulu	100,000
Marine Railway, Honolulu.....	40,000
Deepening Honolulu Harbor and entrance	150,000
Telephonic and telegraphic communication	100,000
Encouragement of railways.....	150,000
Encouragement of agriculture	360,000
Total.....	\$2,000,000

SECTION 3. All sums borrowed or authorized to be applied under this Act shall be paid to the Minister of Finance, and shall be by him placed to a separate credit to be called "The Loan Fund," and no part of the money shall, on any pretence, be paid, used or applied, directly or indirectly, either temporarily or other-

Statutes of 1882. wise, to or for any public use or purpose other than the purposes respectively to which the same is hereby directed to be applied.

SECTION 4. The Minister of Finance is hereby authorized from time to time to pay out of any money in the treasury not otherwise appropriated, the expenses of preparing the bonds to be issued under the authority of this Act, and the interest from time to time accruing on said bonds.

SECTION 5. The several items in the Appropriation Bill of this session of the Legislative Assembly, amounting in the whole to one million and twenty-five thousand dollars, and appropriated for the following purposes, that is to say :

Roads, bridges, and Pali Road.....	\$300,000
Custom House and Stores, Kahului.....	15,000
Custom House and Stores, Mahukona.....	15,000
Custom House and Stores, Hilo.....	15,000
Police Court, Public Works, Water Works, Tax Assessor, &c., buildings for.....	35,000
Fireproof building for Supreme Court and other Records.....	15,000
Building and repairs of Court Houses and Lock-ups.....	30,000
Marine Railway, Honolulu.....	50,000
The several items of landings up to the amount of.....	50,000
Encouragement of immigration.....	500,000
	<hr/>
	\$1,025,000

Shall be charged upon and paid out of any moneys which may be borrowed under the authority of this Act, and any moneys which shall be paid by the Minister of Finance for any of the said purposes, before the receipt of any moneys under this Act, shall be repaid to the Minister of Finance when such moneys shall be borrowed.

SECTION 6. This Act shall come into operation and take effect from and after the date of its publication.

Approved this 5th day of August, A.D. 1882.

KALAKAUA REX.

AN ACT RELATING TO MINORS WHO ARE INMATES OF INDUSTRIAL AND REFORMATORY SCHOOLS.*

Statutes of
1882.

Chap. XXX.

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

SECTION 1. Whenever it shall be found that the continued detention or custody of any inmate of any industrial and reformatory school at such school shall be subversive of the order and discipline of the school, or injurious in any way to the other inmates of the institution, it shall be lawful for any police or district justice, on representation to that effect being made by any member of the Board of Education, its authorized agents, or the principal teacher of any such school, to hear and determine any such case, and if proved to his satisfaction, said justice is hereby authorized, in the place of further detention or custody at such school, to order that such minor be imprisoned, with or without hard labor, at some public jail for any term not exceeding the unexpired residue of the time for which such inmate shall have been last committed to such industrial and reformatory school.

SECTION 2. If at any time after the commitment or transfer, as in the foregoing section of this Act authorized, of any inmate of an industrial and reformatory school to a public jail, it shall be found that such minor by his conduct gives reasonable proof of reformation, or for other good reason that shall be made to appear, it shall be lawful for any Police or District Judge, after receiving satisfactory evidence thereof, to order the discharge of such minor from jail or to return him to the custody of the Board of Education at some industrial and reformatory school whenever requested so to do by a member of the Board of Education or by its authorized agents.

SECTION 3. All costs incurred under the provisions of this Act shall be paid by the Board of Education out of any funds appropriated for industrial and reformatory schools.

SECTION 4. This Act shall become law and take effect from and after the date of its approval.

Approved this 5th day of August, A. D. 1882.

KALAKAUA REX.

*NOTE.—Chap. XLI. of the Acts of 1870 provides for these schools—see page 548 of this compilation.

Statutes of 1882. AN ACT TO PROVIDE FOR THE SUPPRESSION OF DISEASE AMONG
ANIMALS IN THE HAWAIIAN KINGDOM.

Chap. XXXIV.

WHEREAS, with the importing of live stock from foreign countries, several diseases hitherto unknown in the Hawaiian Islands have been introduced in this country which have spread abroad, whereby much valuable stock has been destroyed and large loss entailed on the owners thereof, and no specific regulations exist, or laws provide for the protection therefrom; therefore

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

SECTION 1. The Minister of the Interior is hereby authorized and directed to establish at all the ports of entry in this Kingdom quarantine stations for animals.

SECTION 2. The Minister of the Interior is hereby authorized and directed to appoint competent persons, three for the port of Honolulu, and one for each of the other ports of entry of the Kingdom, who shall be designated "Inspectors of Animals," and from time to time when such offices for any reason shall become vacant, to re-appoint competent persons to fill the same. One of the three appointed for Honolulu shall be designated as the Executive Inspector. Such officers, for the purposes of this Act, shall possess all the powers, rights, privileges, and immunities of customs officers or officers acting under the Board of Health, and it shall be their duty to cause the various quarantine stations to be kept clean and properly fitted for use.

SECTION 3. The master of any vessel, on which there shall have been shipped live animals for any port in this Kingdom, shall, immediately upon arrival, notify the customs officers taking charge of the vessel of such fact, and said officer shall at once cause the inspecting officer to be notified, and shall not permit the landing of such animals nor of any portion of the food or water, nor of any effects connected therewith provided for them during the voyage, until the said inspecting officer shall have arrived, inspected and passed the same.

SECTION 4. All live animals, except such as canary birds and other small animals as shall be specially exempted by the inspecting officer, shall be subject, on arrival in this Kingdom from any foreign port or country, to be quarantined at the expense of the owner or consignee thereof, in such places as shall be appointed by the Minister of the Interior, for a period of not less than fourteen days, and for such longer period as shall be deemed necessary by the inspecting officer on account of the presence of some contagious disease or distemper, or because the port or country whence such animals are brought is affected with such disease or distemper, or for any other good and sufficient reason having reference to the public good. Whenever, after careful examination and attention, the inspecting officer shall find that such animal or animals are infected with any disease or distemper of a nature dangerous to the live stock of the country, he shall report the same to the Minister of the Interior, and if the Minister shall decide that the public interests require, he shall cause such animal or animals to be utterly destroyed; said Minister of the Interior may also cause all the food and other effects connected with such animals, independently of the animals themselves, to be destroyed.

SECTION 5. Live animals passing between the different islands of the Kingdom may be quarantined as set forth in Section 3, either at the port of shipment or delivery, on good cause shown to the inspecting officer of the port of entry nearest to the port of shipment or delivery.

SECTION 6. The Minister of the Interior, notwithstanding anything in this Act, may from time to time, by proclamation declaring any port or country to be infected, absolutely prohibit the introduction of any animals therefrom until the restriction be removed.

SECTION 7. All imported animals, fodder, fittings, or effects landed contrary to the provisions of this Act, or taken or removed from quarantine until duly discharged, shall be forfeited to the use of the Hawaiian Government; and all animals brought into such quarantine grounds, or placed with any animals under quar-

Statutes of antine, shall be deemed to come under the provisions hereof, and
1882. shall be subject to all the conditions of the same.

SECTION 8. Any and all persons knowingly and willfully violating any of the provisions of this Act, or assisting in so doing, or who shall purchase take and carry away any animals, fodder, effects or fittings connected therewith before the same shall have been discharged by the inspecting officer, or shall knowingly and willfully have in possession any of the same, or shall impede or refuse to allow said inspecting officer to perform his duty, then such person or persons shall be liable to imprisonment at hard labor for any period not over six months or to a fine not over five hundred dollars, or both, and all such offenses may be tried before any police or district magistrate.

SECTION 9. There shall be collected from the owner or consignee of animals inspected or quarantined under this Act. The said inspecting officers shall receive one dollar per head for all horses and cattle inspected, fifty cents for every sheep, and ten cents for every other animal inspected, which shall be paid by the owner or consignee of such animal of the inspecting officer in making original inspection, or when from the nature of the case such inspection shall be specially onerous or severe, any further sum not to exceed five dollars per diem in addition, according to the judgment of the Minister of the Interior, besides the expenses of quarantine as aforesaid. One half of all fines and penalties collected hereunder shall be paid to the informer or prosecutor. The Minister of the Interior shall make such compensation to the inspecting officers as he shall deem just and proper. He shall also make such disbursements as shall be necessary for the proper maintenance of the quarantine stations and for such other incidental expenses as may arise from and out of the execution of this Act, including payment for animals and property destroyed as herein provided. After the payment of the one-half of fines and penalties to informers, the remainder of the same, together with all other moneys received under this Act, shall be paid into the Hawaiian Treasury, to be used for the uses and purposes of this Act.

SECTION 10. The Minister of the Interior shall, from time to time, make and publish such rules and regulations as shall be necessary for the more efficient carrying into effect the provisions of this Act. **Statutes of 1882.**

Approved this 5th day of August, 1882.

KALAKAUA REX.

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A SYSTEM OF
POSTAL MONEY ORDERS.

Chap. XXXV.

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

SECTION 1. That the Postmaster-General, with the consent of the Minister of the Interior, is hereby authorized to establish a domestic and foreign Postal Money Order System, for the receipt and payment of moneys by and through the mails within and without the Kingdom.

SECTION 2. The Postmaster-General, with the consent of the Minister of the Interior, may establish rules and regulation providing for the transmission of orders for money through the mails, and the rate at which such orders for money shall be conveyed. The said rules and regulations so adopted, from time to time, by the Postmaster-General, with the consent of the Minister of the Interior, shall have the force of law.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 5th day of August, A.D. 1882.

KALAKAUA REX.

AN ACT TO PROVIDE FOR MORE EFFICIENT PROTECTION OF
FEMALE BOARDING SCHOOLS. Chap. XXXVII

WHEREAS, much annoyance has been caused to various female boarding schools, and evil results have occurred in many instances to the inmates thereof from the unauthorized intrusion

**Statutes of
1882.**

of lawless persons, for which no adequate provision is provided by law, and more complete protection is needed for girls placed in such schools; therefore,

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

Any person or persons intruding without proper authority upon the premises of any female boarding school, may be arrested by any constable without any warrant, and on the complaint of the principal or other person in charge of such school, or of any trustee of the same, upon conviction thereof before any police or district magistrate may be punished by fine not to exceed two hundred dollars, or by imprisonment at hard labor not to exceed six months, or both, at the discretion of the magistrate. Nothing herein shall be construed to preclude the punishment of the offender for any other offense committed on such premises, nor of the right of action for civil damages.

Approved this 7th day of August, A.D. 1882.

KALAKAUA REX.

Chap. XLII.

AN ACT TO REGULATE THE LICENSING OF COMMERCIAL TRAVELING AGENTS FROM FOREIGN COUNTRIES DOING BUSINESS IN THIS COUNTRY.

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

1.—From and after the passage of this Act, no person, agent or representative of any foreign commercial or manufacturing house, company or corporation, shall be licensed or permitted to sell goods, wares, or merchandise in the Hawaiian Islands without first filing with the Minister of the Interior a statement, giving the name of such foreign house, company, or corporation; also stating the place of domicile of such foreign house, company, or corporation, and the line of trade or manufactures in which it is engaged. Upon filing such statement duly verified, the Minister of the Interior shall, upon application of such person or agent, and

upon the payment of five hundred (\$500) dollars, grant a license to the applicant for a period of one (1) year to sell goods, wares, and merchandise in Honolulu, Island of Oahu. And upon any such person or agent of any foreign house, company, or corporation, filing a statement with the Minister of the Interior, duly verified, as by this Act hereinbefore provided, and upon payment of two hundred and fifty (\$250) dollars, the Minister of the Interior shall issue a license to such applicant for a period of one (1) year to sell goods, wares and merchandise, in any other city, town, or district in the Hawaiian Islands, Honolulu excepted. Provided, that no license granted under the provisions of this Act shall permit any person, agent, or representative to sell the goods, wares, or merchandise of more than one house, company or corporation; and no license so granted shall be transferable.

2.—Any person, agent, or representative selling goods, wares, and merchandise of any foreign house, company, or corporation in the Hawaiian Islands, without first obtaining a license as herein provided, shall be subject to arrest and prosecution, and upon conviction, be fined five hundred (\$500) dollars. Any person, agent, or representative who shall make a verified false statement to the Minister of the Interior as to the name or domicile, or character of trade, merchandise, or manufactures of the house, company, or corporation that he represents, shall be deemed guilty of perjury, and, upon conviction thereof, be punished for the offense of perjury, as now provided by law.

3.—All laws, or parts of laws, inconsistent herewith are hereby and herewith repealed.

Approved this 7th day of August, A.D. 1882.

KALAKAUA REX.

AN ACT TO REGULATE THE SALE OF SPIRITUOUS LIQUORS.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled: Chap. XLIV.

SECTION 1. The several laws and parts of laws mentioned in the schedule hereto to the extent to which they are therein ex-

Statutes of 1882. pressed to be repealed are hereby repealed except as to any proceeding under the said laws or any of them ; and all offenses committed and liabilities incurred before this Act shall come into operation shall be prosecuted, and all licenses issued under the authority of the said laws shall confer the same rights as if this Act had not passed, but no more. Provided that persons holding licenses under Sections 18, 19, 20, 21 and 22, of Chapter XLI. of the Penal Code, may surrender such licenses in exchange for licenses under this Act upon paying a proportionate part of the license fee prescribed by this Act.

SECTION 2. The following words, unless where the contrary appears from the context, are used in this Act with meaning hereby assigned to them respectively :

“Spirituous Liquors” shall mean any wines, spirits, ale, cider, perry, beer or other fermented or distilled liquors and all liquor of an intoxicating nature. (“Sunday” shall mean the time between 11 of the clock on the evening of Saturday and 5 of the clock on the morning of the succeeding Monday.)

“The King in Council ” shall mean His Majesty, by and with the advice and consent of his Privy Council.

But nothing in this Act shall apply to any person selling any spirituous or distilled perfume *bona fide* as perfumery ; nor to any duly qualified and licensed physician or surgeon, chemist or druggist who may administer or sell any spirituous liquors for medicinal purposes.

SECTION 3. The licenses issued under this Act shall be signed by the Minister of the Interior, and sealed with the seal of his department, and shall not be transferable except as hereinafter provided; and shall be in force for one year from the date of issue.

SECTION 4. Whoever shall manufacture for sale any intoxicating drink or substance in this Kingdom, shall be liable to a fine not exceeding five hundred dollars, and in default of payment of such fine shall be imprisoned at hard labor for a term not exceeding two years.

SECTION 5. Whoever shall distill any spirituous liquor in this Kingdom (except under a license issued pursuant to an Act ap-

proved on the 13th day of July, A.D. 1874, entitled "An Act **Statutes of 1882.**
authorizing the Minister of the Interior to grant to owners of mills for the manufacture of sugar, licenses to distill spirituous liquors,")* shall be liable to a fine of not less than fifty dollars nor more than one thousand dollars ; and in default of payment of such fine shall be imprisoned at hard labor for any term not exceeding two years.

SECTION 6. All spirituous liquors imported under the name of perfumery or preserved fruits with the intention of evading the laws relating to duties shall be liable to seizure, condemnation and sale for the benefit of the Public Treasury.

SECTION 7. All stills, distilling apparatus or other articles in use, except as provided in Section 5 of this Act, or having been used in distilling spirituous liquor or other intoxicating drinks or substances within this Kingdom, and also all spirituous liquors and all other intoxicating drinks or substances manufactured for sale within this Kingdom shall be forfeited to the Hawaiian Government, and may be seized and taken possession of by the Marshal, deputy marshal, sheriffs or their deputies, or by any constable ; and all articles so seized by any other officer than the Marshal, deputy marshal or sheriffs, shall without delay be delivered into the care of the Marshal, deputy marshal or sheriff nearest the place of seizure, who shall cause a notice of such seizure to be published in some newspaper, and unless the owner or some person authorized to claim possession thereof shall, within twenty days from the day of such notice of seizure, file with the officer having the same in possession a written claim to such property so seized, it shall be held to be condemned as forfeited to the Hawaiian Government ; and in all cases where the owner or some person claiming the right of possession shall file a written claim as herein provided, it shall be the duty of the Marshal, deputy marshal or sheriff having the property in possession, to furnish to the Attorney-General a written statement of the facts, who is hereby authorized and required to take legal measures to have the question determined whether the property seized has been forfeited in accordance with the provisions of this section.

*See page 560.

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SECTION 8. The Minister of the Interior shall have power to grant a wholesale vending license for spirituous liquors to any person having a license to sell goods, wares and merchandise at wholesale, applying therefor in writing, and stating in his application the name the vendor and where the applicant intends to establish his place of business.

SECTION 9. The wholesale vending of spirituous liquors shall consist of selling the same in quantities not less than the packages originally imported and in no other manner. Provided, that no part thereof shall be drank or used on the premises where they are sold or in any other house or premises contiguous thereto, procured or rented for that purpose by the party holding such license, or any other person or persons whatsoever through his agency, under the penalty of forfeiting his license and incurring the penalties of the law and his bond.

SECTION 10. Before granting such wholesale license to vend spirituous liquors, the applicant shall pay for the use of the Hawaiian Government two hundred and fifty dollars, and give a bond to the Minister of the Interior in the penalty of one thousand dollars with at least one sufficient surety to be approved by said Minister.

SECTION 11. The Minister of the Interior shall have power in like manner to grant licenses to be called "Dealers' Licenses" to any person for the vending of wine, ale, and other spirituous liquors, upon such person applying therefor in writing, and stating in his application the name of the vendor and where the applicant intends to establish his place of business.

SECTION 12. Any person having obtained a license in accordance with the preceding section may sell ardent spirits in quantities not less than one gallon, wines, ales and other liquors containing alcohol in quantities not less than one dozen bottles. Provided that the same and no part thereof shall be drank or used on the premises where they are sold or in any other house or premises contiguous thereto, procured or rented for that purpose by the party holding such license or any other person or persons whatsoever through his agency, under the penalty of forfeiting his license and incurring the penalty of the law and his bond.

SECTION 13. Before granting such license to any person to vend wine, ale and other spirituous liquors as prescribed in Sections 11 and 12 of this Act, the applicant shall pay to the Minister of the Interior for the use of the Royal Exchequer the sum of five hundred dollars, and give a bond to the Minister of the Interior in the penalty of one thousand dollars, with at least one surety to be approved by the said Minister. **Statutes of 1882.**

SECTION 14. The Minister of the Interior shall have the power to grant licenses to retail spirituous liquors, upon application in writing, stating the name of the vendor and where the applicant intends to establish his place of business in each district.

SECTION 15. Before the granting of a retail license to vend spirituous liquors, as contemplated in the preceding section, the applicant shall pay to the Minister of the Interior, for the use of the Hawaiian Government, the sum of one thousand dollars, and shall give a bond in the sum of one thousand dollars, with one sufficient surety to be approved by said Minister.

SECTION 16. Such last mentioned license shall authorize the licensee to sell and dispose of any spirituous liquors by the bottle or glass on the premises therein specified, between the hours of five o'clock in the morning and eleven o'clock at night on every day except Sunday.

SECTION 17. The Minister of the Interior, by and with the consent of His Majesty the King in Privy Council, shall have the power, and it shall be his duty to fix the limits or boundaries within which those obtaining a license contemplated by this Act shall carry on and transact such business, and shall cause public notice to be given of the same, and he shall designate in the license the house or store or place in which such licensed person shall be authorized to pursue his business, and the license so granted shall not be transferable except as hereinafter provided, or held to authorize such business to be carried on by any person or persons or at any other place than such as may be designated in the license. Provided that until His Majesty in Council shall recommend an alteration in the limits within which spirituous liquors may now be sold, such limits shall apply to licenses issued

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under this Act. And provided that His Majesty in Council may authorize the Minister of the Interior to grant and issue licenses for the vending of spirituous liquors at retail outside of the limits of the city of Honolulu, upon and subject to such terms and conditions as such Council may think proper, provided that the license fee shall be the same as provided by Section 15 of this Act.

SECTION 18. The sale and vending of spirituous liquors shall be regulated more definitely by the terms of the license, and the Minister of the Interior may prescribe in the license definite rules and regulations to be observed by the vendors; provided that if any license shall be authorized or granted for any premises outside of the limits of the city of Honolulu, such license shall not authorize or allow the sale of spirituous liquors to be consumed off the premises for which such license shall be granted.

SECTION 19. All persons applying for a license under the provisions of this Act shall, before receiving the same, file a bond (in form similar to the following), the same being always subject to the approval of the Minister of the Interior :

Know all men by these presents, that we.....principal, and.....surety, are held and firmly bound unto the Minister of the Interior, for the use of the Hawaiian Government, in the penal sum of.....dollars lawful money, to be levied on our respective joint and several property in case the conditions hereinafter set forth shall be violated.

For the just and full payment of which we hereby jointly and severally bind ourselves, our heirs, our executors, administrators and assigns.

Sealed with our seals and dated this..... day of.....18...

The condition of this obligation is as follows: That whereas the above bounden.....has this day applied for a license to vend spirituous liquors in accordance with the law approved on theday of.....18..., entitled "An Act to regulate the sale of Spirituous Liquors," and has complied with all the requisitions of law, and has consequently been granted a license to vend spirituous liquors in accordance with such law for the term of one year from date. Now, therefore, if during the continuance of this license the said..... shall not be convicted of felony, perjury or other infamous offense, or of any offense against or violation of the revenue laws, or of any other offense under the said statute involving a forfeiture of the said license, a copy of which is hereto annexed, then this obligation shall be void. Otherwise upon proof being made to the satisfaction of a district or

police magistrate, without the intervention of a jury the penalty mentioned in the bond shall be forfeited, and the license of the saidthis day granted shall be void. **Statu 1882.**

Given under our hands and seals the day and year above written.

In the presence of

.....

SECTION 20. Upon the violation of any of the conditions of his bond by any licensed dealer in spirituous liquors, it shall be the duty of the Minister of the Interior to pass said bond to His Majesty's Attorney-General of the Kingdom for enforcement against the parties thereto, both principal and surety, with such information as has come to his knowledge in regard to any violation.

SECTION 21. The Minister of the Interior shall keep in a book of licenses, the names of all licensed vendors of spirituous liquors throughout the Kingdom, their respective places of abode, the character of the license granted to them, and the amount of license money paid by each, together with the date of such license.

SECTION 22. It shall not be lawful to issue a license for the retailing of spirituous liquors for any house or premises where any other business except that of a victualing house keeper under a license to such retailer is carried on, or that has any communication with any other house or premises where any business (except as aforesaid) is carried on.

SECTION 23. If any person shall (except as the agent or servant of a licensed person) sell or dispose of within this Kingdom any spirituous liquor, or shall permit or suffer any spirituous liquor to be sold or disposed of by any other person within this Kingdom, without having first obtained in manner and form hereinbefore mentioned, a license authorizing such sale or disposal at the time and place and in quantity and manner in which such licensee is by such license authorized to sell and dispose of such liquor; every such person shall forfeit and pay for a first offense any sum not less than one hundred dollars nor more than five hundred dollars, and for every subsequent offense shall be imprisoned at hard labor for not less than three months nor more than six months, and shall also be subject to a penalty of five hundred dollars. Provided that every offense shall be deemed a

Statutes of first offense within the meaning of this section, unless it shall
1882. have been committed subsequent to previous conviction and within twelve months hereafter.

SECTION 24. If any holder of a license shall suffer any person to play any unlawful game or sport within the said licensed premises or the appurtenances thereto, or suffer any one to play at billiards or any other game in his house or premises on a Sunday, or permit prostitutes or drunken or disorderly persons to be on his premises, he shall forfeit and pay for every such offense any sum not exceeding one hundred dollars.

SECTION 25. Any holder of a license who shall sell or retail any spirituous liquor or permit or suffer the same to be drank in his house or premises on Sundays, shall be liable to a penalty not exceeding two hundred dollars. But this section shall not apply to the ordinary supplies furnished to *bona fide* boarders and lodgers in the house or premises.

SECTION 26. If any person holding a license under this Act shall be convicted twice within a period of twelve consecutive months of any offense against the provisions of this Act, the justice before whom such person has been convicted, shall by an order under his hand in the form in the second schedule declare such license to be forfeited, and the same shall thereupon be void, and it shall be the duty of the Attorney-General to sue for and enforce the penalty of the bond given by such licensee, and such licensee shall be and be deemed incapable of ever again holding a license under this Act.

SECTION 27. No holder of a license shall either in his house or any of the appurtenances thereto, supply any spirituous liquor to any person in a state of intoxication, under a penalty for each offense of any sum not less than fifty nor more than two hundred and fifty dollars. And if any such intoxicated person remain more than three hours on such premises the holder of such license shall in each such case be liable to the same penalty.

SECTION 28. No holder of a retail license shall recover any debt or demand on account of any spirituous liquor supplied by him to any person for consumption on the premises, but the holder

of such license may sue for and recover the value of any spirituous liquor supplied with meals to any person *bona fide* lodging or boarding in the house. Statutes of
1882.

SECTION 29. If any holder of a retail license shall receive in payment or ask a pledge for any spirituous liquor or entertainment supplied in or from such licensed house anything except current money or checks on bankers, or orders for payment of money, he shall for each such offense pay a penalty not exceeding fifty dollars.

SECTION 30. If any holder of a license shall be convicted of felony, perjury or any infamous offense or of any offense against the revenue laws, or if holding a retail license, he shall permit any person to manage, superintend or conduct the business of such during his absence for a longer period than forty-two consecutive days in any one year without the previous consent in writing of the Minister of the Interior, or shall whether present in such house or not, permit any unlicensed person to be in effect the keeper thereof or shall allow such house to become ruinous or dilapidated, then upon complaint thereof and proof of any of the facts aforesaid to the satisfaction of any District or Police Justice, such Justice shall by an order under his hand in the form of the second schedule declare such license to be forfeited, and the same shall thereupon cease. But if such house shall have become ruinous or dilapidated by reason of fire, tempest or other cause beyond the control of the licensee, the license shall not be forfeited until a reasonable time has elapsed for the reinstatement of such house.

SECTION 31. If any licensed person shall sell or offer for sale any adulterated spirituous liquor, he shall forfeit and pay for every such offense any sum not less than one hundred dollars, nor more than five hundred dollars. And in order to analyze such spirituous liquor, any justice may on complaint on oath made to him that any such spirituous liquor is or is believed by such complainant to be adulterated, and on the deposit by such complainant of the sum of five dollars to defray the expense of such analysis authorize the seizure of such suspected spirituous liquor, and cause the same to be analyzed by some competent person, and the

Statutes of expenses of such analysis shall be a portion of the costs which
1882. such justice shall order to be paid by the person convicted.

SECTION 32. Any district justice, the Marshal, his deputy or any sheriff, deputy sheriff or constable may seize and take, or cause to be seized and taken away, all such spirituous liquor as he or they shall have reasonable cause to suspect to be carried about, for, or exposed to sale in any highway or footpath, in any booth, tent, store or shed, or in any boat or vessel, or in any place whatsoever by any person not licensed to sell the same, and all the vessels and utensils used for containing, drinking or measuring the same, and any cart, dray or other carriage, and any horse or other animal used in draying or carrying the same, and any boat or other vessel used in the conveyance thereof. And such justice on his own view or on proof of such offense by oath, may convict any person so offending, and on conviction he shall pay any sum not exceeding two hundred and fifty dollars, and be imprisoned at hard labor for any period not exceeding three months, and such justice may adjudge such spirituous liquor, vessels and utensils containing the same, and any cart dray or carriage, horse or other animal, and any boat or vessel used in conveying the same to be forfeited, and may direct the same to be sold, and the proceeds thereof after deducting the expenses of sale, to be appropriated in like manner as fines are by law directed to be appropriated. Provided that in all cases where liquor shall be carried or be in course of being carried, or be on the way from one place to another, the burthen of proving that such liquor was not so carried or being carried or exposed for sale shall be on the party so carrying the same.

SECTION 33. Any person not the holder of a license keeping up any sign, writing, painting or other mark, in or near his house or premises, or having his house or any part thereof fitted up with a bar, or other place containing bottles or casks displayed so as to induce a reasonable belief that spirituous liquor is sold or served in such house or premises, or there being on such premises more spirituous liquor than is reasonably required for the use of the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of spirituous liquor by such person.

SECTION 34. Upon information on oath before any police or district justice by any person, that he believes that spirituous liquor is sold by any person without a license, or contrary to the provisions of this Act, in any house or place, such justice shall grant his warrant to any constable to enter and search such house or other place and seize all such spirituous liquor as aforesaid as he shall then and there find, and any vessel or vessels containing such spirituous liquor, and detain the same until the owner thereof shall appear before such justice to claim such spirituous liquor or vessels, and shall satisfy such justice how and wherefore such owner became possessed of the same, or if such person after being summoned shall not appear, and if it shall appear to the said justice after due inquiry that such spirituous liquor was in the said house or place for the purpose of being illegally sold or disposed of, then he shall adjudge such spirituous liquor and vessels to be forfeited and sold, and the proceeds after paying the expenses of such sale shall be appropriated in like manner as penalties under this Act. Statutes of
1882.

SECTION 35. In all proceedings against any persons for selling or allowing to be sold any spirituous liquor without a license, such person shall be deemed to be unlicensed, unless he shall at the hearing of the case produce his license.

SECTION 36. The delivery of any spirituous liquor either by the owner or occupier, or by his or her servant or other person in the house or place, shall be deemed to be sufficient *prima facie* evidence of money or other consideration being given for such spirituous liquor, so as to support a conviction, unless proof to the contrary be given to the satisfaction of such justice.

SECTION 37. Every husband, wife, child, parent, guardian, employer or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, or being himself or herself intoxicated, shall be thus injured in consequence of such intoxication, shall have a right of action in his or her own name, severally or jointly, against any licensed dealer in spirituous or intoxicating liquors, who shall by selling

Statutes of 1882. or giving spirituous or intoxicating liquors, have caused the intoxication in whole or in part of such person or persons, for all damages sustained and for exemplary damages. And a married woman shall have the same right to bring suits under this Act, and to control the same and the amount recovered as a *femme sole*. And all damages recovered by a minor under this Act shall be paid either to such minor or to his or her parent, guardian or next friend as the court shall direct.

SECTION 38. All suits for damages under the last preceding section may be by any appropriate action in any of the courts of the Kingdom having competent jurisdiction.

SECTION 39. No spirituous liquor shall be sold by auction upon any house or premises not licensed for the sale of spirituous liquors under this Act. Any auctioneer or other person violating the provisions of this section shall be subject to the penalty hereinbefore prescribed for selling spirituous liquors without a license. Provided that nothing herein contained shall apply to the sale by auction of spirituous liquors in bond by sample, if the owner thereof shall be duly licensed for the sale of such spirituous liquors, and provided also that the Minister of the Interior may in his discretion authorize any auctioneer to sell any such spirituous liquors by auction, when he shall be satisfied that the said liquors are the property of a private person, and are not sold for profit or by way of trade.

SECTION 40. Every person who being intoxicated shall enter any premises licensed for the sale of spirituous liquors, or being intoxicated upon said premises, shall not leave the same when requested by the licensee or by any person in his employ, may be arrested by any constable, and shall on conviction pay a fine of ten dollars.

SECTION 41. Every person who shall be found drinking on any licensed premises during prohibited hours or on Sundays, shall be liable to the same penalty as the licensee is subject to for keeping open his licensed house at times not allowed by his license, and such persons may be arrested by any constable or peace officer.

SECTION 42. Any person who shall import into this Kingdom

any spirituous liquors unless holding a license under this Act, or unless the same is for his own private use, shall on conviction before any police or district justice be subject to a fine of five hundred dollars, and in default of payment may be imprisoned at hard labor for any term not exceeding two years. **Statutes of 1882.**

SECTION 43. This Act shall take effect and become a law on the first day of October next, and shall remain and continue in force up to and until the first day of January, which will be in the year one thousand eight hundred and eighty-five.

THE FIRST SCHEDULE.

Chapter XLI. of the penal Code.

The Act approved on the 29th day of July, A.D. 1872, entitled "An Act to make all persons retailing spirituous and intoxicating liquors liable in damages for injuries done or received by those becoming intoxicated on such liquors and as the result of such intoxication."

An Act approved on the 25th day of September, A.D. 1876, entitled "An Act to amend Section 17 of Chapter XLI. of the Penal Code."

THE SECOND SCHEDULE.

Be it remembered that on the.....day of.....A.D....., complaint was made before.....(district or police justice) of..... A. B. being the holder of a.....license, for that (here set out the acts which have caused the forfeiture) or proof was made to me that A. B. being the holder of a.....license, was twice within a period of twelve consecutive months convicted under the provisions of an Act entitled "An Act to regulate the sale of spirituous liquors," (that is to say) on the.....day of.....A.D.....under the.....section of the said Act, and on the.....day of.....under the.....section of the said Act. now I do therefore adjudge that the said license of the said..... shall be forfeited.

Given under my hand this.....day of.....A. D.....

.....

Approved this 7th day of August, A.D. 1882.

KALAKAUA REX.