

L A W S
OF
HER MAJESTY LILIUOKALANI

QUEEN OF THE HAWAIIAN ISLANDS,

PASSED BY THE

LEGISLATIVE ASSEMBLY

AT ITS SESSION

1892.

Printed by Order of the Government.

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SESSION LAWS OF 1892.

CHAPTER I.

AN ACT

To APPROPRIATE MONEY WITH WHICH TO PAY INTERPRETERS IN COURTS NOT SPECIFICALLY PROVIDED FOR, AND TO DEFRAY EXPENSES OF WITNESSES IN CRIMINAL CASES IN THE SUPREME AND CIRCUIT COURTS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

That the sum of Two Thousand Dollars (\$2,000) be and the same is hereby appropriated out of the public moneys for the purpose of paying Interpreters in the various Courts of the Kingdom for which no specific provision is made, and also for defraying the expenses of witnesses in criminal cases in the Supreme and Circuit Courts, this appropriation to cover such liabilities on account of the above-mentioned objects as may have been incurred since the 31st of March, 1892, and

that may hereafter be incurred up to and until the passage of the Appropriation Bill of 1892-94.

Approved this 4th day of June, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER II.

AN ACT

To APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE LEGISLATIVE SESSION OF THE YEAR 1892, FROM THE PUBLIC TREASURY.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. There shall be and there hereby is appropriated the sum of Twenty-five Thousand Dollars (\$25,000) from the Public Treasury for the purpose of defraying the expenses of the Legislative Session of the year 1892.

Approved this 4th day of June, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER III.

AN ACT

To PROVIDE A POLICE JUSTICE FOR THE FIRST DIVISION OF THE DISTRICT OF HANA, ISLAND OF MAUI.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The District Justice for the First Division of the District of Hana shall, by appointment, be Police Justice for the District of Hana, Island of Maui, and he shall have the like jurisdiction in the Second Judicial Circuit of the Kingdom as is conferred on other Police Magistrates of the Second Judicial Circuit of this Kingdom.

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Act shall become a law from the date of its approval, and all laws and parts of laws inconsistent herewith are hereby repealed.

Approved this 30th day of June, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER IV.

AN ACT

To PROVIDE FOR A POLICE JUSTICE FOR THE DISTRICT OF
WAIMEA, ISLAND OF KAUAI.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That the District Justice appointed for the District of Waimea, Island of Kauai, shall by appointment be Police Justice for the said District; and he shall have the like authority and jurisdiction in the Fourth Judicial Circuit as is now, by law, conferred upon Police Justices in other Judicial Circuits of this Kingdom.

SECTION 2. This Act shall take effect from and after its approval.

Approved this 30th day of June, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER V.

AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF PAYING THE EXPENSES OF THE BAND, FLAGS, AND SALUTES.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. There shall be, and hereby is appropriated the sum of Ten Thousand Dollars (\$10,000) for the Band, Flags and Salutes for the months of April, May, June, July and August of this year. This sum is a part of the amount in the Appropriation Bill now before the House for that purpose.

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

Approved this 30th day of June, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER VI.

AN ACT

To APPROPRIATE THE SUM OF EIGHTEEN THOUSAND DOLLARS (\$18,000) FOR THE FURTHERING OF THE COMPLETION OF THE VOLCANO ROAD.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The sum of Eighteen Thousand Dollars (\$18,000) is hereby appropriated out of the public moneys in the Treasury not otherwise appropriated, to be used for the purpose of completing the Volcano Road.

SECTION 2. This Act shall go into effect from the date of its approval.

Approved this 30th day of June, A. D. 1892.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER VII.

AN ACT

IN RELATION TO THE PREPARATION OF JURY LISTS AND THE DRAWING OF JURIES.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The provision of Chapter XXVI. of the Laws of 1890, being entitled "An Act to regulate the drawing of talesmen in jury trials, and to amend Section 1199 of the Civil Code," shall be held to apply to and control only the drawing of talesmen in the Supreme Court, and shall not be held to apply and regulate the drawing of talesmen in any of the Circuit Courts of the Kingdom.

SECTION 2. In the several Circuit Courts of the Kingdom whenever a sufficient number of jurors duly summoned do not appear, or whenever from challenges or other causes a sufficient number of the regular panel cannot be obtained for the trial of any case or cases, the Court may order the Sheriff or any of his deputies to summon from among the bystanders or from the circuit at large so many persons to serve as jurors as shall be sufficient.

SECTION 3. In the Supreme Court the number of persons drawn to serve as jurors at any term of the Court shall be thirty-six native Hawaiians and thirty-six foreigners instead of twenty-four each as heretofore by law provided.

SECTION 4. The Act entitled "An Act to regulate the drawing of talesmen in jury trials, and to amend Section 1199 of the Civil Code," approved on the 2d day of September, 1890, is hereby amended by striking out the clause, "provided by Section 1 of Chapter XVII. of the Laws of 1870," whenever occurring in the said Act and inserting in place thereof "provided by law."

SECTION 5. This Act shall take effect on the 1st day of August, A. D. 1892, and all laws and parts of laws inconsistent herewith are hereby repealed.

Approved this 16th day of July, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER VIII.

AN ACT

To AUTHORIZE THE COINING OF CERTAIN HAWAIIAN COINS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of Finance is hereby authorized and directed to cause to be coined not more than 200,000 silver dimes, 400,000 nickel half dimes and 400,000 one cent pieces. Such coins shall be of the same weight, fineness, material and general character as the coins of a similar denomi-

nation now being coined and issued by the United States of America.

The image, superscription or legend upon such coins shall be such as will plainly and properly indicate their value and that they are Hawaiian coins.

SECTION 2. The said Minister shall pay the necessary expenses of purchasing, procuring and minting such coins out of any available funds in the Treasury.

Upon procuring such coins they shall be paid into the Treasury and become available for use in the same manner and under the same conditions that other coins of like denomination now in the Treasury are available.

All of the profits arising from such coinage shall be paid into the Treasury as a Government realization.

SECTION 3. The contract or agreement for procuring and minting such coins shall be made directly between such Minister on behalf of the Hawaiian Government and the authorities of the Mint producing such coins, and no payment or allowance shall be made by such Minister to any third party as a commission or otherwise for furnishing such coins, the material from which they are made, or procuring the mintage thereof.

Approved this 16th day of July, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER IX.

AN ACT

GIVING LIENS TO PERSONS WHO PASTURE, FEED OR SHELTER ANIMALS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Whoever pastures, feeds, or shelters animals by virtue of a contract with or by the consent of the owner of such animals for a compensation agreed upon, has a lien on such animals for such pasturing, feeding or sheltering to secure payment thereof with costs.

SECTION 2. If the owner of such animal or animals after demand and notice in writing that such lien will be enforced served upon him, shall fail to pay the amount due for such pasturing, feeding or sheltering within thirty days, the holder of the lien may cause such animal or animals to be sold at Public Auction, upon notice of such sale being given for fifteen days by publication in an English or Hawaiian newspaper, or by posting such notice in the Hawaiian and English languages at the Court House of the District where no newspaper is published.

SECTION 3. Any excess over the amount due, and costs of sale and advertising realized from such sale, shall be paid to the owner of the animals sold.

Approved this 16th day of July, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER X.

AN ACT

To AMEND SECTION 2 OF CHAPTER XXX. OF "AN ACT TO PREVENT THE USE OF EXPLOSIVE SUBSTANCES IN TAKING FISH," APPROVED ON THE 11TH DAY OF AUGUST, A. D. 1888.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Section 2 of Chapter XXX. of "An Act to Prevent the Use of Explosive Substances in Taking Fish," approved on the 11th day of August, A. D. 1888, is hereby amended, and shall read as follows:

"Section 2. Whosoever violates the provisions of this Act shall be punished by a fine not exceeding one hundred dollars nor less than twenty-five dollars, or by imprisonment at hard labor not exceeding six months, or both in the discretion of the Court."

SECTION 2. All laws and parts of laws in contravention of this Act are hereby repealed.

Approved this 16th day of July, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XI.

AN ACT

To COMPEL THE DRIVERS OF VEHICLES TO CARRY LIGHTS DURING
THE HOURS OF DARKNESS.

*Be it Enacted by the Queen and the Legislature of the Hawaiian
Kingdom:*

SECTION 1. The driver of every vehicle used for pleasure, the carrying of passengers, transporting of freight or for any other purpose, which shall be driven upon any public street, road or highway of the Kingdom, shall cause a suitable light or lights to be kept burning on every such vehicle during the hours of darkness.

SECTION 2. Any person violating the provisions of this Act shall, upon conviction before any Police or District Justice, be fined in a sum not exceeding ten dollars.

Approved this 16th day of July, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XII.

AN ACT

To APPROPRIATE THE SUM OF TWENTY THOUSAND DOLLARS (\$20,000) FOR THE FURTHERING OF THE COMPLETION OF DREDGING THE HONOLULU HARBOR BAR.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The sum of Twenty Thousand Dollars (\$20,000) is hereby appropriated out of the public moneys in the Treasury, not otherwise appropriated, for the purpose of furthering the completion of dredging the Honolulu Harbor Bar.

SECTION 2. This Act shall go into effect from the date of its approval.

Approved this 30th. day of July, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XIII.

AN ACT

To AMEND SECTION 12 OF CHAPTER VIII OF THE LAWS OF 1888,
RELATING TO "AN ACT TO PROVIDE FOR AND REGULATE THE
INTERNAL POLICE OF THE KINGDOM."

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Section 12 of Chapter VIII of the Laws of 1888, be and the same is hereby amended to read as follows:

"Section 12. The Marshal, Sheriffs and Deputy Sheriffs shall receive in full payment of their services such annual salaries or compensation as shall from time to time be prescribed by the Legislature, provided, however, that the legally prescribed fees received from the sale and conveyance of property under execution or other writ or order issued from any Court, to an amount not exceeding fifty dollars for any one such sale and conveyance, shall belong to the Marshal or to the Sheriff or to the Deputy Sheriff making such sale and conveyance, the excess of such fees over said sum of fifty dollars, if any, to be returned to the Treasury as a Government realization."

SECTION 2. This Act shall become law from and after its approval.

Approved this 29th day of July, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XIV.

AN ACT

TO CREATE AN ADDITIONAL PORT OF ENTRY AND DEPARTMENT OF VESSELS FROM FOREIGN COUNTRIES IN THE COLLECTION DISTRICT OF KAWAIHAE, IN THE ISLAND OF HAWAII.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Honoipu, in the Island of Hawaii and collection District of Kawaihae, shall be and is hereby created an additional port of entry and departure of vessels from foreign countries.

SECTION 2. This Act shall take effect upon its passage.

Approved this 29th day of July, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XV.

AN ACT.

TO AMEND THE FOURTH (4) AND FIFTH (5) PARAGRAPHS OF SECTION 13, OF CHAPTER LXXXVI OF THE LAWS OF A. D. 1890,
THE SAME BEING "AN ACT TO AMEND AND CONSOLIDATE THE ELECTION LAWS OF THE KINGDOM."

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That the Fourth and Fifth Paragraphs of Section 13 of Chapter LXXXVI of the Laws of A. D. 1890, be and the same are hereby amended, and the same shall be read as follows :

"Fourth: That portion of the District of Wailuku lying south of North Wailuku District, and including the Island of Kahoolawe, and Honuaula, to be called the South Wailuku District.

"Fifth: All that portion lying west and south from the gulch of Oopuola and Huelo, and including the District of Kula, to be called the Makawao District."

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

Approved this 29th day of July, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XVI.

AN ACT

To AMEND SECTION 2 OF CHAPTER XIV OF THE LAWS OF 1882,
ENTITLED "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 Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 2 of Chapter XIV of the Laws of 1882, entitled "An Act to Provide for the Holding of an additional Term of the Circuit Court for the Third Judicial Circuit," shall be, and the same is hereby amended, so as to read as follows:

"Section 2. Only cases arising within the Districts of Puna, Kau, North and South Kona, of the said Island of Hawaii shall be tried at said term of Court, but cases arising within other Districts of said Island may be heard by consent of parties. Provided that in criminal cases arising within any district above named, a Magistrate ordering a committal for trial, or a defendant appealing to said Circuit Court may, at the time of such committal or appeal, (as the case may be,) so commit for trial by, or appeal to said Circuit Court, at the term thereof then next ensuing, wherever such term shall be held."

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

Approved this 29th day of July, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XVII.

AN ACT

TO PROVIDE FOR A POLICE JUSTICE FOR THE DISTRICT OF WEST KAU, ISLAND OF HAWAII.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That the District Justice of West Kau, Island of Hawaii, shall be appointed Police Justice for the said District of West Kau, and he shall have the like authority and jurisdiction in the Third Judicial Circuit as is now, by law, conferred upon Police Justices in other Judicial Circuits.

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

Approved this 4th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XVIII.

AN ACT

To AMEND SECTION 388 OF THE CIVIL CODE, RELATING TO FISHERIES.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 388 of the Civil Code shall be and the same is hereby amended to read as follows:

“Section 388. The konohikis shall be considered in law to hold said private fisheries for the equal use of themselves and of the tenants on their respective lands, and the tenants shall be at liberty to take from such fisheries, either for their own use, or for sale or exportation, but subject to the restrictions imposed by law, all fish, sea-weed, shell fish and other edible products of said fisheries.”

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

Approved this 4th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN;

C. N. SPENCER,

Minister of the Interior.

CHAPTER XIX.

AN ACT

TO IMPOSE AN INTERNAL REVENUE TAX ON PLAYING CARDS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. There shall be levied, collected and paid an internal revenue tax of twenty-five cents each on every pack of whatever number, of playing cards of any kind or description made, manufactured or sold in this Kingdom.

SECTION 2. The Minister of Finance is hereby empowered and directed to procure such adhesive revenue stamps as may be necessary to carry this law into effect.

SECTION 3. The Tax Assessors, in their respective divisions, are hereby charged with the execution of this Act under the direction of the Minister of Finance. They are hereby directed to paste one twenty-five cent adhesive revenue stamp on to each and every pack of playing cards of any number, kind or description. They shall also collect the revenue arising therefrom and remit the same to the Minister of Finance.

SECTION 4. If any person, firm, company or corporation shall make, prepare, sell or keep for sale any playing cards upon which the tax is imposed by this law, without having affixed thereto an adhesive stamp denoting the law before mentioned, he or they shall incur a penalty of ten dollars for every omission to affix such stamp.

SECTION 5. Every manufacturer, maker or seller of playing cards, the conditions above as to stamping them having been complied with, who shall take off, remove or detach, or cause or permit, or suffer to be taken off, or removed or detached any stamp, or who shall use any stamp, or any wrapper or cover to which any stamp is affixed to cover any other pack of cards than that originally contained therein shall, for every such offense committed, be subject to a penalty of fifty dollars.

SECTION 6. If, after the passage of this Act, any maker, manufacturer or seller of playing cards shall sell, send out, remove or deliver any playing cards before the tax thereon shall have been fully paid by affixing thereon the proper stamps as provided by this Act, or if he or they shall hide and conceal, or cause to be hidden or concealed, or shall remove or convey away or deposit, or cause to be removed or conveyed away from and deposited in any place any playing cards to evade the tax chargeable thereon, or any part thereof, he or they shall be subject to a penalty of one hundred dollars, together with the forfeiture of the cards as above mentioned.

Approved this 4th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XX.

AN ACT

To PROVIDE FOR THE APPOINTMENT OF ACTING POLICE JUSTICES IN CASE OF THE ILLNESS, TEMPORARY ABSENCE OR DISQUALIFICATION OF POLICE JUSTICES, AND TO AMEND SECTION 915 OF THE CIVIL CODE, AS AMENDED BY CHAPTER XXII OF THE LAWS OF 1874, AND CHAPTER XIII OF THE LAWS OF 1890.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. In case of the illness, temporary absence of any Police Justice from the District for which he is appointed, or when for any cause any Police Justice is disqualified to hear and determine any case which would by law come under his jurisdiction, it shall be lawful to appoint some other person to perform the duties of such Police Justice, who shall be called an Acting Police Justice, and shall not exercise any judicial functions except in the contingencies above mentioned.

SECTION 2. Such appointment shall be made in the manner prescribed by Chapter XXI, of the Laws of 1887, for the appointment of District Justices, and shall be for the term for which the Police Justice for whom he acts is appointed.

SECTION 3. This Act shall not be construed to repeal Section 937 of the Civil Code, nor Section 6, of Chapter IX, of the Laws of 1874, but it shall be optional for parties bring-

ing suits, either civil or criminal, to take them before such Acting Police Justice, or to the Circuit Judge, or Justice of the Supreme Court, as the case may be.

SECTION 4. The compensation of such Acting Police Justice shall be such as may be agreed upon between him and the Police Justice for whom he may act, and shall be paid out of the appropriation for salary of such Police Justice.

SECTION 5. Section 915 of the Civil Code, as amended by Chapter XXII. of the Laws of 1874, and by Chapter XIII. of the Laws of 1890, is hereby further amended by striking out all that part of the Section after the words "whether said parties be natives or foreigners," viz., the words "except that, in any District where there is a Police Justice, the District Justice shall not have jurisdiction in any case in which either party is a foreigner by birth."

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 5th day of August A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior:

CHAPTER XXI.

AN ACT

**TO PROVIDE FOR THE RE-CODIFICATION AND REVISION OR COMPI-
LATION OF THE PENAL LAWS OF THE KINGDOM.**

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. A Commission of three persons, learned in the law, shall be appointed by Her Majesty the Queen, as soon as may be after the passage of this Act, to Revise and Codify the Penal Laws of the Kingdom, adding notes and references to adjudged cases, and to report the same to the next Session of the Legislature.

SECTION 2. The sum of Two Thousand Five Hundred Dollars is hereby appropriated for the expense of such codifying and revision, and for translating and printing the same, which sum the Minister of Finance is hereby authorized to pay to such Commissioners, in such sums as shall, from time to time, be used therefor.

Approved this 6th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXII.

AN ACT

TO AMEND SECTION 120 OF THE CIVIL CODE, RELATING TO KEEPERS OF STALLIONS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 120 of the Civil Code is hereby amended to read as follows :

“Section 120. Every person on whose land any Stallion of twelve months old or upwards shall be found trespassing; may, without any notice, cause such Stallion to be impounded, and the owner shall pay to the person upon whose land such trespass be committed ten dollars for every such trespass, to be collected by the pound-keeper, as provided by Chapter XXXV. of the Session Laws of 1888.”

SECTION 2. This Act shall take effect from its passage.

Approved this 6th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXIII.

AN ACT

To AMEND SECTION 2 OF CHAPTER XXXIV. OF THE SESSION LAWS OF 1882, AS AMENDED BY CHAPTER XXIX. OF THE SESSION LAWS OF 1884, RELATING TO THE SUPPRESSION OF DISEASE AMONG ANIMALS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Section 2 of Chapter XXXIV. of the Session Laws of 1882, as amended by Chapter XXIX. of the Session Laws of 1884, is hereby amended so as to read as follows :

“Section 2. The Minister of the Interior is hereby authorized to appoint three competent persons for each port of entry of the Kingdom, who shall be designated ‘Boards of 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 on each Board 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 2. This Act shall take effect from and after the date of its approval.

Approved this 6th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXIV.

AN ACT

To PROVIDE FOR THE APPOINTMENT OF ONE POLICE JUSTICE AND TWO DISTRICT JUDGES IN THE DISTRICT OF HILO, ISLAND OF HAWAII, AND TO FURTHER PROVIDE THAT THE SAID DISTRICT OF HILO BE DIVIDED AND MADE INTO THREE SEPARATE JUDICIAL DISTRICTS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That the District of Hilo, Island of Hawaii, shall for judicial purposes be divided as follows:

The first division to be called the Judicial District of South Hilo and a Police Justice shall be appointed for such district as by law provided, and his district shall consist of that portion on the south side of the boundary line between the districts of Puna and Hilo on the south to the middle of the Waiaama Stream on the north. The second division to be called the Judicial District of Central Hilo, shall be from the middle of the said Waiaama Stream up to the middle of the

Waikaumalo Stream. The third division to be called the Judicial District of North Hilo, shall be from the middle of the said Waikaumalo stream up to the line connecting Hilo with the District of Hamakua.

SECTION 2. A Police Justice shall be appointed for the First Judicial Division, and a District Justice for each of the Second and Third Judicial Divisions, as provided by Section 1, and they shall each receive, as salary for their services, such sums of money as the Legislature may from time to time appropriate.

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

Approved this 9th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXV.

AN ACT

To AMEND CHAPTER XXVIII. OF THE SESSION LAWS OF 1878,
RELATING TO DUTIES.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Section 1 of Chapter XXVIII. of the Session Laws of 1878, be and the same is hereby amended to read as follows:

“Section 1. There shall be levied, collected and paid upon the following goods imported into this Kingdom duties *ad valorem* as follows, to wit:

“Silks, satins and silk velvets, and all articles of which silk shall form the principal material, twenty-five per cent.;

“Clothing, ready made and wearing apparel of every description, made up in whole or in part, ten per cent.;

“Carriages of all descriptions, twenty-five per cent.;

“Hats and caps, not otherwise provided for, ten per cent.;

“Linens, and all manufactures of which flax, grass-cloth or a similar material shall form the principal parts, ten per cent.;

“Fans of all kinds, twenty-five per cent.;

“Edgings, artificial flowers and fancy feathers, twenty-five per cent.;

“Embroideries of all kinds, twenty-five per cent.;

“Crockery and glassware of every description, ten per cent.;

“Drugs and medicines, patent and other, ten per cent.;

“Furniture of all kinds, if upholstered or carved, manufactured in whole or in part, ten per cent.;

Millinery goods, beads, bonnets, buttons, corsets, collars, sleeves and cuffs, ten per cent.;

“Gloves and mitts not otherwise provided for, twenty-five per cent.;

“Gimps for clothing, ten per cent.;

“Hoopskirts, ten per cent.;

“Hooks and eyes, ten per cent.;

“Insertions, laces and lace goods of all descriptions, twenty-five per cent.;

“Ribbons not otherwise provided for, ten per cent.;

“Silver plate, plated-ware or gilt-ware, twenty-five per cent.;

“Britannia ware and fancy metal ware, twenty-five per cent.;

“Matches of all kinds, ten per cent.;

“Cigarettes and all descriptions of paper cigars, twenty-five per cent.;

“Jewelry and all descriptions of metal, glass or stone beads, twenty-five per cent.;

“Paintings, pictures, engravings, statuary, bronzes, twenty-five per cent.;

“Ornamental work of metal, stone, marble, plaster of Paris or alabaster and all imitations thereof, ten per cent.;

“Perfumery, other than that which pays a spirits duty, powders, hair, tooth, nail and other toilet brushes, twenty-five per cent.;

“Soaps, ten per cent.;

“Pipes (smoking), pipe-stems, bowls and fixtures and cigar holders, twenty-five per cent.;

“Candies, twenty-five per cent.;

“Candles, ten per cent.;

“Toys, ten per cent.;

“Firearms, twenty-five per cent.;

“Ammunition and powder, not otherwise provided for, twenty-five per cent.;

“Blasting powder, ten per cent.;

“Fireworks and fire-crackers, twenty-five per cent.;

“Watches and clocks in whole or in part, ten per cent.;

“Playing cards, ten per cent.”

SECTION 2. That Section 2 of the said Act be and the same is hereby amended to read as follows :

“Section 2. There shall be levied, collected and paid upon the following goods imported into this Kingdom specific duties as follows, to wit :

“On kid and all other leather and skin gloves, three dollars per dozen pairs ;

“On cigars and cheroots, ten dollars per thousand ;
 “On China tobacco, fifty cents per pound ;
 “On camphor trunks in nests of four, two dollars per nest ;
 “On camphor trunks in nests of two, one dollar per nest ;
 “On camphor trunks (single), fifty cents ;
 “On China matting, one dollar per roll ;
 “On tea, ten per cent ;
 “On peanut oil, two and one-half cents per pound ;
 “On bean oils and other China oils, twenty-five per cent. ;
 “On China boots and shoes, twenty-five cents per pair ;
 “On China slippers, ten cents per pair ;
 “On port, sherry, Madeira, and other wines of a like nature above twenty-one per cent. of alcoholic strength ; also on all cordials, bitters, and other articles of any name or description containing alcohol, or preserved in alcohol or spirits above that rate of strength and below thirty per cent., unless otherwise provided for, two dollars per gallon ;
 “On champagne, six dollars per dozen reputed quarts, three dollars per dozen reputed pints ;
 “On sparkling Moselle and sparkling Hock, four dollars per dozen reputed quarts, two dollars per dozen reputed pints ;
 “On claret, Rhine wines and other light wines under twenty-one per cent. of alcoholic strength, not otherwise provided for, forty cents per dozen reputed quarts, twenty cents per dozen reputed pints, and fifteen cents per gallon if in bulk ;
 “On ale, porter, cider and fermented drinks not otherwise provided for, forty cents per dozen reputed quarts, twenty cents per dozen reputed pints, and fifteen cents per gallon if in bulk.”

SECTION 3. The provisions of this Act shall extend and apply to all goods in bond at the time it shall come into operation.

SECTION 4. All laws and parts of laws inconsistent here-with are hereby repealed.

Approved this 13th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXVI.

AN ACT

To AMEND CHAPTER XIX. OF THE CIVIL CODE, RELATING TO THE TIME OF COMMENCING PERSONAL ACTIONS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Chapter XIX. of the Civil Code is hereby amended by adding thereto a Section to be designated as follows: Section 1036A, and which shall read as follows:

“Section 1036A. The following actions shall be commenced within four years after the cause of action accrued and not after. Actions for the recovery of any debt founded upon any contract, obligation or liability, where the cause of action has arisen in any foreign country, except such as are brought upon the judgment or decree of a court of record; provided that no action now barred by any statute of limitations shall be revived by reason of the passage of this Act.”

SECTION 2. This Act shall go into effect from and after its approval.

Approved this 13th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXVII.

AN ACT

To AMEND CHAPTER VI. OF THE SESSION LAWS OF 1890, RELATING TO THE CURRENCY.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Section 3 of Chapter XXXV. of the Session Laws of 1886, as amended by Chapter VI. of the Session Laws of 1890, be and the same is hereby further amended to read as follows:

“Section 3. The Minister of Finance shall receive on deposit Hawaiian Silver Coin to any amount not less than ten dollars, and issue therefor certificates of deposit payable to bearer of the denominations of Ten, Twenty, Fifty, One Hundred and Five Hundred Dollars respectively, setting apart as

a special deposit the money so received, as security for the redemption of such certificates."

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

Approved this 13th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXVIII.

AN ACT.

TO REQUIRE BICYCLES AND SIMILAR VEHICLES TO CARRY LIGHTS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The rider and user of every bicycle or tricycle or vehicle of a similar nature which shall be ridden or used within the District of Honolulu after dark shall cause a sufficient light or lights to be kept burning on every such vehicle during the hours of darkness.

SECTION 2. Any person violating the provisions of this Act shall upon conviction before the Police or District Justice of Honolulu be fined in a sum not exceeding ten dollars for every such offense.

ERRATA

In Chapter XXIX. In title of Act, first line, after the figure 2 insert the letter *d*.

In Section 1, first line, after the words "Section 2," insert the letter *d*. In the third line, after the words "Section 2," insert the letter *d*.

SECTION 3. This law shall take effect from and after the date of its approval.

Approved this 13th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXIX.

AN ACT

To AMEND SECTION 2 OF CHAPTER LXXI. OF THE SESSION LAWS
OF 1890, RELATING TO THE CRIME OF MURDER.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 2 of Chapter LXXI. of the Session Laws of 1890 is hereby amended to read as follows:

“Section 2. Whoever is guilty of murder in the second degree shall be punished by imprisonment at hard labor for life or for a term of years not less than twenty, in the discretion of the court.”

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

Approved this 13th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXX.

AN ACT

TO APPROPRIATE A FURTHER SUM OF MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE LEGISLATIVE SESSION OF 1892 FROM THE PUBLIC TREASURY.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom :

SECTION 1. There shall be and there hereby is further appropriated the sum of ten thousand dollars (\$10,000) from the Public Treasury, for the purpose of defraying the expenses of the Legislative Session of the year 1892.

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

Approved this 18th. day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXI.

AN ACT

TO AUTHORIZE THE MINISTER OF THE INTERIOR TO CONVEY TO THE HONOLULU SAILORS' HOME SOCIETY A CERTAIN PIECE OF LAND IN THE CITY OF HONOLULU, ISLAND OF OAHU.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of the Interior is hereby authorized to execute and deliver to the Honolulu Sailors' Home Society a conveyance, for the nominal consideration of one dollar, of that certain piece or parcel of land situate in the City of Honolulu belonging to the Hawaiian Government and described as follows :

Beginning at the North corner of Richards and Halekauwila Streets, and running as follows, viz :

N. $30^{\circ} 25'$ W. thence 127.5 feet along mauka side of Halekauwila Street ;

N. $51^{\circ} 3'$ E. thence 137.7 feet along Grant 3,474 to Trustees of the Sailors' Home Society ;

S. $37^{\circ} 50'$ E. thence 135 feet along L. C. A. 738 to Kaunuohua (Enterprise Mill Property) ;

S. $54^{\circ} 34'$ W. thence 156 feet along new line of Richards Street to the initial point. Area 19.220 square feet.

Such conveyance shall contain the conditions that the premises shall be used only for the purpose and uses of a

Sailors' Home ; that no intoxicating liquors shall be allowed to be drunk on the premises ; that such Sailors' Home shall be equally available to the sailors of all nations ; that if the described lot or any part thereof shall at any time cease to be used for the purposes of a Sailors' Home, the whole of said lot shall forthwith revert to the Government.

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

Approved this 25th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN :

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXII.

AN ACT

TO BETTER DEFINE THE RIGHT OF DEFENDANTS IN CRIMINAL CASES TO BAIL.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom :

SECTION 1. All persons charged with criminal offenses, shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great.

SECTION 2. If the charge be for an offense not capital in its nature, the defendant may be admitted to bail before conviction as a matter of right, and such right shall continue after

conviction in all cases other than those wherein a sentence of at least twenty years' imprisonment may be imposed until the final determination of any motion for a new trial, appeal, exceptions, certiorari, habeas corpus or other proceedings which shall have been made, taken, issued or allowed for the purpose of securing a review of the rulings, verdict, judgment, sentence or other proceedings of any court or jury in or by which such defendant has been arraigned, tried, convicted or sentenced. In all cases not capital where the punishment must be imprisonment for twenty years or more, it shall rest in the discretion of the trial court to admit the defendant to bail after conviction. No defendant entitled to bail, whether bailed or not, shall without his written consent be subjected to the operation of any sentence passed upon him while any proceedings to procure a review of any action of the trial court or jury in the premises shall be pending and undetermined.

SECTION 3. In cases where the punishment for the offense charged may be death, or imprisonment for a term not less than ten years with or without fine, a judge or justice of a Court of Record, but no other magistrate, shall be competent to admit the accused to bail, in conformity with the provisions of this Act. In all other cases the accused may be so admitted to bail by any judge or justice of a Court of Record, or by any police or district justice, and in cases where the punishment for the offense charged may not exceed two years imprisonment with or without fine, the Marshal, his deputy, any Sheriff or his deputy, may admit such accused person to bail.

SECTION 4. Unless otherwise ordered by the court the bail bond given by any defendant prior to his conviction, shall (in

cases where bail after conviction is permitted either absolutely or by order of the Court) be continued as the bail of such defendant after conviction, and until the final determination of any subsequent proceedings in such cause.

Approved this 25th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXIII.

AN ACT

TO AMEND SECTIONS 2, 3, 4, 5 AND 6 OF CHAPTER LXXXII. OF THE SESSION LAWS OF 1890, RELATING TO ROAD BOARDS AND ROAD SUPERVISORS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 2 of Chapter LXXXII. of the Session Laws of 1890 is hereby amended so that it shall read as follows:

“Section 2. The Road Boards shall have the entire charge and control of the public labor on all roads, bridges and public highways within their respective districts, and shall expend the road taxes and moneys appropriated by the Legislature in making and repairing such roads and bridges, at such times and in such amounts as the respective Boards, or a ma-

jority of the members thereof, may decide. The respective Road Boards shall be and hereby are authorized to employ such overseers and clerical and other assistance as may be necessary."

SECTION 2. Section 3 of said Act is hereby amended so that it shall read as follows:

"Section 3. The Chairman of each of said Road Boards shall, before entering upon the duties of his office, file in the Interior office a bond with sufficient sureties to the Minister of the Interior, in a penal sum, to be fixed by the Minister of the Interior, conditioned for a faithful disposition of, and accounting for, the road moneys which may be paid to him or his order."

SECTION 3. Section 4 of said Act is hereby amended so that it shall read as follows:

"Section 4. A full record shall be kept by the respective Road Boards of all business transacted at any meeting, and of the work done in the district.

"Full accounts shall also be kept of all moneys received, showing the source from whence derived, and of all moneys paid out, showing the locality for which expended, whether for labor or material, and the persons to whom paid. Such records and accounts shall be opened to the inspection of any tax-payer, resident in the district, at the quarterly or other meetings of the Board."

SECTION 4. Section 5 of said Act is hereby amended so that it shall read as follows:

"Section 5. All road taxes shall be paid into the Public Treasury, and the amount so paid in from each district shall be a special deposit in the Treasury to the credit of such dis-

trict, to be paid out only by draft through the Interior Department, upon the order of the Chairman of the Road Board, which order shall also be countersigned by one of the other members of said Road Board. The Minister of Finance shall, under no circumstances, allow such special deposit, or any part thereof, to be used for any other purpose than to pay the drafts which may be drawn by the Minister of the Interior upon the order as hereinbefore provided."

SECTION 5. Section 6 of said Act is hereby amended so that it shall read as follows :

"Section 6. The Chairman of each Road Board shall, at the end of each quarter, send to the Minister of the Interior a detailed statement of the work done in his district during the quarter, and also a detailed financial statement, setting forth all receipts and expenditures, accompanied by vouchers for all expenditures."

SECTION 6. This Act shall take effect and become a law from and after the date of its approval.

Approved this 25th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXIV.

AN ACT

To AMEND SECTION 1 OF CHAPTER XIX. OF THE SESSION LAWS OF 1890, ENTITLED "AN ACT TO INCREASE THE DUTIES UPON COFFEE FROM FOREIGN COUNTRIES IMPORTED INTO THIS KINGDOM."

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Section 1 of Chapter XIX. of the Session Laws of 1890, entitled "An Act to Increase the Duties upon Coffee from Foreign Countries imported into this Kingdom," be and the same is hereby amended to read as follows :

"Section 1. There shall be levied, collected and paid upon all coffee of any foreign country imported into this Kingdom a duty of seven cents a pound, whether the same be ground or prepared coffee, or not."

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

Approved this 25th day of August A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXV.

AN ACT

To CREATE THE PORTS OF HANA, ISLAND OF MAUI, AND OF WAI-MEA AND MAKAWELI, ISLAND OF KAUAI, PORTS OF ENTRY.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The ports of Hana, Island of Maui, and of Waimea and Makaweli, Island of Kauai, are hereby created ports of entry and departure of foreign vessels. The said ports of Waimea and Makaweli shall be treated as one port of entry, and designated the "Port of Waimea."

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

Approved this 25th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXVI.

AN ACT

RESPECTING THE ADVERTISEMENT OF PROBATE AND OTHER JUDICIAL PROCEEDINGS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom :

SECTION 1. Whenever, and as often as in the course of any Probate or other Judicial proceeding, it shall be necessary to make any advertisement of such proceeding, or of any order, judgment or decree therein, the party or his attorney, at whose instance such proceedings shall be brought, or such order, judgment or decree, shall be entered or rendered, shall have the privilege of naming the newspaper or newspapers in which such advertisements shall be published. Provided, however, that the newspaper or newspapers so named by such party or his attorney, shall be published in the language or languages, (in whole or in part) in which such advertisement is ordered or obliged to be published; and it shall be the duty of the Clerk and Judge of the Court in which such proceeding shall be pending to have such advertisement published in the newspaper or newspapers so nominated by such party or his attorney. And, further provided, that only such papers as shall have been satisfactorily shown to the Supreme Court to be newspapers of general circulation, and suitable for such purpose, and shall have been so declared by the Court, shall be eligible for selection to receive such advertisements.

SECTION 2. This Act shall take effect from and after the date of its approval, and all laws in conflict herewith are hereby repealed.

Approved this 25th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXVII.

AN ACT

TO PROVIDE FOR THE PAYMENT OF SALARIES AND EXPENSES OF THE GOVERNMENT, UP TO AND INCLUDING THE 30TH DAY OF SEPTEMBER, A. D. 1892.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of Finance is hereby authorized to continue to pay salaries of Government Officers and the expenses of the several Departments and Bureaus of the Government as enumerated in Section 1 of Chapter LI. of the Laws of 1890; also for dredging the entrance to Honolulu harbor, up to and including the 30th day of September, A. D. 1892, unless a new Appropriation Bill be passed by the Legislature before said last mentioned date.

The Minister of Finance shall not, however, incur any expenditures for Government Works or for Roads and Bridges

other than for wages, until a new Appropriation Bill be passed.

SECTION 2. This Act shall take effect upon the date of its approval.

Approved this 30th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXVIII.

AN ACT

TO FURTHER SECURE POSTAL SAVINGS BANK DEPOSITORS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. For the purpose of further securing depositors in the Hawaiian Postal Savings Bank, the Minister of Finance with the consent of the Cabinet, is hereby authorized to sell at not less than par, from time to time, Treasury Notes of the Hawaiian Government, not exceeding the amounts of the deposits in the Postal Savings Bank at the time of issue. Such notes shall be sold only after advertisement in one or more papers published in Honolulu in the English and Hawaiian languages for ten days, asking for tenders for the same. Such advertisements shall state the amount of such notes to be sold, and the last date upon which tenders therefor will be

received. Such tenders shall state the amount desired, and the minimum rate of interest which will be taken by the person making the tender.

SECTION 2. Such notes shall each be of the denomination of not less than five hundred nor more than five thousand dollars; shall be payable in not less than three months nor more than eighteen months after date of issue; shall bear interest at a rate not exceeding six per cent. per annum payable semi-annually, and shall be payable, principal and interest, in gold coin of the United States of America or its equivalent, and shall be exempt from any taxes whatsoever.

SECTION 3. Such notes shall be sold only for the purpose of obtaining moneys with which to pay demands which may be made upon the Postal Savings Bank, which the Treasury is unable to meet from other sources, and shall be held as a special deposit for such purpose, and used for no other purpose. Provided, however, that moneys heretofore paid out of the Treasury to depositors may be repaid to the Treasury out of the receipts from such notes.

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

Approved this 30th day of August, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XXXIX.

AN ACT

To AMEND AND CONSOLIDATE THE LAWS RELATING TO THE
HAWAIIAN POSTAL SAVINGS BANK.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. There shall be established in the General Post Office at Honolulu, as a part of the Bureau of the Hawaiian Postal Service, a Savings Bank to be known as the "Hawaiian Postal Savings Bank," of which the Postmaster-General shall be *ex-officio* manager.

SECTION 2. It shall be lawful for the Postmaster-General to authorize and direct such of his officers as he shall think fit to receive deposits, and to pay the same, together with the interest accrued thereon under such regulations as may be prescribed under the authority of this Act; provided always, that such deposits shall not be of less amount than one quarter of one dollar, or a multiple thereof.

SECTION 3. Every deposit received by any officer so authorized by the Postmaster-General shall be entered by him at the time in the depositor's book, and the entry shall be attested by the signature of the said officer. This entry on the depositor's book with the attestations of the said officer shall be conclusive evidence of the claim of the depositor to the repayment of such deposit with interest thereon on demand made by him in the manner hereinafter provided.

SECTION 4. The officers engaged in the receipt or payment of savings deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn except to the Postmaster-General, or to such officers as may be appointed by him to carry this Act into operation.

SECTION 5. The books of the Hawaiian Postal Savings Bank shall be opened, and the manager shall receive all deposits offered on and after the first day of January, A. D. 1885.

SECTION 6. Married women and minors may in their own right, make deposits and receive repayment, giving valid receipts therefor; provided however, that minors under the age of fifteen years can only give a valid receipt therefor upon the countersigning of the same by their natural or legal guardian.

SECTION 7. In case any depositor shall die, leaving a sum of money on deposit in the Postal Savings Bank not exceeding one hundred dollars (\$100), and letters of administration or notice of existence of a will be not produced to the Postmaster-General within a period of sixty days after the death of the depositor; or in case of disputes of any one claiming to be entitled to any money deposited in the Postal Savings Bank under one hundred dollars (\$100) as assignee, executor, administrator or next of kin to the depositor, the matter may be referred in writing to a Justice of the Supreme Court, whose award or order in writing shall be binding and conclusive on all parties to all intents and purposes without any appeal.

SECTION 8. In case any depositor shall die, leaving any sum of money on deposit in the Postal Savings Bank, exceeding one hundred dollars (\$100), the same shall only be

paid to the executor or administrator on the production of letters of administration.

SECTION 9. If a depositor become insane, having on deposit not exceeding one hundred dollars (\$100), the Postmaster-General may in his discretion authorize payment from time to time out of the funds of such depositor to any person having charge of him.

SECTION 10. On demand, by notice upon the Postmaster-General in such form as may be described in the regulations under this Act, by a depositor or party legally authorized to claim on account of a depositor for repayment of any deposit or part thereof, such depositor shall be absolutely entitled to payment of any sum not exceeding one hundred dollars (\$100) which may be due him within thirty days after giving such notice; and shall be absolutely entitled to payment of any sum or sums over one hundred dollars (\$100) which may be due him within ninety days after giving such notice, and the officer making such repayments shall enter the same upon the book of the depositor and attest the entry by his signature. Provided however, that payments may be made to depositors, in the discretion of the Postmaster-General, on demand, or at any time prior to the periods mentioned in this Section.

SECTION 11. The rate of interest payable on deposits made under this Act shall not exceed six per cent. per annum on deposits amounting to five hundred dollars (\$500) and under in any one account, and shall not exceed five per cent. per annum on all amounts exceeding five hundred dollars (\$500) in any one account, but no interest shall be paid upon deposits exceeding at any one time two thousand five hundred dollars (\$2,500) in any one account, and no interest shall be

paid on any deposits made after September 30th, A. D. 1892, exceeding five hundred dollars (\$500) in any one account. Interest shall not be calculated on any amount less than five dollars or some multiple thereof, and shall not commence until the first day of the calendar month next following the day of deposit, and shall cease on the first day of the calendar month in which such deposit is withdrawn. All deposits not exceeding twenty-five hundred dollars in any one account that shall have been on deposit two months prior to July 1st of each year, shall not be assessed for taxes and shall be free from all Government taxation.

SECTION 12. Interest on deposits shall be calculated to the 31st day of December in every year, and shall be added to and become part of the principal money, and the Postmaster-General shall on that day of each year furnish the Minister of Finance with a sworn statement of the rate of interest and the amount thereof, calculated and actually passed to the credit of the depositors on the books of the Postal Savings Bank.

SECTION 13. All moneys received by the Postmaster-General as deposits in the Hawaiian Postal Savings Bank in excess of twenty-five hundred dollars, shall be paid into the Treasury; and the Registrar of Public Accounts shall open in the books of the Treasury an account to be called the "Hawaiian Postal Savings," to which he shall credit all deposits made on this account; and he shall debit such sums as may be withdrawn on warrants issued by the Postmaster-General for payment of sums due to depositors. All moneys received to this account as well as the reserve in the hands of the Postmaster-General as *ex-officio* manager of the Hawaiian Postal Savings Bank shall be deemed and treated as

part of the public debt, for which the Treasury is responsible to the depositors, and the Treasury account shall on the first day of January of each year, be credited as of that day, with the interest actually allowed and paid to depositors under this Act for the previous year, ending December thirty-first.

SECTION 14. There shall be at all times retained in the Treasury as a special reserve to meet the demands of depositors in said Postal Savings Bank, not less than ten per cent. of the deposits in such bank on all deposits up to an aggregate of five hundred thousand dollars (\$500,000).

SECTION 15. If at any time the moneys paid into the Treasury on account of the Hawaiian Postal Savings Bank, and the interest accrued thereon, shall be insufficient to meet the lawful claims of the depositors, it shall be the duty of the Minister of Finance to pay the amount of such deficiency out of any moneys not otherwise appropriated, and report said amount to the next ensuing Legislature.

SECTION 16. An annual account of all deposits received and paid out under authority of this Act, and the expenses incurred during the year, ending December 31st, together with a statement of the total amount due at the close of the year to all depositors shall be made by the Postmaster-General to the Minister of Finance, who shall lay the same before the Legislature at its next ensuing session.

SECTION 17. The Minister of Finance is hereby authorized to issue coupon bonds of the Hawaiian Government up to the amount of one million dollars, to be styled the "Postal Savings Bank Loan," to be issued to depositors in the Hawaiian Postal Savings Bank, who may apply for the same to be made payable in periods, not less than five, or not more than twenty years, at the option of the Minister of Finance,

and to bear interest at the rate, not to exceed six per cent. per annum, to be paid semi-annually, principal and interest payable in gold coin of the United States of America or its equivalent. Any such depositor with an aggregate credit on his pass book of not less than two hundred dollars in gold coin of the United States of America, which shall have been on deposit at least three months, who shall apply to the Postmaster-General for such bonds, shall be entitled to an issue of an amount thereof in sums of one hundred dollars or multiples thereof, which amount shall immediately be withdrawn from said depositor's account with the Postal Savings Bank.

SECTION 18. In order to give greater security to depositors in the Hawaiian Postal Savings Bank, and to facilitate the repayments to depositors in case of withdrawals of deposits in excess of the ordinary course of business, the Minister of Finance is hereby authorized to issue coupon bonds of the Hawaiian Government for the amount of Postal Savings Bank deposits on deposit in the Treasury on the first day of July, 1888, and on the first days of January and July of each year hereafter, he is hereby further authorized to issue such bonds up to the amount of the net Postal Savings Bank deposits paid into the Treasury during the six months next preceding such date of issue, with the amount of the interest credited thereon and added thereto on December thirty-first of each year.

SECTION 19. Such bonds shall be of a denomination not less than one hundred dollars (\$100), and shall be redeemable not less than five nor more than twenty years after date, and shall bear interest at six per cent. per annum, principal and interest to be paid in gold coin of the United States of

America or its equivalent. They shall express upon their face that they are issued as security for the Postal Savings Bank deposits, and are negotiable only upon the endorsement of the Postmaster-General and the Minister of Finance with the consent of the Cabinet.

SECTION 20. Such bonds shall be held by the Postmaster-General in trust as security for deposits in the Hawaiian Postal Savings Bank, but he shall not draw the interest thereon, and before negotiation of such bonds as provided by law, it shall be his duty to detach all interest coupons on the bonds that have accrued and deposit the same in the office of the Minister of Finance where they shall be cancelled.

SECTION 21. In the event of demands for withdrawals of deposits from the Postal Savings Bank in excess of the reserve on hand or available at the Treasury, the Postmaster-General with the written consent of the Cabinet is hereby authorized to borrow sufficient money to meet such demands, upon the lowest terms obtainable, and give such bonds, or any necessary portion thereof, as security for the money so borrowed; or he may with such consent as aforesaid sell a sufficient number of such bonds after first advertising for tenders therefor to the person or persons making offers the most advantageous to the Government, and apply the proceeds to the payment of such demands.

SECTION 22. If the Postmaster-General shall at any time withdraw from the Treasury moneys deposited therein by the Postal Savings Bank, for which bonds shall have been issued as aforesaid, he shall at the same time surrender to the Treasury bonds, the par value of which shall equal the amount so withdrawn, which bonds so surrendered shall be forthwith cancelled by the Registrar of Public Accounts as redeemed bonds.

SECTION 23. The Postmaster-General with the consent of the Cabinet may make, and from time to time as he shall see occasion, alter all needful regulations for carrying this Act into execution; and after publication, such regulations so made shall be binding on the parties in the subject matter hereof to the same extent as if such regulations formed part of this Act.

SECTION 24. All expenses incurred in the execution of this Act, shall be paid out of the appropriations for the General Post Office.

SECTION 25. The passage of this Act shall in no way change the status of the deposits now in the Postal Savings Bank either principal or interest; and nothing herein contained shall be construed to mean any interference with such deposits, principal or interest.

SECTION 26. Chapter XLVI. of the Session Laws of 1884, Chapter XXXIV. of the Session Laws of 1886, Chapter XXXVIII. and XXXIX. of the Session Laws of 1888 and Chapter X., XI. and XII. of the Session Laws of 1890 are hereby repealed.

SECTION 27. This Act shall take effect and be in force from and after the date of its approval.

Approved this 7th day of September, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XL.

AN ACT

TO PROVIDE FOR THE DISPOSITION OF HOSPITAL TAX FUNDS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. All moneys heretofore collected and now unexpended, and all moneys which may hereafter be collected under any existing or future statute authorizing the collection of any hospital tax, shall be paid into the Public Treasury and held by the Minister of Finance, as a special deposit to the credit and for the benefit of the Trustees of the Queen's Hospital.

SECTION 2. Such special deposit shall at all times be subject to the order of the said Trustees or such officer thereof as may be by them authorized, and shall be by such Trustees devoted to the purpose of such Queen's Hospital.

Approved this 7th day of September, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XLI.

AN ACT

TO AUTHORIZE THE KILLING OF THE BIRDS CALLED THE MYNAH BIRD.

WHEREAS, the imported bird called the mynah has increased, and has become an intolerable nuisance to the agriculturist and fruit grower, and its slaughter is yet restrained by law; therefore,

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The restrictions imposed by Chapter XIII. of the Laws of 1870 upon the killing or destroying of imported foreign birds is hereby removed and abolished as to the bird called the mynah bird.

SECTION 2. Nothing herein contained shall be held to repeal or abolish said Chapter XIII. of the Laws of 1870 as to any bird or animal, excepting the mynah bird.

Approved this 7th day of September, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XLII.

AN ACT

To AMEND SECTION 6 OF CHAPTER II. OF THE SESSION LAWS OF 1886, RELATING TO THE ERECTION AND REPAIRING OF BUILDINGS IN THE CITY OF HONOLULU WITHIN CERTAIN FIRE LIMITS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 6 of Chapter II. of the Session Laws of 1886, is hereby amended to read as follows:

“Section 6. All openings in party or rear walls, must be protected by iron or iron-covered shutters, to be approved by the Superintendent of Public Works; and all party and rear walls of any building, fifteen feet or more in height, shall be built up and extend at least thirty inches above every point where the roof meets the wall, and such wall shall be not less than twelve inches in thickness. Detached buildings, having a frontage on all sides, and constructed with the exterior entirely of fire-proof materials, need have no wall above the roof-line, but the walls will extend up behind the cornice to the planking of the roof.”

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

Approved this 7th day of September, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

C. N. SPENCER,

Minister of the Interior.

CHAPTER XLIII.

AN ACT

To PREVENT THE INFECTION OF CHOLERA IN THE HAWAIIAN ISLANDS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of Finance, upon being thereto requested by the Board of Health, shall order that all ports of entry in this Kingdom, except the Port of Honolulu, be closed, and shall publish notice of such closing of said ports by publication in newspapers published in Honolulu.

SECTION 2. From the time of making said order, no vessel arriving from foreign ports shall be allowed to enter any port in this Kingdom except the port of Honolulu unless driven into a port by stress of weather, nor shall such vessel under any circumstances be allowed to land any mails, cargo, passengers, officers or crew during the time while such order of the Minister of Finance is in force, except as provided in Section 3 of this Act.

SECTION 3. After any vessel from foreign ports shall have entered the port of Honolulu, the Board of Health may issue a permit to such vessel to proceed to and enter its port of destination, if such port be any other than that of Honolulu.

SECTION 4. The Minister of Finance when thereto advised

by the said Board of Health, may revoke such order and give notice of such revocation by like publication, and thereupon the ports of entry established in the Kingdom shall be reopened for the entry of vessels arriving from foreign ports.

SECTION 5. Any officer of any vessel arriving from foreign ports or any passenger thereon or any member of her crew who shall wilfully violate the prohibition established by the Minister of Finance under this Act shall be guilty of a misdemeanor, and upon conviction thereof in any Police or District Court shall be punished by imprisonment not less than six months nor more than two years and by fine of not less than one thousand nor more than ten thousand dollars.

SECTION 6. This Act shall go into effect immediately.

Approved this 27th day of September, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

CHAS. T. GULICK,

Minister of the Interior.

CHAPTER XLIV.

AN ACT

To DETERMINE THE STATUS OF THE LANDINGS OF THE KINGDOM
AND THE RIGHTS OF THE PUBLIC THEREIN.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of the Interior is hereby directed to prepare a schedule of all landings in the Kingdom, and to

ascertain the title of the Government to the same, and the easements and rights of way therein, vested in the public by reason of dedication, on the part of the owners of land upon which such landings are situated, or by reason of use on the part of the public.

SECTION 2. If, in any case, the owners of the land upon which the landing is situated shall deny the right of the public to use such landing, the said Minister shall cause full inquiry and investigation to be made into the subject, and if, after such investigation, he shall be of the opinion that the public is entitled to an easement in such landing he shall bring such matter before a Court of competent jurisdiction to settle such question.

The method of procedure to be pursued in settling any such question shall be the same as that prescribed in Chapter XVIII., of the Laws of 1890, for the quieting of titles, estates and interests in real property.

SECTION 3. As soon as the schedule of landings in which the rights of the public are not disputed is ready, the said Minister shall publish such schedule in the English and Hawaiian languages; and shall, from time to time, publish the names of the landings, easements in which shall have been determined by the Courts to be vested in the public.

SECTION 4. No person shall be prevented from using any landing belonging to the Government, or in which the public own an easement, or shall be obliged to pay anyone but the Government for the use of such landing. But in case it is necessary to use hoisting apparatus in order to utilize such landing, and freight shall be hoisted by private parties, nothing in this Act contained shall be construed to prevent such

person so hoisting such freight from making reasonable charge for such hoisting.

Approved this 7th day of October, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

CHAS. T. GULICK,

Minister of the Interior.

CHAPTER XLV.

AN ACT

To AMEND SECTION 1, OF CHAPTER LX. OF THE PENAL CODE,
RELATING TO CORONERS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1: That Section 1 of Chapter LX. of the Penal Code be amended so that it shall read as follows:

“Section 1. The Marshal, Deputies-Marshal, Sheriffs and Deputies-Sheriff, and in all other districts than Honolulu and Lahaina, the several District or Police Justices shall *ex officio* act as Coroners, without extra compensation.”

Approved this 7th day of October, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

CHAS. T. GULICK,

Minister of the Interior.

CHAPTER XLVI.

AN ACT

TO DEFINE THE DUTIES OF MINISTERS OF THE CROWN, AND OTHER OFFICERS OF THE HAWAIIAN GOVERNMENT, IN THE PURCHASE OF MANUFACTURED GOODS OR ARTICLES FOR THE USE OF THE HAWAIIAN GOVERNMENT.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. From and after the date of the passage of this Act, it shall be the duty of any Minister of the Crown, or other officer of the Hawaiian Government, requesting tenders for the supply, for the use of the Hawaiian Government, or of any branch thereof, of manufactured goods, or articles that can, or may be manufactured in the Hawaiian Kingdom, to decline to consider the tenders of foreign business firms, or their representatives, unless such tenders from such foreign business firms, or their representatives, be accompanied by a written statement, which shall be sworn to before a Notary Public, that not less than forty per cent. (40%) of the amount of such tenders will be spent in employing workmen in the Hawaiian Kingdom during the progress of the manufacture by such foreign business firms, or their representatives, of the aforesaid goods or articles.

SECTION 2. Any Minister of the Crown, or other officer of the Hawaiian Government, requesting tenders for the supply of manufactured goods or articles for the use of the Hawaiian Government, or of any branch thereof, may, provided that no tenders are received from manufacturing firms doing

business in the Hawaiian Kingdom, accept, free from the condition laid down in Section 1 of this Act, the tender or tenders of any foreign business firm, or its representative, that may submit to the Hawaiian Government, or to any branch thereof, such tender or tenders.

SECTION 3. Any Minister of the Crown, or other officer of the Hawaiian Government, or of any branch thereof, requesting and considering tenders from manufacturing or business firms for the supply of manufactured goods or articles for the use of the Hawaiian Government, or of any branch thereof, may give preference to the tender or tenders of business firms doing a manufacturing business in the Hawaiian Kingdom; provided that the difference in price, if any, existing between the tender or tenders of the favored home firm, and the tender or tenders of the favored foreign firm, or its representative, does not exceed fifteen per cent. (15%) in excess of the price of the favored foreign firm's product, delivered freight and charges paid, in Honolulu.

SECTION 4. All contracts for manufactured articles for the use of the Hawaiian Government, or any branch thereof, given out to business firms, doing a manufacturing business in the Hawaiian Kingdom, must contain an agreement between the parties thereto that the work therein contracted for is to be performed within the confines of the said Hawaiian Kingdom.

SECTION 5. This Act shall become a law from and after the date of its approval, and all laws or parts of laws, in contravention of the provisions hereof, are hereby repealed.

Approved this 15th day of October, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

CHAS. T. GULICK,

Minister of the Interior.

CHAPTER XLVII.

AN ACT

DEFINING HIGHWAYS, AND DEFINING AND ESTABLISHING CERTAIN
RIGHTS AND DUTIES IN CONNECTION THEREWITH.

*Be it Enacted by the Queen and the Legislature of the Hawaiian
Kingdom:*

THE HIGHWAYS ACT, 1892.

SECTION 1. This Act may be cited in all public proceedings as "The Highways Act, 1892."

DEFINITION OF PUBLIC HIGHWAY.

SECTION 2. All roads, alleys, streets, ways, lanes, courts, places, trails and bridges in the Hawaiian Islands, whether now or hereafter opened, laid out or built by the Government, or by private parties, and dedicated or abandoned to the public as a highway, are hereby declared to be public highways.

All public highways once established shall continue until abandoned by due process of law.

DEDICATION OF HIGHWAYS BY PRIVATE PERSONS.

SECTION 3. Any road, alley, street, way, lane, court, place, trail or bridge laid out, constructed, opened or maintained by individuals or corporations as a highway, may become a public highway by dedication or abandonment, or surrender thereof to general use by such individual or corporation;

provided that the same shall be accepted or adopted by the Minister of Interior.

DEDICATION OR ABANDONMENT.

SECTION 4. Dedication or abandonment of any highway, mentioned in Section 2 of this Act, may be by deed or by a surrender or abandonment; such surrender or abandonment shall be taken to be when no act of ownership by the owner thereof has been exercised within five years.

OWNERSHIP OF PUBLIC HIGHWAYS IN THE GOVERNMENT.

SECTION 5. The ownership of all public highways and the land, real estate and property of the same shall be in the Hawaiian Government in fee simple.

SUPERVISION OF HIGHWAYS IN MINISTER OF INTERIOR.

SECTION 6. All public highways are under the general supervision, charge and control of the Minister of Interior, and, except as otherwise provided by law, he is charged with the execution of all duties relative thereto, whether prescribed by this Act or otherwise.

IRRIGATION AND DRAINAGE DITCHES CROSSING HIGHWAYS TO BE BRIDGED BY OWNER.

SECTION 7. All persons or corporations excavating or making or maintaining irrigation or drainage ditches, or ways across public highways, are required to bridge such ditches at such crossing, and maintain the same in good repair; and in case of neglect, after notice so to do, the road authorities may construct the same, or repair the same, and recover the whole costs and expense of the same, of such person or corporation, in an action at law. Such action may be brought

in the name of the Minister of Interior, on behalf of the Hawaiian Government, and the respective road authorities, as the case may be, are authorized to institute such action.

RAILROADS, CANALS AND DITCHES CROSSING HIGHWAYS
TO BE KEPT IN ORDER BY THE GOVERNMENT.

SECTION 8. Whenever highways are laid out to cross railroads, canals or ditches the road authorities must, at public expense and without delay, so prepare and guard such road, canal or ditch that the public may cross the same without danger.

GATES IN PUBLIC HIGHWAYS.

SECTION 9. The Minister of Interior, in his discretion, may permit the establishment of gates on the public highways in certain cases to avoid the necessity of building road fences and prescribe rules and regulations for closing the same, provided that the expense for the erection and maintenance of such gates shall, in all cases, be borne by the party or parties for whose immediate benefit the same shall be ordered.

SIDEWALKS.

SECTION 10. Upon highways of twenty-five feet in width or over, adjoining owners may construct a sidewalk; such sidewalk shall not exceed six feet in width on highways less than forty feet wide. They must not exceed ten feet in width on all other highways, in all cases the construction and maintenance of sidewalks shall be subject to such regulations regarding grades, width, height, material and method of construction, as may be from time to time promulgated by the Minister of Interior, and the Minister of Interior may

permit, in his discretion, the construction of a sidewalk on highways of twenty-five feet or less in width.

OWNER OR ABUTTOR TO CONSTRUCT AT HIS EXPENSE.

SECTION 11. All sidewalks shall be constructed and maintained at the expense of the adjoining owner or abuttor subject to the provisions of Section 12 of this Act.

SIDEWALK CONSTRUCTION.

SECTION 12. After the establishment of the grades of streets in Honolulu, as by law prescribed, the said Minister may require the owners of the land adjoining any street, the grade of which has been established, to construct sidewalks in accordance with the grade of the street and to comply with the regulations regarding the material and construction of such sidewalks.

CONSTRUCTION BY OWNER.

SECTION 13. If any such owner, after receiving notice to construct a sidewalk, as provided in Section 12 hereof, shall neglect or refuse to comply with such direction for sixty days after notice, the Minister may proceed to construct such sidewalk at the expense of such owner, such expense shall be a lien on the property in front of which such sidewalk is constructed, and the Minister may recover the amount of such lien, and the expense and costs of the same, by action at law in assumpsit, or by any action allowed by law and equity, or that may be prescribed by statute.

TRESPASS OF SIDEWALKS.

SECTION 14. Any persons using a sidewalk constructed according to the provisions of this Act with mule, horse or

team, or who shall drive a wagon, bicycle or other wheeled vehicle on such sidewalk without permission of the owner, shall be liable to the owner or occupant in the sum of five dollars for each trespass, and for all damages suffered thereby, to be recovered by such owner or occupant in an action of trespass.

TREE PLANTING.

SECTION 15. Any owner or occupant of land adjoining a public highway may plant trees in and along the said highway on the side contiguous to his land ; they shall be set in regular rows, at a distance of at least twenty feet from each other, and so that they shall not interfere with the free passage of water in the gutters, and shall be subject to such regulations as may be, from time to time, made by the Minister of Interior.

TRESPASS TO TREES.

SECTION 16. Any person injuring the trees in front of the premises of any owner or occupant without permission of the owner or occupant shall be liable to the owner or occupant in the sum of five dollars for each tree so injured, to be recovered in an action of trespass ; provided, that this shall not apply to the trimming and removal of trees by authority of proper officers of the Government for public purposes and uses.

MALICIOUS INJURY TO TREES A MISDEMEANOR.

SECTION 17. Whoever digs up, cuts down, or otherwise maliciously injures or destroys any shade or ornamental trees on any public highway, unless the same is deemed an obstruction by the Minister of Interior, or those acting under

his authority, or by other persons by law duly authorized, shall be deemed guilty of a misdemeanor.

MAPS AND RECORDS OF HIGHWAYS.

SECTION 18. The Minister of Interior is authorized and directed to prepare maps and diagrams of all public highways of the Kingdom, and certify to them, and copies of them, and to furnish to the respective road authorities certified copies of the same relating to those portions of the country controlled by the respective road authorities of the Kingdom; and all such maps and certified copies, and all records of the road authorities shall constitute and be the public records of public highways.

The Chief Clerk of the Department of Interior is authorized to sign such certificates.

MEASURING DISTANCES—MILE STONES.

SECTION 19. The Minister of Interior is hereby directed to ascertain and define mileage distances upon the main Government roads. A suitable mark shall be placed at each mile indicating clearly the distance from the point of departure. If any of the road authorities deem it necessary or useful, they may also ascertain and maintain local mile marks; but in such cases the mark shall definitely name the local point of departure.

POINT OF DEPARTURE FOR MILEAGE.

SECTION 20. On the Island of Hawaii, the general point of departure for mileage shall be the Post Office in Hilo, and the Court House at Waimea. On Maui it shall be the Court House in Wailuku. On Molokai it shall be the Court House

at Pukoo. On Oahu it shall be Aliiolani Hale. On Kauai it shall be the Court House at Nawiliwili.

DIRECTION BOARDS—GUIDE POSTS.

SECTION 21. In addition to the distance measurements, to be ascertained and maintained as by this Act provided, the Minister of Interior, or respective road authorities, under direction of said Minister, are likewise charged with the duty of erecting and maintaining, at all important cross or branch roads on public highways, guide posts, direction boards, or signs with suitable inscriptions indicating the direction of the nearest important points or places to which such cross or branch roads or public highways respectively lead.

STREET NAMES.

SECTION 22. Upon the corners of all streets in Honolulu, Hilo, Wailuku and Lahaina, the street names shall be placed in conspicuous positions, at least $3\frac{1}{2}$ feet above the street grade.

SECTION 23. Whoever maliciously removes or injures any mile board or mile stone, or guide board or guide posts, or any inscription on such, erected on any public highway, shall be deemed guilty of a misdemeanor.

EXPENSES.

SECTION 24. All expenses incurred under or in consequence of the provisions of this Act, not otherwise herein provided for, shall be paid out of the road moneys of the respective districts.

VIOLATION OF REGULATIONS A MISDEMEANOR.

SECTION 25. Any person who shall violate any of the regulations or rules that may be promulgated by the Minister of Interior, under the provisions of this Act, shall be deemed guilty of a misdemeanor.

PENALTY FOR MISDEMEANOR.

SECTION 26. Any person convicted of a misdemeanor under the provisions of this Act shall be punished by a fine not exceeding one hundred dollars.

DISTRICT COURT JURISDICTION.

SECTION 27. The several District Justices of the Kingdom shall have jurisdiction to try and determine all misdemeanors arising under this Act, and all complaints for violation of any of the provisions of this Act, and to impose any of the penalties herein prescribed.

SECTION 28. This Act shall take effect from and after the date of its approval.

Approved this 15th day of October, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

CHAS. T. GULICK,

Minister of the Interior.

CHAPTER XLVIII.

AN ACT

To PROHIBIT INTRODUCING, KEEPING OR BREEDING MONGOOSE
ON THE HAWAIIAN ISLANDS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. From and after the passage of this Act it shall not be lawful for any person, corporation or association of persons to introduce, keep or breed any mongoose into or upon the Hawaiian Islands.

Any person, corporation or association of persons who shall violate the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Police or District Court shall be fined not less than two hundred and fifty nor more than one thousand dollars for each mongoose introduced, kept or bred contrary to the terms of this Section.

SECTION 2. For the purpose of exterminating the mongoose already upon the Island of Oahu, there shall be and hereby is set apart from any funds in the Treasury, not otherwise disposed of, the sum of one thousand dollars, which shall be expended by the Minister of the Interior in the payment of a bounty of not to exceed twenty-five cents for each mongoose on the Island of Oahu. The Minister of the Interior is hereby authorized to fix and from time to time change within the limit above set forth, the amount of such bounty per head, and shall make such rules for regulating the

payment of such bounty as in his discretion may seem necessary.

SECTION 3. It shall be lawful for any person to kill and exterminate mongoose on any Island of this Kingdom.

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

Approved this 15th day of October, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

CHAS. T. GULICK,

Minister of the Interior.

CHAPTER XLIX.

AN ACT

RELATING TO PILOTS AND PILOTAGE AT THE PORT OF HONOLULU.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of Finance, upon the nomination of the Collector-General of Customs, shall appoint and commission three pilots for the Port of Honolulu. Such pilots may be removed or suspended by the Collector-General with the approval of the Minister of Finance for misconduct, carelessness, or neglect of duty, or other satisfactory cause. The Collector-General may, with the approval of said Minister appoint deputies or substitutes of any such pilots in case of sickness or temporary absence.

SECTION 2. Each pilot before appointment shall be examined as to his fitness to act as pilot, and the Collector-Gene-

ral of Customs with the approval of the Minister of Finance shall make rules and regulations for such examination.

SECTION 3. The compensation of pilots for the Port of Honolulu shall be such as shall be fixed and appropriated by the Legislature.

SECTION 4. The fees and charges for pilotage of the Port of Honolulu shall be as follows: For coming into port and also going out—For all mail steamers of one thousand tons register or upwards, fifty dollars. For transient steamers of one thousand tons and upwards, seventy-five dollars. For all vessels of war, two dollars per foot on draught of water. For all sailing vessels under two hundred tons register, one dollar and a half per foot. All other vessels and steamers, five cents per ton. For anchoring vessels outside, twenty dollars; if brought into harbor this charge shall be reduced to ten dollars. For any detention on board a vessel for more than twenty-four hours the compensation shall be seven dollars per day. All receipts for fees and charges for pilotage at the Port of Honolulu shall be paid to the Collector-General of Customs for the use of the Hawaiian Government.

SECTION 5. All laws or parts of laws inconsistent herewith or opposed hereto, in so far as they are inconsistent are hereby repealed.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 15th day of October, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

CHAS. T. GULICK,

Minister of the Interior.

CHAPTER L.

AN ACT

To PROVIDE FOR THE PAYMENT OF SALARIES AND WAGES OF GOVERNMENT EMPLOYEES, AND FOR THE EXPENSES OF THE SUPREME AND CIRCUIT COURTS, UP TO AND INCLUDING THE 30TH DAY OF NOVEMBER, A. D. 1892.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of Finance is hereby authorized to continue to pay all salaries and wages of Government employees, and the expenses of the Supreme and Circuit Courts up to and including the 30th day of November, A. D. 1892, unless new appropriations are made before that time.

SECTION 2. This Act shall take effect immediately.

Approved this 10th day of November, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LI.

AN ACT

GIVING THE BOARD OF HEALTH THE DUTY OF EXECUTING THE LAW ENTITLED "AN ACT TO MITIGATE THE EVILS AND DISEASES ARISING FROM PROSTITUTION."

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. From and after the passage of this Act, the execution of the law entitled "An Act to mitigate the Evils and Diseases arising from Prostitution," shall devolve upon the Board of Health.

The said Board shall have full power and authority to enforce said law, and to make such rules and regulations, from time to time, as they shall deem best for the carrying out of the provisions of the law.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 17th day of November, A. D. 1892.

LILLIUKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LII.

AN ACT

TO RE-ESTABLISH THE COMMISSION FOR THE SETTLEMENT OF
BOUNDARIES.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. An Act entitled "An Act to Provide for the appointment of Boundary Commissioners," approved August 23d, 1862, as amended by an Act entitled "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 August 23d, 1862," approved June 22d, 1868, and extended to the 23d day of August, 1892, by an Act approved on the 7th day of August, 1888, is hereby re-enacted, and the term during which such Commissioners shall continue to act is hereby extended until the 23d day of August, 1894.

Approved this 17th day of November, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LIII.

AN ACT

TO ADMIT CERTAIN ARTICLES USED IN THE MANUFACTURE OF SOAP
FREE OF DUTY.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. For the purpose of encouraging the manufacture of all kinds of soap in the Hawaiian Kingdom, the following articles, Caustic Soda, Sal Soda, Oil of Sassafras, Palm Oil and Borax, when imported for use in the manufacture of Soap, shall be admitted free of duty, under such rules and regulations as may be issued by the Collector-General of Customs, approved by the Minister of Finance.

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

Approved this 17th day of November, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LIV.

AN ACT

RELATING TO MEDICAL TREATMENT OF LEPERS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom :

SECTION 1. The Board of Health is hereby authorized to permit any person to engage in the treatment of lepers or of persons supposed to have leprosy. Such permits shall be under such conditions and regulations as the Board shall prescribe, and be revocable at the pleasure of the Board.

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

Approved this 17th day of November, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN :

G. N. WILCOX,

Minister of the Interior.

CHAPTER LV.

AN ACT

TO PROVIDE FOR THE RE-REGISTERING OF BRANDS.

WHEREAS, the present Registry of Brands has become cumbersome; and many brands therein registered are not now in use, through the death or removal of the person registering the same, whereby such brands are prevented from being used by persons desirous of obtaining brands; therefore,

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. From and after the first day of July, 1893, all registrations of brands made and in force prior to September 1, 1892, shall be, and the same are hereby cancelled and made void; and from and after such first day of July, 1893, any person may appropriate and register any brand whatsoever, whether the same has been registered prior to September 1, 1892, or not, provided such brand has not been registered between September 1, 1892, and July 1, 1893, in the same manner as though such brand had never been registered.

SECTION 2. For the purpose of giving timely notice to all holders of registered brands, and in order that they may have an opportunity to re-register their brands between September 1, 1892, and July 1, 1893, the Minister of the Interior is hereby directed to publish continuously in not less than two

newspapers published in the English and Hawaiian languages, a notice essentially as follows:

"NOTICE TO OWNERS OF BRANDS.

"All brands must, by law, be re-registered prior to July 1, 1893, or they will be forfeited, and can thereafter be appropriated by any one.

"Registration on Oahu shall be made at the Interior Office.

"On the other Islands it shall be done at the office of the several Sheriffs.

.....
"Minister of the Interior."

Approved this 17th day of November, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LVI.

AN ACT

To BETTER DEFINE AND DECLARE THE PRACTICE, IN TRIALS BY JURY.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The jury shall in all cases be the exclusive judges of the facts in suits tried before them, and the Judge or Justice presiding at any jury trial (hereinafter named the Court), shall in no case comment upon the character, quality, strength, weakness or credibility of any evidence submitted,

or upon the character, attitude, appearance, motive or reliability of any witness sworn in a cause. Provided, however, that nothing herein shall be construed to prohibit the Court from charging the jury whether there is or is not evidence (indicating the evidence), tending to establish or to rebut any specific fact involved in the cause, nor shall it be construed to prohibit the setting aside of a verdict rendered by such jury, in a proper case, as being against the weight of evidence, and the granting of a new trial therein.

SECTION 2. Unless the parties to the cause on trial either in person, or through their attorneys, shall file therein their written consent that the Court may charge the jury orally, it shall be the duty of the Court, except as provided in the next succeeding Section, to reduce to writing and read its charge to the jury; and the manuscript of such charge, signed by the Court, shall be filed in the cause, and shall constitute a part of the record thereof. Whenever, and as often as the Court shall depart from such duty, either party to such suit shall be entitled, as a matter of right, to demand and have granted a new trial of such cause.

SECTION 3. In cases where an official stenographer is present, and taking notes of the trial proceedings, it shall not be necessary for the Court to reduce its charge to writing, but such charge may be orally given, and noted by such stenographer. It shall be the duty of the stenographer in such cases to transcribe his notes of such charge within one week thereafter, and to file the same, duly certified in said cause, and such transcript may thereafter be used and referred to in like manner as though the same had been written, charged and filed by the Court, as provided in the last preceding Section. Provided, however, that if the accuracy

of such transcript shall be disputed by either party, and a protest against the acceptance of the part or parts thereof which shall be claimed to be inaccurate shall be filed by such party, it shall be the duty of any Appellate Court before whom such cause shall come for review (unless the parties thereto shall by written stipulation compose such dispute), to first find and declare the true rendering of such part of the charge of the lower Court as shall be involved in such dispute and protest.

SECTION 4. It shall be the duty of the counsel for the respective parties to a cause, to furnish the Court with a written memorandum of their request for the charging of the jury upon the points of law involved therein, and it shall not be incumbent upon the Court, in cases where the parties are so represented by counsel, to charge the jury upon the law, unless thereto so requested in writing. But in case either party shall be unrepresented by counsel, the Court shall charge the jury on his behalf, and the Court may, of its own motion, charge the jury upon any point of law involved in the trial.

SECTION 5. Where requests for instructions are presented, as hereinbefore provided, an argument thereon may be made by the respective counsel, previous to the Court passing thereon. Whenever instructions are asked which the Court can not give, he shall, in the margin thereof, write the word "refused," and such instructions as the Court approves, he shall designate by writing in the margin the word "given." It shall also be competent for the Court to modify an instruction so requested, and to give it in its modified form, but in such manner that it shall distinctly appear what instruction was given, and what refused, in whole or in part.

All written requests for instructions shall be filed in the cause, and shall form a part of the record therein; and the Court shall in no case orally qualify, modify or explain the same to the jury.

SECTION 6. Upon the trial by jury of any civil case except in action for slander, libel, criminal conversation, seduction, malicious arrest, malicious prosecution and false imprisonment, the Court by the consent of parties, instead of directing the jury to give a general verdict, may direct the jury to answer any questions of fact stated to them by the Court for that purpose, and in such case the jury shall answer such questions, and shall not give any verdict, and on the finding of the jury on the questions which they answer, the Court shall enter the verdict, and the verdict so entered shall be as effectual, and shall be open to the same objections and modes of attack (if moved against), as if the same had been the verdict of the jury.

SECTION 7. In the challenging of jurors, the following order and sequence shall be observed, namely: the plaintiff, in civil actions, and the Crown in criminal cases, shall first challenge for cause, after which the defendant or defendants shall challenge for cause. After the challenges for cause, if any, shall have been determined, the Crown or plaintiff (as the case may be), and the defendant, shall alternately state their peremptory challenges, if any, the Crown or plaintiff beginning, and the defendant ending. In case there shall be two or more defendants in any criminal case, they shall not be obliged to join in any challenge, but they shall each be permitted to challenge, separately, as many jurors as the law shall allow to any separate or sole defendant under like circumstances. The order of precedence of their challenges,

if not agreed upon by them, shall be determined by the Court.

SECTION 8. At the close of the evidence (unless the Court shall direct a non-suit, or order a verdict for the defendant), the respective parties, or their counsel, shall be entitled to sum up the facts to the jury. In their addresses to the jury they shall be allowed ample scope and latitude for argument upon, and illustration of any and all facts involved in the cause, and of the evidence tending to either prove or disprove the same. They shall not be forbidden to argue the law of the case to the jury, but they shall not assume to instruct the jury upon the law, in such manner as to encroach upon the function of the Court to so instruct the jury.

SECTION 9. The Crown or plaintiff, as the case may be, shall be entitled to open the case to the jury and to present the proofs. If the defendant shall present any evidence, he, or his counsel, shall first, after the close of the evidence, address the jury upon the facts, after which the opposite side shall be entitled to the closing argument upon the facts.

SECTION 10. This Act shall take effect from and after the time of its approval, and all laws and parts of laws in conflict therewith are hereby repealed.

Approved this 25th day of November, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LVII.

AN ACT

To REORGANIZE THE JUDICIARY DEPARTMENT.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

GENERAL PROVISIONS.

SECTION 1. There shall be a Department of Government, to be styled the Judiciary Department, which shall be presided over by the Chief Justice, whose duty it shall be to make a report to the Legislature at each regular session thereof, of the business of the said Department, and of the administration of justice throughout the Kingdom.

SECTION 2. The said Department and the several Judges and other judicial officers thereof shall, in all respects, be independent of both the executive and legislative departments of Government. The Sovereign shall have no power to interfere with, alter or overrule any order, writ, judgment or decision of any Court, Judge or other judicial officer; provided however, that nothing herein contained shall be construed to prevent the Sovereign from granting reprieves and pardons, after conviction, for all offenses except in cases of impeachment.

SECTION 3. No Judge of the Supreme or any Circuit Court or any Magistrate shall exercise the profession or employment of counsel or attorney-at-law, or be engaged in the practice of law.

SECTION 4. All questions of law arising in any cause shall be decided by the Court or Judge before whom the matter is pending; and the instructions of such Court or Judge in relation to the law shall be binding upon the jury, if any be empanelled in the cause.

SECTION 5. The common law of England, as ascertained by English and American decisions, is hereby declared to be the common law of the Hawaiian Islands in all cases, except as otherwise expressly provided by the Hawaiian Constitution or laws, or fixed by Hawaiian judicial precedent, or established by Hawaiian national usage, provided however, that no person shall be subject to criminal proceedings except as provided by the Hawaiian laws.

SECTION 6. The several Courts of Record shall have power to decide for themselves the constitutionality and binding effect of any law, ordinance, order or decree, enacted or put forth by the Sovereign, the Legislature, the Cabinet, the Privy Council, or any executive board or bureau of the Government. The Supreme Court shall have the power to declare null and void any such law, ordinance, order or decree as may, upon mature deliberation, appear to it to be contrary to the constitution, or opposed to the law of Nations, or any existing treaty with a foreign power; provided, that such decision shall be rendered in open Court after the parties interested shall have had an opportunity to be heard thereon.

SECTION 7. The several Courts, in their decisions, shall have due regard to vested rights.

DISTRICT COURTS.

SECTION 8. There shall be appointed one or more District Magistrates for each Judicial District of the Kingdom. Such Magistrates shall be persons proficient in the Hawaiian lan-

guage, and shall be commissioned by the Chief Justice, or in his absence or disability, by any Justice of the Supreme Court upon the written nomination of the Cabinet or of a majority of the members thereof; provided, that a majority of the Justices of the Supreme Court shall have first endorsed upon the paper containing such written nomination, their approval of the appointment of the person so nominated. Every such Magistrate shall reside in the Judicial District for which he is commissioned.

SECTION 9. The District Magistrates shall hold office for the term of two years from the date of their respective commissions; provided, however, that any District Magistrate may be removed from office for cause by the Supreme Court or by the Circuit Judge of the Judicial Circuit in which the district of the Magistrate complained of is situated.

SECTION 10. The District Courts shall have original and exclusive jurisdiction of all civil actions, except as hereinafter otherwise provided, where the debt, amount or damages, or the value of the property claimed, shall not exceed fifty dollars; and concurrent jurisdiction in all civil actions, except as aforesaid, where the debt, amount or damages, or the value of the property claimed, shall not exceed three hundred dollars, and shall have original jurisdiction in all statutory proceedings as conferred by law upon Police and District Courts or which may hereafter be placed by law within the jurisdiction of District Courts, and to try and determine the same, subject to appeal according to law; provided, however, that such courts shall not have cognizance of real actions, nor actions in which the title to real estate shall come in question, nor actions for libel, slander, defamation of character, malicious prosecution, false imprisonment, breach

of promise of marriage, or seduction, nor of any civil matter required by law to be tried by a jury; nor shall they have power to appoint referees in any cause.

SECTION 11. The District Courts shall have exclusive original jurisdiction within their respective districts over all criminal offenses which are within the jurisdiction of Police and District Courts according to law or which may hereafter be placed by law within the jurisdiction of District Courts. And they shall have power, subject to appeal according to law, to try without a jury, and to render judgment in all cases of criminal offenses coming within their respective jurisdictions, provided, however, that any person arrested upon a charge of having committed an offense in a district other than that in which he was arrested, may elect upon the consent of a duly authorized prosecuting officer, to be tried therefor in the district where he was arrested. Their criminal jurisdiction shall be co-extensive with the Judicial Circuit in which their respective districts are situated for the purpose of the arrest, examination, commitment and enlargement of parties accused, the issue of search warrants according to law, and to compel the attendance of witnesses.

SECTION 12. The District Magistrates shall have power to administer oaths, to perpetuate testimony under commissions issued to them from other Courts, and to issue commissions for the perpetuation of testimony to be used in controversies pending before them, to grant continuances of proceedings before them, to subpoena and compel the attendance of witnesses within their respective districts, to enforce judgment and to punish contempts according to law.

SECTION 13. The District Magistrates shall in all cases preserve in written detail the minutes and proceedings of

their trials, transactions and judgments, with the substance of the testimony and the facts upon which their decisions rest.

SECTION 14. The original writ in all civil actions begun before a District Court, shall be a summons, a writ of replevin, a *capias* or an attachment, and shall be signed by the Magistrate of such Court, and shall contain a notification to the defendant that if he fails to attend at the time and place of trial designated in the writ, judgment will be rendered upon default according to the evidence taken *ex parte*. All original writs shall be returnable not less than one nor more than six days from the date of issue.

SECTION 15. Such Magistrate shall issue an attachment against the personal property of the defendant when requested in any action founded on a judgment or on a contract, express or implied, if the plaintiff, or some one on his behalf, shall make and file in such Court an affidavit specifying, as near as may be, the amount due the plaintiff from the defendant, exclusive of all set-offs and counter claims, and containing a further statement either that the deponent knows, or has good reason to believe.

First: That the defendant contracted the debt sued upon in a fraudulent and deceitful manner, or upon false and unfounded pretences; or

Second: That the defendant has assigned, disposed of, or concealed, or is about to assign, dispose of or conceal his property, with the intent to defraud his creditors; or

Third: That the defendant is about to remove any of his property from the Island wherein such application is made, with the like intent, and that he refuses and neglects to pay or secure the payment of the debt; or

Fourth: That the defendant has absconded to the injury of his creditors; or is not a resident of this Kingdom; or has not resided therein for one month immediately preceding such application;

Provided, that it shall not be lawful for such Magistrate to issue an attachment until the applicant shall have deposited with him a bond in a penal sum of not less than fifty nor more than five hundred dollars, with one or more sufficient sureties, to be approved by such Magistrate, conditioned for the payment of all the costs of the proceeding, and of all damages sustained by the defendant by reason of the attachment, in case the plaintiff shall not sustain his suit, or in case the attachment shall be dissolved, by competent authority, before final judgment in such suit. Such attachment may be in the following form:

To any Constable of the District of Island of H. I.

You are hereby commanded to attach and safely keep the property of if any can be found within this District, subject to the order of this Court, (or other Court as the case may be) at the sworn information and suit of plaintiff, to answer to a debt, (or obligation as the case may be) alleged to be due him from the said and having so attached, you are further commanded to summon the said if he can be found in this District, to appear and answer the complaint and demand of the said plaintiff before me at on the day of A. D., (or before another Court as the case may be, stating the time,) and then and there show cause, if any he has, why judgment should not be rendered against him, and the prop-

erty attached subject to execution, levy and sale for the payment of the said demand, interests and costs.

Notify the said that upon default to attend at the time and place above mentioned, judgment will be rendered against him *ex parte* by default.

Given under my hand this . . . day of . . . A. D.

.....
District Magistrate of

SECTION 16. Such attachment shall be dissolved by the Magistrate issuing the same in case the applicant fail to establish his claim on appearance and contest of the merits by the defendant, or if, having appeared in the cause, the defendant, upon motion to dissolve such attachment, shall prove to the satisfaction of the Court that the alleged special facts upon which such attachment was issued did not, at the date of such issue, exist, but in case the defendant make default, or appearing, the plaintiff substantiate his demand, the property attached shall be liable to execution at his instance, and shall be levied on, advertised and sold as in other cases, subject to the right of appeal, and the right of property in third persons.

SECTION 17. Every attachment issued as aforesaid shall be imposed by placing the property in security, without removing the same from the defendant's premises, except for greater safety, at the option of the officer executing the writ. The officer so attaching shall take an inventory thereof, and append a copy of the same to his return of the attachment. He shall also furnish a copy of the inventory to the defendant, and shall post in three conspicuous places in the district a notice as follows :

By virtue of a writ from.....District Magistrate of.....returnable at.....on the.....day of.....A. D....., at the suit of.....for.....dollars, I have attached, subject to a demand to be proved, the following articles of property, to wit:

.....
All persons having rights in said property are hereby notified to prove their claims on or before the return day above named.

Dated the.....day of.....A. D.....

SECTION 18. Upon complaint made to any District Magistrate of the commission of any offense within the jurisdiction of such Magistrate to hear and determine, he shall examine the complainant on oath, shall reduce the substance of the complaint to writing, and cause the same to be subscribed by the complainant, and, if it shall appear that such offense has been committed, the said Magistrate shall issue his warrant, reciting such complaint, and requiring the Marshal, or other officer to whom it is directed (except as provided in the next succeeding Section), forthwith to arrest the accused and bring him before such Magistrate to be dealt with according to law; and in the same warrant may require the officer to summon such witnesses as shall be named therein to appear and give evidence at the trial. Such warrant may be in the following form:

To any Constable of the District of.....
Island of.....H. I.

You are hereby commanded, on the information of.....
....., verified by oath, forthwith to arrest and

take the body of , accused of , if he can be found, and forthwith have his body before me at the District Court room of the said District, at any time between the hours of A. M. and P. M. of the day of A. D. (to answer to the said accusation, or to show cause why he should not be committed for trial at the Circuit Court of the Judicial Circuit.) And you are also commanded, having arrested the said , to summon as witnesses of accusation , if they can be found, and to make due return of your proceedings upon this writ.

Given under my hand this day of A. D. . .

.....
District Magistrate of

SECTION 19. Where, from such complaint, it shall appear to such Magistrate that the offense charged therein is not of a serious nature, or not one for which a severe penalty should be imposed, and where the person complained against is so situated as to raise no presumption of his attempting to elude justice in the premises, such Magistrate may, in his discretion, (unless the complainant shall in writing request the immediate arrest of such alleged offender), issue his summons, wherein shall be recited the substance of such complaint, commanding such alleged offender to appear before him upon a time to be therein stated, not less than twenty-four hours from the time of service of summons, and then and there to answer such charge. Such summons shall contain a warning to the person summoned that failure to obey the same will render him liable to attachment for contempt.

SECTION 20. Such summons shall be served by handing

the accused a copy thereof, and showing him the original or, if he cannot be found, by leaving such copy, during business hours, at his usual place of business or employment or by leaving such copy at his place of residence, at any reasonable hour, in charge of some person of discretion. Should the alleged offender fail to appear at the prescribed time and place, after having been so summoned, he may be attached for contempt, and dealt with accordingly.

SECTION 21. Such Magistrate may, for any cause which shall appear to him to be sufficient, at any time after the issue of such summons, and by virtue of the complaint therein contained and recited, issue his warrant for the immediate arrest, upon such charge, of the person so summoned.

SECTION 22. In all cases of arrest for crimes, or misdemeanors cognizable before a jury, the Magistrate in whose jurisdiction or on whose warrant the accused was arrested, shall upon the appearance of the accused proceed to consider whether there is probable cause to believe that a jury would upon the evidence adduced, convict the accused of the offense with which he is charged; he shall reduce to writing the substance of the evidence adduced, with the names of the witnesses, and if in his opinion the testimony do not warrant commitment for trial, he shall release the prisoner, noting that fact upon his docket; but if in his opinion there is probable cause to believe that conviction would take place before a jury, he shall make out and deliver to a constable a mittimus, which may be in the following form:

To..... or any other constable of the District of..... Island of..... H. I.;

It appearing to my satisfaction that there is reason to believe that..... who was arrested for.....

on the information of (or otherwise as the case may be) would be convicted upon indictment for the said offense :

You are commanded to deliver him, the said to the Sheriff of the Island of or his deputy, who is hereby authorized to commit him to the jail of the said Island for trial at the Circuit Court of the Judicial Circuit, and have you then there this writ with full return of your proceedings thereon.

Given under my hand this . . . day of . . . A. D.

.....
District Magistrate of

In case of such commitment for trial the committing Magistrate shall forward without delay to the Attorney General a transcript of the evidence upon which the commitment is founded.

SECTION 23. Any person indebted to another, or liable to another in law for money to an amount not exceeding five hundred dollars, may with, or without suit first instituted against him, appear in person or by duly empowered attorney, before a District Magistrate and there confess judgment against himself and his property for such sum with costs. And the Magistrate shall, in every such case, enter up judgment in the same manner as if he had rendered the same upon default, or upon evidence of indebtedness, and issue execution thereon in like manner and with the like effect; provided that no such judgment confessed without suit shall have the effect in law to cover or conceal the property of a debtor, nor take precedence of other judgments subsequently rendered, if it appear that the same was collusively or fraudulently confessed, or confessed without legal consideration,

or with the view of giving fraudulent and undeserved precedence to one creditor over another.

SECTION 24. Any judgment rendered in a District Court shall be a lien upon real property when a transcript thereof, certified by the Magistrate of such Court, shall have been docketed in the office of the Clerk of the Circuit Court of the Judicial Circuit in which such District Court is situated. Such judgment docket shall be recorded in the Registry of Deeds in a book specially kept for that purpose, within fifteen days after such docketing, otherwise such lien shall be void.

SECTION 25. The District Magistrate shall be liable to writs of error, *mandamus*, prohibition, injunction and *certiorari*, according to law.

SECTION 26. In case of the temporary disqualification of any District Magistrate from any cause, some other person may be appointed by the Circuit Judge of the Circuit in which such Magistrate is located, to perform the duties of the office for the time being.

SECTION 27. It shall be the duty of each District Magistrate, during the first month of each quarter of the year, to report to the Judge of the Circuit Court of the Circuit in which such District Magistrate is located, the amount and kind of official business done by him during the preceding quarter—the number of persons prosecuted, the crimes and misdemeanors for which such prosecutions were had, and the results thereof, and the punishments awarded against any person convicted thereon, as well as the number, kind and results of civil proceedings had before him, and the names of the parties thereto.

SECTION 28. The District Magistrates shall be paid for

their services such salary as the Legislature shall appropriate for them respectively.

CIRCUIT COURTS.

SECTION 29. The Hawaiian Islands are divided into five Judicial Circuits, as follows:

The First Judicial Circuit is the Island of Oahu and all other Islands belonging to the Hawaiian Kingdom not hereinafter mentioned:

The Second Judicial Circuit includes the Islands of Maui, Molokai, Lanai, Kahoolawe and Molokini;

The Third Judicial Circuit includes the Districts of Kohala, Kona and Kau, of the Island of Hawaii;

The Fourth Judicial Circuit includes the Districts of Hamakua, Hilo and Puna, of the Island of Hawaii;

The Fifth Judicial Circuit includes the Islands of Kauai and Niihau.

SECTION 30. There shall be established in each of the Judicial Circuits of the Hawaiian Islands, a Court with the powers and under the conditions hereinafter set forth, which shall be styled the Circuit Court of such Circuit—(as for instance, The Circuit Court of the Third Circuit.)

The Circuit Court of the First Circuit shall consist of two Judges, who shall be styled First and Second Judges respectively of the Circuit Court of the First Circuit, either of whom may hold the Court.

The Circuit Courts of the Second, Third, Fourth and Fifth Circuits shall consist, each, of one Judge, who shall be styled Judge of the Circuit Court of the Circuit in which he is located—(as for instance, Judge of the Circuit Court of the Third Circuit.)

Every Judge of a Circuit Court shall reside in the Circuit for which he is appointed.

SECTION 31. The terms of the respective Circuit Courts shall be held as follows:

In the First Circuit, at Honolulu, on the first Mondays of February, May, August and November;

In the Second Circuit, at Wailuku, on the Island of Maui, on the first Wednesday of June, and at Lahaina on the first Wednesday of December;

In the Third Circuit, at Waiohinu, in the District of Kau, on the first Wednesday of April, and in the District of North Kohala on the first Wednesday of October;

In the Fourth Circuit, at the town of Hilo, in the District of Hilo, on the first Wednesday of January, and at Honokaa, in the District of Hamakua, on the first Wednesday of July;

In the Fifth Circuit, at Lihue, on the Island of Kauai, on the first Wednesdays of March and September.

SECTION 32. Any Circuit Judge may, with the written approval of the Chief Justice, appoint special terms of his Court, at other times, whenever he shall deem it essential to the promotion of justice.

SECTION 33. The terms of the Circuit Courts may be continued and held from the opening thereof, respectively, until and including the twenty-fourth day thereafter, Sundays and legal holidays excepted.

SECTION 34. The Judges of the Circuit Courts shall hold office for six years from the date of their appointment, subject to removal upon impeachment and as provided by the Constitution for the removal of Justices of the Supreme Court, and shall at stated times receive for their services a

compensation which shall not be diminished during their continuance in office.

SECTION 35. Judges of the Circuit Courts shall be entitled to receive yearly salaries at the following rates, payable monthly from the Treasury, namely: The Judges of the Circuit Court of the First Circuit, four thousand dollars each; the Judges of the Second and Fifth Circuits, two thousand five hundred dollars each; the Judge of the Third and Fourth Circuit Courts, three thousand dollars.

SECTION 36. The several Circuit Courts shall have jurisdiction, but subject to appeal and exceptions to the Supreme Court, according to law, as follows:

First: Of all offenses and crimes cognizable under the authority of the Hawaiian laws, committed within their respective Circuits or transferred to them for trial by change of venue from some other Circuit Court, or committed on the high seas;

Second: Of all suits for penalties and forfeitures incurred under the Hawaiian laws;

Third: Of causes, civil or criminal, which may properly come before them on appeal from any other Court according to law;

Fourth: Of all civil causes at law, except as otherwise expressly provided;

Fifth: Of all suits or proceedings against Ambassadors or other Public Ministers, their attaches or servants as far as any Court can have consistently with the Law of Nations and the Hawaiian Treaties, and such jurisdiction shall be exclusive;

Sixth: Of all suits brought by Ambassadors and other

Public Ministers, or in which a Consul or Vice Consul is a party;

Seventh: Of all actions against the Hawaiian Government and such jurisdiction shall be exclusive;

Eighth: Of all proceedings for divorce, separation or annulment of marriage, which shall be tried by the presiding Justice without the intervention of a jury;

Ninth: Any Circuit Court may, upon satisfactory proof that a fair and impartial trial cannot be had in any case pending in such Court, and after the parties thereto shall have had opportunity to be heard, change the venue to some other Circuit Court and order the record to be transferred thereto; provided, however, that any Circuit Court may in its discretion, upon the consent of all the parties to any civil cause pending in such Court, change the venue to some other Circuit Court and order the record to be transferred thereto.

CIRCUIT JUDGES IN CHAMBERS.

SECTION 37. The Judges of the several Circuit Courts shall have power in Chambers within their respective jurisdictions, but subject to appeal to the Circuit and Supreme Courts according to law, as follows:

First: To hear and determine all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a remedy at law, where such remedy exists;

Second: To hear and determine all matters in Equity;

Third: To hear and determine all matters in bankruptcy;

Fourth: To grant probate of wills, to appoint administrators and guardians, and to compel executors, administrators and guardians to perform their respective trusts and to

account in all respects for the discharge of their official duties; to remove any executor, administrator, or guardian; to determine the heirs at law of deceased persons and to decree the distribution of intestate estates;

Fifth: To admeasure dower and partition real estate; when the dower in real estate cannot be set apart without great injury to the owners, the Judge may ascertain the value of such dower in money, and order the same to be paid on such terms as shall be just and reasonable; when the partition of real estate cannot be made without great prejudice to the parties, the Judge may order a sale of the premises and divide the proceeds;

Sixth: To legalize the adoption of children and to decree the affiliation of bastards;

Seventh: To select and impanel,—subject to challenge for cause by either party, a special jury of inquiry of idiocy, lunacy, or *de ventre inspiciendo*, or in any other matter to be tried before any of said Judges in Chambers, and they shall receive and act upon the verdict of such jury as equity and good conscience require;

Eighth: To issue writs of *habeas corpus* according to law;

Ninth: To issue writs of error, *certiorari*, *mandamus ne exeat regno*, prohibition and *quo warranto*, and all other writs and processes, to Courts of inferior jurisdiction, to corporations and individuals, that shall be necessary to the furtherance of justice and the regular execution of the laws;

Tenth: To enlarge on bail persons rightfully confined in all bailable cases;

Eleventh: To require either the plaintiff or defendant, upon the application of the opposite party, to give security

for costs in any civil cause, upon such terms and conditions as the Judge shall deem just;

Twelfth: To issue warrants for the apprehension, in any part of the Kingdom, of any person accused under oath of a crime or misdemeanor committed within his jurisdiction and to examine and commit such person to prison according to law, for trial.

SECTION 38. Provided, however, that the powers and jurisdiction of Circuit Courts and of Circuit Judges in Chambers, relating to causes of a civil nature as hereinbefore defined, shall be limited, as follows:

First: Causes described in the second division of Section 36 shall be triable only in the Circuit where it is alleged the penalty or forfeiture was incurred;

Second: Causes of divorce, separation, or nullity of marriage, which shall be triable only in the Circuit where the parties last lived together as man and wife;

Third: Causes of bankruptcy, which shall be heard only in the Circuit where the alleged bankrupt has had his business headquarters, or in the First Circuit;

Fourth: Proceedings for the probate of wills and for the appointment of administrators and trustees of the estates of deceased persons, for the admeasurement of dower and for all matters relating to the administration and settlement of estates of deceased persons, which shall be brought only in the Circuit where the deceased had his last residence, or in the First Circuit;

Fifth: Proceedings for the appointment of guardians and for all matters concerning the relation of guardian and ward, which shall be brought in the circuit where the person or a

majority of the persons reside, in behalf of whom such proceedings are begun;

Sixth: Proceedings for the partition of real estate, which shall be brought only in the Circuit where the real estate, partition of which is prayed for, is situated, or in the First Circuit;

Seventh: The power of legalizing the adoption of children, and decreeing the affiliation of bastards, shall be in the Judge of the Circuit where the parents of the child in question reside;

Eighth: The power of issuing writs as provided in the ninth division of Section 37, shall be in the Judge of the Circuit in which the alleged occasion for relief by any such writ, shall arise. Provided, however, that in case any such writ shall be necessary in the prosecution or furtherance of any cause or proceeding already begun or pending before any Circuit Court or Judge, the power of issuing such writ shall be in the Court or Judge before whom such cause or proceeding has been begun or is pending, even though the alleged occasion for relief shall have arisen in another Circuit.

SECTION 39. The Circuit Court of the First Circuit shall have jurisdiction of all civil causes according to Section 36, provided, however, that all such causes as may be brought before it, which do not belong to its jurisdiction according to the requirements of Section 38, may only be in order for hearing after the plaintiff or plaintiffs shall have executed and filed a bond in such Court in favor of the defendant or defendants, approved as to amount and surety by one of the Judges of such Court, conditioned for the payment to the defendant or defendants of his or their expenses to be incurred by reason of the trial of such cause at such Court, instead of

at the Court before which it would otherwise be triable under the provisions of Section 38; and such claim for expenses shall in no wise be affected by the results of the trial, but may be charged against the plaintiff or plaintiffs in the settlement of the costs of the proceedings; the presiding Justice shall tax the costs in such claim for expenses in his discretion, but may not allow the expenses or fees of any witness who has not been regularly subpoenaed, or who, having been subpoenaed, has not testified at the trial to matters relevant to the issue.

SECTION 40. Matters in the jurisdiction of Judges of the Circuit Courts in Chambers, as set forth in Section 37, shall be determined by the Judge having jurisdiction thereof, without the intervention of a jury, except as provided in the seventh division of said Section 37.

SECTION 41. A majority of the Circuit Judges shall have power from time to time to make rules for regulating the practice and conducting the business of the Circuit Courts in all matters not expressly provided by law, and thereafter to revise such rules at their discretion, but in no case shall have power to impose costs not expressly authorized by statute.

SECTION 42. The several Circuit Courts shall have power to compel the attendance of parties and witnesses from any part of the Kingdom, to compel the production of books, papers and accounts, to make and award all such judgments, decrees, orders and mandates, to issue all such executions and other processes, and to do all such other acts, and to take all other steps necessary to carry into full effect all the powers which are or may be given to them by the laws of the Kingdom, or which may be necessary for the promotion of justice in matters pending before them.

SECTION 43. The several Circuit Judges shall have power to administer oaths, and to compel the attendance of parties and witnesses from any part of the Kingdom, and the production of books, papers and accounts, to make and award all such judgments, decrees, orders and mandates, to issue all such executions and other processes, and to take all other steps necessary for the promotion of justice in matters pending before them in Chambers, and to take all other steps necessary to carry into full effect all the powers which are or may be given them by the laws of the Kingdom, in like manner as the Circuit Courts may do in term time.

SECTION 44. Whenever a cause shall be at issue in a Circuit Court, and it shall appear that the trial of the same will require the examination of a long or complicated account on either side, such Court may, upon the application of either party, or without such application, order such cause to be referred to three impartial and competent persons. Each party shall have the right to name one of the referees, and the Court shall appoint the third, and in case either party shall fail to nominate, the Court shall do so for him.

SECTION 45. If any Circuit Judge, other than the Circuit Judges of the First Circuit, shall be disqualified from sitting in any cause pending before his Court, or before him in Chambers, or shall be unable to attend the trial of such cause, or of any term of his Court, from sickness, accident, absence or other reason, the Circuit Judge of some other Circuit who shall be thereto authorized by the written request of the Chief Justice, may preside at the trial of such cause, or at such term of the said Court.

SECTION 46. If the Judge of any Circuit Court, or any other Circuit Judge, authorized to preside at such Court as

hereinbefore provided, shall fail to attend such Circuit Court at the time at which it is appointed to be held, the Sheriff, or some Deputy Sheriff, shall open the court and adjourn the same, from time to time, until the attendance of one of the said Circuit Judges, or until the time for holding such Circuit Court has expired; but no such adjournment shall be for a longer period than three days, unless there shall be on file with the Clerk at the time of such adjournment a written order by the Judge of such Court fixing the day to which the Court shall stand adjourned.

SECTION 47. All defendants in criminal cases bound to appear at any Circuit Court which shall have failed to hold its term under the provisions of the last preceding Section shall be bound to appear at the next term of said Court.

SECTION 48. It shall be the duty of the First Judge of the First Circuit, and of the several Judges of the other Circuits, during the month of January of each year, to report to the Chief Justice the amount and kind of official business done in their Courts, and by them in Chambers, respectively, and by the inferior Courts of their respective Circuits, during the preceding year, the number of persons prosecuted, the crimes and misdemeanors for which such prosecutions were had, and the results thereof, and the punishments awarded any person convicted thereon, as well as the number, kind and results of civil proceedings had in their respective Circuits, and the names of the parties thereto.

THE SUPREME COURT.

SECTION 49. The Supreme Court shall consist of a Chief Justice and two Associate Justices; provided, however, that the existing Justices of the Supreme Court shall exercise their functions as Justices of the Supreme Court under the

provisions of this Act according to their constitutional tenure of office.

SECTION 50. The Supreme Court shall have the general superintendence of all Courts of inferior jurisdiction, to prevent and correct errors and abuses therein where no other remedy is expressly provided by law.

SECTION 51. The Supreme Court shall have appellate jurisdiction to hear and determine all questions of law, or of mixed law and fact, which shall be properly brought before it on exceptions, error or appeal duly perfected from any other Court, Judge, Magistrate or Tribunal, according to law, or by reservation of any Circuit Court or Judge; and original jurisdiction in all questions arising under writs of error, *certiorari*, *mandamus*, prohibition and injunction directed to Circuit Courts, or to Circuit Judges, or to Magistrates, or other judicial Tribunals, and returnable before the Supreme Court. The Supreme Court and the several Justices thereof in aid of the appellate jurisdiction of the Court shall have power to issue writs of *mandamus*, *certiorari*, prohibition and *habeas corpus*, and all other writs necessary or proper to the complete exercise of the appellate jurisdiction of the Court, and each of the Justices shall have original jurisdiction and power to issue writs of *habeas corpus* and may make such writs returnable before himself or the Supreme Court or before any Circuit Court or any Judge thereof.

SECTION 52. The Supreme Court shall have power to compel the attendance of witnesses and the production of books, papers and accounts; to make and award all such judgments, decrees, orders and mandates; to issue all such executions and other processes, and to do all such other acts and take such other steps as may be necessary to carry into

full effect the powers which are or shall be given to it by the Constitution and laws, or for the promotion of justice in matters pending before it.

SECTION 53. The several Justices of the Supreme Court shall have the power to administer oaths, to issue writs of error to any inferior Court of Justice according to law, to issue writs of *certiorari* and *mandamus* to Circuit Courts and Circuit Judges, and to issue writs of prohibition and injunction to Circuit Courts and Circuit Judges and to parties litigant before such Circuit Courts and Circuit Judges; all of which writs shall be returnable before the Supreme Court.

SECTION 54. The Supreme Court shall hold four terms in each year, beginning on the third Mondays of March, June, September and December; it may, however, hold special terms at other times whenever it shall be necessary to the promotion of justice; provided that it shall be deemed to be continuously in session, except on Sundays and legal holidays, for the issue and return of such writs and the hearing thereof, as are mentioned in Section 53; and such writs, should necessity require, may be issued on a Sunday or legal holiday.

SECTION 55. The terms of the Supreme Court shall be held in Honolulu, Island of Oahu; provided that the Chief Justice may, in case of war, pestilence or other public calamity, or the danger thereof, appoint a different place for the sitting of the Court, *pro tempore*. The terms of the Supreme Court may be continued and held from the opening thereof, respectively, until and including the eighteenth day thereafter, Sundays and legal holidays excepted.

SECTION 56. Parties to causes pending before the Supreme Court shall be entitled to hearing before all of the Justices thereof, and may not be compelled to go to trial before less

than the full number thereof; provided, however, that if any Justice of the Supreme Court shall be disqualified from sitting in any cause pending before the Supreme Court, or shall be unable to attend from sickness, accident, absence, or any other reason, his place for the trial and determination of such cause, shall be filled by one of the Circuit Judges who has had no connection with the said cause, either as counsel or in his official capacity, or by any competent and disinterested member of the Bar of the Supreme Court thereunto authorized by the written request of the remaining Justices. Any decision, judgment, order of the Supreme Court, decree made, or process issued by such Court so constituted, shall have the same force and effect as if it was made or issued by the Supreme Court sitting in full bench; but further provided, that in no case shall two such vacancies in the Supreme Court be filled, as aforesaid, at one and the same time.

SECTION 57. Upon all questions arising under the exercise of the jurisdiction of the Supreme Court, when argument of counsel may be desired or intended by the parties, or may be requested by the Court, the Court may order such argument to be had at any of the said terms. And after the argument of any cause, or when the same is submitted on briefs, if the Court is of opinion that a certain point or legal proposition is involved which is material to the decision of the case and which has not been raised or argued by counsel on either side, the case shall not be decided on such point or proposition until counsel for both sides have had an opportunity of arguing the same before the Court.

SECTION 58. The Supreme Court may, from time to time, make rules consistent with existing laws for regulating the practice and conducting the business of said Court, and

thereafter revise the said rules at its discretion; but in no case shall have power to impose costs not expressly authorized by law.

CLERKS OF THE JUDICIARY DEPARTMENT.

SECTION 59. There shall be a Clerk of the Judiciary Department and as many Deputy Clerks as the business of the Department shall require, whose salaries shall be fixed by the Legislature. The Clerk of the Judiciary Department shall be appointed by the Justices of the Supreme Court, and shall be *ex officio* Clerk of all the Courts of Record of the Kingdom, and as such may issue process returnable in all such Courts. He shall have supervision and direction of the Deputy Clerks, but shall not be held responsible for their acts or omissions. He shall have charge of the records, moneys and business in the central office, in Honolulu, and shall supervise and direct the mode of keeping accounts and records.

There shall be two or more Deputy Clerks appointed for the First Circuit by the Circuit Judges thereof and the Justices of the Supreme Court, who shall be Clerks of the Supreme Court and of the Circuit Court of the First Circuit. There shall also be one Deputy Clerk appointed for each of the other Circuit Courts by the respective Circuit Judges thereof. All Clerks shall be liable to removal for inefficiency or misconduct by the Justices of the Supreme Court; and the Deputy Clerks appointed to the Circuit Courts shall also be liable to removal by the respective Judges of such Courts.

SECTION 60. The Clerk and each of the Deputy Clerks shall give a bond to the Minister of Finance for the faithful performance of his official duties; the amount and sufficiency of which shall be approved by the Chief Justice. The

Clerk shall have supervision and direction of the Deputy Clerks, but shall not be held responsible for their acts or omissions.

SECTION 61. The Clerk shall have charge of the records and business in the Honolulu office, one Deputy Clerk shall be assigned to each Circuit Judge of the First Circuit, and there shall be one or more Deputy Clerks assigned to each of the other Circuit Courts. The Clerk may temporarily assign to any Deputy Clerk, with the consent of the Circuit Judge of the Circuit to which such Deputy Clerk is permanently assigned, any clerical duties in any other Circuit than the one in which he is located.

SECTION 62. The Clerks of the Courts of Record of the Kingdom shall have power to issue process, administer oaths, take depositions, tax costs and perform all other duties pertaining to their office; they shall also be, *ex officio*, Masters in Chancery. A Clerk shall attend and record the proceedings at all sittings of Courts of Record, and in proceedings before a Circuit Judge in Chambers shall if there is no official reporter in attendance, record the oral evidence adduced when so required by the Judge.

SECTION 63. The several Clerks of the Judiciary department shall have the custody of all records, books, papers, money and other things pertaining to the Courts where they are assigned for duty. The records of the Supreme Court and the Circuit Court of the First Circuit shall be kept at the Honolulu office; the records of the other Courts shall be kept at such places as the Judges of those Courts shall direct.

SECTION 64. The Clerk shall supervise and direct the mode of keeping accounts and records. Deputy Clerks, stationed outside of the First Circuit, shall report to the Hono-

lulu office the amount and nature of the business done in their respective Courts, in manner and form as directed by the Clerk. There shall be kept in the Honolulu office proper registers and indexes of the business of all the Courts of Record of the Kingdom; and each Court of Record outside of Honolulu shall have proper registers and indexes of its business kept with its records.

SECTION 65. Each Court of Record shall have a seal, which shall be in the custody of the Clerk of such Court, and shall be impressed upon all processes and official certificates, accompanied by the Clerk's official attestation.

SECTION 66. All Courts, not of record, in the Kingdom, shall send to the Clerk at stated times in such manner and form as he shall direct, detailed statements of the money collected or disbursed by them. The Clerk shall personally, or by one of the Deputy Clerks, inspect from time to time the manner in which the records and accounts of all the Courts of the Kingdom are kept, and make such changes and improvements therein as shall be necessary, and his reasonable traveling expenses for this purpose, when approved by the Chief Justice, shall be paid out of any appropriation of the Judiciary Department available therefor.

SECTION 67. In case of the temporary absence or disability of any Deputy Clerk, or if the business of the Department or of any Court demands, the Judge of such Court may commission a Deputy Clerk for such temporary duty as may be required; and the salary of such Deputy Clerk, at a rate not to exceed one hundred dollars per month, and for a period not to exceed three months, may be paid out of any appropriation of the Judiciary Department available for running expenses.

APPEALS.

SECTION 68. Appeals shall be allowed from all decisions of District Magistrates in all matters, whether civil or criminal, to the Circuit Court of the same Circuit, whenever the party appealing shall file notice of his appeal within five days, and shall pay the costs accrued within ten days, and, if it is a civil cause, shall deposit a sufficient bond in the sum of one hundred dollars conditioned for the payment of the costs further to accrue in case he is defeated in the Court above, or money to the same amount within ten days after the decision appealed from; provided, however, that if in his notice of appeal he signifies his desire to waive a jury, he shall only be required to deposit as surety for further costs a bond in the sum of twenty dollars, or money to the same amount. And in such case, if it is a civil cause, if the appellee, or any appellee in the cause, shall desire to have it tried before a jury on appeal, he shall not be denied if he shall, within twenty days after the decision appealed from, file his motion to that effect in the Circuit Court, and shall deposit his bond, or money, in the sum of one hundred dollars for the payment of costs to accrue in case he is defeated in the Court above. But in case such waiver of jury by the appellant is not objected to by any appellee, as signified by his motion for a trial by jury as aforesaid, the cause shall be tried without a jury, and may be tried by the Circuit Judge in vacation, by agreement of parties. And after the trial and conclusion of such cause on appeal, whether by verdict of a jury or by the decision of the Circuit Judge, jury being waived as aforesaid, there shall in such cause be no further trial of the issue of fact (unless a new trial of such cause shall be awarded according to law), but exceptions upon questions of law may be taken to the Supreme Court and, further pro-

vided, that any appeal solely upon points of law from a decision of a District Magistrate shall be so stated in the notice of appeal, and such appeals upon points of law may be made either to the Circuit Court of the same Circuit, or to the Supreme Court, at the option of the party appealing, and such appeal shall be heard and determined without the intervention of a jury; and the bond shall be the same as herein-before provided in the case of waiver of jury.

SECTION 69. Appeals shall be allowed from all decisions, judgments, orders or decrees of Circuit Judges in Chambers, to the Circuit Court, and, if solely on points of law, to the Supreme Court, and of Justices of the Supreme Court at Chambers, to the Supreme Court, whenever the party appealing shall file notice of his appeal within five days, and shall pay the costs accrued, and deposit a sufficient bond in the sum of fifty dollars, conditioned for the payment of the costs further to accrue in case he is defeated in the Appellate Court, or money to the same amount, within ten days after the filing of the decision, judgment, order or decree appealed from.

SECTION 70. In case of such appeal to the Supreme Court from a decision, judgment, order or decree of a Circuit Judge in Chambers, the Supreme Court shall have power to review, reverse, affirm, amend, modify or remand for new hearing, in Chambers, such decision, judgment, order or decree in whole or in part, and as to any or all of the parties. Every such appeal shall be taken on the record and no new evidence shall be introduced in the Appellate Court; provided that the Appellate Court may, in case evidence is offered, which is clearly newly discovered evidence, and material to the just decision of the appeal, admit the same.

Nothing herein contained shall be construed to permit an appeal to be taken from any order by any Judge or Magistrate allowing any warrant, attachment, writ or other process, or for any other order of a like nature.

SECTION 71. An appeal duly taken and perfected in any cause provided for in this Act shall immediately thereafter operate as an arrest of judgment and stay of execution, provided that execution may issue pending such appeal upon good and sufficient cause being shown therefor.

EXCEPTIONS.

SECTION 72. Whenever any question of law shall arise in any trial or other proceeding before a Circuit Court, the presiding Judge may reserve the same for the consideration of the Supreme Court; and in such case shall report the cause, or so much thereof as may be necessary to a full understanding of the questions, to the Supreme Court.

SECTION 73. Any question may be reserved in like manner upon the motion of either party, on account of any opinion, direction, instruction, ruling or order of the Judge in any matter of law.

SECTION 74. A party may allege exceptions to any such opinion, direction, instruction, ruling or order, and the same being reduced to writing in a summary mode, and presented to the Judge during the term or within ten days thereafter; or, in case of proceedings in vacation as of the term, within ten days after the opinion, direction, instruction, ruling or order objected to, and being found conformable to truth, shall be allowed and signed by the Judge, but if the Judge shall refuse to allow and sign such exceptions, the truth of the allegations therein contained, may, nevertheless, be estab-

lished before the Supreme Court, and the exceptions allowed by it; provided, that further time may be allowed by the Judge in his discretion.

SECTION 75. Upon the allowance of such exceptions and the deposit of twenty-five dollars, or a bond of this amount, by the party excepting, with the Clerk of such Court, for costs to accrue in the Supreme Court, the questions arising thereon shall be considered by the Supreme Court. If, however, the exceptions shall appear to the Judge before whom the trial is had to be frivolous, immaterial or intended for delay, judgment may be entered in the cause, and execution may be awarded or stayed on such terms as the Judge shall deem reasonable, notwithstanding the allowance of exceptions.

SECTION 76. When, upon the hearing of a cause brought before the Supreme Court upon exceptions, it shall appear that the exceptions are frivolous or immaterial, or were intended for delay, the Court may award against the party taking the exceptions, double costs from the time when the same were alleged; and also interest, from the same time, at the rate of nine per cent. per annum on the sum, if any, found due for debt or damages; or may award any part of such additional costs and interest as it may deem proper.

SECTION 77. When judgment has been entered in any cause in which exceptions have been allowed, the judgment may be vacated by the Supreme Court without any writ of error in like manner as if it had been entered by mistake, and thereupon such further proceedings shall be had in the cause as to law and justice shall appertain.

SECTION 78. No trial by jury shall be prevented or delayed by the alleging, filing, or allowance of such excep-

tions; but the verdict shall be received and such further proceedings shall be had in the cause as the Court may order, in pursuance of the foregoing provisions.

SECTION 79. All appeals to the Supreme Court in Banco and all exceptions and writs of error taken prior to the first day of January next to the Supreme Court in Banco, which shall be pending on said first day of January shall be returnable before the Supreme Court as if the same had been taken under the provisions of this Act.

All appeals taken generally and not solely on points of law, to the Supreme Court or to a Justice thereof at Chambers prior to said first day of January which shall then be pending shall be returnable respectively before the Circuit Court of the First Circuit or a Judge thereof at Chambers.

All civil actions and suits which before the first day of January, A. D. 1893, shall have been filed in the office of the Clerk of the Supreme Court, shall, if term cases, be returnable before the First Circuit Court, and, if Chamber cases, before a Judge of the First Circuit Court at Chambers.

All civil actions and suits which before the first day of January, A. D. 1893, shall have been filed in any Circuit Court or before any Judge thereof at Chambers, shall, if term cases, be returnable before the new Circuit Court established by this Act for the same Circuit, and, if Chamber cases, before a Judge of such Circuit.

The Circuit Court for the First Circuit shall have jurisdiction of and shall try and dispose of all commitments, indictments and other criminal matters which on the first day of January next shall be pending in the present Supreme Court, and the same Circuit Court and the Judges thereof at Chambers shall be deemed to have succeeded to all the unfinished

business, civil as well as criminal, of said Supreme Court and of its Justices at Chambers, and shall hear, determine or otherwise dispose of all causes and proceedings which on said first day of January shall be pending in said Supreme Court or before its Justices at Chambers, and every motion or proceeding then pending or thereafter made in such causes and proceedings and of which said Supreme Court or its Justices would have had jurisdiction but for the operation of this Act; provided, however, that all matters before the present Supreme Court in Banco shall be retained and disposed of by the Supreme Court established by this Act as if the same had come up or arisen under the provisions of this Act; and provided further, that except as above provided all causes which shall have been wholly or partially heard at the time when this Act shall go into effect, shall proceed to the completion thereof in the Courts or before the Justices before whom the trial of such causes has been begun, and such Courts and Justices shall have jurisdiction to proceed with the hearing of such causes to judgment or other disposition thereof, anything in this Act to the contrary notwithstanding.

SECTION 80. Section 14 of the Civil Code, the latter part of Section 522 of the Civil Code, beginning with the words "which prosecution," Sections 815, 816, 819, 820, 823, 824, 828, 829, 831 to 843 both inclusive, 845, 847 to 872 both inclusive, 874, 876 to 916 both inclusive, 918 to 924 both inclusive, 948, 1005 to 1008 both inclusive, 1010 to 1012 both inclusive, 1015, 1114, 1136 and 1342 of the Civil Code, an Act to provide for reports of judicial proceedings—laws of 1868, an Act to provide for an additional term of the Circuit Court in the Third Judicial Circuit—laws of 1868, Section 3 of Chapter XXXV. of the Laws of 1870, Section 45 of Chapter XXXIX. of the Laws of 1882, Chapter LIX. of the Laws

of 1886, Chapter LXII. of the Laws of 1886, Chapter XXI. of the Laws of 1887, and all specific amendments thereto are hereby repealed; and all laws and parts of laws whether herein enumerated or not which are inconsistent with the provisions of this Act are hereby repealed or amended to conform to the provisions of this Act; provided, that nothing herein contained shall repeal or amend any of the provisions of Chapters XXXII. and XL. of the Laws of 1876.

SECTION 81. Upon this Act taking effect all Police and District Justices now holding commissions as such, shall, until the expiration of the terms of their respective commissions, be Magistrates of their respective District Courts; and all Circuit Judges now holding commissions as such, shall until the expiration of the terms of their respective commissions, be Circuit Judges under the provisions of this Act as follows: The Circuit Judge of the former Second Judicial Circuit shall be Judge of the Circuit Court of the Second Circuit; the Circuit Judges of the former Third Judicial Circuit, to wit, Hon. S. L. Austin, and Hon. F. S. Lyman, shall be Judges of the Circuit Court of the Third Circuit, and of the Circuit Court of the Fourth Circuit, respectively; and the Circuit Judge of the former Fourth Judicial Circuit shall be Judge of the Circuit Court of the Fifth Circuit; provided, however, that upon the first expiration of a commission of either of the said Judges of the Circuit Courts of the Third and Fourth Circuits, the remaining Judge shall be *ex officio* Judge of the Circuit Courts of the Third and Fourth Circuits and shall have all authority under this Act to do and perform all things in the said Third and Fourth Circuits which is herein given to the Judge of any Circuit Court.

The Justices of the Supreme Court, now holding commis-

sions as such, shall under the provisions of this Act be Justices of the Supreme Court hereby established.

SECTION 82. This Act shall take effect and be in force upon and after the first day of January in the year of our Lord, one thousand eight hundred and ninety-three; and all juries for and of the Circuit Court of the First Circuit shall thereafter be drawn and obtained by a Judge and Clerk of said Court, in like manner as now provided for drawing and obtaining juries for service in the Supreme Court, and all provisions of law in respect of the preparing of lists of juries and the drawing and summoning of jurors and talesmen now in force shall continue to be in force except in so far as they are modified in this Section.

Approved this 25th day of November, A. D. 1892.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LVIII.

AN ACT

To ENCOURAGE THE CULTIVATION OF COFFEE AND RAMIE.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. From and after the passage of this Act, and for the term of ten years from the date hereof, all coffee trees and ramie plants, and all coffee and ramie produced in this country; and all mills, machinery, appliances, tools and buildings

used exclusively in the care, cultivation or preparation of coffee or ramie for market, shall be and hereby are exempted from all taxes and import duties.

Approved this 2d day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LIX.

AN ACT

To ENCOURAGE THE CULTIVATION, CANNING AND PRESERVING OF PINEAPPLES AND OTHER FRUITS, AND FOR THE MANUFACTURE OF JAMS, JELLIES AND FRUIT SYRUPS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. From and after the passage of this Act and for the term of ten years from the date hereof, all tools, machinery, appliances, buildings, and all other personal property, used exclusively in the cultivation, canning or preserving of pineapples or other fruits, or for the manufacturing of jams, jellies, or fruit syrups, and all such products, and held for export, shall be and hereby are exempted from all taxes.

SECTION 2. All tools, machinery or appliances to be used exclusively in canning or preserving fruit, or for the manufacture of jams, jellies, or fruit syrups; or for the manufacture of containers for the same; and also all containers for use

in connection therewith and the material for making them, during the period mentioned in Section 1 of this Act, may be imported into this Kingdom free of duty. Provided, however, that the exemption herein provided shall not apply to or in respect of any tools, machinery or appliances used in the propagation, harvesting, curing or canning of any fruits or fruit products which may be introduced into the United States free of duty, or upon the payment of duty not exceeding fifteen per cent. *ad valorem*. The Minister of Finance may make such rules and regulations as are necessary to carry out the terms of this Act.

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

Approved this 2d day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LX.

AN ACT

TO AMEND AN ACT RELATING TO ROAD BOARDS AND ROAD SUPERVISORS, APPROVED THE 25TH DAY OF AUGUST, A. D. 1892.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Nothing contained in the Act entitled "An Act to amend Sections 2, 3, 4, 5 and 6 of Chapter LXXXII. of the Session Laws of 1890, relating to Road Boards and Road Su-

pervisors," approved on the 25th day of August, A. D. 1892, shall be held to apply to the District of Honolulu, Island of Oahu.

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

Approved this 2d day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXI.

AN ACT

RELATING TO INTERNAL TAXES.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. For the purposes of taxation, the Kingdom shall be and is hereby divided into four divisions, viz:

1. The Island of Oahu to be called the first division.
2. The Islands of Maui, Molokai, Lanai and Kahoolawe to be called the second division.
3. The Island of Hawaii to be called the third division.
4. The Islands of Kauai and Niihau to be called the fourth division.

SECTION 2. An annual tax of one dollar shall be paid by every male inhabitant of this Kingdom between the ages of seventeen and sixty years unless exempted by law.

SECTION 3. An annual tax of two dollars for the support of public schools shall be paid by every male inhabitant of this Kingdom between the ages of twenty and sixty years unless exempted by law.

All school taxes collected hereunder shall be paid by the assessors into the Public Treasury, and the amount so paid in from each school district shall be a special deposit in the Treasury to the credit of such school district, to be paid out only upon the order of the Board of Education. The Minister of Finance shall, under no circumstances, allow these special deposits or any part thereof to be used for any other purposes than to pay the drafts which may be drawn by the Board of Education unless otherwise directed by law.

SECTION 4. An annual road tax of two dollars shall be paid by every male inhabitant of this Kingdom between the ages of seventeen and fifty years unless exempted by law.

SECTION 5. All carts and drays shall be subject to an annual tax of two dollars each.

SECTION 6. All the taxes received by virtue of Sections four (4) and five (5) shall constitute the road taxes and shall be expended in the making, maintaining and repairing of the public roads and highways in the several road districts wherein the same are collected, and shall not be expended in any other district. All road taxes collected hereunder shall be paid by the assessor into the Public Treasury; and the amount so paid in from each road district shall be a special deposit in the Treasury to the credit of such road district, to be paid out only upon the order of the Chairman of the Road Board of such district. The Minister of Finance shall under no circumstances allow these special deposits, or any part thereof, to be used for any other purposes than to pay the

drafts which may be drawn thereon by the Chairman of the respective Road Boards unless otherwise directed by law.

SECTION 7. All carriages and wagons drawn by one or more horses or mules, and used for the conveyance of persons, shall be subject to an annual tax of five dollars each, to be paid by the owners thereof.

SECTION 8. All animals of the dog kind shall be subject to an annual tax to be paid by the owner thereof of one dollar each.

Any person having the custody or possession of, or who shall harbor any dog, male or female, shall be deemed the owner thereof under the provisions of this Act.

SECTION 9. Upon the receipt of said tax the assessor shall number and register the same to the owner, and shall also furnish the owner with a metallic tag with number and year marked thereon, which tag the owner shall attach to the neck of the dog by a collar.

SECTION 10. It shall be unlawful for any dog to run at large without collar and tag as in Section 9 above provided, and the Marshal and sheriffs, their several deputies, and every constable or member of the police force of the several divisions or districts of this Kingdom, are hereby directed to seize all dogs whose taxes have not been paid and who are not wearing a tag between the 16th day of December and the 30th day of June following in each year, and shall confine such dogs in suitable enclosures to be provided by the Marshal and sheriffs for two days, during which time they shall be subject to redemption by their owners, by payment of the tax due and a penalty of fifty cents. All dogs not so redeemed within two days shall be sold by the Marshal or sheriff, as the case may be, for the amount of the tax and penalty due, or as much more as can

be obtained therefor, and if not so sold shall be immediately killed. Of the money so received the amount of the tax shall be paid into the Treasury as a Government realization, and the penalty of fifty cents shall be retained by the Marshal or sheriffs to defray the expenses of keeping and feeding.

Any person who shall use a tag not furnished in accordance with the provisions of this Act, or who shall use the same tag during two consecutive years, or who shall counterfeit the tag delivered by the tax assessor, or who shall fraudulently remove a tag from the neck of any dog, shall be deemed guilty of a misdemeanor.

SECTION 11. All real property within this Kingdom and all personal property within this Kingdom, subject to the exceptions and exemptions hereinafter set forth and stated, shall be subject to an annual tax of one per cent. upon the value of the same.

The term "Real Property" for the purposes of this Act shall mean and include all lands and town lots and house lots with the buildings, structures, fences, wharves, improvements and other things erected on or affixed to the same.

The term "Personal Property" for the purposes of this Act shall mean and include all household furniture and effects jewelry, watches, goods, chattels, wares and merchandise, machinery, all ships and vessels whether at home or abroad, all moneys in hand, in bankers, agents or trustees hands, leasehold and chattel interest on land and real property, franchises, patents, contracts, growing crops, public stocks and bonds, and all animals not herein specifically taxed.

SECTION 12. All foreign marine and fire insurance companies carrying on business in this Kingdom shall pay for and in respect of every one hundred dollars received by such

companies or their agents respectively, for gross premiums, during the year preceding the assessment of taxes the sum of one dollar, and such companies shall not be caused to pay any other taxes or duties under this Act.

SECTION 13. Every agent of such insurance companies shall within the time prescribed by law for taxpayers to make returns or statements, deliver to the Assessor of the division in which said company shall have its principal office, agency or place of business in the Kingdom, a return showing the amount of gross premiums received during the year preceding, on the first day of July of the year of assessment of taxes.

SECTION 14. The Minister of Finance, with the approval of the Cabinet, shall for each taxation division of the Kingdom appoint an Assessor and Collector of Taxes, who shall be called the "Assessor;" and in case of death or removal of any Assessor, or a vacancy in that office, a new appointment shall be made in the same manner.

SECTION 15. Any Assessor may be removed by the said Minister with the consent of a majority of the Cabinet, whenever in his opinion such officer shall be incompetent, or corrupt, or shall have failed properly to perform the duties of his office.

SECTION 16. Each Assessor shall, within fifteen days after his appointment (and before entering upon the duties of his office), give to the Minister of Finance a good and sufficient bond conditioned for the faithful and impartial discharge of his duties according to law, in a sum not less than ten thousand dollars with two or more sufficient sureties, who shall be residents within this Kingdom, and who shall own within the Kingdom unencumbered real estate of the value of not

less than ten thousand dollars, and each Assessor shall take and subscribe an oath before any person duly authorized to administer oaths to be endorsed on his bond, that he will faithfully, honestly and impartially perform and discharge the duties of his office to the best of his ability. And no Assessor shall enter upon his duties unless his bond and oath of office shall have been filed with and accepted by the Minister of Finance.

SECTION 17. Each assessor shall appoint, and at his pleasure remove, as many deputies as, in his opinion, with the concurrence of the Minister of Finance, may be required to properly perform the duties of assessing and collecting the taxes. Each deputy shall, within and for the district or division for which he may be appointed, have all the powers and authority of the assessor, except the right to appoint deputies; and may do and perform all the duties of the assessor, and shall be subject to the same penalties and also be subject in all respects to the supervision and control of the assessor who appointed him.

Each assessor shall be responsible for the acts of his deputy or deputies.

SECTION 18. Each assessor shall exact from each of his deputies a bond with two or more sufficient sureties in the sum of not less than two thousand dollars conditioned for the faithful performance of his duties. Such sureties shall be resident within this Kingdom, and shall own unencumbered real estate of the assessed value of not less than one thousand dollars. And each of such deputies shall take and subscribe an oath before any person authorized to administer oaths, to be endorsed on his bond, that he will faithfully, honestly and impartially perform the duties of his office to the best of his ability.

It shall be the duty of the Minister of Finance and the several assessors to ascertain the sufficiency of the sureties, in Section 16 and in this section provided, from time to time, to assure themselves thereof; and he or they or either of them shall require new sureties at any time when the sureties on such bonds shall, in their opinion, become insufficient.

SECTION 19. Each assessor shall be responsible for the correct and full assessment of the taxes within his division, and for the collecting and accounting for the same, and the payment thereof into the Treasury.

SECTION 20. Each assessor shall receive such compensation as the Legislature shall, from time to time, appropriate. Each deputy shall receive such percentage of the taxes collected by him, including road and school taxes, not to exceed five per cent. as full compensation for assessing and collecting, and all work done in connection therewith, as the assessor, with the approval of the Minister of Finance may decide, provided always, that the commissions paid for assessment and collection shall be a charge upon each tax separately.

SECTION 21. The several assessors shall keep offices at such places in their respective divisions as the Minister of Finance shall direct for the convenience of the public business, of which public notice shall be given.

SECTION 22. For the purpose of equalizing assessments of real and personal property as far as practicable throughout this Kingdom, the several assessors, with the Minister of Finance as chairman, shall constitute a Board of Equalization, which shall hold a meeting in Honolulu, between the first of April and the last of June each year, at such time as may be designated by the Minister of Finance, when such general rules regarding assessments and valuations shall be adopted,

as may be deemed proper and equitable and not inconsistent with any existing law.

SECTION 23. For the purpose of assisting the assessors in arriving at a correct valuation of the property within their respective divisions, the Minister of the Interior is hereby directed to cause to be forwarded to each assessor at the end of each quarter an abstract of the conveyances and leases of real estate situate in his division, which shall have been entered for record at the Registry of Conveyances during such quarter. He shall also, from time to time, cause to be prepared for the use of the several assessors detail maps, so far as the material available, or from time to time obtained will allow of the respective taxation divisions, showing all original titles and areas, and so far as possible all present titles. He shall also furnish each assessor with a certified copy of the corporation exhibits each year, filed in the Interior Department, for their respective divisions.

SECTION 24. The successor of any assessor shall be invested with the same powers and duties of his predecessors, and shall collect all taxes assessed and then unpaid, and shall carry on any proceedings taken by his predecessor, and be under the same liabilities; provided, however, as to liability for accounting for and paying over of taxes such liability shall only extend to the taxes uncollected at the time of entering on his duties.

SECTION 25. The executors and administratars or personal representatives of a deceased assessor and all other persons into whose hands any tax list, papers and documents, books or taxes may come, shall deliver the same to the Minister of Finance.

SECTION 26. The full cash value of all real property and

all personal property and of the interest of any person in real or personal property, within the meaning of this Act, shall be estimated at a sum which such real or personal property or such interest therein might reasonably be expected to bring at a sale by public auction for cash. Provided, always, that when any real estate or house is leased or rented, the sum of eight years rental shall be the assessment value of such real estate or house, unless such valuation shall be manifestly unfair or unjust.

SECTION 27. The interest of every person in any property shall be separately assessed (except as herein provided in respect to shareholders in or members of companies) and every person shall be liable to taxation in respect of the full value of his interest in such property. The interest of any person as tenant, lessee or occupier of any real property that is exempt from taxation, or the owner of which is exempt from taxation, shall be assessed to such person who shall be liable to taxation in respect of the value of such interest.

SECTION 28. The word "Company" when used in this Act shall mean any corporation incorporated under the laws of this Kingdom, and foreign corporations carrying on business in this Kingdom, or any co-partnership consisting of two or more persons carrying on business together.

SECTION 29. The returns, statements or answers herein required to be made shall, when made by a company being a corporation, be made by the president, treasurer, secretary or manager, or, if a co-partnership, by some member thereof.

SECTION 30. The property of a company shall be assessed to the company under its corporate or firm name, and the individual stockholders or members thereof shall not be liable

to be assessed in respect of their individual shares or interest in such companies.

SECTION 31. The mortgagor of any property shall in respect of such property be liable to taxation only on the difference between the whole value of the property mortgaged and the amount of money owing on the mortgage of the property. Provided always, that the mortgagor shall append to the statement of the property belonging to him and required by this Act a statement of the date of the mortgage and of the amount secured thereby, and the names of the respective mortgagees.

In respect of the amount of money secured by such mortgage, he shall pay the tax thereon, which payment shall be deemed to be a payment made by mortgagor to the mortgagee on account of interest, or of principal and interest, as the case may be, and all money so paid by a mortgagor shall be allowed for in the account between the mortgagor and mortgagee.

SECTION 32. Every agent for any person temporarily or permanently absent from this Kingdom, and every trustee, treasurer, executor, administrator or guardian shall make returns or a statement for taxation, and be assessed separately in respect of each property or trust which he represents, and shall be chargable with the tax payable in respect thereof in the same manner as if such property were his own, and shall be assessed respectively in his name as representative of the property or trust he represents, and such assessment shall be kept separate and apart from his individual assessment.

SECTION 33. Every agent, as in section 32 specified, and every trustee, treasurer, executor, administrator or guardian shall for the purposes of this Act be deemed agent and shall

be answerable for the performance of all such acts, matters or things as are required to be done by virtue of this Act, in respect to the assessment of the property he represents and the payment of taxes thereon; and shall be under and subject to the like penalty or liability for any neglect, refusal or default as any other person, and shall be authorized to recover from any other person in whose behalf he is compelled to pay any tax, the amount so paid by him or to retain out of any money which shall come to him in his representative character so much, from time to time, as shall be sufficient to pay such tax and shall be indemnified for all payments which he shall make in furtherance of this Act.

SECTION 34. It shall be the duty of each assessor to gather and tabulate under appropriate heads in proper books all information necessary or proper for the ascertaining of values of property in their respective divisions; such information and all maps and records obtained or received by such assessor shall be public records, and in case of his death, removal or resignation shall immediately pass to the care and custody of his successor; such information, maps and records connected with the assessment and collection of taxes shall during all business hours be open to the inspection of the public.

SECTION 35. It shall be the duty of the assessor of each division or of his deputies to give public notice by written or printed advertisement or posters to the taxpayers of each district in his division, fixing a time and place during the month of July of each year at which such tax payers shall render to such assessor or his deputies a statement, list or return of all property real or personal belonging to them or of which they had possession or control on the first day of

July of that year and of all animals subject to taxation in their possession on that day and of all persons in their employ on that day.

SECTION 36. The Minister of Finance shall furnish to the assessors all necessary books, blanks, blank receipts and dog tags.

SECTION 37. The taxable property of parties or persons unknown and of non-residents for whom no return, statement or list is made, and all property of which the party or persons liable to taxation therefor is unknown or is non-resident shall be assessed from the best information to be obtained to "Unknown Owner" or "Non-resident" and may be levied upon for all unpaid taxes.

SECTION 38. Each assessor shall at any time add to his assessment or tax list any person or property omitted, notice whereof shall be given to the owner, if known within ten days after such addition; and any such notice sent, addressed to him at the place in which he resides and sent by mail, postage prepaid, shall be a sufficient notice.

SECTION 39. The assessors shall, on or before the first day of September in each year, send written notices by depositing the same in the Post Office, postage prepaid, addressed to the last known place of residence, to those owners of real property within their respective divisions who are non-residents of such divisions, but residing within the Kingdom, and who have made returns to the assessor according to law, and who are by this Act required to make returns to the Tax Assessor for taxation, and said notices shall describe the property assessed to the owners and state the proposed assessment thereof. Provided that no such notice shall be required to be given unless the assessor has raised the valuation of

said property, or shall have refused to allow any claim for exemption made by such owner.

SECTION 40. Property shall be assessed between the first day of July and the thirty-first day of July, both days inclusive, each year, and with reference to the quantity and value on the first day of July in the year for which the property is required to be assessed. Each resident and each person liable to pay taxes and every owner or possessor of any property, real or personal, whether entitled to exemption or not, shall in the month of July of each year and on or before the 31st day of July in his division annually give in to the assessor a taxation return, statement or list as set forth in following Section 41 duly signed and sworn to as true and correct to the best of his knowledge, information and belief before any person authorized to administer oaths, such oath to be without fee or reward, and if he shall refuse or neglect so to do, or shall decline to take oath as to the accuracy of such return, statement or list, the assessor may make such assessment according to the best information within his reach, and the same shall be binding and conclusive upon all parties and shall not be subject to appeal.

SECTION 41. All such returns, statements or lists for taxation shall be in writing or printing, signed and sworn to by the person making the same, and shall set forth in detail all property and kinds of property liable to taxation and a description thereof and value of the same as of the first day of July of that year and also:

1. The description, situation and value of the real and personal property belonging to such person including moneys deposited with trustees, agents or other persons of every kind and from every source, or of which such person had

the possession, custody or control on the first day of July then being or immediately preceding.

2. All mortgagors, incumbrances and charges secured thereon respectively with the names and residences of the person to whom mortgages, incumbrances or charges are owing.

3. All animals and other property subject to taxation which were in the possession, custody or control of the person making the return on the said first day of July.

4. The names and nationalities of all persons subject to taxation in the employ of such person on the said first day of July.

SECTION 42. For the purpose of property assessing and listing property for taxation the assessors shall each have the right and power:

To inspect and examine the records of all public offices without charge. To enter after making known his intention to the owner or occupant thereof, and examine so far as is necessary to ascertain their value, all buildings, premises or property whatsoever, except dwelling houses not exempt from taxation. To examine under oath any person or persons whom he may suppose to have a knowledge of any property liable to taxation, or in whose hands money or property may be on deposit.

SECTION 43. For the purpose of taxation and for the performance of their duties each Assessor and each Deputy Assessor shall have power to administer all necessary oaths or affirmations in the discharge of their duties under this Act.

SECTION 44. Each Assessor and each Deputy Assessor shall make a full, true and complete assessment of all persons

and property in his district and division liable to taxation and make a list of the same with names of persons in his division assessed, their personal taxes and property and taxes assessed. The personal property may be in gross and the real property in parcels and lots, with a description as far as practicable. In each year on or before the 30th day of September, each Assessor and each Deputy Assessor, each for his own proper district, shall make two copies of their assessment or tax lists and such supplemental list as may be necessary, duly dated, signed and sworn to by themselves officially, one of which copies shall be filed with the Assessor of the division, and such copies with supplemental lists shall be the list in accordance with which taxes shall be collected. They shall make such additions and supplemental list as may be necessary for omitted property or taxes or for correcting the original assessment. They shall correct such copies or lists in accordance with the decision of any Appeal Board or proper authority. The assessors of the second, third and fourth divisions shall cause to be made, and filed with the Minister of Finance an abstract of the Assessment Book or List of each District in their respective divisions. This abstract shall clearly and distinctly set forth the footings of each page in the respective Assessment Books or Lists as well as the totals of the whole assessment.

SECTION 45. It shall be the duty of each Assessor or his Deputy to attend on all days except Sundays between the 30th day of September, and the 1st day of November of each year at some convenient place in his division or district between the hours of nine o'clock in the forenoon and 4 o'clock in the afternoon with his assessment or tax list, which shall during such times be open for the inspection of all persons liable to taxation in the division without fee or

reward. Written or printed notice of such places shall be given by posting in at least eight conspicuous places in his division or district of the time and places at which such tax lists will be open for inspection.

SECTION 46. Any person whose name may appear on such tax list and who shall have made his return to the assessor as hereinbefore provided, and, if entitled to exemption, shall have claimed such exemption and who may deem himself aggrieved by any excess made by the assessor in the valuation of the property as returned or in the amount and character thereof, or whereby the amount payable by such person is increased beyond the amount which would be payable by him according to such return, or whose claim for exemption shall not have been allowed, may appeal from such assessment on lodging with the assessor on or before the 15th day of November a notice thereof in writing stating the grounds of his objection to the assessment or to any part thereof and depositing therewith the costs of such appeal.

SECTION 47. Where the exemption or reduction claimed from the tax list shall amount to two dollars and under, twenty-five cents costs; over two dollars and up to five dollars, fifty cents costs; over five dollars and up to ten dollars, one dollar costs; and so on for every additional five dollars or part of five dollars tax, fifty cents additional costs shall be paid.

SECTION 48. On receiving the amount of costs and the statement of appeal the assessor shall grant to the person appealing a certificate in substance in the form following:

This is to certify that of this District is assessed for the year as follows:

Property Tax Value Real, Value Personal. Amount of Dog Tax, Poll, School and Road Tax. Total. That . . . disputes. and that I have received on deposit the sum of. dollars for the costs of this appeal. Dated. Assessor (or Deputy Assessor).

SECTION 49. The several Circuit Judges of the Second, Third, Fourth and Fifth Judicial Circuits and for the Island of Oahu, the Police Justice of Honolulu together with two disinterested persons to be appointed by the Minister of Finance for each taxation division, shall constitute a Court of Appeal to hear and determine all appeals and objections duly taken under this Act in their several circuits or in the Island of Oahu, provided, that no assessor or his deputy shall be appointed to sit or act as member of such Court of Appeal.

SECTION 50. The respective Circuit Judges and Police Justice, as the case may be, shall preside at the meetings of the Courts.

SECTION 51. To constitute a Court it shall be necessary that the President and one other member shall be present. The decision of the Court or of a majority of its members shall be final and conclusive, and a copy thereof be given to the assessor and also to the appellant.

SECTION 52. The assessor shall alter or amend the taxation list and copy in conformity with the decision of the Court.

SECTION 53. Every such Court shall in respect to the summoning and examination of witnesses and the production of papers and documents and the punishment for contempts and carrying on the business of the Court have all powers and authorities of a Circuit Judge at Chambers.

SECTION 54. The said Courts shall hold sittings in each taxation division between the 15th day of November and the 10th day of December in each year and at such times and places as the presidents thereof shall appoint, and such Courts may adjourn from time to time as may be necessary.

SECTION 55. The members of the said Courts shall receive and be paid out of the public Treasury compensation for their services at a rate not exceeding five dollars per day for each day's actual attendance, and their actual travelling expenses.

SECTION 56. In the event of an appeal or objection being sustained in whole the costs deposited shall be returned to the appellant; but if the appeal or objection shall be sustained in part only, then a part of the costs paid proportionate to the amount for which appellant obtained judgment shall be returned to him.

SECTION 57. Each assessor shall in his division collect all taxes according to the assessment or tax lists or books and supplemental lists or books. He shall duly and accurately account to the Minister of Finance for an honest, impartial and proper assessment, for the collection and the amount of taxes according to the assessment and tax lists and supplemental lists, and shall be liable and responsible for the full amount of such taxes, unless he shall under oath account for the same to the full satisfaction of the Minister of Finance. He shall pay over to the Minister of Finance all taxes collected at such fixed times, or from time to time as the Minister of Finance shall direct.

SECTION 58. All personal taxes shall be due and payable on and after the first day of July in each year. All other taxes shall be due and payable on and after the first day of November in each year.

SECTION 59. As to all taxes, excepting personal, each assessor or his deputy shall give public notice by advertisement in one weekly newspaper of the Kingdom or by posting the same in at least eight conspicuous places in each district notifying the tax payers to pay him their annual taxes, at such place or places in the district, and at such time or times during the month of October, November and December, not being later than the 15th day of December, as such notice may appoint; and it shall be the duty of such assessor and his deputies to attend at the times and places specified for the purpose of receiving such taxes. And each taxpayer shall pay taxes due by him to the assessor or his deputies on or before the 15th day of December, and no further notification or demand shall be required or necessary.

As to personal and dog taxes no notice need be published and no demand for payment shall be necessary or required except as hereinafter set forth.

If any personal taxes due shall remain unpaid after the 5th day of July and if any other taxes due shall remain unpaid after the 15th day of December in each year, ten per cent. of such taxes shall be added to the amount of such taxes at said dates by the assessor and shall be collected as part of such taxes.

SECTION 60. The successor or successors of any assessor shall have the same powers and authority of his predecessor and shall have authority to at any time collect taxes due and unpaid and use the powers, means and remedies to enforce the collection thereof, though after the expiration of the year of assessment.

SECTION 61. During the month of January in each year each assessor shall publish notice that all taxes remaining un-

paid on January the 31st, together with a list of delinquent taxpayers and property taxed will be published after January 31st. As soon after January 31st, of each year as practicable each assessor shall publish in both the English and Hawaiian languages in one weekly newspaper of the Kingdom once each week for four consecutive weeks a list of lands and lots in parcels, with a description sufficient to identify them, and other property in gross, and the amount of taxes and penalties remaining delinquent as in the tax lists, with the names of the delinquent taxpayers (the amount of taxes and penalties unpaid need only be stated in the aggregate). Such list shall be certified to and signed by the assessor, and each assessor shall also cause a copy of such list to be posted in at least eight public and conspicuous places in his division. Such lists may be published in a supplement of such newspaper. The sum of fifty cents shall be added to each delinquent tax assessed and published as costs and shall be collected by the assessor or his deputy as a part thereof.

SECTION 62. Every tax due upon real property is a lien upon the property assessed and every tax due upon improvements upon real property assessed to others than the owner of the real property is a lien upon the improvements which several liens shall attach as of July 1st in each assessment year and such liens shall continue for one year.

All liens for taxes shall be deemed to be released if proceedings or suit be brought upon such lien within one year after any such lien attaches, but this provision shall not bar the collection of the tax from the person liable and the levy on execution on any property he may have.

SECTION 63. If any tax be unpaid when due the assessor may take proceeding to enforce the payment of the same with all penalties as follows:

(1). By distress upon so much of the goods and chattels of the delinquent taxpayer as he may deem sufficient to satisfy the payment of the taxes due and all penalties and costs and expenses of such distress.

(2). By suit or action in assumpsit in his own name on behalf of the Hawaiian Government for the amount of taxes penalties and interest in any District Court, irrespective of the amount claimed, and execution may issue therefor the same as in ordinary civil suits or actions.

(3). In case of personal taxes, that is to say poll tax, road tax and school tax, by arrest of the person and sentence to imprisonment in the manner set forth in the succeeding Section.

SECTION 64. In case of personal taxes due and unpaid on the first day of August, if no personal property can be found whereon to distrain the assessor may and is hereby authorized to cause the arrest and detention of the person of such taxpayer by and under a warrant issued and signed by the assessor or his deputy in substance in the form following, viz:

Hawaiian Islands, Island of District of
To or any Constable or Police Officer
of the District of Island of
of in the Island of having
failed and neglected to pay to the Assessor of the
Division, Island of on or before the
day of the sum of dollars
assessed upon him for personal taxes for the year
and due, and unpaid, and as no property can be found be-
longing to said whereon to levy by distress as
provided by law;

Therefore, by virtue of the authority in me invested by law, I hereby order and command you to forthwith arrest and take said.....before....., Esquire, Police or District Justice of.....Island of.....to show cause, if any he has, why he, the said.....should not be sentenced by said Justice to be imprisoned at hard labor until he discharge the amount of said tax and costs as by law provided.

Hereof fail not but of this order with your proceedings thereon make due return.

Given under my hand this.....day of.....,
A. D.

.....
Assessor of.....Division, Island of.....

The officer receiving such warrant shall forthwith arrest any such taxpayer and take him before a District Magistrate within his jurisdiction. Such Magistrate shall forthwith, if no legal cause be shown for the non-payment of such personal taxes, sentence such person to be imprisoned at hard labor until he discharge the amount of such taxes and costs at the rate of fifty cents per day.

Costs shall be the usual cost of District Courts.

The payment of the amount of taxes and costs shall release the person arrested.

SECTION 65. Distress of goods and chattels for taxes shall be effected by seizure and sale of personal property of the delinquent taxpayer. The assessors shall take possession of and keep such distrained property until the sale.

After taking possession the assessors shall sell the property at public auction first giving five days public notice of

the time and place of such sale by advertisements in a newspaper, if one be published in the District, or by posting such notices in at least three public places in the district where such sale is to be held.

Such sale shall take place within ten days after seizure except that one continuance may be had not to exceed one week. Sufficient property shall be sold to pay all taxes, penalties, costs and charges.

On payment of the price bid for any property sold the delivery thereof with bill of sale shall vest the title in the purchaser. No charge shall be made for such bill of sale. All surplus money must be returned to the owner of the property sold, and until claimed must be deposited in the assessor's office subject to the order of the owner.

Any unsold portion of the property seized may be left at the place of sale at the risk of the owner.

If the owner of property seized desires to retain possession he may give a sufficient bond and surety to produce the property at the time and place of sale or pay all taxes, penalties and costs.

SECTION 66. In all cases where taxes assessed to persons unknown or non-residents of the division are delinquent and unpaid when due, action may be brought for such taxes and penalties, and the defendant may be named as unknown or by name if known and a non-resident, as the case may be, and it shall be a good and sufficient service of summons or process binding on all parties in interest if under the order of the Justice of the Police or District Court or of any Court having jurisdiction of the subject matter, the title and substance of the action and summons—including a return day and calling on all parties in interest to appear and defend

shall be published and advertised in some weekly newspaper of the Kingdom, published in Honolulu for three consecutive weeks, and the Justices of the Police and District Courts of the Kingdom are hereby given jurisdiction to order such service.

All such actions shall be heard and determined in the same manner as though personal service was obtained, and judgment may be entered and execution issued and levied upon property for which the tax was assessed or upon property of any such non-resident who may be known.

SECTION 67. Any assessor when resisted or impeded in the exercise of his office may require any constable or other officer of police to aid him in the discharge of his duties and if any such officer shall refuse to render such aid he shall be deemed guilty of a misdemeanor.

SECTION 68. The assessment or tax lists or books and copies thereof and delinquent lists showing unpaid taxes assessed against any person or property, shall be *prima facie* proof of the assessment, the property and person assessed, the amount of taxes due and unpaid, the delinquency in payment, and that all forms of law in relation to the assessment and levy of such taxes have been complied with.

SECTION 69. No assessment or act relating to assessment or collection of taxes shall be illegal or invalidate such assessment or collection on account of mere informality nor because the same was not completed within the time required by law.

SECTION 70. The following persons shall be exempt from all internal taxes: Her Majesty, the Queen; the Diplomatic Agents of Foreign countries and their attaches duly made known to the Department of Foreign Affairs.

The following persons shall be exempt from personal taxes : All clergymen of any christian denomination regularly engaged in their vocation ; all soldiers in actual service, and all active members in good standing of the Fire Department of Honolulu, and other towns where a Fire Department now exists or may hereafter be organized. Provided, that the commanding officer of each such corps and the Secretary of the Fire Department shall deliver under oath to the assessor of the division a statement showing the names of the members of such corps in good standing as entitled to exemption on or before the fifth day of July in each year ; and provided, that no exemption shall be allowed from personal taxes unless the parties claiming such exemption shall notify the assessor of the division during the month of July of each year of such claims and the grounds thereof.

SECTION 71. Real property belonging to the King or Queen, to the Government, to the Board of Education for the use of schools, to incorporated or private schools, to the Queen's Hospital, to religious societies for church sites and burying grounds, such sites and burying-grounds not to exceed five acres in extent, shall be exempt from taxation. Personal property belonging to the King or Queen, to the Government, to the Board of Education for the use of schools, to incorporated or private schools, and to the Queen's Hospital is also exempt.

Provided always, that the tax of one per cent. hereinbefore imposed upon property shall be collected only upon property in excess of the value of three hundred dollars, be the same real or personal.

And further provided, that no exemption shall be allowed from the property of corporations, companies, estates of deceased persons or non-residents ; and the exemption of three

hundred dollars under the provisions of this Act shall be allowed in but one division of the Kingdom, and that division shall be the one in which the property owner resides.

And furthermore provided, that a tenant, lessee or occupier of any real property that is exempt from taxation shall not be exempt from taxation but shall be assessed and shall be subject to taxation in respect to the value of his interest in any such real property.

SECTION 72. The several assessors may in their discretion exempt from the payment of the personal taxes or any part thereof such infirm and indigent persons to whom the payment of such taxes would appear to be a great hardship because of their infirmity and poverty.

SECTION 73. Any person who shall knowingly and willfully make and deliver any false statement or list of property or make any false answer in relation to his property or property in his possession or control for the purpose of evading the assessment thereof, or by any falsehood, willful neglect, fraud, art or contrivance whatsoever used or practiced, evade or attempt to evade assessment of his property or of property which such person is required to make statement, list or return of for assessment, shall be deemed guilty of a misdemeanor.

SECTION 74. All persons willfully aiding, abetting or assisting in any manner whatsoever any person to commit any of the foregoing misdemeanors shall likewise be deemed guilty of a misdemeanor.

SECTION 75. All assessors and deputy assessors, and all police officers and constables on whom duties are imposed under the provisions of this Act, who shall willfully fail or refuse or neglect to faithfully perform any duty or duties of

him required by the provisions of this Act shall be deemed guilty of a misdemeanor.

SECTION 76. Any person convicted of any misdemeanor within the provisions of this Act shall be punished by a fine of not more than five hundred dollars.

SECTION 77. The several police and district justices in the Kingdom shall have jurisdiction to try and determine misdemeanors arising under this Act, and all complaints for the violation of any of the provisions of this Act, and impose any of the penalties herein described, and shall also have jurisdiction to hear and determine all civil actions, suits and proceedings for the collection and enforcement of collection and payment of taxes herein, notwithstanding the amount claimed.

SECTION 78.

Chapter XLIII. of the Session Laws of 1882;

Chapter XXXII. of the Session Laws of 1886,

Chapter XXXVII. of the Session Laws of 1886,

Chapter XVII. of the Session Laws of 1887,

Chapter XXXVI. of the Session Laws of 1888,

Chapter XLIII. of the Session Laws of 1888,

Chapter XLVIII. of the Session Laws of 1888,

Chapter L. of the Session Laws of 1888,

Chapter LXXII. of the Session Laws of 1888,

and all laws and parts of laws in so far, and in so far only, as they are inconsistent or in conflict with this Act, are hereby repealed.

SECTION 79. Such repeal shall not impair or affect any act or thing done, or any right accruing, accrued or acquired, proceedings taken, penalties and liabilities incurred, taxes assessed and unpaid, appointments, orders, returns and regulations made, certificates granted and Boards constituted un-

der the said repealed laws or any of them, and all matters civil or criminal commenced by virtue of the laws so repealed and pending on the first day of April, 1893, may be prosecuted and defended to final effect in the same manner as they might under the laws theretofore existing.

SECTION 80. All taxes now assessed and unpaid shall be due and payable and may hereafter be sued for, distrained for, enforced and collected notwithstanding the repeal of the above-named laws as if said repealed laws were in force.

SECTION 81 Any person who, when this Act takes effect, shall hold any office under any act hereby repealed shall continue to hold the same according to the tenor thereof, and have powers to him herein granted until his successor shall be appointed and qualified except those offices which have been abolished, and those as to which a different provision shall have been made by law.

SECTION 82. This Act shall take effect and be in force from and after the first day of April, A. D. 1893.

Approved this 2d day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXII.

AN ACT

To CONFER UPON THE BOARD OF REPRESENTATIVES OF THE FIRE DEPARTMENT OF HONOLULU A GREATER CONTROL OVER THE FUNDS BELONGING TO OR APPROPRIATED FOR SAID FIRE DEPARTMENT.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. All moneys belonging to or which shall be appropriated for or to the use or maintenance of the Fire Department of Honolulu, shall be subject to the control of the Board of Representatives of said department in manner as herein provided, and no person or persons, without the consent of said Board of Representatives shall have authority to draw or expend any of the moneys aforesaid or to incur any debt or obligation on account of, or to order any material, apparatus or supplies for said department. Provided, however, that the Chief Engineer or other officer of said department, upon the written order of said Chief Engineer, may make purchases of material, supplies or apparatus for said department, to an amount not to exceed twenty dollars in any one instance.

SECTION 2. Said Board of Representatives shall pass upon all proposals to purchase material, apparatus and supplies, and upon all bills and accounts other than such as shall come

within the above proviso, and if such proposals bills or accounts are approved by said Board, such approval shall be certified by the Secretary of said department upon such proposals, bills or accounts respectively, and such proposed purchase shall not be made, nor such bills or accounts be paid without such approval. Neither shall such proposals to purchase material, apparatus or supplies be submitted to such Board except in writing by the Chief Engineer or by the Assistant Engineer who shall be discharging the duties of Chief Engineer in case of the absence or disability of the Chief Engineer.

SECTION 3. For the purposes of this Act such proposals to purchase material, apparatus or supplies, or such bills or accounts shall be submitted to said Board at a regular meeting thereof, as fixed by its by laws or at a special meeting thereof, of which special meeting each member of said Board shall have been served with written or printed notice at least forty-eight hours before the same shall be held. Such notice shall also specify such proposals to purchase, and such bills and accounts as it is proposed to submit to said Board at such special meeting, and no proposal to purchase, nor any bill or account shall be so submitted or acted upon at any special meeting unless it shall have been so specified in the notice of such meeting as above provided. A majority of the members of said Board shall be necessary to constitute a quorum for any of the purposes of this Act, and a majority of the quorum present shall be necessary to approve any such proposal to purchase, bill or account as aforesaid. And further provided that in case of emergency and urgent need said Chief Engineer may make such purchases as shall be necessary for immediate use.

SECTION 4. Upon the approval of any such proposal to

purchase material, apparatus or supplies, or of any bill or account, and its certification to the Minister of the Interior, as above provided it shall be the duty of said Minister (unless he shall believe and so certify upon such proposal, bill or account, that the same does not legitimately pertain to the functions of said Board and the purposes of said Fire Department), to provide for carrying into effect such proposal to purchase or to pay such bill or account, as the case may be, provided there are funds available in any appropriation for such purpose.

SECTION 5. This Act shall take effect from and after the date of its approval, and all laws and parts of laws in conflict therewith are hereby repealed.

Approved this 7th day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXIII.

AN ACT

To AMEND SECTION 1420 OF THE CIVIL CODE, AS AMENDED BY AN ACT ENTITLED "AN ACT TO AMEND THE LAW IN RELATION TO MASTER AND SERVANT," APPROVED ON THE 5TH DAY OF JULY, 1860, AND AMENDED BY CHAPTER XLV. OF THE SESSION LAWS OF 1876, AND FURTHER AMENDED BY CHAPTER VI. OF THE SESSION LAWS OF 1880.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Section 1420 of the Civil Code, as amended by an Act entitled "An Act to amend the law in relation to Master and Servant," approved on the 5th day of July, 1860, and amended by Chapter XLV. of the Session Laws of 1876, and further amended by Chapter VI. of the Session Laws of 1880, be and the same is hereby further amended so as to read as follows:

"Section 1420. If any such person shall refuse to serve according to the provisions of the last Section, or the terms of his Contract, his master may apply to any District or Police Justice, where he may reside, who shall be authorized by warrant or otherwise, to send for the person so refusing, and if such refusal be persisted in to commit such person to prison there to remain at hard labor until he will consent to serve according to law. And in case such person so bound

as aforesaid, shall have returned to the service of such master in obedience to such order of such Justice, and shall again willfully absent himself from such service without the leave of his master, such District or Police Justice may fine such offender for the first offense, not exceeding five dollars, and for the second offense, not exceeding ten dollars; and in default of payment thereof, such offender shall be imprisoned at hard labor until such fine is paid; and for every subsequent offense thereafter, the offender shall be imprisoned at hard labor not exceeding three months; and at the expiration of any such imprisonment such Justice shall order such offender to be restored to his master to serve for the remainder of such original term of service."

SECTION 2. This Act shall become a law from the date of its passage, and all laws and parts of laws in contravention herewith are hereby repealed.

Approved this 9th day of December A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXIV.

AN ACT

To AMEND SECTION 3 OF CHAPTER XXXIV. OF THE PENAL CODE.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 3 of Chapter XXXIV. of the Penal Code is hereby amended so that it shall read as follows:

“Section 3. It shall be unlawful for any person to use vulgar, profane or obscene language in any street, highway, store, shop or other public place or place of public resort. Any violation of this Section shall be punished by a fine of not more than twenty dollars, or by imprisonment at hard labor of not more than one month.”

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

Approved this 7th day of December, A. D. 1892.

LILLIUKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXV.

AN ACT

To VALIDATE MORTGAGES AND OTHER CONVEYANCES OF ITS FRANCHISES BY THE OAHU RAILWAY AND LAND COMPANY, HERETOFORE MADE, AND TO CONFER THE FUTURE RIGHT TO SO MORTGAGE AND CONVEY ITS FRANCHISES.

WHEREAS, doubts have arisen as to the right of the Oahu Railway and Land Company to mortgage its franchises as security for the payment of its bonds; Now, therefore,

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That the Oahu Railway and Land Company has, and shall hereafter have and possess full power to mortgage its franchises and other property, to secure the payment of its bonds and other monetary obligations, and the Hawaiian Government shall not question or resist the validity of any mortgage or other conveyance of the franchises of said Company either heretofore made or which shall hereafter be made for any of the purposes named.

Approved this 7th day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXVI.

AN ACT

To AMEND SECTIONS 1 AND 2 OF CHAPTER LXXIV. OF THE SESSION LAWS OF 1888, TO FACILITATE THE SEGREGATION OF LEPERS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Section 1 of Chapter LXXIV. of the Session Laws of 1888 be and the same is hereby amended, and shall read as follows:

“Section 1. Whoever shall knowingly detain or harbor upon premises subject to his control, or shall in any manner conceal or secrete, or assist in concealing or secreting, any person afflicted with leprosy, with the intent that such person be not discovered by or delivered to the Board of Health or its agents; or who shall support or assist in supporting any person having leprosy living in concealment, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any District Magistrate, be liable to a fine of not more than one hundred dollars.”

SECTION 2. That Section 2 of Chapter LXXIV. of the Session Laws of 1888 be and the same is hereby amended, and shall read as follows:

“Section 2. It shall be the duty of every Police officer or Deputy Sheriff having reason to believe that any person

within his district is afflicted with leprosy to report the same forthwith to the Agent of the Board of Health in such district, if any, otherwise to the nearest Agent of the Board of Health."

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

Approved this 7th day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXVII.

AN ACT

RELATING TO VACCINATION.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The vaccination of children required by law may be performed by the officers appointed for such purpose by the Board of Health, or by duly licensed physicians, at the option of the parents or guardians of such children.

Every parent or guardian having the charge of any child who shall fail to cause such child to be properly and successfully vaccinated within the age prescribed by statute, shall be liable to a fine of five dollars.

SECTION 2. No child shall be admitted to any public or private school without producing a certificate of vaccination or showing marks of successful vaccination.

The principal or teacher of any public or private school who shall admit to such school any child without such certificate or marks, shall be liable to a fine of five dollars.

SECTION 3. No physician or other person shall vaccinate any person in this Kingdom with matter other than bovine virus. Every person violating the provisions of this Section shall upon conviction thereof, be fined not to exceed fifty dollars for each offense.

Approved this 12th day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXVIII.

AN ACT

AUTHORIZING THE MINISTER OF INTERIOR TO ISSUE ROYAL PATENTS (GRANTS) FOR CERTAIN LANDS NAMED IN THE MAHELE OF 1848, WHICH MAY HAVE REVERTED TO THE GOVERNMENT UNDER THE ACT OF AUGUST 24TH, 1860, AND NOT DISPOSED OF BY THE GOVERNMENT IN THE MEANTIME.

Whereas, certain Konohikis, who were entitled to lands under the division of 1848, failed for various causes to ob-

tain the awards from the Land Commissioner or from the Minister of Interior under the Act of August 24th, 1860; therefore

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of Interior is hereby authorized to issue Royal Patents (Grants) to all konohikis or to their heirs or assigns where such konohikis failed to receive awards for their lands from the Land Commissioner or from the Minister of Interior as provided by the Act of August 24th, 1860; provided, however, that the names of such konohikis and of their unawarded lands appear in the Mahele Book of 1848, and where the said lands have not in the meantime been disposed of by the Government, and that the Government shall receive one-third ($\frac{1}{3}$) of the unimproved value of such lands at the date of such mahele.

SECTION 2. Such Royal Patents (Grants) shall be issued on surveys approved by the Surveyor General or upon Boundary Commissioners' certificate, and the expense of such survey and all other costs pertaining to the issuing of such Royal Patents shall be borne by the parties receiving the same.

SECTION 3. This Act shall not be construed to conflict with or invalidate any grant or land sale made heretofore by the Government or any existing award.

SECTION 4. This Act shall remain in force until January 1st, A. D. 1895, and any person having claims under this Act who shall fail to present the same before said date, shall be forever barred and his rights under this Act shall revert to the Government.

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

approval, and all laws and parts of laws in contravention hereof, are hereby repealed.

Approved this 16th day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXIX.

AN ACT

FOR THE RELIEF OF THE HONOLULU LIBRARY AND READING ROOM ASSOCIATION.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of the Interior is hereby authorized and directed to furnish the Honolulu Library and Reading Room Association, a Corporation chartered under the laws of this Kingdom, with Government water and electric light free of charge from July 1st, A. D. 1892.

Approved this 16th day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX

Minister of the Interior.

CHAPTER LXX.

AN ACT

TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE VENDING OF GOODS, WARES AND MERCHANDISE WITHIN THE HAWAIIAN KINGDOM.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The several laws and parts of laws mentioned in the first schedule hereunto annexed shall be and the same are hereby repealed; but nothing herein contained shall affect any license, now in force, to vend goods, wares and merchandise within this Kingdom.

SECTION 2. The Minister of the Interior shall grant to any person applying therefor in writing, a license to sell goods, wares and merchandise for the term of one year, which shall be known as a "Merchandise License"; such application shall be under oath, and shall contain a statement of the average monthly receipts of the applicant from sales of merchandise during the preceding twelve months, and if the applicant shall not have previously held a license to sell merchandise, then a statement of the expected average monthly sales during the succeeding twelve months; and shall state the location of the applicant's place of business and the kind of articles he intends to sell, and shall be substantially in the following form, to wit:

To His Excellency, the Minister of the Interior:

Sir: The undersigned respectfully makes hereby an application for a.....Merchandise License which expires189.., and on his oath deposes and says that the total amount of sales of merchandise for the year ending this day, as shown by.....books amounted todollars (\$.....), being an average of \$.....per month, and that the place of business of the firm isIsland of....., and that said firm deals in, and that he is domiciled in this Kingdom, and is not a commercial traveller, nor an agent of any foreign house as such temporarily in this Kingdom, for the purpose of soliciting orders.

Signature of applicant

Subscribed and sworn to before me, this, . . . day of
A. D. 189....

.....

The amount to be paid by such applicant for a merchandise license shall be as shown in the second schedule hereto annexed.

SECTION 3. No person or persons holding any license under this Act shall permit or allow any transient or other agent to work under their names or license under penalty of forfeiture of such license.

SECTION 4. All licenses issued under this Act shall contain a condition that the licensee shall not sell or furnish opium or any preparation thereof, nor any poisonous drug, without license obtained according to law, under pain of the forfeiture of his license, and incurring the penalty prescribed by law for that offense; and that he shall not sell or furnish spirituous liquors or other intoxicating

drinks, without express license therefor obtained according to law, upon pain of forfeiting his license and incurring such penalties as the law may from time to time prescribe for selling or furnishing liquors or other intoxicating drinks without license, and shall state the place or limits within which the licensee may sell. Licenses granted under this Act shall not be transferable.

SECTION 5. Every person who shall sell any goods, wares or merchandise of foreign product or manufacture without a license or in contravention of the conditions expressed in his license, or of the provisions of this Act, upon conviction thereof before any Magistrate shall be fined in a sum not exceeding five hundred dollars, or in default of payment, imprisoned at hard labor not exceeding six months, in the discretion of the Court.

THE FIRST SCHEDULE HEREBEFORE REFERRED TO.

Sections 56, 57, 59, 59a, 60, 61, 62 and 63 of the Civil Code.

Chapter LVI. of the Session Laws of 1876, being an Act to amend Section 56 of the Civil Code.

Chapter XXV. of the Session Laws of 1886, being an Act to amend Section 62 of the Civil Code, relating to Licenses.

Chapter XLI. of the Session Laws of 1888, being an Act to regulate the keeping of Books of Account by Wholesale and Retail Licensees.

Chapter LVII. of the Session Laws of 1890, being an Act to regulate the issuing of Wholesale Licenses as provided by Section 56 of the Civil Code, as amended by Chapter LVI. of the Session Laws of 1876, approved on the 27th day of September, 1876.

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

<i>Annual Sales.</i>	<i>Fee.</i>
\$600,000 and over.....	\$1,000.00
\$400,000 and less than \$600,000	850.00
\$200,000 and less than \$400,000	700.00
\$100,000 and less than \$200,000	550.00
\$80,000 and less than \$100,000	400.00
\$60,000 and less than \$80,000	250.00
\$40,000 and less than \$60,000	125.00
\$20,000 and less than \$40,000	75.00
Under \$20,000 per annum.....	50.00

Approved on the 19th day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXI.

AN ACT

To AMEND THE ACT APPROVED AUGUST 17TH, A. D. 1892, ENTITLED "AN ACT TO AMEND CHAPTER XXVIII. OF THE SESSION LAWS OF 1878, RELATING TO DUTIES."

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. There shall be levied and collected upon bicycles imported into this Kingdom ten per cent. *ad valorem*, anything in said Act approved the seventeenth day of August, A. D. 1892, to the contrary notwithstanding.

SECTION 2. The provisions of this Act shall extend and apply to all goods in bond at the time it shall come into operation.

SECTION 3. This Act shall take effect from and after its approval.

Approved this 19th day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXII.

AN ACT

To REGULATE THE PRACTICE OF DENTISTRY IN THE HAWAIIAN KINGDOM.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. From and after the passage of this Act it shall be unlawful for any person or persons to practice dentistry in the Hawaiian Kingdom except upon a certificate issued from a Board of Dental Examiners.

SECTION 2. The Board of Dental Examiners shall consist of three members, namely, one physician and two dentists who shall be appointed by the Minister of the Interior, and whose first term of office shall be for one, two and three years and thereafter shall hold office for three years. The said Board to act without compensation.

SECTION 3. It shall be the duty of the Board of Dental Examiners to issue certificates of qualification to any person or persons at present engaged in the practice of dentistry who, within sixty days from the passage of this Act shall file an application before said Board under oath and sworn to by two or more reputable citizens setting forth the fact that he has been engaged in the active practice of dentistry in the Hawaiian Kingdom for two or more years previous to the passage of this Act.

SECTION 4. It shall be the duty of the said Board to issue certificates of qualification to any person or persons at present practicing in the Hawaiian Kingdom who shall file an application in writing within sixty days from the passage of this Act and pass a creditable examination before the Board upon dental medicine and surgery.

SECTION 5. It shall be the duty of the said Board to issue certificates of qualification to any person or persons at present practicing in the Hawaiian Kingdom who shall present within sixty days from the passage of this Act a diploma from a reputable Dental College.

SECTION 6. From and after sixty days subsequent to the passage of this Act the said Board shall issue a certificate of qualification to any person who shall present a diploma from a reputable Dental College, or who shall pass a creditable examination before the Board.

SECTION 7. Any person or persons receiving certificates from said Board shall present said certificates to the Minister of the Interior who shall record the same in a book kept for such purpose.

SECTION 8. Any person or persons who shall violate the provisions of this Act shall upon conviction thereof be liable

to a penalty of not less than one hundred nor more than five hundred dollars. Provided, that nothing in this Act shall be construed so as to prevent the extraction of teeth under circumstances of necessity.

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

Approved this 19th day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXXIII.

AN ACT

To PROVIDE FOR THE OPENING, IMPROVING AND CLOSING OF HIGHWAYS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

DEFINITIONS.

SECTION 1. In this Act, whenever the following words occur, or may be used, they shall have the meaning prescribed by this Section unless the context clearly prohibits:

“Minister” shall refer to and mean the Minister of the Department of the Interior of the Hawaiian Kingdom for the time being.

“Marshal” shall refer to and mean the Marshal of the Hawaiian Kingdom or any duly authorized Deputy.

"Sheriff" shall refer to and mean the Sheriff of the Island on which any improvement is made or proposed, or his duly authorized Deputy.

"Highway" shall refer to, include and mean any road, alley, street, bridge, way, court, lane, place and trail whether now or hereafter laid out or built by the Government, or by private parties and dedicated or abandoned to the public and in general use.

"Improvement" and "Improving" shall refer to, cover and include any opening, altering, widening, locating anew, changing, straightening, extending, closing and paving of a highway.

"Commissioners" shall refer to and mean the Commissioners appointed to appraise damages, and assess betterments in any proceeding under this Act.

"District" shall refer to the Judicial Circuit in which any proceedings under this Act are had.

"Proceedings" shall refer to and mean acts or things done under this Act.

INITIATION OF PROCEEDINGS.

SECTION 2. The Minister is hereby authorized and empowered of his own motion, or upon the petition of forty or more tax payers of any district to the Minister, to institute and conduct to the end all proceedings relative to the opening, improving or closing of any highway, provided that upon such petition of tax payers, the Minister shall institute proceedings as provided in Section 4 of this Act.

SECTION 3. Every petition by tax payers for the opening, improving or closing of any highway shall be signed by the petitioners and substantially set forth.

The nature of the work proposed, the route thereof, over

what lands with the names of owners, tenants, occupants, or agents thereof if known, otherwise to be indicated as unknown; and also the necessity and advantages of the proposed work or improvement, and who of the owners or parties with interests consent thereto, and any other matter necessary to an understanding of the work proposed; and shall conclude with a prayer for the appointment of a jury to decide upon the propriety of the work proposed; a map or diagram shall accompany the petition showing location of property of abutters and of owners, and the work proposed as nearly as possible.

PROCEEDINGS.

JURY—HOW DRAWN—PENALTY FOR NON-ATTENDANCE.

SECTION 4. Upon the petition of forty or more tax payers of any district to the Minister, that a highway be opened, improved or closed, or if it shall appear to the Minister in any other way that such course is advisable, the Minister shall request any Judge of a Court of Record to select a list or panel of twenty-four names from among the legal voters of the district in which the improvement, opening or closing of the highway is contemplated.

Such Judge shall direct the Marshal or the Sheriff to draw a jury of six disinterested persons, none of whom, however, shall have signed any petition in the matter, from such list to visit and inspect the locality of such proposed improvement, opening or closing, and to decide upon the propriety of the work or measure proposed and to report thereon.

Provided, however, that the Minister or the road authorities shall have power and authority to alter and change and improve any highway where the character of the place, the condition of the land and highway, or the Act of God, or

unavoidable circumstances require the same, if no private rights are involved, or if the parties interested shall consent thereto in writing, and in such case no jury or proceedings shall be necessary or required.

SECTION 5. The Marshal or Sheriff shall forthwith subpoena the jurors drawn as aforesaid to attend at a time and place (which place shall be at or near the locality of the proposed improvement) by him fixed to discharge their duties in the matter, and shall then inform the jurors of their duties.

In case any juror shall not serve or shall fail to appear and serve or be incapacitated a new juror shall be drawn from said list or panel by the Marshal or Sheriff and subpoenaed. If any juror duly subpoenaed to attend, shall without cause fail to attend at the time and place fixed, he shall be punished in the discretion of the Judge of the Court who selected the list or panel in the same manner as provided in Section 1211 of the Civil Code for Trial jurors.

NOTICE OF JURY HEARING.

SECTION 6. The Marshal or Sheriff shall also give written or printed notice by publication or by posting in at least three conspicuous places in the locality of the proposed improvement, and by posting at least one notice in a public conspicuous place in the district, notifying all concerned of the time and place of the meeting of the jury and in substance the proposed work or improvement, at which time and place all concerned may appear and be heard by the jury in relation to the proposed improvement.

DUTIES OF JURY.

SECTION 7. Upon the day appointed by the Marshal or Sheriff, he shall take charge of and accompany the jury to

the locality of the proposed improvement, and the jury shall thereupon inspect such locality and ascertain as far as possible, by such inspection and by examining residents and others to be affected thereby, provided any such persons may desire to make statements, and by any other means in their power, all such facts as may have a bearing on the matter. The jury shall within six days after their visit and inspection, report in writing thereon. Provided, however, that the Marshal or Sheriff may grant an extension of time for good cause. They or a majority of them may recommend or disapprove the proposed improvement, or they may recommend such change or alteration therein as they shall deem proper. The report shall be signed by all of the jury, such as disagree with any finding so stating, and the Marshal or Sheriff shall forthwith file such report with the Minister.

DISAPPROVAL OF JURY DOES NOT BAR FUTURE ACTION.

SECTION 8. Any rejection or disapproval by the jury as provided in Section 7 shall not be a bar for other petitions thereafter concerning the same subject matter.

ACTION UPON DECISION OF JURY.

SECTION 9. The Minister is hereby authorized and empowered to take action in accordance with such decision of the jury.

SECTION 10. The Minister shall take proceedings upon the report of the jury made as provided in Section 7 within one year thereafter, or failure so to do shall be deemed an abandonment of the proposed opening, improving or closing.

NOTICES TO BE POSTED—CLAIMS TO BE FILED.

SECTION 11. After such proposed work be determined upon, the road authorities of the locality in which action is

proposed to be taken under and by the direction of the Minister, shall cause notices to be posted in at least four conspicuous places along the line of such proposed improvement, advertising in substance the fact and calling on all persons interested to file their claims for damages within a fixed time, with the nearest Circuit Judge or Magistrate who shall be named in such notice.

NOTICES TO FILE CLAIMS TO BE SERVED ON OWNERS.

SECTION 12. The road authorities of the District in which action is proposed to be taken shall also give notice to the owners, occupants and abutters of premises along the line of the proposed improvement, if known and resident within the Kingdom, and can be served, whose property may be taken for the proposed improvement.

It shall be deemed good and sufficient service on the parties in interest in any land or premises if a notice be served upon the owner or the agent of the owner, or tenant or occupant, or if they be unknown or cannot be served by reason of non-residence or other cause, then a notice posted at a conspicuous place on the land, or left at the owner's, occupant's, tenant's or agent's residence shall be sufficient.

The notice may be general in terms and addressed to all persons interested.

They shall also send a notice to the Judge or Magistrate having jurisdiction.

JUDGE TO SEND CLAIMS TO MINISTER.

SECTION 13. It shall be the duty of such Judge or Magistrate to forward all such claims to the Minister immediately after the expiration of the time fixed by such notice for such claims to be filed.

MINISTER MAY COMPROMISE WITH CLAIMANT.

SECTION 14. On the receipt of such claims, if he shall decide to prosecute such work, the Minister shall first endeavor to agree with the claimants upon the amount to be paid them or to compromise with them.

APPOINTMENT OF COMMISSIONERS.

SECTION 15. In case of failure to agree with the claimants the Minister shall appoint three disinterested persons to act as Commissioners of Appraisement and Assessment to assess and award the value of the private property, or the damage likely to be sustained by the owner, tenant or occupant of any land or property to be taken for the proposed improvement and to assess benefits or betterments hereinafter provided.

The Commissioners shall notify their acceptance of appointment to the Minister.

SECTION 16. On the acceptance of the Commissioners, the Minister shall deliver to the Commissioners all claims not agreed upon or compromised, together with maps or diagrams of the proposed improvement, and a description as far as possible sufficient to identify the proposed opening, closing or improvement, and the property or land to be taken for the same, and also the names of all owners, occupants, tenants or agents of the lands, if known, otherwise to be indicated as unknown, and also such blanks as may assist them, and all necessary information.

COMMISSIONERS TO GIVE NOTICE TO CLAIMANTS.

SECTION 17. The Commissioners shall send notices to all claimants to appear at a time and place fixed, to be heard upon their claims and present evidence as to damages. Such

notices may be signed by the Chairman only. Service of notice made by the Commissioners or some one by them appointed in the same manner as service is provided in Section 12 of this Act to be made by the road authorities shall be deemed sufficient and good service.

DECISION—HOW ARRIVED AT—NATURE OF.

SECTION 18. The Commissioners shall consider the evidence and arguments that may be presented to them and view the premises and proposed work, and shall by their decision determine the price to be paid by the Government for such private property, or for such damages, as the case may be. The Commissioners may in their discretion, where there are buildings, fences or water pipes upon the land proposed to be taken, make their decision in the alternative concerning such property; stating first, that the claimant may move such property, for which he shall be paid a fixed sum to be stated in the decision; or, second, that the Government may move such property to a place to be stated in the decision; or, third, that the claimant may abandon such property to the Government, for which he shall be paid a fixed sum to be stated in the decision.

The claimant may elect, within twenty days after the decision is rendered, which alternative he will accept, and shall notify the road authorities having charge of the improvement of such election. In case of failure on the part of the claimant to make such election within the time aforesaid, the Minister or road authorities may make such election and proceed accordingly.

In case any property shall be deemed by the Commissioners to be so far destroyed or injured by the improvement as to practically destroy the property for the claimant, they may

also determine the value of the whole premises of the claimant, and the claimant shall have the option to surrender the whole premises to the Government on payment of such valuation, and the same shall thereupon be Government property absolutely and in fee simple. Such election shall be made in writing, and filed with the Minister within twenty days after the decision is rendered ; otherwise the Minister may make such election and proceed accordingly.

In considering and arriving at the amount of damage accruing to any claimant, the Commissioners shall take into consideration the location and area of the lot taken, and the portion remaining, and the cost and feasibility of removing any buildings located upon the property taken to the remainder of the land of such claimant.

SECTION 19. The Commissioners shall first hear and decide all awards for damages to claimants, and after such decision is filed, as hereinafter directed, they shall proceed to hear and decide upon the assessments of benefits or betterments, as hereinafter provided. Their first decision as to damages shall be marked as decision "A," and the second, as to benefits or betterments, as decision "B".

SECTION 20. The decision "A" of the Commissioners shall be in writing or printing, signed by the Commissioners, and include all awards to claimants, with a concise location of the premises and the names of the awardees. A majority of the Commissioners may sit and hold hearings, and may render such decision, and it shall be sufficient.

The Commissioners shall keep minutes of their proceedings, and shall file the same with the Minister, and shall also serve a certified copy, signed by the Chairman, of their decision "A" on the Minister, and on each of the claimants.

TITLE VESTED IN GOVERNMENT UPON DELIVERY OF
DECISION AND TENDER OF AWARD.

SECTION 21. Upon delivery of the decision "A" to the claimant, the title of the land or property shall vest in the Government, absolutely and in fee simple, without further conveyance. Provided, however, that the Minister or Government shall not take possession of the same until payment be made or tendered to the claimant of the price determined by the Commissioners, or by agreement or compromise, unless such claimant shall, in writing, consent thereto, or the price determined be, in the case of disputed title, deposited in the Supreme Court of the Kingdom.

And provided further, that in case any assessments for benefits or betterments be made, as hereinafter provided, the Minister may deduct the amount of the same from the total amount of award of decision "A" to each individual, and a tender of the balance shall be a good and sufficient tender.

DISPUTED TITLE.

SECTION 22. In case the title of any claimant be in dispute, the Minister may deposit the price determined or awarded in the Supreme Court, to be paid out by such court to the party entitled thereto, as it shall determine.

The claimant, or party claiming title may, by petition to such court, claim such price deposited; and the court shall have jurisdiction to order such notices and process to be issued and given, proceedings had and acts done as equity and justice may require, and to it seem meet. Such proceedings shall be in the nature of proceedings in equity, and as simple and concise as possible.

The deposit of such price in such court shall release the Government and Minister from any responsibility to any

claimant or claims of any one for the property taken, or price awarded.

MINISTER MAY COMPROMISE CLAIM.

SECTION 23. The Minister shall have the power to compound and compromise with any claimant, owner or party interested, either before or after any such decision of the Commissioners in any way he may deem most advantageous to the Government, and for that purpose may substitute other land in lieu of that taken. He shall also have the power to pay any awards or compromises out of any moneys appropriated by the Legislature for such purposes.

TIME FOR REMOVAL OF PROPERTY.

SECTION 24. The Commissioners shall grant reasonable time for any person interested to remove timber, trees, buildings, fences and other property (for which no payment for damages are awarded), and if the same shall not be removed within that time (unless the time be extended by the Commissioners or the Minister), they shall revert to the benefit of the Hawaiian Government, and the owners shall be deemed to have relinquished and released all their rights and claim thereto for the benefit of the Hawaiian Government.

BENEFITS AND BETTERMENTS.

SECTION 25. The real estate and rights and interests therein, abutting on or near to either or both sides of the line or route of the proposed opening, closing, or improvement of highway which may be benefited by such opening, closing or improvement, shall be assessed, bear and pay such relative proportion of the estimated cost and expense of the same as is directed by this Act to be assessed to estates benefited as to the Commissioners shall seem just.

Provided, however, that the Minister may waive such

assessment or any portion thereof by giving notice to the Commissioners that no benefits or betterments are to be assessed in any particular proposed improvement.

AMOUNT TO BE ASSESSED—HOW ASCERTAINED.

SECTION 26. The estimated cost and expense which shall be assessed under the preceding Section 25 shall mean and be:

The total money awards of the Commissioners for damages and value of property taken and any value or awards for removal of property where option is given; also the amount finally agreed upon, of any claims that may have been compromised by the Minister; also the estimated cost of work, labor and material to be expended by the Government to perfect such opening, closing or improvement.

All estimates shall be signed by the Minister or Chief Clerk of the Department of the Interior. Provided, however, that the failure to include or the omission of any item of cost or expense shall not invalidate any estimate or any assessment of benefits or betterments.

SECTION 27. Upon filing their Decision "A" as to damages the Commissioners shall determine the total estimate of cost and expense, from their decision and from estimates and claims compromised that may be furnished them by the Minister.

NOTICE OF BETTERMENT HEARING.

SECTION 28. The Commissioners shall give notice of a time and place at which parties in interest, or whose estates may in their opinion, be *prima facie* liable to assessment for benefits or betterments, may attend and be heard.

Such notice if served by the Commissioners or any one by their direction, in the same manner as service is provided in

Section 12 of this Act to be made by the Road Authorities, shall be deemed good and sufficient service.

BETTERMENT DECISION.

SECTION 29. After hearing all parties that may appear, the Commissioners shall determine and apportion one-half of the estimated cost and expense of the proposed improvement among the estates, and respective interests in estates benefited or bettered as hereinbefore set forth, in such proportion as in their judgment such estates ought to be assessed and ought to bear the same.

SECTION 30. The Commissioners shall render and file with the Minister a decision of their award of assessment of benefits or betterments to be marked as Decision "B," which decision shall set forth all benefits assessed with

1. Location of estate.
2. Name of owner or party interested.
3. Amount assessed as benefit or betterment to estates or interests.
4. Total amount of cost or expense to be borne by estates assessed.

The Commissioners shall also file with the Minister all documents and papers and records.

The Commissioners shall also serve a certified copy of their Decision "B," as to benefits and betterments on the owner of or party interested in each estate assessed, and also on the Minister.

BETTERMENT DECISION RAISES A LIEN.

SECTION 31. The Minister shall cause to be recorded in the Office of the Registrar of Conveyances, in Honolulu, a certified copy of decision "B," within sixty days after the same shall have been filed by the Commissioners, and a lien shall

attach to each estate or interest therein, in favor of the Government, for the amount of benefits or betterments assessed, which lien shall have precedence over all other liens whatsoever, but no personal liability shall attach to the owners of the estate.

Such lien may be enforced by suit in equity, in the nature of suits for foreclosure of mortgages, or in any manner that may be provided by law.

Provided, however, that no such lien shall be enforced after the expiration of five years after the same attaches.

UNPAID BETTERMENT—ASSESSMENT TO BEAR INTEREST.

SECTION 32. All assessments remaining unpaid after sixty days from the filing of decision "B" with the Minister, shall bear and pay interest at the rate of nine per cent. per annum.

APPEALS—APPELLATE COURTS.

SECTION 33. Any person aggrieved by the decision of the Commissioners, as to the award of damages by decision "A," or the assessment of benefits or betterments by decision "B," or both, may appeal therefrom to the Circuit Court of the Judicial Circuit in which such action is located.

REQUISITES OF APPEAL.

SECTION 34. All appeals must be taken within twenty days after the service on appellant of a certified copy of the decision of the Commissioners appealed from, by filing with the Commissioners a notice in writing of such appeal, by paying the sum of five dollars as costs of appeal, and filing a bond in the sum of fifty dollars, conditioned to secure payment of future costs, to be made to the Clerk of the Court appealed to. Provided, however, that cash may be deposited in lieu of such bond.

Upon receipt of any notice of appeal, costs and bond, the Chairman of the Commissioners (or, if he be absent from the District, one of the other Commissioners) shall make out, sign and deliver to each appellant a certificate of appeal in the following form, to wit :

Hawaiian Islands,

Island of

This is to certify that in the matter of (state improvement) an award, or assessment for (damages or benefits, as the case may be) was made by the Commissioners to or against (name).....on.....(date)..... as follows.....

That he (name)..... hath given notice in writing of appeal therefrom to.....(Court) and deposited costs \$..... accrued, and (bond or cash, as the case may be) to secure further costs.

Dated.....

.....
Commissioner.

And shall also send a copy of such certificate to the Minister.

The Chairman of Commissioners shall also forthwith forward copies of all certificates of appeal, together with costs and bonds deposited to the Court appealed to.

It shall be the duty of any appellant to see that the appeal be entered in such Court, and that the records of such Commissioners be produced before such court.

PRODUCTION OF RECORDS ON APPEAL.

SECTION 35. Upon notice by appellant, the court may request the Minister to produce and file with its Clerk the records of the Commissioners, or certified copies thereof.

Upon such request of the Court, the Minister shall cause to be sent up and filed with the Clerk of such Court all papers, minutes, reports, decisions and records of the Commissioners, or certified copies thereof, for use in any such appeals.

Upon the final decision or settlement of the appeals, the Court having jurisdiction of such records and documents shall immediately return the same to the Minister, together with any judicial alteration, amendment or decision, and the same shall become a record in his department.

ASSESSMENT OF COSTS.

SECTION 36. The Court of Appeal may determine and award what costs, or proportion of costs shall be paid by any appellant.

MINISTER MAY APPEAL.

SECTION 37. The Minister shall have the same right of appeal, and shall give the same notice and receive a certificate of appeal. Provided, however, that he shall not be required to give or deposit any costs or bond.

BETTERMENTS DEDUCTED FROM DAMAGES.

SECTION 38. The Minister may, in case any damage be awarded, and benefits assessed on the same estate, deduct the assessment from the amount of damage.

CERTIFICATE OF SERVICE OF NOTICE.

SECTION 39. Any service of notice under the provisions of this Act, duly certified by the person making the same, shall be *prima facie* evidence of such service.

DECISION OF COMMISSIONERS CONCLUSIVE.

SECTION 40. The decisions of the Commissioners shall be

conclusive on all parties who have had notice served, as provided herein, and on all who have become parties to the proceedings, subject to appeal.

DEATH OR DISABILITY SHALL NOT ABATE PROCEEDINGS.

SECTION 41. In any proceedings under this Act there shall be no abatement by the death or disability of any person in interest; but the executor, administrator, heirs or devisee of the deceased person, or the representative of the person under disability, may appear and prosecute in the same manner as the deceased person or persons under disability might have done.

INFORMALITY NOT TO INVALIDATE PROCEEDINGS.

SECTION 42. No act or procedure herein shall be illegal or invalidate the proceedings or decisions on account of mere informality, nor because the same was not completed within the time required by law (except time as to removal of property by claimants), unless the private rights of persons interested shall be injuriously affected thereby, and the burden of proof thereof shall be on the party claimant, and any such illegality shall be taken advantage of only by said person and shall in no wise affect the general proceedings.

TITLE AND DISPOSITION OF ROADS.

SECTION 43. All lands and real property taken for highways or improvements under this Act shall belong to the Hawaiian Government absolutely and in fee simple, and in case a highway or improvement shall at any time be vacated, closed, abandoned or discontinued, the land of such highway or improvements shall be used for the purposes of the Government; provided that in case the same shall be in any way disposed of by the Government, it shall be first offered to the

abutters in compromise, for a reasonable length of time and at a reasonable price, and if they do not take the same then it may be sold at public auction.

IMPROVEMENT A CHARGE ON THE DISTRICT.

SECTION 44. The Minister may, except in cases otherwise specially provided for by law, charge upon the road district or district wherein the improvement lies, the cost and expense, or a proportion thereof if the improvement lies in two or more road districts, of the proposed improvement.

COMPENSATION OF COMMISSIONERS.

SECTION 45. Each Commissioner shall be entitled to five dollars for each day of active service and such further compensation as the Minister may allow, and also such clerk hire, stationery, etc., as may be allowed by the Minister.

DUTY OF MARSHAL AND SHERIFFS.

SECTION 46. It shall be the duty of the Marshal or Sheriff to do and perform any act or thing of him required by the provisions of this Act, and the deputy of the Marshal or of the Sheriff is hereby authorized to perform such duty when so directed by the Marshal or Sheriff.

REPEAL OF EXISTING LAWS.

SECTION 47. Chapter VIII. of the Session Laws of 1870, Chapter XXXII. of the Session Laws of 1872, and all laws and parts of laws so far as they are inconsistent or in conflict with the provisions of this Act are hereby repealed.

SECTION 48. Such repeal shall not impair or affect any act or thing done or any right accruing, accrued or acquired, proceedings taken or appointments made prior to such repeal, and all matters civil, commenced or pending by virtue of or under the laws so repealed, may be prosecuted and defended

to final result in the same manner as they might under the laws existing at the time immediately prior to such repeal.

Approved this 19th day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXIV.

AN ACT

To EXEMPT CERTAIN FOREST LANDS FROM TAXATION.

WHEREAS, the preservation of Forests is a matter of great public interest in consequence of their influence upon the water supply of the Kingdom, therefore,

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. In all cases where forest land is fenced for the purpose of protecting the forest or springs or streams of water rising on said premises or flowing through the same, and all live stock are excluded from the same, and no other use of such lands or its products is made, such land, so long as such conditions exist, shall be exempt from taxation.

In order to secure such exemption the person claiming it shall, annually between the first and thirty-first days of July make a sworn written statement to the local Tax Assessor describing the land in detail and setting forth the facts upon which exemption is claimed, including an agreement that in

consideration of the exemption from taxes he will during the year next succeeding keep such land properly fenced, will not allow any live stock upon it, and will not use such land or its products during such year without first paying the taxes thereon.

SECTION 2. Any person who shall have secured such exemption who shall violate the terms of such agreement shall be liable to be fined twice the amount of the tax which would be assessed upon such land but for such exemption, and any District Justice is hereby given jurisdiction of such matter.

SECTION 3. This Act shall take effect from and after the date of its approval, and all laws and parts of laws in conflict with the same, so far as they are in such conflict are repealed.

Approved this 19th day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXXV.

AN ACT

TO AMEND SECTION 16 OF 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," APPROVED THE 4TH DAY OF AUGUST, A. D. 1882.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 16 of 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," is hereby amended by striking out the words "which salary shall not be diminished during his continuance in office," so that said Section shall read as follows:

"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."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22d day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN;

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXVI.

AN ACT

TO AMEND SECTIONS 3, 8 AND 79 OF AN ACT ENTITLED "AN ACT TO REORGANIZE THE JUDICIARY DEPARTMENT," APPROVED THE 25TH DAY OF NOVEMBER, A. D. 1892, AND TO ADD TO SAID ACT A NEW SECTION, TO BE NUMBERED SECTION 81A.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 3 of an Act entitled "An Act to reorganize the Judiciary Department," approved the 25th day of November, A. D. 1892, is hereby amended, so that said Section shall read as follows:

"Section 3. No Justice of the Supreme Court, nor any Circuit Judge shall exercise the profession or employment of counsel or attorney-at-law, or be engaged in the practice of law."

SECTION 2. Section 8 of said Act is hereby amended so as to read as follows:

"Section 8. There shall be appointed one or more District Magistrates for each Judicial District of the Kingdom. Such Magistrates shall be commissioned by the Sovereign, upon the written nomination of the Cabinet, or of a majority of the members thereof. Each such Magistrate shall reside in the District for which he is commissioned."

SECTION 3. Section 79 of said Act is hereby amended, by adding thereto the following words:

"And further provided that nothing in this Act shall be construed to forbid any cause or matter, civil or criminal, which at the time of the taking effect of this Act, shall be pending in the Circuit Court of the Third Judicial Circuit as heretofore existing, from being heard, tried and determined, and having all appropriate judgment, orders and decrees entered, rendered and enforced therein, in, before and by the Circuit Court of the Fourth Circuit."

SECTION 4. There is hereby added to said Act a new Section, to be numbered 81A, which shall read as follows:

SECTION 81A. Wherever, by the provisions of this Act or of any other law of this Kingdom, any act is or shall be required to be performed by the Chief Justice of the Supreme Court, such act may, (unless otherwise expressly provided), be performed during the absence, illness or other inability or

disability of the Chief Justice, by any Associate Justice of said Courts."

SECTION 5. This Act shall take effect and be a law on and after the first day of January, A. D. 1893, and all laws and parts of laws in conflict herewith are hereby repealed.

Approved this 23d day of December, A. D. 1892.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXVII.

AN ACT

TO PREVENT HUNTING AND SHOOTING ON PRIVATE GROUNDS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. It shall not be lawful for any person or persons to enter upon any land belonging to or occupied by another, for the purpose of hunting with dogs, or to shoot, kill, take or destroy any kind of game without first having obtained permission from the owner or occupier of such land.

SECTION 2. Any person who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor, and shall be punished upon conviction by a fine of not less than five dollars nor more than twenty-five dollars; provided however, that no prosecution shall be had under the provisions of this Act, except upon the sworn complaint of the owner or

occupant of the lands so trespassed upon, or his legal representative.

Approved this 28th day of December, A. D. 1892.

LILLIOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXVIII.

AN ACT

MAKING SPECIAL APPROPRIATIONS FOR THE USE OF THE GOVERNMENT DURING THE TWO YEARS WHICH WILL END WITH THE THIRTY-FIRST DAY OF MARCH, IN THE YEAR A. D. 1894.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The following sums, amounting to \$2,811,430.20, are hereby appropriated to be paid out of all moneys in the Treasury received from all the current receipts of the general revenue of the Kingdom for the biennial fiscal period commencing with the first day of April, A. D. 1892, and ending with the thirty-first day of March, A. D. 1894.

CIVIL LIST.

Her Majesty's Privy Purse: From March 31,

1892, to November 30, 1892 \$13,332 00

From Nov. 30, 1892, to March 31, 1894.. 20,000 00

—————\$ 33,332 00

H. R. H. Princess Kaiulani, the Heir Presumptive....\$	10,000 00
Her Majesty's Chamberlain: From March 31, 1892, to Nov. 30, 1892.	\$2,000 00
From Nov. 30, 1892, to March 31, 1894... .	3,667 00
	—————
	5,667 00
Her Majesty's household expenses	10,000 00
Travelling expenses of Her Royal Highness Princess Kaiulani	4,000 00
	—————
	\$ 62,999 00

PERMANENT SETTLEMENTS.

Her Majesty Queen Dowager Kapiolani.....\$	4,000 00
Mrs. Emma Barnard.....	600 00
Mrs. Kamakani Simeona	400 00
Mrs. Kaulua.....	400 00
	—————
	\$ 5,400 00

LEGISLATURE AND PRIVY COUNCIL.

Expenses of Legislature.....\$	35,000 00
Secretary of Privy Council	200 00
Incidentals of Privy Council.....	250 00
	—————
	\$ 35,450 00

JUDICIARY DEPARTMENT.

Salary of Chief Justice.....\$	12,000 00
Salary of First Associate Justice.....	10,000 00
Salary of Second Associate Justice.....	10,000 00
Salary of Clerk Supreme Court from April 1, 1892, to December 31, 1892.....	2,625 00
Salary of Deputy Clerk Supreme Court from April 1, 1892, to December 31, 1892	1,500 00
Salary of Second Deputy Clerk Supreme Court from April 1, 1892, to December 31, 1892.....	1,350 00
Salary of Clerk Judiciary Department from January 1, 1893, to March 31, 1894	3,750 00

Salary of Shorthand Reporter, who shall furnish to Attorney-General transcripts of proceedings in Crown and Government cases free of charge, from March 31, 1892, to Nov. 30, 1892	\$2,000 00
From Nov. 30, 1892, to March 31, 1894	3,200 00
	-----\$
Salary of Hawaiian Interpreter Supreme and Circuit Courts, from March 31, 1892, to November 30, 1892	\$ 2,400 00
From Nov. 30, 1892, to March 31, 1894	4,000 00

Salary of Circuit Judge, Maui, from April 1, 1892, to January 1, 1893	1,500 00
Salary of Circuit Judge, Hilo and Kau, from April 1, 1892, to February 18, 1893	1,766 56
Salary of Circuit Judge, Kohala and Kona, from April 1, 1892, to January 1, 1893	1,500 00
Salary of Circuit Judge, Kauai, from April 1, 1892, to January 1, 1893	1,500 00
Salary of First Circuit Judge, Oahu, from January 1, 1893, to March 31, 1894	5,000 00
Salary of Second Circuit Judge, Oahu, from January 1, 1893, to March 31, 1894	5,000 00
Salary of Circuit Judge, Second Circuit, from January 1, 1893, to March 31, 1894	3,750 00
Salary of Circuit Judge, Third and Fourth Circuits, from January 1, 1893, to March 31, 1894	3,750 00
Salary of Circuit Judge, Fifth Circuit, from January 1, 1893, to March 31, 1894	3,750 00
Salary of Police Justice, Honolulu, from March 31, 1892, to Nov. 30, 1892	\$2,000 00
From Nov. 30, 1892, to March 31, 1894	3,333 00

Salary of Police Justice, Hilo	3,000 00

Salary of Police Justice, Lahaina, from March 31, 1892, to Nov. 30, 1892 . . . \$ 800 00	
From Nov. 30, 1892, to March 31, 1894 . . . 1,333 00	—————\$ 2,133 00
Salary of Police Justice, Wailuku, from March 31, 1892, to Nov. 30, 1892 . . . \$1,000 00	
From Nov. 30, 1892, to March 31, 1894 . . . 1,600 00	—————\$ 2,600 00
Salary of Police Justice, North Kohala, from March 31, 1892, to Nov. 30, 1892 . . . \$ 800 00	
From Nov. 30, 1892, to March 31, 1894 . . . 1,467 00	—————\$ 2,267 00
Salary of Police Justice, Hamakua, from March 31, 1892, to Nov. 30, 1892 . . . \$ 666 66	
From Nov. 30, 1892, to March 31, 1894 . . . 1,200 00	—————\$ 1,866 66
Salary of Police Justice, Lihue, from March 31, 1892, to Nov. 30, 1892 . . . \$ 666 66	
From Nov. 30, 1892, to March 31, 1894 . . . 1,200 00	—————\$ 1,866 66
Salary of Police Justice, Makawao, from March 31, 1892, to Nov. 30, 1892 . . . \$ 800 00	
From Nov. 30, 1892, to March 31, 1894 . . . 1,467 00	—————\$ 2,267 00
Salary of Police Justice, Ewa	\$ 1,200 00
Salary of District Judge, North Hilo, from March 31, 1892, to Nov. 30, 1892 . . . \$333 33	
From Nov. 30, 1892, to March 31, 1894 . . . 533 00	—————\$ 866 33
Salary of District Judge, Central Hilo	\$ 800 00
Salary of District Judge, Puna, from March 31, 1892, to November 30, 1892 . . . \$320 00	
From Nov. 30, 1892, to March 31, 1894 . . . 533 00	—————\$ 853 00
Salary of District Judge, West Kau, from March 31, 1892, to Nov. 30, 1892 . . . \$400 00	
From Nov. 30, 1892, to March 31, 1894 . . . 666 00	—————\$ 1,066 00

Salary of District Judge, East Kau, from March 31, 1892, to Nov. 30, 1892.....	\$300 00
From Nov. 30, 1892, to March 31, 1894.....	533 00
	—————\$
Salary of District Judge, North Kona.....	833 00
Salary of District Judge, South Kona.....	800 00
Salary of District Judge, South Kohala, from March 31, 1892, to November 30, 1892.	\$400 00
From Nov. 30, 1892, to March 31, 1894....	666 00
	—————
Salary of District Judge, Honuaula.....	1,066 00
Salary of District Judge, Hana, from March 31, 1892, to November 30, 1892.....	\$ 600 00
From Nov. 30, 1892, to March 31, 1894....	1,000 00
	—————
Salary of District Judge, Kipahulu	1,600 00
Salary of District Judge, Lanai	600 00
Salary of District Judge, Molokai	600 00
Salary of District Judge, Waianae.....	1,200 00
Salary of District Judge, Waialua	800 00
Salary of District Judge, Koolauloa.....	800 00
Salary of District Judge, Koolaupoko	800 00
Salary of District Judge, Hanalei.....	1,000 00
Salary of District Judge, Kawaihau.....	1,000 00
Salary of District Judge, Koloa, from March 31, 1892, to November 30, 1892.....	\$400 00
From Nov. 30, 1892, to March 31, 1894....	666 00
	—————
Salary of District Judge, Waimea.....	1,066 00
Salary of Clerk Second Judicial Circuit, from April 1, 1892, to December 31, 1892.....	1,200 00
Salary of Clerk Third Judicial Circuit, from April 1, 1892, to December 31, 1892.....	225 00
Salary of Clerk Fourth Judicial Circuit, from April 1, 1892, to December 31, 1892.....	375 00
	—————
	225 00

Salary of First Clerk, First Circuit, from January 1, 1893, to March 31, 1894	\$ 2,500 00
Salary of Second Clerk, First Circuit, from January 1, 1893, to March 31, 1894.....	2,250 00
Salary of Clerk Circuit Court, Second Circuit, from January 1, 1893, to March 31, 1894.....	750 00
Salary of Clerk Circuit Courts, Third and Fourth Cir- cuits, from January 1, 1893, to March 31, 1894,	1,250 00
Salary of Clerk Circuit Court, Fifth Circuit, from Jan- uary 1, 1893, to March 31, 1894.....	625 00
Expenses Supreme and Circuit Courts.....	25,000 00
Purchase of Law Books	1,000 00
" " " for Circuit Courts.....	1,000 00
Stationery and Incidentals	1,500 00
Pay of Interpreters all Courts not especially provided for, and expenses of Witnesses in criminal cases	7,000 00
Pay of Clerk and Interpreter Honolulu Police Court, from March 31, 1892, to November 30, 1892	\$ 1,000 00
From Nov. 30, 1892, to March 31, 1894... 1,600 00	_____
	2,600 00
Salary of Chinese Interpreter and Translator.....	3,600 00
Salary of Portuguese Interpreter and Translator....	1,800 00
Back pay of Portuguese Interpreter and Translator..	600 00
Printing and binding 8th vol. Hawaiian Reports....	2,300 00
Pay of Messengers.....	2,400 00

	\$ 179,425 21

DEPARTMENT OF FOREIGN AFFAIRS.

Salary of Minister.....	\$ 9,600 00
Salary of Secretary from March 31, 1892, to November 30, 1892	\$2,000 00
From Nov. 30, 1892, to March 31, 1894 ... 3,333 00	_____
	5,333 00

Salary of Clerks	\$	5,400	00
Salary of Envoy at Washington		12,000	00
Salary of Consul-General at San Francisco	\$	8,000	00
Clerical aid and expenses, San Francisco		5,000	00
		13,000	00
Relief and return of indigent Hawaiians		5,000	00
Education of Hawaiian youths abroad		4,000	00
Diplomatic and Consular Services		4,000	00
Expenses Foreign Agents		4,000	00
State Entertainments		4,000	00
Incidentals Foreign Office		3,000	00
Messenger		1,200	00
Queen's Guard		50,000	00
Band, Flags and Salutes		40,000	00
Expenses incurred under Band, Flags and Salutes last period, and not paid		588	94
For Historical work compiling and arranging mate- rial for the General History of the Islands, for collecting and preserving old public records, and expenses in connection therewith		2,500	00
Expense of sending the Band to Chicago, and pro- viding literature for distribution at the World's Columbian Exposition		12,000	00
And it is hereby provided that moneys received abroad by the Band may be used for its expenses in- stead of being paid into the Treasury as a realization. Celebration of the Jubilee of the Hawaiian Kingdom, 1893		3,000	00
	\$	178,621	94

DEPARTMENT OF FINANCE.

Salary of Minister	\$	9,600	00
Salary of Auditor-General		9,600	00
Extra service during last term		3,175	00

Salary of Registrar of Public Accounts from March 31, 1892, to Nov. 30, 1892	\$2,333 00
From Nov. 30, 1892, to March 31, 1894	4,000 00
	—————\$
	6,333 00
Salary of Clerk Finance Office, from March 31, 1892, to Nov. 30, 1892	\$1,200 00
From Nov. 30, 1892, to March 31, 1894	2,000 00
	—————
	3,200 00
Salary of Tax Assessor, Oahu, from March 31, 1892, to Nov. 30, 1892	\$2,000 00
From Nov. 30, 1892, to March 31, 1894	3,333 00
	—————
	5,333 00
Salary of Tax Assessor, Hawaii, from March 31, 1892, to Nov. 30, 1892	\$2,000 00
From Nov. 30, 1892, to March 31, 1894	3,333 00
	—————
	5,333 00
Salary of Tax Assessor, Maui, from March 31, 1892, to Nov. 30, 1892	\$1,679 88
From Nov. 30, 1892, to March 31, 1894	3,067 00
	—————
	4,746 88
Salary of Tax Assessor, Kauai, from March 31, 1892, to Nov. 30, 1892	\$1,600 00
From Nov. 30, 1892, to March 31, 1894	2,667 00
	—————
	4,267 00
Salary Deputy Assessors and Collectors	43.000 00
Salary Clerk, Assessor Oahu, from March 31, 1892, to Nov. 30, 1892	\$1,000 00
From Nov. 30, 1892, to March 31, 1894	1,000 00
	—————
	2,000 00
Tax Appeal Boards	1,500 00
Incidentals Finance Department	3,000 00
Incidentals Tax Assessors' offices, and to cover debt of last period	5,000 00
Incidentals Auditor-General's office	600 00
Dog Tags	600 00
Messenger Finance Office	1,200 00

Printing Certificates of Deposit and Bonds.....	\$ 4,000 00
Interest on Public Debt, including commission for remittance to London.....	410,000 00
Interest on money to be borrowed.....	30,000 00
National Debt falling due.....	10,200 00
Return of Taxes illegally collected.....	4,736 00
Judgment favor J. Kahahawai.....	2,600 00
To pay any judgments that may be recovered against the Hawaiian Government at suits of Peter High and George Dillingham for damages...	1,600 00
Return election fees to J. N. Kapahu, J. Mattoon, A. Horner and O. K. Apiki.....	100 00
Subsidy to Oahu Railway and Land Company.....	4,600 00
Salaries last period not paid:	
District Justice, Lihue	\$250 00
District Justice, East Kau	88 00
District Justice, North Kona.....	100 00
District Justice, Honuaula.....	34 00
District Justice, Molokai	50 00
District Justice, Hanalei	125 00
District Justice, Waimea	125 00
Clerk Second Judicial Circuit.....	100 00
Envoy at Washington.....	506 05
First Associate Justice	138 88
	—
	1,516 93
	—
	\$ 577,840 81

POSTAL BUREAU.

Salary of Postmaster-General from March 31, 1892, to Nov. 30, 1892.....	\$2,334 00
From Nov. 30, 1892, to March 31, 1894... 4,000 00	—
	6,334 00
Salary of Secretary.....	4,200 00
Salary of Superintendent Postal Savings Bank	3,600 00

Salary of Superintendent Postal Money Order Department	\$ 3,600 00
Salary of Clerks.....	21,720 00
Back pay to November 30, 1892.....	4,200 00
Salary of Postmasters.....	31,000 00
Mail Carriage.....	29,000 00
Oceanic Steamship Subsidy from San Francisco to Honolulu, at the rate of \$1,250 per month...	30,000 00

The payment of which subsidy is conditioned that the said Oceanic Steamship Company do not charge any more for freight, freight on specie, passengers and other charges, than are now being paid to, or charged by said Oceanic Steamship Company in the regular course of their business.

Steamship Service from the Pacific Coast to Honolulu, *via* Hilo, by steamer of 1,800 tons or over, other than the direct service between San Francisco and Honolulu heretofore in vogue, \$500 per trip, at periods not to exceed four weeks...

To balance Books of Postal Savings Bank, provided that no part hereof shall be so applied without the written consent of the Cabinet after investigating the facts.....

Subsidy to the Puget Sound and Hawaiian Traffic Company, \$500 for each monthly round trip between Puget Sound Ports and Honolulu, from February 1, 1893, until March 31, 1894

On conditions that the service shall be performed by a first-class steamer of not less than 1,200 gross tons, that said Company shall carry the Hawaiian mails free, that no part of said subsidy shall be due or paid until six months of monthly service shall have been performed, and no further payment after

7,500 00

8,500 00

7,000 00

the twelfth trip has been made, and thereafter monthly.

Incidentals.....	\$ 13,000 00
	<hr/> \$ 169,654 00

BUREAU OF CUSTOMS.

Salary of Collector General, from March 31, 1892, to November 30, 1892	\$ 2,332 00
From Nov. 30, 1892, to March 31, 1894 . .	4,000 00
	<hr/> \$ 6,332 00
Salary of Deputy Collector, from March 31, 1892, to November 30, 1892	\$ 2,000 00
From Nov. 30, 1892, to March 31, 1894 . .	3,333 00
	<hr/> \$ 5,333 00
Salary of Harbor Master, from March 31, 1892, to November 30, 1892	\$ 2,000 00
From Nov. 30, 1892, to, March 31, 1894 . .	3,333 00
	<hr/> \$ 5,333 00
Salary of Port Surveyor, Honolulu.	\$ 3,600 00
Salary of Storekeeper, from March 31, 1892, to November 30, 1892	\$ 1,600 00
From Nov. 30, 1892, to March 31, 1894 . .	2,667 00
	<hr/> \$ 4,267 00
Salary of Assistant Storekeeper, from March 31, 1892, to Nov. 30, 1892	\$ 800 00
From Nov. 30, 1892, to March 31, 1894 . .	1,333 00
	<hr/> \$ 2,133 00
Salary of First Statistical Clerk, from March 31, 1892, to Nov. 30, 1892	\$ 1,200 00
From Nov. 30, 1892, to March 31, 1894 . .	2,000 00
	<hr/> \$ 3,200 00
Salary of Second Statistical Clerk, from March 31, 1892, to Nov. 30, 1892	\$ 1,000 00
From Nov. 30, 1892, to March 31, 1894 . .	1,600 00
	<hr/> \$ 2,600 00
Salary of Third Statistical Clerk, from March 31, 1892, to Nov. 30, 1892	\$ 1,000 00
From Nov. 30, 1892, to March 31, 1894 . .	1,600 00
	<hr/> \$ 2,600 00

Salary of Fourth Statistical Clerk, to Nov. 30, 1892 .. \$	1,000 00
Salary of Bookkeeper, from March 31, 1892, to November 30, 1892 .. . \$1,200 00	
From Nov. 30, 1892, to March 31, 1894 ... 2,000 00	
	-----\$ 3,200 00
Salary of Collector, Kahului, from March 31, 1892, to November 30, 1892....\$1,200 00	
From Nov. 30, 1892, to March 31, 1894 ... 2,000 00	
	-----\$ 3,200 00
Salary of Collector, Hilo, from March 31, 1892, to November 30, 1892.....\$1,200 00	
From Nov. 30, 1892, to March 31, 1894 ... 2,000 00	
	-----\$ 3,200 00
Salary of Collector, Mahukona and Honoipu.....\$	1,440 00
Salary of Collector, Kolea, to Nov. 30, 1892.....	66 67
Salary of Port Surveyor, Kahului, from March 31, 1892, to Nov. 30, 1892 .. \$ 800 00	
From Nov. 30, 1892, to March 31, 1894 .. 1,333 00	
	-----\$ 2,133 00
Salary of Port Surveyor, Hilo, from March 31, 1892, to November 30, 1892....\$ 800 00	
From Nov. 30, 1892, to March 31, 1894 ... 1,333 00	
	-----\$ 2,133 00
Salary of Keeper Kerosene Warehouse...\$ 1,800 00	
Rent of Kerosene Warehouses	324 00
Assistants in Bonded Warehouse..... 3,224 00	
Assistant Guards, Honolulu 11,520 00	
Assistant Guards, Debt due March 31, 1892 960 00	
Assistant Guards, all other Ports..... 6,000 00	
Custom House Boat..... 1,200 00	
Salary of three Pilots, Port of Honolulu.. 10,500 00	
Expenses Pilot Boats, Port of Honolulu.. 4,500 00	
Incidentals, Custom House	4,000 00
	-----\$ 95,798 67

ATTORNEY-GENERAL'S DEPARTMENT.

Salary of Attorney-General	\$	9,600	00	
Salary of Deputy Attorney-General, from March 31, 1892, to Nov. 30, 1892 ...	\$	2,332	00	
From Nov. 30, 1892, to March 31, 1894 ...		4,000	00	
		—————		
Salary of Marshal, from March 31, 1892, to Nov. 30, 1892	\$	2,332	00	
From Nov. 30, 1892, to March 31, 1894 ...		4,000	00	
		—————		
Salary of Deputy Marshal, from March 31, 1892, to Nov. 30, 1892	\$	1,600	00	
From Nov. 30, 1892, to March 31, 1894 ...		2,400	00	
		—————		
Salary of First Clerk to Marshal, from March 31, 1892, to Nov. 30, 1892	\$	1,332	00	
From Nov. 30, 1892, to March 31, 1894 ...		2,400	00	
		—————		
Salary of Second Clerk to Marshal, to Nov. 30, 1892,				
Salary of Jailer of Oahu Prison		800	00	
Salary of Sheriff of Hawaii, from March 31, 1892, to Nov. 30, 1892	\$	1,833	00	
From Nov. 30, 1892, to March 31, 1894 ...		3,333	00	
		—————		
Salary of Sheriff of Maui, from March 31, 1892, to Nov. 30, 1892	\$	1,666	66	
From Nov. 30, 1892, to March 31, 1894 ...		3,000	00	
		—————		
Salary of Sheriff of Kauai, from March 31, 1892, to Nov. 30, 1892	\$	1,333	34	
From Nov. 30, 1892, to March 31, 1894 ...		2,400	00	
		—————		
Salary of Clerk to Sheriff of Hawaii, from March 31, 1892, to Nov. 30, 1892 ...	\$	600	00	
From Nov. 30, 1892, to March 31, 1894 ...		800	00	
		—————		
			1,400	00

Salary of Clerk to Sheriff of Maui, from March 31, 1892, to Nov. 30, 1892 . . . \$600 00	
From Nov. 30, 1892, to March 31, 1894 . . . 800 00	—————\$ 1,400 00
Salary of Clerk to Sheriff of Kauai	600 00
Pay of Deputy Sheriffs, Hawaii:	
South Hilo, from March 31, 1892, to Nov. 30, 1892 \$1,100 00	
From Nov. 30, 1892, to March 31, 1894. 2,000 00	————— 3,100 00
North Kohala, from March 31, 1892, to Nov. 30, 1892 \$1,000 00	
From Nov. 30, 1892, to March 31, 1894. 1,600 00	————— 2,600 00
South Kohala, from March 31, 1892, to Nov. 30, 1892 \$380 00	
From Nov. 30, 1892, to March 31, 1894. 720 00	————— 1,100 00
Hamakua, from March 31, 1892, to Nov. 30, 1892, \$1,000 00	
From Nov. 30, 1892, to March 31, 1894. 1,600 00	————— 2,600 00
North Hilo, from March 31, 1892, to Nov. 30, 1892 \$540 00	
From Nov. 30, 1892, to March 31, 1894. 960 00	————— 1,500 00
North Kona	1,440 00
South Kona	1,440 00
Kau, from March 31, 1892, to Nov. 30, 1892 \$ 790 00	
From Nov. 30, 1892, to March 31, 1894. 1,360 00	————— 2,150 00
Puna, from March 31, 1892, to Nov. 30, 1892, \$ 360 00	
From Nov. 30, 1892, to March 31, 1894. 640 00	————— 1,000 00

Pay of Police, Hawaii, from March 31, 1892,	
to Nov. 30, 1892.....\$14,597 36	
From Nov. 30, 1892, to March 31, 1894.. 24,000 00	-----\$ 38,597 36
Pay of Deputy Sheriffs, Maui:	
Wailuku, from March 31, 1892, to Nov.	
30, 1892.....\$1,175 00	
From Nov. 30, 1892, to March 31, 1894. 1,600 00	----- 2,775 00
Makawao, from March 31, 1892, to Nov.	
30, 1892.....\$1,200 00	
From Nov. 30, 1892, to March 31, 1894. 1,600 00	----- 2,800 00
Lahaina, from March 31, 1892, to Nov.	
30, 1892.....\$ 800 00	
From Nov. 30, 1892, to March 31, 1894. 1,280 00	----- 2,080 00
Hana, from March 31, 1892, to Nov. 30,	
1892.....\$ 800 00	
From Nov. 30, 1892, to March 31, 1894. 1,280 00	----- 2,080 00
Molokai, from March 31, 1892, to Nov.	
30, 1892.....\$520 00	
From Nov. 30, 1892, to March 31, 1894. 800 00	----- 1,320 00
Pay of Police, Maui, from March 31, 1892,	
to Nov. 30, 1892.....\$12,491 40	
From Nov. 30, 1892, to March 31, 1894.. 16,666 00	----- 29,157 40
Pay of Deputy Sheriffs, Kauai:	
Lihue, from March 31, 1892, to Nov. 30,	
1892.....\$ 720 00	
From Nov. 30, 1892, to March 31, 1894. 1,280 00	----- 2,000 00
Kawaihau, from March 31, 1892, to	
Nov. 30, 1892\$ 600 00	
From Nov. 30, 1892, to March 31, 1894. 1,040 00	----- 1,640 00

Hanalei, from March 31, 1892, to Nov.	
30, 1892.....	\$ 600 00
From Nov. 30, 1892 to March 31, 1894.	1,040 00
	-----\$
	1,640 00
Koloa, from March 31, 1892, to Nov. 30,	
1892.....	\$ 600 00
From Nov. 30, 1892, to March 31, 1894.	1,040 00

	1,640 00
Waimea	2,160 00
Pay of Police, Kauai, from March 31, 1892,	
to Nov. 30, 1892.....	\$4,344 00
From Nov. 30, 1892, to March 31, 1894...	7,200 00

	11,544 00
Pay of Deputy Sheriffs, Oahu:	
Koolaupoko, from March 31, 1892, to	
Nov. 30, 1892.....	\$480 00
From Nov. 30, 1892, to March 31, 1894.	800 00

	1,280 00
Koolauloa, from March 31, 1892, to	
Nov. 30, 1892.....	\$280 00
From Nov. 30, 1892, to March 31, 1894.	800 00

	1,080 00
Waialua, from March 31, 1892, to Nov.	
30, 1892.....	\$480 00
From Nov. 30, 1892, to March 31, 1894.	800 00

	1,280 00
Waianae, from March 31, 1892, to Nov.	
30, 1892	240 00
From Nov. 30, 1892, to March 31, 1894.	760 00

	1,000 00
Ewa, from March 31, 1892, to November	
30, 1892.....	\$480 00
From Nov. 30, 1892, to March 31, 1894.	800 00

	1,280 00
Pay of Police Oahu.....	90,000 00

Two Clerks Receiving Station, from March 31, 1892, to November 30, 1892....	\$1,440 00
From Nov. 30, 1892, to March 31, 1894....	1,920 00
	—————\$ 3,360 00
Salary Supreme Court Officer, from March 31, 1892, to November 30, 1892....	\$ 800 00
From Nov. 30, 1892, to March 31, 1894 ...	1,440 00
	—————\$ 2,240 00
Salary of Hack Inspector.....	\$ 2,400 00
Salary of Physician Receiving Station and Prison, from March 31, 1892, to Nov. 30, 1892	\$ 400 00
From Nov. 30, 1892, to March 31, 1894 ..	1,600 00
	—————\$ 2,000 00
Salary of Clerk, Translator and Copyist.....	\$ 2,400 00
Incidentals, Civil and Criminal Expenses, from March 31, 1892, to November 30, 1892.....	\$10,800 00
From Nov. 30, 1892, to March 31, 1894... .	6,666 66
	—————\$ 17,466 66
Coroners' Inquests.....	\$ 1,500 00
Coroners' Inquests (bills last period unpaid).....	170 00.
Support, maintenance and care of Pris- oners, from March 31, 1892, to Nov. 30, 1892.....	\$45,050 70
From Nov. 30, 1892 to March 31, 1894... .	53,333 32
	—————\$ 98,384 02
Bills unpaid Period 1890-92.....	7,293 84
	—————\$ 400,260 28

BUREAU OF PUBLIC INSTRUCTION.

Salary of Inspector General of Schools, in- cluding Travelling expenses, from March 31, 1892, to Nov. 30, 1892 ..	\$2,666 00
From Nov. 30, 1892, to March 31, 1894 ...	4,334 00
	—————\$ 7,000 00

Salary of Clerk and Secretary Board of Education, from March 31, 1892, to Nov.	
30, 1892.....	\$2,000 00
From Nov. 30, 1892, to March 31, 1894 ..	3,200 00
	-----\$ 5,200 00
Salary of Assistant Clerk, from March 31, 1892, to Nov. 30, 1892.....	\$1,200 00
From Nov. 30, 1892, to March 31, 1894....	2,000 00
	-----3,200 00
Salary of Messenger and Book Clerk.....	1,800 00
Support of English, Hawaiian and Common Schools.	164,000 00
Industrial and Reform School.....	7,000 00
Aid to Hilo Boarding School.....	1,500 00
" Kohala Seminary	1,500 00
" Iolani College, Honolulu	1,400 00
" Makawao Seminary.....	1,500 00
" Kauai Industrial School	2,000 00
" Kawaiahao Seminary	1,500 00
" Christ Church Family Boarding School, South Kona, Hawaii	500 00
" St. Andrew's Priory School for Girls.....	1,000 00
" School of Sisters of the Sacred Heart.....	1,000 00
Scholarships: Oahu College, 9; Iolani College, 12;	
St. Louis College, 25; Kamehameha School, 7;	
Hilo Boarding School, 8.....	6,100 00
Stationery and Incidentals.....	1,200 00
Expenses Normal Instruction.....	600 00
Professor of Chemistry, Oahu College, from	
March 31, 1892, to Nov. 30, 1892...\$ 800 00	
From Nov. 30, 1892, to March 31, 1894 ..	1,333 00
	-----2,133 00
Building and Repairs of School Houses.....	15,000 00
For printing condensed items of literature bearing upon the evil effects of strong drink and tobacco upon the young, and to be used in our public schools	300 00

	\$ 225,533 00

INTERIOR DEPARTMENT.

Salary of Minister.....	\$	9,600	00	
Salary of Chief Clerk, from March 31, 1892,				
to November 30, 1892.....	\$	2,334	00	
From Nov. 30, 1892, to March 31, 1894 ..		4,000	00	
			6,334	00
Salary of Assistant Clerks, from March 31,				
1892, to November 30, 1892.....	\$	6,400	00	
From Nov. 30, 1892, to March 31, 1894..		12,000	00	
			18,400	00
Messengers.....			2,400	00
Incidentals.....			3,000	00
	\$	39,734	00	

BUREAU OF SURVEY.

Salary of Surveyor-General, from March				
31, 1892, to November 30, 1892....	\$	2,334	00	
From Nov. 30, 1892, to March 31, 1894 ..		4,000	00	
			6,334	00
Salary of Employees, from March 31, 1892,				
to November 30, 1892.....	\$	7,200	00	
From Nov. 30, 1892, to March 31, 1894 ..		11,520	00	
			18,720	00
Salary of Employees: Debt due March 31, 1892....			942	00
" " Debt due Nov. 30, 1892.....			2,010	00
Expenses of Field Parties			7,000	00
Debt due March 31, 1892			111	37
Incidental office expenses, Instruments, Maps, Print-				
ing, Meteorology and Tide Gauge			1,500	00
Meteorology and Tide Gauge debt due March 31,				
1892			131	26
Homestead Survey debt due 31, 1892.....			792	84
Messenger			960	00
	\$	38,501	47	

BUREAU OF CONVEYANCES.

Salary of Registrar, from March 31, 1892, to

Nov. 30, 1892	\$2,000 00
From Nov. 30, 1892, to March 31, 1894..	3,334 00
	-----\$
Salary of Deputy Registrar.....	5,334 00
Pay of Clerks.....	4,000 00
Incidentals.....	6,680 00
	-----\$
	480 00
	-----\$
	16,494 00

BUREAU OF IMMIGRATION.

Salary of Inspector-General to October 31, 1892....\$	1,400 00
Salary of Japanese Inspector and Interpreter	6,000 00
Salary of Secretary Board of Immigration,	
from March 31, 1892, to Nov. 30, 1892.\$1,200 00	
From Nov. 30, 1892, to March 31, 1894... 1,600 00	-----
	2,800 00
Incidentals.....	-----\$
	1,500 00
	-----\$
	11,700 00

BUREAU OF WATER WORKS.

Superintendent and Clerk of Market, from

March 31, 1892 to Nov. 30, 1892...\$2,000 00	
From Nov. 30, 1892 to March 31, 1894.... 3,333 00	-----\$
	5,333 00
Clerks, First and Second.....	5,400 00
Running Expenses	12,561 00
Repairs of Reservoirs.....	6,000 00
General Repairs, Water Works.....	10,000 00
Laupahoehoe Water Works.....	50 00
Koloa Water Works	200 00
Hilo Water Works, Debt March 31, 1892...\$150 00	
Salary of Superintendent to Nov. 30, 1892.. 800 00	
Salary of Superintendent, balance of period. 800 00	-----
	1,750 00

Kohala Water Works, claim of H. Vischer for examination and report on survey for bringing water supply from Kohala mountains to Hamakua and Kohala	660 98
	<hr/> \$ 41,954 98

BUREAU OF PUBLIC WORKS.

Salary of Superintendent of Public Works, from March 31, 1892, to Nov. 30, 1892 \$2,334 00	
From Nov. 30, 1892, to March 31, 1894 . . . 4,000 00	<hr/>
	6,334 00
Salary of Assistants, from March 31, 1892, to November 30, 1892 \$2,400 00	
From Nov. 30, 1892, to March 31, 1894 . . . ,4,000 00	<hr/>
	6,400 00
Incidentals	500 00
Repairs, Furniture and additions, Government buildings	14,900 00
Government Buildings, debt due March 31, 1892	166 15
Burglar-proof Vault, Treasury \$3,594 00	
Interest 215 64	<hr/>
	3,809 64
Repairs to Kohala Jail and Keeper's house, and fence around Court House at North Kohala	1,200 00
Landings and Buoys, Hawaii \$1,000 00	
Debt due March 21, 1892 3 00	<hr/>
	1,003 00
Wharf at Keauhou, North Kona	600 00
Landing at Hoopuloa, South Kona	500 00
Landing at Hookena, South Kona	1,000 00
Landing at Kula, Puna	1,000 00
Wharf at Honoipu, Kohala	400 00
Wharf at Napoopoo, South Kona	500 00
Mooring Honoipu Harbor, Kohala	500 00
Maui	450 00
Wharf at Maalaea	1,600 00

Wharf, Mooring and Breakwater at Lahaina.....	1,200 00
Repairs to landing, including shed over it at Makena.....\$ 300 00	
Molokai 800 00	
Honolulu 12,000 00	
Kauai 1,500 00	
Breakwater at Waimea, Kauai..... 1,500 00	
General 6,000 00	

	30,853 00
Repairs and Running Expenses Lighthouses.....	13,000 00
Repairs Debt due March 31, 1892.....	55 00
Repairs and Running Expenses Steam Tug.....	21,200 00
Steam Tug, Debt of last Period not paid	2,371 47
Road Supervisor, Honolulu.....	4,800 00
For Repairs and care of existing Roads in the fol- lowing Districts:	
North Hilo..... \$ 1,500 00	
Hamakua 1,500 00	
South Kohala 500 00	
North Kona 500 00	
Road from Kalahuipuaa, South Ko- hala to Kona..... 600 00	
South Kona..... 500 00	
Puna 500 00	
Honolulu 30,000 00	
Debt due March 31, 1892..... 750 00	
Debt claim of J. R. Robertson..... 286 00	
Waialua, claim of J. R. Robertson... 72 68	
To complete Honouliwai Bridge, Mo- lokai 466 50	
For repairing Government road from the store of Tong Hop & Co. to Ka- puhau, in Kula, Makawao, Maui.. 600 00	
Repairs Bridge Pohakapuka, North Hilo 1,500 00	

Roads and Bridges, General.....	12,000 00
Road Damages	1,000 00

	52,275 18

	\$ 157,864 44
--	---------------

BOARD OF HEALTH.

Salary of President, from March 31, 1892, to

Nov. 30, 1892 \$2,000 00

From Nov. 30, 1892, to March 31, 1894... 3,200 00

5,200 00

Secretary 4,000 00

General Expenses..... 13,370 00

Propagation of Bovine Virus..... 500 00

Building, repairs and maintenance of Hospitals..... 16,000 00

Debt due March 31, 1892..... 1,329 42

Maintenance, repairs and rent of Quarantine Station. 8,500 00

Debt due March 31, 1892..... 36 00

Segregation, support and treatment of Lepers..... 225,000 00

Expense of erecting Monument to Father Damien .. 250 00

Support of non-leprosus Children of Lepers..... 3,130 00

Debt due March 31, 1892..... 85 35

Government Physicians, to include the sum of \$1,000

as pay of extra physician for the District of Wai-luku

37,000 00

Expenses under the Act to Mitigate, to be disbursed

in the discretion and under the direction of the
Board of Health

2,400 00

Medicines..... 8,000 00

Free system removing Garbage

12,000 00

\$ 336,800 77

MISCELLANEOUS.

Honolulu Fire Department

40,000 00

Debt due March 31, 1892..... 2,083 97

Hose Cart, Harness for Engine Co. No. 1, balance to

be applied towards purchase of Horse..... 1,000 00

Hose Cart and Horse for Engine Co. No. 2	1,000 00
Salary of Fire Marshal to Nov. 30, 1892 \$1,400 00	
To March 31, 1894	2,000 00
	3,400 00
Repairs and running expenses Insane Asylum	42,000 00
Debt due March 31, 1892	58 96
Repairs and running expenses Electric Light	27,310 00
Debt due March 31, 1892	15 75
Repairs and running expenses Markets	2,000 00
Subsidy to Steamer, between Honolulu, Maui, Molokai and Lanai	5,200 00
Aid to Kapiolani Park Association	5,000 00
Aid to "Paradise of the Pacific," subject to approval of the Minister of the Interior	2,400 00
Purchase of Pulping Machines to carry out provisions in the Appropriation Bill of 1890, to Encourage Coffee Culture	500 00
Public Grounds	7,340 00
Lighting Streets of towns other than Honolulu	1,300 00
Printing	9,000 00
Copying of Faded Records	1,000 00
Aid to Telephone line from Waiohinu to Kailua, on condition that a like amount be expended by the residents of the District, not exceeding	2,000 00
Aid to Telephone line from Haiku to Hana on condition that a like amount be expended by the residents of the District, not exceeding	1,000 00
Aid to Telephone line from Kailua to Kawaihae, on condition that a like amount be expended by the residents of the District not exceeding	1,000 00
Forests and Nurseries	15,000 00
Re-codifying and printing the Penal Code	2,500 00
Guards Aliiolani and Kapuaiwa buildings	1,200 00
Guard, Royal Mausoleum	300 00
Expenses of Election	10,000 00

(Unpaid bills General Election 1892)	9,617 00
Expenses Special Elections 1892	5,000 00
Aid to Queen's Hospital	20,000 00
Aid to Kapiolani Maternity Home	2,400 00
Expenses filing Certificates of Boundaries	200 00
Incidentals under Homestead Act	2,000 00
Debt due March 31, 1892	171 95
Quarantine Diseased Animals	1,000 00
Pay of Veterinary Surgeon, to November	
30, 1892	\$1,000 00
to March 31, 1894	800 00

Government Pounds	1,800 00
Diamond Head Signal Station	500 00
Rent Custom House Lot, Kahului	2,000 00
Rent Post Office, Hilo	600 00
Debt due March 31, 1892	300 00
Aid to Hilo Fire Department	1,200 00
Aid to encourage the transmission of messages and intelligence between the Islands of the Kingdom by means of Homing Pigeons	1,000 00
Palace Furniture, repairs to, and purchase of new furniture	500 00
Fencing and other expenses of the Cemetery at Pue'a, Kapalama	300 00

	\$ 237,397 63
Claim of J. Ilae, Molokai, to be expended by the Minister of the Interior in his discretion in settlement of damage, if such can be clearly proven, and in the requirement by the Government of a title to said landing and approach, either by purchase or by a lease for a long term	200 00

Total Section 1	\$2,811,430 20

SECTION 2. The following sums amounting to \$967,128.20, are hereby also appropriated out of any moneys which may be received by the Treasury during the biennial period ending March 31st, A. D. 1894, from any loan which may be authorized by the Legislature, from any surplus receipts from deposits in the Postal Savings Bank, and from current revenue in excess of the appropriations made in Section 1 in this Act.

INTERIOR DEPARTMENT.

Encouragement of Immigration.....	\$ 10,000 00
New Market, Honolulu.....	25,000 00
Central Station, Fire Department, provided it be built of native stone.....	50,000 00
Addition to Post Office.....	4,000 00
New Vault, Survey Office.....	3,500 00
New Wash-houses, Honolulu.....	7,500 00
New Powder Magazine.....	6,000 00
Repairs to Road and Breakwater at Koolauloa.....	3,000 00
New Wharf at Kaunakakai	1,500 00
New Wharves and Sea Wall, Honolulu.....	63,000 00
For construction of the following roads to be con- structed on regularly surveyed Grades, viz:	
Road from Kukulu through Puna	30,000 00
Volcano Road, including the sum of \$18,000 appro- priated by special bill.....	60,000 00
Roads North Kona	15,000 00
Upper main road connecting with Hookena road, South Kona, and Kaawaloa road.....	15,000 00
Road through Kula, Maui.....	10,000 00
Road from Makena to Kula.....	10,000 00
	<hr/> <hr/> \$ 140,000 00

For re-grading and permanent improvements of roads
in the several districts.

Roads and Bridges, Hawaii:

Hilo	\$10,000 00
Honolii Bridge	17,424 65
North Hilo	10,000 00
Repairs to Wharves, Kau.....	1,000 00
Improving road from Kahuku to Ma-	
nuka	500 00
Hamakua.....	3,000 00
North Kohala.....	5,000 00
Kau	3,000 00
New road, Kau.....	10,000 00
Re-grading roads, Hamakua.....	2,000 00
New road between North and South	
Kohala.....	1,022 29
Road up Laupahoehoe Gulch.....	200 00
North Kona.....	3,000 00
South Kona.....	3,000 00
New Grade Kaula Gulch, Hamakua	
side.....	1,000 00
Claim of J. M. Kealoha for land in	
South Kona, provided the Minister	
of Interior is satisfied with justice of	
claim	200 00
Purchase of Peter Lee's road to Vol-	
cano in Kau, to be paid under con-	
ditions named in report of majority	
of Committee of Legislature of 1892.	6,000 00

	76,346 94

Roads and Bridges, Maui:

Makawao	\$5,000 00
Road to Homestead Lots, Kula	500 00
Wailuku.....	5,000 00
Hana	5,000 00
Lahaina	3,000 00

	18,500 00

Roads and Bridges, Oahu:

Honolulu	\$20,000 00
Macadamizing and paving streets,	
Honolulu	12,064 76
Nuuau Pali Road.	37,000 00
Macadamizing of Kuakini Street, Honolulu	1,500 00
Extension of Road, East side of Kalihi Valley.....	5,000 00
Extension of Kamehameha IV. Road, West side of Kalihi Valley.....	3,000 00
Extension of School Street towards Insane Asylum	3,000 00
Repairs to road leading to Kalihi Receiving Station.....	500 00
Repairing and widening the road from Waikiki road to Kalia Bridge.	750 00
For purchase of right of way for and completion of the Ocean Beach Road from Kakaako to Waikiki...	7,500 00
Opening street from Smith's Bridge to Liliha Street.....	5,000 00
Manoa Roads.....	4,500 00
Widening Waikalalulu Street.....	2,000 00
Extending Liliha Street to Wyllie Street.....	2,500 00
Koolaupoko.....	3,500 00
Ewa and Waianae	2,600 00
Waialua	4,000 00
	114,414 76

Roads and Bridges, Kauai:

Hanalei	\$2,000 00
Road from Haena to Hanakapiai.....	500 00
Road from Hanakapiai to Kalalau ...	500 00
Waimea	2,000 00

Pali road at Kaneohia, including the road at Hanapepe.....	\$2,000 00
Koloa	2,000 00
	<hr/>
	\$ 9,000 00

For construction and Improvement of the
following Roads and Bridges:

Kohala to Waimea.....	\$ 2,000 00
Hilea to Pahala.....	3,000 00
Lahaina to Maalaea.....	5,000 00
Wailuku to Kahului	3,000 00
Wailuku to Maalaea.....	3,000 00
Kaiwiki to Hilo Homesteads.....	500 00
Bridge at Wailua, Kauai.....	15,000 00
	<hr/>
	31,500 00
	<hr/>
	\$ 563,261 70

MISCELLANEA.

Expenses under Registration Act.....	7,500 00
Hilo Fire Department	800 00
Pumping Plant, appurtenances and connections for Honolulu Water Works	50,000 00
Purchase of Water Pipes.....	12,750 00
Dam and building Reservoir, Makiki: purchase of pipe for same, pump wheel foundations, gearing, and running expenses.....	13,880 00
Hilo Water Works.....	3,400 00
Wailuku Water Works, estimated expenses	15,000 00
Kohala Water Works	3,500 00
Hilo Hospital.....	6,000 00
Purchase of kuleanas at Leper Settlement.....	5,000 00
Quarantine Expenses	20,000 00
Reservoir at Leper Settlement, Molokai.....	4,500 00
Addition to Insane Asylum.....	566 50
New Kerosene Warehouses.....	6,000 00
Dredging Honolulu Harbor Bar.....	110,000 00

Dredging Honolulu Harbor	\$	35,000 00
Road Damages.....		30,000 00
Subsidy to Oahu Railway and Land Company, under Section 2, Chapter XXXI. Session Laws of 1890, "An Act to further promote the construction of Railways on the Island of Oahu, say		14,000 00
Purchase of Water Rights, Nuuanu Valley.....		11,500 00
Expenses of Survey for Sewerage System for Honolulu		2,000 00
Purchase of Electric Light Plant at Palace		6,000 00
Support, Maintenance and Care of Prisoners		20,000 00
For the purchase of a Chemical Fire Engine for use at Kulaokahua, Honolulu, and for the construc- tion of an engine house for same at Kulaokahua		3,000 00
Pay of Prison Lunas on Volcano Road		6,270 00
Court House and Lock-up at Kipahulu, Maui		1,500 00
Court House, Punaluu, Kau		300 00
Enlarging Court House at Waiohinu, Kau.....		1,500 00
Bringing water from Polipoli Spring to Government road at Kula, Maui, provided the Minister of the Interior should deem it expedient		4,000 00
Bringing water from Waipio to Hamakua, provided the Minister of the Interior deem it expedient..		7,500 00
Repairing and improving Court House at Hanalei, Kauai		300 00
Enlarging and repairing Court House at Honokaa ..		2,000 00
		403,866 50
Total 2d Section.....	\$	967,128 20

RECAPITULATION.

Section 1.

Civil List	\$	62,999 00
Permanent Settlements		5,400 00
Legislature and Privy Council.....		35,450 00
Judiciary Department		179,425 21
Department of Foreign Affairs.....		178,621 94

Department of Finance.....	\$577,840 81
Postal Bureau.....	169,654 00
Bureau of Customs	95,798 67
	\$ 843,293 48
Attorney-General's Department	400,260 28
Bureau of Public Instruction.....	225,533 00
Interior Department	\$ 39,734 00
Bureau of Survey.....	38,501 47
Bureau of Conveyances	16,494 00
Bureau of Immigration.....	11,700 00
Bureau of Water Works.....	41,954 98
Bureau of Public Works.....	157,864 44
Board of Health.....	336,800 77
Miscellaneous	237,397 63
	\$ 880,447 29
Total.....	\$2,811,430 20

Section 2.

Interior Department	\$563,261 70
Miscellanea.....	403,866 50
	967,128 20
	<u>\$3,778,558 40</u>

SECTION 3. The appropriations made in Section 2 of this Act shall be drawn and paid only by and with the consent of the Cabinet.

SECTION 4. It shall be lawful for the Minister of Finance to make payments in accordance with the appropriations authorized in Section 2 of this Act until the 30th day of June, A. D. 1894, unless new appropriations are made before that date. Provided, that no payments shall be made on account of any such item beyond the sum by this Act appropriated.

SECTION 5. It shall be lawful for the Minister of Finance

to continue to make payments in accordance with the appropriations authorized by Section 1 of this Act until the 31st day of July, A. D. 1894, unless new appropriations are made before that date.

SECTION 6. The Minister of Finance shall not cause or allow to be paid from the Treasury any money for objects not authorized by this Act, and the unauthorized expenditure of any money from the Treasury to be thereafter accounted for to the Legislature by Indemnity Bill, except as authorized by the Constitution, is hereby expressly prohibited.

SECTION 7. No person holding more than one office for which salaries are provided, shall be authorized to draw more than the salary of the highest grade of office held by him, if the salary of any office held by him shall amount to fifteen hundred dollars or more per annum, and shall be entitled to no other or further compensation.

SECTION 8. All and every contract for constructing or repairing Public Works amounting to five hundred dollars, and for furnishing material, provisions and other supplies shall be awarded only upon public advertisement for tenders, and no public work, material or supplies shall be divided or parcelled out, for the purpose of evading the provisions of this Section.

SECTION 9. This Act shall take effect and become law on and after the date of its approval.

Approved this 3d day of January, A. D. 1893.

LILIUOKALANI R.

By THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXIX.

AN ACT

TO AMEND SECTIONS 22, 47, 49, 56, 75, AND SUB-SECTIONS 1 AND 3 OF SECTION 108 OF CHAPTER LXXXVI. OF THE SESSION LAWS OF 1890, OTHERWISE KNOWN AS THE "ELECTION LAW".

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 22 of Chapter LXXXVI. of the Session Laws of 1890, is hereby amended so as to read as follows:

"Section 22. No person shall be eligible for election, or shall be permitted to hold a seat as a member of the Hawaiian Legislature, either as a Noble or as a Representative, who shall be under any of the disqualifications mentioned in Section 25, or elsewhere in this Act; or who shall hold any office or offices of trust or profit under any department of the Government; or who shall have any direct pecuniary interest in any contract or contracts with the Government or any department thereof.

"No member of the Legislature shall during the term for which he was elected, be appointed to any civil office under the Government, unless such office carries with it the right to a seat in the Legislature."

SECTION 2. Section 47 of the said Act is hereby amended so as to read as follows:

"Section 47. No person shall be permitted to stand as a candidate for election unless he shall be so requested in writ-

ing, signed by not less than twenty-five duly qualified electors of the district in which such election is ordered; which request shall be deposited with the Minister of the Interior not less than twenty-one days before the day of such election; except on the Island of Oahu, where such request shall be deposited not less than seven days before the day of such election, together with a fee of twenty-five dollars for a candidate for Representative, and fifty dollars for a candidate for Noble, on account of the expenses attending the election, which amounts shall be paid into the Treasury as a Government realization.

"Any candidate may withdraw before an election by giving notice to the Minister of the Interior in writing; and if such notice of withdrawal on the part of any candidate be filed in the Interior Office before the printing of the ballots, the fee previously deposited with his application shall be returned to him.

"If such notice of withdrawal shall not be given before the printing of the ballots, as prescribed in Section 58, the Inspectors of Election shall, upon receiving due notice of such withdrawal from the Minister of the Interior, efface by suitable means such name from the ballots before distributing the same to individual voters.

"Provided, however, that in case of the withdrawal or decease of a candidate, a new nomination to fill such vacancy and a new application to the Minister of the Interior may be made irrespective of the aforesaid limit of time, and in such case the law governing the construction of application papers and fee to be deposited with the same, shall hold good."

SECTION 3. Section 49 of the said Act is hereby amended so as to read as follows:

“Section 49. Within ten days following an election each candidate shall furnish to the Minister of the Interior an itemized statement of his expenses as candidate for election, which statement shall be sworn to and shall be open to the inspection of any one.

“Provided, however, that if a candidate has incurred no expenses on account of such election, he shall be held liable to fine if he shall not furnish the Minister of the Interior with a sworn statement to that effect. The fine shall be the same as provided for a failure to furnish a statement of expenses when any are incurred.

“The expenses to be legally incurred by or for a candidate for election of Noble or Representative, or member of Road Board, shall be :

- “1. His personal expenses as a candidate.
- “2. Expenses of printing and advertising.
- “3. Cost of stationery and postage.
- “4. Expenses of public meetings.
- “5. Rent and supplies of committee rooms, not to exceed one for each polling place.”

SECTION 4. Section 56 of the said Act is hereby amended so as to read as follows :

“Section 56. The ballot for Representatives shall be of white paper and the ballot for Nobles of blue paper. Specimen ballots shall be of white or blue paper. The paper shall be of uniform weight, thickness, and of the same sizing color. It shall bear no word, motto, device, sign or symbol other than allowed by this Section, and shall be so printed that the type shall not show a trace on the back. Besides the name or names of candidates to be voted for, it shall contain only the words as follows :

"(General or Special) Election for the year
Name and period of the office to be filled.

"Name of the division for Nobles, or the name of the District for Representatives printed in English and Hawaiian. The names of the several candidates may be printed, if English, with the Hawaiian equivalent, if Hawaiian, with English equivalent, if such exist.

"Between each name and its equivalent and the next name a horizontal line shall be ruled; and immediately after all the names a vertical line shall be ruled, enclosing a rectangular space in continuation of each name and its equivalent in which the cross mark is to be placed in voting."

SECTION 5. Section 75 of the said Act is hereby amended by having a new sub-section introduced as follows, which new sub-section shall be numbered 5:

"5. In cases where general and special elections are held at the same time and are incorporated upon the same ballot; if the provisions of sub-section 1 be violated in one or more of the several elections thus held upon one ballot; the whole ballot shall not be considered as invalid, but only the election or elections special or general in which such violation occurs."

SECTION 6. Sub-sections 1 and 3 of Section 108 of the said Act are hereby amended so as to read as follows:

"1. The voter is to vote for one candidate for Representative. The voter is to vote for

..... candidates for Nobles, 6 years;
..... candidates for Nobles, 4 years;
..... candidates for Nobles, 2 years.

"3. Immediately upon receiving his folded ballot or ballots from the appointed officer the voter must go into one of the compartments, and with the pencil there provided, mark a

cross on the ballot in the rectangular space thereon provided in continuation of the name of the candidate for whom he wishes to vote, thus, X."

Approved this 3d day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXX.

AN ACT

RESTRICTING CHINESE IMMIGRATION.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1 No Chinese, except women who have relatives by marriage or blood residing in this Kingdom, children under ten years of age who have parents or guardians residing in this Kingdom, clergymen, teachers and merchants heretofore residing and doing business in this Kingdom, except as hereinafter provided, shall be allowed to enter this Kingdom unless upon condition that while here he will engage in no trading or mechanical occupation other than domestic service or agricultural labor in the field or in sugar or rice mills, and that he will, whenever he shall cease to follow his vocation as agricultural laborer in the field or in sugar or rice mills, or as domestic servant, leave this Kingdom, and that for every breach of such condition he shall upon conviction by any Po-

lice or District Justice be liable to a fine of one hundred dollars.

SECTION 2. Conditional permits to enter this Kingdom may be granted by the Minister of Foreign Affairs for such Chinese, not exceeding five thousand in number, as shall be recommended by the Board of Immigration upon the application of employers of domestic, agricultural or mill labor, which said permits shall contain the condition, printed in both the English language and in Chinese characters, that the bearer is allowed to enter this Kingdom solely on condition that while here he will engage in no trading or mechanical occupation other than domestic service or agricultural labor in the field or in rice or sugar mills, and that he will, whenever he shall cease to follow his vocation as agricultural laborer in the field or in sugar or rice mills or as domestic servant, leave this Kingdom, and that for every breach of such condition he shall on conviction by any Police or District Justice be liable to a fine of one hundred dollars. Permits to enter this Kingdom may also be granted by the Minister of Foreign Affairs for any Chinese resident in this Kingdom at the date of the passage of this Act, provided that such person shall have resided within the Kingdom for two years immediately preceding such passage; and also to such other persons as may wish to sojourn temporarily in the Kingdom as travelers, or as merchants having business interests in this Kingdom; provided that such sojourn shall not exceed six months; and provided that such person so permitted to enter shall give a bond to said Minister, in the sum of five hundred dollars, liquidated damages, conditioned that he will leave the Kingdom within six months, and if he shall be found within the Kingdom after the expiration of six months he shall be deemed guilty of a misdemeanor, and shall upon conviction be imprisoned at hard

labor for a term not to exceed six months. For each permit granted under this Section the Minister of Foreign Affairs shall be paid a fee of five dollars.

SECTION 3. The master of any vessel in which any Chinese for whom such permit shall not have been granted, other than clergymen, teachers or merchants formerly residing and doing business in this Kingdom, shall be brought into this Kingdom and landed here, shall be liable to a fine of one hundred dollars for every Chinese so illegally brought into this Kingdom upon conviction thereof by any Police or District Justice, and such fine shall be a lien upon the vessel in which such Chinese shall have been brought into this Kingdom, and shall be enforced by proceeding in admiralty.

SECTION 4. Such permits shall be printed in duplicate, the duplicate being in such case preserved in the Foreign Office as a stub in the book from which the original is taken; when the original shall be presented by any applicant for admission to the Kingdom, it shall be stamped across the face by the Customs officers, in red ink, with the word "cancelled", and also with the equivalent of said word in Chinese characters, and with the date of such cancellation. All such cancelled permits shall be returned to the Foreign Office by the Collector-General of Customs, where, after being compared with their respective duplicates, they shall be filed and preserved.

SECTION 5. The Minister of Foreign Affairs shall make suitable regulations whereby Chinese clergymen, colporteurs, and merchants formerly residing and doing business in this Kingdom shall be identified and vouched for as such before being allowed to land in this Kingdom, and no Chinese claiming to be such shall be allowed to land until he shall have

received a certificate from the Minister of Foreign Affairs certifying that such Chinese is allowed to enter this Kingdom as a returned clergyman, colporteur or merchant, as the case may be. Such certificate shall, when presented by the holder thereof seeking to enter the Kingdom, be stamped in red ink in like manner with the aforesaid permits and returned to such holder, and the counterparts shall be preserved in the Foreign Office.

SECTION 6. A fee of one dollar shall be paid at the Foreign Office for each and every permit issued under Section 2, and a fee of five dollars for each certificate issued under Section 5 of this Act.

SECTION 7. Every employer upon engaging the services of any such Chinese upon arrival in this Kingdom shall register in the Foreign Office the name and intended place of occupation of every Chinese thereby allowed to enter this Kingdom, and in case of any change in the employment of any such Chinese, each successive employer shall cause such change to be registered in the Foreign Office.

SECTION 8. A charge of twenty-five cents shall be made for every name so registered, and every employer failing to cause such registry to be made shall be liable to a fine of not exceeding fifty dollars for every such failure on conviction thereof by any Police or District Magistrate.

SECTION 9. This Act shall not apply to Diplomatic or other officers of the Chinese or other Governments traveling upon the business of that Government, whose credentials shall be taken as an equivalent to the permit in this Act mentioned, and shall exempt them and their body and household servants from the provisions of this Act as to other Chinese.

The Collector-General or any collector of customs shall

have the authority to detain any person detected in, or reasonably suspected of, a violation of any of the provisions of this Act, and to hold him until a warrant of arrest can be obtained.

SECTION 10. All moneys received by the Minister of Foreign Affairs under this Act shall from time to time, after audit and payment of the necessary expenses for carrying out its provisions, be paid into the Treasury to the credit of the "Chinese Immigration Fund".

SECTION 11. The following Acts are hereby repealed:

Chapter XXVIII., Acts of 1887; Chapters XVI. and LX. of the Acts of 1888; Chapters XLVII. and LXVII. of the Acts of 1890; provided, that such return permits which have been heretofore issued under the laws herein repealed, shall be held valid in accordance with the provisions of said laws and regulations heretofore made thereunder.

SECTION 12. This Act shall take effect from the date of its approval.

I hereby certify that the foregoing Act having passed its third reading in the Legislature of the Hawaiian Kingdom on the 30th day of November, A. D. 1892, on the 17th day of December, A. D. 1892, was presented to Her Majesty the Queen, through the Cabinet, and was not returned to the Legislature within ten days (Sundays excepted) thereafter, and that the Legislature had not adjourned prior to the expiration of said period of ten days.

Dated Honolulu, December 29th, A. D. 1892.

JOHN S. WALKER,

President of the Legislature.

ATTEST:

C. J. McCARTHY, *Clerk.*

CHAPTER LXXXI.

AN ACT

TO ESTABLISH A BUREAU OF AGRICULTURE AND FORESTRY.

WHEREAS, it is proper that encouragement should be given to the advancement of Agriculture, the improvement of live stock and the various branches of rural industry and the arts connected therewith, therefore,

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. There shall be and is hereby created a Bureau in the Department of the Interior to be called the "Bureau of Agriculture and Forestry," which shall have for its object:

1. To provide for the instruction of the public, by free lectures and printed matter, such information as has been proved by practical experience to be useful to agriculture, stock-raising, and kindred industries.

2. To obtain from other countries such information, and procure such seeds and plants as may be of practical benefit to the agricultural and commercial interests of this Kingdom.

3. To collect information concerning tropical and semi-tropical textile fibres; the utility of island woods or other products; the planting of trees for forest conservation; the promotion of an arbor-day observance throughout the Kingdom; the preservation of forests, and all kindred subjects; and the compilation of statistics concerning the agricultural and live stock interests of the country.

4. To guard against the introduction of plant diseases or insect pests, and render aid in the suppression of blights and diseases affecting agricultural products and live stock.

SECTION 2. Such Bureau shall consist of the Minister of the Interior, who shall be *ex officio* President, and four other persons, who shall be appointed by such Minister, by and with the approval of the Cabinet, and serve without pay. Such Bureau is hereby authorized to appoint a suitable person as Commissioner of Agriculture and Forestry, who shall also be the recording and corresponding Secretary of the Bureau, and who shall receive such salary as may be set apart by the Bureau out of any money appropriated for forests and nurseries.

SECTION 3. The members of the Bureau shall hold regular meetings, monthly or oftener, as may be desirable; and are hereby authorized to formulate such rules and regulations, not inconsistent with existing laws, and take such action as may be necessary to promote the objects of this Act, which, when published, shall have the force of law.

The said rules shall be countersigned and promulgated by the Minister of the Interior.

SECTION 4. The Bureau shall have power to remunerate any land-holder who, at the request of the Bureau, may undertake any experimental cultivation for the public benefit.

SECTION 5. Upon the recommendation of the Bureau, the Minister of the Interior may offer premiums for the encouragement of new agricultural enterprises, the utilization of waste products and formulæ for the destruction of injurious insects and noxious weeds.

SECTION 6. The Bureau may authorize Fairs to be held from time to time, in Honolulu or elsewhere, for the exhibi-

tion of agricultural products or mechanical arts appertaining thereto, and may provide competitive prizes for excellence in such objects as may prove beneficial to the country.

SECTION 7. The Minister of the Interior, by and with the approval of the Cabinet and the Bureau, shall have power to set apart from any Government or School lands, or to acquire by lease or purchase a site suitable for an experimental station or stations, and may employ and remunerate suitable persons necessary to carry on the same under the auspices of the Bureau.

SECTION 8. It shall be the duty of the Commissioner or his representative to visit, at least once a year, all homesteads and the principal agricultural enterprises on the respective islands throughout the Kingdom to ascertain if the terms of the law are being complied with; to give to the homesteaders such advice in the planting, cultivating and fertilizing of their respective holdings as shall be conducive to the best results and to make to the Bureau a report of each visit.

SECTION 9. The Commissioner of Agriculture and Forestry shall, at the close of each year, make out a detailed report of the work of the Bureau, which shall be published, and shall also furnish a biennial report to be embodied in that of the Minister of the Interior at the regular sessions of the Legislature.

SECTION 10. All moneys appropriated by the Legislature for the purposes of this Act shall be under the control of the Bureau, and all receipts of the Bureau shall be accounted for and paid into the Treasury as Government realizations.

SECTION 11. For the purpose of concentrating kindred objects under one department, the execution of the following laws and parts of laws shall be deemed to be duties of the Bureau of Agriculture and Forestry, viz:

1. Section 251 to and including Section 254 of the Civil Code, relating to the improvement of Agriculture and Manufactures;

2. Chapter XXX. of the Session Laws of 1876, entitled "An Act for the protection and preservation of Woods and Forests";

3. Chapter XLVIII. of the Session Laws of 1884, entitled "An Act to encourage the production of Ramie or other Fibres in these Islands, suitable for a market," and Chapter LXV. of the Session Laws of 1888, entitled "An Act to encourage the cultivation and manufacture of Ramie";

4. Chapter LXXI. of the Session Laws of 1886, entitled "An Act to encourage the manufacture and exportation of Taro Flour," and Chapter LIX. of the Session Laws of 1888; entitled "An Act to encourage the production and sale of Taro Flour and other products of Taro";

5. Chapter XXXIV. of the Session Laws of 1888, entitled "An Act to prevent the introduction of Coffee Leaf Diseases," and *

6. Chapter II. of the Session Laws of 1890, entitled "An Act relating to the suppression of Plant Diseases, Blight and Insect Pests."

SECTION 12. All laws or parts of laws in conflict with any of the foregoing provisions, in so far as they are inconsistent herewith, are hereby repealed.

SECTION 13. This Act shall become a law from and after the date of its approval.

Approved this 4th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXXII.

AN ACT

To AMEND CHAPTER LV. OF THE SESSION LAWS OF 1886, RELATING TO DUTIES.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Section 1, Clause 1, of the Session Laws of 1886 be and the same is hereby amended so as to read as follows:

"1. On alcohol and high wines, ten dollars per gallon; on brandy, gin, rum, whiskey and all other spirits or strong waters of whatever name or description, and all liqueurs, cordials, bitters, brandied fruits, perfumery and other articles of merchandise sweetened or mixed containing alcohol or spirits of the strength of thirty per cent. or more and not exceeding fifty per cent. proof, as determined by Tralle's hydrometer, three dollars and fifty cents per gallon; and all exceeding fifty per cent. shall pay alcoholic duty in proportion to its strength."

SECTION 2. The provisions of this Act shall extend and apply to all goods in bond at the time it shall come into operation.

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

Approved this 9th day of January, A. D. 1893.

LILIUOKALANI R.

By THE QUEEN:

G. N. Wilcox,

Minister of the Interior.

CHAPTER LXXXIII.

AN ACT

TO AUTHORIZE THE MINISTER OF FINANCE TO REMIT THE POSTAGE ON CERTAIN CLASSES OF MAIL MATTER, POSTED BY THE HAWAIIAN BUREAU OF INFORMATION, LIMITED, FOR TRANSMISSION ABROAD.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of Finance is hereby authorized to furnish postage without charge for all mail matter presented at the General Post Office by the Hawaiian Bureau of Information, when such matter is for gratuitous distribution and issued for the purpose of advertising the Hawaiian Kingdom abroad.

SECTION 2. The Minister of Finance shall provide proper rules and regulations for the guidance of the Postmaster-General in carrying out the provisions of this Act.

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

Approved this 9th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXXIV.

AN ACT

TO PREVENT FRAUDS IN THE SALE OF BUTTER AND TO PROVIDE FOR THE PUNISHMENT OF THOSE PRACTICING SUCH FRAUDS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom :

SECTION 1. Whoever knowingly sells to any person or offers for sale any butter manufactured from or by the use of "oleomargarine," so called, unless the package containing the same shall be distinctly marked "oleomargarine," shall be deemed guilty of a misdemeanor and punished by a fine of not more than two hundred dollars or imprisoned not more than twenty days or both.

SECTION 2. Whoever knowingly imports, manufactures, sells or offers for sale any substance purporting to be, or having the semblance of butter, which substance is not wholly made from pure cream or pure milk, unless the same is imported or manufactured under its true and appropriate name, and each package, roll or parcel thereof, and each vessel containing one or more packages of the same, has distinctly and durably painted, stamped or marked thereon the true and appropriate name of such substance, in ordinary bold faced capital letters, or whoever sells any such substance to consumers without delivering with each package, roll or parcel so sold, a label on which is plainly and legibly printed the true and appropriate name of such substance, shall be guilty of a misdemeanor and pun-

ished by imprisonment of not more than sixty days or a fine not to exceed two hundred and fifty dollars or both; but nothing contained in this Section shall be construed to prevent the use of harmless coloring matter in the manufacture of butter.

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

Approved this 9th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXXV.

AN ACT

To AMEND SECTIONS 1 AND 2 OF AN ACT ENTITLED "AN ACT TO FURTHER SECURE POSTAL SAVINGS BANK DEPOSITORS," APPROVED THE 30TH DAY OF AUGUST, A. D. 1892.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 1 of the Act entitled "An Act to further secure Postal Savings Bank Depositors," approved the 30th day of August, A. D. 1892, is hereby amended by striking out all that part of said Section after the words "at the time of issue," so that said Section as amended shall read as follows:

"Section 1. For the purpose of further securing depositors in the Hawaiian Postal Savings Bank, the Minister of

Finance, with the consent of the Cabinet, is hereby authorized to sell at not less than par, from time to time, Treasury Notes of the Hawaiian Government, not exceeding the amounts of the deposits in the Postal Savings Bank at the time of issue."

SECTION 2. Section 2 of said Act is hereby amended by striking out the word "five," and inserting in its place the word "one," so that said section as amended shall read as follows:

"Section 2. Such notes shall each be of the denomination of not less than one hundred nor more than five thousand dollars; shall be payable in not less than three months nor more than eighteen months after date of issue; shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually; and shall be payable, principal and interest, in gold coin of the United States of America or its equivalent, and shall be exempt from any taxes whatsoever."

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 9th day of January, A. D. 1893.

BY THE QUEEN;

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXXVI.

AN ACT

TO PROVIDE A FIRE DEPARTMENT FOR HILO.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

GENERAL PROVISIONS.

SECTION 1. There shall be a Fire Department for the town of Hilo, on the Island of Hawaii, which shall consist of a Chief Engineer, not over two assistants, and as many firemen as may be approved by the Board of Representatives of the Department duly chosen as by its by-laws provided. The Fire Department of Hilo shall be under the general authority and control of the Minister of the Interior.

SECTION 2. The Chief Engineer and Assistants shall be elected biennially on the first Monday of July. The first regular election shall take place in July, 1893, and such provisional department as may be organized prior to that time shall continue in office until such election shall have been held.

SECTION 3. The method of holding elections, of regulating the affairs of the department, and of all business incident thereto, shall be prescribed in the by-laws to be enacted by the Fire Department, which by-laws may be from time to time amended or annulled as may be prescribed in said by-laws. In case an office shall become vacant by death, resignation or

removal, the same shall be filled as shall be from time to time provided in the by-laws.

CHIEF ENGINEER.

SECTION 4. The Chief Engineer shall be a resident of the town of Hilo, and shall be possessed of all the qualifications required by law for electors of Representatives to the Legislature. In case of the non-election of his successor at a regular election, he shall continue to hold office until such successor shall be duly elected.

SECTION 5. The Chief Engineer shall have the care, custody and control of the property of the Fire Department and shall be responsible to the Minister of the Interior for the same. He shall, with the consent and approval of said Minister, make expenditure of moneys appropriated by the Legislature for the Hilo Fire Department. He shall not contract any debt on behalf of the Department, nor dispose of any property belonging to the same without the consent of the said Minister. In case of fire, he shall have the sole and absolute control and command over all the members of the Fire Department, and shall have general authority and control over the region in the neighborhood of such fire within reasonable limits, to be named by him if he shall deem fit. He shall assign to the custody of such fire companies as he may deem proper the custody and control of any portion of the property of the Department. He shall, at least once in three months, examine into the condition of the property of the Fire Department, and shall, at least once each year, make report thereof to the Minister of the Interior, together with a statement of all expenditures included in such period. He shall, at such times, also report the number of fires which shall have occurred during the period, together with the localities

where the same occurred; the names and owners or occupants of the premises of the property damaged or destroyed; the cause or origin of the fire, if known, the amount of insurance, together with any other facts necessary to a complete understanding of the case, and such further information as may be required by said Minister. He shall also cause the property of the Department to be kept in repair.

SECTION 6. The Chief Engineer shall also perform the duties required by law to be done and performed by the Fire Marshal in the City of Honolulu in so far as the same may be applicable to the town of Hilo, and subject to such regulations as to dates and performance as may be regulated by the Hilo Fire Department.

SECTION 7. The Assistant Engineer or Engineers shall perform such duties as may be directed by the Chief Engineer or assiged to them by the Fire Department at meetings of the Board of Representatives. In case of the absence or disability of the Chief Engineer, his duties shall be performed by the First Assistant.

BOARD OF REPRESENTATIVES.

SECTION 8. There shall be at all times a Board of Representatives of the Fire Department, which shall consist of the Chief Engineer, the Assistants, the Foreman and one Assistant Foreman for each Fire Company, and a delegate from each of said companies. The delegates shall be elected annually from the members in regular standing in each company.

SECTION 9. The Board of Representatives shall hold meetings for the transaction of the business of the Department at least once in three months. They shall enact by-laws for the

control of the Department. They shall fix the number of members of each fire company, both active and honorary. They may disband companies for inefficiency or for good cause upon hearing, after due notice. They shall examine into complaints made against the Fire Department or against any member thereof, and may prescribe the terms of certificates of membership, subject to law. They shall elect from the active members of the Department a treasurer, who shall also act as secretary of the Department, who shall give proper bonds to the Chief Engineer for the performance of his duties and the expenditure of moneys coming under his control, and generally shall have the care and supervision of matters relating to the Fire Department, other than the duties prescribed for the Chief Engineer.

MEMBERS OF THE FIRE DEPARTMENT.

SECTION 10. Any person may become a member of the Fire Department of Hilo by the affirmative vote of a majority of the members of any fire company to which such person shall have applied, provided always, that such person shall not be a vagrant or disorderly person, and shall not have been convicted of any felony which shall not have been pardoned. Members of the Fire Department who shall have been in the active performance of their duties for at least a year preceding the first of July of each year, and shall receive a certificate to that effect; shall be exempt from the payment of poll, school and road tax in each year. Only such members shall be entitled to vote at elections of the Department; and further provided, that no person under eighteen years of age shall be entitled to vote.

FIRE COMPANIES.

SECTION 11. There shall be as many companies of firemen as shall from time to time be prescribed by the Board of Representatives. Each of said companies may choose out of their own number a foreman, assistant foreman, secretary and treasurer. The last two offices may be combined in one person. Each company shall have power to make, amend and annul such rules and regulations for their government not in conflict with law or the by-laws of the Department as may be required.

SECTION 12. Every fireman shall attend all of the drills and parades as well as the meetings of their respective companies, unless prevented by actual illness or absence from Hilo, and shall be subject to all of the rules of the Fire Department and of their respective companies. Each fireman shall promptly respond to an alarm of fire and attend with his company until the foreman or assistant shall order such company to disperse.

SECTION 13. At least once in every month the several engines and apparatus shall be practiced and thoroughly cleaned and examined. If any fireman shall neglect to attend at such practice, or shall neglect or refuse to perform any duty in connection therewith, he shall be subject to such penalty as may be prescribed by the rules of the Department or of his company.

FIRES.

SECTION 14. Upon the occasion of any fire, any person breaking through the limits set by the Chief Engineer (excepting owners or occupants of buildings in the immediate vicinity of such fire), or interfering with the movements or working of any fire engine or machinery, or maliciously or

carelessly running over any line of hose in use at such fire, or in any manner at any time wantonly or intentionally injuring any portion of the fire apparatus, or otherwise interfering with the actions of the Department in extinguishing or controlling the same, shall be liable to a fine not exceeding two hundred and fifty dollars.

SECTION 15. The Chief Engineer and the police are authorized to remove or cause to be removed and kept away from the vicinity of the fire, by force if necessary, any idle or suspicious person and all persons not, in their judgment, fit to be employed, or not actually and usefully employed in aiding in the extinguishing or controlling of such fire, or the preservation of property in the vicinity thereof.

SECTION 16. The Chief Engineer and persons acting under his orders shall, for the purpose of saving property and obtaining control of a fire, have the right to enter in and upon premises in the immediate neighborhood of such fire; and any person refusing to allow such access may be forcibly removed.

SECTION 17. The engines, carriages, and other apparatus of the Fire Department shall, in all cases of alarms of fire, have the right of way through all streets, alleys, lanes, byways and highways in the town of Hilo.

SECTION 18. The occupants or owners of any building which may be on fire or in danger of fire in which any explosive material or oil shall be stored, shall immediately give notice thereof to the Chief Engineer of such fact.

SECTION 19. In so far as the provisions of the Act relating to the Fire Department of Honolulu, being Chapter XLV. of the Laws of 1888, with regard to the extinguishing of fires or the controlling thereof shall be applicable to the town of Hilo,

the same shall be in force and be full authority for the performance of any act therein named for such purposes.

SECTION 20. This Act shall take effect and become law from and after the date of its approval.

Approved this 9th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXXVII.

AN ACT

TO CONSOLIDATE AND AMEND THE LAW ENTITLED "AN ACT TO FACILITATE THE ACQUIRING AND SETTLEMENT OF HOMESTEADS," OTHERWISE KNOWN AS THE "HOMESTEAD ACT."

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That the Minister of the Interior is hereby authorized to cause portions of the public lands which are suitable for the purpose, and not at the time held by any person under lease from the Government, to be surveyed and laid out in lots not over twenty and not less than two acres in extent in dry or kula land, and not over two acres in extent in wet or kalo land, with convenient roads in connection therewith which shall not lead into the gulches. Provided, however, that in the Districts of Kahikinui and Kipahulu, Maui, and Kau, Kona and Puna, Hawaii, such lots may not be more than one hundred acres in area.

SECTION 2. Upon the completion of any such survey the Minister of the Interior shall appoint three appraisers, one of whom shall be the surveyor who has laid out the land, and the other two residents of the district in which such land is situated, who shall examine the lots so laid out and appraise the same in their discretion at a reasonable market rate, and shall report their appraisements to the Minister of the Interior by a written statement signed by at least two of the said appraisers. Provided, however, that if by reason of the location of the land so surveyed it is difficult to obtain appraisers, or the smallness of the area will raise the proportionate cost of such appraisement above a reasonable amount, then and in such case, the Minister of the Interior, the surveyor who surveyed such land, and the Surveyor-General, may make such appraisement.

The Minister of the Interior shall thereupon publish a notice in the Hawaiian language, and if he deem advisable, in any other language in which newspapers in the Kingdom are published, which notice shall be in substance as follows:

“HOMESTEAD NOTICE.

“..... lots have been set apart at
in the District of, Island of, for
the purpose of conveying to such persons as may wish to ac-
quire homesteads upon which to live. The surveys can be
examined at the office of the Interior Department by intend-
ing purchasers, who may also examine the lots as laid out on
the ground upon application to or
of said district appraisers, who will point them out, and who
shall be entitled to a fee of one dollar for such service from
the party or parties applying. Any person of full age who
may desire to acquire any of the said lots shall apply in writ-

ing to the Minister of the Interior, stating the number of the lot chosen, and shall thereupon attend at the office of the Minister of the Interior, if such application is accepted and the proper papers signed and delivered. No one will be allowed to acquire more than one lot; provided, however, that persons will be allowed to acquire two lots where one of them is kula land only, and one is wet or kalo land only.

“.....
Minister of the Interior.”

SECTION 3. Upon receiving written application for any of said lots, the same shall be filed with the date of their receipt. In case two or more persons apply for the same lot, the one whose application is first received, if he is a resident of the district in which the lots are laid out, shall have the precedence; provided, however, that if he should not attend in person or by attorney at the office of the Minister of the Interior within one week from the time of the receipt of his application, the second one applying shall have the precedence of all others in the same manner, and so on as to other applicants. Upon considering the respective applications the Minister of the Interior shall grant the same upon the payment by the applicant of the quarter-yearly rent or interest in advance, as provided by the written agreement between the Minister of the Interior and the applicant, as hereinafter set forth, and the execution by the applicant together with the Minister of the Interior, of such written agreement in duplicate, and shall deliver to such applicant one of such duplicates, duly stamped, which shall entitle him to the immediate possession of the lot or lots of land therein described, according to the covenants and stipulations thereof, and which shall be admitted as evidence without further proof in all courts of the Kingdom; such agreements shall be in substance as follows:

..... Minister of the Interior, on behalf of the Hawaiian Government, the party of the first part, and of Island of the party of the second part, agree as follows: "The party of the first part agrees to sell, and the party of the second part agrees to purchase, the lot numbered upon the survey of land under the Homestead Act, Number in the District of Island of including an area of acres in ten years from this date, at the price of dollars.

"It is further agreed that the party of the second part may take immediate possession of the said premises and hold the same, as hereinafter provided, for the term of ten years without being subject to the payment of taxes therefor, and shall within one year from this date build a dwelling-house upon the said lot (in case two lots are taken, describe the lot of kula land by number), and begin to occupy the same, and shall continue to use the same as his residence for the term of three years thereafter, and shall within three years from this date enclose the said lot (in case two lots are taken, describe the lot of kula land by number) with a substantial fence, and shall pay quarterly in advance dollars (a sum representing the quarterly interest of the said purchase price at five per cent. per annum) to the party of the first part, and at the end of the said term shall pay in full the said dollars (the purchase price), or any part of the same that shall at that time remain unpaid, or shall deliver a mortgage of the premises to secure the said sum or such unpaid balance at his own expense, for a term not less than one year nor more than ten years, as the party of the first part shall decide, with interest at the rate of five per cent. per annum, payable semi-annually in advance. Upon the receipt of such sum of money, or unpaid balance thereof, or such mortgage, the party of the

first part shall deliver to the party of the second part, or his heirs, a Royal Patent for said premises, except as provided in Section 6 of said Homestead Act.

"Provided, however, if the party of the second part shall not place a dwelling-house upon the said premises, and begin to use the same as a dwelling-house one year from this date, or shall not continue to live upon the said premises for the rest of the said term of three years, or shall not fence the said lot (in case two lots are taken, describe the lot of kula land by number) within three years from this date with a substantial fence, or shall fail to pay the said interest as the same shall become due, or shall not pay the said sum of dollars (purchase price) or the unpaid balance thereof at the end of the said ten years, or in lieu thereof deliver a mortgage as aforesaid to the party of the first part, these presents shall become void, and the party of the first part may thereupon, without notice, demand or legal process, take possession of the said premises, with all improvements that may be thereon, and remove the party of the second part, and all persons claiming under him, and their effects. It is hereby further agreed that the party of the second part, or his heirs, shall not assign this agreement, and any such assignment shall cause this agreement to become void as hereinbefore set forth. The party of the second part may under this agreement pay the whole or any part of said purchase price at any time at his option before the termination of the said ten years, and upon any such payment shall be allowed a corresponding reduction of the amount of the interest money hereinbefore stipulated. In case of the death of the party of the second part before the expiration of the said ten years, all the rights and benefits of this agreement shall vest in his heirs according to law, subject to their completion of the performance of

the stipulations thereof to be performed by the party of the second part.

"Nothing in this agreement is to be construed as giving the party of the second part any right to impound live stock trespassing on the said premises until he shall have fenced the said lot as required by this agreement."

SECTION 4. No person having a lot of land under this Act shall be permitted to cut and sell ohia, koa, bread-fruit and fruit-bearing ohia trees growing upon such land, except only so far as he may require the land for immediate cultivation.

SECTION 5. Every person owning land under this Act shall have the authority to demand of every other person in possession of a lot under this Act, or of any one in possession of any adjoining land in fee simple, to join in the building of a fence, and to enter proceedings therefor according to law.

SECTION 6. The Minister of the Interior may issue a Royal Patent for such land to the person purchasing the same, after said party shall have built a suitable house, and shall have enclosed the land with a fence in accordance with law, and shall have paid the purchase price of such land together with the interest thereon, and that two-thirds of such land shall have been cleared and planted with fruit-bearing plants.

SECTION 7. The person receiving the land may, under this Act, put a substitute in his stead on such land, subject to the consent of the Minister of the Interior, upon satisfactory reasons being given to him. Provided, however, that the principal shall be responsible for all acts done by such substitute.

SECTION 8. The charges and fees of the surveyors and appraisers, and other expenses required under this Act, shall be paid from moneys in the Treasury not otherwise appropriated.

The fees of the said appraisers shall be five dollars a day a piece.

SECTION 9. Chapter XLV. of the Laws of 1884, entitled "An Act to facilitate the acquiring and settlement of Homesteads, and Chapter LIV. of the Laws of 1888, entitled "An Act to amend an Act entitled An Act to facilitate the acquiring and settlement of Homesteads," and Chapter XL. of the Laws of 1890, entitled "An Act to amend Section 3 of Chapter XLV. of the Session Laws of 1884," and Chapter LXXXV. of the Laws of 1890, entitled "An Act to amend Section 2 and Section 3 of Chapter XLV. of the Laws of 1884," being an Act entitled "An Act to facilitate the acquiring and settlement of Homesteads," approved the 29th day of August, 1884, and all laws and parts of laws in contravention herewith are hereby repealed.

SECTION 10. This Act shall take effect from and after the date of its approval.

Approved this 9th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXXVIII.

AN ACT

FOR THE PROTECTION OF FORESTS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. From and after the passage of this Act it shall not be lawful for any person to cut, mutilate or destroy any forest tree or growing shrubbery or underbrush within two hundred and fifty feet of any road which may have been or hereafter may be constructed by the Government through any natural forest.

SECTION 2. This Act shall not be construed to prevent any person who may have already cleared and planted land, such land now being under cultivation, from clearing trees, shrubbery and underbrush therefrom to a sufficient extent to properly continue such cultivation, nor to prevent the holder of such lot from constructing a road to the rear of such lot.

SECTION 3. Any person violating this Act shall be fined not less than ten dollars nor more than fifty dollars for each offense.

Approved this 9th day of January, A. D. 1893.

LILFUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER LXXXIX.

AN ACT

To ESTABLISH THE COMPENSATION OF REPRESENTATIVES.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

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 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER XC.

AN ACT

To PROVIDE FOR THE IMPORTATION AND SALE OF METHYLATED SPIRITS FOR MECHANICAL AND SCIENTIFIC PURPOSES, AND OF ALCOHOL FOR MEDICAL PURPOSES.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Wherever in this Act the words "methylated spirits" are used, they shall mean ethylic alcohol to which has been added at least one-ninth its bulk of pyroxylic spirits. Wherever in this Act the word "alcohol" is used, it shall mean the ordinary alcohol of commerce known as ethylic alcohol.

SECTION 2. The Minister of the Interior is hereby authorized to grant licenses to such persons or associations of persons as he in his discretion may deem fit and proper for the sale of methylated spirits and alcohol. The fee for such licenses shall be the sum of fifty dollars each year, and the licenses shall be for the term of one year from the date of issue.

SECTION 3. Before granting any license, a good and sufficient bond to the Minister in the sum of one thousand dollars secured in not less than double the amount of the penalty shall be required. The condition of the bond shall be, that the holder of said license shall sell no alcohol except in the manner provided in this Act. The said Minister of the Inte-

rior is likewise authorized to require any other condition or security to insure the due observance of this Act.

SECTION 4. The Collector-General of Customs is hereby authorized to permit holders of the licenses herein provided to withdraw methylated spirits from the Custom House upon payment of a duty of one dollar per gallon. Before allowing such methylated spirits to be withdrawn from the Custom House, the Collector-General shall be satisfied that the said methylated spirits contains at least one-ninth of its bulk of pyroxylic spirit.

SECTION 5. The Collector-General of Customs is hereby authorized to permit the holders of licenses herein provided to withdraw alcohol from the Custom House upon payment of one dollar per gallon duty.

SECTION 6. The holders of licenses for the sale of methylated spirits and alcohol under this Act are hereby prohibited from selling alcohol in greater quantity than one-half pint at any one sale, except upon the written prescription of a duly licensed physician, which prescription shall state that the alcohol is required for medical purposes, and no greater quantity than one-half gallon shall be sold to any one person presenting such prescription. It shall be incumbent upon any holder of a license under this Act to number and preserve such prescriptions, and to keep a book in which he shall write or cause to be written down the quantity of alcohol sold at each sale and the date of such sale and the name of the person to whom such alcohol was sold. Such book and prescriptions shall be always accessible for inspection by any clerk of the Government whom the Minister of the Interior may appoint to perform such inspection.

SECTION 7. Any person who shall be convicted of selling

methylated spirits or alcohol without a license to sell the same, shall be liable to a fine of not less than one hundred nor more than two hundred and fifty dollars. If any person holding a license under this Act shall violate any of the provisions herein contained, the license shall be forfeited and the penalty of the bond shall at once become due.

SECTION 8. Jurisdiction to hear and determine all cases arising under this Act is hereby conferred on District Magistrates, subject to the right of appeal.

SECTION 9. This Act shall take effect from and after the date of its approval, and all laws and parts of laws in contravention herewith are hereby repealed, and especially Chapter XLIX. of the Session Laws of 1888, approved the 6th day of September, A. D. 1888.

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER XCII.

AN ACT

To ADD A NEW SECTION, TO BE CALLED SECTION 10A, TO AN ACT ENTITLED "AN ACT RESTRICTING CHINESE IMMIGRATION," PASSED THE 30TH DAY OF NOVEMBER, A. D. 1892.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. A new Section, to be called Section 10A, is hereby added to the Act entitled "An Act restricting Chinese Immigration," passed the 30th day of November, A. D. 1892, which shall read as follows:

"Section 10A. The Minister of Foreign Affairs, by and with the consent of a majority of the Cabinet, is hereby authorized and empowered to make and publish all such rules and regulations, and the same to alter, amend or nullify, from time to time, as may be found necessary or proper to carry out the aim, intent, object and provisions contemplated by said Act, and such rules or regulations and all amendments or alterations thereto shall after publication in one or more newspapers printed and published in Honolulu have the force and effect of a statute law of the Kingdom."

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

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER XCII.

AN ACT

To AUTHORIZE A NATIONAL LOAN, AND TO DEFINE THE USES TO WHICH THE MONEY BORROWED SHALL BE APPLIED.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of Finance, with the approval of a majority of the Cabinet, is hereby authorized to issue Coupon Bonds of the Hawaiian Government of a denomination not less than one hundred dollars, and in the aggregate not exceeding seven hundred and fifty thousand dollars, in the manner and for the uses in this Act stated.

SECTION 2. Said bonds shall be exempted from all taxes, and shall bear interest at the rate of not more than six per centum per annum, payable semi-annually, and shall be redeemable not less than five nor more than twenty years after the date of issue, the principal and interest to be paid in gold coin of the United States of America or its equivalent.

SECTION 3. Said bonds shall be signed by the Minister of Finance and by the Registrar of Public Accounts and be sealed by the seal of the Department of the Minister of Finance, and shall not be issued at less than the rate of ninety-eight per centum of their nominal par value in gold coin of the United States, except that the Minister of Finance, with the approval of a majority of the Cabinet, may allow a com-

mission not exceeding five per centum to any person or syndicate that may negotiate said bonds; provided, however, that any such commission shall not be allowed for any bonds sold in this Kingdom, or to residents of this Kingdom.

SECTION 4. The sums borrowed under this Act shall be placed in the Treasury to the credit of the "Loan Fund 1892," and shall be paid out for and used for the following purpose, and no other:

New wharves, sea-wall, dredging harbor and bar, Honolulu.	\$200,000 00
Roads, bridges and landings	126,500 00
New buildings, vaults, magazine, hospitals . . .	100,000 00
Additions and improvements to Waterworks.	100,000 00
Volcano Road.	66,000 00
Road damages	30,000 00
Forests, parks and nurseries	25,000 00
Quarantine expenses.	20,000 00
Subsidy to Oahu Railway and Land Co.	14,000 00
Encouragement to Immigration.	10,000 00
Expenses of Registration Act.	7,500 00
Purchase electric light plant.	6,000 00
Purchase kuleanas, Leper Settlement.	5,000 00
Purchase Chemical Engine and house for same	3,000 00
Expenses survey sewerage system, Honolulu	2,000 00
Expenses for placing this Loan	<hr/> 35,000 00
	\$750,000 00

SECTION 5. The Minister of Finance is hereby authorized to pay out of the money borrowed under this Act, the commission allowed by Section 3 and the expenses of preparing the bond and coupons for use.

SECTION 6. The said Minister of Finance is hereby authorized to make all arrangements as will enable the holders of bonds issued under the provisions of this Act to receive the interest due thereon in Honolulu, or in such other financial centre or centres as he may deem advisable.

SECTION 7. The Minister of Finance is hereby authorized to execute and deliver to any subscribers of the bonds authorized to be issued by Section 1 of this Act (should such subscribers so demand), coupon bonds expressed in sterling money to the amount so subscribed.

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

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER XCIII.

AN ACT

TO AMEND SECTIONS 7, 8, AND 11 OF CHAPTER XXXV. OF THE SESSION LAWS OF 1884, BEING AN ACT ENTITLED "AN ACT TO REGULATE PROCEEDINGS IN BANKRUPTCY IN THE HAWAIIAN ISLANDS," APPROVED THE 29TH DAY OF AUGUST, A. D. 1884.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 7 of the "Act to regulate proceedings in bankruptcy in the Hawaiian Islands," is hereby amended

by striking out the word "Justice" whenever it occurs in said Section, and inserting in place thereof the words "Circuit Judge," except where the same occurs after the words "and prove their claims before the", and by inserting after the word "prove" the words "and file", and by striking out the words "before the" and inserting after the words "so proved their claims on" the words "or before", and by inserting after the word "proved" the words "and filed", and by inserting at the end of the said Section the following words: "Any person duly authorized by law to administer oaths shall be and he is hereby authorized and empowered to take and administer oaths to all creditors proving their claims against the bankrupt's estate," so that Section 7 as amended shall read as follows:

"Section 7. Upon the adjudication by the Circuit Judge of any person as a bankrupt, the Circuit Judge shall order a notice to be published in some newspaper, notifying the creditors of such bankrupt to come in and prove and file their claims upon a day to be named in such notice, and shall also cause the Marshal, his Deputy or Sheriff, as the case may be, or either of them, to serve notices by mail upon the creditors of such bankrupt, of such meeting, and all creditors who have so proved and filed their claims on or before the day named in said publication and notice, may proceed forthwith to elect one or more assignees of said bankrupt estate as hereinafter provided; and in case of failure of the creditors to elect an assignee or assignees on the day named in said notice and publication, then the Circuit Judge shall appoint an assignee or assignees, who shall immediately give notice by publication of such appointment or election. Any person duly authorized by law to administer oaths shall be and he is hereby authorized and empowered to take and administer oaths to

all creditors proving their claims against the bankrupt's estate."

SECTION 2. Section 8 of said Act is hereby amended by striking out the word "allowance" in the first line thereof and inserting in its place the word "filing", and by striking out the word "Justice" wherever the same appears in said Section and inserting in its place the words "Circuit Judge", so that said Section as amended shall read as follows :

"Section 8. Any creditor may object to the filing or proof of any claim, and the hearing shall be had before the Circuit Judge, and any creditor whose claim is so objected to shall have no voice in the choice of assignees ; provided, however, that the creditor or creditors making such objection file an affidavit that such objection is *bona fide*, and is not made for the purpose of depriving the creditors objected to of having a voice or vote in the election of assignees. Either party or the assignees may take an appeal from the decision of the Circuit Judge to a jury, and upon complying with the requirements in regard to appeals contained in Section 21."

SECTION 3. Section 11 of said Act is hereby amended by striking out the word "Justice" wherever the same appears and inserting in its place the words "Circuit Judge" except on the first line of said Section, and by striking out after the word "claims" in the beginning of said Section the words "shall be proved before the" and inserting in their place "may be proved before any person duly authorized to administer oaths," and by inserting after the words "he must first prove his claim" the words "and file the same with the Clerk of the Court," so that said Section 11 as amended shall read as follows :

"Section 11. Claims may be proved before any person duly authorized to administer oaths, by the oaths of the cred-

itors, and to entitle any creditor to have a vote in the election of assignees, he must first prove his claim and file the same with the Clerk of the Court. All elections for assignees shall be by ballot, and no creditor to an amount less than one hundred dollars shall be entitled to vote. A majority in number and value of all the creditors who have proved their claims shall be necessary to elect an assignee or assignees, and upon a failure the Circuit Judge presiding shall appoint one or more assignees as he may think proper. The Circuit Judge may order the assignee or assignees so elected or appointed to give bonds for the faithful performance of his or their duty in such sum as he may deem sufficient."

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

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER XCIV.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT SUPPLEMENTARY TO CHAPTER XXXVII. OF THE PENAL CODE OF THE HAWAIIAN ISLANDS," APPROVED THE 12TH DAY OF NOVEMBER, A. D. 1890.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 3 of the Act entitled "An Act supple-

mentary to Chapter XXXVII. of the Penal Code of the Hawaiian Islands," approved the 12th day of November, A. D. 1890, be and the same is hereby repealed.

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

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER XCIV.

AN ACT

TO DEFINE WRITS OF ERROR.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. A writ of error may be had by any party deeming himself aggrieved by the decision of any Justice, Judge or Magistrate, or by the decision of any Court except the Supreme Court, or by the verdict of a jury, at any time before execution thereon is fully satisfied, within six months from the rendition of judgment.

SECTION 2. Writs of error shall lie to any decision or ruling by a justice or judge in any case in which jury has been waived.

SECTION 3. A writ of error may be had to correct any error appearing on the record, either of law or fact, or for any cause which might be assigned as error at Common Law; provided,

however, that no writ of error shall issue for any defect of form merely in any declaration, nor for any matter held for the benefit of the plaintiff in error.

SECTION 4. For all purposes of this Act the record shall be deemed to include all pleadings, motions, notes or bills of exception, exhibits, Clerk's or Magistrate's notes of proceedings, and if so desired by the plaintiff in error a transcript of the evidence in the case.

SECTION 5. There shall be no reversal on error of any finding depending on the credibility of witnesses or the weight of evidence.

SECTION 6. Writs of error in civil cases may be issued by the Clerk of the Judiciary Department or his deputies, as of right in term time or vacation, upon the application of any party to the original cause or of any personal representative of a deceased party.

SECTION 7. No writ of error shall issue in a criminal case unless allowed by a Justice of the Supreme Court. The allowance of the writ shall operate as a stay of execution in capital cases, but shall not suspend sentence in cases not capital.

SECTION 8. No writ of error shall issue until the sum of twenty-five dollars has been deposited to cover costs, and a bond has been filed with the Clerk, in favor of the prevailing party in the proceeding in which the error is alleged to have occurred, or to his personal representatives, conditioned for the payment of the judgment in said original cause in case of failure to sustain the writ of error. An assignment of errors shall be filed at the time of procuring the writ.

SECTION 9. Every writ of error shall be addressed to the Clerk of the Court, if any, in which the error is alleged to have

occurred, or to the judge or magistrate making the ruling, and may be served upon such clerk or judge by mail.

SECTION 10. Writs of error shall be substantially of the following form:

“Supreme Court of the Hawaiian Islands.

“.....

“ Plaintiff in Error,

vs.

“.....

“ Defendant in Error.

“To..... Clerk, etc.

“Whereas, in an action lately pending before the Court for the Judicial Circuit, in which was plaintiff, and defendant, error is alleged to have occurred as appears by the assignment of errors on file in this Court, you are commanded forthwith to send up to this Court the record and all exhibits filed in said proceedings.

“Witness, the Honorable

“Chief Justice of the Supreme Court.

“.....

“Clerk.”

No writ of error shall be quashed for defect of form.

SECTION 11. Service of a copy of the assignment of errors shall be made by the Marshal or his deputies upon the defendant in error or upon the personal representative of a deceased party. Such copy shall bear a notice from counsel that a writ of error has issued. No hearing shall be had on a writ of error until twenty days after service.

SECTION 12. No joinder in error shall be necessary. After

due service the Court may proceed *ex parte* if no appearance is made by the defendant in error.

SECTION 13. No reversal on error shall affect the validity of any sale of personal or real property made on execution prior to the service of the copy of the assignment of errors. The issue of a writ of error and the filing a bond as above provided shall stay execution from and after notice of the same could have reached the officer making the levy of the same. It shall be the duty of the clerk or magistrate of the court to which the writ is addressed to notify such officer, and he shall be deemed to have received such notice by the first mail after the receipt of said writ, if making a levy in a place other than the residence of such clerk or magistrate, otherwise on the same day.

SECTION 14. The Supreme Court shall have power to enter such judgment in the case as in their opinion the facts and law warrant.

SECTION 15. The Supreme Court shall have power to order additional bond upon motion, and to determine the amount of penalty thereof and the sufficiency of the sureties to the same, or to the bond given, before proceeding to a hearing on the writ.

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER XCVI.

AN ACT

To REGULATE THE CARRYING OF PASSENGERS FOR HIRE IN CARRIAGES, WAGONS AND OTHER VEHICLES IN THE DISTRICTS OF WAILUKU AND OF HILO.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom :

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 Wailuku, and also in the District of Hilo 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. Each license shall be limited to the district for which it is issued.

SECTION 2. For the purposes of this Act, the sheriff of the Island, and in case of his absence his deputy shall be *ex-officio* inspector of carriages, wagons and other vehicles and it shall be his duty to inspect all vehicles used and harness to be used in drawing such vehicles under the license provided for herein; and to prosecute for violation of the requirements of this Act and of the rules and regulations that may be made from time to time by the Minister of the Interior.

SECTION 3. 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 the animal and harness to draw it, and that they are 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 also state what number of horses or other animals will be used to draw such vehicle.

SECTION 4. Upon the filing of the certificate required by Section 3, 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 shall be severally numbered according to the order of their issue.

SECTION 5. No person shall drive or use any vehicle or carriage to carry passengers for hire within either of said districts without a license therefor.

SECTION 6. The Minister of the Interior shall from time to time make rules and regulations to be observed by licensed carriers and drivers of passengers, and rules regulating rates of fare to be charged within each of said districts, a copy of which rules and regulations and also of the rates of fare, shall be furnished to each holder of the license, at the time of taking such license and from time to time, whenever such rules and regulations are changed, which regulations shall be published in some public newspaper, at least one insertion and shall have the force of law.

SECTION 7. No person shall act as driver of, or drive any licensed vehicle within said districts, unless he shall hold a license for that purpose, and no owner of a licensed vehicle shall permit or allow any person to act as a driver, or drive such vehicle unless he shall have a driver's license.

SECTION 8. Any person who may be desirous of obtaining a license as a driver shall apply to the Sheriff or his Deputy of the Island, 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, he shall receive a license accordingly. The fee for which shall be one dollar and the license shall remain in force for one year.

SECTION 9. Any person, firm or company having one or more licensed vehicles may make application for a driver's license for each licensed vehicle, first obtaining a certificate for a driver from the Sheriff or his Deputy, and such license shall be in force for one year and shall be applicable and used for such persons as shall be from time to time in the employ of such owner as a driver, and only so long as such driver shall be in such employ ; provided, that in case of any such persons leaving the employ of such owner, or ceasing to be his driver, then the owner may appoint a new driver in his employ, and the license shall be applicable to such new driver if the Sheriff or his Deputy shall first cancel on the back of the license the name of the last driver and endorse the name of the new driver with a certificate of his fitness to drive. The fee for the license shall be one dollar.

SECTION 10. Every driver of a licensed vehicle under "Class A" shall at all times keep conspicuously posted within the carriage of which he may have charge, in such position as to be easily read, the number of such vehicle, and also a printed notice of the rates of fare which may be legally charged.

SECTION 11. No person shall demand, collect, or receive a higher rate of fare than that which may be lawfully charged, or that is specified in such schedule as shall be fixed by the rules and regulations made by the Minister of the Interior.

SECTION 12. No person shall in a licensed vehicle under "Class A" carry more passengers at any one time than the full licensed capacity.

SECTION 13. No person shall use, or drive, or have upon a street, or highway, or stand, within any of said districts a licensed vehicle at night without a lighted lantern affixed to each side thereof near the driver's seat.

SECTION 14. No owner of any vehicle shall allow or permit the same to be driven or used for the carriage of passengers for hire within said districts without a license therefor.

SECTION 15. Every person who shall violate the provisions of this Act, and any person who shall violate any of the rules and regulations made by the Minister of the Interior under authority of Section 6 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars.

And the District Magistrate before whom any person is convicted of any misdemeanor under this Act, may, in his discretion, in addition to the penalty imposed deprive such person of his license.

SECTION 16. The District Magistrates of Wailuku in all cases of misdemeanor under this Act in the District of Wailuku, and the District Magistrates of Hilo in all cases of misdemeanor under this Act in the District of Hilo, shall have jurisdiction to try and determine the same and impose the penalties prescribed.

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER XCVII.

AN ACT

TO REPEAL SECTION 20 OF CHAPTER LXII. OF THE SESSION LAWS OF 1888, ENTITLED "AN ACT TO AUTHORIZE AND PROMOTE THE CONSTRUCTION OF STEAM RAILROADS ON THE ISLAND OF OAHU."

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 20 of Chapter LXII. of the Session Laws of 1888, entitled "An Act to Authorize and promote the construction of Steam Railroads on the Island of Oahu," is hereby repealed.

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER XCVIII.

AN ACT

TO AMEND SECTION 1281 OF THE CIVIL CODE, RELATING TO THE FEES OF EXECUTORS, ADMINISTRATORS AND GUARDIANS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. That the paragraph of Section 1281 of the

Civil Code, entitled "Fees of Executors, Administrators and Guardians," be amended to read as follows:

"FEES OF EXECUTORS, ADMINISTRATORS AND GUARDIANS.

"Executors, administrators and guardians shall be allowed the following commissions upon all moneys received and accounted for by them, that is to say:

"Upon all moneys received representing the estate at the time of the institution of the trust, such as cash in hand and moneys realized from securities, investments, and from sales of real estate and personal property other than interest, rents, dividends and other profits coming due after the inception of the trust, two and one-half per centum.

"Upon the final payment thereof or any part thereof, two and one-half per centum.

Provided, however, that no commissions shall be allowed as for final payments of such moneys except upon amounts actually expended and upon balances paid into court or to the parties thereunto entitled, upon the final settlement of the services for which such executors, administrators or guardians shall have been appointed and qualified.

"Upon all moneys received in the nature of revenue or income of the estate, such as rents, interest and general profits, ten per centum for the first thousand dollars, seven per centum for the next four thousand dollars, and five per centum for all amounts over and above the first five thousand dollars.

"Such commissions of ten, seven and five per centum, to be allowed upon each accounting when made, but not oftener than once a year."

SECTION 2. The provisions of this Act shall apply as well

to all future accounting in existing trust estates as to new trusts.

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER XCIX.

AN ACT

To APPROPRIATE A FURTHER SUM OF MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE LEGISLATIVE SESSION OF 1892, FROM THE PUBLIC TREASURY.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. There shall be and there hereby is further appropriated the sum of seven thousand dollars from the Public Treasury for the purpose of defraying the expenses of the Legislative Session of 1892.

SECTION 2. This Act shall become law from and after its approval.

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER C.

AN ACT

To AUTHORIZE THE MINISTER OF THE INTERIOR TO TAKE POSSESSION OF CERTAIN REAL ESTATE IN WAILUKU, ISLAND OF MAUI, FOR THE USE OF THE WAILUKU WATER WORKS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

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, water and property in the District of Wailuku, Island of Maui, as may be required for the laying of pipes, building of dams, reservoirs and tanks in connection with the Wailuku Water Works.

SECTION 2. Compensation shall be made to all parties from whom such land, real estate, water 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, excepting that the payments to claimants shall be taken from the appropriations made for the Wailuku Water Works. Compensation shall also be made for all infringements of Konohiki rights appertaining to the Ahupuaa of Wailuku in consequence of the construction of such Water Works.

SECTION 3. Only such land and water shall be taken as shall be required to supply the domestic wants of the residents of the towns of Wailuku and Kahului.

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

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN;

G. N. WILCOX,

Minister of the Interior.

CHAPTER CI.

AN ACT

PROHIBITING THE COMING OF PAUPERS, VAGABONDS, CRIMINALS OR FUGITIVES FROM JUSTICE AND STOWAWAYS TO THE HAWAIIAN KINGDOM.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. From and after the passage of this Act it shall be unlawful for the master or other officer of any vessel arriving in the Hawaiian Kingdom from any foreign port or place to land or permit to be landed within the Hawaiian Kingdom any pauper, vagabond, criminal, fugitive from justice or stowaway that may be upon the vessel under his command.

SECTION 2. The master or other officer of any vessel who shall knowingly bring within the Hawaiian Kingdom on his vessel, and land or attempt to land or permit to be landed any pauper, vagabond, criminal, fugitive from justice or stow-

away that may be upon his vessel at the time of her arrival shall be deemed guilty of a misdemeanor, and on conviction thereof before any District Magistrate, shall be punished by a fine of not more than five hundred nor less than one hundred dollars for each and every such pauper, vagabond, criminal, fugitive from justice or stowaway so brought, and may also be imprisoned for a term not exceeding one year.

SECTION 3. The Marshal of the Kingdom or his Deputy or any sheriff or police officer of the Kingdom shall and he is hereby authorized and directed to return to and put on board the vessel that brought any person that may be a pauper, vagabond, criminal, fugitive from justice or stowaway and landed or permitted to be landed within the Kingdom.

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

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER CII.

AN ACT

To AMEND CHAPTER XXVIII. OF THE PENAL CODE.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 1 of Chapter XXVIII. of the Penal

Code is hereby amended by adding the following words at the end of the Section :

"To establish, manage or conduct a trust or monopoly in the purchase or sale of any commodity."

SECTION 2. Section 10 of the said Chapter is hereby amended to read as follows:

"Section 10. A conspiracy to establish, create, manage or conduct a trust or monopoly in the purchase or sale of any commodity is in the second degree, and shall be punished by imprisonment at hard labor not more than two years, or by fine not exceeding ten thousand dollars, in the discretion of the court."

SECTION 3. A new Section shall be added to the said Chapter, which shall read as follows:

"Section 11. Conspiracy not appearing to be in the first and second degrees, is in the third degree, and shall be punished by imprisonment at hard labor not exceeding one year and by fine not exceeding four hundred dollars, in the discretion of the court."

Approved this 11th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER CIII.

AN ACT

To AMEND SECTION 23 AND SCHEDULE OF SECTION 25 OF AN ACT ENTITLED "AN ACT RELATING TO STAMP DUTIES," APPROVED THE 27TH DAY OF SEPTEMBER, A. D. 1876, AND TO ADD ONE NEW SECTION TO SAID ACT TO BE CALLED SECTION 8A.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom :

SECTION 1. That the Act, entitled "An Act relating to Stamp Duties," approved the 27th day of September, A. D. 1876, be and the same is hereby amended by adding thereto a new Section to be called Section 8A, which Section shall read as follows :

"Section 8A. For the purpose of this Act and the clear understanding thereof the date of the instrument shall be that of the instrument itself, when the instrument has not been acknowledged; but if it has been acknowledged, and the date of acknowledgment differs from the date of the instrument itself, then the date of acknowledgment shall govern."

SECTION 2. That Section 23 of said Act be amended by substituting therefor the following :

"Section 23. No officer of any body corporate shall, after the 31st day of December, A. D. 1892, issue or deliver any certificate of the ownership of stock in or of such corporation, except such certificate shall have affixed thereto stamps

of the value of twenty cents for each one hundred dollars, or fraction thereof, of the par value of the shares of stock represented or certified by such certificate, which stamps shall be paid for by the person to whom such certificate shall be issued and delivered. And it shall be the duty of the officer making the annual exhibit of such body corporate to the Minister of the Interior, to include therein a sworn statement of the number and par value of the shares of stock thereof, certificates for which have been issued or delivered during the period covered by such exhibit. Any person who shall violate any of the provisions of this section shall be subject to a fine of not less than fifty nor more than two hundred and fifty dollars, upon conviction thereof, before any Magistrate."

SECTION 3. That the Schedule of said Act be amended so that said Schedule shall read as follows :

THE SCHEDULE HEREINBEFORE REFERRED TO.

Agreement	\$1 00
When divers letters are offered in evidence to prove agreement between the writers, it shall be suffi- cient to stamp one of such letters.	
Annuity—purchase of release, re-conveyance of, when the consideration does not exceed \$500.....	1 00
For every \$500, or part of \$500, after the first.....	1 00
Articles of Co-partnership	5 00
Articles of Adoption	1 00
Assignment of property, real or personal, not other- wise charged	1 00
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 mort- gage.	

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
Certificates of stock of corporations, on every \$100 (or fraction thereof), par value of the share or shares, issued or conveyed.....	20
Charter party or agreement, or contract for charter of vessels	10 00
Charters or articles of association, public or private..	25 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 the original and duplicate copies, fifty cents on each copy for each year, or fractional part thereof, of the term of the contract, 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, and not exceeding \$1,000	2 00
And when exceeding \$1,000, and not exceeding \$10,000, for every \$1,000, or fractional part thereof.....	3 00
And when exceeding \$10,000, and not exceeding \$50,000, for every \$1,000, or fractional part thereof	4 00

And when exceeding \$50,000, for every \$1,000, or fractional part thereof	5 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 heredita- ments 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, <i>ad valorem</i> 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 pre- mium, <i>ad valorem</i> duty the same as on convey- ance upon the amount paid, and where a yearly rent in money or product is reserved in addi- tion to the premium, or no premium is paid, where such rent shall not exceed \$500 per an- num	1 00
If above \$500 per annum, then for every \$500 or fractional part thereof	1 00
If the rental consideration be based upon a share or percentage of crop, then the expected yield and ruling market price must be shown to obtain the annual money value consideration, as above provided.	
Letters 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, as follows :	
On licenses of a \$20 fee or under.....	50
On licenses over \$20 to \$50.....	1 00
On licenses over \$50 to \$100	2 00
On licenses over \$100, for every additional \$50, or fractional part thereof.....	1 00
Mortgage, or charge on, or affecting any lands, 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 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 \$1,000.....	1 00
And for every additional \$1,000, or fractional part thereof, not exceeding \$10,000	2 00
And for every additional \$1,000, when the amount secured is over \$10,000	3 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 ultimate-	

ly 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 a sum exceeding \$1,000 is paid or agreed to be paid for equality of partition, *ad valorem* duty as on sale. If less than \$1,000 . . . exempt

Patents—Royal for land	1 00
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For inventions.	10 00
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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 \$1,000 or part thereof assured	1 00
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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 \$1,000, or part thereof assured.

50

If the voyage insured against is to and from California, Oregon, British Columbia, Washington, Tahiti, or any other of the Polynesian or Micronesian Islands, and other places where insurance

is of the like rates, for every \$1,000, or part thereof assured.....	25
Power of Attorney	1 00
Original Petitions—To Courts of Record, summonses to parties, attachments and executions issued by Courts of Record.....	2 00
Protest against granting of Passports.....	3 00
Release, assignment, re-conveyance 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 <i>bona fide</i> pecuniary consideration.....	5 00

SECTION 4. This Act shall take effect from the first day of April A. D. 1893.

Approved this 11th day of January A. D. 1893.

LILIUOKALANI.

BY THE QUEEN :

G. N. WILCOX,

Minister of the Interior.

CHAPTER CIV.

AN ACT

To ADD A NEW SECTION, TO BE CALLED SECTION 10B, TO AN ACT ENTITLED "AN ACT RESTRICTING CHINESE IMMIGRATION," PASSED THE 30TH DAY OF NOVEMBER, A. D. 1892.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. A new Section, to be called Section 10B, is hereby added to the Act entitled "An Act restricting Chinese Immigration," passed the 30th day of November, A. D. 1892, which shall read as follows:

"Section 10B. Any Chinese who shall enter or attempt to enter this Kingdom contrary to the provisions of this Act, or without the permit or permits hereinbefore provided for, shall upon conviction before any District Magistrate be liable to a fine of not more than two hundred dollars or to imprisonment at hard labor for a term not exceeding six months, or both, in the discretion of the Court."

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

Approved this 12th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER CV.**AN ACT**

**To APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR THE ROADS
AND BRIDGES OF HONOLULU.**

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. There shall be and hereby is appropriated the sum of thirty-five thousand dollars, from the Public Treasury, for the Roads and Bridges of Honolulu, in addition to the sums heretofore appropriated for the biennial period, ending the 31st day of March, A. D. 1894.

Approved this 12th day of January A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER CVI.**AN ACT**

RELATING TO DUTIES ON LEGACIES, BEQUESTS AND INHERITANCES.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. All property which shall pass by will or by the intestate law of this Kingdom from any person who may

die seized or possessed of the same while a resident of this Kingdom, or if such decedent was not a resident of this Kingdom at the time of death, which property or any part thereof, shall be within this Kingdom, or any interest therein or income therefrom which shall be transferred by deed, grant, sale or gift, made or intended to take effect in possession or enjoyment after the death of the grantor or bargainor, to any person or persons, or to any body public or corporate, in trust or otherwise, or by reason whereof any person or body public or corporate shall become beneficially entitled in possession or expectancy to any property or to the income thereof, other than to or for the use of his or her father, mother, husband, wife, child, brother, sister, the wife or widow of a son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of this Kingdom or the societies, corporations and institutions now exempted by law from taxation, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property, or to the income thereof, shall be and is subject to a tax of five dollars on every hundred dollars of the clear market value of such property, and at and after the same rate for any less amount, to be paid to the Minister of Finance for the use of the Government, and all administrators, executors and trustees shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed, provided that an estate which may be valued at a less sum than five hundred dollars shall not be subject to such duty or tax.

SECTION 2. Any administrator, executor or trustee having in charge or trust, any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money, he shall collect the tax

thereon upon the appraised value thereof from the legatee or person entitled to such property, and he shall not deliver or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate the heir or devisee before paying the same, shall deduct said tax therefrom, and pay the same to the executor, administrator or trustee, and the same shall remain a charge on such real estate until paid, and the payment thereof shall be enforced by executor, administrator or trustee in the same manner that the payment of such legacy might be enforced.

SECTION 3. All executors, administrators and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax in the same manner as they may be enabled by law to do for the payment of debts of their testators and intestates and the amount of tax shall be paid as hereinafter directed.

SECTION 4. Every sum of money retained by an executor, administrator or trustee, or paid into his hands for any tax on any property, shall be paid by him within thirty days thereafter to the Minister of Finance who shall give a receipt to him for the same, which receipt shall be a proper voucher in the settlement of his accounts, but an executor, administrator or trustee shall not be entitled to credit in his accounts, nor be discharged from liability for such tax, nor his accounts be allowed and approved and he be discharged unless he shall produce such receipt.

SECTION 5. Whenever any foreign executor or administrator shall assign or transfer any stocks or loans in this Kingdom, standing in the name of a decedent, or in trust for

a decedent, which shall be liable for said tax, such tax shall be paid to the Minister of Finance on the transfer thereof, otherwise the corporation permitting such transfer shall become liable to pay such tax to the Minister of Finance.

SECTION 6. The value of any property subject to such tax shall be fixed by an appraiser or appraisers who shall be appointed by the Court to appraise the estate of decedent or any specific part of estate of decedent. The appraiser or appraisers shall be paid out of the estate of decedent as an expense of administration.

SECTION 7. In case of any dispute as to any tax, the Court having jurisdiction of decedent's estate in this Kingdom shall have jurisdiction to try and determine the same, provided that the Supreme Court shall always have such jurisdiction.

SECTION 8. All taxes levied and collected under this Act shall be paid to the Minister of Finance for the use of the Government.

Approved this 12th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER CVII.

AN ACT

TO REGULATE AND CONTROL THE PRODUCTION AND FURNISHING OF ELECTRICITY IN HONOLULU.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

DEFINITION OF TERMS USED.

SECTION 1. Wherever in this Act the word "Minister" is used, it shall mean the Minister of the Department of the Interior of this Kingdom. Wherever the word "Contractor" is used, it shall mean the purchaser of franchise hereinafter provided for, who has entered into a contract with the Minister of the Interior in accordance with the terms of this Act.

SALE OF FRANCHISE AT AUCTION.

SECTION 2. The Minister of the Interior is hereby directed to sell at public auction to the highest bidder as soon as the necessary arrangements can reasonably be made, the exclusive right and franchise to furnish and supply electric light and electric power, except as hereinafter provided, within the District of Honolulu, during the term of ten years from the date of such sale. In case there shall be no sale of such franchise the Minister may thereafter from time to time re-advertise the same for sale, in the manner hereinbefore set forth. The said Minister shall advertise the time, place and conditions of such sale, for not less than sixty days, in one or more newspapers published in Honolulu in the English language.

SECTION 3. The upset price of such franchise shall be two and one-half per cent. of the gross receipts of the contractor from all electric light and power furnished to consumers; and bids for such franchise shall be for the percentage of such gross receipts which the bidder is willing to pay to the Government over and above such percentage. Provided, however, that the contractor shall be exempt from paying such percentage of receipts for the first two years of such contract.

SECTION 4. Before any such franchise shall be knocked down at such sale to any bidder, such bidder shall deposit with the Minister, in cash, or a certified check on a Honolulu bank, the sum of five hundred dollars, which shall be forfeited to the Government if such bidder fails to execute the contract hereinafter provided for.

CONTRACTOR'S OBLIGATION TO FURNISH ELECTRICITY.

SECTION 5. A contract shall be entered into between the Minister and the purchaser of such privilege. There shall be included in the terms of such contract, in addition to the other requirements herein contained, an agreement by the holder of the franchise, that within two years from the granting of such franchise such contractor shall be able to and will furnish to all applicants at any point within the following described district all the electric power and light which any applicant in such district may *bona fide* apply for, viz:

Beginning at a point on the seashore east of Honolulu where a line drawn in extension of Punahou street meets the sea; thence running mauka along such line to and along Punahou street to Wilder Avenue; thence westward along Wilder Avenue to the street highest up the slope of Punchbowl; thence around the base of said hill on the same level to a point in line with the extension of School street; thence

to the junction of School and Punchbowl streets; thence along Punchbowl street to the bridge across Pauoa stream; thence in a straight line to the east end of Judd street; thence along Judd street to Liliha street; thence along Liliha street and a line drawn in extension thereof to the seashore; thence along the seashore to the point of beginning. Provided, however, that the contractor shall not be required to run special wires over 1,000 feet in length for the furnishing of lights or power until the applicant or applicants shall apply for at least fifty sixteen candle power lights, and have first wired the premises proposed to be lighted, or prepared the apparatus necessary to utilize the power applied for; and in no case shall a contractor be obliged to run wires until the applicant or applicants shall have agreed to take at least five lights at schedule rates for not less than one year.

And provided further, that if the contractor is unable to furnish power or light applied for by reason of lack of capacity of the apparatus for producing electricity, such contractor shall be allowed a reasonable time, not to exceed nine months from the date of any application, to procure such additional apparatus as may be necessary to furnish such applicant.

BOND TO SECURE EXECUTION OF CONTRACT.

SECTION 6. Before any franchise herein provided for shall be granted, the person or company to whom the same is proposed to be granted shall file with the Minister of the Interior a bond in the sum of five thousand dollars, with two sureties, conditioned to properly carry out the terms of the contract herein provided for, and to observe all of the terms and conditions of this law. Each of such sureties shall be the owner of unencumbered real estate in this Kingdom of the value of not less than twenty-five hundred dollars, or the

owner of unencumbered personal property in this Kingdom of the value of not less than five thousand dollars.

If at any time either of such sureties shall fail to comply with such property requirement, a further surety or sureties shall forthwith be furnished by the holder of the franchise.

A deposit of twenty-five hundred dollars with the Minister of the Interior may be made by the holder of the franchise to secure the execution of the condition of the bond, in lieu of the sureties above provided for, at the option of the holder of such franchise.

RULES AND REGULATIONS.

SECTION 7. The Minister is hereby authorized to make and from time to time change, amend, or add to, all rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying the electric current, the maintenance in good repair of all poles, wires and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary or proper for the public safety and welfare.

Such regulations shall, after publication, have the force of law.

Nothing herein contained, however, shall authorize the Minister to require the wires to be placed underground.

SECTION 8. If the poles, wires or apparatus of any contractor do not comply with such regulations, or there is any other infraction of such regulations, the contractor, or the person causing such infraction, shall be liable to a fine of not less than twenty-five nor more than five hundred dollars for each non-compliance or infraction.

SECTION 9. If at any time the contractor shall fail to observe or execute the rules and regulations or directions herein

authorized, the Minister may, in his discretion, after giving such contractor notice in writing of his intention so to do, proceed to remedy such failure at the expense of such contractor, and such contractor shall pay to the Minister all expenses incurred in so doing; and the cost of such proceeding shall be a first lien upon all of the property of the contractor.

**UNAUTHORIZED POLES AND WIRES IN STREETS
PROHIBITED.**

SECTION 10. No one shall be allowed to place or maintain poles or wires in, upon or across any public street except such persons as are authorized by law so to do. Any person violating this Section shall be guilty of a misdemeanor, and be fined twenty-five dollars for each pole or wire so placed in violation hereof. The Minister may at any time cause such poles or wires to be removed at the expense of the person placing them in such position; but the penalty provided by this Section shall not be inflicted until after the expiration of three months from the date hereof.

CONTRACTOR'S OPERATION SUBJECT TO INSPECTION.

SECTION 11. The entire plant, operations, books and accounts of any contractor shall at all times be subject to the inspection of the Minister or such person as may be appointed by him for such purpose.

ACCOUNTS AND STATEMENTS TO BE FILED BY CONTRACTOR

SECTION 12. Each contractor shall within one month after the expiration of each year file with the Minister:

First: A detailed statement showing the name of each consumer of light or power furnished by such contractor; the number and character of lights or horse-power furnished to

each consumer, and the amount paid by each consumer during each year;

Second: A detailed statement showing the objects added to the plant or stock of the contractor and the true net price, after deduction of all discounts and rebates, of each such objects; and

Third: A further detailed statement showing the item of running expense of such contractor, and the amount of each such item during the preceeding year, and shall at the same time pay to the said Minister such per centum as may have been bid and agreed upon in the contract above provided for.

EXEMPTIONS FROM EXCLUSIVE FRANCHISE.

SECTION 13. Nothing in this Act contained shall be construed to prohibit any person or corporation from erecting electric apparatus and producing electricity for either light or power for his or its own use upon the premises where produced. But any such plant so erected shall be subject to all of the regulations hereinbefore referred to; and shall be subject to the inspection and regulation of the Minister or such person as may be appointed by him for that purpose.

Nor shall anything herein contained be construed to prohibit the Hawaiian Tramways Company, Limited, under the franchise already granted to it from erecting a plant, poles and wires, subject to the inspection and regulations hereinbefore provided for, for the purpose of furnishing power for the propulsion of its cars; or for making a contract with any one or more of the contractors to furnish it with such power for use on any of its tracks, whether the same is within the district of such contractor or not.

Nor shall anything in this Act contained be construed to prohibit the Government from furnishing to any part of

Honolulu, electricity for light or power, produced by the power now obtained from the present water supply of the city, up to the capacity of the electric dynamos now owned by the Government.

GOVERNMENT PLANT RATES.

SECTION 14. The rates to be charged by the contractor shall not exceed the following rates for each 16 candle power light, viz :

For all night use, or for use by saloons or billiard rooms, per month \$1.25. For stores, per month \$1.00. For dwelling houses, for first five lamps, per month per lamp .90. For all over five lamps, per month per lamp .60. For hotels, hospitals, churches, halls and other places of a similar character where lights are only occasionally used shall be given special rates, not to exceed an equitable charge depending upon the circumstances of each case.

The charge to be made for light and power furnished by the Government shall not be less than the rate prescribed to be charged by any contractor.

The Minister of the Interior is hereby prohibited from alienating in any manner the ownership and control of the Government over the Government water supply, or power produced therefrom, or the Government Electric Light Plant.

CONTRACTOR'S PLANTS MAY BE TAKEN BY THE GOVERNMENT.

SECTION 15. At the termination of the franchise granted hereunder, the Minister may take over on behalf of the Government all of the plant of the contractor upon payment to him of the value thereof. The value so to be paid shall be,

the actual cost price of all of the stock and plant of such contractor actually in use in carrying out the purpose of such franchise at the time the same is so taken over; the actual cost of the labor used in placing the same in position ready for work; less the deduction of a reasonable percentage for wear and tear and deterioration; and no allowance or payment shall be made for good will or value of the business. Provided, however, that such value shall not be higher than the same plant could, at such date, be duplicated for.

The percentage so to be deducted shall be such as may be agreed upon between the parties; or, if they are unable to agree thereon, each party shall appoint a disinterested appraiser, and the two so chosen shall choose a third, and the appraisement of such three persons so chosen shall be binding upon both parties as to the amount of percentage to be deducted.

SECTION 16. In case the Hawaiian Electric Company, Limited, shall not be the purchaser of such franchise, the purchaser thereof shall, if so requested by said company within thirty days of such purchase, take over from such company all of the plant now in use by such company, at its fair market value, taking into consideration a fair discount for wear and deterioration. If the purchaser and said company are unable to agree upon the price, it shall be determined in the manner set forth in Section 15 hereof. Provided, however, that such value shall not be higher than the same plant could at such date be duplicated for; and provided further, that said company shall have ten days after the rendition of the appraisers within which to decide whether to accept such award or not.

If such company shall not accept such award within such

ten days, the contractor shall be thereupon absolved from any obligation to purchase such plant.

Approved this 12th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

CHAPTER CVIII.

AN ACT

TO LICENSE THE DISTILLING OF SPIRITUOUS LIQUORS.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. The Minister of the Interior is hereby authorized to grant to any party or parties applying therefor a license to distill spirituous liquors, subject to the terms, conditions and restrictions hereinafter set forth.

SECTION 2. All persons applying for a license under this Act shall, before receiving the same, file a bond with one or more sureties (in form similar to the following), which bond must be approved by 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. 189. .

"The condition of the obligation is as follows: That whereas, the above bounden principal has applied for a license to distill spirituous liquors in accordance with the law enacted on the day of , 189 . . . , and has complied with the requisition of the said law, and has consequently become entitled to a license to distill spirituous liquors in accordance with the statute in such cases made and provided, for the term of one year 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 violate any of the conditions of said license, or of this Act, or of any of the rules and regulations published, as hereinafter provided by the Minister of the Interior, then this obligation shall be void; otherwise upon proof being made to the satisfaction of the District Magistrate without the intervention of a jury, the penalty mentioned in his bond shall be forfeited and the license of the said so granted shall be void.

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

"In the presence of }

SECTION 3. Such license shall be for one year from its date, and before granting such license the Minister of the Interior shall receive from the licensee the sum of two hundred and fifty dollars as a license fee.

SECTION 4. All spirituous liquor manufactured under the provisions of this Act shall be delivered into the charge and keeping of the Custom House authorities, and shall so remain until lawfully withdrawn for domestic consumption or for export, upon a permit of the Collector-General of Customs or his Deputy, and all expenses of storage shall be paid by the owner of such spirituous liquor, in like manner as though the same was of foreign manufacture and had been imported into this Kingdom.

SECTION 5. Spirituous liquor manufactured under the provisions of this Act may be withdrawn from the Custom House upon a permit of the Collector-General of Customs or his Deputy, for sale and consumption in this Kingdom, and upon such withdrawal such spirituous liquors shall pay a duty equal to four-fifths the specific duty that is now or may hereafter be levied on spirituous liquors of like strength of alcohol of foreign manufacture imported into this Kingdom. Such spirituous liquor may be withdrawn in like manner for export without duty, and shall be subject in all other respects to the same surveillance and restrictions to which liquors of foreign manufacture are now or may hereafter be subjected when withdrawn for re-exportation; provided, however, that any methylated alcohol manufactured in this Kingdom under this Act may be withdrawn for use in this Kingdom without duty.

SECTION 6. The licensee, or some person in his behalf, who has full knowledge of the facts, shall each quarter report to the Minister of the Interior and the Collector-General of Customs the quantity and kind of spirituous liquor manufactured by him; the quantity and kind of such liquor delivered to the Custom House; the quantity and kind of such liquor withdrawn; and whether the same was exported or sold

for consumption in this Kingdom. Such report must be verified by the oath of the party making the same, that such report is true, and any false statement so sworn to shall be deemed perjury.

SECTION 7. The said licensee shall not sell spirituous liquors, manufactured by him, for consumption in this Kingdom in quantities less than ten gallons.

SECTION 8. Any person who shall distill spirituous liquors without having a license according to law, shall be punished by a fine of not more than one thousand dollars nor less than one hundred dollars, and by imprisonment at hard labor for not less than three months nor more than one year.

SECTION 9. At the time of filing the application mentioned for a license under this Act, the applicant shall furnish to the Minister of the Interior a sworn certificate showing the exact location of the premises in which such spirituous liquors are to be manufactured, together with a description of such premises.

SECTION 10. The premises upon which spirituous liquors are manufactured under the license herein provided for shall at all times be open to free inspection by the police and Custom House officers.

SECTION 11. The Minister of the Interior by and with the consent of the Cabinet may make from time to time such rules and regulations, not inconsistent with this Act, that may be necessary for the protection of the revenue and public good order, which rules and regulations shall be published in a newspaper and shall have the force of law.

SECTION 12. Unless herein otherwise provided any violation of the provisions of this Act by the licensee shall subject him or them to a fine of not less than one thousand dollars

and the said bond and license shall be forfeited, and the penalty of said bond may be recovered and enforced before a Circuit Judge at Chambers without the intervention of a jury.

SECTION 13. Any person, except the licensee, as aforesaid, violating the provisions of this Act shall upon conviction be fined not less than five hundred dollars, unless a different penalty is hereinbefore provided.

SECTION 14. The several District Magistrates shall have jurisdiction to hear, determine and pass sentence for all violations of this Act, except in prosecutions for perjury under Section 6 of this Act.

SECTION 15. This Act shall take effect from and after the date of its passage, and all laws and parts of laws inconsistent with this Act are hereby repealed, especially an Act entitled "An Act authorizing the Minister of the Interior to grant one license, or more, for the establishment of a distillery in the City of Honolulu," approved the 30th day of December, A. D. 1864, and an Act entitled "An Act authorizing the Minister of the Interior to grant to owners of mills for the manufacture of sugar, licenses to distill spirituous liquors," approved the 13th day of July A. D. 1874.

Approved this 13th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

JOHN F. COLBURN,

Minister of the Interior.

CHAPTER CIX.

AN ACT

To AMEND SECTION 69 OF "AN ACT TO REORGANIZE THE JUDICIARY DEPARTMENT," APPROVED THE 25TH DAY OF NOVEMBER, A. D. 1892.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

SECTION 1. Section 69 of "An Act to reorganize the Judiciary Department," approved the 25th day of November, A. D. 1892, is hereby amended to read as follows:

"Section 69. Appeals shall be allowed from all decisions, judgments, orders or decrees of Circuit Judges in Chambers, to the Supreme Court, except in cases in which the appellant is entitled to appeal to a jury, whenever the party appealing shall file notice of his appeal within five days, and shall pay the costs accrued, and deposit a sufficient bond in the sum of fifty dollars, conditioned for the payment of the costs further to accrue in case he is defeated in the Appellate Court, or money to the same amount, within ten days after the filing of the decision, judgment, order or decree appealed from; provided, however, that in any case in which the law allows an appeal from the decision, judgment order or decree of a Judge in Chambers to be tried before a jury, the Judge whose decision, judgment, order or decree is appealed from shall not preside at the trial of such appeal before a jury, but such appeal shall be in order for hearing at the next

regular term of the Circuit Court of the Circuit in which the cause was tried in Chambers, and the Circuit Judge of some other Circuit, who shall be thereto authorized by the written request of the Chief Justice, or other Justice of the Supreme Court, shall preside at the trial of such appeal; but further provided, that in case such appeal shall be taken from the decision, judgment, order or decree of one of the Judges of the First Circuit in Chambers, it shall be in order for hearing at the next regular term of such Circuit, but the Judge whose decision, judgment, order or decree is appealed from shall not preside at the trial of such appeal."

Approved this 13th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

JOHN F. COLBURN,

Minister of the Interior.

CHAPTER CX.

AN ACT

TO PROVIDE FOR AND REGULATE THE IMPORTATION, SALE AND USE OF OPIUM AND PREPARATIONS THEREOF.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

THE IMPORTATION AND BONDING OF OPIUM.

SECTION 1. It shall be lawful for any person to import opium and preparations thereof, and to enter the same in bond at any Custom House of this Kingdom, and to transfer the

same in bond, and withdraw the same from bond, in manner as provided is this Act.

OPIUM MAY BE WITHDRAWN FOR MEDICINAL PURPOSES.

SECTION 2. All opium and preparations of opium intended for medicinal purposes shall be withdrawn from bond only by licensed physicians, and by the Board of Health, and by chemists and apothecaries regularly licensed and conducting business as such chemists and apothecaries in this Kingdom. The persons so withdrawing the same from bond shall pay duty thereon at the rate of one hundred per cent. *ad valorem*, except that the Board of Health shall pay no duty upon such opium or preparations thereof as it shall so withdraw from bond. No physician, chemist or apothecary shall so withdraw more than one pound of opium in bulk at any one time.

AFFIDAVIT UPON WITHDRAWAL FOR MEDICINAL PURPOSES.

SECTION 3. Before allowing any withdrawal of such opium or preparation thereof as provided in Section 2 of this Act, the collector of the port where such withdrawal is proposed to be made shall exact of the person applying therefor an affidavit in substance as follows: In the case of withdrawal by the Board of Health, such affidavit shall state that the said Board requires and has authorized the withdrawal of the articles applied for, for distribution among the physicians and use by the patients of said Board, and it shall be signed by the President or some other officer or member of such Board. In case of a physician, chemist or apothecary, such affidavit shall state that the applicant is a duly licensed and practising physician, or a licensed chemist and apothecary, regularly in business in this Kingdom (as the case may be), stating his location and place of business, and that the prep-

arations of opium so applied for are necessary in the practice or business of such applicant (as the case may be), and are intended *bona fide* for the relief of illness, and for no other than medicinal purposes.

PENALTY FOR VIOLATION BY PHYSICIANS.

SECTION 4. If any physician who comes into the possession of opium, or preparations thereof, either by withdrawal of the same from bond, or by purchase from a chemist or apothecary, or otherwise, shall dispose of the same or permit the same to be used except in the course of his professional practice and *bona fide* for the use and relief of ill persons in need of the same, he shall be punished by a fine not less than one hundred nor more than five hundred dollars; and upon conviction of a second offense under this Section, he shall be fined as above provided, and shall have his license to practice medicine revoked.

PENALTY FOR VIOLATION BY CHEMISTS AND OTHERS.

SECTION 5. If any chemist or apothecary, having come into the possession of any opium or preparation thereof after the taking effect of this Act, shall sell or dispose of the same, or of any preparation compounded by him, and consisting in whole or in part of opium, to any person except a duly licensed physician, or upon the prescription or order of such physician, he shall, upon conviction, be fined not less than one hundred nor more than five hundred dollars, and for a second offense hereunder shall be imprisoned at hard labor not more than six months, with or without such fine, in the discretion of the court.

SECTION 6. Any person who, having so withdrawn or otherwise obtained any opium or preparation thereof for the use of

the Board of Health, and who shall sell or otherwise dispose thereof to any person or for any purpose other than as directed by said Board of Health, and for the use of said Board of Health, and of the persons under its charge shall, upon conviction, be fined not less than one hundred nor more than two hundred and fifty dollars, or imprisoned at hard labor not less than three months nor more than six months.

STAMPS FOR OPIUM CONTAINERS.

SECTION 7. It shall be the duty of the Minister of Finance, as soon as practicable after the passage of this Act, to have engraved and delivered in the Finance Office, a suitable number of stamps for the purposes hereinafter set forth. Such stamps shall be so engraved as to minimize the danger of their being counterfeited, and shall be of the denominations of one dollar and fifty cents and three dollars respectively. They shall bear the image of no person, but shall be illustrated with one or more pictures of Hawaiian scenery, and shall have spaces for the signature of the Collector-General of Customs and the countersignature of the collector of the port where they shall be used. They shall be kept stored in the Treasury vaults, except as sufficient numbers thereof to meet the purposes of this Act shall from time to time be delivered to the Collector-General for use by him and be by him distributed among the collectors of ports other than Honolulu.

STAMPS TO BE ACCOUNTED FOR AND DISTRIBUTED FOR USE.

SECTION 8. Such stamps, when delivered from the Treasury, shall be charged to the Collector General, in a separate account thereof, to be kept by the Registrar of Public Accounts. The Collector General shall, from time to time, dis-

tribute such of said stamps as shall be necessary (after having first signed them), to and among the Collectors of ports other than Honolulu; and the Collector General, and all Collectors receiving such stamps, shall account for the same upon demand as so much cash. Such stamps, before being affixed to opium boxes, as hereinafter provided, shall be signed by the Collector General (or, in his absence, by the Deputy Collector), and, where so affixed at any port other than Honolulu, they shall be countersigned by the Collector of such port.

BONDS FOR DUTIES TO BE EXACTED.

SECTION 9. Upon the importation of any opium as herein provided, it shall be entered and stored in bond at the port where landed. It shall be the duty of the Collector General, or other Collector of such port, to at once exact of and from the importer (in case he shall propose to leave such opium, or any portion thereof, in bond), a good and sufficient bond, with acceptable and responsible surety, or sureties, conditioned for the payment of all duties and storage expenses upon such opium within one year from the date of its importation. The penalty of such bond shall be the aggregate of the duty herein imposed upon such opium, and the charge for one year's storage thereon. Such bond shall remain a continuing security until all sums secured thereby are paid.

COLLECTORS OF CUSTOMS TO AFFIX AND CANCEL STAMPS.

SECTION 10. The Collector General and the several Collectors, at their respective ports, shall cause to be affixed to each box, tin or other package containing opium, imported and applied for to be withdrawn from bond, as herein provided, and containing not more than five taels, or one-half pound thereof, one of said stamps of the denomination of one

dollar and fifty cents. Upon any such box, tin or package containing more than five and not more than ten taels, more than one-half pound, and not more than one pound, he shall affix one of said stamps of the denomination of three dollars, and so for each additional half pound, or five taels, or fraction thereof, an additional stamp, or stamps, of the value of one dollar and fifty cents shall be affixed. Each stamp so affixed shall, at the time of affixing the same, have stamped or written across its surface the word "cancelled," together with the name of the port where affixed, and the date of such cancellation.

PENALTY FOR CUSTOMS OFFICER WHO VIOLATES STAMP PROVISION.

SECTION 11. Any officer of Customs or other person, into whose hands or custody such stamps, or any of them, shall come, for any of the purposes named in the last preceding Section, who shall fail or refuse to affix and cancel the same, as therein provided, shall, on conviction thereof, be fined not less than than two hundred nor more than two thousand dollars, or be imprisoned at hard labor not less than three months, nor more than two years.

PENALTY FOR COUNTERFEITING STAMPS.

SECTION 12. Any person who shall counterfeit, or aid or assist in counterfeiting any of such stamps, or who shall knowingly sell, handle, deal in, use, or have in possession, any counterfeit, or counterfeits thereof, shall, upon conviction, be punished by a fine of not less than five hundred nor more than two thousand dollars, or by imprisonment at hard labor not less than one year nor more than three years.

PENALTY FOR FORGING OFFICIAL SIGNATURES.

SECTION 13. Any person who shall forge the name or signature of any officer of the Government to any such stamp as aforesaid, whether the stamp upon which such signature is forged shall be genuine or counterfeit; or any person who shall knowingly pass, use, utter, sell, handle, deal in or have in possession any such stamp with such forged signature thereon shall, upon conviction, be punished as provided in the last preceding section.

PENALTY FOR FRAUDULENT USE OF STAMPED CONTAINERS.

SECTION 14. Any person who shall in any manner use, aid in using, or cause to be used, any box, tin, container or receptacle which shall bear any stamp, such as hereinbefore provided, to be affixed to opium containers, for the purpose of refilling the same with opium, or any preparation thereof, that has not regularly passed the Customs, and had the duty paid thereon, or for keeping, containing or storing any such opium, or preparation thereof, as last aforesaid, or who shall strip or detach such stamps from any box, container or package on which the same has or have been placed by authority of this Act; or who shall have in possession, or deal in, or give, sell or furnish to others such detached stamps, or any box, tin or other container to which any such stamp is affixed (except in the case of a licensee hereunder, who shall sell such box, tin or other container, along with the opium therein), shall, upon conviction, be fined not less than two hundred nor more than two thousand dollars, or be imprisoned at hard labor not less than three months nor more than three years.

OF LICENSES.

SECTION 15. There shall be issued by the Minister of the Interior licenses to sell opium under this Act, in the manner and upon the conditions hereinafter set forth. The number of such licenses, and the upset prices of the same, shall be as follows:

For the Island of Oahu, one license	\$15,000 00
For the Island of Kauai, one license	7,500 00
For the Island of Hawaii, one license	12,500 00
For the Islands of Maui, Molokai, Lanai and Kahoolawe, one license	10,000 00

SECTION 16. Such licenses shall authorize the holders thereof to sell opium, in accordance with the provisions of this Act, for and during one year, beginning with the day of the issue and date of such licenses respectively. The license shall in each case set forth the real name, or names, of the licensees, as well as the name of the firm or partnership, if any, under which they propose to operate, and shall authorize such sales only in the premises specifically described therein, and in such premises as the Minister of the Interior shall, from time to time, during the life of such licenses, respectively, in writing, designate and permit, as provided in Section 19 hereof. Provided, that not more than four such premises in the District of Honolulu shall be so designated.

F THE APPLICATION FOR SALE, AND AWARD OF LICENSES

SECTION 17. Such licenses shall be awarded in the manner hereinafter provided, namely:

(1) Every applicant for a license shall file with the Minister of the Interior an application therefor, setting forth the Island or Islands, District or Districts, and the particular premises therein (describing them by street and number,

where practicable), where it is proposed to conduct business under such license. Such application shall be accompanied by a deposit of at least ten per cent. (10%) of the upset price of the license applied for, which deposit shall be forfeited to the Government in case such applicant shall fail (in case of such license being awarded to him) to deposit the balance of the price for which such license shall be so awarded, within one week after such award being made.

(2) Upon the receipt of such application and deposit, the Minister of the Interior shall advertise the sale of such license in one or more newspapers published in Honolulu, upon a date not less than four, nor more than five weeks in the future.

(3) At the date mentioned in the advertisement, the license so applied for shall be exposed for sale at public auction by said Minister, at the front door of Aliiolani Hale, Honolulu. Such license shall be sold and awarded to the highest bidder therefor, provided, that if the upset price be not exceeded, it shall be awarded to the applicant, whose application therefor was first received, at such upset price.

(4) In case of a sale and award to a person other than such applicant, said Minister shall exact from such purchaser a deposit of ten per cent. (10%) of the sale price thereof, which deposit shall be forfeited to the Government unless the balance of such sale price shall be paid within one week thereafter.

(5) In case of the payment of such balance within the time herein stipulated, and the performance by such purchaser of all other Acts required by this Act, said Minister shall issue such license to the person or persons to whom the same has been sold and awarded. Provided, however, that said Minister may refuse to issue such license until he shall be satisfied that the premises upon which it is proposed

to conduct business thereunder are suitably and properly situated and equipped for the purpose, and that no other business or avocation is or will be pursued or conducted thereon; and to this end said Minister may make and publish such rules and regulations as to him shall seem proper in the premises, and such rules and regulations, so made and published, shall have the force and effect of law, and their violation shall be punished by a fine of not less than one hundred nor more than two hundred and fifty dollars.

LICENSEE SHALL PROVIDE FACILITIES FOR OPIUM
SMOKING.

SECTION 18. No such license shall issue until the awardee thereof shall have shown to the satisfaction of the Minister of the Interior, that such awardee has prepared and equipped for use a room or rooms for opium smoking containing not less than one dozen bunks or benches suitable for that purpose, in and upon each of the premises wherein or whereon it is proposed to conduct business under such license. That such rooms or premises last aforesaid are in good sanitary condition and well ventilated, which conditions may be shown by the certificate of an agent of the Board of Health, or of the Marshal, Deputy Marshal, or any Sheriff or practising physician.

LICENSEE MAY EQUIP ADDITIONAL PREMISES FOR
SMOKING.

SECTION 19. It shall be competent for such licensee, at any time during the term of his license, to fit up and equip for opium smoking, as provided in Section 18 hereof, additional premises in any part of his licensed territory (except the District of Honolulu, as provided in Section 16), and, upon sworn application to the Minister of the Interior, set-

ting forth such facts, and the production of such certificate as provided in the last preceding Section, said Minister shall, (if satisfied of the truth thereof, and that such premises are not so situated as to make their use for the purposes of this Act a nuisance to adjoining owners or residents), issue a permit, under the seal of his Department, for the sale and use of opium in and upon such certified and designated premises, under the license then held by such licensee. Such permits and all licenses issued hereunder shall be conspicuously posted in the premises to which they respectively apply.

BOND TO BE FILED BY LICENSEE.

SECTION 20. Such purchaser shall also, before receiving a license, file with said Minister a bond, with at least two sufficient sureties, in the sum of two thousand five hundred dollars, conditional; that he will keep his premises, where licenses to sell opium, and all the smoking pipes, apparatus, apartments, bunks and benches thereof, clean and in good sanitary condition; that he will not permit, allow or tolerate any minors under the age of twenty years, nor any women upon such said premises; that he will not sell, or furnish any opium to any person or persons other than Chinese, who are over the age of twenty years; nor allow any persons other than such Chinese as aforesaid to occupy, frequent, use or smoke opium or any other substance or preparation, in or upon the premises so licensed, or any of the apartments, bunks, benches or other place or places thereto belonging, or therewith in any manner connected, or in any manner or degree under the ownership or control of such licensee, or of any one or more of several joint licensees; that he will not sell, give or furnish any opium or preparation thereof for delivery to, or use by any person or persons other than Chinese,

who are over twenty years of age ; that he will not remove any stamp or stamps, herein provided to be affixed thereto, from any such tin, case, package or container, nor affix such stamp or stamps to any other object or use, handle, furnish, sell or give any such stamp or stamps to or for any other person or purpose ; that he will at once, after emptying a tin, or other case, package or container, so stamped as hereinbefore provided, burn or otherwise entirely destroy such tin, case, package or container, together with the stamp or stamps thereon ; and that he will not be guilty of any other act, the conviction of which is by this Act made punishable in whole or in part by the forfeiture of said bond or of such license.

PENALTY FOR VIOLATION OF LICENSE CONDITIONS.

SECTION 21. If such licensee, or any one or more of such licensees as herein provided, or any employee, subordinate or servant of him or them, by or with his or their connivance, command, authority or consent shall violate any of the provisions of such license or shall violate any other provision of this Act for which no specific penalty is herein otherwise provided, the person or persons so offending shall, upon conviction, be fined not less than two hundred nor more than two thousand dollars, or be imprisoned at hard labor not less than two months nor more than two years. Provided, that where such violation shall be by such employee, subordinate or servant of such licensee or joint licensees, by or with the connivance, command, authority or consent of such licensee or licensees, or any of them, both such employee, subordinate or servant, and such licensee or licensees, conning at, commanding, authorizing or consenting to such violation shall be jointly and severally liable to the penalties prescribed in this Section.

PENALTY FOR VIOLATING PROVISIONS OF LICENSE BOND.

SECTION 22. It shall be incumbent upon such licensee to faithfully observe and perform all the conditions and stipulations of such bond, a copy wherof shall be attached to and made a part of such license, and any violation of any of the provisions of such bond by any licensee either in person or by or through any employee, servant or agent, shall render him liable, upon conviction, to the forfeiture of such bond and license, in addition to any and all other penalties herein prescribed for such offense.

OF THE HOURS FOR CLOSING LICENSED PREMISES.

SECTION 23. It shall be unlawful to keep open any shop, store or premises wherein opium is licensed to be sold, later than ten o'clock at night, at or before which hour the doors shall be closed, and thereafter kept closed until six o'clock the following morning, and no person or persons other than actual residents upon such premises shall be admitted thereto between the hours aforesaid. Provided, that from ten o'clock on each Saturday night to six o'clock on the Monday morning next following, such premises shall remain and be continued closed, and only actual residents thereof admitted thereto; and during the hours hereinabove provided for such premises to be closed, no opium nor preparation thereof shall be given, sold or furnished upon such licensed premises, except to such persons as shall have come thereupon before the said hour of closing, and remained continuously thereon beyond such hour of closing, and to such persons last aforesaid only for use upon the said premises.

Any person who shall violate any provision of this Section shall, upon conviction, be fined not less than one hundred nor more than one thousand dollars, or be imprisoned at hard la-

bor not less than one nor more than twelve months, and upon the conviction of a licensee or joint licensees of a second offense under this Section, the license held, in whole or in part, by the person so convicted shall, by order of the court in which such second conviction is had, be declared forfeited, null and void. And any person who shall obtain opium upon such premises and take the same therefrom during such hours of closing shall be liable to a fine of not less than fifty nor more than two hundred and fifty dollars.

VISITATION AND INSPECTION OF LICENSED PREMISES.

SECTION 24. It shall be lawful for any member or agent of the Board of Health, or the Marshal, any Deputy Marshal, Sheriff, Deputy Sheriff, Captain of Police, the Judge or Justice of any court of law, any licensed physician, minister of the Gospel or member of the Legislature, at any time except during the hours of closing hereinbefore specified, to go upon and inspect any premises in or upon which the sale and use of opium shall be licensed hereunder, and the manner of conducting the same; provided, that in the case of any of the police officers above mentioned, they may go upon said premises for such purposes at any time when they can gain admission thereto without the breaking of locks, doors or other media of ingress.

NO CHANGE TO BE MADE IN LICENSED PREMISES.

SECTION 25. There shall be made no substantial or material change in or addition to the premises, apartments, rooms, berths, bunks or benches, of any premises wherein or whereon the sale or use of opium is licensed, except after the submission in duplicate of plans of such proposed changes or additions to an agent of the Board of Health, the Marshal, his

deputy, some sheriff or his deputy, and the certificate of such officer, endorsed thereon, that such proposed change or addition will not obstruct or prevent the inspection of said premises, or impair their sanitary condition. Upon the production of such plan and certificate in duplicate, the Minister of the Interior may endorse thereon permission to such licensee to make such proposed changes or additions as said Minister shall approve, and any licensee, or his employee, servant or agent who shall make such changes or additions, or shall permit the use of opium upon premises so changed or added to, without such permission, shall be liable, upon conviction, to the penalties prescribed by Section 6 hereof.

SIGNS TO BE DISPLAYED OVER LICENSED PREMISES.

SECTION 26. It shall be incumbent upon each licensee hereunder to display upon or over the front of the building wherein he is licensed to sell opium, one or more signs, which may be conveniently read at a distance of one hundred feet, and which shall bear the individual or firm name of such licensee, followed by the words, "Licensed Opium Dealer," together with the Hawaiian and Chinese equivalents of said words. For any violation of this Section such licensee shall, upon conviction, suffer a penalty of ten dollars for and in respect of each day during which he shall fail or neglect to display such sign or signs.

NO LIQUOR TO BE SOLD, OR OTHER TRADE CONDUCTED ON LICENSED PREMISES.

SECTION 27. It shall be unlawful for such licensee or licensees, or for any other person to keep, sell or furnish spirituous liquor in or upon any premises so licensed for the sale or use of opium, or to conduct, allow or permit to be conducted therein or thereon any gambling game or games of

chance, or to conduct therein or thereon any trade, avocation or business other than the sale of opium, but nothing in this Section shall be construed to prevent the use of such opium on said premises, as hereinbefore provided.

PENALTY FOR HAVING UNSTAMPED OPIUM ON LICENSED PREMISES.

SECTION 28. If any licensee hereunder shall, either in person or by or through another, knowingly, in any place have in possession, keep, give, sell or furnish, or allow or permit to be brought or used in or upon the premises in regard to which he or they shall hold a license under this Act, any opium or preparation thereof which has not regularly passed the Customs and had duty paid thereon, as herein provided, he and they shall, upon conviction, be liable to the penalties prescribed in Section 21 hereof, and, in addition thereto, shall have his or their license forfeited, annulled and avoided, as provided in Section 22 hereof, and the penalty of his or their bond shall thereupon become and be forfeited due and payable to the Government, and it shall be the duty of the Attorney-General thereupon to enforce such bond.

PENALTY FOR SMUGGLING AND ILLEGALLY FURNISHING OPIUM.

SECTION 29. Any person who shall import, smuggle or otherwise introduce into this Kingdom any opium or preparation thereof, except as provided in Section 1 hereof, and any person, other than such licensee, who shall give, sell or furnish to others, any opium or preparation thereof shall be liable to the penalties prescribed in Section 12 of this Act.

• PENALTY FOR POSSESSION OF UNSTAMPED OPIUM.

SECTION 30. Any person who shall have in possession any opium or preparation thereof which has not regularly passed the Customs and had duty paid thereon as herein provided, shall, upon conviction, be fined not less than fifty nor more than one thousand dollars, or be imprisoned at hard labor not less than one nor more than twelve months. Provided, that all opium found otherwise contained than in containers having affixed thereto the stamps and signatures of Custom Officers, as provided in this Act, shall be presumed to have not had paid such duties as aforesaid, and no affirmative proof of such non-payment shall be exacted in any prosecution under this Section for the possession of opium which shall not be contained in such stamped containers. But nothing herein shall be construed to conflict with the provisions of Section 28 of this Act.

PENALTY FOR POSSESSION OF OPIUM EXCEPT ON
LICENSED PREMISES.

SECTION 31. It shall be unlawful (except as provided in the two next succeeding sections) for any person to have in possession at or in any place except in and upon premises whereon the sale of opium shall be licensed and permitted, any opium or preparation thereof. Any person convicted of a violation of this Section shall, if the opium so had in his possession shall have regularly passed the Customs and had duty paid thereon, be fined not less than fifty nor more than two hundred and fifty dollars; and if such opium shall not have had duties paid thereon, he shall be punished as provided in the last preceding Section.

OPIUM IN TRANSIT FROM CUSTOMS, ETC.

SECTION 32. Every licensee under this Act shall have a seal and shall record the same at the Custom House in Honolulu, and in any other Custom House or Houses within the territory for which he shall hold a license hereunder. All opium in transit from any Custom House to the premises of any licensee shall be securely packed and enclosed in boxes or other parcels (other than the original tin containers thereof), which boxes or parcels shall be sealed by the Collector General or other Collector by whom the same shall be delivered from bond, and shall be plainly marked, "opium in transit," stating the number of tins in such parcel the name of the owner thereof, whence and to what destination it is being taken. Such opium shall be taken direct from the Custom House to its prescribed destination, with such seal unbroken.

SECTION 33. Any licensee shall be at liberty to transport opium to, from and between any of the several premises upon which he shall be licensed or permitted to sell the same, but only in packages securely fastened and sealed with his seal, and marked as in the last preceding Section provided. He shall also, before despatching any such package of opium, report to the nearest Marshal, Deputy Marshal, Sheriff or Deputy Sheriff, all facts concerning the same, including the number of tins inclosed, the name and residence of the carrier thereof, and its destination. It shall be unlawful to break such seal before the delivery of such package at its prescribed destination. Such police officer as above mentioned shall keep a record of all transactions hereunder.

Any person who shall be convicted of a violation of either this or the next preceding Section, shall be liable to the penalties imposed by Section 30 of this Act.

WITHDRAWAL OF OPIUM FROM BOND.

SECTION 34. It shall be the duty of the Collector General, and of the Collectors of Customs, at their several ports, upon the payment of the duty, and after affixing and cancellation of the stamps as hereinbefore provided, to allow any licensee under this Act to withdraw from bond, and to deliver to such licensee or his agent, and to none other, any opium or preparation thereof which shall stand to the credit of the person or firm so applying to so withdraw the same. Provided, that nothing contained in this Section shall be construed to restrict the terms or provisions of Section 2 of this Act.

FORFEITURE AND SALE OF OPIUM ILLEGALLY IN POSSESSION.

SECTION 35. Any opium or preparation thereof which shall be introduced or imported into this Kingdom, contrary to the provisions of this Act, or which shall be found unlawfully in the possession of any person hereunder, shall, by the order, judgment or decree of the Court wherein and whereby such fact or such unlawful introduction, importation or possession is ascertained and declared, be forfeited to the Hawaiian Government. It shall thereupon be delivered to the Collector General, either directly, or through the nearest Collector of Customs, and shall be by him sold for the benefit of those concerned. Such sales shall be only upon written tender or at auction, and at the end of each quarter year or oftener the Collector General shall so sell all such opium available for sale, having first advertised such sale at auction. The proceeds of such sale shall be disposed of as now provided in the case of the proceeds arising from the sale of smuggled goods.

DISPOSITION OF OPIUM FORFEITED AND SOLD.

SECTION 36. It shall be the duty of the Collector General to see that all opium so sold by him shall be exported from this Kingdom. Provided, that such opium, after sale may be entered in bond at the Custom House, and thereafter withdrawn from bond in the same manner, and upon the same conditions including the payment of duty thereon, and the affixing of stamps to the containers thereof, as in the case of opium imported under Section 1 of this Act.

DISPOSITION OF FINES.

SECTION 37. One-half of the pecuniary fine imposed and collected in any prosecution under this Act shall be paid to the person or persons giving the information upon which the conviction in the case shall be obtained. In the case of such fine being paid to the Magistrate or Clerk of the Court in which such conviction is had, the informer's share shall be paid to him by such Magistrate or Clerk upon being satisfied that he is the person entitled thereto, and the receipt of such informer shall be required as a voucher for such payment. In case of the collection of such fine, or any portion thereof, by the Marshal, or any Sheriff, such officer shall, in like manner as above provided, pay such informer his share thereof, without any deduction, and shall take his receipt as a voucher for such payment. A duplicate of such receipt shall be taken by the Marshal or Sheriff, and by him sent to the office of the Attorney General.

LAWS REPEALED.

SECTION 38. Chapter LXX. of the Laws of 1888, being "An Act to restrict the importation and sale of opium or preparations thereof," and all other laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SALE OF LICENSES SHALL BE BY LICENSED AUCTIONEER.

SECTION 39. The Minister of the Interior shall engage the services of a licensed auctioneer to sell any license provided for in this Act, but only upon the condition that the commission to be paid such auctioneer shall not exceed two per cent. (2%) of the price realized upon such sale.

TIME OF THIS ACT TAKING EFFECT.

SECTION 40. This Act shall take effect and be a law upon and after the date of its approval, in so far as it provides for the importation and bonding of opium, and its withdrawal from Bond by the Board of Health, chemists, apothecaries and physicians, and for the purposes of receiving application for, and the sale and award of licenses hereunder.

But for the purposes of the issue of such licenses and the sale and use of opium thereunder, this Act shall not take effect until the first day of April, A. D. 1893.

SECTION 41. For purposes other than those mentioned in Section 40 hereof, this Act shall take effect from and after its approval.

Approved this 13th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

JOHN. F. COLBURN,

Minister of the Interior.

CHAPTER CXI.

AN ACT

GRANTING A FRANCHISE TO ESTABLISH AND MAINTAIN A LOTTERY.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom :

SECTION 1. The exclusive franchise is hereby granted to D. H. Cross, of Chicago, Illinois, United States of America, W. B. Davenport, of St. Louis, Missouri, United States of America, and John Phillips, J. J. Williams, Samuel Nowlien and William C. Achi of Honolulu, Oahu, Hawaiian Islands, and their successors and assigns, or such corporation as may hereafter be incorporated or organized by them to establish and maintain a lottery, and to sell lottery tickets at terms and prices in just proportion to the prizes to be drawn and to insure perfect fairness and justice in the distribution of the prizes for the term of twenty-five years.

SECTION 2. The majority of the said grantees, or if a corporation be formed, then a majority of the directors of said corporation shall be domiciled in Honolulu, and said business shall be conducted in the city of Honolulu, on the Island of Oahu, Hawaiian Islands, where all the drawings of said lottery shall take place.

SECTION 3. The said grantees, and their successors and assigns, shall pay for said franchise to the Hawaiian Government, the sum of five hundred thousand dollars each year in

quarterly installments in advance, that is to say, on the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December of each year. Provided, that if any of the conditions under which this franchise is granted be altered or modified in such manner that the sum stipulated to be paid annually shall be lessened the said franchise shall be null and void.

SECTION 4. Said sum shall be devoted to the uses and purposes hereinafter set forth, and the Minister of Finance is hereby authorized to pay the same as herein provided, as long as the same is received for said franchise.

First: Subsidy to be paid for an ocean cable between the Port of Honolulu and a port on the North American Continent connecting with any American telegraph system, one hundred thousand dollars per annum. This subsidy shall be paid in quarterly installments in the manner in which it is received, to such company with which the Hawaiian Government may enter into a contract under Chapter LXX. of the Session Laws of 1890, and to commence after the sending the first message over such cable and to continue as long as such cable is maintained in working order.

Second: Subsidy to be paid for the construction and maintenance of a railroad around the Island of Oahu, fifty thousand dollars per annum, to be paid to such company who may construct and maintain such railroad, and during such time in which said railroad is kept in operation.

Third: Subsidy to be paid for the construction and maintenance of a railroad from Hilo, Island of Hawaii, through the Districts of Hilo and Hamakua, fifty thousand dollars per annum, to be paid during such period during which said railroad is kept in operation.

Fourth: For improving and maintaining the improvements of Honolulu Harbor, fifty thousand dollars per annum.

Fifth: For roads, bridges, landings and wharves in the Hawaiian Kingdom, one hundred and seventy-five thousand dollars per annum, to be apportioned as follows: Island of Oahu, fifty thousand dollars; Island of Hawaii, sixty thousand dollars; Island of Maui, forty thousand dollars; Island of Kauai, twenty-five thousand dollars.

Sixth: For the encouragement of industries in the Hawaiian Kingdom, fifty thousand dollars per annum, to be disbursed as may be from time to time directed by the Legislature.

Seventh: For the encouragement of tourist travel and immigration, twenty-five thousand dollars per annum, to be disbursed as may be from time to time directed by the Legislature.

Eighth: If at any time during the existence of this franchise, the provision of the Reciprocity Treaty relating to Pearl Harbor should be abrogated, then the amounts mentioned in subdivisions fifth and seventh shall be used as a subsidy for the purpose of opening the harbor known as Pearl Harbor and erecting and maintaining drydocks and other improvements in said harbor.

Ninth: If for any reason any of the above subsidies can not be applied to the purposes herein set forth, then the sum so set apart shall be used as from time to time as the Legislature may direct.

SECTION 5. The grantees, and their successors and assigns, shall be exempted from any and all taxes and license fees of any kind whatsoever upon or for said franchise, except the said sum of five hundred thousand dollars per annum, paid as aforesaid.

SECTION 6. The Minister of the Interior is hereby authorized to grant a charter of incorporation to the grantees of this franchise and their successors and assigns in conformity with this Act and under the following conditions, and the holders of this franchise shall do no act under or by virtue of this Act, except in conformity with such charter.

First: The capital stock of such corporation shall be five million dollars, represented by fifty thousand shares of stock of one hundred dollars each, par value, provided that said capital stock may be increased to ten million dollars represented by one hundred thousand shares of the par value of one hundred dollars each share.

Second: All powers of the corporation shall be vested in a Board of Directors to consist of five persons, each of whom shall own at least five hundred shares of the capital stock of the said corporation.

Third: The corporation shall be empowered to sue and be sued, to plead and be impleaded, to appear in any Court of Record or Justice, and to do any other lawful act, such as any person or persons might do for their own defense, interests, or safety, in its corporate name.

Fourth: The President and Secretary of the Board of Directors shall be the proper persons upon whom citations, notices, and other legal process shall be served.

Fifth: The corporation shall furnish bonds to the Minister of Finance in the sum of one hundred and twenty-five thousand dollars, with sureties who own unencumbered real estate in this Kingdom to the value of not less than one hundred and twenty-five thousand dollars, or deposit with the Minister of Finance for such purpose Hawaiian Government Bonds to the amount of one hundred and twenty-five thousand dollars, as security for the prompt and punctual payment

of the sums and in the manner set forth in Section 3 of this Act, which bond shall be filed within one year after the passage of this Act.

Sixth: The Board of Directors shall have power to establish as many agencies as may be necessary, and to appoint a President, Superintendent, Secretary and Treasurer, and such clerks and agents as may be required, and may remove them at pleasure, fix salaries of all officers and employees of the corporation (except that of the Commissioners appointed by the Queen, with the approval of the Cabinet as hereinafter provided), and fix the amount of their respective bonds and sureties, and shall make and establish such rules and by-laws for the proper management and regulation of the affairs of the corporation as may be necessary and proper. A majority of the Board of Directors shall be necessary to constitute a quorum, and shall have power to remove any officer of the company. The Board of Directors shall have power to fill any vacancy that may occur by death, resignation or removal.

Seventh: At all meetings held for election of Directors or for any other purpose, every stockholder whose name is entered upon the books of the company as such, and none other shall be entitled, either directly or by proxy, to cast one vote for each share of capital stock held by him. All transfers of stock shall be made and entered on the books of the company.

Eighth: The persons named in Section 1 of this Act, shall be, and they are hereby constituted the first Board of Directors, who shall at their first meeting, appoint one of their number President, and the said Board shall serve for two years from the time this incorporation takes effect, and thereafter until their successors are elected and qualified, at the expiration of which term a meeting of the stockholders for

the election of a Board of Directors shall be held on a day fixed for all elections thereafter. A two-thirds vote shall be necessary to constitute an election, and if no election be held, the meeting will adjourn over one year.

Ninth: There shall be two Commissioners appointed by the Queen, with the approval of the Cabinet, who shall hold office during the pleasure of the Queen and Cabinet. The duties of said Commissioners shall be to preside at all lottery drawings, and to superintend the same and secure perfect fairness in the allotment of prizes in each scheme. The salary of said Commissioners shall be six thousand dollars per annum each, payable out of the treasury of the corporation in quarterly installments. The said Commissioners shall not own or be interested in the capital stock of the said corporation, nor purchase nor own any ticket or tickets, devices, certificates or fractional parts thereof.

Tenth: All drawings of lotteries under this Act shall be made in public, admission free, and it shall be compulsory upon said company to hold annually twelve regular drawings, and as many additional special drawings as the directors of said company may designate.

Eleventh The stockholders of the Capital Stock of the Corporation shall be liable to the creditors of said corporation to the amount of the shares by them respectively held.

Twelfth: The corporation shall present a full and accurate account or exhibit of the state of its affairs to the Minister of the Interior on the first day of January of each and every year.

Thirteenth: At the expiration of this franchise three commissioners shall be elected by the stockholders, whose duty

it shall be to liquidate its affairs on such terms and in such manner as shall be determined by a majority vote, as set forth in subdivision eighth of Section 6 of this Act.

SECTION 7. Any person selling, offering, or exposing for sale after the 31st day of December, A. D. 1892, any lottery tickets except as authorized by this Act, or in violation of this Act, or in violation of the rights and privileges herein granted, shall be liable upon conviction thereof to a fine not exceeding five thousand dollars, nor less than five hundred dollars for each and every offense, and all district courts of this Kingdom shall have jurisdiction in such cases.

SECTION 8. The grantees of this franchise, and their successors and assigns, shall have the right during the whole term of said franchise, to dispose of by lottery or a series of lotteries, any land, improved or unimproved, which said corporation may become possessed of by purchase or otherwise in the Hawaiian Islands, but such lands shall be disposed of by special drawings only, which shall be advertised as drawings for property.

SECTION 9. The grantees of this franchise, and their successors and assigns, are hereby given the right of uninterrupted passage through the mails of the Hawaiian postal system, of all written and printed matter relating to or connected with the business of said lottery upon paying current rates of postage therefor.

SECTION 10. The failure on the part of the grantees of this franchise, or their representatives or assigns, to conform to any of the terms or conditions of this Act shall thereby work a forfeiture of this franchise.

SECTION 11. This Act shall take effect from and after its

approval, and all laws and parts of laws in conflict with the same are hereby repealed.

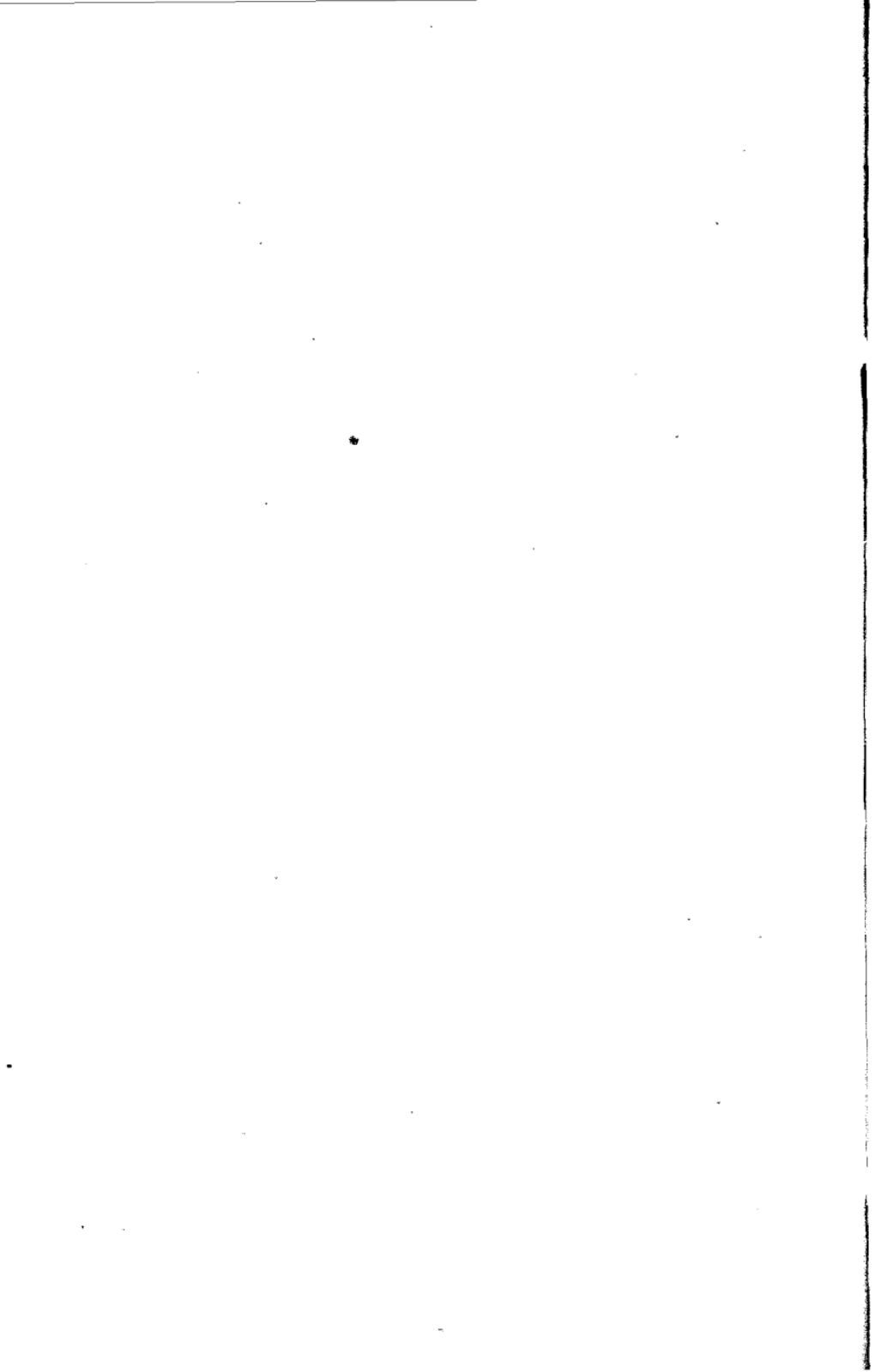
Approved this 13th day of January A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN :

JOHN F. COLBURN,

Minister of the Interior.



CONSTITUTION, 1887.

WHEREAS, the Constitution of this Kingdom heretofore in force contains many provisions subversive of civil rights and incompatible with enlightened Constitutional Government:

And WHEREAS, it has become imperative in order to restore order and tranquility and the confidence necessary to a further maintenance of the present Government that a new Constitution should be at once promulgated;

NOW THEREFORE, I, Kalakaua, King of the Hawaiian Islands, in my capacity as Sovereign of this Kingdom, and as the representative of the people hereunto by them duly authorized and empowered, do annul and abrogate the Constitution promulgated by Kamehameha the Fifth, on the 20th day of August, A. D. 1864, and do proclaim and promulgate this Constitution:

ARTICLE 1. God hath endowed all men with certain inalienable rights, among which are life, liberty, and the right of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

ARTICLE 2. All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured, shall not be so construed as to justify acts of licentiousness, or practices inconsistent with the peace or safety of the Kingdom.

ARTICLE 3. All men may freely speak, write, and publish their sentiments on all subjects, being responsible for the abuse of that right, and no law shall be enacted to restrain the liberty of speech, or of the press.

ARTICLE 4. All men shall have the right, in an orderly and peaceable manner, to assemble, without arms, to consult upon the common good, and to petition the King or Legislature for redress of grievances.

ARTICLE 5. The privilege of the writ of *Habeas Corpus* belongs to all men, and shall not be suspended, unless by the King, when in cases of rebellion or invasion, the public safety shall require its suspension.

ARTICLE 6. No person shall be subject to punishment for any offense, except on due and legal conviction thereof, in a Court having jurisdiction of the case.

ARTICLE 7. No person shall be held to answer for any crime or offense (except in cases of impeachment, or for offenses within the jurisdiction of a Police or District Justice, or in summary proceedings for contempt), unless upon indictment, fully and plainly describing such crime or offense, and he shall have the right to meet the witnesses who are produced against him face to face; to produce witnesses and proofs in his own favor; and by himself or his counsel, at his election, to examine the witnesses produced by himself, and cross-examine those produced against him, and to be fully heard in his own defence. In all cases in which the right of trial by jury has been heretofore used, it shall be held inviolable forever, except in actions of debt or assumpsit in which the amount claimed is less than fifty dollars.

ARTICLE 8. No person shall be required to answer again for an offense of which he has been duly convicted, or of which he has been duly acquitted.

ARTICLE 9. No person shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law.

ARTICLE 10. No person shall sit as a judge or juror, in any case in which his relative by affinity, or by consanguinity within the third degree, is interested, either as plaintiff or defendant, or in the issue of which the said judge or juror may have either directly or through such relative any pecuniary interest.

ARTICLE 11. Involuntary servitude, except for crime, is forever prohibited in this Kingdom. Whenever a slave shall enter Hawaiian Territory, he shall be free.

ARTICLE 12. Every person has the right to be secure from all unreasonable searches and seizures of his person, his house, his papers, and effects; and no warrants shall issue, except on probable cause, supported by oath or affirmation, and describing the place to be searched, and the persons or things to be seized.

ARTICLE 13. The Government is conducted for the common good, and not for the profit, honor, or private interest of any one man, family, or class of men.

ARTICLE 14. Each member of society has a right to be protected in the enjoyment of his life, liberty and property, according to law; and, therefore, he shall be obliged to contribute his proportional share to the expense of this protection, and to give his personal services, or any equivalent when necessary. Private property may be taken for public use but only upon due process of law and just compensation.

ARTICLE 15. No subsidy, duty, or tax, of any description, shall be established or levied without the consent of the Legislature; nor shall any money be drawn from the Public

Treasury without such consent, except when between the sessions of the Legislature, the emergencies of war, invasion, rebellion, pestilence, or other public disaster shall arise, and then not without the concurrence of all the Cabinet, and of a majority of the whole Privy Council; and the Minister of Finance shall render a detailed account of such expenditure to the Legislature.

ARTICLE 16. No retrospective laws shall ever be enacted.

ARTICLE 17. The Military shall always be subject to the laws of the land; and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by the Legislature.

ARTICLE 18. Every Elector shall be privileged from arrest on election days, during his attendance at election, and in going to and returning therefrom, except in case of treason, felony, or breach of the peace.

ARTICLE 19. No Elector shall be so obliged to perform military duty, on the day of election, as to prevent his voting; except in time of war, or public danger.

ARTICLE 20. The Supreme Power of the Kingdom in its exercise, is divided into the Executive, Legislative, and Judicial; these shall always be preserved distinct, and no Executive or Judicial officer, or any contractor, or employee of the Government, or any person in the receipt of salary or emolument from the Government, shall be eligible to election to the Legislature of the Hawaiian Kingdom, or to hold the position of an elective member of the same. And no member of the Legislature shall, during the time for which he is elected, be appointed to any civil office under the Government, except that of a member of the Cabinet.

ARTICLE 21. The Government of this Kingdom is that of a Constitutional Monarchy, under His Majesty Kalakaua, His Heirs and Successors.

ARTICLE 22. The Crown is hereby permanently confirmed to his Majesty Kalakaua, and to the Heirs of His body lawfully begotten, and to their lawful Descendants in a direct line; failing whom, the Crown shall descend to Her Royal Highness the Princess Liliuokalani, and the heirs of her body, lawfully begotten, and their lawful descendants in a direct line. The Succession shall be to the senior male child, and to the heirs of his body; failing a male child, the succession shall be to the senior female child, and to the heirs of her body. In case there is no heir as above provided, the successor shall be the person whom the Sovereign shall appoint with the consent of the Nobles, and publicly proclaim during the Sovereign's life; but should there be no such appointment and proclamation, and the Throne should become vacant, then the Cabinet, immediately after the occuring of such vacancy, shall cause a meeting of the Legislature, who shall elect by ballot some native Alii of the Kingdom as Successor to the Throne; and the Successor so elected shall become a new *Stirps* for a Royal Family; and the succession from the Sovereign thus elected, shall be regulated by the same law as the present Royal Family of Hawaii.

ARTICLE 23. It shall not be lawful for any member of the Royal Family of Hawaii who may by Law succeed to the Throne, to contract Marriage without the consent of the Reigning Sovereign. Every Marriage so contracted shall be void, and the person so contracting a Marriage may, by the proclamation of the Reigning Sovereign, be declared to have forfeited His or Her right to the Throne, and after such

Proclamation, the Right of Succession shall vest in the next Heir as though such offender were dead.

ARTICLE 24. His Majesty Kalakaua, will, and his Successors shall take the following oath: I solemnly swear in the presence of Almighty God; to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity therewith.

ARTICLE 25. No person shall ever sit upon the Throne, who has been convicted of any infamous crime, or who is insane, or an idiot.

ARTICLE 26. The King is the Commander-in-Chief of the Army and Navy, and of all other Military Forces of the Kingdom, by sea and land. But he shall never proclaim war without the consent of the Legislature; and no military or naval force shall be organized except by the authority of the Legislature.

ARTICLE 27. The King, by and with the advice of His Privy Council, and with the consent of the Cabinet, has the power to grant reprieves and pardons, after conviction, for all offenses, except in case of impeachment.

ARTICLE 28. The King convenes the Legislature at the seat of Government, or at a different place, if that should become insecure from an enemy or any dangerous disorder, and prorogues the same; and in any great emergency he may, with the advice of the Privy Council, convene the Legislature in extraordinary Session.

ARTICLE 29. The King has the power to make Treaties. Treaties involving changes in the Tariff or in any law of the Kingdom, shall be referred for approval to the Legislature. The King appoints Public Ministers, who shall be commis-

sioned, accredited, and instructed agreeably to the usage and law of Nations.

ARTICLE 30. It is the King's Prerogative to receive and acknowledge Public Ministers; to inform the Legislature by Royal Message, from time to time, of the state of the Kingdom; and to recommend to its consideration such measures as he shall judge necessary and expedient.

ARTICLE 31. The person of the King is inviolable and sacred. His Ministers are responsible. To the King and the Cabinet belongs the Executive power. All laws that have passed the Legislature, shall require His Majesty's signature in order to their validity, except as provided in Article 48.

ARTICLE 32. Whenever, upon the decease of the Reigning Sovereign, the Heir shall be less than eighteen years of age, the Royal Power shall be exercised by a Regent or Council of Regency, as hereinafter provided.

ARTICLE 33. It shall be lawful for the King at any time when he may be about to absent himself from the Kingdom, to appoint a Regent or Council of Regency, who shall administer the Government in His name; and likewise the King may, by His last Will and Testament, appoint a Regent or Council of Regency to administer the Government during the minority of any Heir to the Throne; and should a Sovereign decease, leaving a minor Heir, and having made no last Will and Testament, the Cabinet at the time of such decease shall be a Council of Regency, until the Legislature, which shall be called immediately, be assembled and the Legislature immediately that it is assembled shall proceed to choose by ballot, a Regent or Council of Regency, who shall administer the Government in the name of the King, and exercise all the

powers which are constitutionally vested in the King, until such heir shall have attained the age of eighteen years, which age is declared to be the legal majority of such Sovereign.

ARTICLE 34. The King is Sovereign of all the Chiefs and of all the people.

ARTICLE 35. All Titles of Honor, Orders, and other distinctions, emanate from the King.

ARTICLE 36. The King coins money and regulates the currency, by law.

ARTICLE 37. The King, in case of invasion or rebellion, can place the whole Kingdom, or any part of it, under martial law.

ARTICLE 38. The National Ensign shall not be changed, except by Act of the Legislature.

ARTICLE 39. The King cannot be sued or held to account in any court or tribunal of the Kingdom.

ARTICLE 40. There shall continue to be a Council of State, for advising the King in all matters for the good of the State, wherein He may require its advice, which Council shall be called the King's Privy Council of State, and the members thereof shall be appointed by the King, to hold office during His Majesty's pleasure, and which Council shall have and exercise only such powers as are given to it by the Constitution.

ARTICLE 41. The Cabinet shall consist of the Minister of Foreign Affairs, the Minister of the Interior, the Minister of Finance, and the Attorney-General, and they shall be His Majesty's special advisers in the executive affairs of the Kingdom; and they shall be *ex officio* members of His Majesty's Privy Council of State. They shall be appointed and

commissioned by the King and shall be removed by him, only upon a vote of want of confidence passed by a majority of all the elective members of the Legislature, or upon conviction of felony, and shall be subject to impeachment. No act of the King shall have any effect unless it be countersigned by a member of the Cabinet, who by that signature makes himself responsible.

ARTICLE 42. Each member of the Cabinet shall keep an office at the seat of Government, and shall be accountable for the conduct of his deputies and clerks. The Cabinet hold seats *ex officio*, in the Legislature, with the right to vote, except on a question of want of confidence in them.

ARTICLE 43. The Minister of Finance shall present to the Legislature in the name of the Government, on the first day of each Biennial Session, the Financial Budget, in the Hawaiian and English languages.

ARTICLE 44. The Legislative power of the Kingdom is vested in the King and the Legislature, which shall consist of the Nobles and Representatives sitting together.

ARTICLE 45. The Legislative Body shall be styled the Legislature of the Hawaiian Kingdom, and shall assemble, biennially, in the month of May. The first regular session shall be held in the year of our Lord Eighteen Hundred and Eighty-eight.

ARTICLE 46. Every member of the Legislature shall take the following oath: I solemnly swear, in the presence of Almighty God, that I will faithfully support the Constitution of the Hawaiian Kingdom, and conscientiously and impartially discharge my duties as a member of the Legislature.

ARTICLE 47. The Legislature has full power and authority to amend the Constitution as hereinafter provided; and from

time to time to make all manner of wholesome laws, not repugnant to the Constitution.

ARTICLE 48. Every Bill which shall have passed the Legislature, shall, before it becomes law, be presented to the King. If he approve he shall sign it and it shall thereby become a law; but, if not, he shall return it, with his objections, to the Legislature, which shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration it shall be approved by a two-thirds vote of all the elective members of the Legislature it shall become a law. In all such cases the votes shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the journal of the Legislature. If any Bill shall not be returned by the King within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature by their adjournment prevent its return, in which case it shall not be a law.

ARTICLE 49. The Legislature shall be the judge of the qualifications of its own members, except as may hereafter be provided by law, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as the Legislature may provide.

ARTICLE 50. The Legislature shall choose its own officers and determine the Rules of its own proceedings.

ARTICLE 51. The Legislature shall have authority to punish by imprisonment, not exceeding thirty days, every person, not a member, who shall be guilty of disrespect to the Legislature by any disorderly or contemptuous behavior in its

presence; or who, during the time of its sitting, shall publish any false report of its proceedings, or insulting comments upon the same; or who shall threaten harm to the body or estate of any of its members for anything said or done in the Legislature; or who shall assault any of them therefor, or who shall assault or arrest any witness, or other person ordered to attend the Legislature, on his way going or returning; or who shall rescue any person arrested by order of the Legislature.

ARTICLE 52. The Legislature may punish its own members for disorderly behavior.

ARTICLE 53. The Legislature shall keep a journal of its proceedings; and the yeas and nays of the members, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

ARTICLE 54. The Members of the Legislature shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the Sessions of the Legislature, and in going to and returning from the same; provided such privilege as to going and returning shall not cover a period of over twenty days; and they shall not be held to answer for any speech or debate made in the Legislature, in any Court or place whatsoever.

ARTICLE 55. The Representatives shall receive for their services a compensation to be determined by law, and paid out of the Public Treasury, but no increase of compensation shall take effect during the biennial term in which it shall have been made; and no law shall be passed increasing the compensation of Representatives beyond the sum of two hundred and fifty dollars each for each biennial term.

ARTICLE 56. A Noble shall be a subject of the Kingdom, who shall have attained the age of twenty-five years, and

resided in the Kingdom three years, and shall be the owner of taxable property in this Kingdom of the value of three thousand dollars over and above all encumbrances, or in receipt of an income of not less than six hundred dollars per annum.

ARTICLE 57. The Nobles shall be a Court, with full and sole authority to hear and determine all impeachments made by the Representatives, as the Grand Inquest of the Kingdom, against any officers of the Kingdom, for misconduct or mal-administration in their offices; but previous to the trial of every impeachment the Nobles shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence and law. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust or profit, under this Government; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment according to the laws of the land.

ARTICLE 58. Twenty-four Nobles shall be elected as follows: Six from the Island of Hawaii; six from the Islands of Maui, Molokai and Lanai; nine from the Island of Oahu; and three from the Islands of Kauai and Niihau. At the first election held under this Constitution, the Nobles shall be elected to serve until the general election to the Legislature for the year of our Lord 1890, at which election, and thereafter, the Nobles shall be elected at the same time and places as the Representatives. At the election for the year of our Lord 1890, one-third of the Nobles from each of the divisions aforesaid, shall be elected for two years, and one-third for four years, and one-third for six years, and the electors shall ballot for them for such terms, respectively; and at all subsequent general elections they shall be elected for six years. The Nobles shall serve without pay.

ARTICLE 59. Every male resident of the Hawaiian Islands, of Hawaiian, American or European birth or descent, who shall have attained the age of twenty years, and shall have paid his taxes, and shall have caused his name to be entered on the list of voters for Nobles for his District, shall be an elector of Nobles, and shall be entitled to vote at any election of Nobles, provided :

First: That he shall have resided in the country not less than three years, and in the district in which he offers to vote, not less than three months immediately preceding the election at which he offers to vote;

Second: That he shall own and be possessed, in his own right, of taxable property in this country of the value of not less than three thousand dollars over and above all encumbrances, or shall have actually received an income of not less than six hundred dollars during the year next preceding his registration for such election;

Third: That he shall be able to read and comprehend an ordinary newspaper printed in either the Hawaiian, English or some European language;

Fourth: That he shall have taken an oath to support the Constitution and laws, such oath to be administered by any person authorized to administer oaths, or by any Inspector of Elections;

Provided, however, that the requirements of a three years' residence and of ability to read and comprehend an ordinary newspaper, printed either in the Hawaiian, English or some European language, shall not apply to persons residing in the Kingdom at the time of the promulgation of this Constitution, if they shall register and vote at the first election which shall be held under this Constitution.

ARTICLE 60. There shall be twenty-four Representatives of the People elected biennially, except those first elected under this Constitution, who shall serve until the general election for the year of our Lord, 1890. The representation shall be based upon the principles of equality and shall be regulated and apportioned by the Legislature according to the population to be ascertained from time to time by the official census. But until such apportionment by the Legislature, the apportionment now established by law shall remain in force, with the following exceptions, namely : there shall be but two Representatives for the Districts of Hilo and Puna on the Island of Hawaii, but one for the District of Lahaina and Kaanapali on the Island of Maui, and but one for the Districts of Koolauloa and Waialua on the Island of Oahu.

ARTICLE 61. No person shall be eligible as a Representative of the people, unless he be a male subject of the Kingdom, who shall have arrived at the full age of twenty-one years ; who shall know how to read and write either the Hawaiian, English or some European language ; who shall understand accounts ; who shall have been domiciled in the Kingdom for at least three years, the last of which shall be the year immediately preceding his election ; and who shall own real estate within the Kingdom of a clear value, over and above all encumbrances, of at least five hundred dollars ; or who shall have an annual income of a least two hundred and fifty dollars, derived from any property or some lawful employment.

ARTICLE 62. Every male resident of the Kingdom, of Hawaiian, American, or European birth or descent, who shall have taken an oath to support the Constitution and laws in the manner provided for electors of Nobles ; who shall have

paid his taxes; who shall have attained the age of twenty years; and shall have been domiciled in the Kingdom for one year immediately preceding the election; and shall know how to read and write either the Hawaiian, English or some European language (if born since the year 1840), and shall have caused his name to be entered on the list of voters of his district as may be provided by law, shall be entitled to one vote for the Representative or Representatives of that district, provided, however, that the requirements of being domiciled in the Kingdom for one year immediately preceding the election, and of knowing how to read and write, either the Hawaiian, English, or some European language, shall not apply to persons residing in this Kingdom at the time of the promulgation of this Constitution, if they shall register and vote at the first election which shall be held under this Constitution.

ARTICLE 63. No person shall sit as a Noble or Representative in the Legislature unless elected under, and in conformity with, the provisions of this Constitution. The property or income qualification of Representatives, of Nobles, and of Electors of Nobles, may be increased by law; and a property or income qualification of Electors of Representatives may be created and altered by law.

ARTICLE 64. The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such inferior Courts as the Legislature may, from time to time, establish.

ARTICLE 65. The Supreme Court shall consist of a Chief Justice, and not less than two Associate Justices, any of whom may hold the Court. The Justices of the Supreme Court shall hold their offices during good behavior, subject to removal upon impeachment, and shall, at stated times,

receive for their services a compensation, which shall not be diminished during their continuance in office. *Provided, however,* that any Judge of the Supreme Court or any other Court of Record may be removed from office, on a resolution passed by two-thirds of all the members of the Legislature, for good cause shown to the satisfaction of the King. The Judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the Legislature shall act thereon. He shall be heard before the Legislature.

ARTICLE 66. The Judicial Power shall be divided among the Supreme Court and the several inferior Courts of the Kingdom, in such manner as the Legislature may, from time to time, prescribe, and the tenure of office in the inferior Courts of the Kingdom shall be such as may be defined by the law creating them.

ARTICLE 67. The Judicial Power shall extend to all cases in law and equity arising under the Constitution and laws of this Kingdom, and Treaties made, or which shall be made under their authority, to all cases affecting Public Ministers and Consuls, and to all cases of Admiralty and Maritime jurisdiction.

ARTICLE 68. The Chief Justice of the Supreme Court shall be the Chancellor of the Kingdom; he shall be *ex officio* President of the Nobles in all cases of impeachment, unless when impeached himself; and shall exercise such jurisdiction in equity or other cases as the law may confer upon him; his decisions being subject, however, to the revision of the Supreme Court on appeal. Should the Chief Justice ever be impeached, some person specially commissioned by the King

shall be President of the Court of Impeachment during such trial.

ARTICLE 69. The decisions of the Supreme Court, when made by a majority of the Justices thereof, shall be final and conclusive upon all parties.

ARTICLE 70. The King, his Cabinet, and the Legislature shall have authority to require the opinions of the Justices of the Supreme Court upon important questions of law, and upon solemn occasions.

ARTICLE 71. The King appoints the Justices of the Supreme Court, and all other Judges of Courts of Record. Their salaries are fixed by law.

ARTICLE 72. No Judge or Magistrate shall sit alone on an appeal or new trial, in any case on which he may have given a previous judgment.

ARTICLE 73. The following persons shall not be permitted to register for voting, to vote, or to hold office under any department of the Government, or to sit in the Legislature, namely: Any person who is insane or an idiot, or any person who shall have been convicted of any of the following named offenses, viz: Arson, Barratry, Bribery, Burglary, Counterfeiting, Embezzlement, Felonious Branding of Cattle, Forgery, Gross Cheat, Incest, Kidnapping, Larceny, Malicious Burning, Manslaughter in the First Degree, Murder, Perjury, Rape, Robbery, Sodomy, Treason, Subornation of Perjury, and Malfeasance in Office, unless he shall have been pardoned by the King and restored to his Civil Rights, and by the express terms of his pardon declared to be eligible to offices of Trust, Honor and Profit.

ARTICLE 74. No officer of this Government shall hold any

office, or receive any salary from any other Government or Power whatever.

ARTICLE 75. The Legislature votes the Appropriations biennially, after due consideration of the revenue and expenditure for the two preceding years, and the estimates of the revenue and expenditure of the two succeeding years, which shall be submitted to them by the Minister of Finance.

ARTICLE 76. The enacting style in making and passing all Acts and Laws shall be, "Be it enacted by the King and the Legislature of the Hawaiian Kingdom."

ARTICLE 77. To avoid improper influences which may result from intermixing in one and the same Act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in its title.

ARTICLE 78. Wherever by this Constitution any Act is to be done or performed by the King or the Sovereign, it shall, unless otherwise expressed, mean that such Act shall be done and performed by the Sovereign by and with the advice and consent of the Cabinet.

ARTICLE 79. All Laws now in force in this Kingdom shall continue and remain in full effect until altered or repealed by the Legislature; such parts only excepted as are repugnant to this Constitution. All laws heretofore enacted, or that may hereafter be enacted, which are contrary to this Constitution, shall be null and void.

ARTICLE 80. The Cabinet shall have power to make and publish all necessary rules and regulations for the holding of any election or elections under this Constitution, prior to the passage by the Legislature of appropriate laws for such purpose, and to provide for administering to officials, subjects and residents the oath to support this Constitution. The

first election hereunder shall be held within ninety days after the promulgation of this Constitution, and the Legislature then elected may be convened at Honolulu upon the call of the Cabinet Council, in extraordinary session at such time as the Cabinet Council may deem necessary, thirty days notice thereof being previously given.

ARTICLE 81. This Constitution shall be in force from the 7th day of July, A. D. 1887, but that there may be no failure of justice, or inconvenience to the Kingdom, from any change, all officers of this Kingdom, at the time this Constitution shall take effect, shall have, hold, and exercise all the power to them granted. Such officers shall take an oath to support this Constitution, within sixty days after the promulgation thereof.

ARTICLE 82. Any amendment or amendments to this Constitution may be proposed in the Legislature, and if the same shall be agreed to by a majority of the members thereof, such proposed amendment or amendments shall be entered on its journal, with the yeas and nays taken thereon, and referred to the next Legislature; which proposed amendment or amendments shall be published for three months previous to the next election of Representatives and Nobles; and if in the next Legislature such proposed amendment or amendments shall be agreed to by two-thirds of all the members of the Legislature, such amendment or amendments shall become part of the Constitution of this Kingdom.

KALAKAUA REX.

BY THE KING :

W. L. GREEN,

Minister of Finance.

AMENDMENTS TO THE CONSTITUTION,
PASSED BY THE LEGISLATURE OF 1892.

ARTICLE 55 OF THE CONSTITUTION OF 1887 IS HEREBY AMENDED
SO AS TO READ AS FOLLOWS:

"ARTICLE 55. The Representatives shall receive for their services a compensation to be determined by law, and paid out of the Public Treasury, but no increase of compensation shall take effect during the biennial term in which it shall have been made; and no law shall be passed increasing the compensation of Representatives beyond the sum of five hundred dollars for each biennial term."

I hereby certify that the foregoing amendment, having been passed in and by the Legislature of the Hawaiian Kingdom by a majority of the members thereof, on the 10th day of November at its session of the year A. D. 1890, was referred to the said Legislature at its next session, to wit, the session of the year A. D. 1892, and was duly advertised for three months preceding the next ensuing election, as provided by Article 82 of the Constitution, and that on the 29th day of November, A. D. 1892, in said Legislature, the said amendment was agreed to by two-thirds of all the members of said Legislature, and thereby became and is a part of the Constitution of the Hawaiian Kingdom.

JOHN S. WALKER,

Attest:

President.

C. J. McCARTHY,

Clerk.

AMENDMENT TO THE CONSTITUTION.

AMENDMENT TO THE CONSTITUTION BY ADDING A NEW ARTICLE, TO BE CALLED ARTICLE 83, SO AS TO READ AS FOLLOWS:

"ARTICLE 83. The Legislature may from time to time enact such laws as it may deem proper for the supervision and control and identification of all persons or any one class or nationality who may be introduced into the Kingdom for the purpose of performing agricultural labor, and may also, by law, restrict and limit the term of residence in the Kingdom of such agricultural laborers and the business or employment in which they may engage."

I hereby certify that the foregoing amendment, having been passed in and by the Legislature of the Hawaiian Kingdom by a majority of the members thereof, on the 10th day of November at its session of the year A. D. 1890, was referred to the said Legislature at its next session, to wit, the session of the year A. D. 1892, and was duly advertised for three months preceding the next ensuing election, as provided by Article 82 of the Constitution, and that on the 29th day of November, A. D. 1892, in said Legislature, the said amendment was agreed to by two-thirds of all the members of said Legislature, and thereby became and is a part of the Constitution of the Hawaiian Kingdom.

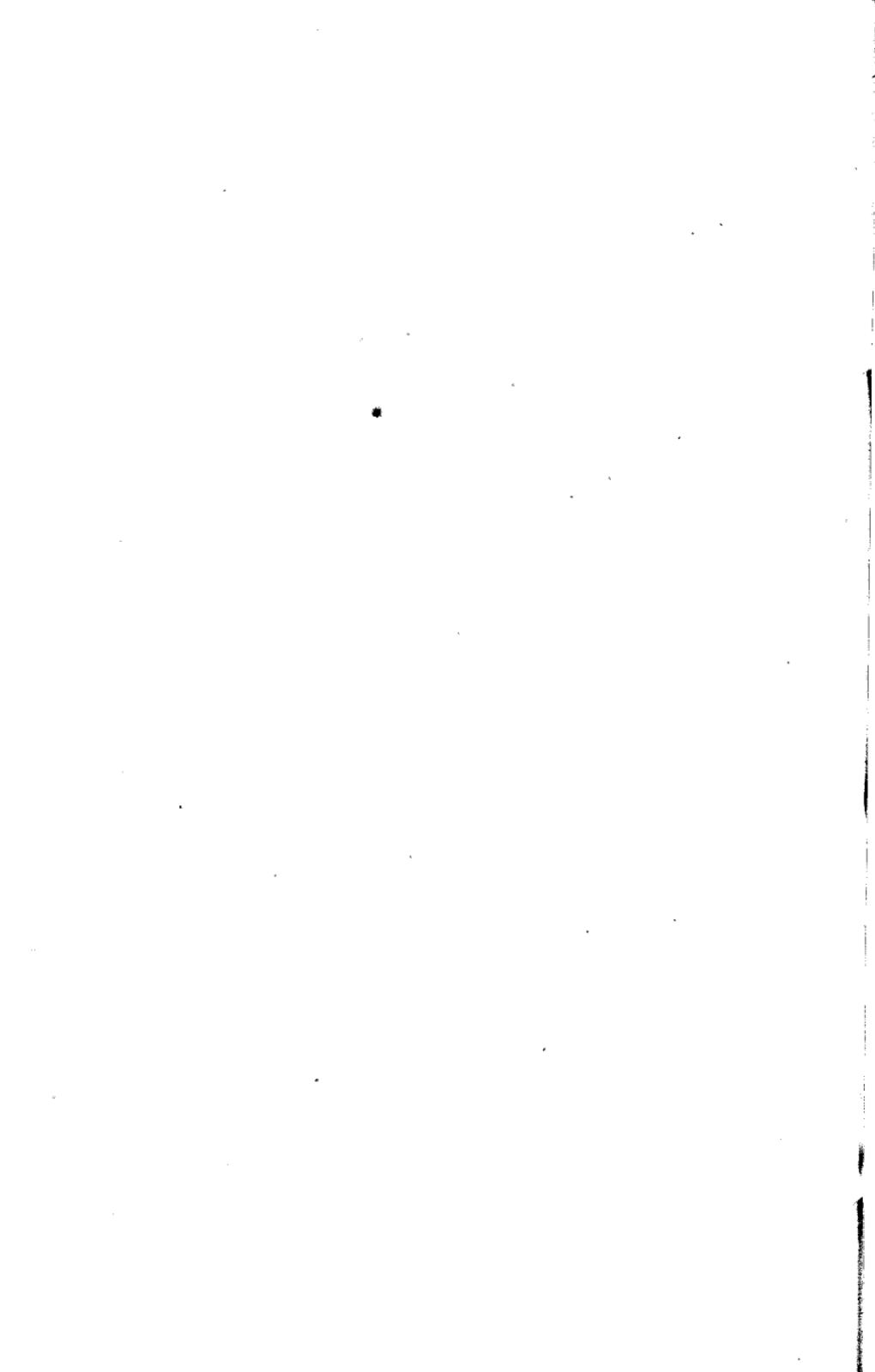
JOHN S. WALKER,

Attest:

President.

C. J. McCARTHY,

Clerk.



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