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LAWS

OF HIS MAJESTY,

KAMEHAMEHA V.,

KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

LEGISLATIVE ASSEMBLY,

AT ITS SESSION,

1864-65.



HONOLULU:

PRINTED BY ORDER OF THE GOVERNMENT.

1865.

SESSION LAWS FOR 1864-5.

AN ACT

To AMEND CHAPTER 7, ARTICLE 2, OF THE CIVIL CODE, "ON
AWA."

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

That Section 87 of the Civil Code be, and the same is hereby repealed, and the following section supplied in its place and stead :

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

Provided, that no more than three licenses shall be granted in Honolulu, two in Lahaina and Hilo, respectively, and one in each other Collection District. It being, however, further expressly understood, that every one wishing for the licenses, shall make his application on or before the first day of November of each year, and the license shall take effect on the first day of January following ; and if there shall be more applicants than the number of licenses which may be allowed by law, the licenses shall be set up at auction, at such place in the District as the Minister of the Interior may direct, at an upset price, not less than the price herein above prescribed.

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

KAMEHAMEHA R.

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AN ACT

TO AMEND SECTION 98 OF THE CIVIL CODE.

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

SECTION 1. That Section 98 of the Civil Code be, and the same is hereby amended, by striking out the word "five" and substituting therefor the word "one," in the last line but one; and by striking out the word "six" and substituting therefor the word "three," in the last line of the said section, so that the section will read as follows:

"**SECTION 98.** Any person who shall set up or promote any such theatre, circus, Hawaiian hula, show or exhibition, or shall publish or advertise the same, or otherwise aid or assist therein, without a license first obtained as provided in Section 96, or contrary to the terms and conditions of such license, or while the same is suspended, or after the same shall have expired, without obtaining a new license, shall be fined a sum not exceeding one hundred dollars, or imprisoned at hard labor not exceeding three months, in the discretion of the Court."

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

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

KAMEHAMEHA R.

AN ACT

TO AMEND SECTIONS 130 AND 131 OF THE CIVIL CODE.

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

SECTION 1. That Section 130 of the Civil Code be, and the same is hereby amended, to read as follows:

"The Minister of the Interior may, in his discretion, grant to any suitable person or persons applying therefor, in writing, a

license for one year to establish a shipping office for foreign seaman, at either of the ports of Honolulu, Lahaina or Hilo; provided, however, that not less than two licenses shall be granted for the port of Honolulu. And if, at any time, there shall be found to be any business connection between the parties having licenses under this law, their licenses and bond shall be forfeited."

SECTION 2. Section 131 of the Civil Code shall be, and hereby is amended, by striking out the words "forty dollars," in the third line, and substituting therefor the words "three hundred dollars," if the license be for Honolulu, and "fifty dollars" if the license be for either Lahaina or Hilo ; and by inserting the following words after the word Harbormaster, "or contribute in any way to the infraction of the laws of the Kingdom."

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

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

KAMEHAMEHA R.

AN ACT

TO AMEND SECTIONS 143 AND 146 OF THE CIVIL CODE.

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

That Section 143 of the Civil Code be, and the same is hereby amended, by striking out the word "one," in the fourth line, and supplying the word "three," so that the Section will read as follows :

"**SECTION 143.** No application for the shipment of natives on board a foreign vessel or Hawaiian vessel, engaged in foreign trade, shall be considered legally granted until the commanding officer shall have made and executed a bond to the Governor, or his agent, in the penalty of three hundred dollars for each

man, with at least one sufficient surety, to be approved by the Governor, or his agent, in the following form :

" And that Section 146 of the Civil Code be, and the same is hereby amended, by striking out the word "two," in the fourth line, and supplying the word "six," and by striking out the words "four dollars," in the sixth line, and supplying the words "twelve dollars." And the same shall not be deducted from the wages of any seamen, so that the Section will read as follows :

" **SECTION 146.** On the shipping of any native to serve on board of any vessel bound on a foreign voyage, the master of such vessel shall pay to the Governor of the Island, or his agent, in lieu of the personal taxes of such native, the sum of six dollars, if the term for which he has shipped shall not exceed twelve months ; and if it be for any period over twelve months, the sum of twelve dollars. And the same shall not be deducted from the wages of any seamen."

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

KAMEHAMEHA R.

AN ACT

TO AMEND SECTION 240 OF THE CIVIL CODE.

WHEREAS, repeated complaints have been made by the residents of the District of Honolulu, of the inconvenience resulting to them from cattle, horses, mules, hogs and asses being allowed to graze and trespass on the public roads ; therefore,

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

SECTION 1. That Section 240 of the Civil Code be, and the same is hereby amended, by adding to it the following paragraph :

" The Governor of Oahu is hereby empowered to cause all cattle, horses, mules, hogs, and asses, allowed to graze on the

public roads of the City of Honolulu, and the environs mauka as far as the place known as Kanoniakapueo, to be impounded; and the owner of such animal or animals shall forfeit and pay for the recovery of the same the fee of fifty cents, required by Section 233 of the Civil Code, for each animal so impounded; and if the owner or owners do not claim such estrays and pay the pound fees, it shall be lawful for the Pound Master to sell such estrays at public auction, after complying with the regulations of Section 237 of the Civil Code."

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

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

KAMEHAMEHA R.

AN ACT

TO FURTHER AMEND SECTIONS 278 AND 279 OF THE CIVIL CODE.

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

SECTION 1. That from and after the passage of this Act, an Act entitled "An Act to amend Section 278 of the Civil Code," approved August 28, 1860, shall be, and hereby is repealed, and the said Section 278 of the Civil Code is amended to read as follows, viz :

"SECTION 278. There shall be a Board of Health, of which the Minister of the Interior shall be the President. The said Board shall be composed of the Minister of the Interior and four other members, to be appointed by His Majesty the King, in Privy Council. At least two members of the said Board of Health shall be duly authorized medical practitioners, and at least two shall be Members of the Privy Council. The said Board shall be authorized to employ a secretary, medical practitioners and agents, who shall receive for compensation, out of such moneys as may be, from time to time, appropriated by the Legislature, for the protection of the public health, such sums as may be

determined by any three of said Board, at a meeting regularly called thereof ; provided, always, that the Board may employ its own members, in which case the remuneration of the person so employed shall be determined upon by the Cabinet Council. And the said Board of Health shall render to the Legislature, at each of its regular sessions, an accurate and detailed account of all its expenditures ; and likewise report such other information regarding the public health as the said Board may deem of especial interest."

SECTION 2. Section 279 of the Civil Code is hereby amended by striking out the words "foreigners, whether naturalized or otherwise," and substituting therefor the word "person," in the first and second lines, so that the Section 279 of the Civil Code shall read as follows, viz :

"**SECTION 279.** It shall not be lawful for any person to practice," etc.

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

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

KAMEHAMEHA R.

AN ACT

To AMEND SECTION 407 OF THE CIVIL CODE, AND TO ADD A NEW SECTION TO THE CIVIL CODE, TO BE NUMBERED SECTION 407a.

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

SECTION 1. That Section 407 of the Civil Code be, and the same is hereby amended, so as to read as follows :

"**SECTION 407.** No interisland letters shall be transmitted by mail unless previously stamped, and it shall be unlawful for any individual to convey any letter or letters from port to port ; provided, however, that in case of a deficiency of stamps, the Postmaster, at the place of mailing, may receive an equivalent

in money, and mark such letter "paid," and subscribe his name thereto, and such letters shall be transmitted in due course of mail. Any person conveying any letter or letters in contravention of this Section shall be liable to a fine of not less than five or more than fifty dollars, to be recovered before any Police or District Justice, at the suit of the Postmaster General, or any Postal Agent throughout the Kingdom; one-half of which fine shall be paid to any person informing of the violation of this law."

"SECTION 407a. Each coasting vessel shall have placed, in some conspicuous and convenient place, a locked post-office box or bag, legibly lettered, and the master of every such vessel shall act as a route agent for the Post-office; and all letters properly stamped and placed in such box or bag, shall be delivered by the route agent to the nearest Postmaster, according to its direction, but the route agent, before delivering, shall deface or obliterate the stamp or stamps on any letters so mailed, on pain of a fine of not less than ten or more than fifty dollars, to be recovered before any Police or District Justice; and on a repetition of such offence the license of the vessel commanded by such Postal Agent shall be liable to be revoked by the Collector General of Customs, after conviction before any Police Justice, at the complaints of any Postal Agents."

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

KAMEHAMEHA R.

AN ACT

TO AMEND ARTICLE 13 OF THE CIVIL CODE, "ON THE ASSESSMENT OF TAXES," BY PROVIDING FOR A MORE ACCURATE ASSESSMENT AND TAXATION OF ANIMALS, AND A PENALTY FOR THE CONCEALMENT OF PROPERTY.

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

SECTION 1: That Article 13th of the Civil Code be, and the

same is hereby amended, by adding directly after Section 492, a section to read as follows :

"SECTION 492a. It shall be the duty of the owner, lessee or other occupant of any land, to furnish to the assessor or assessors a list of all the names of the owners of any horses, mules, asses, and all other taxable animals that may be pastured on his land, as well as of the number of animals so pastured with the knowledge and consent of the owner, lessee, or other occupant of the land ; and, in default of such return, the animals so pastured shall be considered as the property of, or as being in possession of the owner, lessee, or other occupant of the land for the purpose of taxation ; and, if the owner, lessee, or other occupant of any land shall neglect to give the list of names and animals as hereinbefore provided, or to include the same in his own return, he shall be subject to the pains and penalties prescribed in Section 493. Any person making a false return of his or her property, as in this and the preceding section provided, may be assessed in double the amount of taxes that would have been assessed on the property so attempted to be concealed."

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

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

KAMEHAMEHA R.

AN ACT

TO AMEND SECTION 510 OF THE CIVIL CODE.

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

That Section 510 of the Civil Code be, and the same is hereby amended, by adding immediately after the words "shall die," the words "or shall have any disease rendering it improper for him to perform the duties of his office," so that the Section will read as follows :

"SECTION 510. If any Tax Collector shall die, or shall have any disease rendering it improper for him to perform the duties of his office, before completing the collection of the Taxes of his District, the Governor, with the approval of the Minister of Finance, may appoint some person to complete the collection, who shall receive such reasonable compensation as such Governor and Minister may determine ; and such person shall have the same powers and duties, and may be under the same liability as other Tax Collectors ; provided, however, that such liability shall only extend to the taxes remaining uncollected at the time of his appointment."

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

KAMEHAMEHA R.

AN ACT

TO LEVY A SPECIFIC TAX ON RICE, BY AMENDING SECTION 516 OF THE CIVIL CODE.

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

SECTION 1. That the first paragraph of Section 516 of the Civil Code be, and the same is hereby amended, by inserting the word "rice" after the word "coffee," in the fourth line, so that the paragraph will read as follows :

"There shall be levied, collected and paid, upon all goods, merchandise and produce, imported into this Kingdom, a duty of five per cent. *ad valorem*, excepting wines and spirituous liquors, and excepting sugar, molasses and syrups of sugar, and coffee, and rice, the produce of any country, with which this Government has no existing treaty, which shall be subject to the following rates of duty," viz :

SECTION 2. Be it further enacted, that the said 516th Section is further amended, by supplying, after the eighth paragraph, a new paragraph to read as follows : "Rice, the produce of any country with which this Government has no existing treaty, if

the same be in the husk, one cent per pound, and if the same be cleaned, one cent and a half per pound."

SECTION 3. This Act shall take effect six months after its passage.

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

KAMEHAMEHA R.

AN ACT

TO AMEND PARAGRAPH SIXTH OF SECTION 517 OF THE CIVIL CODE.

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

SECTION 1. That the sixth paragraph of Section 517 of the Civil Code be, and the same is hereby amended, by striking out the words "curiosities, paintings, and statuary not for sale," in the 22d line, and the words "machinery of all kinds, if intended for specific use ; steam engines, sugar, coffee, and rice mills, plows, hoes, and other implements of husbandry, imported by, or for any agriculturist, or body of agriculturists, for his or their especial use," in the 26th, 27th, 28th and 29th lines of the English version.

SECTION 2. This Act shall be in force from and after six months after the date of its passage.

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

KAMEHAMEHA R.

AN ACT

TO AMEND SECTION 542 OF THE CIVIL CODE.

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

SECTION 1. That Section 542 of the Civil Code be, and the same is hereby amended, so as to read as follows :

"SECTION 542. The Collector General of Customs shall receive such annual salary as the Legislature may, from time to time, appropriate."

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

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

KAMEHAMEHA R.

AN ACT

TO FIX THE SALARY OF THE SECOND ASSOCIATE JUSTICE OF THE SUPREME COURT, AND AMEND SECTION 846 OF THE CIVIL CODE.

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

SECTION 1. Section 846 of the Civil Code is hereby amended by striking out the words "two thousand," in the fifth line of the English version, and substituting the words "three thousand."

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

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

KAMEHAMEHA R.

AN ACT

TO AMEND SECTION 911 OF THE CIVIL CODE.

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

SECTION 1. That Section 911 of the Civil Code be, and the same is hereby amended, so as to read as follows:

"SECTION 911. The Police Justices of Honolulu, Lahaina,

and Hilo, shall receive for their services such compensation as the Legislature shall, from time to time, determine and appropriate."

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

KAMEHAMEHA R.

AN ACT

TO AMEND SECTION 939 OF THE CIVIL CODE.

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

That Section 939 of the Civil Code be, and the same is hereby amended, to read as follows:

"SECTION 939. Whenever any lessee or tenant of any lands or tenements, or any person holding under such lessee or tenant, shall hold possession of such lands or tenements without right, after the determination of such tenancy, either by efflux of time or by reason of any forfeiture, under the conditions or covenants in any such lease; or, if a tenant by parole, by a notice to quit of at least ten days, the person entitled to such premises may be restored to the possession thereof in manner hereinafter provided."

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

KAMEHAMEHA R.

AN ACT

TO AMEND SECTION 956 OF THE CIVIL CODE.

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

SECTION 1. That the said section be, and the same is hereby amended, by striking out the following passage, commencing in

the sixth line of said section and extending through the seventh, eighth and ninth lines of said section, viz : "Upon giving a bond in a sum to be approved by the Court or any Justice thereof, if a Court of Record, conditioned to answer all costs and damages sustained by said attorney, agent, trustee or factor, in case the plaintiff shall fail to sustain his suit and to recover therein."

SECTION 2. And the said Act shall be further amended by inserting after Section 960 the following section, to wit :

"SECTION 960a. Every such attorney, agent, factor or trustee, shall be paid his traveling fees and expenses for his attendance before any Court, under the provisions of Section 956, on the same scale, and at the same rate as witnesses required by subpcenas to attend on the trial of any civil suit in said Courts."

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

KAMEHAMEHA R.

AN ACT

TO AMEND CHAPTER 13TH OF THE PENAL CODE.

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

SECTION 1. That Chapter 13th of the Penal Code shall be, and the same is hereby amended, by inserting a section immediately after Section 7, as follows :

"SECTION 7a. Whoever shall be convicted before any Police or District Justice of the Kingdom, of having sexual or carnal intercourse with any female of this Kingdom, under the age of fourteen years, shall be imprisoned at hard labor for any term, not less than three, nor more than eighteen months, in the discretion of the Court."

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

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

KAMEHAMEHA R.

AN ACT

TO AMEND CHAPTER 34TH OF THE PENAL CODE.

AFFRAYS.

WHEREAS, the effect of the words "to the terror of the King's subjects or of the people," in the 1st Section of Chapter 34th, of the Penal Code, seems to have been misapprehended by some of the Magistrates; therefore,

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

That Section 1st of Chapter 34th of the Penal Code be, and the same is hereby amended, by striking out the words "to the terror of the King's subjects or of the people," and substituting the words "in any public place," so that the Section will read as follows:

"SECTION 1. An affray is the fighting of two or more persons, in any public place."

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

KAMEHAMEHA R.

AN ACT

TO ABOLISH THE CIRCUIT COURT FOR THE FIRST JUDICIAL DISTRICT.

WHEREAS, from the residence and frequent sessions of the Supreme Court on the Island of Oahu, the Circuit Court for the First Judicial District, has fallen into disuse and is deemed unnecessary; therefore,

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

SECTION 1. That from and after the passage of this Act, the Circuit Court for the First Judicial District be, and the same is hereby abolished.

SECTION 2. There shall be appointed by His Majesty the King, some person as an intermediary judge, who shall perform all the duties heretofore devolving by law upon the Circuit Judges of the First Judicial District at Chambers, and said Judge shall be styled the Circuit Judge of the Island of Oahu; (but none of the Justices of the Supreme Court shall be appointed such Judge.)

SECTION 3. All appeals from the Police Magistrate and the District Justices of Oahu, shall be taken before the said Judge, in like manner as such appeals have heretofore been taken before the Circuit Judges of the First Judicial District at Chambers, and any person deeming himself aggrieved by the decision of the said Judge, may appeal directly to the Supreme Court.

SECTION 4. All trials and other business which may be pending before either of the Circuit Judges of the First Judicial District at Chambers, at the date of the passage of this Act, shall be, and the same are hereby transferred to the said Judge, and he is hereby fully empowered to hear, try, and determine the same.

SECTION 5. The said Judge is hereby required to make a circuit of the Island of Oahu, at least four times in each year for the purpose of hearing, in each District thereof, all appeals, and all other business which may be brought before him; he shall give at least one week's previous notice in each District, of the time and place of holding his Court, by causing notices of the same to be posted in some conspicuous place in the District.

SECTION 6. The said Judge shall hold his office during the term of four years, from the date of his appointment, but shall be liable to removal in accordance with the provisions of the Constitution. He shall receive for his services the sum of six hundred dollars per year, to be paid out of the Treasury, in monthly installments.

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

KAMEHAMEHA R.

AN ACT

TO EXTEND THE JURISDICTION OF POLICE AND DISTRICT JUSTICES TO CASES OF CRIMINAL CONVERSATION AND SEDUCTION.

WHEREAS, it is expedient, with a view to the suppression and punishment of *crim. con.* and seduction, to confer upon all Police and District Justices of this Kingdom, power to hear, try and determine civil actions for damages for the same in certain cases ; therefore,

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

SECTION 1. That the jurisdiction of the several Police and District Justices of this Kingdom be, and the same is hereby extended to the hearing, trial and determination of all actions or suits for the recovery of damages for criminal conversation, seduction, (or other unlawful carnal intercourse,) in which the amount of damages claimed shall not exceed the sum of one hundred dollars.

SECTION 2. Whenever, in any such action, judgment shall be rendered against the defendant for damages, to an amount not exceeding one hundred dollars, and the said judgment shall not be satisfied within ten days after the rendition thereof, the Court of Justice by whom the judgment was rendered, may hire out the services of the defendant to any suitable person willing to employ him, at the rate of twenty-five cents per day, with food, until a sufficient sum shall have been paid into Court, for such services, to satisfy the judgment against the defendant, together with the costs of Court.

SECTION 3. Nothing contained in this Act shall be held to affect the right of appeal, as regulated by law.

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

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

KAMEHAMEHA R.

AN ACT

**TO REGULATE THE TERM OF SERVICE OF JUDGES OTHER THAN THOSE
OF THE SUPREME COURT.**

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

SECTION 1. That all Circuit Judges, who now are, or may hereafter be appointed, shall hold their offices for the term of four years from the date of their several appointments.

SECTION 2. All District Justices shall hold their offices for the term of two years from the date of their several appointments.

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

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

KAMEHAMEHA R.

AN ACT

**TO LIMIT THE TRIAL BY JURY IN ACCORDANCE WITH ARTICLE 7th
OF THE CONSTITUTION.**

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

SECTION 1. That from and after the date of the passage of this Act, all actions of debt or assumpsit which shall have been begun, or may hereafter be begun, before a Police or District Court, in which the amount claimed before such Police or District Court shall be less than fifty dollars, and which shall be appealed to the Circuit Court of any island, or the Supreme Court of the Kingdom, shall be tried by the Court, without the intervention of a jury.

SECTION 2. Be it further enacted that, whensover any case may have been appealed from any such Police or District Court, if the appellant shall be the plaintiff in the action, and it shall

be apparent to the Court to which such appeal is taken, that the claim has been made in the lower Court for fifty dollars or more, without any reasonable expectation of recovering as much as fifty dollars, but merely for the purpose of bringing the same before a jury, the Appellate Court may, in its discretion, adjudge the costs of the jury to be paid by such appellant.

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

KAMEHAMEHA R.

AN ACT

TO AUTHORIZE THE TRYING OF ISSUES OF FACT IN MATTERS OF PROBATE AND ADMINISTRATION BY A JURY.

WHEREAS, the 1241st Section of the Civil Code has been held not to permit an appeal to a jury, on the validity of any will, or testamentary devise, or any facts touching the descent of property, when such will or testamentary devise is a matter of investigation in probate ; therefore,

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

SECTION 1. That from and after the date of the passage of this Act, whenever the value of the estate of any deceased person shall exceed five hundred dollars, any person claiming, before any judge, sitting as a Court of Probate, such estate, or any part thereof, or any interest therein, by virtue of any will or testamentary devise, or by virtue of the statutes of descent of property in this Kingdom, who may deem himself aggrieved by the decision of such Probate Judge at Chambers, may, upon taking his appeal to the Circuit Court or Supreme Court, if any matter of fact is in issue, move the Appellate Court that the issue of fact may be tried by a jury, and his motion shall not be denied.

SECTION 2. Whosoever an appeal may have been taken by

the party against whom judgment has been rendered by the Judge of Probate at Chambers, the appellee may likewise move the Court that any issue of fact may be tried by a jury, and his motion shall not be denied.

SECTION 3. On all appeals from the decision of a Probate Judge at Chambers, whether the same be tried before a jury, or before the Court, without the intervention of a jury, the Record of the Court below may be read as testimony, and either party shall be at liberty to introduce such further testimony as he may be enabled, and also to re-examine orally before such Court or jury on such appeal, any witness or witnesses whom he may have produced and examined on the original hearing at Chambers.

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

KAMEHAMEHA R.

AN ACT

To FACILITATE THE PROOF OF MARRIAGE.

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

SECTION 1. That it shall be the duty of every person authorized to solemnize marriage within this Kingdom, to make and preserve a record of every marriage by him solemnized, comprising the names of the man and woman married, their place of residence, and the date of their marriage, and to deliver a certificate of such marriage, signed by him, to the parties married.

SECTION 2. Every person authorized to solemnize marriage, who shall neglect to keep a record of any marriage by him solemnized, or to deliver a certificate thereof to the parties married, shall be subject, upon due proof of such neglect before any Police or District Justice, to a fine of fifty dollars.

SECTION 3. It shall be the duty of every person authorized

to solemnize marriage, to deliver to any person requesting the same, a written certificate of any marriage by him solmnized, upon being paid or tendered the sum of fifty cents.

SECTION 4. Any person authorized to solemnize marriage, who shall refuse, upon being paid, or tendered the sum of fifty cents, to deliver to any person requesting the same, a certificate of any marriage by him solemnized, shall, upon due proof of such refusal, before any Police or District Justice, be subject to a fine of fifty dollars.

SECTION 5. Upon the death or departure from the country, of any person authorized to solemnize marriage, it shall be the duty of his executor, administrator, or other legal representative, to deliver the records of marriages kept by such authorized person, to the Minister of the Interior, under a penalty, upon due proof of neglect to make such delivery, before any Police or District Justice, of a fine of one hundred dollars.

SECTION 6. It shall be the duty of the Chief Clerk of the Department of the Interior, upon being paid, or tendered the sum of fifty cents, to deliver to any person requesting the same, a certified copy of any entry found in any record of marriages deposited in said Department, under the hand of said Clerk, and the seal of the Department.

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

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

KAMEHAMEHA R.

AN ACT

TO FURTHER FACILITATE THE TAKING OF TESTIMONY.

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

SECTION 1. When a witness, whose testimony is wanted in any civil cause pending in this Kingdom, shall live on another

island from that on which the trial is to be held, or shall be about to go out of the Kingdom, and not to return in time for the trial, or is so sick, infirm, or aged as to make it probable that he will not be able to attend at the trial, his depositions may be taken in the manner hereinafter prescribed.

SECTION 2. At any time, after the cause is commenced by the service of process, or after it is submitted to arbitrators or referees, either party may apply to any District Justice, or any Circuit Judge, or any Clerk of a Court of Record, who shall issue a notice to the adverse party to appear before the said District Justice, Circuit Judge, or Clerk of a Court of Record, at the time and place appointed for taking the depositions, and to put such interrogatories as he may think fit.

SECTION 3. The said notice shall be served on the agent or attorney of the adverse party, and shall have the same effect as if served on the party himself.

SECTION 4. If there are several parties on either side of the cause, plaintiffs or defendants, a notice served on either of them shall be sufficient.

SECTION 5. The notice shall be served by leaving a copy thereof at the place of abode of the person to be notified, allowing in all cases not less than twenty-four hours after such notice, before the time appointed for taking the depositions, and not less than one day additional, exclusive of Sundays, for every twenty-five miles of travel of the opposite party, if he shall live more than twenty-five miles from the place of taking the deposition.

SECTION 6. The deponent shall be sworn or affirmed to testify the truth, the whole truth and nothing but the truth, relating to the cause for which the deposition is taken, and shall then be examined by the District Justice, Circuit Judge or Clerk as aforesaid, or by the parties, and his testimony shall be taken in writing. The examination shall be either verbal or by written interrogatories. *

SECTION 7. The deposition shall be written by the officer before whom the deposition is taken, or by some other impartial person, by him appointed, in the presence and under the

direction of the said officer, and shall be carefully read to or by the deponent, and shall then be subscribed by him.

SECTION 8. The officer taking the deposition shall annex to the deposition a certificate of the time and manner of taking it, the person at whose request, and the cause or suit for which it was taken, and stating also whether the adverse party attended and if not, stating the notice, if any, that was given to him.

SECTION 9. The deposition shall be delivered by the officer taking the same, to the Court, arbitrators or referees before whom the cause is pending, or shall be enclosed and sealed and directed to them, and shall remain sealed until opened by the direction of any Justice of the said Courts, arbitrators or referees.

SECTION 10. Every objection to the competency or credibility of the deponent, and to the propriety of any questions put to him, or any answers made by him, may be made when the deposition is produced, in the same manner as if the witnesses were personally present and examined at the trial ; and the Court shall have authority to order any testimony which is deemed inadmissible to be expunged ; provided, that if any deposition is taken upon written interrogatories, all objections to an interrogatory shall be made before it is answered, and if the interrogatory is not withdrawn, the objection shall be noted thereon, and otherwise the objection shall not be considered.

SECTION 11. When the plaintiff in any suit shall discontinue it or become non-suited, and another suit shall afterwards be commenced for the same cause, between the same parties or their respective representatives, all depositions and testimony lawfully taken and filed in the Court in any preceding suit, may be used in the succeeding suit, in like manner as if taken in the said suit.

SECTION 12. Any witness may be summoned and compelled to give his depositions at any place on the island on which he has his abode, in like manner and under the same penalties as he may be summoned and compelled to attend as witness in any Court.

SECTION 13. This Act shall become a law from and after the date of its passage, and all laws and parts of laws in contrariety to the provisions of this Act are hereby repealed.

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

KAMEHAMEHA R.

AN ACT
To FACILITATE THE RECOVERY OF RENTS.

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

SECTION 1. That whenever any tenant or sub-tenant of any lands, tenements or premises held by him, either by written or parole contract, for any term, at a rent stipulated by such contract, shall make default in payment of such rent, and allow the same to become in arrears, it shall be lawful for the landlord; or party entitled to such rent, to enter upon and into such lands, tenements or premises, in respect to which such rent shall be in arrears, without any legal process, and there to distrain and remove to a place of safe custody, any goods and chattels of such defaulting tenant, found on such premises, to satisfy such arrears ; and, in case of non-payment of such arrears, and costs of such distress and removal, within fifteen days after such distress and removal, it shall be lawful for such landlord, or party making such distress, at the expiration of fifteen days' public notice, to cause such goods and chattels to be sold at public auction, and to apply the proceeds of such sale to the payment of such arrears as shall be due at the time of such sale, together with the costs of such distress, removal, custody and sale, paying over to such tenant such surplus of such proceeds, if any, as shall be remaining after the payments aforesaid.

SECTION 2. That no goods or chattels of any tenant or occupier of any lands, tenements, or premises held by such tenant or occupier under any such contract as above mentioned, shall be liable to be taken on execution on any pretence whatsoever,

unless the party at whose suit such execution shall be sued out, shall, before the removal of such goods under such execution, pay to such landlord or owner of such premises, all such arrears of rent as shall be due to him thereanent; provided, such arrears of rent do not exceed one year, if such tenancy be by the year; and, in case such tenancy shall be by the week or month, such landlord or owner shall not have any lien or claim on such goods for any arrears of rent accruing during four of such weekly or monthly terms.

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

KAMEHAMEHA R.

AN ACT

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

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

SECTION 1. That no suit brought for the recovery of any debt contracted after the promulgation of this Act, for spirituous liquors sold, or furnished to any person, by any licensed retail dealer in such liquors, shall be maintained in any Court of this Kingdom.

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

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

KAMEHAMEHA R.

AN ACT

RELATING TO THE ADOPTION OF CHILDREN.

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

SECTION 1. That the several Circuit Judges throughout the Kingdom shall be, and they are hereby empowered, to certify and legalize the adoption of Children, in like manner with the Justices of the Supreme Court.

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

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

KAMEHAMEHA R.

AN ACT

CONFIRMING TO THE GRANTEES THE PRIVILEGES GRANTED BY THE ACT ENTITLED "AN ACT TO PROMOTE INTER-ISLAND COMMUNICATION," PASSED JULY 25TH, 1862.

WHEREAS, by an Act entitled "An Act to promote Inter-Island Communication," approved on the 25th day of July, 1862, it was, among other things enacted, to wit: in the Article 7th of the said Act, that in order to secure the foregoing privileges, the said company shall have employed in said Inter-Island Navigation, a good and substantial steamer of not less than two hundred tons burthen, within fifteen months from the date of the passage of the said Act; and by the 4th Article, that the privileges by this Act, granted to the said Steam and General Inter-Island Navigation Company, shall not enure to their benefit, nor shall this Act become a law, until the Hawaiian Steam Navigation Company may have surrendered their charter to the Minister of the Interior, and cancelled the same; and whereas, further, it has been made apparent to the Legislative Assembly, that the grantees

in the said Act mentioned were, at the termination of the fifteen months in the said 7th Article set forth, and have ever since been in a condition to comply with the requisitions of the said Article, but that the requirements of the 4th Article have not been complied with, through misapprehension and inadvertency ; therefore,

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

That if the grantees mentioned in the Act of incorporation, entitled "An Act to promote Inter-Island Communication," passed on the 25th day of July, 1862, shall comply with all the conditions of the said Act, before the 1st day of February, 1865, all the privileges by the said Act granted to the aforesaid General Inter-Island Navigation Company shall enure to their benefit, and the said Act shall become a law in like manner as if all the conditions of the said Act had been fulfilled fifteen months from the date of the passage of the said Act, as in the 7th Article of the said Act provided.

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

KAMEHAMEHA R.

AN ACT

RELATING TO LETTERS OF HORSES.

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

SECTION 1. That Section 110 of the Civil Code be, and hereby is amended, by the insertion of the words "to be used either under the saddle or in harness," after the words "to any person for the letting of horses," in the second line, and Section 110 of the Civil Code shall read as follows :

"SECTION 110. The Minister of the Interior may grant a License for one year, to any person for the letting of horses,

to be used either under the saddle or in harness, in Honolulu or Lahaina, upon receiving five dollars for every horse intended to be let by the applicant; and the number of horses shall be prescribed in the license."

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

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

KAMEHAMEHA R.

AN ACT

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

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

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

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

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

If withdrawn for export, the said spirits shall be subject to the same surveillance and restrictions to which liquors of foreign manufacture are now, or may hereafter be, subjected when withdrawn for re-exportation.

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

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

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

SECTION 7. Such license shall be valid for the space of five years ; and, before granting such license, the Minister of the Interior shall demand and receive, at the hands of the applicant, for the benefit of the Royal Exchequer, the sum of fifty dollars ; and, at the expiration of one year from the date of said license, the licensee shall pay fifty dollars further, and so on, at the expiration of each year, during the time of the license ; it being, however, expressly understood, that the Minister of the Interior may, at his discretion, set such licenses up for sale at public auction, at an upset price of fifty dollars per year.

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

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

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

KAMEHAMEHA R.

AN ACT
FOR THE REGULATION OF DANCE HOUSES.

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

SECTION 1. The Minister of the Interior may, in his discretion, grant to any person applying therefor in writing, a license for one year, to keep a public dance house in the City of Honolulu, upon receiving at the hands of such applicant the sum of one hundred dollars, for the benefit of the Royal Exchequer; provided, however, that no such license shall be granted to any person holding a Spirit License, nor for any premises occupied, owned or leased by any such person.

SECTION 2. Any person who shall, after the publication of this Act, allow the assembling of native females at any public dance, or keep a dance hall for such purpose, in any building or premises owned or leased by him, without first obtaining a license therefor, as prescribed in Section 1, shall be fined in a sum not to exceed one hundred dollars, in the discretion of the Court.

SECTION 3. If any person licensed as in the 1st Section hereinabove provided, shall be proved to have any business connection with any person licensed to retail spirituous liquors, such licensee shall forfeit his license, and be fined not to exceed fifty dollars.

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

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

KAMEHAMEHA R.

AN ACT

TO AMEND THE LAW RELATING TO DUELING.

WHEREAS, the 7th Chapter of the Penal Code was repealed by an Act approved on the 30th day of June, A. D. 1860, entitled "An Act to amend the law relating to Murder and Manslaughter ;" and whereas, by such repeal, the provisions of Section 1st, of Chapter 8th, of the Penal Code, have been rendered inoperative ; therefore,

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

SECTION 1. That Section 1st, of Chapter 8th, of the Penal Code be, and the same is hereby amended, to read as follows : viz.: Whoever shall kill another in a duel, fought in pursuance of an appointment with, or with the assent of the party killed, shall be adjudged of guilty of Manslaughter in the first degree, and suffer the punishment prescribed for that offense by the laws of this Kingdom.

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

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

KAMEHAMEHA R.

AN ACT

AUTHORIZING THE BOARD OF EDUCATION TO ESTABLISH AN INDUSTRIAL AND REFORMATORY SCHOOL, FOR THE CARE AND EDUCATION OF HELPLESS AND NEGLECTED CHILDREN, AS ALSO FOR THE REFORMATION OF JUVENILE OFFENDERS.

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

SECTION 1. The Board of Education is hereby authorized to establish, on the Island of Oahu, an Industrial and Reformatory

School ; and such School to be conducted under the direction and supervision of said Board of Education.

SECTION 2. The purposes of the said Reformatory School are hereby declared to be solely the detention, management, reformation, education, and maintenance of such children as shall be committed or surrendered thereto.

SECTION 3. The Directors and Supervisors of said School shall have power to receive and detain, in said Industrial School, children under the age of fifteen years, as may be thereto committed, by a Police or District Judge, as vagrants, living an idle or dissolute life ; or who shall be duly convicted of any crime or misdemeanor, shall be found to be under thirteen years of age, and to have done an act which, if done by a person of full age, would be a crime or misdemeanor ; and the said Board of Directors shall have power to place the said children, committed to their custody during the minority of said children, to such employments, and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacity ; and they shall have power, at their discretion, to bind out the said children, with their consent, as apprentices, during their minority, to such persons, and at such places, to learn such proper trades and employments as, in their judgment, will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of such children.

SECTION 4. The Police or District Judges are hereby authorized and empowered to commit all offenders duly convicted, under fifteen years of age, to said Industrial School, in all such cases where they deem such commitment to be more suitable than the punishment now authorized by law ; and if, upon any trial, it shall appear to them that the person on trial is under the age of thirteen years, and has done an act, which, if done by a person of full age, would warrant a conviction of the crime or misdemeanor charged, then they shall have power to commit said child to the said Industrial School ; and the said Judges, on the application of any member of the Board of Education, or their agents, the Attorney General or his Deputy

duly authorized, the Marshal, Sheriff, or Deputy Sheriff on any Island, or of any three subjects of this Kingdom, shall have power, upon the hearing of the matter, and upon proof to the satisfaction of said Judges, to sentence to the said Industrial School, any child under fifteen years of age, who lives an idle or dissolute life, whose parents are dead, or, if living, from drunkenness, or other vices or causes, neglect to provide any suitable employment, or exercise any salutary control over such child ; and the children thus committed, shall be kept, governed, and disposed of, as herein provided ; and no child shall be reclaimed, or taken from said school by his or her parents, or any other person or persons, without leave of the Court, or Judge by whom such child was committed. And whenever, upon the trial of such person before said Judges, said person shall be duly convicted of the crime of misdemeanor charged, and it shall appear that such person is under the age of fifteen years, or when, on such trial, it shall appear that such person has done an act, which, if done by a person of full age, would warrant a conviction of the crime of misdemeanor charged, and that such person is under thirteen years of age, then, and in that case, the said Judges may, in their discretion, sentence such person to be confined in the correctional department of said Industrial School for any term, not exceeding six months ; and any person so sentenced, shall be restrained of his or her liberty, and shall be kept in a ward, to be provided therefor, separately from the body of said school, during the term of such correction, before being admitted to the general privileges of the School.

SECTION 5. All commitments shall be directed to the Board of Education, or its agents, and they shall be charged by such commitments with the detention and custody of the children committed to the School, and with the execution of all orders and process of any Court respecting such children, and shall have the same power, under and by virtue of such commitment, order, or process of Court, as the Sheriff has, or might have under such commitment, order, or process of Court if directed to him.

SECTION 6. The said Judges, upon the application of the

Board of Education, and upon their certificate that it is expedient to do so, shall have power to discharge any child committed to said Industrial School, who is not bound out as an apprentice, or adopted. And the said Judges may, in a like manner, discharge such child, upon the application in writing, of the parents or guardian of such child ; and, after ten day's notice in writing to the Board of Education, if, upon the hearing of the application, said Judges shall consider that such discharge is expedient.

SECTION 7. The Board of Education shall also especially have power to accept from the parents or guardian of any child, the surrender of such child during minority, and all the rights of parents or guardians to keep, control, educate, employ, indenture or discharge such child shall vest in the Board of Education.

SECTION 8. In all cases where a child is committed to the care of the Board of Education, as directors of said Industrial School, by a Police or District Judge, for reasons above specified, the parents or guardians of such child shall be held to pay to said Board of Directors, the sum necessary for the care, maintenance and education of said child at the Industrial and Reformatory School ; and, in like manner, shall the parents or guardians of a child by them committed to the care of said school, to be held to pay for the care, education and maintainance of such child, in which case, the Board of Education will fix such sum as may seem fit in their discretion.

SECTION 9. That the sum of six thousand dollars be appropriated from the Public Treasury to establish and maintain such Industrial and Reformatory School ; and it shall be lawful for the Board of Education, as supervisors of the School, at any time, when said institution proves to be self-supporting, and a surplus of funds accruing from the labor of the children, is on hand, to enlarge the school, as also to establish branch schools on the other islands.

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

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

KAMEHAMEHA R.

AN ACT

TO ENCOURAGE LEARNING IN THIS KINGDOM, BY SECURING THE COPIES OF CHARTS, MAPS AND BOOKS, TO THE AUTHORS AND PROPRIETORS OF SUCH COPIES.

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

SECTION 1. That from and after the date of the passage of this Act, the author or authors of any Map, Chart or Book, already printed within this country or abroad, in the Hawaiian language, or the executors, administrators or assigns of such author or authors, shall have the sole right of printing, reprinting, publishing or vending such Map, Chart, Book or Books, for the space of fourteen years from the date of recording the title thereof in the office of the Minister of the Interior, as herein-after provided.

And the author or authors of any Map, Chart, Book or Books, made or composed in any language other than Hawaiian, by a person resident in this Country at the time of its composition or publication, shall have the sole right and liberty of printing, reprinting, publishing or vending said Map, Chart, Book or Books, for and during the term of fourteen years, from and after the time of recording the title thereof in the office of the Minister of the Interior aforesaid ; and if, at the expiration of the said fourteen years, the author or authors be living, the same exclusive right shall be continued to him, or them, or his, or their assigns ; *provided, always,* that he or they shall cause the title to be a second time recorded or published, as herein-after provided, at least six months before the expiration of the first term of fourteen years.

SECTION 2. If any other person or persons, from and after the recording of the title of any Map, Chart, Book or Books, and publishing the same, as aforesaid, within the time limited and granted by this Act, shall print, reprint, publish or import, or cause to be printed, reprinted, published or imported from any foreign Kingdom or State, any copy or copies of such Map,

Chart, Book or Books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses, or knowing the same to be so printed, reprinted or imported, shall publish, sell, or expose to sale, or caused to be published, sold, or exposed to sale, any copy of such Map, Chart, Book or Books, without such consent first had and obtained as aforesaid, then such offender or offenders shall forfeit all and every copy and copies of such Map, Chart, Book or Books, and all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such Chart, Map, Book or Books, who shall forthwith destroy the same ; and every such offender or offenders shall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported, or exposed to sale, contrary to the true intent and meaning of this Act ; the one-half thereof to the author or proprietor of such Map, Chart, Book or Books, who shall sue for the same, and the other half thereof to, and for the use of the Royal Exchequer, to be recovered by action of debt, in any Court of Record in this Kingdom, wherein the same is cognizable ; *provided, always,* that such action be commenced within one year after the cause of action shall arise, and not afterwards.

SECTION 3. No person shall be entitled to the benefit of this Act, unless he shall first deposit a copy of his Map, Chart or Book, in case the same shall have been printed heretofore, with the Minister of the Interior, for preservation ; and, in other cases, unless he shall deposit a copy of the title of such Map, Chart or Book, with the said Minister, who shall cause the same to be recorded in a book kept for that purpose, and shall give or cause to be given to the applicant, a certificate, under seal of the title of the work deposited, and the claim to Copy Wright—which certificate, the author or proprietor shall immediately cause to be published in one or more newspapers published in this Kingdom, for the space of two months, and the said applicant shall pay for the said certificate Five Dollars.

SECTION 4. The author or proprietor of any such Map, Chart,

Book or Books, shall, within one month after the publication thereof, in this Kingdom, deliver or cause to be delivered to the Minister of the Interior, a copy of the same, to be preserved in his office.

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

KAMEHAMEHA R.

AN ACT

TO REPEAL CHAPTER 10 OF THE CIVIL CODE, AND TO REGULATE THE BUREAU OF PUBLIC INSTRUCTION.

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

SECTION 1. That Chapter 10, containing sections 693 to 767, both inclusive, of the Civil Code be, and the same is hereby repealed.

SECTION 2. There shall be an Executive Bureau, to be styled the Bureau of Public Instruction ; which shall be superintended and directed by a Committee of the Privy Council, to consist of five members, and to be called the Board of Education. The members of the said Board shall be chosen by the King ; and one of their number shall, by him, be appointed President, and all shall serve without pay ; but no person in holy orders or a Minister of religion shall be appointed to fill the office of President. In the absence of the President a member of the Board, acting as Vice-President pro tem., shall preside over its meetings.

SECTION 3. The said Board shall have entire charge and control of the Bureau of Public Instruction ; shall superintend the execution of all laws relating thereto; shall have the power to make its own by-laws, not in contravention of the laws of this Kingdom ; shall keep regular records of its proceedings, and make a report, through its President, of the business and transactions of the Bureau to the Legislature at each of its regular sessions.

SECTION 4. The said Board may, from time to time, adopt rules for the internal regulation and management of the Common Schools, and of all schools supported by Government, not inconsistent with any law of this Kingdom; which rules, when made known, shall be obligatory upon teachers and scholars alike, and in all matters the Board shall have full administrative power in every thing connected with education conducted at the expense of the public.

SECTION 5. For the purposes of this Act, the said Board shall possess the powers and privileges of a corporation.

SECTION 6. The President of the said Board shall keep an office at the seat of Government, and shall sign all official documents of the Board in order to their validity, and he shall be authorized to employ a clerk to assist him in the discharge of his duties, whose salary shall be such as the Legislature may, from time to time, determine.

SECTION 7. The seal of the Bureau of Public Instruction shall be such as may be approved by the Board of Education, and copies of all documents belonging to the said Board, certified by the President and impressed with such seal, shall be as valid evidence in any court of law as the original.

OF THE COMMON SCHOOLS.

SECTION 8. The object of the Common Schools, supported by Government, is to instruct the children of the nation in good morals, and in the rudiments of reading, writing, geography, arithmetic, and of other kindred elementary branches.

SECTION 9. For the purposes of education, the Kingdom is divided into school districts, the boundaries of which are the same as those of the taxation districts; that is to say, the Island of Hawaii shall be divided into eight uniform school districts, as follows: 1, Hilo; 2, Puna; 3, Kau; 4, South Kona; 5, North Kona; 6, South Kohala; 7, North Kohala; 8, Hamakua. The Island of Maui shall be divided as follows: 1, from Kahakuloa to Ukumehame, including Kahoolawe; 2, from Waiehee to Honauula, inclusive; 3, Kahikinui, Kaupo, Kipahulu, Hana and Koolau; 4, Hamakualoa, Hamakuapoko, Haliimaile,

Makawao and Kula ; 5, Molokai ; 6, Lanai. The Island of Oahu shall be divided as follows : 1, from Maunalua to Moanalua, inclusive ; 2, Ewa and Waianae ; 3, Waialua ; 4, Koolauloa ; 5, Koolaupoko. The Island of Kauai shall be divided as follows : 1, from Nualolo to Hanapepe, inclusive ; 2, from Wahiawa to Mahaulepu, inclusive ; 3, from Kipu to Kamalomalolo, inclusive ; 4, from Anahola to Kilauea, inclusive ; 5, from Kalihiwai to Honopu, inclusive ; 6, Niihau.

SECTION 10. The above districts may be sub-divided by the Board of Education, or their boundaries fixed by geographical lines, for greater convenience and efficiency in conducting the Public Schools ; and the Board of Education shall be empowered to determine what daily average attendance of scholars, throughout the year, shall be held sufficient for the continuance of Government Common Schools in general, and also to decide upon a larger or smaller average daily attendance throughout the year, as the rule to guide in the case of any individual school.

OF THE INSPECTOR GENERAL.

SECTION 11. The Board of Education shall appoint, from among their own number, or otherwise, an Inspector General of Schools, to hold office during the pleasure of the said Board, and who shall receive such salary as the Legislature shall, from time to time, determine ; *provided, always,* that no person in holy orders or Minister of Religion shall be eligible to fill the office of Inspector General.

SECTION 12. It shall be the special duty of the Inspector General of Schools to make frequent tours of the respective islands and districts ; to examine into the condition of the Schools supported or aided by the Government ; to inform school officers and teachers of their several duties under the law ; and to foster, generally, an interest in the cause of education.

SECTION 13. The Inspector General of Schools shall be invested by the Board of Education with discretionary powers, such as the opening and closing of schools, the appointment and dismissal of school teachers ; the arranging and re-arranging of the studies to be pursued, and the prominence to be given to

any particular branch of learning ; he shall also have full authority to examine the books, vouchers and accounts of the school agent and local Board of Trustees ; to order repairs of Government school houses and premises ; to hold competitive examinations among those desirous of serving as school teachers, and to give certificates of approval to those found competent ; and in these, and in all other matters intrusted to him by the Board of Education, he shall act temporarily with the same authority as though the Board itself were acting in the matter ; and of all such doings, in the name of the Board, he shall render in person or in writing a distinct statement to the Board, which, in its judgment, may approve or disapprove of all or any of his acts thus temporarily performed in its name.

OF SCHOOL AGENTS.

SECTION 14. The Board of Education shall appoint in each of the school districts, an officer to be called the School Agent, to whom, under the Board and the Inspector General of Schools, shall be principally entrusted the execution of all the acts, orders, instructions and regulations of the Board of Education and of the Inspector General of Schools, pending the approval of the Board ; and the said agents shall be continued in office during the pleasure of the Board of Education.

SECTION 15. The pay of the school agents shall be such as the Board of Education shall, from time to time, determine ; it being understood that the pay of the several school agents may vary, in view of the value or amount of services performed.

SECTION 16. The school agents shall be *ex-officio* treasurers of the School Fund in their respective districts, and shall safely keep, and properly apply said fund, in such manner as they shall be directed by the Board of Education or the Inspector General ; and, for the faithful performance of their duty, they shall give bonds, for such an amount and with such security, as the Board of Education shall approve and require.

SECTION 17. The several school agents shall, under the Board of Education, be the trustees of all the school property in their respective districts, and shall severally have the power to sue and be sued in any Court of the Kingdom. The school

houses in the respective districts shall be especially under the care of the school agents, and they shall, as far as possible, preserve the same from injury and decay ; and, when occasion requires, call the attention of the Inspector General, or directly of the Board of Education, to such steps as seem necessary to that object.

OF DISTRICT SCHOOL BOARDS.

SECTION 18. In each of the school districts, as hereinbefore prescribed, there shall be a School Board, to consist *ex-officio* of the school agent, the District Justice, and the Tax Collector of the district. Each of the members of the School Board shall, at any time, be authorized to call a meeting of the Board to which he belongs, for the purpose of discussing the material and other interest, of the educational system in their districts ; and it shall be incumbent on the school agents, whenever required to do so, to show to both or either of his colleagues, his book of accounts, and all documents explanatory of his official doings. At all times, when the other members of the School Board shall conjointly require it, the school agent shall prove to them, that the funds in his keeping coincide in amount with the showing of his account books. It shall be the duty of the other members of the School Board, at all times, to reasonably assist the school agent in the execution of his duty, and in order to do so, they shall afford him any information of which they are officially possessed, of such a nature as to be of service to him, and they shall lend him help in the execution of his office, especially when illness, a temporary absence, shall render such aid necessary.

OF THE SCHOOL REVENUE.

SECTION 19. The revenue for the support of Government schools shall be derived from direct appropriations by the Legislature, from the interest accruing on the school fund, the rent of school lands and from the School Tax, as provided in Section 486 of the Civil Code ; and it shall be the duty of the Board of Education to present, through its President, to the Legislature at each regular session, an account of the receipts and disburse-

ments of the school revenue for the two fiscal years, ending on the 31st day of the month of March of every alternate year.

OF ATTENDANCE.

SECTION 20. It shall be incumbent on all parents, guardians and adopters of children, to send such children, from their sixth to their fifteenth years, to some lawful school, public or private, to be instructed in good morals and elementary learning.

SECTION 21. If any child shall persist in absenting himself from school, any Police or District Justice shall, upon proper complaint being made by the school teacher, the school agent, or the Inspector General, cause the father or mother, or guardian or adoptive parent of the child, together with the child, to be arrested; and, upon its being proved that the person responsible for the child, as a minor, has not used proper diligence to enforce the child's regular attendance at school, the said responsible party shall be fined by the said Police or District Justice in a sum not exceeding five dollars; and, in default thereof, be subjected to imprisonment at hard labor for a term not to exceed fourteen days; and, in case the child shall prove the offending party, the Police or District Justice shall send him to a Reformatory and Industrial School, for a term not less than one month, or more than six months, or otherwise sentence him to a fine not exceeding two dollars, or imprisonment at hard labor for a term not exceeding ten days.

OF TEACHERS OF COMMON SCHOOLS.

SECTION 22. The teachers of common schools shall be certified by the Inspector General; no person shall teach in them who has not received a certificate, and no person shall receive a certificate without having exhibited satisfactory evidence of good moral character and qualification to teach; and every certificate so granted, may be cancelled, upon grounds which shall appear sufficient to the Inspector General of Schools, or by the Board of Education; *provided, always,* that any teacher, whose certificate has been cancelled by the Inspector General, may lay his case before the Board, in the

shape of an appeal from the decision of the Inspector General.

SECTION 23. The teachers of the common schools shall be appointed by the Inspector General, and, in case of emergency, by the District School Board ; and they shall be removable only by the Inspector General or the Board of Education.

SECTION 24. Each teacher shall have power to administer necessary and reasonable punishment upon the pupils of his school, and shall not in any way be punishable for so doing.

SECTION 25. The pay of the teachers of the common schools shall be such as the Board of Education shall determine generally, or to suit particular cases.

OF BOOKS AND STATIONERY.

SECTION 26. The Board of Education shall, from time to time, furnish to the respective school agents such books and stationery as in the opinion of the said Board may be needed for the use of the common schools, and shall make such arrangements and provisions as shall, to the Board, seem best adapted to secure payment for those furnished to the pupils.

OF INSTITUTIONS ENDOWED BY GOVERNMENT AND SELECT SCHOOLS.

SECTION 27. Every literary institution, seminary of learning or select school, supported by Government, shall be under the superintendence, control and direction of the Board of Education ; *provided, always,* that where such institution, seminary or select school is endowed or supported in part only by the Government, the Board of Education shall not, unless expressly authorized by law, have the absolute control and direction of the same, but only a general over-sight, with the right to visit and to inquire into its general condition and operation, and to see that the objects of the public endowment or support are faithfully executed.

SECTION 28. Whenever the Board of Education shall be satisfied that the charter of any literary institution has been violated, it shall be the duty of the President of said Board to report such violation to the Attorney General, and said Attorney

General shall take immediate steps to have such charter annulled.

SECTION 29. Nothing in this Act contained shall be construed to forbid the free establishment of select and independent schools, to be supported without assistance from the Government, provided they be not of an immoral tendency. The teachers of such schools shall annually report to the Board of Education the number of their scholars, by what means supported, and the general character and condition of their respective schools.

OF ENGLISH SCHOOLS FOR HAWAIIAN BOYS AND GIRLS.

SECTION 30. It shall be lawful for the Board of Education to contribute, out of the funds at its disposal, towards the establishment of one or more boarding schools for the instruction of Hawaiian boys in the English language, and other branches of education.

The Board shall determine upon the course of education to be followed ; shall appoint, pay and remove, when it deems proper to do so, the masters and teachers, and shall determine in what cases the boys shall be admitted free of charge, and in what cases the parents or guardians of the children shall contribute toward their support, and to what extent. The Board shall furthermore have full power to arrange all the details necessary for the encouragement of good morals, sound bodily health, and useful education in the school or schools established in conformity with this section.

SECTION 31. The Board of Education shall also contribute, to the greatest extent, that the means at its disposal will allow, towards the support of family schools for Hawaiian girls, whether established by the Board or by private individuals, and in fostering such schools it shall enjoy the fullest discretionary power.

OF SCHOOL LANDS, SCHOOL HOUSES AND CHURCH SITES.

SECTION 32. The Board of Education is hereby authorized to dispose by sale, lease, or otherwise, of any of the lands which have been, or hereafter may be, set apart for the general purposes of education.

SECTION 33. All moneys and other avails of Government lands set apart for the general purposes of education, shall be kept as a separate fund, and the interest only of such fund shall be appropriated, as the Board of Education shall, from time to time, decide, for the purposes of education.

SECTION 34. All avails of land sold, leased, or otherwise disposed of, as hereinbefore provided, shall be accounted for by the Board of Education in its report to the Legislature.

SECTION 35. All sites for school houses and houses for public worship, not owned by private parties, societies or corporations, and all lands connected therewith, which have been granted by or to the Government, for the purpose of promoting the interests of education or religion, shall be reserved as Government property, so long as they are devoted to the purpose for which they were granted, and shall be under the charge and control of the Board of Education ; and in case they shall cease to be used for the purposes for which they were granted, for not less than one year, they shall revert to the original grantors or their representatives. In all cases where lands are sold, or otherwise disposed of, the sites for school houses and houses for public worship, shall not be included in such sale or disposition.

SECTION 36. In all cases where the sites and school lands, mentioned in the last preceding section, constitute a part of the lands held in common by the Government and individuals, such sites and school lands shall be regarded as making a part of the Government portion of the land held in common, and shall be so regarded in every sale or disposition of the lands in which they are located.

SECTION 37. Where a site for a school house is needed, and the same cannot be as well located on Government land as upon that of a private individual, the school agent of the district is authorized to take a suitable lot, not exceeding one-half acre, as a site for such school house, first paying to the owner the value thereof ; such value, in case of disagreement, shall be determined by a jury of three men, to be chosen, one by the school agent, one by the owner of the land, and the third by

the two already chosen by the school agent and owner ; the said jury shall have the power to locate the lot desired for the school house, in a place different from that chosen by the school agent, should they deem it more reasonable and proper ; *provided, however,* that it shall not be lawful to appropriate for such purpose any private burying ground or house lot, against the will of the owner thereof.

SECTION 38. The Board of Education shall have all the school lands, and sites for schools and churches mentioned in this Act, so far as practicable, properly surveyed and registered in a book, to be deposited in their office, for the use of the King's Government, and open to the inspection of private individuals desiring to examine the same. The expense of such surveys shall be defrayed out of the interest arising from the avails of the school lands.

GENERAL PROVISIONS OF THE PARENTAL AND FILIAL DUTIES.

SECTION 39. It shall be the duty of all children, within the years of legal majority, to obey all the lawful and moral commands of their parents, respecting, first, as most obligatory, those of the father, and next, those of the mother ; and, if adopted, as by law allowed, the lawful and moral commands of the parents by adoption ; and, in default of natural or adopted parents, the lawful and moral commands of the guardians appointed according to law ; and in case of continued, willful and obstinate disobedience on the part of a child, it shall be lawful for any Police or District Justice, upon complaint being made by any parent or guardian, to cause the said child to be arrested and brought before him ; and should it appear to the said Justice that such child is guilty of continued, willful and obstinate disobedience, he shall sentence the said child to imprisonment at hard labor, for a term not exceeding ten days ; *provided, however,* that no child under ten years of age shall be amenable to the provisions of this section.

SECTION 40. Parents, that is to say, first the father and then the mother, or, in case they be both dead, guardians, legally appointed, shall have control over the actions, the conduct and the education of their children within the years of legal ma-

jority ; they shall have the right, at all times, to recover possession of their children by *habeas corpus*, and to chastise them moderately for their good ; and it shall be the duty of all parents and guardians to set a good example before their children ; to provide, to the best of their ability, for their support and education ; to see that they are instructed in a knowledge of the Christian religion ; to use their best endeavors to keep them from idleness and vice of all kinds ; and to inculcate upon them habits of industry, economy and loyalty ; and it shall be lawful for any Judge of the Supreme Court, or of any Circuit Court of this Kingdom, on a complaint being laid before him against any parent, that he or she is encouraging their children in ignorance and vice, to summon such parents before him ; and, upon its being proved to his satisfaction, to bind out such child, within the years of legal majority, to some person of good moral character, to be well supported, trained to good habits, and taught at least the rudiments of knowledge.

OF THE CENSUS.

SECTION 41. It shall be the duty of the Board of Education, every sixth year, counting from the year 1860, to make a complete census of the inhabitants of the Kingdom, to be laid before the King and Legislature for their consideration ; every census shall comprise, in distinct columns, the number of inhabitants in each district, the number of each sex, and such other particulars as the Board of Education may direct, and shall show the increase or decrease of the population.

SECTION 42. To enable the Board of Education to carry into execution the design of the last preceding section, it is hereby authorized to make all proper and necessary inquiries ; and all persons are required, under pain of a fine, not to exceed five dollars, to be imposed by any District or Police Justice, to answer, to the best of their knowledge, all such questions propounded by the agents of the Board, relating to, or necessary for, the making of a complete census.

SECTION 43. The necessary expenses of making any census shall be paid by the Minister of Finance, upon the order of the

Board of Education, out of any moneys appropriated by the Legislature for that object.

OF THE REGISTRY OF BIRTHS, DEATHS AND MARRIAGES.

SECTION 44. The school agent of each district shall exercise the office of registrar of births, deaths and marriages in his district, he being provided by the Board of Education with suitable books and blanks for that purpose ; and he shall, at the expiration of each six months, make a report of the births, deaths and marriages in his district to the Board of Education.

SECTION 45. The school agent shall be assisted in his duties as Registrar by the other members of the District School Board, as hereinbefore organized, and shall have the power to appoint suitable persons to act as his sub-agents in keeping a faithful registry of births, deaths, and marriages in his district ; and the names of all sub-agents so appointed, proper and sufficient publication shall be made throughout the district.

SECTION 46. It shall be the duty of every person, authorized according to law to perform the marriage ceremony, to report to the school agent of the district the names of all persons married by him ; and it shall be incumbent upon the father, if living, of any child born in this Kingdom, and if not living, or if the child be illegitimate, upon the mother, within one month after the birth of such child, to notify some registrar of births and deaths in the district, of the name and sex and date of the birth of said child. It shall also be incumbent on any Minister of the Gospel, officiating at burials, any undertaker, or the nearest relative of legal age, of any deceased person, to notify some registrar of births and deaths, in his district, of the name and sex of the deceased, within one week after such decease. Any neglect to make such notification shall subject the delinquent, on conviction before any Police or District Justice, to a fine of one dollar, to go for the benefit of the registrar.

SECTION 47. It shall be the duty of the Minister of the Interior, upon the nomination of the Board of Education, to appoint a suitable number of agents in the several districts of the King-

dom, whose duty it shall be to grant marriage licenses, agreeably with the laws ; which agents shall be entitled to the fee of twenty-five cents for each license, to be paid by the party applying therefor. Any such agent who shall charge more than that amount for any such license, or who shall receive a bribe for the same, shall be liable to a fine not exceeding fifty dollars, upon conviction before any Police or District Justice.

SECTION 48. It shall be the duty of the Board of Education to furnish the agents aforesaid with the necessary blanks for marriage licenses ; and it shall be the duty of said agents, at the close of each year, to transmit a copy of all the licenses granted by them during the year to the said Board, who shall preserve a record of the same ; and the agents shall retain a copy of each license in their own possession.

SECTION 49. To enable the board of Education to carry out the several objects contemplated in this Act, it shall be invested with full power to apportion and disburse the various moneys and avails devoted to the promotion of public education ; that is to say, (1) the interest accruing on the school fund, (2) the rents of school lands, (3) the proceeds of the school tax as provided in Section 486 of the Civil Code, and (4) all appropriations that the Legislature may, from time to time, make for all or any of the purposes hereinbefore set forth. It shall also be intrusted with the management, control and disbursement of any properties or moneys that may be specially given or bequeathed by private individuals for the furtherance of all or any of the objects in this Act contemplated.

SECTION 50. This law shall take effect at the expiration of two months from the date of its passage.

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

KAMEHAMEHA R.

AN ACT

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

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

SECTION 1. That from and after the first day of February, 1865, it shall not be lawful for any vessel to carry passengers between the different islands of the Kingdom, except such vessels as shall be especially licensed for that purpose, under a penalty of twenty dollars for each passenger so carried, to be recovered before any Police or District Justice.

SECTION 2. Before obtaining the said license, it shall be necessary that any vessel shall be thoroughly inspected by the Harbormaster of Honolulu, one of the Pilots of the said port of Honolulu, and some shipwright, to be appointed for that purpose by the Collector General of Customs, each one of whom shall be entitled to a fee of three dollars for such inspection and his certificate ; which fee shall be paid by the owners of the vessel so seeking to be licensed, before the inspectors shall proceed on board ; and if the said inspectors shall certify the said vessel to be staunch and well equipped, and of sufficient capacity and accommodations to carry passengers, on presenting such certificate to the Collector General of Customs, and paying to the said Collector General of Customs fifty cents for each ton's burthen up to eighty tons, forty dollars for each vessel measuring eighty to one hundred tons, and fifty dollars for each vessel over one hundred tons burthen, for the use and benefit of the Hawaiian Government, in addition to the fees now required for a Coasting License, the owners of such vessel shall be entitled to receive a license to carry passengers between the islands of the Kingdom for one year, subject to the rules and regulations hereinafter provided ; it being expressly understood and enacted that the force and effect of Article 2d of the Civil Code, "Of Internal Trade and Commerce," is not changed or altered, but is applicable to goods only.

SECTION 3. No vessel shall carry more than one passenger for every two tons registered burthen, excepting steam vessels, the same being allowed to carry two passengers for every three tons burthen. And each vessel licensed to carry passengers between the islands shall carry, on all her passages, secured on deck, one spare extra cask, of the capacity of at least two barrels, filled with water, and under her deck, easily accessible, as many barrels of good sound bread or rice and salt provisions and water as may, from time to time, be required by the Harbormaster of Honolulu ; and for disobedience of the orders of the Harbormaster, by not carrying the amount of water and provisions required and commanded by him, the vessel, the master of which has so neglected to obey the order of the said Harbormaster, shall be liable to have her license revoked by the Collector General, and the master shall be further liable to a fine not exceeding one hundred dollars, to be recovered before any Police or District Justice.

SECTION 4. It shall not be lawful from and after the first day of January, 1866, to employ any person as master of any coasting vessel licensed to carry passengers, unless the person so employed shall have such knowledge of navigation as to enable him to find the latitude and longitude at sea, and every vessel shall be provided with suitable nautical instruments for this purpose.

And further, every vessel neglecting to comply with the requirements of this section, from and after the aforesaid date, shall, on complaint made to the Collector General of Customs, forfeit her licenses ; and it shall be the duty of the said Collector General, from time to time, to ascertain that each coasting vessel licensed to carry passengers is complying with the requirements aforesaid. And it is further enacted, that the certificate of such examiners, as may be appointed by the Minister of the Interior, showing that any person is duly qualified to command a vessel, shall be conclusive evidence to the Collector General of Customs of such qualifications.

SECTION 5. The provisions of the foregoing sections shall not be held applicable to the carrying of passengers between

the islands of Molokai, Lanai, Kahoolawe and Maui, or between Niihau and Kauai.

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

SECTION 7. The several Governors, Circuit Judges, District Justices, Sheriffs and Collectors of Customs, are hereby authorized to grant a passport, without charge, to any female applying therefor, who may show, to the satisfaction of such Governor, Circuit Judge, District Justice, Sheriff or Collector of Customs, that she has a reasonable cause for wishing to proceed to Oahu ; and it shall be the duty of the officers aforesaid to refuse a passport to all females who cannot show a reasonable cause for their desire to proceed to Oahu ; and the said passport shall set forth the cause and probable duration of such visit.

SECTION 8. The master or supercargo of every vessel licensed to carry passengers, immediately on his arrival at Honolulu, shall deliver to some officer of the customs or police, or to some other person authorized thereto by the Governor of Oahu, all the passports of the passengers by his vessel ; and it shall be the duty of the person receiving the same to compare the number of passports with the number of persons on board the vessel liable to the law, and to verify the description, if there be any description on the passport, and to report the passports and all information pertaining to them to the Headquarters of the Po-

lice at Honolulu. And every female under the age of twenty-five years, whose habitual place of residence is on one of the other islands, who shall have visited Oahu without having procured a passport, as in the preceding sections set forth, shall be liable to be arrested and sent back to her place of residence, at the expense of the vessel on which she came to Oahu.

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

KAMEHAMEHA R.

AN ACT

FOR PREVENTING COLLISIONS AT SEA.

WHEREAS, the increase of navigation in the Pacific Ocean, as well as in all other seas, has made it desirable that the Hawaiian Government should adhere to the rules and regulations to prevent collisions at sea, framed and adopted by England and France ; and whereas, the Governments of France and England have jointly and simultaneously invited the Hawaiian Government to adopt the same rules and regulations ; therefore,

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

SECTION 1. It shall be the duty of all masters of Hawaiian vessels to observe and enforce, on board the vessels under their command, the following rules and regulations :

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

Preliminary.

Article 1. In the following rules, every steamship which is under sail, and not under steam, is to be considered a sailing ship ; and every steamship which is under steam, whether under sail or not, is to be considered a ship under steam.

RULES CONCERNING LIGHTS.

Article 2. The lights mentioned in the following articles, and

no others, shall be carried in all weathers between sunset and sunrise.

Article 3. Sea-going steamships, when under way, shall carry, *at the foremast head*, a bright white light, so fixed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the ship, *viz*: from right ahead to two points abaft the beam on either side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles. *On the starboard side*, a green light, so constructed as to throw a uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles. *On the port side*, a red light, so constructed as to show a uniform, unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles. The said green and red side-lights shall be fitted with inboard screens, projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

Article 4. Steamships, when towing other ships, shall carry two bright white masthead lights, vertically, in addition to their side-lights, so as to distinguish them from other steamships. Each of these masthead lights shall be of the same construction and character as the masthead lights which other steamships are required to carry.

Article 5. Sailing ships under way, or being towed, shall carry the same lights as steamships under way, with the exception of the white masthead lights, which they shall never carry.

Article 6.—Whenever, as in the case of small vessels, during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the

vessel, ready for instant exhibition ; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collisions, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, they shall each be painted on the outside with the color of the lights they respectively contain, and shall be provided with suitable screens.

Article 7. Ships, whether steamships or sailing ships, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light, in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform and unbroken light, visible all round the horizon, and at a distance of at least one mile.

Article 8. Sailing pilot vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light every fifteen minutes.

Article 9. Open fishing-boats and other open boats shall not be required to carry side-lights, required for other vessels ; but shall, if they do not carry such lights, carry a lantern having a green slide on the one side, and a red slide on the other side ; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.

Fishing vessels and open boats when at anchor, or attached to their nets, and stationary, shall exhibit a bright white light.

Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition, if considered expedient.

RULES CONCERNING FOG SIGNALS.

Article 10. Whenever there is a fog, whether by day or

night, the fog signals described below shall be carried and used, and shall be sounded at least every five minutes, viz :

- (a) Steamships under way shall use a steam whistle placed before the funnel, not less than eight feet from the deck.
- (b) Sailing ships under way shall use a fog horn.
- (c) Steamships and sailing ships when not under way, shall use a bell.

STEERING AND SAILING RULES.

Article 11. If two sailing ships are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Article 12. When two sailing ships are crossing, so as to involve risk of collision, then, if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side; except in the case in which the ship with the wind on the port side is close hauled, and the other ship free, in which case the latter ship shall keep out of the way. But if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which is to leeward.

Article 13. If two ships under steam are meeting end on, or nearly end on, so as to invoke risk or collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Article 14. If two ships under steam are crossing so as to involve risk of collision, the ship which has the other on her starboard side, shall keep out of the way of the other.

Article 15. If two ships, one of which is a sailing ship, and the other a steamship, are proceeding in such directions as to involve risk of collision, the steamship shall keep out of the way of the sailing ship.

Article 16. Every steamship when approaching another ship so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse ; and every steamship shall, when in a fog, go at a moderate speed.

Article 17. Every vessel overtaking any other vessel, shall keep out of the way of the said last mentioned vessel.

Article 18. Where, by the above rules, one of two ships is to keep out of the way, the other shall keep her course, subject to the qualifications contained in the following article :

Article 19. In obeying and construing these rules, due regard must be had to all dangers of navigation, and due regard must also be had to any special circumstances which may exist in any particular case, rendering a departure from the above rules necessary, in order to avoid immediate danger.

Article 20. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

It being, however, understood and especially enacted, that His Majesty the King may, from time to time, by order in Council, make and proclaim such alterations in, or additions to, the said rules and regulations, as His Majesty may deem necessary and proper, so far as concerns the application of said rules and regulations to Hawaiian vessels.

SECTION 2. It shall be the duty of the Collector General of Customs to cause two copies of said rules, in Hawaiian and English, to be delivered to all masters of Hawaiian vessels applying for the same.

SECTION 3. This Act shall take effect from and after the 1st of January, 1865.

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

KAMEHAMEHA R.

AN ACT

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

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

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

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

KAMEHAMEHA R.

AN ACT

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

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

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

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

SECTION 3. That it shall be the duty of the Minister of the Interior, with the assistance of the Committee of Privy Council aforesaid, as soon as convenient after the passage of this Act,

to devise and recommend for the adoption of His Majesty the King in Privy Council, such measures as may be necessary to secure the importation of a sufficient number of foreign laborers to supply the wants of planters and others ; and such regulations as may be deemed expedient, touching the contracts to be made with such laborers, as well as the terms and conditions upon which they are to be assigned after their arrival in this Kingdom.

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

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

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

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

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

KAMEHAMEHA R.

OF THE GOVERNORS.

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

The King, by and with the advice of his Cabinet Council, shall appoint and commission the Governors of his several islands ; the Governors hold office for the term of four years, subject to impeachment.

The King, upon the nomination of the Governor, may appoint in one or more islands, a Lieutenant-Governor, during his pleasure, to assist the Governor, but always subordinate to him in authority.

The Governors, in case of sickness, or unavoidable absence, in all cases where no Lieutenant-Governor has been appointed, have power to appoint substitutes, for all whose official acts they are responsible.

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

KAMEHAMEHA R.

AN ACT

REQUIRING CONSULAR CERTIFICATES TO BE ATTACHED TO INVOICES OF GOODS IMPORTED FROM FOREIGN COUNTRIES.

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

SECTION 1. That there shall be attached to all invoices of Goods imported into this Country, from any Port within the Consular Jurisdiction of any of His Majesty's Consuls or Commercial Agents, an Oath and a Certificate in the following form :

Certificate to Invoice.

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

(Signed) ——

I, —— His Hawaiian Majesty's Consul for —— do hereby certify that on the —— day of —— of the year —— personally appeared before me —— who subscribed and swore to the above ; and I further certify that I am satisfied that —— is the

person he represents himself to be, that he is a credible person, and that the statements made by him under said oath are true.

[Seal]

(Signed)

H. H. M.'s Consul.

And that it shall be lawful for such Consul or Commercial Agent to charge and receive from the person requiring such Certificates, as for his own proper fee or reward, the sum of one dollar on all Invoices under five hundred dollars, and two dollars on all Invoices of five hundred dollars and upwards.

SECTION 2. It shall be lawful for any Collector of Customs in this Kingdom, on the presentation of any Invoice purporting to be shipped at any Port where one of His Majesty's Consuls is resident, when said Invoice be not attached to the Oath and Certificate, as in the preceding section set forth, to cause to be added to the Invoice twenty-five per cent., and the duties shall be collected on the said increased valuation.

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

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

KAMEHAMEHA R.

AN ACT

To PREVENT THE SPREAD OF LEPROSY.

WHEREAS, the disease of Leprosy has spread to considerable extent among the people, and the spread thereof has excited well grounded alarms ; and whereas, further, some doubts have been expressed regarding the powers of the Board of

Health in the premises, notwithstanding the 302d Section of the Civil Code ; and whereas, in the opinion of this Assembly, the 302d Section is properly applicable to the treatment of persons afflicted with the Leprosy ; yet for greater certainty and for the more sure protection of the people—

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

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

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

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

a place of treatment, or isolation, if so required by the agents of the Board of Health.

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

SECTION 5. The Board of Health or its agents may require from patients, such reasonable amount of labor as may be approved of by the attending Physicians ; and may further make and publish such rules and regulations as by the said Board may be considered adapted to ameliorate the condition of Lepers, which said rules and regulations shall be published and enforced as in the 284th and 285th Sections of the Civil Code provided.

SECTION 6. The property of all persons committed to the care of the Board of Health, for the reasons above stated, shall be liable for the expenses attending their confinement, and the Attorney General shall institute suits for the recovery of the same when requested to do so by the President of the Board of Health.

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

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

KAMEHAMEHA R.

AN ACT

REGARDING THE QUALIFICATIONS OF ELECTORS.

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

SECTION 1. Every male subject of the Kingdom 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 be possessed of real property in this Kingdom, to the value over and above all incumbrances of one hundred and fifty dollars, or of leasehold property on which the rent is twenty-five dollars per year, or of an income of not less than seventy-five dollars per year, derived from any property or some lawful employment, and shall know how to read and write, if born since the year 1840, and shall have caused his name to be entered on the list of voters of his district, as hereinafter provided, shall be entitled to one vote for the Representative or Representatives of that district; *provided, however,* that no insane or idiotic person, or any person who shall have been convicted of any infamous crime within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to all the rights of a subject, shall be allowed to vote, and no other persons than those qualified as in this Section provided shall be allowed to vote at any election for Representatives to the Legislative Assembly of this Kingdom.

SECTION 2. The Assessors of taxes in the several districts shall keep a correct list of all persons liable to pay taxes in their district, and whether the tax be on real or personal property, and if there be any person in their respective districts who are possessed of sufficient property to justify their voting, in accordance with the provisions of the 62d Article of the Constitution, and yet are disqualified by reason of not knowing how to read and write, or for any other Constitutional reason, they shall note the same carefully on their said lists. And further, if there shall be any person who has not sufficient real property in the Kingdom to justify his voting in accordance

with the said 62d Article, and yet is possessed of the lease-hold or income, which by the said Article will entitle one to vote, the Assessor shall note against such person's name, the extent of his leasehold in time, and the amount of rent agreed to be paid if such person is a lease holder, and if he is entitled to vote by reason of his income, the Assessor shall note such fact, and the employment in which such voter is engaged.

SECTION 3. Every Collector shall keep an accurate list of the persons in his district who have paid the taxes due from, and shall on or before the 25th day of December, return to the Judges of elections of his district, an accurate list of all persons from whom he has received the taxes due subsequent to the time appointed for making his last return.

SECTION 4. Any Assessor or Collector that shall neglect to make such return as in the preceding sections required, shall forfeit and pay for every such neglect one hundred dollars, and every Assessor or Collector that shall make a false return in respect to any point of the said list, shall forfeit and pay for every name so falsely returned the sum of ten dollars.

SECTION 5. The Inspectors of Election, viz : the Tax Collector, the School Superintendant, and the District Justice, or in their absence, agents appointed by them, shall at least ten days before the day of holding any election, make out correct alphabetic lists of all the persons qualified to vote in their district, and cause such lists respectively to be posted at the place where the election is to be held, and at least two other public places in the district.

SECTION 6. The Inspectors shall be in session at some convenient place for a reasonable time within forty-eight hours next preceding the time of holding the election, for the purpose of receiving evidence of the qualifications of persons who may not have been previously registered by the Assessor and Collector, and who claim a right to vote, and for the further purpose of correcting the list of voters. And they shall likewise hold a session on the day of election, at least one hour before the opening of the polls ; and notice of the time and place of holding such sessions shall be given by the Inspectors of Elec-

tion, upon the lists posted, as herein above provided ; and at such sessions any one offering testimony against the right of any person to vote, whose name shall be written on the aforesaid lists, shall be reasonably heard.

SECTION 7. In any town, or voting district, where the number of qualified voters shall exceed one thousand the session of the Inspectors of Elections shall be holden on the day immediately preceding the election, between such hours as they may have given notice of previously by causing the same to be posted as aforesaid in the list of voters ; and the meeting shall be held as much after and for as much longer time previous to the said day of election as the Inspectors of Election shall judge necessary. If the day preceding the election shall fall on Sunday, then the meeting aforesaid shall be holden on the Saturday preceding.

SECTION 8. If any person shall give a false name or any false answer to the Inspectors, when in session as provided in the two preceding sections, he shall forfeit the sum of fifteen dollars for each offense.

SECTION 9. The Inspectors, in case they shall have duly entered on said list of voters the names of all persons who shall have been returned to them by the Collectors aforesaid, shall not be held answerable for any omission in said list, nor for refusing the vote of any person whose name is not borne thereon, unless the person whose name may have been so omitted shall, before offering his vote, furnish them with sufficient evidence of his having the legal qualifications of a voter at such meeting, and shall have requested them to insert his name on said list.

SECTION 10. The Inspectors aforesaid shall receive the votes of all persons whose names are borne on the list of voters ; and they in no manner shall be held answerable for refusing the vote of any person whose name is not on the said list.

SECTION 11. The penalties provided for in this Act shall be recoverable before the several District Justices for the several districts, where the offence may have been committed. And all persons informing of any violation of the law, shall be enti-

tled to one-quarter of the amount of the fine recovered from the convicted offender.

SECTION 12. All laws and parts of laws in contrariety to the provisions of this Act, shall be and the same are hereby repealed.

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

KAMEHAMEHA R.

AN ACT

FOR THE CONSTRUCTION OF STATUTES WHERE THE ENGLISH AND HAWAIIAN VERSIONS DO NOT AGREE.

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

SECTION 1. That whenever there shall be found to exist any radical and irreconcilable difference between the English and Hawaiian version of any of the laws of the Kingdom, which have been, or may hereafter be enacted, the English version shall be held binding.

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

KAMEHAMEHA R.

AN ACT

TO ADMIT COAL FREE OF DUTY.

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

SECTION 1. That from and after the publication of this Act, Coal, when imported into this Kingdom, shall be free of duty.

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

KAMEHAMEHA R.

AN ACT

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

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

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

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

the Commissioners of Crown Lands, hereinafter provided for, to be used to extinguish those mortgages which may remain unsatisfied after the Administrator of his late Majesty's Estate has exhausted all the Estate belonging to his late Majesty, in a private capacity, which the said Administrator may be legally entitled to use for the payment of the debts of the Estate.

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

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

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

SECTION 5. There shall be set apart by the said Commissioners, one-fourth part of the annual revenue of the said Estate, which shall be paid into the Public Treasury, and be devoted first to the payment of the interest on the Exchequer Bonds herein above provided for, and so much of the said fourth part of the said income as may be in excess of the said interest on the said bonds, shall be applied to the payment of the principal of the said bonds, until the entire sum by this Act authorized to be issued shall be fully paid.

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

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

KAMEHAMEHA R.

AN ACT

To MAKE A PERMANENT SETTLEMENT ON HER MAJESTY QUEEN EMMA.

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

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

SECTION 1. That the sum of six thousand dollars shall be paid annually out of the Public Treasury to Her Majesty Queen

Emma, during the term of her natural life, upon condition as in the succeeding section set forth.

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

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

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

KAMEHAMEHA R.

AN ACT

TO MAKE A PERMANENT SETTLEMENT ON HIS HIGHNESS MATAIO KEKUANAOA.

WHEREAS, the public services of His Highness, Mataio Kekuanaoa, the father of his late Majesty Kamehameha IV., his present Majesty Kamehameha V., and Her Royal Highness Princess Victoria Kamamalu Kaahumanu, heir presumptive to the Throne, have now extended over a period of more than forty years, and have been of great value to this nation; *and whereas*, His Highness has lately signified his desire to be freed from the burthen of active duties, in the administration of public affairs, on account of his advanced years; *and whereas*, it is right that, at the close of his long public career, the nation should express its recognition of His Highness' services ; therefore,

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

SECTION 1. That the sum of four thousand dollars per year,

is hereby granted to His Highness, Mataio Kekuanaoa, during the term of his natural life ; and that the Minister of Finance is hereby authorized and required to pay the same out of the Public Treasury, in such proportion as it may be usual to pay any other salaries or allowances due by the Government, whether the same be payable yearly or for fractions of a year.

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

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

KAMEHAMEHA R.

AN ACT

TO CREATE A SINKING FUND.

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

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

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

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

SECTION 4. That interest at the rate of seven per cent. per year be allowed and paid by the Minister of Finance upon all

moneys deposited in the Treasury, in pursuance of the provisions of this Act, and not invested as above provided for.

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

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

KAMEHAMEHA R.

AN ACT

To INDEMNIFY THE MINISTER OF FINANCE.

WHEREAS, it appears from the report of the Minister of Finance, submitted on the 15th of October last, that in consequence of unforeseen emergencies the following sums, viz: For funeral expenses of His Royal Highness, Prince of Hawaii, \$4,569 62 ; for funeral expenses of His Majesty Kamehameha IV., \$17,897 11 ; for expenses of witnesses sent to San Francisco, \$1,000 00 ; for special aid to the Queen's Hospital, \$2,000 00 ; for Royal Mausoleum, \$3,500 00 ; amounting to \$28,966 73, have been appropriated for the above mentioned purposes by votes of the Privy Council ; and whereas, the Minister of Finance has requested to be discharged from further liability on account of said expenditures; therefore,

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

SECTION 1. That the Minister of Finance be, and he is hereby indemnified, and discharged from all liability on account of expenditures above mentioned, and that the same, as inserted in the reports of the expenditures of the Hawaiian Treasury during the two years ending March 31st, 1864, are hereby approved.

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

KAMEHAMEHA R.

RESOLUTION.

Resolved, That the salary which has been passed by the Legislative Assembly for the Second Associate Justice of the Supreme Court, by the amendment of the 846th Section of the Civil Code, shall be paid from the 16th day of February, A. D. 1864, and that an appropriation be made accordingly.

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

KAMEHAMEHA R.

AN ACT

TO ENABLE THE MINISTER OF FINANCE TO PAY THE SALARIES OF THE EMPLOYEES OF GOVERNMENT, AND THE NECESSARY SUPPORT OF PRISONERS UNTIL THE PASSAGE OF THE APPROPRIATION BILL.

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

SECTION 1. That the Minister of Finance be authorized, and is hereby authorized, to pay out of the Treasury whatsoever salaries may be due to the employees of Government, or may be necessary to the support of prisoners, until the passage of the Appropriation Bill.

Approved this 29th day of October, A. D. 1864.

KAMEHAMEHA R.

AN ACT

FOR THE PAYMENT OF THE LEGISLATURE EXPENSES OF 1864.

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

SECTION 1. That the sum of six thousand dollars be, and the

same is hereby appropriated out of the public moneys, for the purpose of defraying the necessary expenses of the Legislature of 1864.

Approved this 18th day of October, A. D. 1864.

KAMEHAMEHA R.

APPROPRIATION BILL FOR 1864-65.

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

SECTION 1. That the following sums, amounting to Five Hundred and Seventy-Four Thousand Five Hundred and Seventy-Four Dollars and Seventy-Four Cents be, and they are hereby appropriated out of any money in the Treasury, for the service of the Biennial Fiscal Period, commencing with April 1st, 1864, and ending with March 31st, 1866, viz. :

CIVIL LIST.

For His Majesty's Privy Purse and Royal State.....	\$34,000 00
His Majesty's Chamberlain and Secretary.....	5,000 00
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	\$39,000 00

FOR PERMANENT SETTLEMENTS.

For Her Majesty Queen Emma.....	\$12,000 00
His Highness M. Kekuanaoa.....	8,000 00
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	\$20,000 00

DEPARTMENT OF THE INTERIOR.

For salary of the Minister.....	\$8,000 00
" " Chief Clerk.....	4,000 00
" " 2nd Clerk.....	3,000 00
Messengers and Watchmen.....	832 00
Governor of Maui.....	3,000 00
" " Oahu.....	3,600 00
" " Kauai.....	2,000 00
Governess of Hawaii.....	2,000 00
Clerk Governor of Oahu.....	500 00
" " Maui.....	600 00
" " Kauai.....	500 00
" " Governess of Hawaii.....	1,200 00
Surveying	800 00

Fire Department of Honolulu.....	5,800 00
Salary of Marshal.....	6,000 00
Sheriff of Maui, including clerk hire, said Sheriff to perform the duties of Postmaster, Collector of Customs, and Harbor Master at Lahaina.....	4,000 00
Sheriff of Hawaii, including clerk hire, said Sherriff to perform the duties of Postmaster, Collector of Customs, and Harbor Master at Hilo.....	4,000 00
Sheriff of Kauai.....	1,600 00
Support of Prisoners.....	9,000 00
Jailer Oahu Prison.....	3,000 00
Police of Oahu.....	13,000 00
" Maui.....	4,128 00
" Hawaii.....	1,968 00
" Kauai.....	1,064 00
Stationery of Police and District Courts.....	500 00
" and incidentals of Department.....	1,000 00
Postmaster General.....	3,600 00
Clerk of Postmaster General.....	1,600 00
Mail Carriers, Kauai.....	300 00
" " Oahu.....	416 00
" " Maui.....	600 00
" " Hawaii.....	1,500 00
Expenses for the Board of Health—for pay of Secretary, Dispensaries, purchase of Vaccine Matter, pay of Vaccinators, expenses of Coroners' Inquests, isolation and care of Lepers, and other sanitary measures.....	30,000 00
Rent of Government Offices.....	2,400 00
Completing copy of Privy Council Records.....	200 00
Government Printing, and the establishment of a News paper.....	15,000 00
Encouragement of Agriculture and Immigration.....	5,000 00
Water Supervisor and Clerk of the Market.....	2,400 00
Pay of Road Supervisors.....	8,000 00
Purchase of Road Stock.....	1,000 00
Road damages.....	500 00
Repair of Roads on Hawaii.....	2,000 00
Repair of Road over the mountain from Wailuku to Lahaina, in the discretion of the Minister of the Interior.	1,000 00

Repairs and alterations of Public Buildings, and repairs on the Queen's Hospital.....	11,250 00
Custom House Sheds.....	850 00
Wharyes, Water Works, Buoys and Harbor of Honolulu	4,000 00
Repair of Wharf, Keawaiki, Lahaina.....	700 00
Anchor and Buoy at Waialua, Oahu.....	400 00
Improvement of the Harbor of Honomalino, Hawaii.....	800 00
Steamer "Pele," all receipts to be paid in the Interior Department.....	12,000 00
Rewards for apprehension of Criminals and Fugitives from Justice.....	3,000 00
Coal Shed or Oil Shed on Waikahalulu.....	1,500 00
Bridges on Oahu.....	1,800 00
" Maui, (Wailuku,).....	753 38
" Maui, in the discretion of the Minister of the Interior.....	700 00
Bridges on Hawaii.....	2,900 00
Dredging Harbor of Honolulu.....	1,600 00
Insane Asylum.....	12,000 00
Completing the Royal Mausoleum.....	8,000 00
	<hr/>
	\$221,961 38

DEPARTMENT OF FOREIGN AFFAIRS.

For salary of the Minister.....	\$8,000 00
Salary Secretary of Department.....	4,000 00
His Majesty's Charge d'Affaires, London.....	1,600 00
Office expenses of Foreign Agents.....	1,600 00
Postage, Stationery and Translations.....	2,000 00
Expenses of Foreign Missions.....	4,000 00
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	\$21,000 00

DEPARTMENT OF FINANCE.

For salary of the Minister.....	\$8,000 00
" " Registrar of Public Accounts.....	4,000 00
" " Collector Gen. of Customs.....	5,000 00
" " Clerk Col. Gen. of Customs.....	3,000 00
Custom House Surveyor and Guard, Honolulu.....	2,400 00
Store Keeper at Honolulu.....	2,000 00
Collector and Harbor Master, Kawaihae.....	400 00
" " " Kealakekua.....	200 00

Assistant Guards at Honolulu and other ports.....	1,200 00
Stationery and incidentals of Custom House.....	1,000 00
Pay of Assessors, 4 per cent.....	10,000 00
Pay of Tax Collectors, 5 per cent.....	6,500 00
Incidentals of Department.....	1,000 00
Rent of Wharf Lot.....	2,000 00
Aid in support of Queen's Hospital.....	10,000 00
Hospital Fund, estimated receipts.....	3,000 00
Lights at Lahaina.....	500 00
Interest on National Debt.....	28,500 00
" School Fund.....	4,800 00
" Scholarships.....	360 00
Endowment of Scholarships.....	1,500 00
Purchase of Custom House Boat, and pay of Boatmen...	916 00
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	\$96,276 00

DEPARTMENT OF WAR.

For the support of the Military.....	\$40,000 00
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DEPARTMENT OF PUBLIC INSTRUCTION.

For salary of the Inspector General.....	\$4,000 00
Salary of Clerk.....	3,000 00
Stationery and incidentals.....	1,000 00
Support of Hawaiian and English Schools, to be expended by the Board of Public Instruction, as per Section 49 of an Act to repeal Chapter 10 of the Civil Code, and to regulate the Bureau of Public Instruction.....	24,000 00
The establishment and support of an Industrial and Reformatory School.....	6,000 00
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	\$38,000 00

DEPARTMENT OF LAW.

For salary of the Chancellor and Chief Justice of the Kingdom.....	\$10,000 00
Salary of 1st Associate Justice of the Supreme Court...	8,000 00
Salary of 2nd Associate Justice of the Supreme Court..	6,125 00
Salary Attorney-General.....	8,000 00
One Circuit Judge, Oahu.....	1,200 00
Salaries of three Circuit Judges on Hawaii, at \$600 each per year.....	3,600 00
Salary of Circuit Judge of Maui	2,400 00

Traveling expenses of Circuit Judge of Maui.....	200 00
Salary of Circuit Judge of Kauai.....	2,000 00
" Police Justice of Honolulu.....	4,000 00
" " " Lahaina.....	2,000 00
" " " Hilo.....	1,600 00
" Clerk Circuit Court 2nd Circuit.....	400 00
" 1st " " 3rd ".....	300 00
" 2d " " " ".....	300 00
" " " 4th ".....	300 00
" " Supreme Court.....	4,000 00
" 2d " " ".....	2,400 00
" Interpreter and Government Translator.....	2,000 00
Expenses of Supreme Court, including expenses of witnesses in criminal cases.....	2,200 00
Expenses of Circuit Court, 2d Circuit, including traveling expenses of Judges and Attorney General.....	1,200 00
Expenses of Circuit Court, 3d Circuit.....	1,000 00
" " " 4th ".....	400 00
Stationery Supreme and Circuit Courts.....	500 00
Purchase of Law Books.....	500 00
Printing 1st Volume of Hawaiian Reports in the Hawaiian language, the 2d Vol. in Hawaiian and English, and reprinting the Penal Code, in both languages, \$3,150—to be drawn from the Appropriation for Government Printing.	
Salary of District Judge, Puna, Hawaii.....	500 00
" " " Kau, ".....	500 00
" " " N. Kona, ".....	500 00
" " " S. Kona, ".....	500 00
" " " N. Kohala, ".....	500 00
" " " S. Kohala, ".....	500 00
" " " Hamakua, ".....	500 00
" " " Wailuku, Maui.....	500 00
" " " Hamakua, ".....	500 00
" " " Hana, ".....	500 00
" " " Kaupo, ".....	500 00
" " " Lanai.....	300 00
" " " Molokai.....	500 00
" " " Ewa and Waianae, Oahu.....	500 00

Salary of District Judge, Waialua and Koolauloa, Oahu	500 00
" " " Koolaupoko, Oahu.....	500 00
" " " Hanalei and Anahola, Kauai..	700 00
" " " Lihue, Kauai.....	500 00
" " " Koloa, "	500 00
" " " Waimea, Kauai, and Niihau..	500 00
	\$74,625 00

MISCELLANEOUS EXPENDITURES.

Convention expenses.....	\$1,000 00
Temporary provision for L. Andrews.....	2,000 00
Temporary provision for John Ii.....	2,000 00
Secretary of Privy Council, \$5 each meeting.....	200 00
Stationery and incidentals of Privy Council	100 00
Purchase of Royal Yacht, and expenses of His Majesty's Royal progress.....	7,173 34
Expenses of Legislature.....	7,000 00
Estate of J. Dunn.....	408 61
Estate of Bradney.....	391 86
Estate of Takalaihi.....	28 21
Unpaid salaries, (as per Table C.).....	552 00
For payment of what salary may be found due to the Circuit Judges of Oahu, up to the date of the Approp- riation Bill, the same to be ascertained and paid by the Minister of Finance.....	1,200 00
For balance due on Her Majesty Queen Emma's perma- nent settlement, from the 30th day of November, A. D. 1863, to the 31st day of March, A. D. 1864, as per Section 3 of Act entitled "An Act to make perma- nent settlement on Her Majesty Queen Emma.".....	1,333 34
For balance due the Attorney General.....	125 00
	\$23,512 36

RECAPITULATION.

Civil List.....	\$39,000 00
Permanent Settlements.....	20,000 00
Foreign Department.....	21,200 00
Interior Department.....	221,961 38
Finance Department.....	96,276 00
War Department.....	40,000 00

Department of Public Instruction.....	38,000 00
Judiciary Department.....	74,625 00
Miscellaneous Expenditures.....	23,512 36
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	\$574,574 74

SECTION 2. The Minister of Finance shall credit to the appropriations of 1862 and 1863 all the amounts appropriated by the Act approved August 23d, 1862, and remaining unexpended on the 31st of March, 1864, not otherwise specifically re-appropriated ; and such amounts shall be deemed no longer available for the objects for which they were originally appropriated.

SECTION 3. The Minister of Finance shall continue to pay the salaries appropriated by this Act, the compensation of soldiers and constables, the expenses of the Fire Department, of the Supreme and Circuit Courts, Exchequer Bills and Government Stocks, and the interest accruing thereon, together with the interest on the School Fund invested in the Treasury, until the 30th day of June, 1866, unless new appropriations are made previous to that date.

SECTION 4. The Minister of Finance shall not cause, or allow to be paid out of the Treasury, any money for objects not provided for by this Law ; *provided, however,* that all sums temporarily deposited in the Treasury, for which certificates of deposit are issued, and the interest thereon, may be paid when due, without special appropriation for that object ; *and provided further,* that in the event of war, invasion, rebellion, pestilence, or other public disaster arising, His Majesty, in Privy Council, may appropriate such amounts as may be necessary to meet such emergency, and the Minister of Finance shall render to the next Legislature a detailed account of the same.

SECTION 5. It shall be lawful for the Heads of Departments, in case where special appropriations may fall short, to apply to the same the surplus of other special appropriations not required to be expended, so as to make up the deficiency, each Head of Department duly accounting to the Legislature for such transfer ; but in no case shall the appropriations for internal improvements in one gubernatorial division be transferred to another.

SECTION 6. No person holding one or more offices, for which salaries may be provided, shall be authorized to draw for more than the salary of the highest grade of office held by him, if the salary of either of the offices held by him, shall amount to two thousand dollars or more per annum, and he shall be entitled to no other or further compensation.

SECTION 7. This Act shall take effect and be in force from and after the day of its passage.

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

KAMEHAMEHA R.

CONSTITUTION

**GRANTED BY HIS MAJESTY KAMEHAMEHA V., BY THE GRACE OF
GOD, KING OF THE HAWAIIAN ISLANDS, ON THE TWENTIETH DAY
OF AUGUST, A. D. 1864.**

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, except such laws as may be necessary for the protection of His Majesty the King and the Royal Family.

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 Legislative Assembly 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 offence, 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 offence, (except in cases of impeachment, or for offences 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 offence, 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 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 offence, of which he has been duly convicted, or of which he has been duly acquitted upon a good and sufficient indictment.

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 is interested, either as plaintiff or defendant, or in the issue of which the said judge or juror, may have, either directly or through a 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, but 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 King conducts His Government for the common good; and not for the profit, honor, or private interest of any one man, family, or class of men among His subjects.

ARTICLE 14. Each member of society has a right to be pro-

tected by it, 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 an equivalent when necessary ; but no part of the property of any individual shall be taken from him, or applied to public uses, without his own consent, or the enactment of the Legislative Assembly, except the same shall be necessary for the military operation of the Kingdom in time of war or insurrection ; and whenever the public exigencies may require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

ARTICLE 15. No subsidy, duty or tax of any description shall be established or levied, without the consent of the Legislative Assembly ; nor shall any money be drawn from the Public Treasury without such consent, except when between the sessions of the Legislative Assembly 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 Legislative Assembly.

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 cases 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 Judge of a

Court of Record shall ever be a member of the Legislative Assembly.

ARTICLE 21. The Government of this Kingdom is that of a Constitutional Monarchy, under His Majesty Kamehameha V., His Heirs and Successors.

ARTICLE 22. The Crown is hereby permanently confirmed to His Majesty Kamehameha V., 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 Victoria Kamamalu Kaahumanu, 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, then the successor shall be the person whom the Sovereign shall appoint with the consent of the Nobles, and publicly proclaim as such during the King's life; but should there be no such appointment and proclamation, and the Throne should become vacant, then the Cabinet Council, immediately after the occurring of such vacancy, shall cause a meeting of the Legislative Assembly, 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 Kamehameha V. will, and His Successors upon coming to the Throne, 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 ; and has full power by Himself, or by any officer or officers He may appoint, to train and govern such forces, as He may judge best for the defense and safety of the Kingdom. But he shall never proclaim war without the consent of the Legislative Assembly. •

ARTICLE 27. The King, by and with the advice of His Privy Council, has the power to grant reprieves and pardons, after conviction, for all offences, except in cases of impeachment.

ARTICLE 28. The King, by and with the advice of His Privy Council, convenes the Legislative Assembly at the seat of Government, or at a different place, if that should become dangerous from an enemy, or any dangerous disorder; and in case of disagreement between His Majesty and the Legislative Assembly, he adjourns, prorogues, or dissolves it, but not beyond the next ordinary Session ; under any great emergency, he may convene the Legislative Assembly to extraordinary Sessions.

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 Legislative Assembly. The King appoints Public Ministers, who shall be commissioned, 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 Legislative Assembly 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 sa-

cred. His Ministers are responsible. To the King belongs the Executive power. All laws that have passed the Legislative Assembly, shall require His Majesty's signature in order to their validity.

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 Council at the time of such decease shall be a Council of Regency, until the Legislative Assembly, which shall be called immediately, may be assembled, and the Legislative Assembly immediately that it is assembled shall proceed to chose 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 he 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; the Kingdom is His.

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's private lands and other property are inviolable.

ARTICLE 40. The King cannot be sued or held to account in any Court or Tribunal of the Realm.

ARTICLE 41. 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, and for assisting him in administering the Executive affairs of the Government, in such manner as He may direct ; 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.

ARTICLE 42. The King's Cabinet shall consist of the Minister of Foreign Affairs, the Minister of the Interior, the Minister of Finance, and the Attorney General of the Kingdom, and these 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 hold office during His Majesty's pleasure, subject to impeachment. No act of the King shall have any effect unless it be countersigned by a Minister, who by that signature makes himself responsible.

ARTICLE 43. Each member of the King's Cabinet shall keep an office at the seat of Government, and shall be accountable for the conduct of his deputies and clerks. The Ministry hold seats *ex officio*, as Nobles, in the Legislative Assembly.

ARTICLE 44. The Minister of Finance shall present to the Legislative Assembly in the name of the Government, on the first day of the meeting of the Legislature, the Financial Budget, in the Hawaiian and English languages.

ARTICLE 45. The Legislative power of the Three Estates of this Kingdom is vested in the King, and the Legislative Assembly ; which Assembly shall consist of the Nobles appointed by the King; and of the Representatives of the People, sitting together.

ARTICLE 46. The Legislative Body shall assemble biennially, in the month of April, and at such other time as the King may,

judge necessary, for the purpose of seeking the welfare of the Nation. This Body shall be styled the Legislature of the Hawaiian Kingdom.

ARTICLE 47. Every member of the Legislative Assembly shall take the following oath : I most 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 this Assembly.

ARTICLE 48. 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 provisions of the Constitution.

ARTICLE 49. The King shall signify His approval of any Bill or Resolution, which shall have passed the Legislative Assembly, by signing the same previous to the final rising of the Legislature. But if He shall object to the passing of such Bill or Resolution, He will return it to the Legislative Assembly, who shall enter the fact of such return on its journal, and such Bill or Resolution shall not be brought forward thereafter during the same session.

ARTICLE 50. The Legislative Assembly shall be the judge of the qualifications of its own members, 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 Assembly may provide.

ARTICLE 51. The Legislative Assembly shall chose its own officers and determine the Rules of its own proceedings.

ARTICLE 52. The Legislative Assembly shall have authority to punish by imprisonment, not exceeding thirty days, every person, not a member, who shall be guilty of disrespect to the Assembly, 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 Assembly ; or who shall assault any of them therefor, or who shall assault

or arrest any witness, or other person ordered to attend the Assembly, in his way going or returning ; or who shall rescue any person arrested by order of the Assembly.

ARTICLE 53. The Legislative Assembly may punish its own members for disorderly behavior.

ARTICLE 54. The Legislative Assembly 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 55. The Members of the Legislative Assembly 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 ; and they shall not be held to answer for any speech or debate made in the Assembly, in any other Court or place whatsoever.

ARTICLE 56. The Representatives shall receive for their services a compensation to be ascertained by law, and paid out of the Public Treasury, but no increase of compensation shall take effect during the year in which it shall have been made; and no law shall be passed, increasing the compensation of said Representatives beyond the sum of One Hundred and Fifty Dollars for each session.

ARTICLE 57. The King appoints the Nobles, who shall hold their appointments during life, subject to the provisions of Article 53 ; but their number shall not exceed twenty.

ARTICLE 58. No person shall be appointed a Noble who shall not have attained the age of twenty-one years and resided in the Kingdom five years.

ARTICLE 59. 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 the 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. No Minister shall sit as a Noble on the trial of any impeachment.

ARTICLE 60. The Representation of the People shall be based upon the principle 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. The Representatives shall not be less in number than twenty-four, nor more than forty, who shall be elected biennially.

ARTICLE 61. No person shall be eligible for a Representative of the People, who is insane or an idiot ; nor 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—who shall understand accounts—and 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 incumbrances, of at least Five Hundred Dollars ; or who shall have an annual income of at least Two Hundred and Fifty Dollars, derived from any property, or some lawful employment.

ARTICLE 62. Every male subject of the Kingdom, 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 be possessed of Real Property in this Kingdom, to the value over and above all incumbrances of One Hundred and Fifty Dollars—or of a Lease-hold property on which the rent is Twenty-five Dollars per year—or of an income of not less than Seventy-Five Dollars per year, derived from any property or some lawful employment and shall know how to read and write, 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 no insane or idiotic person, nor any person who shall have been convicted

of any infamous crime within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to all the rights of a subject, shall be allowed to vote.

ARTICLE 63. The property qualification of the Representatives of the People, and of the Electors, may be increased 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 the Legislative Assembly, for good cause shown to the satisfaction of the King. The Judge against whom the Legislative Assembly 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 Legislative Assembly shall act thereon. He shall be heard before the Legislative Assembly.

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 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 Legislative Assembly, 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 can sit alone on an appeal or new trial, in any case on which he may have given a previous judgment.

ARTICLE 73. No person shall ever hold any office of Honor, Trust, or Profit under the Government of the Hawaiian Islands, who shall, in due course of law, have been convicted of Theft, Bribery, Perjury, Forgery, Embezzlement, or other high crime or misdemeanor, 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 appointable 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 rev-

enue 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 Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled."

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. 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 79. This Constitution shall be in force from the Twentieth day of August in the year One Thousand Eight Hundred and Sixty-Four, 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, until other persons shall be appointed in their stead.

ARTICLE 80. Any amendment or amendments to this Constitution may be proposed in the Legislative Assembly, 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 if in the next Legislature such proposed amendment or amendments shall be agreed to by two-thirds of all the members of the Legislative Assembly, and be approved by the King, such amendment or amendments shall become part of the Constitution of this country.

KAMEHAMEHA R.

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