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Legislative Assembly of the Hawaiian Islands
1888-1889 (KALAKAUA I)

LAWS OF HIS MAJESTY KALAKAUA I.

KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

LEGISLATIVE ASSEMBLY

AT ITS SESSION

1888.

Printed by Order of the Government.

HONOLULU:
GAZETTE PUBLISHING COMPANY.

1888.

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SESSION LAWS OF 1888.

CHAPTER I.

AN ACT

To APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE LEGISLATIVE SESSION OF THE YEAR 1888, FROM THE PUBLIC TREASURY.

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

SECTION 1. There shall be and there hereby is appropriated the sum of twenty-five thousand dollars (\$25,000) from the Public Treasury for the purpose of defraying the expenses of the Legislative Session of the year 1888.

Approved this fourth day of June, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER II.

AN ACT

To AUTHORIZE THE CHIEF CLERK OF THE INTERIOR DEPARTMENT TO SIGN LICENSES.

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

All licenses which now are, or which hereafter may be, by law, granted by the Minister of the Interior, shall be signed by either the Minister of the Interior or the Chief Clerk of the Interior Department.

Approved this fourth day of June, A. D. 1888.

KALAKAUA REX.

BY THE KING :

L. A. THURSTON,

Minister of the Interior.

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CHAPTER III.

AN ACT

To PROVIDE FOR THE REGISTRATION OF COPYRIGHTS.

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

SECTION 1. That from and after the date of the passage of this Act the author of any map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing, or statue, or the author of any model or design intended to be perfected and completed as a

work of the fine arts, or the heirs, executors or administrators of a deceased author thereof, may procure a certificate of copyright therefor in the manner hereinafter provided.

SECTION 2. Before anyone shall receive a certificate of copyright an application therefor shall be filed in the Office of the Minister of the Interior verified by oath of the applicant that such applicant is the original and first author of the map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing, statue, model or design intended to be perfected and completed as a work of the fine arts, upon which a certificate of copyright is applied for, or if such application shall be made by the legal representative of a deceased author such representative shall make oath that he believes that the said deceased author was the original and first author of the said map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing or statue, or the model or design intended to be perfected and completed as a work of the fine arts, and such applicant shall state of what country he is a citizen. Such application shall be accompanied by said oath and by a copy of the said map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing or statue, or the model or design intended to be perfected and completed as a work of the fine arts, if the same shall have been published, or if the same shall not have been published, a copy of the title thereof. All such copies shall be preserved in the Department of the Interior, and all such titles shall be recorded in a book to be kept for that purpose in said Department. If the said map, book, chart, musical composition, print, cut, engraving, photograph, painting,

drawing or statue, or if the said model or design intended to be perfected and completed as a work of the fine arts shall not have been published at the time of filing said application, the person or persons making said application shall in order to the validity of the certificate of copyright provided in Section 4 of this Act, deliver or cause to be delivered to the Minister of the Interior a copy of such map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing or statue, or of the model or design intended to be perfected and completed as a work of the fine arts, within one month after the publication thereof in this Kingdom.

SECTION 3. Upon filing such application the applicant shall pay to the Minister of the Interior a fee of Five Dollars.

SECTION 4. Upon the filing of such application so accompanied, and the payment of such fee, the Minister of the Interior shall cause to be issued to the applicant a Certificate of Copyright under the seal of the Department of the Interior granting to him and to his heirs, executors, administrators and assigns the exclusive right to print, reprint, publish, use and vend the said map, book, chart, musical composition, print, cut, engraving, photograph, painting, drawing or statue, or the said model or design intended to be perfected and completed as a work of the fine arts, throughout the Hawaiian Kingdom for the term of twenty years from the date thereof.

SECTION 5. No person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in each copy of his map, book, chart, musical composition, print, cut, engraving,

photograph, painting, drawing or statue, or in his model or design intended to be perfected and completed as a work of the fine arts, on the title page or on the page immediately following it, if it be a book, or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, or statue, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some visible portion thereof or of the substance on which the same shall be mounted the words "*Hawaiian Copyright*" and the name of the person to whom the Certificate of Copyright was issued and its date thus: "*Hawaiian Copyright by A. B., June 10, 1888.*"

SECTION 6. In the construction of this Act the words "print," "cut," and "engraving" shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be certified under the copyright law.

SECTION 7. An Act entitled "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" approved the 31st day of December, 1864, and all other laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

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

Approved this twenty-third day of June, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER IV.

AN ACT

To PROVIDE FOR THE REGISTRATION OF PRINTS, LABELS AND TRADE MARKS.

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

SECTION 1. Any person or firm or any corporation desiring to secure the exclusive use of any print, label or trade mark intended to be attached or applied to any goods or manufactured articles, or to bottles, boxes or packages containing such goods or manufactured articles to indicate the name of the manufacturer, the contents of the packages, the quality of the goods or directions for use, may obtain a certificate of the registration of such print, label or trade mark in the manner hereinafter provided.

SECTION 2. Before anyone shall receive a certificate of the registration of a print, label or trade mark, he shall file in the office of the Minister of the Interior an application for the registration of such print, label or trade mark with a declaration verified by the oath of the applicant ; or, if the application be made by a firm or a corporation, by the oath of a member of such firm, or an officer of such corporation, that he is or they are, the sole and original proprietor or proprietors, or the assign or assigns of such proprietor or proprietors of the goods or manufactured articles for which such print, label or trade mark is to be used, and describing such goods and manufactured articles, and the manner in

which such print, label or trade mark is to be used. Said application shall be accompanied by two exact copies of such print, label or trade mark.

SECTION 3. Upon filing such application, the applicant or applicants shall pay to the Minister of the Interior a fee of five dollars.

SECTION 4. Upon receiving such application so accompanied, and the payment of such fee, the Minister of the Interior shall cause the said print, label or trade mark to be recorded in a book to be kept for that purpose, and shall issue to the applicant or applicants a certificate of registration under the seal of the Department of the Interior; and such certificate of registration shall secure to the applicant or applicants the exclusive use of the said print, label or trade mark throughout the Hawaiian Islands for the term of twenty years from the date thereof.

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

Approved this twenty-third day of June, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER V.

AN ACT

To REPEAL CHAPTER LIII OF THE PENAL CODE.

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

SECTION 1. Chapter LIII of the Penal Code, relating to and providing for rewards to sheriffs, constables and other prosecutors, in certain cases, shall be and the same is hereby repealed.

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

Approved this twenty-third day of June, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER VI.

AN ACT

To CONFER UPON NOTARIES PUBLIC THE POWER TO ADMINISTER OATHS.

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

Every Notary Public of this Kingdom is hereby authorized to administer oaths in all cases in which oaths are by law authorized or required to be taken or

administered, or in which the administering of an oath may be proper; and all oaths heretofore administered by Notaries Public are hereby declared valid and binding.

A fee of twenty-five cents shall be charged for such administration of an oath, including the certificate of such oath.

Approved this twenty-third day of June, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER VII.

AN ACT

PROVIDING FOR PRISON INSPECTORS, AND DEFINING THEIR DUTIES AND POWERS.

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

SECTION 1. The Minister of the Interior, with the approval of the Cabinet, shall, within sixty days after the passage of this Act, appoint three persons on the Island of Oahu to be Inspectors of prisons, who shall constitute a Board of Prison Inspectors. Such Inspectors shall hold office until July, 1890, and thereafter in the month of July of each alternate year the said Minister shall in like manner appoint three inspectors, who shall hold office for two years. Any inspector shall be eligible for re-appointment.

SECTION 2. In case any inspector shall die, resign, depart from the Kingdom to reside abroad, or become incapacitated to serve upon such board, the Minister of the Interior shall declare the office of such inspector vacant, and shall, with the approval of the Cabinet, appoint some other person to fill such vacancy, and to serve for the remainder of the term of the inspector whose office has so become vacant.

SECTION 3. All inspectors appointed under the provisions of this Act shall serve without pay, but they may incur such reasonable expense for clerk hire, traveling expenses, or other incidentals as the Minister of the Interior shall approve. All such expenses shall be paid from the appropriations for prisons or support of prisoners.

SECTION 4. As soon as convenient after the appointment of each board of inspectors, they shall organize and appoint one of their number to be chairman of the Board, and another secretary. They shall hold a regular meeting once each month, and special meetings whenever called by any member of the Board. They may adopt rules and regulations for their own guidance, and shall keep a record of their proceedings and doings in a proper book or books. A majority of the Board shall constitute a quorum.

SECTION 5. The books of record of each Board of Inspectors shall, at the expiration of the term of office of such Board, be delivered to the Minister of the Interior, who shall preserve the same in the archives of the department of the Interior.

SECTION 6. Such inspectors, or a majority of them, shall visit Oahu Prison once each month, and oftener if they deem it expedient; and any of them may visit said

prison at any time. They, or any of them, with the approval of a majority of the Board, may visit and inspect any prison or jail of the Kingdom at any time, and may have access to every part of such prisons or jails, and to the books, papers, records and accounts of the same.

SECTION 7. It shall be the duty of the Board of Inspectors to supervise the discipline and government of the Oahu Prison, and, in their discretion from time to time, provide rules and regulations not contrary to law for any or all of the prisons and jails of the Kingdom. In performing these duties they shall consult with the Marshal of the Kingdom and the Minister of the Interior upon all important matters, but the decision of a majority of the Board shall control.

SECTION 8. It shall be the duty of the Board of Inspectors, on consultation with the jailor, to prescribe the punishments to be inflicted upon prisoners for the breach of prison rules or other misconduct. They shall in like manner decide who are entitled to the commutation provided by law for good behavior, and who shall be deprived of such commutation in whole or in part. They shall in like manner also have the power to restore in whole or in part to any prisoner the commutation which such prisoner shall have lost.

SECTION 9. The Board of Inspectors shall seek to improve the discipline of the prisons and the condition of the prisoners, and extend all reasonable inducements not contrary to law for good behavior. They may, in their discretion, classify the prisoners, designating the grade to which each shall belong; the privileges not inconsistent with the law which may be granted them, and the garb which they shall wear.

SECTION 10. The Board of Inspectors shall, in the months of January and July of each year, present to the Minister of the Interior a report of the condition of Oahu Prison and the prisoners there confined, and of the doings of the Board during the previous six months, and the condition of all other prisons and jails and prisoners of the Kingdom, so far as they have information relating to them. They shall submit with such report a copy of all rules and regulations which they have made, amended or rescinded during such period. They may also add any information or suggestions they deem advisable. Such reports shall be signed by at least two of the members of the Board of Inspectors, and be published in the English and Hawaiian languages in suitable weekly newspapers in Honolulu. They shall also present a report to the Legislature at each regular session of the same, making such suggestions and recommending such legislation relating to the prisons and prisoners as they deem expedient.

SECTION 11. All laws and parts of laws inconsistent herewith are hereby repealed.

Approved this twenty-third day of June, A. D. 1888.

KALAKAUA REX.

BY THE KING;

L. A. THURESTON,

Minister of the Interior.

CHAPTER VIII.

AN ACT

To PROVIDE FOR AND REGULATE THE INTERNAL POLICE OF THE KINGDOM.

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

SECTION 1. The Attorney-General shall have the care, supervision and control of the entire internal police of the Kingdom, subject to the provisions of this Act.

SECTION 2. There shall be a Marshal of the Kingdom, hereinafter named the Marshal. He shall be the Chief of Police for the Kingdom, and shall be responsible to the Attorney-General. He shall have the supervision and control of the sheriffs and subordinate officers of the internal police. He shall hold office subject to removal by the Attorney-General, with the approval of the Cabinet ; and he may be removed for cause by the Supreme Court, or by a majority of the Justices thereof. Any vacancy which shall hereafter occur in the office of Marshal shall be filled by commission from the King, by and with the advice and consent of the Cabinet, upon the nomination of the Attorney-General.

SECTION 3. Any person who shall be hereafter so nominated and commissioned to the office of Marshal shall, before entering upon the duties of such office, execute and deliver to the Attorney-General a bond in a penal sum of not less than five thousand dollars (\$5,000), with sufficient surety or sureties, to be approved by any Justice of the Supreme Court, and such

approval to be by such Justice endorsed on said bond, conditioned for his faithful execution of all process directed to him by any of the Courts of the Kingdom; for the faithful accounting for and due return of all fines, penalties and moneys collected by him; for the safe-keeping of all prisoners duly committed to his custody; and for the faithful performance of all other duties of his office; and that he will take only the lawful fees of his office.

The Attorney-General, with the approval of any Justice of the Supreme Court, or a majority of the Justices of the Supreme Court, may, as occasion may require, exact additional bonds or increased security from the Marshal, conditioned as above, provided not more than twenty thousand dollars (\$20,000) in all shall be thus exacted. The bond or bonds given as herein provided shall be filed and preserved in the office of the Clerk of the Supreme Court.

SECTION 4. There shall be a sheriff for the Island of Hawaii, a sheriff for the Islands of Maui, Molokai, Lanai, and Kahoolawe, and a sheriff for the Islands of Kauai and Niihau, who shall have and exercise the care, supervision and control of the police within their respective jurisdictions, subject, however, to the superior control of the Marshal and the Attorney-General.

SECTION 5. The respective sheriffs shall be appointed by the Marshal, by and with the approval of the Attorney-General, to be endorsed on the commission of the sheriff so appointed.

They shall hold their offices subject to removal by the Marshal, with the approval of the Attorney-General.

SECTION 6. The respective sheriffs shall give bonds with sufficient sureties, to the Attorney-General, in a penal sum of not less than three thousand dollars

(\$3,000). Such bonds shall be conditioned, and may be increased or new bonds or other sureties exacted, as provided in the case of the Marshal in Section 3 of this Act, provided that not more than ten thousand dollars (\$10,000) in the aggregate shall be exacted in bonds from any sheriff. Such bonds shall be filed and preserved in the office of the Clerk of the Supreme Court.

SECTION 7. In case of any breach of the condition of any bond so furnished by the Marshal, or by any Sheriff, any person thereby injured may institute a suit upon such bond in his own name and for his sole use, or for the use of any person or persons whom he therein represents, and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue in favor of such person. Such bond shall, after any judgment rendered thereon, remain as a security for the benefit of any person injured by the breach of any condition thereof until the whole penalty shall have been recovered. No suit upon any such bond shall be commenced later than two years after the right of action shall have accrued, provided that infants, femmes coverts and persons non-compos may sue upon or in respect thereof within one year after their disabilities shall cease.

SECTION 8. The Marshal shall, with the approval of the Attorney-General, appoint and commission not more than two Deputies Marshal, for whose acts and defaults the Marshal shall be responsible upon his official bond. Each Deputy Marshal so appointed shall be authorized to do or perform any act or thing required by law to be done or performed by the Marshal. The Marshal shall exact from his deputies bonds of indemnity with sufficient sureties for the due and faithful discharge of their

duties, which bonds may be in any amount not to exceed ten thousand dollars (\$10,000), that shall be approved by the Attorney-General.

SECTION 9. It shall be the duty of the Marshal, and of the several sheriffs within their respective jurisdictions, to preserve the public peace, to have charge of all jails and prisons, to safely keep all persons committed to their charge, to execute all lawful precepts and mandates directed to them by any Judge, Court, Minister or other person thereunto authorized ; to arrest fugitives from justice, as well as all criminals and violators of the laws ; and generally to perform all such other duties as may be imposed upon them by law, for any of which purposes they may command all necessary assistance, civil or military.

SECTION 10. The Marshal for and within the Island of Oahu, subject to the approval of the Attorney-General, and the several Sheriffs for and within their respective jurisdictions, subject to the approval of the Marshal, may appoint such deputies sheriff and other police officers as occasion may require, and may dismiss them in their discretion ; and may in like manner apportion the duties, and adjust the compensation of such officers, except as otherwise provided by law : Provided, however, that the number of regular police officers or constables shall not exceed, for the Island of Oahu, one hundred ; for the Islands of Maui, Molokai, Lanai and Kahoolawe, eighty ; for the Island of Hawaii, one hundred ; for the Islands of Kauai and Niihau, forty ; and further provided, that nothing in this section contained shall be construed to prevent the appointment of any number of special constables to serve without pay, except that for service during any emergency such special

officers may be paid, in the discretion of the officer by whom they were appointed to serve during such emergency, if such payment be approved by the Attorney-General.

SECTION 11. The Marshal and the several Sheriffs may exact from the deputies sheriff appointed by them respectively private bonds of indemnity, and shall be severally responsible for the official acts of such deputies.

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

SECTION 13. Any police officer or constable appointed to, or holding office under this Act may be removed at any time by any Judge of a Court of Record, or by the Police Justice of Honolulu (if the officer so sought to be removed shall be a member of the police force for the Island of Oahu) for incompetency, corruption or misbehavior in office.

SECTION 14. In all cases in which the Marshal or any sheriff, deputy sheriff or constable shall be a party, plaintiff or defendant, to any suit or cause pending in any court of the Kingdom, the officer so interested shall not be competent to execute any process in such suit,

and the court, when necessary, may appoint some disinterested person to act as a substitute for such officer, to execute such process, who shall, in all respects, be accountable to the court for his conduct.

SECTION 15. In case of the death, resignation or removal from office of the Marshal or any Sheriff without having executed, or having executed only in part, any process in his hands, the execution of such process may be effected or completed by the deputy of such Marshal or Sheriff, or by such other police officer as shall be thereunto appointed by the Attorney-General; provided, that if a successor to such Marshal or Sheriff shall be appointed, such successor shall be responsible for the completion of the execution of such process, from the point to which the same had progressed at the time of his assumption of such office. The power hereby conferred shall extend to the execution, acknowledgment and delivery by such deputy or other designated police officer as aforesaid, or by the successor of such Marshal or Sheriff as aforesaid, of all deeds or other instruments of conveyance.

SECTION 16. The Marshal and the respective Sheriffs shall file all warrants, mittimuses, processes and other official papers, or the attested copies of them, by which any prisoner shall have been committed or liberated, and they shall be safely kept in a suitable box or safe, and upon the death, resignation or removal from office of such Marshal or Sheriff, shall be delivered, together with all other official records, papers and journals, to his successor, or to any other officer or person duly appointed to receive them; and in default of such delivery, such Marshal or Sheriff, if living, may be held liable for embezzlement, as provided by Section 2 of Chap-

ter XVIII. of the Penal Code, and shall also be civilly liable in damages to any person or persons who shall be injured by such non-delivery. If such Marshal or Sheriff shall be dead, such civil liability shall attach to his personal representatives and the sureties upon his official bond, jointly and severally. In addition to such civil liability as aforesaid, such Marshal or Sheriff or their personal representatives and sureties on their official bonds shall forfeit and pay for each such default in delivery the sum of two hundred dollars, to be recovered for the use of the public Treasury.

SECTION 17. All process of any court of record shall be addressed to the Marshal or to any Sheriff or their deputies, except as may be otherwise provided by law, and it shall be the duty of the Marshal or Sheriff and their deputies to execute the same at their peril, according to the tenor thereof; and they shall not be liable for any damages resulting from the execution of such process.

SECTION 18. The Marshal, any Sheriff, Deputy Sheriff or other police officer may decline to levy upon or sell the alleged property of any person against whose goods and effects an execution or other similar writ may issue, unless the party beneficially interested in such writ shall, upon request, tender to such officer a sufficient bond of indemnity against the claims of third parties.

SECTION 19. The respective Sheriffs shall, quarterly, render in duplicate a true and itemized account of all fees, fines and other money which they shall have received by virtue of their office, one copy of which shall be forwarded to the Attorney-General, and one to the Marshal, by whom respectively such reports shall be filed and preserved.

SECTION 20. The Marshal shall, quarterly, render to the Attorney-General a true and itemized account of the whole amount of money received by him, in which statement the moneys received to his own use and benefit shall be stated separately from those received to the use or on account of the Government or of private parties. He shall, in like manner and at like intervals, as well as at any other time when the Attorney-General shall so request, report to the Attorney-General concerning such other matters appertaining to the administration of the Police Department as the Attorney-General may deem proper.

SECTION 21. Any Court of Record may inquire, by proceedings of quo warranto, into the validity of the appointment or claim by which any person shall hereafter hold, or claim to hold, or exercise the functions, or receive or enjoy the privileges or emoluments of the office of Marshal, Sheriff, Deputy Sheriff, or any other office hereinbefore provided for. The proceedings upon such inquiry shall conform as nearly as may be to the forms prescribed in the case of a writ of quo warranto to a person who claims or usurps an office in a corporation, as provided by Chapter XXXIX of the Session Laws of 1876. Such proceedings may be instituted by either the Attorney-General in his official capacity, or by any private person having any interest in such inquiry.

SECTION 22. The Marshal, Sheriffs, and all police officers, who shall be in office when this Act shall become law shall continue in office, subject to its provisions.

SECTION 23. This Act shall be a law from and after the date of its approval. Sections 257 to 274 inclusive,

and Sections 276 and 277 of the Civil Code, an Act entitled "An Act to transfer the supervision of the police and executive officers of the law from the Department of Interior to that of the Attorney-General," approved May 13, 1868, and all other laws and parts of laws inconsistent herewith are hereby repealed.

Approved this twenty-third day of June, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER IX.

AN ACT

PROVIDING FOR THE COMMUTATION OF TERMS OF IMPRISONMENT OF PRISONERS IN CERTAIN CASES.

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

SECTION 1. Every prisoner confined in any prison or jail of the Kingdom, under sentence of hard labor imposed by any Court of the Kingdom, may, for continued good behavior or meritorious conduct while serving out his sentence, be allowed the following deductions for each three months of his term, that is to say :

First three months, seven days.

Second three months, eight days.

Third three months, nine days.

Fourth three months, ten days, and so on at the same

increasing rate of one day additional for each succeeding three months.

SECTION 2. Any prisoner sentenced to pay a fine and who is confined at hard labor because of his failure to pay his fine, according to law, may be allowed a commutation at the rate provided for prisoners sentenced to hard labor, such commutation to be allowed for the time actually served in prison.

SECTION 3. Any prisoner may, for misconduct or other sufficient cause before his discharge, forfeit the whole or a part of the commutation which he has been allowed, and, for subsequent good conduct, meritorious behavior or other sufficient reasons, the whole or a part of the commutation so forfeited may be again allowed to such prisoner.

SECTION 4. The granting, withholding, forfeiting and restoring of the commutation provided by this Act, shall be discretionary with the Board of Prison Inspectors.

As to prisoners confined in the prisons of the Kingdom other than Oahu Prison, the Board of Prison Inspectors may delegate to such prison officers or other persons as they deem best the power to grant, withhold, forfeit and restore commutation of prisoners confined in such prisons, and such power to revoke at their discretion.

SECTION 5. At some suitable time during the months of January, April, July and October of each year the Board of Prison Inspectors shall cause each prisoner to be informed of the commutation granted, withheld, forfeited, or restored to, from or by him, during the previous three months, giving the reasons for such granting, withholding, forfeiting or restoring of the commutation. And the said inspectors may, in their discre-

tion, cause the standing of each prisoner to be made known to any or all of the other prisoners in the prison.

SECTION 6. A record shall be kept and preserved in a suitable book or books at each prison, to be styled the Commutation Book, in which shall be entered the name of every prisoner under sentence who is confined in such prison. In such book shall be entered upon a separate page the name of each prisoner, under which shall be entered a careful record of his conduct and of the commutation which has been granted, withheld, forfeited or restored to, from or by him with reason or reasons for such granting, withholding, forfeiting or restoring of the commutation. Such records or true copies of them shall be shown in Privy Council when considering petitions for Royal clemency.

SECTION 7. The commutation provided by this Act may be allowed to prisoners sentenced before this Act shall become law, but shall be allowed only from the date of its approval. The days commuted to any prisoner before the date of the approval of this Act, under the commutation heretofore allowed by law, shall be noted upon the record of such prisoner and added to the commutation allowed him under the provisions of this Act.

SECTION 8. All laws and parts of laws inconsistent herewith are hereby repealed.

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

Approved this twenty-third day of June, A. D. 1888.

KALAKAUA REX.

BY THE KING :

L. A. THURSTON,

Minister of the Interior.

CHAPTER X.

AN ACT

To AMEND AN ACT TO REGULATE THE ISSUING OF PATENTS,
APPROVED THE 29TH DAY OF AUGUST, 1884.

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

SECTION 1. That the said Act shall be amended by the addition thereto of five new sections to be numbered Sections 10, 11, 12, 13 and 14, to read as follows:

“**SECTION 10.** The Commissioner of Patents is hereby authorized to administer oaths for all purposes connected with the business of his office.

“**SECTION 11.** If upon the examination of any application for a patent the Commissioner of Patents shall make a report adverse to the applicant, he shall furnish to the applicant, or his attorney, a written statement of his reasons for such report, and the applicant may thereupon amend his application, or within ninety days thereafter, may appeal to the Supreme Court in Banco, and if such appeal shall be made said applicant shall file in the Office of the Minister of the Interior, at least twenty days before the hearing by said Court, his reasons for appeal specifically set forth in writing, and give to the said Minister of the Interior, at least ten days' notice of the time and place of such hearing.

“**SECTION 12.** The Court shall hear and determine such appeal, and shall file in the Office of the Minister of the Interior, a certificate of its decision, and such decision shall determine the further proceedings in the case.

"If such decision be in favor of the applicant, the Minister of the Interior shall cause to be issued the patent applied for, or such modification thereof as shall be decided by said Court.

"**SECTION 13.** Damages for the infringement of any patent, may be recovered by action on the case in the Supreme Court in the name of the party interested. And the party aggrieved shall also have his remedy according to the course of equity to enjoin such infringement and to recover compensation therefor.

"**SECTION 14.** The term infringement as used in this Act is defined to mean the making, using or vending of any patented article without the written consent of the owner of the patent thereon, or of his agent, authorized to grant such consent."

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

Approved this twenty-third day of June, A. D. 1888.

KALAKAUA REX.

BY THE KING :

L. A. THURSTON,

Minister of the Interior.

CHAPTER XI.

AN ACT

RELATING TO THE PROPERTY AND RIGHTS OF MARRIED WOMEN.

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

SECTION 1. The real and personal property of a woman shall, upon her marriage, remain her separate property, free from the management, control, debts and obligations of her husband ; and a married woman may receive, receipt for, hold, manage and dispose of property, real and personal, in the same manner as if she were sole : Provided, however, that no sale or mortgage of her real estate shall be valid without the written consent of her husband.

SECTION 2. A married woman may make contracts, oral and written, sealed and unsealed, in the same manner as if she were sole, except that she shall not be authorized hereby to make contracts for personal service without the written consent of her husband, nor to contract with her husband.

SECTION 3. All work and labor performed, or services rendered by a married woman for or to a person other than her husband and children, shall, unless there is an express agreement on her part to the contrary, be presumed to be performed or rendered on her separate account.

SECTION 4. A married woman may be an executrix, administratrix, guardian or trustee, and may bind her-

self and the estate she represents without any act or assent on the part of her husband.

SECTION 5. A married woman may sue and be sued in the same manner as if she were sole; but this section shall not be construed to authorize suits between husband and wife.

SECTION 6. A married woman shall not be liable for the debts of her husband; nor shall her property be liable to be taken on execution or other process against him, except as provided in Section 10 of this Act.

SECTION 7. A husband, whether married in this Kingdom or in some other country, and residing in this, shall be bound to maintain, provide for and support his wife during marriage, in the same style and manner in which he supports himself; and shall be liable for all the debts contracted by his wife for necessaries for herself or family during marriage, except such debts as may be contracted by her in the course of or in connection with any separate business which she may carry on as provided in Section 10. The husband shall be personally responsible for all the tortuous acts of his wife done by and with his authority or consent, and for none other. In case the wife shall die first and intestate, then her property shall immediately descend to her heirs, but shall be in all cases, whether she die testate or intestate, subject to a life interest in the husband in one-third of the wife's real estate.

SECTION 8. A husband shall not be liable to be sued upon a cause of action which originated against his wife prior to their marriage, nor shall he be liable to pay any judgment that may be recovered against his wife, except as provided in Section 10.

SECTION 9. The contracts made by a married woman in respect to her separate property, trade, business, labor or services, shall not, except as provided in the following section, be binding on her husband, nor render him or his property liable therefor ; but she and her separate property shall be liable on such contracts in the same manner as if she were sole.

SECTION 10. When a married woman does, or proposes to do, business on her separate account, she or her husband shall file in the office of the Minister of the Interior a certificate setting forth her name and residence, and the name and residence of her husband, the nature of the business, and the place where it is, or is proposed to be carried on, giving, if practicable, the street and the number on the street ; and when the nature of the business, or the place where it is carried on is changed, a new certificate shall be filed accordingly. The Minister of the Interior shall cause to be kept a book wherein shall be recorded the certificates so filed, and shall charge the sum of one dollar for recording each of such certificates. Such book shall be properly indexed, and shall, during all business hours, be open to the inspection of the public without charge. If such certificate be not filed as aforesaid, the personal property employed in such business shall be liable to be attached as the property of the husband, and to be taken on execution against him ; and the husband shall be liable upon all contracts lawfully made in the prosecution of such business in the same manner, and to the same extent, as if such contracts had been made by himself.

SECTION 11. Nothing contained in the foregoing sec-

tions shall invalidate any marriage settlement or contract.

SECTION 12. Sections 1286 and 1287 of the Civil Code, and all other laws and parts of laws inconsistent herewith, are hereby repealed.

SECTION 13. Nothing in this Act contained shall affect any rights of property which have already accrued under any law heretofore in existence.

Approved this twenty-third day of June, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER XII.

AN ACT

To AUTHORIZE THE ESTABLISHMENT OF A SYSTEM OF PARCELS POST.

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

SECTION 1. That the Postmaster-General, with the consent of the Minister of the Interior, is hereby authorized to establish a domestic and foreign parcels post system to provide for the transmission of parcels of matter by and through the mails within the Kingdom, and to and from foreign countries.

SECTION 2. That the Postmaster-General, with the consent of the Minister of the Interior, may, from time

to time, establish rules and regulations providing for the transmission of parcels through the mails, and the rates at which such parcels shall be conveyed. The said rules and regulations, so established by the Postmaster-General, with the consent of the Minister of the Interior, shall have the force of law.

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

Approved this fourth day of July, A. D. 1888.

KALAKAUA REX.

BY THE KING :

L. A. THURSTON,

Minister of the Interior.

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CHAPTER XIII.

AN ACT

To AMEND ARTICLE 51, CHAPTER XXVI, OF THE CIVIL CODE RELATING TO THE REGISTRAR OF CONVEYANCES.

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

SECTION 1. Section 1251 of the Civil Code is hereby amended so as to read as follows, viz.:

“SECTION 1251. The said Registrar shall be entitled to demand and receive the following fees, viz.:

1. For the registry of any deed, lease, mortgage, or other instrument required by law to be recorded, or presented for record, fifty cents for one hundred words.

2. For taking any acknowledgment preparatory to registry, one dollar for each party signing.

3. For every copy of any instrument recorded in this office, authenticated by his seal of office, fifty cents for one hundred words.

4. For searching the records, and giving the certificate required by law, twenty-five cents for each year searched.

Such fees shall be paid into the public Treasury weekly, and a monthly account thereof shall be rendered by the said Registrar to the Minister of the Interior.

The Registrar of Conveyances shall receive such salary as may be appropriated by the Legislature."

This Act shall take effect from and after the first day of July, 1888.

Approved this twenty-third day of June, A. D. 1888.

KALAKAUA REX.

BY THE KING :

L. A. THURSTON,

Minister of the Interior.

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CHAPTER XIV.

AN ACT

To AUTHORIZE THE HAWAIIAN GOVERNMENT TO CONTRACT FOR THE CONSTRUCTION OF INTER-ISLAND SUBMARINE ELECTRIC TELEGRAPH CABLES.

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

SECTION 1. The Minister of the Interior, with the unanimous concurrence of the Cabinet, is hereby authorized to enter into a contract with J. Sherman Bar-

tholomew, residing in Honolulu, H. I., his associates and assigns, or with any other persons or corporation, for the construction, laying or maintaining of a submarine electric telegraph cable or cables to connect the islands of the Hawaiian group, from Hawaii to Kauai, as follows, to wit : From Hawaii to Maui ; from Maui to Oahu, with a landing on Molokai ; and from Oahu to Kauai, together with lines of land telegraph to connect the same with all or any points on the Hawaiian Islands.

SECTION 2. Such contract may, by its terms, provide for the grant, concession and confirmation by the Hawaiian Government to the said J. Sherman Bartholomew, his associates and assigns, or any other persons or corporation (hereinafter named and referred to as the constructors), of the sole and exclusive right and privilege to construct and lay submarine electric telegraph cables to connect the islands of the Hawaiian group, from Hawaii to Kauai, by the way of Maui, Molokai and Oahu, together with lines of land telegraph, to connect the same for and during a period not to exceed ten (10) years from the first day of January, A. D. 1889 : Provided, however, that if the said lines of submarine electric telegraph cable shall not be laid ready for use on or before the first day of July, 1889, then the exclusive right and privilege, the granting of which is herein-before authorized, shall, at the option of the Cabinet, at once, or at any time thereafter, lapse and become void upon three (3) months' notice to that effect being given to the constructors. And provided, also, that if any of the lines of land telegraph, to connect with the said submarine cables, shall not be constructed and ready for operation on or before the first day of January,

A. D. 1891, then or at any time thereafter upon three months' notice to the constructors, the Minister of the Interior, with the approval of the Cabinet, may declare the exclusive right and privilege granted for the construction and maintaining of any such land line to be void and forfeited, and such exclusive right and privilege shall thereupon be void. And provided also that the rights and privileges granted by virtue of this Act shall not operate to prevent or preclude the Hawaiian Government from consenting to the landing, laying or maintaining upon the Hawaiian Islands, or any of said Islands, or in any Hawaiian waters, of any submarine telegraph or other electric cable or cables which shall serve to connect the said islands, or any of them, with any foreign country ; or to interfere with the vested rights of any existing Hawaiian telephone or telegraph corporation.

SECTION 3. Such contract may further provide for the payment by the Hawaiian Government to the said constructors of the sum of twenty-five thousand dollars (\$25,000) in the manner following, that is to say : upon the completion of the said line in good working condition between Oahu and Maui, the sum of eight thousand dollars (\$8,000) upon the completion of the said line in good working condition between Oahu and Hawaii, eight thousand dollars (\$8,000), and upon the completion of the said line in good working condition between Oahu and Kauai, nine thousand dollars (\$9,000).

SECTION 4. The granting of any of the rights or privileges, and the payment of any of the money authorized by this Act shall be conditioned upon the following additional covenants, that is to say : all messages other than Hawaiian Government messages or Press

messages shall be received and transmitted over any or all of said lines at the rate of not more than ten cents for each word, and all messages to or from the Hawaiian Government, or any officer thereof in his official capacity, and all Press messages, shall be received and transmitted over said lines for one-half of the rates charged for messages other than Hawaiian Government messages or Press messages.

SECTION 5. Upon proof satisfactory to the Minister of the Interior that the respective sections of said line, as set forth in Section 3 of this Act, have been completed, and are in good working condition for the transmission of messages, the said Minister is hereby authorized and directed to pay to the said constructors the respective sums of money as provided in said Section 3.

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

Approved this second day of July, A. D. 1888.

KALAKAUA REX.

BY THE KING :

L. A. THURSTON,

Minister of the Interior.

CHAPTER XV.

AN ACT

To AMEND SECTION 856 OF THE CIVIL CODE RELATIVE
TO SECURITY FOR COSTS.

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

SECTION 1. Section 856 of the Civil Code shall be and
the same is hereby amended to read as follows:

"SECTION 856. Any Justice of the Supreme Court
at Chambers or in Banco, upon the application of either
party, may require either the plaintiff or defendant to
give security for costs, or any portion of the costs, in
any case, upon such terms and conditions as he may
deem just. The term costs may be held for the pur-
poses hereof to cover all costs of Court and witness fees.
In case such security is not furnished, the Judge may
order further proceedings to be suspended until the
order of the Court is complied with."

SECTION 2. The provisions of this Act shall cover
all cases now pending, and which may hereafter be
brought.

Approved this fourth day of July, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XVI.

AN ACT

To LIMIT THE TIME WITHIN WHICH PERMITS FOR CHINESE
TO ENTER THE KINGDOM MAY BE USED.

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

SECTION 1. That no permit for any Chinese to enter the Kingdom issued prior to March, 1st, 1888, shall be held to extend permission to such Chinese to enter the Kingdom after the first day of July, A. D. 1889.

SECTION 2. That all permits hereafter issued for Chinese to enter the Kingdom, shall state the length of time, not to exceed one year from the date of issue during which such permits may be used, and no such permit shall be held to extend permission to such Chinese to enter the Kingdom after the expiration of the time so stated. Provided that the Minister of Foreign Affairs in his discretion by and with the consent of the Cabinet, may in exceptional cases extend the time herein stipulated.

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

Approved this fourth day of July, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XVII.

AN ACT

To REGULATE THE MANUFACTURE OF Poi IN THE CITY
OF HONOLULU.

WHEREAS, the manufacture of poi within the limits of the city of Honolulu has been found to constitute a nuisance on account of the large amount of waste and refuse matter resulting therefrom, therefore :

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

SECTION 1. That it shall not be lawful, save as hereinafter permitted, to manufacture poi for sale in the District of Honolulu, Island of Oahu, within the following named limits, viz.: On the makai side by the water front; on the Ewa side by Waipilopilo Hill and a straight line drawn mauka and makai at that point; on the mauka side by Wyllie street and a line drawn in extension thereof; on the Waikiki side by Punahou street and a line drawn makai in extension thereof to the water front. It shall not be lawful for anyone to manufacture poi for sale in the said District of Honolulu, outside of said limits, except upon receiving a permit from the Board of Health, which permits may be revoked at any time by said Board.

SECTION 2. The Minister of the Interior shall cause to be constructed at a suitable place or places within the limits mentioned in Section 1, with such moneys as may be appropriated by the Legislature, a building or buildings specially designed for the manufacture of

poi, which may be rented in sections to those wishing to engage in said manufacture.

SECTION 3. Said buildings and the manufacture of poi therein shall be subject to regulations duly made by the Board of Health, and to rules made by the Minister of the Interior.

SECTION 4. Each section in said buildings shall be rented annually to the highest bidder at a public sale, due notice of which shall have been given at least two weeks previously. The amount of such annual rental in each case to be not less than a certain upset price to be fixed by the Minister of the Interior.

SECTION 5. Anyone engaging in the manufacture of poi contrary to the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, on conviction of the same, be subject to a fine of not less than twenty-five dollars, and not more than one hundred dollars.

SECTION 6. This Act shall not take effect until the building or buildings provided for in Section 2 hereof shall have been constructed, and due public notice of the same be given.

Approved this fourteenth day of July, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XVIII.

AN ACT

To PROVIDE FOR RECORDS TO BE KEPT BY OFFICERS AUTHORIZED TO TAKE ACKNOWLEDGMENTS.

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

SECTION 1. All Judges and other officers now, or who may hereafter be authorized by law to take acknowledgments to instruments, besides the certificate of acknowledgment indorsed upon the instrument, shall keep a record of every acknowledgment in a book of records. Each record shall at least set forth the date of acknowledgment, the parties to the instrument, the persons acknowledging, the date and some memorandum as to the nature of the instrument acknowledged.

SECTION 2. The books of record so kept as provided in the last preceding section shall every five years and upon the resignation, death or removal from office of such Judge or other officer, be deposited with the clerk of the Court of Record nearest the place where such Judge or other officer resided.

SECTION 3. The clerks of the several Courts of Record shall carefully preserve the books of record deposited with them as provided herein, filing the same with the Records of the Court. Such records, both while in the custody of such acknowledging officers and after such filing, shall be open at all reasonable times to the inspection of any responsible person without fee or reward.

SECTION 4. Any of the officers to take acknowledg-

ments aforesaid who shall fail to keep the record herein directed or upon failure to deposit the same with a clerk of a Court of Record as directed shall be liable to pay a fine of not less than fifty dollars nor more than two hundred and fifty dollars, which may be recovered of such officer, his executors or administrators before any Police or District Magistrate. The first period of five years contemplated by this Act shall expire July 1st, A. D. 1893.

SECTION 5. All laws or parts of laws contrary to the provisions hereof are hereby repealed.

Approved this fourth day of July, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER XIX.

AN ACT

To PROVIDE FOR THE PAYMENT OF SALARIES, EXPENSES OF THE COURTS AND OTHER EXPENSES OF THE GOVERNMENT UNTIL THE 31ST DAY OF AUGUST, A. D. 1888.

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

SECTION 1. The Minister of Finance is hereby authorized to continue to pay salaries of Government officers, and the expenses of the several departments of the Government enumerated in Section 3 of Chapter XXXVIII. of the Laws of 1886, as amended by Chapter XVIII. of

the Laws of 1887, until the 31st day of August, A. D. 1888, unless a new Appropriation Bill be passed by the Legislature before said last mentioned date, and until such date the said Minister is also authorized to pay the salaries of the Third and Fourth Associate Justices of the Supreme Court at the rate provided by the Appropriation Bill of 1886, and also the salaries and wages of all persons engaged in the care of Quarantine grounds, Light Houses, Lighting Streets, the Veterinary Surgeon, Expenses of the tug *Eleu*, Roads of Honolulu, Guards to Government Buildings, Water Works, Care of Wharves in Honolulu, and the Government Electric Light System.

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

Approved this fourteenth day of July, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER XX.

AN ACT

To AMEND SECTION 22 OF CHAPTER LV. OF THE LAWS OF 1876, RELATING TO STAMP DUTIES.

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

SECTION 1. That Section 22 of Chapter LV. of the Laws of 1876, be, and the same is hereby amended so as to read as follows:

“SECTION 22. The Registrar of Public Accounts may

impress stamps upon blanks and furnish them to the Courts, Executive Departments, Collectors of Customs, members of the bar and others as the public convenience may from time to time require, upon receiving the amounts of such stamps. Provided, however, that the Collector-General of Customs and other public officers required to use stamps in the execution of their duties, shall be entitled to receive them without such payments, they giving receipts therefor and being bound to account for the use and proceeds of the same to the proper department in their returns as required by law, and for the convenience of the districts outside of Honolulu, the Registrar of Public Accounts shall provide adhesive revenue stamps to the postmasters of all money order post offices throughout the Kingdom, they giving receipts for the same. Such postmasters shall sell said stamps to all applicants at par, being bound, upon the first day of each quarter, to account to the Registrar of Public Accounts for all such stamps received by them, the amount sold, and the balance unsold, together with the proceeds of all such sales."

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

Approved this fourth day of July, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXI.

AN ACT

To PROVIDE FOR LIENS OF MECHANICS AND MATERIAL-MEN.

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

SECTION 1. Any person or association of persons furnishing labor or material to be used in the construction or repair of any building, structure, railroad or other undertaking, shall have a lien for the price agreed to be paid for such labor or material (if it shall not exceed the value thereof) upon such building, structure, railroad or other undertaking, as well as upon the interest of the owner of such building, structure, railroad or other undertaking in the land upon which the same is situated.

SECTION 2. The lien provided in the first Section hereof shall not attach unless a notice thereof shall be filed in writing in the office of the Clerk of the Circuit or Supreme Court, as the case may be, where the property is situated, and a copy of the notice be served upon the owner of the property. Such notice shall set forth the amount of the claim, the labor or material furnished, a description of the property sufficient to identify the same, and any other matter necessary to a clear understanding of the same. The lien shall continue for three months, and no longer, after the completion of the construction or repair of the building, structure, railroad or other undertaking against which

it shall have been filed, unless the same shall have been satisfied, or proceedings commenced to collect the amount due thereon by enforcing the same.

SECTION 3. The Clerks of the Supreme and Circuit Courts shall keep in each office a book called "Mechanics' Lien Record," in which shall be entered a memorandum of each lien filed. The record shall be arranged alphabetically in the name of the owner of the property, and shall state in addition to such name the amount of the lien or claim, by whom filed, the date of filing, a brief description or identification of the property against which it is filed, the date of proceedings to enforce, the date of discharge, and any other matter deemed necessary.

SECTION 4. The lien herein provided shall have force only from the date of filing. It shall have priority in the order of filing over other liens of any nature, and shall be subject to any prior recorded lien or judgment. Whenever the lien hereby provided shall be satisfied (other than by the limitations expressed in the second section), a written notice thereof shall be filed with the Clerk of the Supreme or Circuit Court, as the case may be, which shall be noted in the Mechanics' Lien Record.

SECTION 5. The liens hereby provided may after demand and refusal of the amount due, or upon neglect to pay the same upon demand, be enforced by proceedings in any court of competent jurisdiction, by service of summons, as now practiced. Such summons shall set forth the ordinary allegations in assumpsit, and, in addition thereto, note that a lien has been filed. Before proceeding to trial, the defendant shall be served with a detailed specification of the claim, provided that no such specification

shall have been furnished before proceedings were commenced. Judgment upon such proceedings shall be as in ordinary cases, and may be enforced by execution as now allowed. In case the contract for services or material upon which the lien has accrued shall have been directly with the owner of the property, an attachment may issue in connection with the suit upon the filing of a bond of indemnity to the said owner in such sum as the Magistrate or Court may fix. If it shall appear that such bond is insufficient, the Magistrate or Court shall cause a new bond to be filed for a greater amount, or with additional security.

SECTION 6. Whenever the work or material for which a lien is filed shall be furnished to any contractor for use as set forth in Section 1, the owner may retain from the amount payable to the contractor sufficient to cover the amount due or to become due to the person or persons who filed the lien.

Approved this fourteenth day of July, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXII.

AN ACT

To AMEND SECTIONS 1, 5, 6, 8, 15 AND 25 OF AN ACT ENTITLED "AN ACT TO REGULATE PROCEEDINGS IN BANKRUPTCY IN THE HAWAIIAN ISLANDS," APPROVED THE 29TH DAY OF AUGUST, 1884, AND TO ADD TWO NEW SECTIONS TO SAID ACT TO BE CALLED RESPECTIVELY SECTIONS 7A AND 15A.

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

SECTION 1. That Section 1 of said Act be and the same is hereby amended by adding after the word "creditor" the following, "or creditors the total of whose claim or claims shall amount to," and by striking out after the word "creditor" the words "to the amount of," so that said section shall read as follows :

"SECTION 1. Every person owing debts to the amount of five hundred dollars who shall refuse or fail to make payment of any of his just demands for ten days after the same shall mature, or who shall depart the Kingdom with the intent to hinder, delay or defraud his creditors, or who shall secrete himself, or keep his house to hinder, delay, defraud or avoid his creditors, or to hinder or delay the service of legal process for the collection of any debts, or who shall make any fraudulent or secret conveyance of his property to any person or persons, or make any secret removal or other disposition of his property, for the purpose of hindering, delaying or defrauding his creditors, may, upon the petition to any Justice of the Supreme Court by any creditor or

creditors, the total of whose claim or claims shall amount to two hundred and fifty dollars be declared bankrupt."

SECTION 2. That Section 5 of said Act be amended so as to read as follows :

"**SECTION 5.** After the filing of the petition and bond as provided in Section 3, the Justice shall fix a time for hearing the alleged bankruptcy, and notice of such hearing shall be made by serving a copy of the petition upon the party petitioned against, or by leaving a copy of such petition with some agent or person transacting the business of the alleged bankrupt, or at the last known place of residence of the alleged bankrupt, or in such other manner as the Justice shall direct.

SECTION 3. That Section 6 of said Act be amended by adding after the words "exempt by law," the words "which schedule and inventory shall be made under oath," so that Section 6 shall read as follows :

"**SECTION 6.** Whenever any person shall be declared a bankrupt, either upon his own petition or that of his creditor or creditors, he shall immediately file with the Clerk of the Supreme Court a schedule of all his creditors, with the amounts due such creditors respectively, which such schedule shall contain all secured and unsecured accounts, and if secured the nature of such security; he shall also file an inventory of all assets including such as may be exempt by law, which schedule and inventory shall be made under oath."

SECTION 4. That Section 8 of said Act be amended by inserting after the words "Section 21," the following words : "The assignee or assignees shall within one month after his or their appointment, or within the

same time after the receipt by him or them of any claim proved against the bankrupt's estate, notify the person or parties who have so proved whether such claim is disputed by him or them."

SECTION 5. That Section 15 of said Act be and the same is hereby amended by adding after the words "arrest and imprisonment" the following :

"If any bankrupt shall refuse to deliver or surrender up to the assignee or assignees of his estate any of his effects, books, property or papers, or shall refuse to answer any question (that may be legally put to him) upon any examination had in his proceedings in bankruptcy, the Justice before whom the proceedings are pending may commit such bankrupt to prison until he makes such delivery or surrender, or answer such questions," and also by striking out the words "cease, determine and," so that Section 15 shall read as follows :

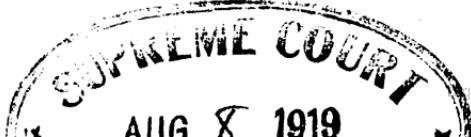
“SECTION 15. Upon the filing of a petition as provided in Sections 1 and 2, all civil suits pending in relation to and all executions or attachments laid upon the bankrupt's property shall be stayed ; provided, however, that any bankrupt may be arrested and imprisoned as a fraudulent debtor upon the sworn petition of any creditor setting forth sufficient cause for such arrest and imprisonment. If any bankrupt shall refuse to deliver or surrender up to the assignee or assignees of his estate any of his effects, books, property or papers, or shall refuse to answer any question (that may be legally put to him) upon any examination had in his proceedings in bankruptcy, the Justice before whom the proceedings are pending may commit such bankrupt to prison until he makes such delivery or surrender or answers such questions."

SECTION 6. That a new section to be called Section 7A be added, which section shall read as follows :

"SECTION 7A. A secured creditor shall file with the Clerk of the Supreme Court a statement showing the amount of his claim, and a description of the security ; and shall therein state whether such security is relied upon, or whether such creditor intends to release the same and claim as an unsecured creditor only. If any secured creditor shall fail to file such statement within sixty days after such adjudication of bankruptcy, he shall have no claim over against the estate of such bankrupt for any deficiency after the exhaustion of his security. If any such creditor shall, within sixty days after such adjudication, file with the Clerk of the Court a statement that he intends to rely upon both remedies, he shall thereupon proceed without any unnecessary delay to realize upon his securities, and, after exhausting the same, he may present a claim for the deficiency ; but he shall participate only in such dividends as may be declared after the proof of his claim for such deficiency."

SECTION 7. That a new section, to be called Section 15A, be added, which section shall read as follows :

"SECTION 15A. If any bankrupt has committed any of the offences hereinafter enumerated, the Court may at the examination of the bankrupt, or on the hearing of the application for his discharge by order under seal of the Court, adjudge said bankrupt to be imprisoned for any term not exceeding six months, with or without hard labor, that is to say, if the bankrupt (1) Has carried on trade by means of fictitious capital ; or (2) Could not have had at the time when any of his debts were contracted any reasonable or probable ground of expectation of being able to pay the same; or (3) Has with the intent to



conceal the true state of his affairs wilfully omitted to keep at any time proper books or accounts; or (4) Has within three years before the commencement of the bankruptcy failed to keep usual and reasonable books and accounts setting forth truthfully the state of his business transactions ; or (5) Has put any of his creditors to unnecessary expense by frivolous or vexatious defence to any action or suit to recover any debt or money due from him ; or (6) Has in incurring any debt or liability obtained credit under false pretences, or by means of any other fraud ; or (7) Has with intent to defraud his creditors, or any of them, made or caused to be made any gift, transfer or delivery of, or any charge on his property; or (8) Has with intent to defraud his creditors concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him. The bankrupt may appeal to the Supreme Court, or to the Court in Banco, from any order or conviction under this Section by perfecting his appeal within ten days after such order or conviction."

SECTION 8. That Section 25 of said Act be amended so as to read as follows :

"SECTION 25. The assignee or assignees shall be allowed ten per cent. on all moneys received and paid out up to and not exceeding one thousand dollars ; and five per cent. on all sums over one thousand dollars ; and he or they shall be allowed all other reasonable expenses incurred in the administration of their trust."

Approved this thirtieth day of July, A. D. 1888.

KALAKAUA REX.

BY THE KING :

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXIII.

AN ACT

To EXTEND THE TIME FOR THE COMPLETION AND EQUIPMENT OF THE HONOLULU STREET RAILWAY.

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

The time for the completion and equipment of the railway authorized by Chapter XXXIV. of the Session Laws of 1884, re-enacted by Chapter XVIII. of the Session Laws of 1886, is hereby extended to William R. Austin, his associates and successors and their assigns until the fifteenth day of September, A. D. 1889.

Approved this thirtieth day of July, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER XXIV.

AN ACT

To ALLOW PEREMPTORY CHALLENGES TO JURORS.

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

SECTION 1. In addition to the challenges of jurors allowed in Section 1202 of the Civil Code, the Crown in

criminal cases, and the plaintiff and defendant in all trials by jury, civil or criminal, except as provided in Section 2 of this Act, shall each be allowed to peremptorily challenge three jurors without assigning any reason therefor ; but where there are several parties on either side they must join in such challenges.

SECTION 2. Any person who is put on trial for an offense for which, if convicted thereof, such person may be punished with death or imprisonment for life, shall be allowed to challenge peremptorily twelve of the persons called as jurors, and no more ; and the attorney appearing for the Crown in such case shall be allowed to challenge peremptorily six of the persons called as jurors, and no more.

SECTION 3. Section 1201 of the Civil Code, and Chapter XXI. of the Session Laws of 1884, and Chapter XII. of the Session Laws of 1886, are hereby repealed.

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

Approved this twenty-first day of July, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXV.

AN ACT

RELATING TO THE MILITARY FORCES OF THE KINGDOM.

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

SECTION 1. The Military Forces of the Kingdom shall be and consist of the following organizations:

1. **THE KING'S GUARD**, a permanent force as herein-after provided.

2. The following named volunteer organizations:

THE HONOLULU RIFLES, 4 companies;

THE KING'S OWN, 1 company;

THE QUEEN'S OWN, 1 company;

THE PRINCE'S OWN, 1 company;

THE LELEIOHOKU GUARDS, 1 company.

SECTION 2. The King's Guard shall consist of a force not exceeding in number 65 men of all ranks. The commissioned officers of the King's Guard shall consist of one captain and two lieutenants, and no more, who shall be appointed and commissioned by the King, their commission being countersigned by the Minister of Foreign Affairs. The soldiers of the King's Guard shall be enlisted to serve for a term not more than three years, and shall take and subscribe an oath before some Police or District Justice in substantially the following form:

I.....do solemnly swear that I will serve as a soldier in the King's Guard for a term ofyears, should the Hawaiian Government so long require my services; that I will be faithful and

bear true allegiance to His Majesty Kalakaua, His Heirs and successors; and that I will honestly and faithfully support the Constitution of the Hawaiian Islands. So help me God.

Signature.....

The above named..... signed
and took the above oath before me this..... day
of..... 18....

SECTION 3. Any soldier who, having been duly sworn as aforesaid, shall desert from said service, shall, on conviction before any Police or District Justice, be subject to imprisonment at hard labor for any term not exceeding twelve months.

SECTION 4. His Majesty the King shall be the supreme commander of all the military forces of the Kingdom.

SECTION 5. The volunteer organizations above named shall consist of not more than sixty-five men of all ranks in each company; and each company shall elect by ballot at least once in each year, at such time as may be prescribed by their by-laws, a captain and two lieutenants. The officers so elected shall be commissioned by His Majesty, and their commission shall be countersigned by the Minister of Foreign Affairs.

SECTION 6. The four companies of the Honolulu Rifles shall be and form the First Battalion of Hawaiian Volunteers. The other four volunteer companies hereby authorized shall be and form the Second Battalion of Hawaiian Volunteers. The commissioned officers of each battalion shall, on or before the first day of February in each year, elect by ballot persons to serve, respectively as Major, as Adjutant, as Quartermaster, as Ordnance Officer, and as Surgeon of said battalion, which persons the King, by and with the advice and consent of his Cabinet shall commission as Majors and

Captains respectively of the said battalions, and their commissions shall be countersigned by the Minister of Foreign Affairs. All officers now acting as such in either of the said battalions shall continue to hold office until their successors are elected as aforesaid.

SECTION 7. Within thirty days after the approval of this Act, the Major of the First Battalion aforesaid shall call a meeting of all the commissioned officers of the Hawaiian Volunteers for the purpose of nominating a suitable person to be commissioned as Colonel of said volunteers. Said Major, or in his absence the officer next in rank, shall preside over such meeting, which shall proceed to ballot for a suitable person to be nominated to the Cabinet for the office of Colonel. The person receiving a majority of such votes, shall, within three days thereafter, be certified to the Minister of Foreign Affairs by the officer presiding at such meeting, and should no person, after three ballots taken, receive such majority, then the person receiving the highest number of votes shall be so certified, or in case two or more persons shall receive an equal number of votes, than which no other person shall receive a greater number, then each of such persons shall be so certified to the Minister of Foreign Affairs. The officer presiding at such meeting shall be entitled to vote upon any ballot in this section authorized.

SECTION 8. As soon as may be after such name or names shall be so certified to the said Minister he shall, unless a majority of the Cabinet object to the fitness of the person so certified (if there be but one), present his name to His Majesty, who shall then commission such person as Colonel of the Hawaiian Volunteers. If there be more than one name so certified the said Minister

shall, with the consent of the Cabinet, select one of such persons, whose name shall be presented to His Majesty, and who shall be by him commissioned as aforesaid.

SECTION 9. In case no person so certified to such Minister shall be approved and presented to His Majesty as hereinbefore provided, said Minister shall, within two weeks after such certificate shall have reached him, notify the senior officer of said Volunteers to make a further nomination for such office; and any further nomination and certification shall be made as is provided in Section 7 hereof.

SECTION 10. In case the name or names certified in pursuance of such second meeting shall be disapproved by a majority of the Cabinet, the said Minister may, with the approval of the Cabinet, present the name of some other competent person to His Majesty, who shall thereupon commission such person as Colonel of the Hawaiian Volunteers. The Colonel's commission shall be countersigned by the Minister of Foreign Affairs.

SECTION 11. The Colonel so commissioned shall be the commanding officer of both battalions of the Hawaiian Volunteers, and shall receive for his services a salary of one hundred dollars per month. The said Colonel may appoint to serve on his staff an officer with the rank of captain, who shall be the Adjutant of the Hawaiian Volunteers, and who shall be commissioned as such by His Majesty; and such commission shall be countersigned by the Minister of Foreign Affairs.

SECTION 12. All of the military forces of the Kingdom, and all public property used for and in connection with the same, and the expenditure of all moneys appropriated for military purposes and for band, flags and

salutes, shall be subject to the orders, and under the general supervision and control of the Minister of Foreign Affairs, who shall have authority by and with the consent of the Cabinet to remove any officer of the King's Guard or of the Hawaiian Volunteers, to reduce or disband the military forces or any portion thereof, and to reorganize the same in case of the disbanding or dissolution of any of the organizations hereby authorized.

SECTION 13. Any Colonel commissioned under this Act shall hold office till his successor shall be commissioned: Provided, that if any vacancy in such office shall occur by reason of the death, resignation or removal of the incumbent, the Minister of Foreign Affairs shall, within two weeks thereafter, order a nomination to be sent to him by the officers of said battalions for a successor to such office, who shall be commissioned as provided in Section 8 hereof. A new nomination for Colonel shall be made in the second week of February of each alternate year succeeding the commissioning of the first Colonel hereunder, and each nomination shall be acted upon as is provided in Section 8 hereof.

SECTION 14. The Minister of Foreign Affairs may, with the approval of the Cabinet, from time to time issue and proclaim any necessary rules and regulations not in conflict with any law of this Kingdom, for the better guidance and discipline of the military forces, which rules and regulations shall be binding upon such forces.

SECTION 15. Nothing herein contained shall be construed to prevent the appointment by His Majesty of such persons as he may think proper to serve without pay on his personal staff, with such honorary rank as he may designate.

SECTION 16. This Act shall take effect and become law from and after its approval; and thereupon the following laws and parts of laws, and all other laws in conflict herewith shall be and the same are hereby repealed, that is to say: So much of Section 21 of the first Act of Kamehameha III. to organize the Executive Ministry of the Hawaiian Islands as relates to the duties of Governors in respect to the charge of the island forces and munitions of war. Sections 3, 4, 5, 6 and 7 of Article 5, Chapter IV., part first of the Act to organize the Executive Departments of the Hawaiian Islands. Sections 3 and 4 of Article 6, Chapter IV., of the same Act. Section 4 of Chapter 2, part second, of the same Act relating to the Secretary of War and of the Navy. Chapter XXII. of the Laws of 1886, entitled "An Act to Organize the Military Forces of the Kingdom."

I hereby certify that the foregoing bill having been duly presented to the King for approval was by him returned to the Legislature without approval, with his objections, on the fourteenth day of July, 1888, that such objections were entered at large on the Journal of the Legislature. That said bill was thereupon reconsidered, and the yeas and nays being called upon the twenty-fourth day of said July, the same became law by the affirmative vote of over two-thirds of the elective members of the Legislature.

WILLIAM R. CASTLE,
President of the Legislature.

Attest : **J. ALFRED MAGOON**, Clerk.

CHAPTER XXVI.

AN ACT

To AMEND AN ACT ENTITLED "AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATIVE TO THE COMMISSIONERS OF PRIVATE WAYS AND WATER RIGHTS, BEING CHAPTER LXIX. OF THE LAWS OF 1886.

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

SECTION 1. That the Act entitled an Act to amend and consolidate the law relative to the Commissioners of Private Ways and Water Rights, being Chapter LXIX. of the Session Laws of the year A. D. 1886, approved the 15th day of October, A. D. 1886, be and hereby is amended so as to read as follows :

"SECTION 1. The word "Commissioner" wherever used in this Act, shall refer to the Commissioner of private ways and water rights. The word "Court" shall refer to and mean the Circuit or Supreme Court in banco, as the case may be. The word "party" or "parties" shall refer to and mean the respective parties to the controversy, before the Commissioner or Court. The word "controversy" shall refer to and mean the matter or question at issue before the Commissioner or Court. The words "private individuals or persons" shall relate to and mean either individuals, companies or corporations, the Commissioners of Crown Lands, or any others except the Government.

SECTION 2. There shall be appointed by the Minister of the Interior, in each election district of the Kingdom,

one competent person to act as Commissioner of Private Ways and Water Rights, provided however, that nothing herein shall prevent the appointment of one person for two or more districts, if the same can be done without prejudice to the rights of the inhabitants thereof.

No person shall act as Commissioner in any case in which he shall have a direct personal interest, or where he shall have direct business relations with either party, or shall be connected with either by ties of relationship of blood or marriage. In case of disability from these or any other cause, a Commissioner pro tem shall be appointed at once by the Minister of the Interior. Any vacancy shall be filled as soon as possible by the said Minister of the Interior.

SECTION 3. It shall be the duty of said Commissioners within their several districts, to hear and determine all controversies respecting rights of private ways and water rights, between private individuals, or between private individuals and the Government. Any person or persons interested, or the Government, may apply for the settlement of any rights involved hereunder, whereupon the Commissioner shall issue a written or printed summons in like form as that used in the District or Police Courts, to the party or parties defendant. It shall be personally served upon each landowner or occupant having an interest in the controversy, whenever such owner or occupant can be found. If however, such owner or occupant cannot be found for such service, the Commissioner shall cause notices in the Hawaiian or English language, as the case may be, to be published either by posting upon the premises, the owners or occupants whereof cannot be found, or by insertion in one or more newspapers, which publication

shall continue for at least two full weeks prior to the date set for hearing. Such notice shall designate the time and place of hearing, shall indicate the nature of application made, and shall notify all parties interested to attend and prove their rights, or they will be adjudicated without such attendance, besides any other matter deemed important by the Commissioner. Such notice may be published in any case in the discretion of the Commissioner. No summons shall be set aside or dismissed because of any technical informality, provided it shall set forth the time and place of hearing, and the nature of the right claimed, in terms sufficiently clear for the appraisal of all parties interested. Parties may appear personally or by properly authorized attorney.

SECTION 4. At the time set for hearing, service of summons or publication of notice having been proved, the Commissioner shall hear the evidence offered relative to the right in controversy, and shall, as far as possible, ascertain the rights of absent parties, not served where notice as herein provided shall have been published. He may, if deemed desirable, or conclusive to the rendering of a correct decision, visit the locality where the controversy arose. He shall give such decision as may in each particular case appear to be in conformity with vested rights, and shall be just and equitable between the parties. The decision shall state expressly the findings of fact on the evidence, and shall in cases of right of way, clearly indicate the location (if possible) and nature of the way, if on a water right, it shall state the proportion or time for use, and any other things necessary to the right. It may also regulate the methods by which water may be obtained, and by which its supply can be controlled. All of the testimony and

the decision shall be recorded in books of record to be kept and preserved by the Commissioner. The said books, when filled, shall be deposited with the Clerks of the respective Courts. The decisions of the several Commissioners shall be final and binding upon all parties except those who may be absent from the Kingdom without a legal representative in this Kingdom during the whole time of the pendency of such suit subject to the right of appeal.

SECTION 5. There may be taxed as costs in cases arising hereunder, besides the usual statutory costs, as allowed in the Police Courts for service, summons, oaths and otherwise, the fees of the Commissioner, six dollars a day for each day's hearing and his reasonable actual expenses in visiting the locality and not over twenty cents a folio for copies of the evidence and decision either on appeal or as furnished to any party. The costs may, in the discretion of the Commissioner, be divided or taxed to the losing party. In case of appeal the final award as to costs shall abide the decision of the Court.

SECTION 6. Any party aggrieved by the decision of the Commissioner, may appeal therefrom to the Court within ten days from the rendition of the decision and within said period shall pay all costs accrued and for certificate and record on appeal, and shall deposit with the Commissioner, a good and sufficient bond to the Clerk of the Court, in the sum of one hundred dollars, conditioned for the payment of costs further to accrue in case of defeat. In case of appeal, the Commissioner shall promptly transmit to the Clerk of the Court a copy of the record, together with any exhibits filed, the bond for costs, and all costs not strictly retainable by him or actually disbursed. The Court may permit the intro-

duction of new evidence which could not with due diligence have been obtained before, and its decision shall be final and binding except as aforesaid.

SECTION 7. The Commissioner shall have power to administer oaths, to punish contempts, to grant adjournments, to subpoena and compel the attendance of witnesses, to issue execution for costs, to enforce a specific performance of judgment and generally to exercise the same authority in regard to their special jurisdiction as is by law conferred upon Police Justices.

SECTION 8. Nothing in this Act contained shall be construed to interfere with the several laws authorizing the Minister of the Interior to take possession of land or water for the benefit of the Honolulu Water Works, nor with the provisions of an Act to regulate the passage of water over lands of those not benefitted thereby, approved the 18th of September, A. D. 1876.

SECTION 9. Sections 996, 997 and 1001 of the Civil Code, as amended by the Act of 1860, entitled an Act to amend Article 44, Chapter XVI. of the Civil Code ; Sections 998, 999 and 1003 of the Civil Code, as amended by Chapter XIX. of the laws of 1878 ; Sections 1000 and 1002 of the Civil Code ; an Act entitled an Act to amend Article 44, Chapter XVI. of the Civil Code, approved the 28th day of August, A. D. 1860 ; An Act entitled an Act to amend Section 999 of the Civil Code, approved the 13th day of May, A. D. 1868 ; Chapter LXIX. of the Session Laws of 1886, entitled an Act to amend and consolidate the law relative to the Commissioners of Private Ways and Water Rights, and all other laws and parts of laws in contravention hereof be and are hereby repealed.

SECTION 10. This Act shall take effect from and after its approval.

Approved this eleventh day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER XXVII.

AN ACT

AMENDING SECTION 2 OF CHAPTER L. OF THE PENAL CODE RELATING TO BAIL.

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

SECTION 1. Section 2 of Chapter L. of the Penal Code is hereby amended to read as follows:

“SECTION 2. In all cases where the offense charged is not punishable with death, the accused shall be bailable, but in no others, provided that where the offense charged is punishable by imprisonment for life, or for a term exceeding ten years, any Justice of a Court of Record, but no other Magistrate, shall have the power to admit the accused to bail.”

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

Approved this eleventh day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXVIII.

AN ACT

To AMEND SECTION 1 OF AN ACT APPROVED ON THE 22D DAY OF JUNE, A. D. 1868, RESPECTING THE SLAUGHTER AND SALE OF BEEF, AS AMENDED BY AN ACT APPROVED ON THE 18TH DAY OF JULY, A. D. 1874, AND FURTHER AMENDED BY AN ACT APPROVED ON THE 15TH DAY OF SEPTEMBER, A. D. 1876, AND FURTHER AMENDED BY AN ACT APPROVED ON THE 21ST DAY OF JULY, A. D. 1882.

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

SECTION 1. That Section 1 of the said Act be and the same is hereby amended by striking out the words "provided however, that this Section shall not be held to apply to salted or corned beef, brought from other parts of the Kingdom," at the last part of said Section, so that said Section shall read as follows:

SECTION 1. The Minister of Interior may, at any time license for the term of one year any applicant to slaughter and sell beef, either in Honolulu, Ewa, Waianae, Waialua, Koolauloa, Koolaupoko, Island of Oahu ; Lahaina, Wailuku, Makawao, Hana, Kipahulu, Island of Maui ; in the Island of Molokai ; Hilo, Hamakua, Kohala, North Kona, South Kona, Kau, Puna, Island of Hawaii ; Koloa, Lihue, Kawaihau, Hanalei, Waimea, Island of Kauai ; upon receiving for such license the sum of twenty dollars.

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

Approved this eleventh day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER XXIX.

AN ACT

To AMEND SECTION 191 OF THE CIVIL CODE, AS AMENDED BY CHAPTER XXVI., OF THE LAWS OF 1886, RELATING TO WATER RATES.

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

SECTION 1. Section 191 of the Civil Code, as amended by Chapter XXVI. of the laws of 1886, is hereby amended by adding thereto the following words, viz:

“In addition to the notice heretofore required to be given by the Superintendent of Water Works, he shall also on, or before the first day of July and January, in each year, mail to each rate-payer a notice that such rate is due and the amount thereof.

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

Approved this seventh day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXX.

AN ACT

To AMEND AN ACT ENTITLED "AN ACT TO PREVENT THE USE OF EXPLOSIVE SUBSTANCES IN TAKING FISH APPROVED JUNE 3D, A. D. 1872."

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

SECTION 1. That Section 1 of an Act entitled An Act to prevent the use of explosive substances in taking fish, approved June 3d, A. D. 1872, be and the same is hereby amended by adding to said Section the following words:

"The possession by fishermen, fish venders, or persons in the habit of fishing, of fish killed by giant powder or other explosive substance, shall be *prima facie* evidence that the person in whose possession such fish were found used giant powder or some other explosive substance in taking such fish, contrary to the provisions of this Act.

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

"Whoever violates the provisions of this Act shall be punished by a fine not exceeding two hundred dollars and not less than fifty dollars, or by imprisonment at hard labor not exceeding one year, or both, in the discretion of the Court.

Approved this eleventh day of August, A. D. 1888.

KALAKAUA REX.

By THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXXI.

AN ACT

**To AUTHORIZE THE ESTABLISHMENT OF SELECT SCHOOLS
IN THIS KINGDOM AND TO AUTHORIZE THE COLLECTION
OF TUITION FEES THEREIN.**

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

SECTION 1. It shall be lawful for the Board of Education to establish and maintain Select Schools, taught in the English language, and charge such tuition fees as they may deem proper for attendance in such Select Schools. Provided however, that such Select Schools shall be established in such districts only where English free schools are readily accessible to the children of such districts.

SECTION 2. It shall be the duty of the teachers in all Government Select Schools to collect the tuition fees charged, and to account quarterly therefor to the School Agents of their respective districts.

SECTION 3. This Act shall take effect and become a law from and after the first day of September, 1888.

Approved this seventh day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXXII.
AN ACT

To AMEND SECTION 6 OF CHAPTER XI. OF THE PENAL CODE.

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

SECTION 1. That Section 6 of Chapter XI. of the Penal Code be amended by adding after the word "deceit," in the first line of said Section, the words, "or under promise of marriage," so that the Section as amended shall read :

"**SECTION 6.** Whoever by conspiracy or by willful falsehood or deceit, or under promise of marriage, seduces, causes or procures any unmarried female to commit fornication, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor not more than two years. Provided however, that in case the parties to such fornication subsequently legally intermarry together the above penalty shall not thereupon be inflicted."

Approved this seventh day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXXIII.
AN ACT

To PROHIBIT THE COLLECTION OF TUITION FEES IN CERTAIN GOVERNMENT SCHOOLS.

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

SECTION 1. There shall be no charge for tuition fees in any Government School in this Kingdom except in Government Select Schools.

SECTION 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed and more especially Chapter XLIV. of the Session Laws of 1884, entitled "An Act to regulate the remission, exemption and collection of tuition fees in the Public Schools of the Kingdom," approved the 29th day of August, 1884.

SECTION 3. This Act shall take effect and become a law from and after the first day of September, 1888.

Approved this seventh day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXXIV.

AN ACT

To PREVENT THE INTRODUCTION OF COFFEE LEAF DISEASES.

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

SECTION 1. That in order to prevent the introduction of the coffee leaf disease, and other diseases injurious to the coffee plant; the importation into the Hawaiian Kingdom of coffee trees or shrubs is hereby prohibited.

SECTION 2. Any person who shall violate this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than fifty dollars, and any trees or shrubs so imported contrary to this law shall be forthwith destroyed by the Marshal or his Deputy.

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

Approved this eleventh day of August, A. D. 1888.

KALAKAUA REX.

By THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXXV.

AN ACT

To AMEND AND CONSOLIDATE THE LAW RELATING TO
POUNDS, ESTRAYS, BRANDS AND MARKS.

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

ESTABLISHMENT OF POUNDS AND APPOINTMENT OF POUND
MASTERS.

SECTION 1. It shall be the duty of the Minister of the Interior to cause to be constructed and set apart a suitable enclosure or enclosures in each district of the Kingdom for the impounding of estrays, and he shall give notice of all pounds which may hereafter be established, or of any change of location of pounds now in existence, in any newspapers published in the Hawaiian and English languages in Honolulu.

SECTION 2. The Minister of the Interior shall appoint suitable persons to have charge of said pounds and such Pound Masters shall be governed by such rules as the law may prescribe. The Minister of the Interior may at any time remove any such Pound Master for failure or neglect to properly perform the duties of his office, publishing the reasons for such removal, if requested to do so by the person so removed. Upon the petition of twenty-five or more tax-payers of any district, making charges against any Pound Master, and asking for his removal, the said Minister shall cause such charges to

be investigated ; and if, upon investigation, it shall appear that such Pound Master shall have failed or neglected to properly perform the duties of a Pound Master, the Minister of the Interior shall remove him. All vacancies shall be filled by appointment by the Minister of Interior.

DUTIES OF POUND MASTERS.

SECTION 3. The Pound Master shall be responsible for the safe keeping and proper care of any estray committed to his charge, and shall receive for his services fifty cents per day for every day that such estray is impounded from the owner of such estray, excepting for sheep and goats, for which he shall receive five cents per day. He shall give the estrays a sufficient quantity of food and water, and any Pound Master who shall abuse or neglect any estray in his charge, shall forfeit the pound fees to which he would otherwise have been entitled, and shall also be liable to the owner thereof for damages.

SECTION 4. No Pound Master shall receive estrays until the person wishing to impound the same, shall have signed his name to a statement setting forth the number and species of estrays, locality trespassed upon, name of owner or owners of such estrays, if known, together with the date on which they were taken and the amount of damages and expenses claimed. Blanks for such statements shall be printed and bound in book form and furnished to the Pound Masters at cost price by the Minister of the Interior, and shall be open to the inspection of the public.

SECTION 5. Every Pound Master shall keep an accurate account of the business done at his pound, in a book open to public inspection, and he shall make quar-

terly returns, under oath, to the Minister of the Interior, showing his receipts and disbursements.

SECTION 6. No Pound Master shall receive into his pound any animal seized for trespass in any other district, provided there is a pound established in such other district.

POUND SALES.

SECTION 7. It shall be the duty of every Pound Master to post written or printed notices at the post office, (if there be one in the district) and at not less than two other public places in his district, in the Hawaiian and English languages, and to publish a notice in any newspaper which may be issued in his district, in said languages, as soon as possible after the impounding of any estray, giving a full description of the same, together with an announcement of the day on which it will be sold at public auction if unclaimed. And the Pound Master shall also, forthwith, upon the impounding of any animal, notify in writing, every person who shall have left with him a copy of his brand or mark, of any estray bearing the said brand or mark, which shall be committed to his pound, and if the owner does not claim such estray and pay the pound fees, together with the expenses of advertising, and the damages claimed for trespass, and expenses of driving, within twelve days from the date of impounding, or at any time before sale, the Pound Master shall sell such estray at public auction to the highest bidder, at noon on the first Saturday ensuing after the expiration of the twelve days aforesaid.

DISPOSITION OF RECEIPTS FROM POUND SALES,

SECTION 8. The proceeds of such sale, or a receipt therefor, given by the owner of such estray or estrays,

after paying the pound fees, expenses of advertisement, damages and expenses of driving, shall be remitted by the Pound Master to the Minister of the Interior, when he makes his returns for the quarter. In case the owner of the estray shall substantiate his claim thereto within one year, the Minister of the Interior shall pay over to him the said balance of proceeds. If such claims be not so substantiated the said Minister shall pay such proceeds into the Treasury as a Government realization.

TRESPASS ON FENCED CULTIVATED LAND.

SECTION 9. If any cattle, horse, mule, ass, swine, sheep or goat, shall trespass on any properly fenced, cultivated ground, the owner thereof shall pay to the owner of such land the full amount of damage or loss occasioned by such estray to such land-owner, and the sum of fifty cents for each animal trespassing, excepting for sheep and goats, for which he shall pay ten cents each. Provided however, that if in any particular case this provision shall have an onerous or unjust bearing, owing to the large number of animals trespassing the Judge shall have power to diminish the forfeiture.

TRESPASS ON UNFENCED CULTIVATED LAND.

SECTION 10. If any of the animals mentioned in Section 9 of this Act shall trespass upon any unfenced, cultivated ground, the owner thereof shall pay to the owner of such land the sum of twenty-five cents for each animal trespassing, excepting for sheep and goats, for which he shall pay ten cents each. The owner of such land shall not be entitled to claim any damages for such trespass other than said sum of twenty-five cents. Provided however, that if in any particular case this provision shall have an onerous or unjust bearing, owing to

the large number of animals trespassing, the Judge shall have power to diminish the forfeiture.

TRESPASS ON UNCULTIVATED LAND.

SECTION 11. If any of the animals mentioned in Section 9 of this Act shall trespass on any uncultivated land the owner of such animal or animals shall pay to the owner of the land the sum of twenty-five cents for the trespass of each animal, excepting for sheep and goats, for which he shall pay ten cents each, and if any damage be done by the animal or animals, the owner thereof shall further pay to the land-owner the full amount of such damage.

TRESPASS BY SWINE.

SECTION 12. All owners of swine shall keep such animals confined. In case swine shall trespass upon any land, the owner, if known, shall be notified by the owner of the land trespassed upon, and if he shall not remove the swine within twenty-four hours, or if any swine belonging to such owner shall again trespass on the land of such land-owner, such swine, as well as all swine trespassing, the owner of which is unknown, may be killed, and the land-owner shall not be liable for damages for such killing.

EXPENSES OF DRIVING.

SECTION 13. In all cases where animals are taken up for trespass, the actual expenses incurred, or a fair allowance for the labor required in catching, driving and conveying such animals to the pound, and of giving notice to the owner of the same, shall be added to the forfeits and damages specified in the preceding sections. Provided however, that the charge for such catching, driving and conveying to the pound shall not exceed one dollar per head.

NOTICE TO OWNER OF ANIMALS.

SECTION 14. When any animal or animals are taken up for trespass, the owner, if known, shall be immediately notified, if reasonably practicable, of such fact, and of the amount of damage and trespass fees claimed, and if he shall refuse or fail to pay the legal charges, or in case the owner be unknown, then the animal or animals shall be impounded forthwith.

LAWFUL FENCE.

SECTION 15. Every fence shall be deemed a lawful fence which shall be made of stone, posts and rails, posts and boards, posts and iron wire, or other suitable materials, provided it be not less than four and a half feet in height, substantially built, strong and close, to turn all stock excepting swine, and in good repair. The sea, rivers, ponds and natural perpendicular bluffs, whenever impassable, shall be legal fences.

HOW OWNER OF ANIMALS MAY OBTAIN POSSESSION OF THEM.

SECTION 16. If the owner of any animal or animals taken up for trespass, has reason to believe that the taking up or impounding of the same was illegal, or if he regards the claim for damages or expenses as excessive, he may have his animals returned to him upon his delivering to the land-owner or to the Pound Keeper, if the animal or animals have been impounded, a certificate from any District Justice or Police Justice of the district, stating that he has deposited with such Justice the amount claimed by the land owner, together with the pound fees, if any, or a good and sufficient bond for the same and the costs of a suit before him.

TRIAL.

SECTION 17. The said Justice shall, upon receiving

the amount claimed, including pound fees, if any, or a good and sufficient bond for such amount, and the costs of suit, issue the required certificate, and at the same time summon the parties to appear before him with their witnesses, and after a fair hearing he shall decide between them. No appeal shall be allowed from his decision unless taken and perfected within five days after such decision has been rendered, and in case an appeal is taken, he shall require from the appellant a bond in the sum of fifty dollars conditioned for the payment of the costs further to accrue, or fifty dollars in lieu of such bond, in case the judgment is confirmed, which bond, together with the amount claimed or the bond given in lieu of such amount, he shall send up to the Appellate Court together with the certificate of appeal. If it shall appear on trial, that the impounding was illegal, the land-owner shall be compelled to pay the pound fees.

CAUSING AN ANIMAL TO TRESPASS.

SECTION 18. If any person shall maliciously and designedly open a gate-way, or break a fence, so as to allow any animal ingress or egress, so that it may commit a trespass, or shall maliciously and designedly drive or lead any animal into another locality where it may commit a trespass, he shall, for every such offense, be subject to a fine of not more than one hundred dollars, or shall be imprisoned at hard labor not more than one year.

REGISTER OF BRANDS.

SECTION 19. Every owner of live stock shall, in order to its validity, have his brand or mark recorded in a book kept for the purpose by the Minister of the Interior on the Island of Oahu, or the Sheriff of the island

on which his animals are, and shall receive a certificate to that effect on the payment of one dollar for the benefit of the Public Treasury. Provided however, that no brand or mark shall be recorded which may be similar or approximate in design to any brand or mark which shall have been previously recorded, and no record shall be made of any mark which shall involve the cutting off of one or both ears of an animal. All records of brands and marks now in possession of the several Governors, shall be forthwith transferred to the Minister of the Interior, on the Island of Oahu, and to the several Sheriffs on the other islands.

SECTION 20. It shall be unlawful for any person to use any brand or mark that has been duly registered according to law, in the name of another, except by the consent of such registered owner, his executors, administrators or assigns. Any person violating the provisions of this Section, shall, upon conviction before any Police or District Magistrate, be fined five dollars for each animal so branded or marked.

SECTION 21. Sections 231 to 248, both inclusive, of the Civil Code, are hereby repealed, and this Act shall take effect and become law from the date of its approval.

Approved this eleventh day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior

CHAPTER XXXVI.

AN ACT

To AMEND AND REGULATE THE LAW RELATING TO THE APPOINTMENT AND TENURE OF OFFICE OF TAX ASSESSORS AND TAX COLLECTORS, AND THE ASSESSMENT AND COLLECTION OF TAXES.

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

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

1. The Island of Oahu to be called the First Division.
2. The Islands of Maui, Molokai, Lanai and Kahoolawe, to be called the Second Division.
3. The Island of Hawaii to be called the Third Division.
4. The Islands of Kauai and Niihau to be called the Fourth Division.

SECTION 2. The Minister of Finance, with the approval of the Cabinet, shall, on or before the first day of April, 1889, appoint an assessor and collector of taxes, hereinafter called the "Assessor," for each taxation division of the Kingdom.

SECTION 3. Any such assessor may be removed by the said Minister, with the consent of the Cabinet, whenever in his opinion such officer shall be incompetent or corrupt, or shall have failed properly to per-

form the duties of his office, and a successor to such office may thereupon be appointed in the manner provided in Section 2 of this Act: Provided, that in case of any such removal the said Minister shall, within two weeks thereafter, give such person a statement in writing of the reasons and specific facts relied on for such removal.

SECTION 4. Each such assessor shall, within and for the division for which he is appointed, do and perform all of the duties heretofore directed to be performed by, and shall be subject to all the obligations and penalties heretofore imposed upon the several tax assessors and collectors for the taxation districts situate therein, except as otherwise provided by this Act.

SECTION 5. Each Assessor shall be responsible for the correct and full assessment of the taxes within his division, and for the collecting and accounting for the same, and payment thereof to the Treasury, and for the official acts of his deputies.

SECTION 6. Each Assessor shall appoint, and at his pleasure remove, as many deputies as, in his opinion, with the concurrence of the Minister of Finance, may be required to properly perform the duties of assessing and collecting the taxes. Each deputy shall, within and for the district or districts for which he may be appointed, have all the power and authority of the assessor, except the right to appoint deputies; subject, however, in all respects to the supervision and control of the assessor who appointed him.

SECTION 7. Each Assessor shall, before entering upon the duties of his office, execute and deliver to the Minister of Finance a bond, with sufficient sureties, in

the sum of not less than twenty thousand (\$20,000) dollars, conditioned for the faithful execution of the duties of his office. Such sureties shall be resident within this Kingdom, and shall own unencumbered estate of the assessed value of not less than twenty thousand (\$20,000) dollars. It shall be the duty of the Minister of Finance to ascertain the sufficiency of such sureties, and from time to time to assure himself thereof; and he shall require new sureties at any time when the sureties on such bonds shall, in his opinion, become insufficient.

SECTION 8. Each Assessor shall exact from each of his deputies a bond, with sufficient sureties, in the sum of not less than two thousand (\$2,000) dollars for the faithful performance of his duties. Such sureties shall be resident within this Kingdom, and shall own unencumbered real estate of the assessed value of not less than two thousand (\$2,000) dollars. It shall be the duty of the Assessor to ascertain the sufficiency of such sureties, and from time to time to assure himself thereof; and he shall require new sureties at any time when the sureties on such bonds shall, in his opinion, become insufficient.

SECTION 9. It shall be the duty of each Assessor to gather and tabulate under appropriate heads, in proper books, all information necessary or proper for the ascertaining of values of property in their respective divisions. Such information, and all maps and records obtained or received by such Assessor, shall be public records; and in case of his death, removal or resignation, shall immediately pass to the care and custody of his successor. Such information, maps, records, and all records connected with the assessment and collection of taxes shall,

during all business hours, be open to the inspection of the public.

SECTION 10. For the purpose of assisting the Assessors in arriving at a correct valuation of the property within their respective divisions, the Minister of the Interior is hereby directed to cause to be forwarded to each Assessor at the end of each quarter an abstract of the conveyances and leases of real estate situate in his division which shall have been entered for record at the Registry of Conveyances during such quarter. He shall also, from time to time, cause to be prepared for the use of the several assessors detail maps, so far as the material available, or from time to time obtained, will allow, of the respective taxation divisions, showing all original titles and areas, and, so far as possible, all present titles.

SECTION 11. The Minister of Finance shall furnish to the tax assessors all necessary books, blank receipts and other blanks. The receipts for personal taxes shall be separate from the receipts for property tax. All unused blank receipts for personal taxes, and all stubs of receipts which have been issued as receipts for personal taxes shall be returned to the Minister of Finance with the final accounts of taxes collected.

SECTION 12. The several assessors shall keep offices at such places in their respective divisions as the Minister of Finance shall direct, for the convenience of the public business, of which public notice shall be given.

SECTION 13. Each Assessor shall receive such compensation as the Legislature shall from time to time appropriate. Each deputy shall receive such percentage

of the taxes collected by him, not to exceed five per cent., as full compensation for assessing and collecting, and all work done in connection therewith, as the Assessor, with the approval of the Minister of Finance, may decide.

SECTION 14. For the purpose of equalizing assessments of real and personal property as far as practicable throughout the Kingdom, the several Assessors, with the Minister of Finance as chairman, shall constitute a Board of Equalization, which shall hold a meeting in Honolulu between the first of April and the last of June each year, at such time as may be designated by the Minister of Finance, when such general rules regarding assessments and valuations shall be adopted as may be deemed proper and equitable, and not inconsistent with any existing law.

SECTION 15. All laws and parts of laws, in so far as they are inconsistent with any of the provisions of this Act, are hereby repealed.

SECTION 16. This Act shall take effect and become a law from and after the first day of March, A. D. 1889.

Approved this twenty-first day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXXVII.

AN ACT

To PROVIDE FOR THE DISCHARGE OF CERTAIN DUTIES
HERETOFORE PERFORMED BY THE GOVERNORS OF THE
DIFFERENT ISLANDS.

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

SECTION 1. The Marshal of the Kingdom for and within the Island of Oahu, and the Sheriffs of the different Islands other than Oahu within their respective jurisdictions, shall hereafter discharge the duties hereinafter enumerated, which have heretofore been discharged and performed by the Governors of the different Islands ; that is to say, with respect to:

1. The administration of oaths and the taking of depositions.
2. The control, preservation and disposition of wrecks and wreckage.
3. The shipping and discharge of seamen.
4. The testing and certification of weights and measures.

SECTION 2. In order to facilitate the due performance of their duties by the said Marshal and Sheriffs as provided in the preceding section, all rights, privileges and fees heretofore accruing to, or possessed by, and all bonds running to the said Governors, or any of them, in respect of the matters pertaining to any of said duties,

shall hereafter be possessed by and accrue and run to and in favor of the said Marshal and Sheriffs within their respective jurisdictions.

All records heretofore kept by the several Governors shall within fifteen days after this Act shall become a law, be by them transferred to those persons who are by this Act appointed to perform the several duties heretofore performed by the several Governors.

SECTION 3. The Minister of Finance shall, until the first day of April, 1889, discharge and perform any and all duties heretofore by law devolving upon the Governors of the different Islands with respect to the appointment and supervision of Tax Collectors and all other duties in connection therewith as imposed by Sections 54, 56, 62, 63, 64 and 65 of Chapter XLIII. of the Session Laws of 1882, and Sections 55 and 61 of said Chapter as amended by Chapter XXXVII. of the Session Laws of 1886, and all bonds, obligations, rights and privileges heretofore running or accruing to any Governor by virtue of any of the sections above enumerated shall hereafter run and accrue to the Minister of Finance from and after the said first day of April, 1889. said Minister of Finance shall continue to discharge and perform said duties except as the same are or shall be assigned to the several Assessors or other officers of the Government from and after said date, by virtue of any Act now passed, or which shall hereafter be passed by the Legislature of the Kingdom at its regular session of the year 1888, and more especially by an Act entitled "An Act to amend and regulate the law relating to the appointment and tenure of office of Tax Assessors and Tax Collectors, and the assessment and collection of taxes."

SECTION 4. The authority heretofore possessed by the

different Governors to bind out minors by articles of apprenticeship as provided by Section 1397 of the Civil Code is hereby transferred to the Judges of the Supreme Court or of any Circuit Court or other Court of Record sitting in Probate, any one of whom may act in the premises.

SECTION 5. The duty heretofore imposed upon the respective Governors relating to the preparing of jury lists and the drawing of juries is hereby transferred to the Chief Clerk of the Supreme Court for the Island of Oahu, and the clerks of the respective Circuit Courts for the several Judicial Circuits.

SECTION 6. The authority hereinbefore imposed upon the several Governors of countersigning the drafts for salary of the District Justices is hereby transferred to the Circuit Judges of the several Circuits.

SECTION 7. That Sections 619 and 620 of the Civil Code be and hereby are repealed.

SECTION 8. That Section 914 of the Civil Code be amended by striking out the words "or by any Governor of an Island."

SECTION 9. This Act shall take effect from and after the date of its approval, and all laws and parts of laws in contravention herewith are hereby repealed.

Approved this twenty-first day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXXVIII.

AN ACT

TO GIVE GREATER SECURITY TO DEPOSITORS IN THE HAWAIIAN POSTAL SAVINGS BANK.

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

SECTION 1. In order to give greater security to depositors in the Hawaiian Postal Savings Bank, and to facilitate repayments to depositors in case of withdrawals of deposits in excess of the ordinary course of business, the Minister of Finance is hereby authorized to issue coupon bonds of the Hawaiian Government for the amount of the Postal Savings Bank Deposits on deposit in the Treasury on the 1st day of July, 1888, and on the first day of January and July of each year hereafter he is hereby further authorized to issue such bonds up to the amount of the net Postal Savings Bank deposits paid into the Treasury during the six months next preceding such date of issue.

SECTION 2. Such bonds shall be of a denomination not less than one hundred dollars (\$100) and shall be redeemable not less than five nor more than twenty years after date, and shall bear interest at the rate of six per cent. per annum, principal and interest to be paid in gold coin of the United States of America. They shall express upon their face that they are issued as security for the Postal Savings Bank deposits, and are negotiable only upon the endorsement of the Postmaster-General and the Minister of the Interior with the consent of the Cabinet.

SECTION 3. Such bonds shall be held by the Postmaster-General in trust, as security for deposits in the Hawaiian Postal Savings Bank.

SECTION 4. In the event of demands for withdrawals of deposits from the Postal Savings Bank in excess of the reserve on hand or available at the Treasury, the Postmaster-General with the written consent of the Cabinet, is hereby authorized to borrow sufficient money to meet such demands, upon the lowest terms obtainable, and give such bonds, or any necessary portion thereof, as security for the money so borrowed, or he may with such consent as aforesaid sell a sufficient number of such bonds after first advertising for tenders therefor to the person or persons making offers the most advantageous to the Government, and apply the proceeds to the payment of such demands.

SECTION 5. If the Postmaster-General shall at any time withdraw from the Treasury moneys deposited therein by the Postal Savings Bank, for which bonds shall have been issued as aforesaid, he shall at the same time surrender to the Treasury, bonds, the par value of which shall equal the amount so withdrawn; which bonds, so surrendered shall be forthwith cancelled by the Registrar of Public Accounts as redeemed bonds.

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

Approved this fifteenth day of August, A. D. 1888.

KALAKAUA REX.

By THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XXXIX.

AN ACT

To AMEND THE LAW RELATING TO THE HAWAIIAN POSTAL SAVINGS BANK.

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

SECTION 1. That Section 4 of Chapter XLVI. of the Laws of 1884 be and is hereby amended so as to read as follows:

“SECTION 4. On demand, by notice upon the Postmaster-General in such form as may be prescribed in the Regulations made under this Act, by a depositor or party legally authorized to claim on account of a depositor, for repayment of any deposit or part thereof, such depositor shall be absolutely entitled to payment of any sum or sums not exceeding One Thousand Dollars (\$1,000) which may be due him, within thirty days after giving such notice, and shall be absolutely entitled to payment of any sum or sums over One Thousand Dollars (\$1,000) which may be due him within sixty days after giving such notice, and the officer making said repayments shall enter the same upon the book of the depositor and attest the entry by his signature.”

SECTION 2. That Section 6 of said Act as amended by Chapter XXXIV of the Laws of 1886 is hereby further amended so as to read as follows:

“SECTION 6. The rate of interest payable on deposits made under this Act shall not exceed five per centum.

per annum, nor shall interest be paid upon deposits exceeding at any one time twenty-five hundred dollars in any one account. Interest shall not be calculated on any amount less than five dollars or some multiple thereof, and shall not commence until the first day of the calendar month next following the day of deposit, and shall cease on the first day of the calendar month in which such deposit is withdrawn. All deposits not exceeding twenty-five hundred dollars in any one account that shall have been on deposit one month prior to July 1st of each year, shall not be assessed for taxes and shall be free from all Government taxation."

SECTION 3. That the said Act be and the same is hereby amended by adding a new Section thereto to be called Section 8A, which shall read as follows:

"SECTION 8A. There shall be at all times retained in the Treasury as a special reserve to meet the demands of depositors in said Postal Savings Bank, not less than ten per cent. of the deposits in such bank, on all deposits up to an aggregate of Five Hundred Thousand Dollars (\$500,000)."

SECTION 4. That Section 11 of said Act be amended so as to read as follows:

"SECTION 11. The Postmaster-General, with the consent of the Cabinet, may make, and from time to time as he shall see occasion, alter all needful regulations for carrying this Act into execution; and after publication, such regulations so made shall be binding on the parties in the subject matter thereof to the same extent as if such regulations formed part of this Act."

SECTION 5. That Section 13 of said Act be amended so as to read as follows:

"SECTION 13. All expenses incurred in the execution of this Act shall be paid out of the appropriations for the General Post Office, and the income derived from the interest account shall, at the end of each year be paid into the Treasury as a realization of the General Post Office."

SECTION 6. That the said Act be and the same is hereby amended by adding three new sections thereto, to be called Section 16, Section 17 and Section 18, which shall read as follows:

"SECTION 16. In case any depositor shall die leaving a sum of money on deposit in the Postal Savings Bank not exceeding one hundred dollars (\$100), and letters of administration or notice of existence of a will be not produced to the Postmaster-General within a period of sixty days after the death of the depositor; or in case of disputes of any one claiming to be entitled to any money deposited in the Postal Savings Bank under one hundred dollars (\$100) as assignee, executor, administrator or next of kin to the depositor, the matter may be referred in writing to a Justice of the Supreme Court whose award or order in writing shall be binding and conclusive on all parties to all intents and purposes without any appeal."

"SECTION 17. In case any depositor shall die leaving any sum of money on deposit in the Postal Savings Bank exceeding one hundred (\$100) dollars the same shall only be paid to the executor or administrator on the production of letters of administration."

"SECTION 18. If a depositor become insane having on deposit not exceeding one hundred (\$100) dollars, the Postmaster-General may in his discretion authorize

payment from time to time out of the funds of such depositor to any person having charge of him."

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

Approved this seventeenth day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER XL.

AN ACT

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

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

SECTION 1. An Act entitled "An Act to provide for the appointment of Boundary Commissioners," approved August 23d, 1862, as amended by an Act entitled "An Act to facilitate the settlement of boundaries by the appointment of Commissioners, and extend the term of the Commission of Boundaries established by an Act approved August 23d, 1862," approved June 22d, 1868, is hereby re-enacted, and the term during which such Commission shall continue to act is hereby extended until the 23d day of August, 1892.

Approved this seventh day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XLI.

AN ACT

To REGULATE THE KEEPING OF BOOKS OF ACCOUNT BY WHOLESALE AND RETAIL LICENSEES.

WHEREAS, by reason of the failure of tradesmen and others to keep accounts in the English, Hawaiian, or some European language, many frauds have been perpetrated; and

WHEREAS, in order to prevent the future perpetration of such frauds, it is necessary that the accounts of all persons holding wholesale or retail licenses should be kept in full, and in the English, Hawaiian or some European language; now, therefore,

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

SECTION 1. That from and after the first day of October next, no wholesale or retail license shall be granted to any person except upon the express condition that such licensee shall, at all times keep full, true and correct books of account of all business transacted by him in connection with such licensed business, which books of account shall be kept in the English, Hawaiian or some European language.

SECTION 2. The Minister of the Interior, or his duly authorized representative, or the Marshal, or any of his deputies, or any Sheriff or Deputy Sheriff, may at any reasonable time during business hours, examine the books of such licensee, sufficiently to ascertain whether or not he is complying with such conditions.

SECTION 3. Any person who shall receive a license under the conditions aforesaid, and who shall violate or fail to comply therewith, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five, nor more than two hundred dollars for each offense, and his license shall be forthwith cancelled.

SECTION 4. This Act shall become a law from and after the first day of October next.

I hereby certify that the foregoing Bill, having been duly presented to the King for approval, was by him returned to the Legislature without approval, with his objections, on the tenth day of August, 1888 ; that such objections were entered at large on the Journal of the Legislature ; that said Bill was thereupon reconsidered, and the yeas and nays being called upon the said tenth day of August, 1888. The same became law by the affirmative vote of over two-thirds of the elective members of the Legislature.

WILLIAM R. CASTLE,
President of the Legislature.

Attest, J. ALFRED MAGOON, Clerk.

CHAPTER XLII.

AN ACT

To DEFINE AND LIMIT THE AUTHORITY OF COURTS AND JUDGES TO PUNISH FOR CONTEMPT IN CERTAIN CASES.

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

SECTION 1. The publication of proceedings before any Court or Judge, shall not be deemed to be contempt, nor shall such publication be punishable as contempt.

SECTION 2. Constructive contempts shall not hereafter be punishable as such.

SECTION 3. The terms of this Act shall apply to the publication of all proceedings in all Courts, or before all Judges, hitherto had, now pending or which may hereafter be brought.

Approved this twenty-first day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XLIII.

AN ACT

To AMEND SECTION 21 OF AN ACT ENTITLED AN ACT TO REPEAL CHAPTER X. OF THE CIVIL CODE AND TO REGULATE THE BUREAU OF PUBLIC INSTRUCTION, APPROVED THE 10TH DAY OF JANUARY, A. D. 1865, AS AMENDED BY AN ACT APPROVED THE 6TH DAY OF JULY, 1866, AND ENTITLED AN ACT TO AMEND SECTION 21 OF AN ACT ENTITLED "AN ACT TO REPEAL CHAPTER X. OF THE CIVIL CODE, AND TO REGULATE THE BUREAU OF PUBLIC INSTRUCTION, APPROVED JANUARY 10TH, A. D. 1865, REGULATING THE TIME FOR WHICH CHILDREN MAY BE PLACED AT THE REFORMATORY OR INDUSTRIAL SCHOOL."

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

That Section 21 of an Act entitled An Act to repeal Chapter X. of the Civil Code, and to regulate the Bureau of Public Instruction, approved the 10th of January, A. D. 1865, as amended by an Act approved the 6th day of July, 1866, and entitled An Act to amend Section 21 of an Act entitled "An Act to repeal Chapter X. of the Civil Code, and to regulate the Bureau of Public Instruction, approved January 10th, A. D. 1865, regulating the time for which children may be placed at the Reformatory or Industrial School," shall be and the same is hereby amended by inserting the words "or any one duly authorized by such School Agent in writing," between the words "Agent" and "or the Inspector-General," so that said Section shall read as follows:

"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 any one duly authorized by such school agent in writing, 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 six months, or more than two years, or otherwise sentence him to a fine not exceeding two dollars, or imprisonment at hard labor for a term not exceeding ten days.

Approved this eleventh day of August, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XLIV.

AN ACT

To ABOLISH THE OFFICE OF GOVERNOR.

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

SECTION 1. The office of Governor of any Island or Islands within this Kingdom is hereby abolished.

SECTION 2. All laws and parts of laws in conflict herewith are hereby repealed.

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

I hereby certify that the foregoing bill, having been duly presented to the King for approval, was by him returned to the Legislature without approval, with his objections, on the twenty-second day of August, 1888, that such objections were entered at large on the Journal of the Legislature; that said bill was thereupon reconsidered, and the yeas and nays being called upon the twenty-third day of said August, the same became law by the affirmative vote of over two-thirds of the elective members of the Legislature.

WILLIAM R. CASTLE,
President of the Legislature.

Attest: J. ALFRED MAGOON, Clerk.

CHAPTER XLV.

AN ACT

RELATING TO THE FIRE DEPARTMENT OF HONOLULU.

Be it enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. There shall be a Fire Department for the City of Honolulu, which shall consist of a Chief Engineer, two Assistant Engineers, one Fire Marshal, who shall act as Survey Engineer, and as many firemen as may be approved by the Board of Representatives of the Department, chosen according to its By-Laws. The general care and supervision of the Honolulu Fire Department shall be under the Minister of the Interior.

SECTION 2. The Chief Engineer and the two Assistant Engineers shall be elected biennially on the first Monday of December by the certificate members of the Fire Department. The first regular election under this Act shall take place on the first Monday in December, 1889.

SECTION 3. The appointment and removal of the Fire Marshal shall be by the Chief Engineer, with the approval of the Minister of the Interior.

SECTION 4. The election provided for in Section 2 of this Act shall be conducted in such manner as the By-Laws of the Department shall prescribe. In case there shall be no election or any office shall become vacant, the Minister of the Interior shall direct a new election to be held on a day by him to be fixed.

SECTION 5. The Chief Engineer shall have the care,

control and custody of the property of the Fire Department, and shall be responsible to the Minister of the Interior for the same, and he shall also, by and with the approval of the Minister of the Interior, make all expenditures of moneys appropriated by the Legislature for the Honolulu Fire Department; and he shall not contract any debts on behalf of the Department, or dispose of any property belonging to the same without the consent of the Minister of the Interior. In all cases of fire he shall have the sole and absolute control and command over all the members of the Fire Department, and it shall be his duty to cause the several engines and apparatus to be located in the most advantageous situations, and duly worked for the effectual extinguishing of fires. He may, with the approval of the Minister of the Interior, grant the custody and use of fire engines, fire buckets, and other fire apparatus belonging to the Government, to such firemen as he may deem proper, and assume the control of the same with said Minister's approval. He shall, as often as once in three months, examine into the condition of the fire engines, houses, fire buckets and other fire apparatus, and shall every six months report and return to the Minister of the Interior the expenditures of the Fire Department for such period, the names of all certificate members, the number of fires which have occurred during the period, with the names of owners and occupants of the premises or property damaged or destroyed; the cause or origin of the fire, if known, and the amount of loss or damage and of the insurance on the property, the condition of the fire engines, carriages, apparatus and property of the Department, and the standing and condition of the companies. When any of said fire engines shall require to be re-

paired, the Chief Engineer shall cause the same to be well and sufficiently repaired.

SECTION 6. In case the Chief Engineer shall be absent from a fire, the First Assistant Engineer shall assume the duties; and in case the Chief Engineer and First Assistant shall both be absent, their duties shall devolve upon the Second Assistant Engineer.

SECTION 7. The Fire Marshal and Chief Engineer shall divide the city of Honolulu into fire districts and report their boundaries to the Minister of the Interior. The Fire Marshal shall keep a record of the names of occupants of the houses or other buildings where he shall observe any violations of the provisions of this law.

SECTION 8. It shall be the duty of the Fire Marshal once every three months, and as much oftener as he may deem proper, to examine the dwelling houses, stores, places of business and other buildings in the respective districts, for the purpose of ascertaining any violation of this law; and also to examine the fire places, hearths, chimneys, stoves and stovepipes in the respective districts, and upon finding any of them defective or dangerous, he shall direct the owner or occupants of said premises by written or printed notice, to alter, remove or amend the same, and in case of neglecting to do so the party offending shall be guilty of a misdemeanor and punished on conviction as hereinafter provided. The Fire Marshal shall once in every three months, and as much oftener as may be necessary, make full report of all matters relating to his duties to the Chief Engineer, and also shall report to the Minister of the Interior each week any violations of the laws relating to fire-proof buildings.

SECTION 9. There shall be a Board of Representatives of the Honolulu Fire Department, which shall consist of the Chief Engineer, the two Assistant Engineers, the foreman and one assistant foreman for each company, and one delegate from each of said companies. The delegate from each company shall be elected by his Company annually in December at the stated meeting next succeeding the first Monday of December, provided the present representatives shall constitute said board until new members of the Board are elected in accordance with the provisions of this Act.

SECTION 10. The Board of Representatives shall have power to divide the members of the Fire Department into companies, and to fix the number of members, both active and honorary, of the Department and of each company, to disband companies for inefficiency and for good cause upon hearing after due notice, to suspend and dismiss members of the Department, to cause the Secretary of the Department to issue the certificate of membership, to hear and determine appeals from decisions of company matters and other appeals, and make rules and regulations in all matters of appeal, to elect from the active members of the Department a treasurer, who shall also act as Secretary of the Fire Department, and who shall give bonds to the Chief Engineer for the faithful performance of his duties, and who shall have the care, control and charge of all funds, moneys and disbursements of the Fire Department, except the general appropriation of the Legislature, subject to the approval of the Board of Representatives, to make all necessary rules and regulations for the holding of any election or elections under this Act, to make

rules, by-laws and regulations for the Fire Department, and for carrying out the provisions of this Act.

SECTION 11. Any person becoming an active member of the Fire Department, and who is properly equipped, shall, on presentation of a certificate to that effect from the Secretary and Foreman of his company to the Secretary of the Fire Department, receive from him a certificate that he is an active member of the Honolulu Fire Department, and, as such, entitled to all the privileges which the laws regulating the Fire Department grant to its members, and the title of this shall be certificate of membership; such certificate shall be for one year only, and shall be renewed each year to entitle anyone to be an active member. And only members holding such certificate shall be entitled to vote at the election of any officers of the Honolulu Fire Department or of the Board of Representatives, provided that no person within the age of eighteen years shall be eligible to vote at elections of said officers.

SECTION 12. The firemen shall be divided into companies, to consist of such number as shall from time to time be fixed by the Board of Representatives. Each of said companies may choose out of their own number a Foreman, Assistant Foreman, a Secretary and Treasurer, in such manner and at such times as they shall think proper, and make rules and regulations for their own government not in conflict with law or the by-laws of the Board of Representatives.

SECTION 13. It shall be the duty of said firemen, whenever any fire shall break out in the city, to repair immediately to said fire with their respective engines, hose, carriages, hooks, ladders, and other apparatus, and

there to work and manage such fire engines and other fire implements with all their skill and power as the Chief Engineer may direct, and they shall not remove therefrom without the permission of the Chief Engineer.

SECTION 14. For the more effectual perfecting of the firemen in their duties, they shall, once in every month, draw out their several engines and apparatus in order to wash and cleanse the same, and to exercise the firemen; and if any fireman shall neglect said duty he shall forfeit and pay such penalty as the majority of his company shall direct.

SECTION 15. If any fireman shall neglect to attend any fire, or leave his engine or other apparatus while at any fire without permission, or shall neglect to do his duty on such occasion without reasonable excuse, he shall, for every such default, pay such penalty as the majority of his company shall fix; and may, by a vote of the majority of his company, be dismissed as a fireman, subject to an appeal to the Board of Representatives.

SECTION 16. It shall be the duty of such members of the city police as are not on duty at the time of any fire to repair immediately on the alarm of fire, with their badges of office, to the place where such fire may be to preserve the peace, protect property, remove all idle or suspected persons or others not actually employed in extinguishing the fire; and also, upon request, to arrest and detain in custody all persons refusing to obey the orders of the Chief Engineer or either of his assistants.

SECTION 17. All policemen of Honolulu on duty at the time of any alarm of fire shall remain at the places

where they have been stationed, and no such policeman shall leave his station without the order of his chief.

SECTION 18. It shall be the duty of the fire police at the time of a fire to place ropes or guards across all streets, lanes and alleys wherein are situated any building on fire, and at such other points as they may deem expedient and necessary ; and they shall prevent any and all persons, except owners, employees and occupants of buildings endangered by the existing fire, from entering within the lines defined by ropes or guards, save and except officers of the Fire Department and firemen, the Fire Marshal and the Fire Patrol, or such other person as may have the permission of the officers of the Fire Department ; and no person or persons shall enter within the lines defined by the ropes or guards, or refuse to go outside of said lines when directed to do so by any police officer, or officer of the Fire Department.

SECTION 19. No person or persons shall break through, or attempt to break through, such blockade, or run over with any vehicle the line of hose in use at a fire.

SECTION 20. No person shall, unless by permission of the Chief Engineer, kindle any fire, nor in any way authorize any fire to be made in any street, road, lane, market-place or other highway, or on any pier or wharf in the city, except for the purpose of boiling tar, which fire shall not be more than ten feet from the end of the pier or wharf ; and no person shall kindle or light, or cause to be lighted, any rubbish or any bonfire in any place whatsoever within a radius of one mile of the present site of the Bell Tower of Honolulu without the permit in writing of the Chief Engineer.

SECTION 21. The Chief Engineer, by and with the

approval of the Minister of the Interior, or in case of his not being present, by and with the approval of any Cabinet Minister, may direct any house or building to be pulled down, blown up, or otherwise demolished, when they deem the same to be necessary, in order to prevent the spreading of the fire.

SECTION 22. If such pulling down, blowing up or demolishing of a house or building is the means of stopping the fire, or if it stops before it comes to the building so demolished, the owner shall be entitled to recover a reasonable compensation from the Hawaiian Government; but when such building is that in which the fire first broke out, the owner shall receive no compensation. Any such claim must be presented within thirty days after the fire to the Minister of the Interior, and if not presented within said time shall be barred.

SECTION 23. The Chief Engineer and the Assistant Engineers may, during the continuance of a fire, require assistance from the persons present for extinguishing the same, and for removing furniture, goods, merchandise and property from a building on fire, or in danger thereof, and may appoint guards to secure the same. They may also require assistance for pulling down or demolishing a house or building when they judge it necessary, and may suppress all tumults and disorders at such fire. All persons at a fire shall obey the orders of said officers.

SECTION 24. During the prevalence of a fire it shall be lawful for the Chief Engineer, the Assistant Engineers, Fire Marshal, the Marshal of the Kingdom and his deputies or the captain of the fire police, to remove or cause to be removed and kept away from the vicinity of such fire, by force, if advisable, all idle and suspicious

persons, and all persons in their judgment not fit to be employed, or not actually and usefully employed in aiding the extinguishing of such fire, or in the preservation of property in the vicinity thereof.

SECTION 25. Any person cutting, or in any way wantonly or intentionally injuring any portion of the fire apparatus, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined a sum not exceeding two hundred and fifty dollars.

SECTION 26. It shall be the duty of all persons owning or occupying premises adjacent to a fire to allow free access to the same by the Fire Department, upon the order of the Chief Engineer or either of the Assistant Engineers, for the purpose of obtaining water or using the fire apparatus for the extinguishing of any fire; and in case such access is refused, the Chief Engineer, or the person acting in his place is hereby authorized forcibly to enter such premises for the purposes aforesaid; and no person shall refuse such free access, or in any way obstruct the same.

SECTION 27. All engines, carriages, and other movable apparatus of the Honolulu Fire Department shall have the paramount right of way through all streets, lanes, alleys, highways and byways, places and courts of the city and fire districts of Honolulu, when running to a fire, and such apparatus, together with all other vehicles thereto, excepting street-cars, shall take and keep the right side of the street, unless the same be obstructed, and all street-cars in the vicinity of any such apparatus going to a fire, shall retard or accelerate their speed, as the apparatus may require, in order to give the apparatus of the Fire Department the unobstructed use of the street for the time being.

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SECTION 28. No person or persons having the control of any vehicle shall wilfully or carelessly permit the same to obstruct the progress of the apparatus of the Honolulu Fire Department, going to a fire.

SECTION 29. Whoever wilfully, wantonly or maliciously obstructs or retards the passage of an engine, or any fire apparatus of the Fire Department, while going to or at a fire shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars.

SECTION 30. Every building occupied as a dwelling house or as a store-house or a regular place of business in Honolulu, shall be furnished with at least two fire buckets, which shall be kept in good condition, ready for use, in a conspicuous place, and upon which the name of the owner shall be painted, provided that an order to that effect in writing or printing, shall first be given to occupants of any such buildings, by the Fire Marshal or the Chief Engineer, and all such occupants who shall receive such order shall within five days thereafter, provide, furnish and maintain fire buckets as aforesaid.

SECTION 31. The occupant or occupants of any building which may be on fire, or in danger from any fire in its vicinity, in which any explosive material or compound shall be stored or kept shall, immediately after the breaking out of such fire, give notice to the Chief Engineer or either of the Assistant Engineers, who may be in command at such fire, of the nature, quantity and place of storage of such explosive substance or compound and shall also at said time give like notice to the owners or occupants of all adjacent buildings.

SECTION 32. No person shall give a false alarm of fire in Honolulu.

SECTION 33. Whosoever purloins, embezzles, conveys away or conceals any furniture, goods, clothes, merchandise or effects, or property of persons whose houses, buildings, property or effects are on fire or endangered thereby, and does not within two days return the same or give notice of his possession thereof, to the owner, if known, or if unknown to the Chief Engineer or his Assistant Engineers, or the Marshal of the Kingdom and his deputies, shall be deemed guilty of larceny, and upon conviction thereof shall be punished as provided by law.

SECTION 34. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction shall, except where the penalty is otherwise provided herein, be punished by a fine in a sum of not more than one hundred dollars.

SECTION 35. The Chief Engineer of the Fire Department, the Assistant Engineers, the Fire Marshal and Marshal of the Kingdom and his deputies, are directed to make complaints for violations of the provisions of this Act.

SECTION 36. The Police and District Justice of the District of Honolulu shall have jurisdiction to try and determine all misdemeanors arising under this Act, and all complaints for the violation of any of the provisions of this Act, and to impose any of the penalties herein prescribed.

SECTION 37. The Chief Engineer and the Assistant Engineers, the Foreman and the Assistant Foreman of each company, and the paid members of the Fire Department, in active, regular employment, shall be

exempt from being impanelled or returned upon any juries or inquests, and the names of such persons shall be registered with the Clerk of the Supreme Court, and with the Marshal of the Kingdom by the Secretary of the Fire Department, certified to by the Chief Engineer.

SECTION 38. All fines and penalties collected for violations of any of the provisions of this Act, except those otherwise provided for, shall be paid to the Treasurer of the Honolulu Fire Department for the benefit of its sick fund ; and the Justice and Clerk of the Police Court, the Marshal of the Kingdom, and all others who may collect or receive the same, are hereby authorized and directed to pay the same to the Treasurer of said sick fund, taking a receipt therefor, and also to inform the Chief Engineer of such payment.

SECTION 39. The City of Honolulu, for the purposes of this law, shall comprise all the space within circle whose center is the present site of the Bell Tower of the Honolulu Fire Department, and whose radius is two miles.

SECTION 40. Section 331 to and including Section 353, and all intervening Sections of the Civil Code, Chapter XLV. of the Laws of 1880, and Chapter LXIII. of the Penal Code, are hereby repealed.

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XLVI.

AN ACT

**To SPECIALLY LICENSE THE RETAILING OF MALT LIQUORS
MANUFACTURED UNDER THE ACT ENTITLED "AN ACT
TO LICENSE THE BREWING OF MALT LIQUORS IN THE
DISTRICT OF HONOLULU," APPROVED 15TH OF OCTO-
BER, 1886.**

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

SECTION 1. The Minister of the Interior is hereby authorized to grant licenses for one year in this Kingdom to any person or persons making written application for the same to sell by the glass, or in any other quantity less than five gallons, malt liquors manufactured in Honolulu under the Act entitled "An Act to License the Brewing of Malt Liquors in the District of Honolulu," approved the 15th of October, 1886, upon receiving for each license the sum of two hundred and fifty dollars.

SECTION 2. The proposed location of such licensed premises shall be subject to approval by the said Minister, and shall not be changed except by his written consent.

SECTION 3. Before receiving a license to sell malt liquors as above, the applicant shall file an approved bond with the Minister of the Interior in the penalty of one thousand dollars, conditioned :

First: That he will not dispose of any malt liquors to any person in a state of intoxication, or to minors.

Second : That he will not sell or otherwise dispose of on the premises for which he is licensed any wines, malt liquors or spirits of any description whatever ; and also that he will not store, or allow to be stored on the premises for which he is licensed any wines, malt liquors or spirits of any description whatsoever, except such beer manufactured in Honolulu, and under the said above-mentioned Act.

SECTION 4. Such license and bond may contain any provisions which, in the opinion of said Minister, shall be necessary to the correct regulation of the business and premises so licensed, and to prevent or detect violations of this Act, or of such license or bond.

SECTION 5. Upon the conviction of the party so licensed for breach of any of the terms of his bond or license, the amount of such bond shall be forfeited, and, in addition to all penalties imposed by law, he shall be ineligible for a license of any class for a term of two years.

SECTION 6. This Act shall take effect from and after the date of its approval, and all laws and parts of laws in contravention herewith are hereby repealed.

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER XLVII.

AN ACT

AUTHORIZING THE MINISTER OF THE INTERIOR TO CONVEY
TO THE TRUSTEES UNDER THE WILL OF HIS LATE
MAJESTY W. C. LUNALILO, CERTAIN LAND AT KAIWIO-
KAIHU, DISTRICT OF KONA, ISLAND OF OAHU, ADJOINING
LUNALILO HOME PREMISES.

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

SECTION 1. The Minister of the Interior is hereby authorized to execute a deed of conveyance on behalf of the Hawaiian Government to the Trustees under the will of His late Majesty W. C. Lunalilo, and their successors in said trust, of that parcel of land at Kaiwio-kaihu, District of Kona, Island of Oahu, adjoining the Lunalilo Home premises bounded and described as follows :

Commencing at the north corner of this piece of land on boundary of Kalawahine at a point which bears S. 45 deg. 12 min. W. true 625 feet from a concrete post at a place called Moopili on the boundary of Kalawahine, and running 1 S. 10 deg. 1 min. E. true 1286 feet along Government land across gulches to a post 2 S. 31 deg. 1 min. W. true 578 feet along same down ridge to a post.

From which post the Government Survey Station on East ridge of Punchbowl Hill bears N. 74 deg. 37 min. W. true. Thence 3 S. 61 deg. 37 min. W. true 750 feet along same down ridge, 4 S. 50 deg. 30 min. W. true 278

feet along Grant 2,788 to angle of Lunalilo Home land 5 N. 4 deg. 5 min. E. true 470 feet along Lunalilo Home land along center of gulch 6 N. 37 deg. 20 min. E. true 285 feet along same, along center of gulch to rock in gulch marked thus Δ . Thence 7 N. 84 deg. 32 min. W. true 595 feet across head of Lunalilo Home land to angle of fence, 8 N. 34 deg. 17 min. E. true 845 feet along boundary of Kalawahine. Thence 9 N. 45 deg. 12 min. E. true 1200 feet along Kalawahine to initial point. Containing an area of thirty-eight and sixty-two one-hundredth acres (38 $\frac{62}{100}$).

The only consideration to be named in such deed shall be a permission by said Trustees to the Government to construct and maintain a ditch or aqueduct over the premises of the said asylum, for the purpose of conveying waste water flowing from the mountains. The terms and conditions of such permission to be such as may be agreed upon by the Minister of the Interior and said Trustees.

SECTION 2. The said deed of conveyance shall convey the said parcel of land for the use of the said Trustees in executing the trust expressed in the said will of His late Majesty W. C. Lunalilo, and for no other purpose. Whenever the said parcel of land shall cease to be used for the said purpose it shall thereupon revert to the Hawaiian Government, and all title or claim of such Trustees derived under the provisions of this Act shall cease and be determined.

Approved this sixth day of September, A. D. 1888.

By THE KING:

KALAKAUA REX.

L. A. THURSTON,

Minister of the Interior.

CHAPTER XLVIII.

AN ACT

**To PREVENT PASSENGER STEAM COASTING VESSELS, OVER
TWO HUNDRED AND FIFTY TONS, FROM CARRYING
LEPERS OR OTHERS SUFFERING FROM ANY CONTAGIOUS
OR INFECTIOUS DISEASE.**

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

SECTION 1. No Steam Coasting vessel licensed to carry passengers and engaged in the regular performance of that business, according to published schedules of sailing times, and whose net tonnage exceeds two hundred and fifty tons shall be compelled or allowed while so engaged, to carry to or from any port or place in this Kingdom any leper or any person or persons suffering from any contagious or infectious disease.

SECTION 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof before any Police or District Magistrate shall be fined in a sum not to exceed two hundred dollars.

SECTION 3. This Act shall take effect from and after the first day of January, A. D. 1889.

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior

CHAPTER XLIX.

AN ACT

To PROVIDE FOR THE IMPORTATION AND SALE OF ALCOHOL
FOR MEDICAL, MECHANICAL AND SCIENTIFIC PURPOSES.

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

SECTION 1. The Minister of the Interior is hereby authorized to grant licenses to such persons or associations of persons as he, in his discretion, may deem fit and proper, for the sale of alcohol for medical, mechanical and scientific purposes only. The fee for such license shall be the sum of fifty dollars each year. The license shall be for one year from date thereof.

SECTION 2. Before granting any license, a good and sufficient bond to the Minister in the sum of one thousand dollars, secured in not less than double the amount of the penalty, shall be required. The condition of the bond shall be that the holder of said license shall sell no alcohol except for medical, mechanical or scientific purposes, and shall be satisfied before sale that such alcohol shall be used for no other purpose. The said Minister of the Interior is likewise authorized to require any other condition or security to ensure the due observance of this law.

SECTION 3. The Collector-General of Customs is hereby authorized to permit holders of the licenses herein provided to withdraw alcohol from the Custom House for medical, mechanical and scientific purposes upon payment of a duty of one dollar per gallon, upon

being satisfied that such alcohol shall be used for such purposes only.

SECTION 4. Any person violating any provision of this Act shall be liable to a fine not less than one hundred nor more than one thousand dollars. If such person be the holder of a license herein provided, the same shall be forfeited and the penalty of the bond shall at once become due.

SECTION 5. Jurisdiction to hear and determine all cases arising under this Act is hereby conferred on Police and District Magistrates subject to the right of appeal.

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER L.

AN ACT

To AMEND SECTION 22 OF "AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO INTERNAL TAXES," APPROVED ON THE SEVENTH DAY OF AUGUST, A. D. 1882, AS AMENDED BY CHAPTER XXXVII. OF THE LAWS OF 1886.

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

SECTION 22 of "An Act to Consolidate and Amend the Law relating to Internal Taxes," approved on the seventh day of August, A. D. 1882, as amended by

Chapter XXXVII. of the Laws of 1886, be and is hereby amended by striking out at the beginning of said Section the following words: "No person for whom any trustee, treasurer, executor, administrator or guardian, shall have made returns, shall be individually assessed by the assessor for the property so returned," so that the Section as amended shall read as follows:

"SECTION 22. Every agent, trustee, treasurer, executor, administrator or guardian, shall, for the purposes of this Act, be deemed agent, and shall be answerable for the performance of all such acts, matters or things as are required to be done by virtue of this Act in respect of the assessment of the property which he represents, and the payment of taxes thereon ; and shall be under and subject to the like penalty or liability for any neglect, refusal or default as any other person, and shall be authorized to recover from any person in whose behalf he is compelled to pay any tax, the amount so paid by him, or to retain out of any money which shall come to him in his representative character so much from time to time as shall be sufficient to pay such tax, and shall be indemnified for all payments which he shall make in furtherance of this Act."

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER LI.

AN ACT

TO PROVIDE FOR THE BRINGING OF SUITS BY OR AGAINST
THE HAWAIIAN GOVERNMENT.

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

SECTION 1. Whenever it shall be necessary or desirable for the Hawaiian Government, in order to collect or recover any money or penalty, or to recover or obtain the possession of any specific property, real or personal, or to enforce any other right (except in respect to criminal prosecutions) to institute judicial proceedings, it shall, except as otherwise expressly provided by law, be competent for the Attorney-General to bring and maintain a suit or suits for any such purpose in any appropriate court or courts of the Kingdom. All such suits shall be entitled in the name of the Hawaiian Government, by the Attorney-General of the Kingdom, against the party or parties or thing sued, as defendants or respondents, or as the case may be.

SECTION 2. Whenever any citizen of this Kingdom, or other person, shall have a claim or claims against the Hawaiian Government, which said Government shall refuse or neglect to satisfy or adjust, it shall be competent for such person to bring and maintain a suit or suits against said Government in any appropriate Court of Record of the Kingdom for the purpose of adjudicating such claim or claims.

SECTION 3. No such suit as mentioned in Section 2 of

this Act shall be permitted to be filed in any court, nor shall any process issue from any court therein, until the complaint, libel or declaration proposed to be filed in such cause shall have been submitted to the Justices of the Supreme Court, and shall have been endorsed by a majority of such Justices, with an allowance of process against the said Government therein. If upon such submission the said Justices shall be of opinion that the claim set forth in such complaint, libel or declaration, is a fair subject for judicial investigation, it shall be their duty to allow process to issue therein, otherwise to withhold such allowance: Provided, however, that no suit shall be authorized, nor shall any process issue against the Government, based on any contract or any act of any Government officer which such officer is not authorized to make or do by the laws of this Kingdom.

SECTION 4. For the purposes of such suits as are mentioned in Section 2 of this Act, no Court of Record shall decline jurisdiction because of the smallness of the amount in controversy.

SECTION 5. This Act shall be held to extend to and include causes of action which now exist, as well as those which shall arise in future; but nothing in this Act contained shall operate or be construed so as to waive any question of limitation in favor of or against the Government.

SECTION 6. In any suit such as is contemplated in Section 2 of this Act, service of process upon the Attorney-General or his Deputy, at Honolulu, shall be deemed a service of such process upon the Hawaiian Government.

SECTION 7. All laws and parts of laws in conflict

with the provisions hereof shall be and the same are hereby repealed.

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

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LII.

AN ACT

To CONFER JURISDICTION UPON CIRCUIT JUDGES TO ISSUE WARRANTS AND EXAMINE FOR COMMITMENT PERSONS ACCUSED OF CRIME OR MISDEMEANOR.

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

The Circuit Judges shall severally have power to issue warrants for the apprehension within their respective circuits of any person accused, under oath, of a crime or misdemeanor and to examine and commit such person to prison for trial, to fix bail and generally to do and perform the duties of a committing magistrate.

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER LIII.

AN ACT

To AUTHORIZE THE CLERKS OF THE SUPREME AND CIRCUIT COURTS TO TAX COSTS.

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

SECTION 1. The Clerk of the Supreme Court, his Deputies, and the Clerks of the several Circuit Courts are hereby authorized to tax costs in any case before either of said Courts or at Chambers, or other department of the same. Such taxation shall be subject to appeal as now provided by law with regard to cases at Chambers, or before a Justice of either of said Courts.

SECTION 2. Whenever either party shall desire to have the costs in any case taxed, notice of taxation of at least twenty-four hours shall be served upon the opposite party to attend before the Clerk for that purpose.

SECTION 3. Nothing herein contained shall operate to prevent the entry of judgment for costs as at present accustomed, nor to deprive the Justices of the right to tax costs as now provided by law.

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING :

L. A. THURSTON,

Minister of the Interior.

CHAPTER LIV.

AN ACT

To AMEND AN ACT ENTITLED "AN ACT TO FACILITATE THE ACQUIRING AND SETTLEMENT OF HOMESTEADS."

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

SECTION 1. Section 1 of an Act entitled "An Act to Facilitate the Acquiring and Settlement of Homesteads," approved August 29, 1884, is hereby amended by adding thereto the following words, to wit:

Provided, however, that in the districts of Kahikinui and Kipahulu, Maui, and Kona and Puna, Hawaii, such lots may be not more than one hundred acres in area.

SECTION 2. Section 2 of said Act is hereby amended by adding thereto the following words, to wit:

Provided, however, that if by reason of the location of the land so surveyed it is difficult to obtain appraisers, or the smallness of the area will raise the proportionate cost of such appraisement above a reasonable amount, then and in such case the Minister of the Interior, the surveyor who surveyed such land, and the Surveyor-General, may make such appraisement.

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

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,
Minister of the Interior.

CHAPTER LV.

AN ACT

To REGULATE THE SALE OF GOODS, WARES AND MERCHANDISE IN THIS KINGDOM BY COMMERCIAL TRAVELING AGENTS FROM FOREIGN COUNTRIES.

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

SECTION 1. From and after the passage of this Act no person, agent or representative of any foreign commercial or manufacturing house, company or corporation, shall be licensed or permitted to sell goods, wares or merchandise in the Hawaiian Islands without filing with the Minister of the Interior a statement giving the name of such foreign house, company or corporation ; also stating the place of domicile of such foreign house, company or corporation, and the line of trade or manufactures in which it is engaged.

Upon filing such statement, duly verified, the Minister of the Interior shall, upon application of such person or agent, and upon the payment of five hundred (\$500) dollars, grant a license to the applicant for a period of one (1) year to sell goods, wares and merchandise in Honolulu, Island of Oahu. And upon any such person or agent of any foreign house, company or corporation, filing a statement with the Minister of the Interior duly verified, as by this Act hereinbefore provided, and upon payment of two hundred and fifty (\$250) dollars, the Minister of the Interior shall issue a license to such applicant for a period of one (1) year to sell goods, wares

and merchandise in any other city, town or district in the Hawaiian Islands, Honolulu excepted: Provided, that no license granted under the provisions of this Act shall permit any person, agent or representative, to sell the goods, wares or merchandise of more than one house, company or corporation; and no license so granted shall be transferable.

SECTION 2. Any person, agent or representative selling goods, wares and merchandise of any foreign house, company or corporation in the Hawaiian Islands without first obtaining a license as herein provided, upon conviction before any Police or District Justice shall be fined five hundred (\$500) dollars. Any person, agent or representative who shall make a verified false statement to the Minister of the Interior as to the name or domicile, or character of trade, merchandise or manufactures of the house, company or corporation that he represents shall be deemed guilty of perjury, and, upon conviction thereof, be punished for the offense of perjury as now provided by law.

SECTION 3. Chapter XLII. of the Session Laws of 1882, approved the second day of August, 1882, being an Act entitled "An Act to Regulate the Licensing of Commercial Traveling Agents from Foreign Countries doing business in this country," is hereby repealed; and all laws or parts of laws inconsistent herewith are hereby repealed.

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER LVI.

AN ACT

RELATING TO THE STREET RAILWAY IN HONOLULU.

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

SECTION 1. There is hereby granted to William R. Austin, his associates and successors and their assigns, hereinafter named the grantees, the right and privilege, subject to the requirements of Chapter XXXIV. of the Session Laws of 1884, re-enacted by Chapter XVIII. of the Session Laws of 1886, and the provisions in this Act expressed, at any time prior to the 15th day of September, 1889, to construct, maintain and operate a single track street railway, with all necessary curves, switches and turnouts except as hereinafter prohibited upon a portion of Fort Street; in, along and upon the following streets in the city of Honolulu, namely: Along the Esplanade from the foot of Fort Street to the foot of Alakea Street; on Queen Street, from Alakea Street to Nuuanu Street; on Nuuanu Street, from Queen Street to King Street; on School Street, from Punchbowl Street to Liliha Street; and on Fort Street, from the Water Front to School Street. Along the Water Front between Fort and Alakea Streets, and along Fort Street from the Water Front to Queen Street a double track may be laid.

SECTION 2. The right and privilege hereinabove granted is subject to each of the conditions hereinafter in Sections 3, 4 and 5, expressed as on the part of the

said grantees to be observed and performed and the entry of said grantees upon any of the streets hereinbefore mentioned and described, for the purpose of constructing such road or any part thereof, shall be construed as an acceptance by them of the said conditions, that is to say :

SECTION 3. Said grantees shall construct, equip and put into operation, in a substantial and reasonable manner, prior to the fifteenth day of September, 1889, a street railway upon and along Punahou Street, from the point of said grantees' railway on either King Street or Beretania Street as far northerly as the grounds of Oahu College.

SECTION 4. Said grantees shall, at all places where their road shall run, whether upon the streets named in Section 1 hereof, or upon any other street or road in said Honolulu, upon which they are or shall hereafter be authorized to construct and shall construct their road, at their own expense maintain the surface of the street or bridge flush with the rail surface of their road, both between the rails thereof, and for a distance of not less than two feet on the outside of each of such rails, and also the entire space between tracks where it has more than one track; but macadam stone if the Government has it in stock, or if it is not in stock, the use under the control of the Government, stone crusher and plant and materials and the use of the steam roller and the water-cart shall be supplied to said grantees by the Government, for such purpose at net cost, free from any charges for profit or depreciation of plant.

SECTION 5. Said grantees shall not lay or construct any double track or siding on that portion of Fort Street lying between Queen Street and Beretania Street.

SECTION 6. If said grantees shall fail, neglect or refuse to observe and perform any of the conditions in this Act as expressed on their part to be observed and performed, within the time herein limited for the performance thereof, then all the rights and privileges by this Act conferred shall lapse and become void, upon a decree to that effect being made by any Court of competent jurisdiction. But nothing herein contained shall be construed to exempt said grantees from the obligation to maintain the surface of all streets and bridges, wherein or whereon any of their roads shall be constructed, in manner as expressed in Section 4 of this Act, while such railway shall remain in or upon such street or road.

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

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LVII.

AN ACT

TO FACILITATE THE PROOF OF SERVICE OF PROCESS IN CIVIL CASES.

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

In all cases where process of any Court of record or not of record or any complaint, order or citation be served by any officer of the Court or of the police force

including the Marshal, his deputy, or any sheriff or his deputies, a record thereof shall be indorsed upon the back of such process, complaint, order or citation. Such record shall state the name of the person served and the time and place of service and shall be signed by the officer making the service. Such record shall be *prima facie* evidence of all it contains and no further proof thereof shall be required unless either party shall desire to examine such officer; in which case he shall be notified to appear for examination.

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LVIII.

AN ACT

To PROVIDE FOR THE PROTECTION OF CERTAIN FISH
WITHIN THE BAYS, HARBORS, WATERS OR STREAMS
OF THE HAWAIIAN ISLANDS.

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

SECTION 1. It shall not be lawful for any person to take, catch or destroy the young of the fish known as the mullet and the awa under four inches in length in any of the bays, harbors, waters or streams of this Kingdom: Provided, however, that nothing in this Act shall prevent the taking of the fish hereinabove prohibited for the purpose of stocking ponds.

SECTION 2. It shall not be lawful for any person to sell or offer for sale or have in his possession, except alive, any of the young fish mentioned in Section 1 of this Act.

SECTION 3. Any person violating the provisions of this Act shall, upon conviction before any Police or District Magistrate, be punished by a fine of not less than twenty, nor more than two hundred dollars, or by imprisonment at hard labor for not less than ten nor more than ninety days, or by both such fine and imprisonment in the discretion of the Court: Provided, nevertheless, that no such fine shall be imposed upon any person who fishing for other fish accidentally takes or catches no more than forty of the young fish mentioned in Section 1 of this Act.

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

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LIX.

AN ACT

To ENCOURAGE THE PRODUCTION AND SALE OF TARO FLOUR AND OTHER PRODUCTS OF TARO.

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

SECTION 1. The Minister of Finance, upon the requisition of the Minister of the Interior, and with the

approval of the Cabinet, may from time to time pay from the public Treasury, out of any moneys available for the purpose, sums not to exceed in all the sum of five thousand dollars, for the purpose of defraying the actual expenses incurred in attempting to introduce taro flour and other products of taro into foreign markets.

SECTION 2. No money shall be so paid from the Treasury excepting upon evidence satisfactory to the Cabinet that the plans proposed for so introducing taro flour and other products of taro into foreign markets, are made in good faith, are reasonable, and that energetic and thorough efforts will be made to execute such plans. As soon as practicable, after the disbursement from time to time of such moneys, full and detail accounts with vouchers shall be filed in the office of the Minister of the Interior, showing the items of disbursements and the manner in which such moneys have been expended.

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

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER LX.

AN ACT

To AMEND CHAPTER XXVIII. OF THE LAWS OF 1887, RELATING TO THE REGULATION OF CHINESE IMMIGRATION.

Be it Enacted by the King and the Legislature of the Hawaiian Kingdom.

SECTION 1. Section 2 of Chapter XXVIII. of the Laws of 1887, being an Act entitled "An Act to Regulate Chinese Immigration," is hereby amended so as to read as follows:

"SECTION 2. From and after the passage of this Act, no Chinese coming from parts beyond the Hawaiian Islands shall land, be landed or permitted to land in or upon the Hawaiian Islands, except such Chinese as shall, at the time of his arrival at any port of this Kingdom from abroad have a permit personal to himself to enter the Kingdom, granted, signed and sealed by the Minister of Foreign Affairs of the Hawaiian Kingdom under and subject to regulations to be prepared and published by him, by and with the consent of the Cabinet, excepting as hereinafter provided; and excepting all Chinese to whom or for whom such personal permit to enter the Kingdom has heretofore been granted, as shall be shown by the records of the office of the Minister of Foreign Affairs. Provided, however, that nothing herein shall be held to conflict with the provisions of an Act to limit the time within which permits for Chinese to enter the Kingdom may be used, approved July 4, 1888.

SECTION 2. Section 3 of said Chapter XXVIII. is hereby amended so as to read as follows:

"SECTION 3. If any master of a vessel shall bring any Chinese without such permit into any port of this Kingdom from abroad with intent to land such Chinese in this Kingdom, or if such master shall land or attempt to land any Chinese in this Kingdom, without such permit, or if such master or any other officer of such vessel shall permit such Chinese to escape from such vessel while within Hawaiian jurisdiction, such master (or other officer in fault in the premises in case of an escape) shall be liable on conviction to a penalty of Two Hundred Dollars for each Chinese so brought into any port of this Kingdom, or landed, or attempted to be landed, or who shall escape from such vessel within Hawaiian jurisdiction; and the master of such vessel shall be compelled to re-embark such Chinese as shall unlawfully land or escape or be landed from such vessel, and upon his neglect or refusal to do so, after notification by the Minister of Foreign Affairs, the Marshal, any Sheriff, the Collector-General of Customs or any officer of Customs, he may be forthwith arrested without warrant, and upon conviction of such neglect or refusal as aforesaid, he shall be liable to a penalty of Two Hundred Dollars in respect of each Chinese whom he shall have so refused or neglected to re-embark."

SECTION 3. There are hereby added to said Chapter XXVIII. four new sections, to be numbered Sections 3A, 3B, 3C, 3D respectively, to read as follows :

"SECTION 3A. Any Chinese, whether a passenger on or a member of the crew of any vessel arriving in Hawaiian waters from abroad, who shall land, or attempt to land, upon Hawaiian shores, except he be provided with a personal permit to enter the Kingdom, as provided in Section 2 of this Act, shall be liable, on con-

viction thereof, to a penalty of two hundred dollars. If any Chinese shall, with intent and purpose to gain access to this Kingdom, tender or present, or cause to be tendered or presented, to any officer of Customs or other officer of the Hawaiian Government, any ticket, permit, passport or other document other than a valid permit personal to himself for such Chinese to enter the Kingdom, the fact of such tender or presentation shall be deemed conclusive evidence of an attempt on the part of such Chinese to land in this Kingdom without a permit."

"SECTION 3B. No vessel which shall have brought any Chinese into any port of this Kingdom with intent on the part of the master or owners of such vessel to land them on these shores, such Chinese being unprovided with valid personal permits, as in this Act provided, shall be granted a clearance from any Custom House, or permitted to leave any port of this Kingdom while any of the Chinese so brought into such port by or upon such vessel shall be in the custody of any officer of this Government, not upon such vessel, or on bail awaiting any judicial proceedings as to the right of any of such Chinese to land in this Kingdom : Provided, that if the master, owners, or authorized agents, of such vessel shall execute and deliver to the Collector-General or any Collector of Customs a good and sufficient bond or bonds, with sufficient sureties, in a sum of not less than three hundred dollars in respect of each such Chinese so in custody, or on bail, conditioned for the prompt deportation from this Kingdom of all such Chinese as shall be upon such proceedings, denied the right to land in this Kingdom, together with all costs and expenses incident to the custody of such Chinese

while awaiting such deportation, such vessel shall be allowed to depart the Kingdom. All bonds in this Section provided for shall be deemed forfeited, and suit may be sustained thereon unless within thirty days from the rendition of final judgment denying the right of any Chinese in respect of whom such bond shall have been given to land in this Kingdom, such Chinese shall be deported from this Kingdom by the obligor in such bond."

"SECTION 3C. No court of this Kingdom shall release or permit to land, or go abroad in this Kingdom, upon habeas corpus or other proceedings any Chinese who shall have come from ports beyond the Hawaiian Islands, unless such Chinese shall show affirmatively that he possessed and presented a valid permit, personal to himself, to enter the Kingdom."

"SECTION 3D. Any vessel by or upon which any Chinese shall be brought into any port of this Kingdom without a permit personal to such Chinese to land in this Kingdom shall be liable for any penalty that shall be adjudged against any officer of such vessel in respect of the bringing of such Chinese to Hawaiian ports, or landing or attempting to land, or permitting to land such Chinese upon Hawaiian shores, or permitting such Chinese to escape from such vessel within the Hawaiian jurisdiction, or for refusal of such officer to re-embark or deport such Chinese, and such penalty may be enforced by the seizure and sale of such vessel, or any of her apparel or furniture after rendition of a decree to that effect in any court of competent jurisdiction. Whenever in the course of any prosecution or other suit under this Act any person shall allege in defense of such prosecution or suit the possession by

himself or any other person or persons of a permit or permits to enter this Kingdom, it shall be incumbent upon the person so alleging such possession to prove the validity of such permit or permits to allow the person or persons so possessing the same to enter this Kingdom."

SECTION 4. Nothing in this Act contained shall be construed to repeal or amend Paragraph 2 of Section 5 of said Chapter XXVIII. of the Laws of 1887.

SECTION 5. This Act shall take effect from and after its approval, and all acts and parts of acts in contravention herewith are hereby repealed.

Approved this tenth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LXI.

AN ACT

RELATING TO VOLUNTARY HELPERS OF SEGREGATED
LEPERS COMMONLY KNOWN AS "KOKUAS."

WHEREAS, it is deemed expedient that the husband or wife of a leper should, in ordinary cases, be allowed to remain as a helper or kokua with such leper when segregated:

AND, WHEREAS, it is inexpedient to allow the privilege aforesaid without giving the Board of Health full power and control over helpers or kokuas, owing to the fact that many kokuas become infected with leprosy, and capable of communicating the same to others, though showing no signs of the disease themselves: therefore

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

SECTION 1. Voluntary helpers or kokuas living with lepers segregated by the Board of Health may be by such Board declared infected with the disease of leprosy, and capable of communicating the same to others. All such kokuas are hereby placed under control of the Board of Health, and may be prevented by it from intermingling with those free from the disease.

SECTION 2. The Board of Health, with the consent of the Cabinet, is empowered to make and promulgate such rules and regulations in regard to said helpers or kokuas for their care, discipline and maintenance as may be deemed necessary, which rules and regulations shall have the force and effect of law when promulgated.

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

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER LXII.

AN ACT

To AUTHORIZE AND PROMOTE THE CONSTRUCTION OF
STEAM RAILROADS ON THE ISLAND OF OAHU.

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

SECTION 1. Power and authority are hereby given to the Minister or the Interior, by and with the consent of the Cabinet, to contract with B. F. Dillingham, his associates and successors and their assigns, or such corporation as shall be formed and organized by him or them under the Laws of this Kingdom, providing for the establishment of private corporations for the constructing and operating on the Island of Oahu a steam railroad or railroads of not less than three feet gauge, for the carriage of passengers and freight:

Provided, however, that if said Benjamin F. Dillingham, his associates and successors or their assigns, or such corporation, shall fail, within eighteen months from the passage of this Act, to give satisfactory guarantees to the Government that he or they are able to and will construct and put into operation within three years from the approval of this Act, a steam railroad connecting Honolulu with Pearl River Lagoon. The said Minister may contract with any Hawaiian corporation for the construction and operation of any steam railroad in this Act authorized upon the terms and conditions herein expressed.

SECTION 2. The said Minister may, by such contract as aforesaid, confer upon Benjamin F. Dillingham, his associates and successors and their assigns, or any such corporation as shall be formed or organized by him or them as aforesaid (hereinafter referred to as such company) all such rights and privileges as to the acquisition of rights of way and other privileges for the construction, maintenance and operation of such roads, together with all depots, stations, yards, crossings, wharves and equipments as are set forth in an Act entitled "An Act to Promote the Construction of Railways," being Chapter XXIX. of the Laws of 1878, as amended by Chapter XLI. of the Laws of 1880, except as the same are modified by the provisions of this Act. Such contract shall secure to said company the exclusive right for twenty years from the date of this Act, to maintain and operate a steam railroad or railroads between such points as they shall, within three years from the passage of this Act, connect by such railroad, provided such railroad shall not be less than fifteen consecutive miles in length; and further provided that such exclusive right shall not apply to the district of Kona, in said Island of Oahu.

SECTION 3. Such company shall be authorized to construct, maintain and operate a steam railroad or railroads on the Island of Oahu, from and between such points thereof as shall be expressed in such contract with said Minister and in its Charter of Incorporation, subject to the conditions and restrictions in this Act contained: Provided, that the speed of any such company's rolling stock upon any street or thoroughfare of said island, except in crossing the same, shall not exceed the rate of four miles per hour under penalty of five hundred dollars, to be paid by such company to the

Hawaiian Government for each violation of this condition.

SECTION 4. The location, maps and charts and plans for the construction and equipment of all roads hereby authorized shall be submitted to the Cabinet for their approval, and such approval shall be certified by the signatures of a majority of the members of the Cabinet.

SECTION 5. Not more than six cents per mile for first class and four cents per mile for second class passengers shall be charged as fare upon any road hereby authorized.

SECTION 6. Such company may enter upon, lease, purchase and hold any and all such lands, tenements, hereditaments and easements as shall be required for the construction, maintenance and operation of its road, after the location of such road has been approved by the Cabinet, but subject to the provisions hereinafter contained.

SECTION 7. The lands to be taken for the line of such road shall not exceed forty feet in width, unless a greater width shall be required for embankments, cuttings, gravel pits, sidings, stations, yards and like purposes.

SECTION 8. No land, easements or other property right shall be taken by such company until it shall have given at least thirty days' notice in writing to the occupant, and also to the owner and lessee (if any) of such land (if such owner or lessee can be found), of its intention to take such land, describing it, for the purposes of its road. For the purposes of receiving such notice, the Minister of the Interior shall be deemed the owner of all Government land.

SECTION 9. In addition to such notice as aforesaid, such company shall publish in at least four successive issues of two weekly newspapers published in Honolulu, one of which newspapers shall be printed in the Hawaiian, and one in the English language, a notice of its intention to take such land or other property right for the purposes of its road. Such notice shall describe with reasonable accuracy and detail the land or other property right which is proposed to be acquired, and shall contain the names of all parties beneficially interested in such land as owners, lessee, occupant, or the like, where the names of such interested parties, or any of them, are known to such company.

SECTION 10. Where the land or other property right sought to be acquired is in the possession or control of the agent, attorney, trustee, guardian or other representative of the owner thereof, such representative shall receive notice of the intention of such Company to acquire the same, in manner as provided in Section 8 hereof.

SECTION 11. Such Company shall pay to the owner of any land or other property right so taken by it, or to his legal representative, the full value of the same, to be computed as of the time when such notice of intention to take the same is served. In case of a disagreement as to such value, such Company shall tender to such owner or his representative, if an owner or his representative can be found, such amount as it shall deem such land or other property right to be worth.

SECTION 12. If such owner or his representative is dissatisfied with the amount so tendered by such Company, he may, within twenty days from the date of such tender, demand of such Company to have such land or

other property right appraised by three disinterested appraisers, one of whom shall be chosen by each of the parties, and the third by the two so chosen. And such Company, before entering upon such land, or appropriating such other property right shall tender to the owner thereof or his representative the amount appraised upon the same by a majority of such appraisers, and shall pay the costs of appraisal if the amount so found is greater than the amount first tendered, but otherwise may deduct the costs of appraisal from the amount so found. If such owner or representative shall refuse to receive the amount so found and tendered, the same shall be paid into the Supreme Court, subject to the order of such owner or representative, before such Company shall take possession of such land or other property right.

SECTION 13. If such owner or representative shall fail to demand an appraisal as hereinbefore provided, or having demanded, shall for ten days refuse to accept the amount found by and upon such appraisal, such Company may at once thereafter enter upon and occupy such land or other property right, without liability to pay as damages any amount exceeding the value thereof at the time of the service of the notice first herein mentioned, unenhanced by any value such road may confer thereon, but nothing herein contained shall be construed to prevent the recovery from such Company, of damages for any act of trespass in excess of the just demand of its enterprise, nor any damages resulting from its failure to fence its line, (without any obligation upon contiguous owners to assist in building or contribute to the building of such fences) within six months of the date of its taking possession thereof, or its failure to keep

closed, or to construct effectual cattle guards upon all gaps made by it in the fences of property through which its line shall pass, from the time of its taking possession of the same.

SECTION 14. If the owner of such land or other right of property which such Company shall wish to acquire for the purposes of its road, shall be non-resident in this Kingdom, and his place of residence shall not be known, and he shall have no legal representative, attorney or agent in this Kingdom, or if such owner is not known or cannot be found or is incompetent to make a contract such Company shall deposit in the Hawaiian Postal Savings Bank, to the credit of such owner, an amount equal to a fair valuation of such land or property right, and may thereupon at once take possession of the same. Such owner or his representative may, at any time within twenty years after the taking of such possession, demand such appraisal or otherwise enforce the collection of the true value of his property so taken as herein provided.

SECTION 15. Nothing in this Act, now in said Chapter XXIX. of the Laws of 1878, amended as aforesaid, shall be construed to deprive any person of the right to maintain an action at law against any railroad company or corporation, for the value of any land or property which shall be taken by such company or corporation under the powers conferred by this Act and used for railroad purposes.

SECTION 16. Such Company shall be bound to accept and convey, for a reasonable compensation, all traffic of any and all other connecting railroads or other common carriers. In case of a disagreement as to the amount of such compensation, each party may appoint an arbitra-

tor, the Minister of the Interior shall be the third arbitrator, and such arbitrators or a majority of them may fix a tariff upon any kind or class of traffic submitted to them. Such tariff schedule shall be final and binding upon all parties in interest until the same shall be revised or amended by the same or other arbitrators thereto duly appointed, such arbitrators may, from time to time, add to such schedule any kind or class of traffic not included therein, but no revision of rates shall be made during one year after the same shall be so fixed. Other arbitrators may be, from time to time, appointed for the purpose of revising or extending such schedule, except as hereinabove provided, and the said Minister shall be a member of any board of arbitrators so appointed.

SECTION 17. Such contract as herein authorized may contain a provision for the remission of all or any portion of the taxes upon the property of such Company for any period not to exceed twenty years; provided that no taxes shall be so remitted upon any property not fairly necessary to the reasonable construction, maintenance and operation of the road of such Company.

SECTION 18. It shall not be competent for said Minister by such contract to pledge the Government to the payment of any subsidy to the constructors of any railroad herein authorized.

SECTION 19. As to any points upon said Island which shall not be connected by the railroads of such Company within three years from the passage of this Act, and as to all and any points within said district of Kona, said Minister may contract with any Hawaiian corporation for the construction of any railroad hereinabove authorized upon the terms and conditions herein expressed.

SECTION 20. No franchise issued or granted under or by virtue of this Act shall be sold, conveyed or transferred to; nor shall any railroad constructed under or by virtue of this Act be sold or conveyed to, or owned, operated or controlled in whole or in part by any corporation not organized under the laws of this Kingdom. Any violation of this provision shall operate as a revocation and forfeiture of the franchise so sold, conveyed or transferred, and of the franchise authorizing the construction and operation of the railroad or any portion thereof which shall be so sold or conveyed to, or owned, operated or controlled by such foreign corporation.

SECTION 21. This Act shall take effect from and after the date of its approval. All laws and parts of laws in conflict with the provisions of this Act are hereby, for the purpose of giving effect to this Act, but for no other purpose, repealed.

Approved this eleventh day of September, A. D. 1888.

KALAKAUA REX.

By THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LXIII.

AN ACT

To AMEND SECTION 10, CHAPTER XLIII., SESSION LAWS
OF 1882.

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

SECTION 1. Section 10, Chapter XLIII. of the Session Laws of 1882, is hereby amended by striking out all that

part of the section after the word "each" so that the same shall read as follows:

"SECTION 10. All carts and drays shall be subject to an annual tax of two dollars each."

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LXIV.

AN ACT

To AUTHORIZE THE MINISTER OF THE INTERIOR TO REMIT THE POSTAGE ON THAT CERTAIN PUBLICATION CALLED THE "PARADISE OF THE PACIFIC."

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

SECTION 1. The Minister of the Interior is hereby authorized to remit the postage on that certain publication called the "Paradise of the Pacific," a periodical now being published in Honolulu for the purpose of advertising the Hawaiian Kingdom abroad, so long as such publication shall be published without charge to the persons to whom the same may be mailed.

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

Approved this eleventh day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior

CHAPTER LXV.

AN ACT

TO ENCOURAGE THE CULTIVATION AND MANUFACTURE OF RAMIE.

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

SECTION 1. The Minister of the Interior, with the concurrence of a majority of the Cabinet, hereafter designated "The Government," is hereby authorized to enter into a contract with any responsible person or persons, or corporation, hereinafter designated as "The Contractor," for the establishment and maintaining at some suitable place or places in this Kingdom a plantation or plantations for the cultivation of ramie, and the manufacture thereof into a merchantable article of export.

SECTION 2. Such contract shall provide :

1. That the contractor shall plant and properly cultivate not less than fifty acres of ramie the first year after signing the contract.
2. That the contractor shall set up on or near said ramie plantation some good, reliable machine, for cleaning the stalk from the fibre, and making of said fibre a good and merchantable article of sufficient value in the market to pay the cost of its growth and manufacture. Said machine to have the capacity of cleaning not less than 1,000 pounds of merchantable fibre per day.
3. That the contractor shall erect all necessary buildings on said plantation as the business may require.

4. That the contractor shall keep full and accurate books of accounts and reference, to which the Government or its agents shall have access at all suitable times; which books of account or reference shall, in detail, show the amounts spent by the contractor in conducting said business; the method or methods of cultivation; the labor spent in such cultivation or manufacture; the method or methods of manufacture or shipment, and the cost of same, as well as any other item which might be of value to other parties desiring to enter into this business. All of which methods, and the cost thereof, may be published by the Government.

5. That the Government shall pay a bounty of \$100 per ton on all merchantile fibre, which shall have a market value of five cents per pound, and for which satisfactory account sales shall have been produced, and agreeing with shipments as noted by the Minister of the Interior, in all up to 150 tons of said ramie, after which no further bounty shall be paid. The same to be paid whenever five or more tons shall have been sold.

SECTION 3. The sum of fifteen thousand dollars is hereby set apart for the payment of the above-named sums from any funds in the Treasury of this Kingdom available for such purposes.

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

Approved this eleventh day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

CHAPTER LXVI.

AN ACT

RELATING TO THE NUMBER OF THE JUSTICES OF THE SUPREME COURT.

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

SECTION 1. That hereafter as vacancies shall occur in the offices of the Justices of the Supreme Court no new appointments shall be made so as to increase the number of said Justices above three.

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

I hereby certify that the foregoing Act having passed its Third Reading in the Legislature of the Hawaiian Kingdom on the 23d day of August, 1888, on the 27th day of August, 1888, was presented to His Majesty the King, through the Cabinet, and was not returned to the Legislature within ten days (Sundays excepted) thereafter, and that the Legislature had not adjourned prior to the expiration of said period of ten days.

Dated Honolulu, September 11, A. D. 1888.

WILLIAM R. CASTLE,
President of the Legislature.

Attest : J. ALFRED MAGOON, Clerk.

CHAPTER LXVII.

AN ACT

To BETTER PREVENT ILLICIT TRAFFIC IN SPIRITUOUS LIQUORS.

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

SECTION 1. It shall be unlawful from and after the passage of this Act, for any person or persons conducting or carrying on any business or trade for the carrying on of which a license is required by the Government, or for any other person except druggists, physicians and licensed dealers in spirituous liquors, to have or keep or permit on or about the premises where such business or any portion thereof is carried on, or where any portion of the stock used or kept for such business is stored, any spirituous liquors, except for the use of those engaged on the premises, and which shall not exceed at any time one-half gallon of wine or beer, or one quart of ardent spirits. The definition of the term spirituous liquor herein shall be the same as is contained in Section 2 of Chapter LXIV. of the Laws of 1882.

SECTION 2. It shall be unlawful for any licensed peddler, trader, or store-keeper, or any book-keeper, clerk or employee of such peddler, trader or store-keeper, except such as are licensed to deal in spirituous liquor, to forward to any other person any order for the forwarding, sale or purchase of spirituous liquors, with intent that such spirituous liquors shall be forwarded, sold or furnished

either directly or indirectly by the person or persons to whom such order is sent or given, to or for the use of any person or persons other than the person or persons who shall forward such order.

SECTION 3. It shall be unlawful for any person, not being a licensed dealer in spirituous liquors, or a common carrier of goods, to receive into, or have in his possession, custody or control, at any point outside the City of Honolulu, any spirituous liquor with intent to sell, transfer or dispose of such spirituous liquor or any part thereof to any other person or persons.

SECTION 4. It shall be unlawful for any person whether he be a licensed dealer in spirituous liquors or not, to bill, ship or send by or upon, or to place or cause to be placed on board of any steamer, ship or vessel engaged in the carrying trade between any of the ports of this Kingdom any spirituous liquors with the intent that the same shall be conveyed or carried by or upon such steamer, ship or vessel, and delivered to some third person or persons, except such spirituous liquor be plainly labelled with the name and quantity thereof, which label shall be written or printed in either the Hawaiian or the English language, and shall contain the names of the shipper and the consignee of such liquor respectively.

SECTION 5. It shall be lawful for any police officer to seize and detain any spirituous liquor held by any person in contravention of Sections 1, 3 or 4 of this Act, and any liquors so seized may be declared by the Court before which such case shall be brought, to be forfeited to the use of the Hawaiian Government; all liquors so forfeited shall be sold, and the proceeds thereof, less expenses of seizure and sale, shall be returned by the Marshal to the Treasury as a Government realization.

SECTION 6. Any person who shall violate any provision of this Act shall, upon each conviction thereof before any police or district court, be fined a sum not less than twenty-five dollars nor more than two hundred dollars.

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

Approved this sixth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING :

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LXVIII.

AN ACT

To AMEND SECTION 40 OF THE ACT ENTITLED "AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO INTERNAL TAXES," APPROVED THE SEVENTH DAY OF AUGUST, 1882, AS AMENDED BY CHAPTER XXXVII. OF THE SESSION LAWS OF 1886, APPROVED THE FIFTEENTH DAY OF OCTOBER, 1886; AND ALSO TO AMEND SECTION 46 OF THE "ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO INTERNAL TAXES," APPROVED THE SEVENTH DAY OF AUGUST, 1882, AND TO ADD A NEW SECTION TO SAID ACT, TO BE CALLED "SECTION 58A."

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

SECTION 1. That Section 40 of the Act entitled "An Act to Consolidate and Amend the Law relating to Internal Taxes," approved the 7th day of August, 1882, as

amended by the Act approved the 15th day of October, 1886, be and the same is hereby amended so that said Section shall read as follows :

“SECTION 40. Any person whose name may appear on such tax list, and who shall have made his returns to the Assessor as hereinbefore provided, and, if entitled to exemption, shall have claimed such exemption, and who may deem himself aggrieved by any excess made by the Assessor in the valuation of the property as returned, or in the amount and character thereof, or whereby the amount payable by such person is increased beyond the amount which would be payable by him according to such return, or whose claim for exemption shall not have been allowed, may appeal from such assessment on lodging with the Tax Assessor on or before the fifteenth day of November a notice thereof in writing, stating the grounds of his objection to the assessment, or to any part thereof, and depositing therewith the costs of such appeal.”

SECTION 2. That Section 46 of the Act entitled “An Act to Consolidate and Amend the Law relating to Internal Taxes,” approved the 7th day of August, 1882, be and the same is hereby amended, so that said Section shall read as follows :

“SECTION 46. The said Courts shall hold a sitting in each taxation district between the fifteenth day of November and the first day of December, in each year, at such times and places as the Presidents thereof shall appoint ; and such Courts may adjourn from time to time as may be necessary.”

SECTION 3. That a new Section be added to the Act entitled “An Act to Consolidate and Amend the Law relating to Internal Taxes,” approved the seventh day

of August, 1882, to be called Section 58A, which shall read as follows :

"SECTION 58A. All personal taxes shall be due and payable on and after the first day of July of each year, and may be collected by the proper officer at any time after such date." If any person legally liable to pay personal taxes refuse to pay such taxes when demanded by the Assessor, the Assessor may proceed against such person in the manner provided in Section 58 of said Act.

SECTION 4. All laws in conflict with the provisions hereof are hereby repealed.

SECTION 5. This Act shall take effect from and after the first day of April, 1889.

Approved this tenth day of September, A. D. 1888.

KALAKAUĀ REX.

BY THE KING :

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LXIX.

AN ACT

To AMEND SECTION 2 OF CHAPTER LVI. OF THE PENAL CODE AND REPEAL SECTIONS 3, 4 AND 5 OF SAID CHAPTER WITH ALL AMENDMENTS THERETO.

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

SECTION 1. That Section 2 of Chapter LVI. of the Penal Code be and is hereby amended so as to read as follows :

"SECTION 2. Said Justice shall examine into, hear and determine the complaint, and shall secure, if practi-

cable, a reconciliation between the parties ; but if no reconciliation can be effected, the complaint shall be dismissed. In case of such dismissal the Justice shall adjudge the costs to be paid as in his opinion justice shall demand."

SECTION 2. Sections 3, 4 and 5 of said Chapter and any and all amendments thereof be and are hereby repealed.

Approved this tenth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LXX.

AN ACT

To RESTRICT THE IMPORTATION AND SALE OF OPIUM OR PREPARATIONS THEREOF.

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

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

ing the information which shall lead to the conviction of the offender.

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

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

SECTION 4. Any physician or surgeon who shall sell, prescribe or furnish opium, or any preparation thereof, to any person in the habit of smoking or otherwise using the same, or to any other person, except as a remedy in case of sickness, shall forfeit to the Hawaiian Government all opium, or preparations thereof, which may be

in his possession, and it shall be seized and delivered to the Board of Health, and he shall be fined in the sum of not less than twenty-five nor more than one hundred dollars, and if he shall violate this Act more than once he shall not again be furnished with opium by the Board of Health.

SECTION 5. The several police and district courts of the Kingdom are hereby invested with authority to try and determine all cases arising under this law.

SECTION 6. Nothing in this Act shall be construed to exempt any person or vessel from the pains and penalties prescribed by the Laws of the Kingdom against smuggling.

SECTION 7. Chapter LXXXIII. of the Laws of 1886, being "An Act to regulate the Importation and Sale of Opium in this Kingdom," and all other laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

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

I hereby certify that the foregoing Act having passed its Third Reading in the Legislature of the Hawaiian Kingdom on the 14th day of August, 1888, on the 15th day of August, 1888, was presented to His Majesty the King, through the Cabinet, and was not returned to the Legislature within ten days (Sundays excepted) thereafter, and that the Legislature had not adjourned prior to the expiration of said period of ten days.

Dated Honolulu, September 11, 1888.

WILLIAM R. CASTLE,

President of the Legislature.

Attest: J. ALFRED MAGOON, Clerk.

CHAPTER LXXI.

AN ACT

AUTHORIZING THE MINISTER OF THE INTERIOR TO CONVEY TO TRUSTEES CERTAIN REAL ESTATE IN THE DISTRICT OF HONOLULU, IN FURTHERANCE OF THE CONSTRUCTION OF BUILDINGS FOR THE CHARITABLE ACCOMMODATION OF INDIGENT PERSONS OF FOREIGN BIRTH AND DESCENT.

WHEREAS, some provision for the charitable care of indigent persons of foreign birth and descent, living in the Hawaiian Islands, appears to be desirable; and it is evident that private effort is ready to inaugurate and maintain such an enterprise if suitable premises for its location can be secured: therefore,

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

The Minister of the Interior, by and with the consent of the Cabinet, is hereby authorized to execute and deliver a deed of conveyance for the nominal consideration of one dollar on behalf of the Hawaiian Government, of one acre of land in the premises on Pensacola street and Wilder Avenue, lately occupied by the barracks of mounted police, for the above-named object, to five (5) trustees resident in said district of Honolulu, who shall be approved by him, the said Minister of the Interior, in trust for the aforesaid object. Such deed shall contain suitable provisions for rendering per-

manent the said Board of Trustees, and shall contain a condition to the effect that unless operations for the construction of such buildings are begun within two years from the delivery of such deed to the said Trustees, the said deed shall be void, and the premises therein described shall revert to the Hawaiian Government; and whenever said premises shall cease to be used for the purposes contemplated by this Act the same shall revert to the Hawaiian Government.

Approved this eleventh day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LXXII.

AN ACT

TO AMEND SECTION 21 OF "AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO INTERNAL TAXES," APPROVED ON THE SEVENTH DAY OF AUGUST, A. D. 1882, AS AMENDED BY CHAPTER XXXVII. OF THE LAWS OF 1886.

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

Section 21 of "An Act to Consolidate and Amend the Law relating to Internal Taxes," approved on the seventh day of August, A. D. 1882, as amended by Chapter XXXVII. of the Laws of 1886, be and is hereby amended by striking out the following words after "every" in the second line "banker, broker, money lender, attorney-at-law."

So that the Section shall read as follows:

SECTION 21. Every agent for any person temporarily or permanently absent from this Kingdom, and every trustee, treasurer, executor, administrator or guardian, shall be assessed separately in respect of each property or trust which he represents, and shall be chargeable with the tax payable in respect thereof in the same manner as if such property were his own; and he shall be assessed respectively in his name as representative of the property or trust he represents, and such assessment shall be kept separate and apart from his individual assessment.

Approved this tenth day of September, A. D. 1888.

KALAKAUA REX.

By THE KING :

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LXXIII.

AN ACT

To PREVENT THE ISSUE OF COMMERCIAL PAPER AS A CIRCULATING MEDIUM.

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

SECTION 1. Any person or corporation, or officer thereof, or any company of persons, who shall issue any note, bill, order, check, or certificate of deposit in any sum of money with the intent that the same shall be circulated as currency, shall be guilty of misdemeanor, and for every offense shall be punished by a fine of fifty

dollars, or be imprisoned at hard labor not to exceed one month.

SECTION 2. Any person, or any corporation or officer thereof, or any company of persons, who shall pass any note, bill, order, check, or certificate of deposit (excepting only Hawaiian Government certificates of deposit) which has already been issued, or shall be issued before this Act shall come into operation, with the intent that the same shall be circulated as currency shall be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine of fifty dollars, or by imprisonment at hard labor not to exceed one month.

SECTION 3. This Act shall take effect from and after the first day of January, 1889.

I hereby certify that the foregoing Act having passed its third reading in the Legislature of the Hawaiian Kingdom on the twenty-third day of August, 1888, on the twenty-seventh day of August, 1888, was presented to His Majesty the King through the Cabinet, and was not returned to the Legislature within ten days (Sundays excepted) thereafter, and that the Legislature had not adjourned prior to the expiration of said period of ten days.

Dated Honolulu, September 11, 1888.

WILLIAM R. CASTLE,
President of the Legislature.

Attest: J. ALFRED MAGOON,
Clerk of the Legislature.

CHAPTER LXXIV.

AN ACT

To FACILITATE THE SEGREGATION OF LEPERS.

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

SECTION 1. Whoever shall knowingly detain or harbor upon premises subject to his control, or shall in any manner conceal or secrete, or assist in concealing or secreting, any person afflicted with or who is suspected of having leprosy, with the intent that such person be not discovered by or delivered to the Board of Health or its Agents ; or who shall support or assist in supporting any such person living in concealment, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any Police or District Justice, be liable to a fine of not more than one hundred dollars.

SECTION 2. It shall be the duty of every police officer or Deputy Sheriff knowing of any person within the district where he resides afflicted with, or who is suspected of having leprosy to report the same forthwith to the Agent of the Board of Health in such district, if any, otherwise to the nearest Agent of the Board of Health.

SECTION 3. Any police officer or Deputy Sheriff who shall willfully fail to comply with the provisions of Section 2 of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any Police or District Justice, shall be fined in a sum not less than

ten dollars, nor more than two hundred dollars, and shall be dismissed from office.

I hereby certify that the foregoing Act having passed its Third Reading in the Legislature of the Hawaiian Kingdom on the 23rd day of August, 1888, on the 27th day of August, 1888, was presented to His Majesty the King, through the Cabinet, and was not returned to the Legislature within ten days (Sundays excepted) thereafter, and that the Legislature had not adjourned prior to the expiration of said period of ten days.

Dated Honolulu, September 11, 1888.

WILLIAM R. CASTLE,
President of the Legislature.

Attest : J. ALFRED MAGOON, Clerk.

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CHAPTER LXXV.

AN ACT

MAKING SPECIAL APPROPRIATIONS FOR THE USE OF THE GOVERNMENT DURING THE TWO YEARS WHICH WILL END WITH THE THIRTY-FIRST DAY OF MARCH, IN THE YEAR A. D. 1890.

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

SECTION 1. The following sums amounting to \$2,545,331.49 are hereby appropriated out of any moneys in the Treasury, other than the moneys which may be derived from the sources mentioned in Section 5 of this Act, for the service of the biennial fiscal period commencing with April 1, 1888, and ending with March 31, A. D. 1890.

CIVIL LIST.

His Majesty's Privy Purse.....	\$ 40,000 00
Her Royal Highness the Heir Presumptive.....	10,000 00
Her Royal Highness Princess Kaiulani.....	4,800 00
His Majesty's Chamberlain.....	6,000 00
His Majesty's household expenses.....	16,000 00
	—————
	\$ 76,800 00

PERMANENT SETTLEMENTS.

Honorable H. Kuihelani.....	\$ 1,200 00
Mrs. Emma Barnard.....	600 00
Mrs. P. Nahaoelua.....	600 00
His Excellency J. O. Dominis.....	3,600 00
	—————
	\$ 6,000 00

LEGISLATURE AND PRIVY COUNCIL.

Expenses Legislature.....	\$ 25,000 00
Secretary of Privy Council.....	200 00
Incidentals Privy Council.....	100 00
	—————
	\$ 25,300 00

DEPARTMENT OF FOREIGN AFFAIRS.

Salary of Minister.....	\$ 10,000 00
Salary of Secretary.....	5,000 00
Salary of Clerks.....	4,800 00
Salary of Messenger.....	1,200 00
Salary of Envoy to Washington.....	12,000 00
Clerical aid and expenses Legation.....	8,000 00
Salary of Consul-General at San Francisco.....	6,666 67
Clerical aid and expenses San Francisco.....	4,166 67
Diplomatic and Consular services.....	8,000 00
Expenses of Foreign Agents.....	4,000 00
Incidentals Foreign Office.....	4,000 00
Education of Hawaiian youths abroad.....	10,000 00
Relief and return of indigent Hawaiians.....	1,000 00
King's Guards.....	62,000 00
Band, Flags and Salutes.....	37,000 00
Aid volunteer military companies.....	15,000 00
	—————
	\$ 187,833 34

JUDICIARY DEPARTMENT.

Salary of Chief Justice and Chancellor.....	\$ 12,000 00
Salary of First Associate Justice,.....	10,000 00
Salary of Second Associate Justice.....	10,000 00
Salary of Third Associate Justice.....\$10,000 00 }	
Back Salary..... 1,250 00 }	11,250 00
Salary of Fourth Associate Justice.....\$10,000 00 }	
Back Salary 1,250 00 }	11,250 00
Salary of Clerk Supreme Court.....	6,000 00
Salary of Deputy Clerk Supreme Court.....	4,000 00
Salary of Second Deputy Clerk Supreme Court.....	3,600 00
Salary of Shorthand Reporter.....	4,000 00
Salary of Interpreter Supreme and Police Courts....	4,800 00
Salary of Circuit Judge, Maui.....\$4,000 00 }	
His traveling expenses 300 00 }	4,300 00
Salary of Circuit Judge, Hilo and Kau... 3,600 00 }	
His traveling expenses..... 200 00 }	3,800 00
Salary of Circuit Judge, Kohala and Kona..... 3,600 00 }	3,800 00
His traveling expenses 200 00 }	
Salary of Circuit Judge, Kauai..... 3,600 00 }	3,800 00
His traveling expenses..... 200 00 }	
Salary of Police Justice, Honolulu.....	6,000 00
Salary of Police Justice, Hilo	3,000 00
Salary of Deputy Police Justice, Hilo	300 00
Salary of Police Justice, Lahaina.....	2,000 00
Salary of Police Justice, Wailuku	3,000 00
Salary of Police Justice, North Kohala.....	2,400 00
Salary of Police Justice, Lihue.....	2,000 00
Salary of District Judge, North Hilo	1,000 00
Salary of District Judge, Puna.....	800 00
Salary of District Judge, Kau.....	1,200 00
Salary of District Judge, East Kau.....	900 00
Salary of District Judge, North Kona.....	800 00
Salary of District Judge, South Kona	800 00
Salary of District Judge, South Kohala.....	1,200 00
Salary of District Judge, Hamakua	2,000 00
Salary of District Judge, Honualua.....	800 00
Salary of District Judge, Makawao.....	2,400 00
Salary of District Judge, Hana.....	1,800 00
Salary of District Judge, Lanai	600 00

Salary of District Judge, Molokai	1,200 00
Salary of District Judge, Ewa	800 00
Salary of District Judge, Waianae.....	800 00
Salary of District Judge, Waialua.....	800 00
Salary of District Judge, Koolauloa.....	800 00
Salary of District Judge, Koolaupoko.....	1,000 00
Salary of District Judge, Hanalei.....	1,000 00
Salary of District Judge, Kawaihau.....	1,000 00
Salary of District Judge, Koloa	1,200 00
Salary of District Judge, Waimea.....	1,000 00
Salary of Clerk Second Judicial Circuit.....	600 00
Salary of Clerk Third Judicial Circuit.....	1,000 00
Salary of Clerk Fourth Judicial Circuit	600 00
Expenses of Supreme Court.....	10,000 00
Expenses of Circuit Courts	8,000 00
Expenses of Witnesses in Criminal Cases	2,500 00
Purchase of Law Books	2,000 00
Stationery and Incidentals.....	3,000 00
Pay of Clerk Honolulu Police Court	2,400 00
Pay of Chinese Interpreter and Translator.....	3,000 00
Pay of Portuguese Interpreter and Translator.....	2,400 00
Pay of Messengers.....	2,400 00
	\$ 173,100 00

INTERIOR DEPARTMENT.

Salary of Minister.....	\$ 10,000 00
Salary of Chief Clerk....	6,000 00
Salaries of Assistant Clerks.....	16,000 00

GOVERNMENT SURVEY.

Salary of Surveyor-General	7,000 00
Expenses Bureau of Surveying.....	41,000 00

REGISTRY OF CONVEYANCES.

Salary of Registrar	6,000 00
Salary of Deputy Registrar	4,000 00
Pay of Clerks.....	6,120 00
Incidentals of Registry Office.....	620 00

BUREAU OF IMMIGRATION.

Inspector-General of Immigration.....	4,800 00
Expenses Bureau of Immigration	7,500 00

POSTAL BUREAU.

Salary of Post Master General.....	7,000 00
Salary of Deputy Post Master General	5,000 00
Pay of Clerks, Post Office.....	26,000 00
Pay of Post Masters	20,000 00
Pay of Mail Carriers.....	28,000 00
Incidentals Postal Bureau	15,000 00

BUREAU OF PUBLIC WORKS.

Salary of Superintendent of Public Works..... \$	7,000 00
Salary of Deputy Superintendent....	4,800 00
Incidentals Bureau of Public Works.....	500 00
Addition to Kerosene Warehouse	3,144 00
Repairs and furniture, Aliiolani Hale	5,000 00
Repairs to Government Buildings.....	15,000 00
Repairs to wharves, landings and buoys, Maui	2,500 00
Repairs to wharves, landings and buoys, Honolulu..	9,000 00
Repairs to wharves, landings and buoys, contingent.	15,000 00
Lighthouses.....	13,580 00
Running expenses Steam Tugs.....	17,100 00
Dredging Honolulu Harbor.....	13,000 00

WATER WORKS.

Salary of Superintendent of Water Works and Clerk of Market	\$ 4,800 00
Keeper of Market and incidentals	1,500 00
Salary of First Clerk Water Works.....	3,000 00
Salary of Second Clerk.....	2,400 00
Running expenses Honolulu Water Works.....	11,000 00
Repairs and additions to Honolulu Water Works ...	27,000 00

ROADS AND BRIDGES.

Road damages, contingent	5,000 00
Roads and Bridges, Hawaii.....	25,000 00
Roads and Bridges, Maui.....	5,000 00
Roads and Bridges, Molokai	1,000 00
Roads and Bridges, Lanai	500 00
Roads and Bridges, Oahu, other than Honolulu....	9,000 00
Pay of Road Supervisor, Honolulu.....	3,600 00
Roads and Bridges, Honolulu.....	81,853 00
Roads and Bridges, Kauai	8,500 00
Roads and Bridges, contingent	40,000 00

FORESTS, PARKS, NURSERIES, ETC.

Maintenance of Nurseries.....	10,250 00
Public Grounds.....	8,050 00

MISCELLANEOUS.

Running expenses Honolulu Electric Light	21,000 00
Lighting streets throughout the Kingdom	4,055 25
Government Printing.....	10,600 00
Interest upon Makiki claims secured by judgment...	1,385 46
Pay of messengers Interior Department.....	2,400 00
Pay of janitor Aliiolani Hale, two months.....	100 00
Pay of guard Aliiolani Hale premises.....	1,200 00
Incidentals Interior Department.....	3,000 00
Expenses of Election.....	6,500 00
Aid to Queen's Hospital	14,000 00
Expenses filing Certicficates of Boundaries.....	200 00
Incidental expenses under the Homestead Act.....	1,000 00
Support of Prisoners.....	80,000 00
Salary of Jailor, Oahu Prison	3,600 00
Maintenance of Insane Asylum	27,864 44
Repairs and furniture Insane Asylum	8,147 00
Honolulu Fire Department	26,200 00
Quarantine of diseased animals	4,000 00
Governinent Pounds	1,750 00
Diamond Head Signal Station.....	1,800 00
Pay of physicians and agents under the "Act to Mitigate"	3,200 00
Rent of Custom House lot, Kahului	600 00
Rent of Post Office premises, Hilo.....	1,200 00
	<hr/>
	\$736,319 15

BOARD OF HEALTH.

Salary of President.....	7,000 00
Salary of Secretary	4,000 00
General expenses Board of Health	22,734 00
Buildings, repairs and maintenance of hospitals	41,855 00
Repairs and care of Quarantine	3,522 00
Kapiolani Home	4,444 00
Medicines (to be distributed gratuitously)	10,000 00

Leper Settlement, and to include expenses and costs of water works.....	185,374 00
Government Physicians.....	42,000 00
	<hr/>
	\$ 320,929 00

FINANCE DEPARTMENT.

National debt falling due.....	\$ 87,000 00
Interest on national debt, and commission and ex- change for paying same.....	243,000 00
Salary of Minister.....	10,000 00
Salary of Auditor-General.....	10,000 00
Salary of Registrar of Public Accounts.....	6,000 00
Salary of Clerk in Finance Department	3,600 00
Pay of Tax Assessors, 1888.....	18,500 00
Pay of Tax Collectors, 1888.....	17,500 00

SALARIES OF TAX ASSESSORS, 1889-1890.

Assessor of Oahu	\$3,500 00
Assessor Maui.....	3,000 00
Assessor of Hawaii	3,500 00
Assessor of Kauai.....	2,500 00
	<hr/>
Pay of Deputy Assessors and Collectors, 1889-1890..	12,500 00
Pay of Tax Appeal Board	19,000 00
Incidentals, Finance Department.....	1,500 00
Stamps and dies	5,000 00
Dog tags	500 00
Messenger.....	1,000 00
Interest on Postal Savings Bank deposits	1,200 00
Interest on money to be borrowed, say \$228,000	40,000 00
Salary of Collector-General	19,000 00
Salary of Deputy-Collector.....	7,000 00
Salary of Harbor Master.....	6,000 00
Salary of Statistical Clerk.....	6,000 00
Salary of Port Surveyor, Oahu.....	3,600 00
Salary of Storekeeper.....	3,600 00
Salary of Assistant Storekeeper	4,800 00
Assistants in Bonded Warehouse	2,400 00
Salary of Second Statistical Clerk	2,200 00
Salary of Third Statistical Clerk	3,000 00
	<hr/>
	2,400 00

Salary of Entry Clerk.....	3,000 00
Salary of Second Entry Clerk.....	2,400 00
Salary of Collector, Kahului.....	3,600 00
Salary of Collector, Hilo.....	3,600 00
Salary of Collector, Mahukona .. .	400 00
Additional salary Collector, Mahukona—contingent.	900 00
Salary of Collector, Lahaina.....	200 00
Salary of Collector, Koloa .. .	200 00
Salary of Collector, Kealakekua.....	200 00
Salary of Port Surveyor, Kahului .. .	2,400 00
Salary of Port Surveyor, Hilo .. .	1,800 00
Salary of Keeper Kerosene Warehouse .. .	2,000 00
Assistant Guards at all ports.....	20,000 00
Custom House boat.....	1,200 00
Incidentals Custom House Bureau.....	5,000 00
Expense of proceedings to recover amounts due the Hawaiian Government in connection with Na- tional Loan of 1886.....	5,000 00
	<hr/>
	\$ 538,200 00

ATTORNEY-GENERAL'S DEPARTMENT.

Salary of Attorney-General.....	\$ 10,000 00
Salary of Deputy Attorney-General.. ..	7,000 00
Salary of Marshal .. .	7,000 00
Salary of Clerk to Marshal.....	4,000 00
Salary of Second Clerk to Marshal .. .	2,400 00
Salary of Sheriff of Maui.....	5,000 00
Salary of Sheriff of Hawaii.....	5,500 00
Salary of Sheriff of Kauai .. .	4,000 00
Salary of Clerk to Sheriff of Maui .. .	1,800 00
Salary of Clerk to Sheriff of Hawaii .. .	1,800 00
Salary of Clerk to Sheriff of Kauai .. .	480 00
Pay Police of Hawaii .. .	53,000 00
Pay Police of Maui .. .	43,000 00
Pay Police of Oahu.....	83,000 00
Pay Police of Kauai .. .	21,500 00
Messenger and Copyist.....	1,200 00
Incidentals, civil and criminal expenses .. .	12,000 00
For expenses of suits relative to lands called un- assigned lands and Government claims in lands	3,000 00

Coroners' Inquests.....	1,000 00
Sundry expenses in aid of Chinese Restriction Act..	2,000 00
	\$ 268,680 00

BOARD OF EDUCATION.

Salary of Inspector-General of Schools including traveling expenses for not less than two tours of the Kingdom each year.....	\$ 7,500 00
Salary of Clerk and Secretary of the Board.....	6,000 00
Salary of Assistant Clerk.....	2,000 00
Support of English, Hawaiian and Common Schools Industrial and Reformatory School, Keoneula, Kapa-lama.....	146,000 00
Building and Repairs of School-houses.....	12,000 00
Repairs and Permanent Improvements to Boarding Schools	20,000 00
Stationery and Incidentals.....	10,000 00
Pay of Messenger and Book Clerk.....	800 00
Nine scholarships at Oahu College, or any department thereof	1,500 00
Twelve scholarships for native Hawaiians in Kame-hameha or other Industrial schools—three scholars from each of the now existing Judicial Circuits to be chosen from Public Schools for superior scholarship..	720 00
Normal Department in connection with Fort Street School.....	1,000 00
Professor of Chemistry and Natural Sciences at Oahu College.....	2,250 00
	2,400 00
	\$ 212,170 00

SECTION 2. The following sums amounting to \$140,659.30 are hereby also appropriated out of any moneys in the Treasury, other than the moneys which may be derived from the sources mentioned in Section 5 of this Act for the service of the biennial fiscal period commencing with April 1st 1888 and ending with March 31st A. D. 1890.

DEPARTMENT OF FOREIGN AFFAIRS.

Photographs of Hawaiian Scenery for Melbourne

International Exhibition and for Grand Army

Republic Reunion and Ohio Valley Centennial

Exhibition.....	\$	800 00
Balance unpaid account Decorations with Exchange		3,000 00
	\$	3,800 00

JUDICIARY DEPARTMENT.

Printing Reports.....	\$	7,500 00
Compiling and printing Laws in Hawaiian.....		3,000 00
	\$	10,500 00

INTERIOR DEPARTMENT.

FORESTS, PARKS, NURSERIES, ETC.

Encouragement of Ramie Culture.....	5,500 00
Encouragement of Coffee Culture.....	1,200 00
To encourage the production and sale of Taro Flour and other products of Taro	5,000 00
Aid to Kapiolani Park Association.....	5,000 00

MISCELLANEOUS.

Compiling and publishing Great Register of the Kingdom	5,000 00
Aid to Honolulu Sailors' Home Society.....	5,000 00
Purchase of Land at Kalawao, Molokai.....	5,000 00
Subsidy to Steamer between Honolulu, Molokai and Lanai	5,200 00
Balance due on expenses of Legislature of 1886-87..	682 70
Return of duties collected on Church appurtenances at Kalawao.....	103 00
Return of duties to Theo. H. Davies & Co	66 33
Funeral expenses of Her Late Royal Highness Princess Likelike as per Report of the Finance Committee	10,772 72
Salaries of Governors and Govenors' Clerks and Incidentals of Governors' Office to August 23d, 1888.....	5,000 00
	\$ 53,524 75

FINANCE DEPARTMENT.

Subsidy to Ocean Lines.....	\$ 48,000 00
Compromise of Judgement of Steamship "Madras".	22,000 00
Return double taxes, Keaka.....	\$ 5 00
" " " Opu.....	3 00
" " " Wawahimoku	8 80
" " " S. P. Halama.....	6 00
" " " Olowlalu Sugar Co.....	48 50
" " " Iokia.....	5 00
" " " B. Norton.....	5 00
" " " Manuel Machado.....	5 00
" " " S. Uliana Bell.....	10 00
" " " Mrs. Robertson.....	26 25
" " " Wm. Abbey.....	3 00
" " " Liwai Oopa.....	5 00
" " " Kupihea.....	5 00
" " " Kahewahewanui.....	5 00

Claims of E. C. Fishbourne.....	140 55
	194 00

	\$ 70,384 55

BOARD OF EDUCATION.

Compiling, Printing and Binding School History of the Hawaiian Islands.....	\$ 2,500 00
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SECTION 3. The following sums amounting to \$615,141.14 are hereby appropriated out of any moneys in the Treasury, for the service of the biennial fiscal period commencing with April 1, A. D. 1888, and ending with March 31, A. D. 1890.

GOVERNMENT BUILDINGS.

Addition to Post-Office, Honolulu	\$ 2,000 00
New Custom House Office and Store House, Honolulu.....	9,500 00
Government Store-House and Work Shops, Esplanade.....	8,000 00
New Market House, Honolulu.....	25,000 00
New Lot for Honolulu Fire Department.....	2,000 00
New House for China Engine Company.....	12,000 00

Addition to Oahu Jail Buildings.....	\$ 4,689 00
New Court House and Lock Up, North Kona.....	1,300 00
New Court House, East Kau.....	1,300 00
New Court House, Post-Office &c., North Kohala...	3,000 00
New Court House and Lock Up, Koolauleo.....	1,300 00
Work Shop and Store House, Honolulu Water Works.....	800 00

WHARVES, LANDINGS AND BUOYS.

Wharves at Hookena and Keauhou, Kona, Hawaii.	1,000 00
Wharves at Kailua, Kona, Hawaii.....	800 00
Extension of Wharf, Hilo.....	2,500 00
New Wharf at Kaunuloa, Puna.....	500 00
Boat Landing, Keanae.....	150 00
Boat landing Maalo, Kaupo.....	700 00
Wharves at Kaunakakai, Kamalo and Pukoo, Molo- kai.....	3,750 00
New Wharf, Honolulu	8,300 00
Extension of wharf, Waimea, Kauai	1,500 00
Extension and Repairs of wharf Nawiliwili, Kauai..	1,200 00
Break water, Waimea River, Kauai.....	2,500 00

WATER WORKS.

Water Works, Laupahoehoe	1,000 00
Water Works, Hilo.....	13,000 00
Surveys and investigations for Hamakua Water Ditch.....	5,000 00
Water Works, Koloa, Kauai.....	4,000 00
Water Works, Wailuku and Kahului.....	20,000 00
Survey of Streams rising in Kohala Mountains, towards conveying the same into North Kohala for irrigation purposes	3,000 00
Storage, Reservoirs and purchase of Water-rights, Nuuanu Valley.....	31,300 00
Makiki Water Works.....	5,000 00

ROADS AND BRIDGES.

Road from Hilo to Volcano.....	30,000 00
Road from Lahaina to Wailuku	15,000 00
Road from Kakaako to Waikiki	5,000 00

Repairing Bridge, Keawewai, South Kohala.....	\$ 500 00
Repairing Road from Waika to Waimea, South Kohala	1,200 00
Punchbowl Hill Road	8,000 00
Survey and laying out a bridle path from Honokane to Waipio.....	3,000 00
Bridge at Waiaka, South Kohala.....	800 00
Bridge at Halawa, Molokai.....	1,000 00
Kamehmeha IV Road	1,000 00
Kalihi Road	2,000 00
Pauoa Road	1,500 00
Road from Kapiolani Park to Kamoiliili.....	5,000 00
Macadamizing Streets, Honolulu	69,000 00
Bridge, Wailua river, Kauai.....	12,000 00
Road Tax unexpended, to be expended in the district where collected	52,852 14
Hawaii—Hilo.	\$ 11 77
Puna.....	146 00
Kau	8,575 28
North Kona.....	1,846 00
North Kohala.....	12,321 13
Hamakua.....	1,938 46
Maui—Lahaina.....	46 67
Wailuku.....	15,685 00
Makawao	4,533 51
Hana.....	470 49
Molokai.....	975 86
Lanai	182 00
Oahu—Ewa and Waianae.....	33 44
Waialua.....	10 35
Koolauloa.....	12 09
Koolaupoko.....	440 61
Kauai—Lihue	4,672 15
Koloa	238 86
Waimea.....	438 10
Niihau.....	324 37
Road Damages	93,000 00
Additions to Electric Light System, Honolulu	43,000 00
Encouragement of Immigration.....	30,000 00
Sewerage of Honolulu, Plans and Specifications.....	1,200 00

Road over Nuuau Pali.....	\$ 10,000 00
Road from Makawao to top of Haleakala.....	2,000 00
Inter-Island Cable.....	25,000 00

BOARD OF HEALTH.

Additions to Quarantine Buildings.....	2,000 00
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BOARD OF EDUCATION.

Building of School Houses.....	25,000 00
	\$ 615,141 14

SECTION 4. The following moneys are hereby appropriated out of any moneys in the Treasury other than moneys which may be derived from the sources mentioned in Section 5 of this Act, which shall not be used unless by reason of some unforeseen contingency, the appropriations mentioned in Section 1 of this Act shall become exhausted.

Expenses of Supreme and Circuit Courts.....	\$ 5,000 00
Expenses steam-tugs	5,000 00
Support of prisoners	15,000 00
Maintenance of Insane Asylum	5,000 00
Quarantine expenses.....	20,000 00
Leper Settlement	25,000 00
Pay of Police	15,000 00
Incidentals, civil and criminal expenses.....	5,000 00
Coroners' Inquests.....	1,000 00
	\$ 96,000 00

SECTION 5. All moneys which may be received by the Treasury during the said biennial fiscal period, and thereafter up to the 30th day of June, A. D. 1890, from any loan heretofore, or which hereafter may be authorized by the Legislature; and all surplus receipts from deposits in the Postal Savings Bank shall, unless otherwise specially directed by the Legislature, be applied to the payment of the appropriations specified in Section

3 of this Act: Provided, however, that if the receipts of money from the sources mentioned in this Section shall exceed in amount the sums appropriated by Section 3 of this Act, such surplus may be applied to the payment of any of the national debt.

SECTION 6. It shall be lawful for the Minister of Finance to continue to make payments in accordance with the appropriations authorized by Section 1 of this Act, until the 31st day of July, A. D. 1890, unless new appropriations are made before that date.

SECTION 7. It shall be lawful for the Minister of Finance to continue to make payments in accordance with the appropriations authorized by Section 3 of this Act, until the 31st day of July, A. D. 1890, unless new appropriations are made before that date. Provided that no payments shall be made on account of any such item beyond the sum by this Act appropriated.

SECTION 8. The Minister of Finance shall not cause or allow to be paid from the Treasury, any money for objects not authorized by this Act, except such money as may be drawn under the provisions of the law relating to the Postal Savings Bank, the Hospital Tax Fund, which shall from time to time be paid over to the Trustees of the Queen's Hospital, and the Road Tax. The unauthorized expenditure of any money from the Treasury to be thereafter accounted for to the Legislature, by Indemnity Bill, except as authorized by the Constitution, is hereby expressly prohibited.

SECTION 9. No person holding more than one office for which salaries are provided, shall be authorized to draw more than the salary of the highest grade of office held by him, if the salary of any office held by him shall amount to two thousand dollars or more per annum,

and he shall be entitled to no other or further compensation.

SECTION 10. All and every contract for constructing or repairing public works amounting to \$500, and for furnishing material, provisions and other supplies shall be awarded only upon public advertisement for tenders.

SECTION 11. This Act shall take effect and become a law from and after the date of its approval.

Approved this eleventh day of September, A. D. 1888.

KALAKAUA REX.

By THE KING:

L. A. THURSTON,

Minister of the Interior.

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CHAPTER LXXVI.

AN ACT

To AMEND AND CONSOLIDATE THE ELECTION LAWS OF
THE KINGDOM.

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

SECTION 1. From and after the passage of this Act, the several laws and parts of laws set forth in Schedule A, hereto attached, shall be and are hereby repealed.

SECTION 2. In this Act wherever the following words or phrases occur they shall be held to refer to and have the meanings herein set forth, provided the context shall not prohibit such meanings: "Minister" shall refer to and mean the Minister of the Department of Interior for the time being of the Hawaiian Government. "Constitution" shall refer to and mean the Con-

stitution of the Hawaiian Kingdom, promulgated July 7th, 1887, together with any amendments thereto. "Inspector" or "Inspectors" shall refer to and mean the Inspector or Inspectors of Election as provided for in this Act, or any deputy for such Inspector or Inspectors. "Candidate" or "Candidates" shall mean any person or persons who has or have declared his or their intention of offering himself or themselves for election to a seat in the Legislature. "Court" shall mean any court or tribunal authorized by this Act to try any disputed elections. "Election" shall refer to and mean any election for Nobles or Representatives prescribed in this Act. "Register" shall refer to and mean the Register of voters herein prescribed. "District" shall mean an election district as prescribed in this Act, unless the context prohibit such sense. "Corrupt Practices" or "Illegal Practices" shall refer to and mean the offences described in this Act under such titles or heads.

OF ELECTIONS.

SECTION 3. There must be held throughout the Kingdom, on the first Wednesday of February, in the year 1890, and on the said day of February in every second year thereafter, an election, which shall be known as the General Election.

SECTION 4. The general election is for the purpose of choosing by ballot the elective members of the Legislature. The methods of election shall be such as are hereinbelow set forth.

SECTION 5. Special elections are such as are held to supply vacancies in the elective membership of the Legislature, and shall be held at such times as the Minister shall proclaim.

ELECTION PROCLAMATIONS.

SECTION 6. At least thirty days before a general election, and whenever he receives proper notice, at least twenty days before a special election, the Minister of Interior must issue an election proclamation and transmit copies of the same to the various Boards of Inspectors of Elections throughout the Kingdom, or where such election is to be held ; such proclamation shall also be published in Honolulu.

SECTION 7. Such proclamation must contain a statement of the time and places where the election will be held and the purpose for which the election is to be held. It may also contain any other relevant matter deemed necessary by the Minister, including offer of rewards for the detection and conviction of offenders against the election laws.

SECTION 8. Copies of such election proclamations shall be posted in not less than three conspicuous public places in the district or districts where such election is to be held. Election proclamations shall also be published in one or more Hawaiian and English newspaper in the language of the paper publishing the same.

OF THE NOBLES.

SECTION 9. There shall be twenty-four Nobles for the Kingdom, of whom nine shall be elected from the Island of Oahu, six from the Islands of Maui, Molokai and Lanai, six from the Island of Hawaii and three from the Islands of Kauai and Niihau. They shall be elected at the general election every other year, as hereinafter provided. They shall serve for six years except as hereinafter provided. The term of service shall begin from the general election. They shall serve without pay but

may receive mileage at the rate hereinafter provided for the Representatives.

SECTION 10. At the general election to be held in the year 1890, one third of the Nobles in each of said divisions shall be elected to serve for two years, one third for four years, and one third for six years. At each general election following the election of 1890, one third of the Nobles for each of said divisions shall be elected to fill the vacancy caused by the expiration of the term of the preceding one-third. In voting for Nobles in each of said divisions, the names of the candidates for each of said divisions shall be placed upon a common ballot and voted for at each polling place in the division, irrespective of election districts for Representatives.

QUALIFICATIONS OF NOBLES.

SECTION 11. Any male subject of the Kingdom who shall have attained the age of twenty-five years; who shall have resided in the Kingdom for not less than three years; who shall be the owner of taxable property in the Kingdom of not less than three thousand dollars in value over and above all incumbrances, or who shall be in receipt of an income derived from some lawful employment or property of not less than six hundred dollars per annum, shall be eligible for election as a noble.

OF THE REPRESENTATIVES.

SECTION 12. There shall be twenty-four Representatives for the Kingdom, who shall be elected from the following districts, one member being returned from each. The Kingdom shall be and is hereby divided into twenty-four election districts, which shall be as set forth in the following Sections:

ELECTION DISTRICTS.

SECTION 13. In the Island of Oahu there shall be eight districts as follows:

First District: All that portion of the judicial and taxation district of Honolulu or Kona lying southeast of a line drawn from the summit or peak of the Konahuanui range of mountains along the crest of the ridge separating Manoa and Makiki valleys from Nuuanu and Pauoa valleys and across the crater or bowl of the hill called Puuowaena to the flag-pole at the old battery, thence direct to the junction of Kinau and Alapai Streets, along the center of Alapai to King Street, center of King Street to South Street, center of South Street to the sea.

Second District: All that portion of said Honolulu or Kona, north of the first district and inside of a line drawn from the flag-pole at the old battery on Puuowaena to the junction of School and Emma Streets, along the center of School Street to Fort Street, along the center of Fort Street to Beretania Street, center of Beretania Street to the Nuuanu stream at Smith's bridge, thence up the center of said stream to School Street, center of School Street to Liliha Street, center of Liliha Street to Judd Street, along the center of Judd Street to the crest of the ridge on the northwesterly side of Nuuanu valley and thence along the crest of said ridge to the peak called Lanihuli, in the Konahuanui range of mountains.

Third District: All that portion of said Honolulu or Kona, lying adjacent to the first and second districts and inside of a line drawn from the corner of Fort and Beretania Streets, along the center of Beretania Street

to Richard street, along the center of Richard Street to the sea, and bounded makai by the sea.

Fourth District: All that portion of said Honolulu or Kona, lying west of districts two and three and inside of a line drawn from the corner of School and Liliha Streets, through the center of Liliha Street to King Street, along the center of King Street to the bridge crossing the Nuuanu stream, and bounded makai by the sea.

Fifth District: All the remaining portion of Honolulu or Kona, lying north and west of districts two and four.

Sixth District: The judicial and taxation district of Koolaupoko, to be called the Koolau district.

Seventh District: The judicial and taxation districts of Koolauloa and Waialua, to be calld the Waialua district.

Eighth District: The judicial and taxation districts of Ewa and Waianae, to be called the Ewa district.

SECTION 14. In the Islands of Maui, Molokai and Lanai, there shall be six districts, as follows :

First : The Island of Molokai, to be called the Molokai District.

Second : The districts of Kaanapali and Lahaina, on Maui, and the Island of Lanai, to be called the Lahaina District.

Third : That portion of the district of Wailuku lying north of the road running from the Iao Valley (on the south side of the river) to the sand hills; thence and along the crest of the sand hills to the mouth of the Wailuku river, to be called the North Wailuku District.

Fourth : That portion of the district of Wailuku

lying south of the North Wailuku District, and including the Island of Kahoolawe (but excluding Honuauula), to be called the South Wailuku District.

Fifth: That portion of the Makawao District lying south and west of Halehaku Gulch with Kula, to be called the Makawao District.

Sixth: All the rest of the Island of Maui, to be called the Hana District.

SECTION 15. In the Island of Hawaii there shall be seven districts, as follows:

First: Puna, and all Hilo south of the bed of the Pukihae Gulch, to be called the South Hilo District.

Second: From the Pukihae Gulch to the bed of the Hakalau Gulch, to be called the Central Hilo District.

Third: From the Hakalau Gulch to the bed of the Kalapahapuu Gulch in Hamakua (between Kukaiau and Kainehe), to include all of Kukaiau, to be called the North Hilo District.

Fourth: The remaining portion of Hamakua and South Kohala, to be called the Hamakua District.

Fifth: North Kohala, to be called the Kohala District.

Sixth: North and South Kona, to be called the Kona District.

Seventh: Kau, to be called the Kau District.

SECTION 16. In the Islands of Kauai and Niihau there shall be three districts, as follows:

First: From Puana'iea Point to and including Kalaeo and the Island of Niihau, to be called the Waimea District.

Second : From and excluding Kalaheo, to and including Hanamaulu, to be called the Lihue District.

Third : From and including Wailua to Puana'iea Point, to be called the Hanalei District.

SECTION 17. Whenever the convenience of electors may so require, the Minister of the Interior shall set apart two or more precincts in each district ; and each precinct so established shall have its separate polling place.

TERM OF SERVICE.

SECTION 18. The Representatives shall serve for two years, and shall be elected at every general election, to be held, as hereinafter set forth, in every other year. The term of service shall date from the general election.

SECTION 19. Any person elected to fill an unexpired term shall hold office only for the remainder of such unexpired term.

SECTION 20. They shall each receive as compensation for their services the sum of two hundred and fifty dollars for each biennial period for attendance on the sessions of the Legislature, besides mileage to be computed one way only, at the rate of ten cents each mile from their residences to the place of assembly.

QUALIFICATIONS OF REPRESENTATIVES.

SECTION 21. Any male subject of the Kingdom, who shall have arrived at the age of twenty-one years ; who shall know how to read and write the Hawaiian, English or some European language ; who shall understand accounts ; who shall have been domiciled in the Kingdom for at least three years, the last of which shall be the year immediately preceding the day of election ; who shall own real estate within the Kingdom of a

value, over and above all incumbrances, of at least five hundred dollars ; or who shall derive an income of not less than two hundred and fifty dollars per annum from some lawful employment or property, shall be eligible as a Representative of the people.

SECTION 22. Before taking his seat in the Legislature each Noble and Representative shall be sworn to faithfully support the Constitution and Laws of the Kingdom, and to perform the duties of legislator faithfully. Such oath may be administered by any Justice of the Supreme Court.

SECTION 23. No person shall be eligible for election either as a Noble or Representative who shall be under any of the disqualifications mentioned in Section 26 or elsewhere in this Act ; or who shall hold any office of trust or profit under the Government, or under any department thereof, or under the Judiciary Department ; or who shall have any pecuniary interest, direct or indirect, in any contract with the Government. Nor shall any such person occupy a seat as an elective member of the Legislature. No member of the Legislature shall, during the term for which he was elected, be appointed to any civil office under the Government, except to be a member of the Cabinet.

OF THE QUALIFICATIONS OF ELECTORS OF NOBLES.

SECTION 24. Every male resident of the Hawaiian Islands, of Hawaiian, American or European birth or descent, who shall have attained the age of twenty years, and shall have paid his taxes, and shall have caused his name to be entered on the list of voters for Nobles for his district, shall be an elector of Nobles, and shall be entitled to vote at any election of Nobles, provided :

First : That he shall have resided in the country not less than three years ; and in the district in which he offers to vote not less than three months immediately preceding the election at which he offers to vote.

Second : That he shall own and be possessed, in his own right, of taxable property in this country of the value of not less than three thousand dollars over and above all encumbrances, or shall have actually received an income of not less than six hundred dollars during the year next preceding his registration for such election.

Third : That he shall be able to read and comprehend an ordinary newspaper printed in either the Hawaiian, English or some European language : Provided, however, that the requirement of a three years' residence, and of ability to read and comprehend an ordinary newspaper printed either in the Hawaiian, English or some European language, shall not apply to persons residing in the Kingdom at the time of the promulgation of the Constitution, if they registered and voted at the first election which was held under the same.

Fourth : That he shall have taken an oath to support the Constitution and Laws, such oath to be administered by any person authorized to administer oaths, or by any Inspector of Elections.

OF THE QUALIFICATIONS OF ELECTORS OF REPRESENTATIVES.

SECTION 25. Every male resident of the Kingdom of Hawaiian, American or European birth or descent, who shall have taken an oath to support the Constitution and Laws in the manner provided for electors of Nobles ; who shall have paid his taxes ; who shall have attained the age of twenty years ; and shall have been domiciled

in the Kingdom for one year immediately preceding the election; and shall know how to read and write either the Hawaiian, English or some European language (if born since the year 1840); and shall have caused his name to be entered on the list of voters of his district as may be provided by law, shall be entitled to one vote for the Representative or Representatives of that district: Provided, however, that the requirement of being domiciled in the Kingdom for one year immediately preceding the election, and of knowing how to read and write either in Hawaiian, English or some European language, shall not apply to persons residing in the Kingdom at the time of the promulgation of the Constitution, if they registered and voted under the first election which was held under the same.

OF DISQUALIFICATIONS.

SECTION 26. The following persons shall not be permitted to register for voting, to vote, or to sit in the Legislature, namely: Any person who is insane or an idiot, or any person who shall have been convicted of any of the following named offenses, viz.: Arson, baratry, bribery, burglary, counterfeiting, embezzlement, felonious branding of cattle, forgery, gross cheat, incest, kidnapping, larceny, malicious burning, manslaughter in the first degree, murder, perjury, rape, robbery, sodomy, treason, subornation of perjury, and malfeasance in office, unless he shall have been pardoned by the King and restored to his civil rights, and by the express terms of his pardon declared to be eligible to offices of trust, honor and profit.

SECTION 27. No elector on the day of election shall be arrested during his attendance at the polling place, or in going to or from the polls, except in case of trea-

son, felony or breach of the peace; nor shall any elector on such election day be obliged to perform any military duty whereby he might be prevented from voting, except in time of war or public danger.

SECTION 28. No soldier shall go to the polling place for any purpose in uniform; nor shall any military or political organization be marched or allowed to go to the polling place in a body.

OF INSPECTORS OF ELECTION.

SECTION 29. There shall be a Board of Inspectors of Election for each polling place or precinct in the Kingdom, to consist of three members. They shall be appointed by the Minister of the Interior as far as possible from the opposing parties at each general election. In case of inability, failure or refusal of any person so appointed to act as such Inspector, the Minister of the Interior shall appoint a person to fill such vacancy: Provided, however, that if it is impossible to communicate with the Minister of the Interior in time for him to make such appointment before the election is held, the remaining member or members of such Board shall appoint a person to fill such vacancy. The several members of the several Boards of Inspectors shall receive not to exceed five dollars compensation for each day of service actually rendered. Unless otherwise designated, the first person named shall be chairman of the Board.

OF THE DUTIES OF THE INSPECTORS OF ELECTION.

SECTION 30. It shall be the duty of the several Boards of Inspectors to attend to the registration of voters, and record their names as herein required. To make, revise from time to time, and have charge of the register of

voters in their respective districts, and to transmit copies of the same to the Minister of the Interior ; to post the election proclamations at least five days before any election :

To preside at each election ; to have full charge of the same, and to preserve order :

To record the name of each voter polling or offering to poll a vote ; to duly swear any man whose vote is challenged, and to see that such person is properly questioned as to such right (any form of oath may be used for such person, or an affirmation, as the case may be) :

To appoint and superintend one or two clerks of election, as may be required, and such special police as may be necessary to preserve the peace :

To ascertain and publicly announce the result of each election :

To furnish proper certificates of election to such persons as may be elected Representatives, and to transmit the result of the election for Nobles to the Sheriff of their respective Islands, and in the Island of Oahu to the Marshal :

To preserve and transmit to the Minister of the Interior all of the ballots polled at each election, together with copies of the certificates of election and a statement of the result of the election, with all particulars :

To care for the ballot-boxes and other property pertaining to elections, and generally to do and perform all such acts and things as are herein required relative to the registration of voters, the lists of voters, elections and other matter and things pertaining thereto.

The several Inspectors shall have power, and are hereby authorized to administer the oath to the Constit-

tution to such persons as desire to register as voters, and all other oaths in performance of their duties.

OF THE REGISTER OF VOTERS.

SECTION 31. A list of the voters of each district shall be kept, and from time to time amended, by striking off the names of such voters as shall have died, removed from the district, or become otherwise disqualified. Such list shall contain the names of voters residing in the district who shall have become duly qualified, and no others. No change, in any manner, shall be made in said list except during the time and at the place duly advertised for a public meeting of the Inspectors. Such a list of voters shall be called the "Register of Voters." It shall be entered and kept in a book. The list shall be alphabetically arranged, reserving space for changes under each letter. The name of the voter shall be entered on the left of the page; opposite each name shall appear his age, residence, occupation and the date of registration, leaving sufficient space for further remark or memoranda. Whenever any voter shall cease to have the right to vote, the name shall be erased by drawing an ink line or lines through the same, noting the date and cause thereof, in the reserved space opposite the name. Said list shall be transcribed into a new book whenever the Minister of the Interior shall so order.

The register of voters shall be open to inspection to all persons at all times without compensation. Copies thereof may be furnished to responsible persons for a reasonable compensation. The Register shall contain the list of voters for both Nobles and Representatives, but such lists shall be kept wholly separate and distinct. The arrangement of such lists shall be such as the Min-

ister of the Interior shall direct. The lists of names of voters for Representatives and for Nobles may, however, appear on the same page in two parallel columns. No person whose name shall not appear on such register shall be permitted to vote.

SECTION 32. Whenever any district shall be divided into two or more precincts, separate lists of voters residing in each precinct shall be prepared from the register, and no elector shall be permitted to vote in any precinct other than that wherein he resides.

CORRECTIONS OF THE REGISTER OF VOTERS.

SECTION 33. For the purpose of correcting the list of voters by adding new names thereto or striking off the names of such voters as have died, removed, or otherwise become disqualified, the Inspectors, or a majority of them shall, not less than five nor more than thirty days prior to the date of election, hold not less than two public meetings, of which not less than five days general notice shall be given by posting notices in not less than three conspicuous places in the district, or precinct, if the district be divided, and such other notice as said Inspectors shall deem necessary.

SECTION 34. No person shall be prevented from attending such meetings of the Inspectors, unless to preserve the peace. The said Inspectors shall then and there receive the application of any person desiring to have his name entered on the Register of Voters, and if it appear that such person possess the necessary qualifications, his name shall be then and there duly entered on said register, on either or both of the lists as the case may be. They shall also receive all objections offered against the registration of any person, or against any name already on the list, and if on due examination it

appear that such name ought not to be on the list, or should not be entered, the name shall be stricken off, or refused as the case may be. For the purpose of ascertaining the truth of any allegation, any of the Inspectors may administer an oath to any person.

SECTION 35. The Inspectors shall, in addition to the methods above set forth, use all and any other lawful means to correct the said list, so that it may at all times represent a true and correct list of persons entitled to vote for Nobles and Representatives at any time. Such corrections shall in all cases be made during a regularly advertised meeting of the Inspectors, and before an entry shall be made in the register, the reasons for such proposed entry shall be stated in the hearing of all persons present.

SECTION 36. Whenever a special election shall be ordered, the Inspectors, or a majority of them, shall hold at least one meeting not less than five nor more than ten days preceding the election, for the purpose of correcting said list, as in the last two preceding Sections set forth.

SECTION 37. Where there are two or more precincts in any district, the list of voters prepared for each precinct shall be exhibited at the meetings of the Inspectors of such precincts for the purpose of correcting the same, as prescribed in Section 33, and such lists shall be the only authority for permitting anyone to vote at an election.

OF CANDIDATES.

SECTION 38. No person shall be permitted to stand as a candidate for election unless he shall be so requested in writing signed by not less than twenty-five duly qual-

ified electors of the district; which request shall be deposited with the Minister of the Interior not less than fourteen days before the day of election, except on the Island of Oahu, where such request shall be deposited, not less than seven days before the election, together with a fee of twenty-five dollars for a candidate for Representative, and fifty dollars for a candidate for Noble, on account of the expenses attending the election, which shall be paid into the Treasury as a Government realization. Any candidate may withdraw before an election by giving notice to the Minister of the Interior and to the Inspectors of Election. If such notice shall not be given before the printing of ballots, as prescribed in Section 46, the Inspectors of Election may, upon receiving such notice of withdrawal from the candidate, efface such name from the ballot before the election.

SECTION 39. Every candidate shall, on the day preceding an election, furnish the Inspectors a complete, list of the names of all persons employed by him to assist in the election, and no person whose name is not on such list shall be permitted to attend at the polling place on behalf of such candidates.

SECTION 40. Within ten days following an election, each candidate shall furnish to the Inspectors a sworn itemized statement of every expense attending the election, or preliminary or subsequent thereto. Such list shall be forwarded immediately to the Minister of the Interior, and shall be open to the inspection of anyone without fee or reward.

OF BALLOT BOXES.

SECTION 41. The Inspectors shall provide two suitable boxes for the reception of ballots for each polling

place in the Kingdom, which boxes shall bear no device or mark, excepting that one shall bear the words "For Nobles," and the other the words "For Representatives." Such boxes shall be made of wood of a single thickness of boards, not over one inch nor less than three-quarters of an inch in thickness. They shall be perfectly smooth inside and out, and shall have a hinged lid fastened securely by a good lock or locks. In the center of said lid there shall be an aperture or slip of not more than three inches in length, and not over one-quarter of an inch in width, which may be protected by a lip or raised edge.

OF THE METHOD OF ELECTION.

SECTION 42. The Inspectors shall prepare for holding the election, at each polling place, a suitable compartment or space in which shall be placed at a point convenient for voters, the two ballot boxes prescribed by Section 41 hereof. No polling place shall on any account be in any premises where the sale of intoxicating liquors, beer or wine is licensed.

SECTION 43. The Inspectors shall previously to opening the polls, set apart a sufficient space around the polling place to prevent interference with the conduct of the election ; and no person other than the Inspectors, their clerks, the candidates or their respective agents, not more than two each, and such voters not exceeding six at a time, as are for the time being actually engaged in voting, shall be permitted within the space so set apart during the time appointed for voting.

OPENING AND CLOSING THE POLLS.

SECTION 44. The polls shall be opened by the Inspectors at eight of the clock upon the morning of the elec-

tion day, and shall be kept open, continuously, until five of the clock in the afternoon of said day, unless all of the voters of the district or precinct shall have polled their votes previous to that time, after which the polls may be closed and the votes counted as hereinafter provided.

SECTION 45. Before opening the polls for election, the Chairman of the Inspectors shall, in presence of any by-standers, publicly open the ballot boxes and expose them to all persons, that it may be seen that they are absolutely empty. They shall then be closed and locked, and on no account again be opened till the poll is closed.

OF BALLOTS.

SECTION 46. The election shall be by ballot only. A ballot is a written or printed, or partly written and partly printed paper, containing the names of persons to be voted for.

SECTION 47. The ballot for Representatives shall be of white paper and the ballot for Nobles of blue paper. The paper shall be of uniform weight, thickness and of the same sizing color. It shall bear no word, motto, device, sign or symbol, other than allowed by this Section, and shall be so printed that the type shall not show a trace on the back. Besides the name or names to be voted for, it shall contain nothing excepting the words "Election for the year," the name of the office and the name of the Division for Nobles or District for Representatives. Provided however, that at the general election for 1890, the ballot for Nobles may indicate the three terms of years for which the Nobles voted for shall serve.

SECTION 48. The ballots shall be rectangular and shall

be each three and one-half inches square, unless there are more than three names on the ballot to be voted for, in which case one-half of an inch shall be added to the length for each name in addition to three. Provided however, that all ballots in the same Division shall be of the same size. Sufficient space shall be reserved upon each ballot to permit the erasure of all of the names thereon, and the substitution of an equal number therefor. Such reserved space shall be so divided as to permit one name to be inserted immediately under each printed name. No ballot enclosed in an envelope shall be received or counted.

SECTION 49. The ballots shall be printed by the Minister at Government expense. Sufficient shall be printed so that there shall be not less than three ballots for every voter for Nobles in the respective divisions, for each ticket or party ballot, and a like number for each candidate for Representative for every voter in each election district. The number of ballots to be printed shall be ascertained from the total number of voters registered at the last preceding election.

SECTION 50. The ballots for each precinct for both Nobles and Representatives shall be sent by the Minister to the Chairman of each Board of Inspectors, so that they shall be received at least two days prior to the election.

SECTION 51. The Chairman, or another of the Inspectors, shall attend at the polling places the day preceding the election all of the time from 10 A. M. till 2 P. M., and, during that time, shall deliver to the respective candidates or their duly authorized agents, two and one-half sets of the ballots of each. If such ballots shall not be called for, they may be delivered on elec-

tion day. The one-half of each set of ballots retained by the Inspectors shall be for the purpose of supplying ballots to such voters as may call for them for the purpose of voting. Each person so calling for ballots for the purpose of voting may take one only of each kind of ballot, and no more. Such extra one-half set of ballots shall be securely kept not less than six feet distant from the ballot-box during the polling time.

SECTION 52. For the purpose of voting, the ballot shall be folded twice, first across the middle so as to form a rectangle, and again in the same manner and in the same direction, and in such manner as to conceal the contents thereof.

SECTION 53. The voter shall, in all cases, have the right to erase any name or names on any ballot and insert in place thereof such other name or other names as he may chose. Such substitution shall be made in ink or pencil, but shall not be made in such a manner as to show on the back of the ballot.

OF VOTING.

SECTION 54. When anyone offering to vote shall show himself entitled to vote he shall hand his ballot, or if he votes for both Nobles and Representatives, hand his ballots separately to the Chairman of Inspectors, who shall not open or unfold the same, but shall examine the ends sufficiently to be satisfied that there is but one ballot enfolded, whereupon the ballot or ballots, as the case may be, shall be immediately dropped into the proper box or boxes.

SECTION 55. If it appear that more than one ballot is enfolded, the Chairman shall at once announce the same, and, in the presence of the voter and the other

Inspectors, proceed to open the folds sufficiently to settle the question beyond dispute. The double ballots shall then be securely fastened together, and shall be marked by an Inspector "Double Ballot Rejected," with the name of the voter offering the same. The name or initials of the Chairman shall then be signed, and the whole shall be sent to the Minister as herein below set forth.

SECTION 56. Whenever the Chairman shall state that a ballot is double, or is otherwise illegal, and must be rejected, the voter whose ballot is thus about to be rejected shall have the right, in the presence of all persons in the polling-place, to immediately examine the alleged illegal ballot, and may show that it is not illegal; but, in all cases, it must be returned to the Chairman.

SECTION 57. No voter within the polling-place shall exhibit his ballot to any other person; nor shall any person in the polling-place look at or ask to see the contents of the ballots of any voter, nor shall any person within the space set apart for a polling-place attempt to influence a voter in regard to the ballot he shall cast.

SECTION 58. The Minister shall, as soon as practicable, after the appointment of the several Inspectors of Election, supply the several Boards of Inspectors with blanks of the same size and paper required by this Act. The number of such blanks shall exceed, by at least one-half, the number of voters for Nobles in the district or precinct of each Board of Inspectors. In case of any miscarriage or default whereby the printed ballots hereinbefore provided shall not be available for the election (either by reason of their not being received by the

Inspectors, or of their destruction or loss), the Inspectors shall cause to be prepared sufficient ballots for the purposes of the election for Nobles. And such blanks shall also be supplied to the Inspectors whenever a special election for Nobles is ordered. In no case other than those named in this Section shall such blanks be used, and immediately after every election the Inspectors shall return all unused blanks to the Minister. In the event of printed ballots for Representatives not being available on the day appointed for the election of a Representative or Representatives, a special election shall be ordered by the Minister. Printed ballots, as by this Act provided, can alone be used at an election for a Representative.

COUNTING THE VOTE.

SECTION 59. Immediately after the close of the polls, the Chairman of the Inspectors shall open the ballot-box and proceed to count the votes as follows: First, the whole number of ballots must be counted to see if their number corresponds with the number of votes cast, as recorded in the poll list. If their number over-runs, they shall all be returned to the ballot-box, and a certain number shall be drawn, as provided in Section 68.

SECTION 60. If the number of ballots correspond with the number recorded on the poll-list as having voted, they shall then proceed to examine the ballots.

1. If two or more ballots are folded together in such manner as to indicate that they were deposited together, and fraudulently ; or,
2. If more names are voted for than there are offices to be filled ; or,

3. If the ballot contain any mark or symbol whereby it may be identified ; or,
4. If it be folded contrary to the directions of this law, and such folding be for the evident purpose of identification ; or,
5. If the inside of the ballot contain any mark or symbol contrary to the provisions of this law ; or,
6. If such ballot in any other way be contrary to the provisions hereof, then such ballot and all it contains must be rejected.

SECTION 61. If one or more of the printed names on a ballot is erased, and another or others substituted therefor in writing, such substituted name or names and the unerased printed names shall be counted, unless the number of such substituted and unerased printed names shall exceed the number of offices to be filled, in which case such ballot shall be rejected.

SECTION 62. All questions as to the validity of any ballot shall be decided immediately, and the opinion of a majority of the Inspectors shall be final and binding, except as hereinafter provided. The word "Rejected" shall be indorsed on each ballot, which shall be held invalid as aforesaid. Ballots on which questions arise, and which are accepted, shall be so indorsed. All such indorsements shall be made by the Chairman of the Inspectors on the back of the ballots.

SECTION 63. The names on the ballots not rejected, with the office designated for each, shall be read in a loud, clear voice by one of the Inspectors, and a record thereof shall be made at once by the clerk, if there be one, and one of the Inspectors.

DISPOSITION OF ELECTION RECORDS.

SECTION 64. At the completion of the count after the close of the polls, and the public announcement of the same, the Inspectors shall, in the presence of the candidates or their agents, make up into a packet, sealed with their own seals and the seals of such candidates or agents of candidates who may desire to seal the same, all of the ballots used in the said election, both those which may have been rejected as well as those counted, and all cancelled ballots together with the voters' list used at the polling-place, and having properly marked the said packet on the outside with the name and title of the Minister of the Interior, and a description of the contents thereof as follows: "Records of Election for 18...., District of, Island of," shall immediately forward the same to the Minister of the Interior.

VOTE OF CHAIRMAN OF INSPECTORS.

SECTION 65. In case of the failure of the election of a Representative in consequence of the equality of votes between two or more candidates, the Chairman of the Inspectors shall give a casting vote, but shall not in any other case be entitled to vote at such election.

SECURITY OF VOTES—INTERFERING WITH ELECTORS.

SECTION 66. Every person in attendance at the counting of the votes shall aid in maintaining the security of the voting, and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot.

SECTION 67. No person who has voted at an election shall, in any legal proceeding, be required to state for whom he has voted.

EXCESSIVE VOTE.

SECTION 68. If, at the counting of the votes, the number of the ballots in the ballot-box shall overrun the number of names on the Clerk's record, the Inspectors shall replace all the ballots in the ballot-box, close, lock, and shake the same so as to thoroughly mix the ballots ; the box shall then be opened and a cloth laid over it, and the Chairman of the Inspectors (or in case of the inability, or unavoidable absence of the Chairman, one of the other Inspectors) having previously held up his open hand with the arm bared to the elbow, shall introduce his hand under the cloth covering the ballot-box and draw therefrom, without looking, one ballot at a time until the number of ballots in the ballot-box is reduced to correspond with the number of names on the Clerk's record. The Inspectors shall then proceed to ascertain the result of the election as hereinbefore provided.

DECLARATION OF RESULT.

SECTION 69. When the Inspectors have ascertained the number of votes given for each candidate, respectively, they shall make public declaration of the whole number of votes given in ; the names of the persons voted for, and the number of votes for each person ; and the Chairman of the Inspectors shall cause to be made a fair record of the same, which shall be signed by the Inspectors and forwarded to the Minister of the Interior.

CERTIFICATE OF ELECTION.

SECTION 70. In those precincts or districts where there is only one polling place the Inspectors shall deliver a certificate to the candidate for Representative who has received the greatest number of votes for that

office, in the form set forth in Schedule B hereto annexed. In those districts where there are two or more polling places, such certificate shall be signed by the Chairman of each Board of Inspectors.

SECTION 71. It shall be the duty of said Inspectors to immediately transmit to the Minister of the Interior a duplicate of such certificate, which shall be an original certificate of election for the person whose name is therein set forth.

SECTION 72. It shall be the duty of said Inspectors, upon ascertaining the number of votes given for each candidate for Noble to immediately transmit to the Sheriff of the Island, or to the Marshal on the Island of Oahu, a certificate of the same, signed by each of them. A copy of such certificate shall also be sent to the Minister of the Interior.

SECTION 73. It shall be the duty of such Marshal or Sheriff, immediately upon receiving the returns of election for Nobles from all of the precincts, to ascertain the result and tabulate the returns. When it shall be ascertained who are elected, by reason of the number to be elected having received the largest number of votes, such person shall each receive a certificate of election signed by such Marshal or Sheriff, similar in form to that set forth in Schedule B, certificate for Nobles. A copy of such tabulated return shall be transmitted to the Minister of the Interior, together with a duplicate of each certificate of election, which shall be an original certificate for the person whose name is therein set forth.

FRAUDULENT BALLOT.

SECTION 74. Whenever a ballot for Representative shall be found to contain more than one name voted

for, or a ballot for Noble to contain more names voted for than the division is entitled to elect, it shall be rejected as fraudulent, but no ballot shall be rejected for containing a less number of names than authorized to be voted for. When two or more ballots are found in the ballot box on counting the vote, so folded together as to make it evident that more than one was put in by one person, all of such ballots shall be rejected.

OF VACANCIES, ANNULLING ELECTIONS, ETC., CAUSES OF VACATING SEAT.

SECTION 75. The seat of any elective member of the Legislature shall become vacant whenever such member shall die, resign, or become disqualified by conviction of any of the offenses by which persons might be disqualified from being elected ; by his being convicted of a violation of any of the provisions of this Act ; by gross misconduct or neglect of the business for which he was elected, or by continued, unexcused absence from the daily meetings of the Legislature, whereof the Legislature alone shall judge ; by falling below any of the requirements necessary for an elective member of the Legislature ; or by reason of any bribery, fraud, miscarriage or default of such member or his agent, whereby his election might be vitiated ; and by reason of the election of another for the seat.

ANNULLING ELECTIONS. LEGISLATIVE PROCEEDINGS.

SECTION 76. The Legislature may take notice of any vacancy or alleged vacancy and proceed accordingly, without petition or motion from without, or such notice may be taken upon petition from the district the seat whereof is alleged to be vacant ; which petition shall be signed by not less than thirty voters of the district, and it shall set forth any cause or causes alleged

for such vacancy. The question of any vacancy or dispute thereon shall be duly examined and full evidence on all matters pertaining thereto shall be taken, and if it be found that the seat is vacant, or ought to be so declared, it shall be so declared by the Legislature, and a new election shall immediately be ordered by the Minister of the Interior, upon receiving notice of such vacancy from the President of the Legislature.

SECTION 77. Whenever any vacancy shall occur while the Legislature is not in session, by death, resignation or otherwise, the Minister of the Interior shall cause a special election to be held, as hereinbefore required. Any special elections shall conform, in all respects, except as otherwise provided herein, to the regular biennial elections held under the provisions of this Act.

ANNULLING ELECTIONS. PROCEEDINGS IN COURT.

SECTION 78. In addition to the methods hereinbefore set forth for vacating any seat in the Legislature, any candidate, or any ten persons who have voted or were entitled to vote in the district, may file a petition addressed to the Chief Justice of the Supreme Court, setting forth any cause or causes, why an election shall be vacated or a seat be declared vacant. Such petition shall be filed in the office of the Clerk of the Supreme Court within thirty days following an election, and prior to the hearing thereon the Clerk shall receive a deposit of such costs as may be necessary in the case. The hearing may be had before any Justice of the Supreme Court, and may be held either in Honolulu or in the Judicial Circuit wherein the election is disputed.

PROCEEDINGS.

SECTION 79. A notice of not less than fourteen days

shall be given to the Inspectors of such election as may be contested, and to the candidate who shall have been returned or whose seat is contested, and to any others whose rights or interests are particularly affected, who shall be designated by the Chief Justice of said Supreme Court. Besides such notice, a written or printed notice shall be likewise posted in the district, or published in some newspaper circulating in the district, for not less than ten days prior to such hearing.

HEARING.

SECTION 80. At the hearing the Justice shall cause the evidence to be reduced to writing in full, or sufficiently to ascertain all of the facts involved, and shall thereupon give judgment, stating all of his findings of fact and the law thereupon, which shall then be transmitted in full to the Minister of the Interior, provided no appeal shall be taken. If such finding shall be that the election was invalid, and the seat therefore vacant, a new election shall at once be ordered by the said Minister.

COSTS AND APPEAL.

SECTION 81. Such award as to costs in such proceedings shall be made as the court hearing the case shall determine. Costs shall be the same as in trials in the Supreme Court in Chambers. The decision in all respects shall be subject to appeal to the Supreme Court in Banco, which shall, without delay, hear such appeal and render a decision thereon, and such decision shall be transmitted to the Minister of the Interior. If such finding shall be that the election was invalid, and the seat therefore vacant, a new election shall at once be ordered by the said Minister.

SECTION 82. In case either the Supreme Court or the Legislature shall, by final conclusion or judgment, declare vacant the seat of any member, such conclusion or judgment shall be final and binding upon all parties. But in case either of said tribunals shall, upon the trial of a petition against any member, render a judgment or decision dismissing such petition, such judgment or decision shall not be binding upon, or prevent the other of said tribunals from entertaining a petition to declare vacant the seat of such member.

RULES.

SECTION 83. The Supreme Court may make, alter, amend and rescind rules for the trial, hearing, appeal, and any other matters pertaining to such contested election, and the course of proceedings shall be as at Chambers of the Supreme Court, the Justice shall have like powers as in trials at a regular term of the Court, as to the compelling the attendance of witnesses, punishing contempts, and in all other matters pertaining to such hearing.

SECTION 84. Any witness who shall wilfully testify falsely upon any examination or trial on such proceedings, shall be guilty of perjury as defined by law, and shall be liable to all of the pains and penalties therefor.

SECTION 85. Hearings of all matters pertaining to elections under this Act shall be public, whether in the Legislature, in Committees, or before a Justice of the Supreme Court, except when the ends of justice require secrecy.

PROVISIONS FOR PRESERVING THE PURITY OF ELECTIONS.

SECTION 86. Offenses against this Act are divided into three classes, to wit : Corrupt practices, illegal practices and offenses of public officers, as hereinafter defined.

JURISDICTION TO TRY OFFENSES.

SECTION 87. Any offense constituting a "corrupt practice" shall be tried only upon indictment. Jurisdiction is hereby conferred upon police and district magistrates to hear and determine all offenses constituting an "illegal practice" under this Act, subject to the right of appeal as allowed by law. Any person on trial for any offense by this Act specified may be found guilty of a lesser offense of the same nature, or as defined by the Penal Code.

CORRUPT PRACTICES—BRIBERY.

SECTION 88. The following persons shall be deemed guilty of "corrupt practices:" 1. Every person who shall directly or indirectly, personally or through another, give, lend, agree to give or lend, or promise to procure or to endeavor to procure any money or valuable consideration to or for any elector, or to any person for an elector, or to or for any person in order to induce any elector to vote or refrain from voting, or shall do such act on account of any persons having voted or refrained from voting at any election.

2. Every person who shall directly or indirectly, personally or through another, give or procure, or agree to give or procure, or offer, promise, or promise to procure, or endeavor to procure any office or place of employment to or for any elector, or to or for any person on behalf of an elector; or to or for any other person in order to induce such elector to vote or refrain from voting, or shall do any such act as aforesaid on account of any elector having voted or refrained from voting at an election.

3. Every person who shall directly or indirectly, personally or through another, make any such gift, loan,

offer, promise, procurement or agreement as aforesaid ; or to or for any person, in order to induce such person to procure or endeavor to procure the election of any person to serve in the Legislature ; or to procure the vote of any elector at an election.

4. Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavor to procure the election of any person to serve in the Legislature, or procure the vote of any elector at any election.

5. Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election ; or who shall knowingly pay, or cause to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.

6. Every elector who shall, before or during any election, directly or indirectly, personally or through another, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or from refraining to vote, or agreeing to refrain from voting.

7. Every person who shall after any election directly or indirectly, personally or through another, receive any money or valuable consideration, on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

8. Every candidate at any election who shall, per-

sonally or through another person, or by any ways and means on his behalf, on election day or the day immediately preceding or following an election, directly or indirectly, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part, any expenses incurred for any meat, drink or entertainment, or provision to or for any person, in order to be elected or for being elected, or for the purpose of influencing such person or any other person to give or refrain from giving his vote at such election, or on account of such person having voted or refrained from voting, or being about to vote or refrain from voting at such election. All of the above named offences shall constitute the crime of bribery as a corrupt practice.

9. Every person who shall directly or indirectly, personally or through another, make use of, or threaten to make use of, any force, violence or restraint, or inflict or threaten to inflict any injury, damage or loss in any manner, or in any way, practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or on account of such person having voted or refrained from voting, or who shall by abduction, distress, or any fraudulent device or contrivance impede, prevent or otherwise interfere with the free exercise of the elective franchise, shall be deemed guilty of the offence of "undue influence."

10. Every person who, at any election, attempts to vote in the name of any other person, living or dead, or some fictitious name, or who, having once voted, attempts to vote again.

11. Every person who, without authority, sends in

any claim to have the name of any other person entered on the Register, or attaches the name of any other person to any such claim in order to make it appear as the claims of such person, or procures the name of any other person to be entered upon the Register.

12. Every person who shall, either in person or through another, in any manner break up or prevent the holding of any meeting of the Inspectors as herein prescribed or provided for, or in any manner break up or prevent the holding of any election.

PUNISHMENT FOR CORRUPT PRACTICES.

SECTION 89. Every person found guilty of any "corrupt practice" shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any term not exceeding two years, or by both such fine and imprisonment at the discretion of the Court. Besides such punishment, such person shall be disqualified from voting for six years, or from holding any office under the Government for a like term, or from being elected to or occupying a seat in the Legislature for six years; and any such office, either appointive or elective, held by such person, shall be at once vacated by such conviction. The Clerk of the Court, where such conviction is had, shall also transmit to the Inspectors of the district where such person resides, and to the President of the Legislature, the name of such person, the offence of which he has been convicted, and the sentence of the Court.

ILLEGAL PRACTICES.

SECTION 90. The following persons shall be deemed guilty of "illegal practices:"

1. Every person who shall, for the purpose of promoting or preventing the election of a candidate at any

election, be engaged or employed for payment or promise of payment to act as agent, clerk or messenger, except as set forth in Schedule C hereto attached; or to act as committeeman, canvasser, runner, watcher, guard or detective; to act or render service in any capacity whatever except one for which payment is authorized by Schedule D hereto attached; to act, if an elector, as clerk or messenger.

2. Every person so engaging, hiring, agreeing to hire or pay another for any such service, or, after the same has been rendered, offering or agreeing to pay therefor, or to give or procure any reward of value for the same.

SECTION 91. No payment or contract for payment shall, for the purposes of promoting or procuring the election of any candidate at any election, be made on account of the conveyance of electors to or from the polling place in any manner whatsoever; for bands, torches, flags, banners, or other distinctive mark or favor; for exhibiting bills, addresses, posters or other printed, written or painted device; or for the use of any building or portion of any building or structure for such purpose, excepting only as permitted by Schedule D, hereto attached. If any payment, or contract for payment, for any purpose set forth in this Section, shall be made either before, during or after an election, both the person paying or offering to pay or contract for payment, either personally or through another, and the person who is to receive said payment, shall be deemed guilty of an "illegal practice."

SECTION 92. Any premises licensed for the sale of beer, wines or spirits, or any part of such premises, shall not be used as a committee room for the purpose of promoting or procuring the election of a candidate at any

election. If any person hires or uses any such premises or part of premises for such purpose, both such person and the one letting such premises or part thereof, shall be deemed guilty of an "illegal practice."

SECTION 93. Any person who knowingly provides money for any purpose such as set forth in Section 88 hereof, or for the payment of money so expended, where the person who so expended such money is guilty of an "illegal" or "corrupt practice," shall also be deemed guilty of an "illegal practice."

SECTION 94. Any person who procures or induces any person to vote, knowing at the time that such person is disqualified or prohibited from voting or has already voted, as well as any person so voting, shall be deemed guilty of an "illegal practice."

PUNISHMENT FOR ILLEGAL PRACTICES.

SECTION 95. Every person found guilty of an "illegal practice" shall be punished by a fine not exceeding five hundred dollars, or by imprisonment at hard labor for any term not exceeding one year, or by both such fine and imprisonment at the discretion of the Court, and shall, besides, be disqualified for two years from voting at any election, or from holding any office of trust or profit under the Government for a like term, or from being elected to a sitting in the Legislature for four years ; and if such person at the time of such conviction hold any such office or shall be a member of the Legislature, or shall have been elected thereto, such office or such seat shall at once be vacated.

The Judge or Magistrate before whom such conviction is had, shall at once transmit to the Minister a report of such conviction with the sentence imposed, to

be placed before the Legislature, if in session, or at the next following session.

SECTION 96. Any candidate who fails or neglects to furnish the list prescribed by Section 39, or the sworn statement prescribed in Section 40, or when such list or statement shall be wilfully false in any particular, shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars, or by imprisonment at hard labor not more than six months, or by both such fine and imprisonment at the discretion of the Court. And if he shall have been elected, and it shall appear that the expenses exceed the amount by this Act allowed, or were incurred for any purpose hereby forbidden, his election shall be void and he shall not be eligible for re-election for four years.

OF CHALLENGING VOTERS.

SECTION 97. It shall be the duty of any Inspector of Election, and of any bystander, to challenge any person offering to vote, whom such Inspector or bystanders shall know or suspect is not qualified to vote.

SECTION 98. Whenever any person's vote is challenged, one of the Inspectors shall state to him the cause of such challenge, and shall then swear such person in substance according to the form of oath set forth in Schedule E hereto annexed. After such oath is administered, an Inspector, or the person challenging, shall put questions for the purpose of ascertaining whether the proposed voter is duly qualified.

SECTION 99. If such person shall refuse to be sworn as aforesaid, or being sworn, shall refuse to answer any proper question (of which the Inspectors shall be judge), his vote shall be rejected.

SECTION 100. Any person taking the oath prescribed in Section 98, and wilfully making false answers to any question put to him thereunder, shall be guilty of "perjury" in the second degree; and if he shall thereupon vote at such election, his vote shall be null and void.

OFFENCES OF PUBLIC OFFICERS.

SECTION 101. Every public officer required by this Act to do or perform any act or thing with reference to any of the provisions of this Act, who shall wilfully fail, neglect or refuse to do or perform the same, or who shall be guilty of any violation of the provisions of this Act, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any term not exceeding two years, or by both such fine and imprisonment at the discretion of the Court; and shall also be disqualified for three years from holding any office under the Government, or from sitting in the Legislature, or from voting. He shall also be liable to pay damages to any person injured by such Act or doing, or the failure to act or do any such act.

SECTION 102. Any person holding any position of trust or profit under the Government who shall, either personally or through another, for pay or without pay, act as a runner, committeeman, clerk, secretary, or in any other capacity, for the purpose of procuring or assisting in the election of any person, except as a voter, and in casting his vote, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment at hard labor for any term not exceeding six months, or by both such fine and imprisonment in the discretion of the Court. Besides the said punishment, the office of such person shall be at once vacated, and such person shall be disqualified for three years from holding any office

under the Government, and from voting at any election, and from sitting in the Legislature. The provisions of this Section shall not, however, be construed to apply to Cabinet Ministers so as to preclude them from publicly or privately making oral or written statements of the policy of the Administration, or advocating the same.

SECTION 103. Any person who shall, either in person or through another, be disorderly or create a disturbance whereby any meeting of the Inspectors herein prescribed or provided for shall be disturbed or interfered with, or whereby any person who intends to be lawfully present at such meeting for the purpose of registering or correcting the register is prevented from attending, or who shall in like manner cause any disturbance at any election, and all persons so assisting or aiding, shall upon conviction thereof, be punished by a fine not exceeding two hundred dollars, or by imprisonment at hard labor for a term not exceeding six months, or by both such fine and imprisonment at the discretion of the Court ; and shall not be entitled to vote at the election next succeeding such conviction, nor at such election to be a candidate for election.

SECTION 104. Where not otherwise specifically provided, Police and District Magistrates are hereby authorized to hear and determine all cases arising under this Act.

SECTION 105. In all cases, under the provisions of this Act, where duties are to be performed by the Chairman of the Inspectors, such duties may be performed by some other one of the Inspectors whenever the Chairman is temporarily absent, or is otherwise for the time being unable to perform such duties.

SECTION 106. This Act shall take effect and become law on the first day of October, 1888.

SCHEDULES REFERRED TO IN THIS ACT :

Schedule A, referred to in Section 1.

Chapter LXXXVI. of the Penal Code.

The following Sections of the Civil Code : 771, 772, 773, 774, 778, 779, 780, 781, 782, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813.

An Act approved June 30, 1862, amending Section 789 of the Civil Code.

An Act approved June 17, 1862, amending Section 796 of the Civil Code.

An Act approved June 24, 1868, relating to the qualifications of electors.

Chapter XXV. of the Laws of 1874.

Chapter XLVI. of the Laws of 1874.

Chapter VII. of the Laws of 1876.

Chapter XIV. of the Laws of 1876.

Chapter XXXVIII. of the Laws of 1876.

Chapter XXXI. of the Laws of 1886.

Chapter LXVI. of the Laws of 1886.

And all other laws and parts of laws contrary to the provisions of this Act.

Schedule B, referred to in Section 73.

1. *Certificate of Election of Noble :*

I,....., the Sheriff of the
 Election Division of Oahu, or as the case
 may be, or Marshal of the Kingdom, do hereby certify
 that was duly elected a Noble for
 the Election Division of, to serve for

the term of years from the day of, 18....

Given under my hand and the seal of my office on this day of, 18....

..... Sheriff of (or Marshal of the Kingdom).

Schedule B, referred to in Section 70.

2. Certificate of Election of Representative:

We, and and Inspectors of Election for the District of the Judicial Circuit, do hereby certify that was duly elected Representative for said District on the day of, 18....

Given under our hands this day of, 18....

.....
.....
.....

Schedule C, referred to in Section 90.

Persons legally employed for payment by any candidate: (1) One watcher for each ballot-box, and no more. (2) Clerks and messengers for conducting business in committee rooms, not exceeding one clerk and one messenger for each polling place in a district.

Schedule D, referred to in Sections 90-91.

Expenses legally incurred by or for a candidate: (1) The personal expenses of a candidate. (2) Expenses of printing and advertising in newspapers. (3) Cost of stationery and postage. (4) Expenses of public meetings. (5) Rent and supplies of committee rooms not to exceed one for each polling place. (6) Miscellaneous

expenses not to exceed in all fifty dollars: Provided, that no expense or expenditure, or agreement therefor, contrary to any provision of this Act shall be permitted; and provided, also, that the expenses for all of the candidates for Nobles of any party shall be confined to the same as that of one candidate for Representative, excepting that of personal expenses and that of miscellaneous expenses, the latter of which shall not exceed one hundred dollars in any one district.

Schedule E, referred to in Section 98.

Form of oath to administer to persons whose vote is challenged:

"You do solemnly swear (or affirm) that you will true answer make to all such questions as shall be put to you touching your right to vote for (Nobles or Representatives, as the case may be) at the present election."

Approved this tenth day of September, A. D. 1888.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

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