

TITLE 2.

OF THE ADMINISTRATION OF THE GOVERNMENT.

OF THE EXECUTIVE.

CHAPTER V.

THE KING—HIS PRIVY COUNCIL.

§24. The King may, at any time, by Royal Letters Patent, appoint any of his subjects, who has attained the age of majority, a member of His Privy Council of State, to hold office during the King's pleasure.

§25. Every member of the King's Privy Council of State, before entering upon the discharge of his duties as such, shall take an oath to support the Constitution, to advise the King honestly, and to observe strict secrecy in regard to matters coming to his knowledge as a Privy Counselor, upon which a special injunction shall have been imposed by the King; but such injunction shall not extend to an interchange of views upon the matters enjoined between members of said Council, nor shall it be held to continue after the injunction of secrecy has been removed.

§26. It shall be the duty of every Privy Counselor;

1. To advise the King according to the best of his knowledge and discretion.

2. To advise for the King's honor and the good of the public, without partiality through friendship, love, reward, fear or favor.

3. Finally, to avoid corruption—and to observe, keep, and do all that a good and true counselor ought to observe, keep, and do to his Sovereign.

§27. Every Privy Counselor shall have full liberty to be present at any regular or extraordinary meeting of the Privy Council, and to express his views and opinions upon every matter submitted to said Council. He shall also be entitled to vote, and have the same recorded, upon all questions not affecting his private interests.

§28. The Privy Council shall regulate its own proceedings; and shall also appoint a secretary, who shall keep a true record of all its transactions, and have the custody of such record.

§29. To prevent the danger and inconvenience of having no Privy Council, during the vacancy of the throne, the Privy Council in being at the demise of the Crown, shall continue until determined by the successor or Kuhina Nui.*

* The office of Kuhina Nui was omitted from the Constitution of 1864.

CHAPTER VI.

OF THE EXECUTIVE MINISTERS AND OF THE GOVERNORS.

§30. No person shall be eligible to the office of Minister to the King, or Governor, who is not a subject or denizen, and of the full age of twenty-one years.

§31. Every Minister or Governor, before entering upon the duties of his office, shall take and subscribe an oath to support the Constitution and Laws, and faithfully and impartially to discharge the duties of his office. Such oath shall be placed and kept among the records of the Privy Council.

§32. Every Minister shall reside and keep his office at the Seat of Government, and shall not leave the kingdom during his continuance in office, except upon public business with which he may be charged by the King.

Act
10th Jan., 1865. The King, by and with the advice of his Cabinet Council, shall appoint and commission the Governors of his several islands; the Governors hold office for the term of four years, subject to impeachment.

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

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

Act
22d June, 1868. On and after the passage of this Act, the Governors of the Islands of Hawaii, Maui, Oahu and Kauai, shall have power to administer oaths, and to take depositions of witnesses, in all matters coming within their respective departments.

CHAPTER VII.

DEPARTMENT OF THE INTERIOR.

§33. There shall be, and is hereby, created a department of government, to be styled the Department of the Interior, which shall be presided over by a minister, who shall be called the Minister of the Interior.

§34. It shall be the duty of the Minister of the Interior to have a general supervision over the internal affairs of the kingdom, and to faithfully and impartially execute the duties assigned by law to his department.

§35. The Minister of the Interior shall keep, in appropriate books, a clear, distinct and full record of all the transactions of his department.

§36. The said Minister shall have the care and supervision of all government lands and other property; of the internal trade and commerce of the kingdom; of internal improvements; of the internal police* of the kingdom; of the post offices; of the government press; of the naturalization of foreigners; and of such other matters as may be placed in his charge.

§37. The Minister of the Interior shall have the charge of the standards of weights and measures; and of all original manuscript laws enacted by the Legislature.

§38. The Minister of the Interior shall promulgate such proclamations as may be made by the King, for the observance of days of fast or of thanksgiving, and all other proclamations which do not specially relate to the business of other departments.

*The police transferred to the supervision of the Attorney General by Act of 1869.

ARTICLE 1.—OF THE GOVERNMENT LANDS AND OTHER PROPERTY.

§39. The Minister of the Interior shall have the charge, custody, and supervision of all the lands surrendered and forever made over unto the chiefs and people by His late Majesty, Kamehameha III., the surrender and conveyance of which was solemnly accepted, and confirmed by an Act of the Legislature, passed on the 7th day of June, A. D. 1848; and also of all other government lands, buildings, vessels, and property whatsoever not expressly placed in the charge of some other officer.

§40. The said Minister shall be accountable for the preservation and safe keeping of the government property, and it shall be his duty to prosecute any person injuring, trespassing upon, or wrongfully taking the same, such as land, timber, streams, ponds, springs, water-courses, reservoirs, water-works, reefs, harbors, channels, wharves, lights, buoys, beacons, highways, bridges, markets, buildings, vessels, and other government property of whatsoever kind or nature.

§41. The said Minister, under the direction and with the approval of the King in Cabinet Council, shall have power to purchase lots upon which to erect public buildings, and other lands for the use of harbors, highways, wharves, water-works, and other internal improvements; also any other property necessary for the public service; and to pay for the same in such manner as the King in Cabinet Council shall direct; provided always, that the whole amount of existing debt incurred for the purchase of such lands or property, shall at no time exceed the sum of twenty-five thousand dollars; and provided further, that no moneys specifically appropriated by the Legislature for any other object, shall be applied to the discharge of the debt incurred as hereinbefore provided.

§42. The said Minister, by and with the authority of the King in Cabinet Council, shall have power to lease, sell or otherwise dispose of the public lands, and other property, in such manner as he may deem best for the protection of agriculture, and the general welfare of the Kingdom, subject however, to such restrictions as may, from time to time, be expressly provided by law. And provided that no sale of one land or lot exceeding five thousand dollars in value shall be made without the consent of the King and a majority of the Privy Council.

As amended
1874.
Chapter XXIV.

TO REQUIRE THE SALE AND LEASES OF GOVERNMENT LANDS
TO BE MADE AT PUBLIC AUCTION.

Act
1876.
Chapter XLIV.

SECTION 1. All sales or leases of Government lands shall be made at public auction, after not less than thirty days' notice by advertisement in two or more newspapers published in Honolulu, in both the Hawaiian and English languages, excepting lands and portions of lands of less than three hundred dollars in value. All such sales shall be made at the door of the Government House, at Honolulu, and shall be cried by the Minister of Interior, or by one of his clerks, under his direction, who shall perform this service without extra compensation.

As amended
1878.
Chapter V.

Notice of sale herein above required to be made, shall contain a full description of the land to be sold, as to locality, area and quality, with a reference to the survey, which shall in all cases be kept in the office of the Minister, open to inspection of any one who may desire to examine the same.

In case application has been made for purchase of a Government land, and a price has been offered for same, the price offered shall be published in the notice of sale as the upset price for which the land should be offered at public auction.

SECTION 2. The provisions of this Act shall not extend or apply to cases where the Government shall by quit-claim, or otherwise, dispose of its rights in any land by way of compromise or equitable settlements of the rights of claimants, nor to cases of

exchange, or sales of Government lands in return for parcels of land required for roads, sites of Government buildings, or other Government purposes.

§43. A Royal Patent, signed by the King, and countersigned by (the Kuhina Nui and*) the Minister of the Interior, shall issue under the great Seal of the kingdom to the purchaser in fee simple of any Government land or other real estate; and also to any holder of an award from the Board of Commissioners to quiet land titles for any land in which he may have commuted the Government rights.

§44. All Royal Patents, leases, grants or other conveyances of any Government land or real estate, shall be prepared by, and issued from, the Department of the Interior; and it shall be the duty of the Minister of the Interior to keep a full and faithful record of all such patents, leases, grants, and other conveyances. Said record shall be open to public inspection, and he shall furnish a certified copy, under his official seal, of any instrument therein recorded, to any person applying therefor, upon being paid at the rate of fifty cents for every one hundred words. Every such certified copy shall be received as evidence in any judicial court of the kingdom, the same as the original instrument itself.

§45. It shall be the duty of the Minister of the Interior to cause such surveys, maps, and plans of the Government lands, harbors, and internal improvements to be made as the public interests may require; which surveys, maps and plans shall be kept in his office for public inspection and reference.

§46. The Minister of the Interior may appoint suitable agents throughout the kingdom, for the management and sale of Government lands, which agents shall be paid a reasonable compensation for their services, in the discretion of the said Minister, out of the proceeds of their sales or other avails arising from such lands. It

*The office of Kuhina Nui ceased by the Constitution of 1864.

shall be the duty of such agents to report to the Minister of the Interior all trespasses committed by any person upon the Government lands in their charge.

But see Act requiring Sales and Leases of Government Lands to be made at auction, p. 11.

§47. Every such agent shall procure the lands sold by him to be correctly surveyed; and he shall not forward any such survey to the Minister of the Interior to obtain a Royal Patent to be executed for the land sold, until the purchaser shall have first deposited in the hands of such agent the purchase money of said land, and the costs of the survey.

§48. The Minister of the Interior is prohibited from selling the water-ponds, springs and streams belonging to the Government in or near Honolulu; that is to say, the pond of Kunawai, in the Ili of Kunawai; and the ponds of Kumuhahane and Kalaulolo, in the Ili of Alewa, and all other Government water-ponds, springs and streams, wherever situated, which may be valuable for public use; and any sale in contravention of this section shall be absolutely null and void.

ARTICLE II.—OF THE INTERNAL TRADE AND COMMERCE.

THE COASTING TRADE.

§49. The Collector-General of Customs, under the direction of the Minister of the Interior, shall grant a coasting license for one year, to any Hawaiian registered vessel, the owner of which shall have applied to him in writing, setting forth the vessel's name, with the date and number of her register, which license shall be in such form as may be approved by the Minister of the Interior.

See Act to Regulate the carrying of passengers, 19th January, 1865.

§50. The said Collector-General of Customs shall charge for every coasting license, the sum of one dollar per ton register upon vessels of every class up to and including twenty-five tons, and fifty cents for every additional ton over twenty-five tons; and upon granting any such license, he shall exact of the owner a bond,

with at least one sufficient surety, to be approved by said Collector, in the penal sum of five hundred dollars, in such form and upon such condition as may be approved by the Minister of the Interior.

§51. Any vessel which shall engage in the coasting trade of this kingdom, without a license, shall be liable to seizure, confiscation and sale, for the benefit of the King's treasury.

§52. The Minister of the Interior shall have power, under the approval of the King, to establish rules for the guidance and government of all vessels engaged in the coasting trade; and in case any such vessel shall violate any of the said rules, he shall have the power to annul its license.

§53. The said Minister may, at any time, impress any licensed coaster into the public service upon a just compensation, to be afterwards assessed by the Court of Admiralty of this kingdom.

§54. All vessels engaged in the coasting trade shall carry the inter-island mails free of charge,* under such regulations as may from time to time be provided by law, or prescribed by the Minister of the Interior, upon pain of forfeiting their licenses.

Amendment
1870,
Chapter XXIX.

§54A. All such vessels shall carry to and from such ports or places as they may be engaged in trading to or from, all passengers required to be carried, by the Board of Health, or its authorized agent or agents, to be carried on board of such vessel, on payment of the usual and reasonable passage money, upon pain of forfeiting their licenses.

§55. No vessel shall engage in the coasting or carrying trade having on board any spirits, wines, stores, or articles of merchandise which have not paid the legal duties in this kingdom, under penalty of not less than fifty, nor more than one thousand dollars, in the discretion of the Court.

*May be compensated, §402, as amended.

NOTE.—Act relating to Liens on domestic ships and vessels, 1870, Ch. VI.

OF LICENSES.

TO VENDORS OF GOODS, WARES AND MERCHANDISE.

§56. The Minister of the Interior shall grant to any person applying therefor in writing, a license to sell goods, wares, and merchandise at wholesale, for the term of one year; such application shall contain a statement of the average monthly receipts of the applicant from sales at wholesale during the preceding twelve months, and if the applicant shall (not) have previously held a license to sell by wholesale, then a statement of the expected average monthly sales at wholesale during the succeeding twelve months; such applications shall be verified by the oath of the applicant, if required by the Minister. The amount to be paid by such applicant for a wholesale license shall be as follows: if the amount of the average monthly sales shall not exceed three thousand dollars, the annual license shall be one hundred dollars; if the amount of such sales shall exceed three thousand dollars and shall not exceed six thousand dollars, the annual license shall be one hundred and fifty dollars, and an additional sum of fifty dollars for every three thousand dollars or fractional part thereof.

As amended
1876,
Chapter LVI.

TO REGULATE THE LICENSING OF COMMERCIAL TRAVELING AGENTS FROM FOREIGN COUNTRIES DOING BUSINESS IN THIS COUNTRY.

Act
1882,
Chapter XLII.

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, shall be subject to arrest and prosecution, and, upon conviction, be fined five hundred (\$500) dollars. Any person, agent, or representative who shall make a verified false statement to the Minister of the Interior as to the name or domicile, or character of trade, merchandise, or manufactures of the house, company or corporation that he represents, shall be deemed guilty of perjury, and, upon conviction thereof, be punished for the offence of perjury, as now provided by law.

SECTION 3. All laws, or parts of laws, inconsistent herewith are hereby and herewith repealed.

Approved this 7th day of August, A. D. 1882.

§57. Said Minister shall also grant a license to any person applying therefor, in writing, to sell goods, wares and merchandise at retail for the term of one year; and each person receiving such license shall pay therefor the sum of fifty dollars.

§58. Repealed 23d June, 1868.

§59. Every application for a license to sell goods, wares and merchandise at wholesale or retail, shall state the location of the applicant's place of business, and the kind of articles he intends to sell.

§59 A. No person or persons holding any license whatever within this kingdom shall permit or allow any transient or other agent to work under their names or license, under penalty of forfeiture of such license.

P. C.
Chapter LV.

1878,
Chapter XVI.

§60. No person holding a license to sell goods, wares and merchandise at wholesale, unless he also holds a license to sell the same at retail, shall sell such articles otherwise than by the entire box, bale, sack, case, basket, crate, barrel, or cask; or, if dry goods, by the piece; or, if sold by none of the ways above enumerated, then by the hundred pounds; and no person holding only a license to sell goods, wares and merchandise at retail, shall sell the same except in quantities less than those above specified.

§61. All licenses to sell goods, wares and merchandise, whether at wholesale or retail, shall contain a condition that the licensee shall not sell or furnish opium or any preparation thereof, nor any poisonous drug; without license obtained according to law, under pain of the forfeiture of his license, and incurring the penalty prescribed by the law for that offence; and that he shall not sell or furnish spirituous liquors or other intoxicating drinks, without express license therefor obtained according to law, upon pain of forfeiting his license and incurring such penalties as the law may from time to time prescribe for selling or furnishing liquors, or other intoxicating drinks, without license.

P. C.
Chapter LV.

§62. Every person who shall sell any goods, wares or merchandise of foreign product or manufacture without license, or in contravention of Section 60, shall be fined in a sum not exceeding five hundred dollars, or in default of payment, imprisoned at hard labor not exceeding six months, in the discretion of the Court.

P. C.
Chapter LV.

§63. Every license to sell goods, wares and merchandise, shall be signed by the Minister of the Interior, and impressed with the seal of his department; and shall state the place or limits within which the licensee may sell. No such license shall be transferable.

TO AUCTIONEERS.

As amended
1882,
Chapter XXV.

§64. The Minister of the Interior may at any time, license for the term of one year, one or more suitable persons, except subjects of countries with which there are no treaties, in each taxation district, to be public auctioneers within the respective districts for which they receive their licenses.

As amended
1882,
Chapter XXV.

§65. The price of an Auctioneer's License for the District of Honolulu, Oahu, shall be the sum of five hundred dollars, and not less than one-half of one per cent. on each sale made, and for the other districts the price shall be such a per centage on the sales made as the Minister of the Interior shall deem reasonable, not to exceed one per cent.

As amended
1882,
Chapter XXV.

§66. Every Auctioneer shall, upon receiving his license, give a bond to the Minister of the Interior in the penal sum of three thousand dollars, if the license be for the District of Honolulu, Oahu, and in the penal sum of five hundred dollars for other Districts of the Hawaiian Islands, with good and sufficient surety or sureties to be approved by the Minister of the Interior, conditioned that he shall render a faithful account of all his sales according to law; that he shall pay quarterly to the Minister of the Interior the amount of per centage established by his license; that he will at no time make default in paying over to parties for whom he may have sold property the sums received by him from such sales, after deducting therefrom his commissions and expenses, and that he shall, in all things, well and truly conform to the laws relating to auctioneers.

§67. Every licensed auctioneer may charge a commission of not more than five per cent. upon all sales made by him, and deduct such commissions from any of the proceeds of such sales; and he may sue in his own name any person purchasing property sold by him at auction for the price thereof, whether such property were his own or that of another; and his evidence shall be admissible in any suit so brought by him.

§68. Every licensed auctioneer shall, quarterly, under oath, render to the Minister of the Interior a faithful written account of the whole amount of property sold by him, together with his commissions thereon; and every such auctioneer shall, quarterly, pay over such a percentage to the said Minister, as may be specified by the terms of his license; in default of which said Minister shall have power to revoke or suspend his license.

§69. Nothing in this article, or any law relating to auctioneers, shall extend to or affect sales made by any sheriff, deputy sheriff, constable, pound-master, collector of taxes, executor, administrator, or guardian, required or authorized by law, to sell any real or personal estate by public auction.

P. C.
Chapter LV.

§70. Every person, other than those mentioned in Section 69, who shall sell any property at auction, without first obtaining a license, shall be fined in a sum not exceeding one thousand dollars, or imprisoned at hard labor not exceeding six months in the discretion of the Court. Nothing in this section contained shall be construed to extend and apply to any person appointed by any auctioneer to act on his account, provided such person shall be a Hawaiian subject; and further, that said auctioneer shall be responsible for his acts as such agent.

P. C.
Chapter LV.

§71. Every auctioneer's license shall be signed by the Minister of the Interior, and impressed with the seal of his department, and shall state the limits within which the licensee may act as auctioneer. No such license shall be transferable.

TO KEEPERS OF HOTELS AND VICTUALING HOUSES.

§72. The Minister of the Interior may grant a license to any person applying therefor, in writing, to keep a hotel or victualing house for the term of one year, upon receiving the sum of fifty dollars.

§73. Upon receiving a license to keep a hotel or victualing house, the licensee shall give to the Minister of the Interior a bond, in the penal sum of five hundred dollars, with sufficient surety or sureties to be approved by said Minister, conditioned that he will not sell or furnish any spirituous liquor, without license; that he will not keep, or suffer to be kept, a noisy or disorderly house; that he will not suffer prostitutes to assemble together at his hotel, or victualing house, or in any building connected therewith, for any purpose whatsoever; that he will not harbor or conceal deserting sailors; that he will not keep his house open after ten o'clock at night; and he will at all times give free access thereto to any officer of the police for inspection; and that he will, in all things, conform to the terms of his license, and the laws respecting hotels and victualing houses.

P. C.
Chapter LV.

§74. Every keeper of a hotel or victualing house shall, at all times, have a board or sign affixed to his house, or in some conspicuous place near the same, with his name at large thereon, and the employment for which he is licensed, under penalty of being fined twenty-five dollars.

P. C.
Chapter LV.

§75. No keeper of a hotel or victualing house shall suffer any person, in or about the same, to practice gaming with any dice, cards, bowls, billiards, quoits, or other implements used in gaming, under penalty of being fined twenty-five dollars.

§76. Every license to keep a hotel or victualing house shall be signed by the Minister of the Interior, and impressed with the seal of his department; and no such license shall be transferable.

§77. Every person who shall keep a hotel or victualing house without license, shall be fined not exceeding one hundred dollars, or be imprisoned at hard labor not exceeding six months, in the discretion of the Court.

P. C.
Chapter LV.

TO KEEPERS OF BILLIARD TABLES AND BOWLING ALLEYS.

§78. The Minister of the Interior may grant a license to keep a bowling alley, or billiard table, to any person applying therefor, in writing, for the term of one year, upon receiving the sum of twenty-five dollars for every such table or alley.

§79. The said Minister shall have power to prescribe such rules and regulations for the keeping of billiard tables and bowling alleys, as he may deem necessary and proper for the public good; and the violation of any such rules shall work a forfeiture of the license.

§80. No keeper of a billiard table or bowling alley shall suffer the same to be used on Sunday; nor allow any gaming on such table or alley, under penalty of being fined twenty-five dollars.

P. C.
Chapter LV.

§81. Every license to keep a billiard table or bowling alley shall be signed by the Minister of the Interior, and impressed with the seal of his department; and no such license shall be transferable.

§82. Every person who shall keep a billiard table or bowling alley without license, shall be fined not exceeding one hundred dollars, or be imprisoned at hard labor not exceeding six months, in the discretion of the Court; provided, that nothing in this section contained shall be construed as extending to any billiard table or bowling alley kept by any person for private use.

P. C.
Chapter LV.

TO VENDORS OF OPIUM AND OTHER POISONOUS DRUGS.

NOTE.—Sections 83-86 repealed in 1860. See 1874, Ch. LVI., Act to restrict the importation and sale of opium, and 1880, Ch. XXV. Act concerning the sale of Drugs.

TO VENDORS OF AWA.

NOTE.—Sections 87-91 transferred to Penal Code Ch. LV., Sec. 1-5, and thereafter amended by Act 1876, Ch. V. and 1878, Ch. VI.

TO VENDORS OF BEEF.

P. C.
Chapter LV.

As amended
1882,
Chapter XI.

§92. The Minister of the Interior may at any time license for the term of one year, any applicant to slaughter and sell beef, either in Honolulu, Ewa, Waianae, Waiialua, Koolauloa, Koolaupoko, Island of Oahu; Lahaina, Wailuku, Makawao, Hana, Kipahulu, Island of Maui; in the Island of Molokai; Hilo, Hamakua, Kohala, North Kona, South Kona, Kau, Puna, Island of Hawaii; Koloa, Lihue, Kawaihau, Hanalei, Waimea, Island of Kauai; upon receiving for such license the sum of twenty dollars; provided, however, that this section shall not be held to apply to salted or corned beef, brought from other parts of the Kingdom.

§93. Upon granting such a license, said Minister shall exact of the applicant a bond in the penal sum of two hundred dollars, with good and sufficient surety, to be approved by said Minister, conditioned that such applicant will keep a full and accurate register of the brands of every animal which he shall kill or sell; together with the name of the owner, the name of the person or

persons who deliver the animal; with the date when delivered and when killed; and that he will at all times keep said register ready and open for the inspection and information of all who may desire to examine the same.

§94. Whoever shall slaughter or sell beef in Honolulu, Ewa, Waianae, Waialua, Koolauloa, Koolaupoko, Island of Oahu; Lahaina, Wailuku, Makawao, Hana, Kipahulu, Island of Maui; the Island of Molokai; Hilo, Hamakua, Kohala, North Kona, South Kona, Kau, Puna, Island of Hawaii; without first obtaining a license therefore as provided in Section 1 of this Act, shall be subject to a fine of not less than ten nor more than twenty-five dollars for each offence, in the discretion of the Court.

As amended
1882,
Chapter XI.

§95. Every license to slaughter and sell beef shall be signed by the Minister of the Interior, and impressed with the seal of his department; and no such license shall be transferable.

TO THEATRES, CIRCUSES AND PUBLIC SHOWS.

P. O.
Chapter LV.

§96. The Minister of the Interior may license any theatre, circus, Hawaiian hula, public show, or other exhibition, not of an immoral character, to which admission is obtainable by the payment of money, for such time, not exceeding one year, and upon such terms and conditions as he may think reasonable, and that a fee of not less than five dollars shall be required for each performance licensed; provided that this section shall not be construed to require the Minister of the Interior in all cases to exact a fee for lectures or entertainments of a strictly intellectual character; and provided, also, that when the performance is one of a series, a license may be granted, in the discretion of the Minister of the Interior, for the series of performances, upon payment of not less than ten dollars for each week.

As amended
1870,
Chapter XXIX.

§97. The Chief of Police in any town or district where any

theatre, circus, Hawaiian hula, or other public show shall be exhibited, may regulate the same in such manner as he shall think necessary for the preservation of order, decorum, and the public peace or morals.

As amended
1864,
30th December.

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

§99. Repealed 1870, Ch. XIX.

§100. Every license for a theatre, circus, Hawaiian hula, or other public show or exhibition, shall be signed by the Minister of the Interior, and impressed with the seal of his department; and no such license shall be transferable.

TO BOATS.

P. C.
Chapter LV.

§101. The Minister of the Interior may grant a license to ply boats for hire in the harbor of Honolulu, Lahaina or Hilo for the term of one year, upon receiving for the boats for the harbor of Honolulu, twelve dollars for every boat with four or more oars, and eight dollars for every boat with less than four oars; and for the boats for the harbors of Lahaina and Hilo, eight dollars for every boat with four or more oars, and four dollars for every boat with less than four oars.

§102. The owner of any boat duly licensed for the harbor of Honolulu, shall be entitled, if hired on time, to charge one dollar for each passenger for the first hour, and fifty cents for each succeeding hour, if the boat have four or more oars; and only half of these fares if the boat have less than four oars.

If hired by distance, twenty-five cents for each passenger to and from any ship or point within the inner buoy; fifty cents to and from any ship or point between the inner and outer buoys; and two dollars to and from any ship or point in the anchorage outside of the buoys, if the boat have four oars; and only half of said fares if the boat have less than four oars: Provided always that, if the boat shall be detained by any passenger alongside of any ship or at any point over fifteen minutes, the owner shall be entitled to charge fifty cents additional for every half hour of such detention.

§103. Any person plying a licensed boat who shall refuse to take a passenger at the rates prescribed in the preceding section, or who shall charge any person more than said rates, shall be fined five dollars.

§104. Every person hiring any such boat shall be entitled to carry with him, free of charge, one hundred pounds of luggage or goods, and no more, and for all extra luggage or goods he shall pay according to agreement with the person plying the boat.

§105. If any person plying a licensed boat shall knowingly convey any woman on board of any vessel for the purpose of prostitution, or any person flying from the Kingdom to escape justice, or the payment of his debts, or shall assist with his boat any sailor deserting from any vessel, or shall communicate with any vessel placed under quarantine, such boat shall be forfeited upon satisfactory proof before any Police or District Justice.

§106. The owner of any licensed boat shall, upon the written order of the Minister of the Interior, furnish such boat, with the proper number of oarsmen, for the public service, at the rate of

four dollars per day for any boat with four oars, and two dollars per day for any boat with less than four oars, under a penalty of not more than fifty dollars, in the discretion of the Court.

§107. Any boat plying for hire in the harbor of Honolulu, or Lahaina, without being licensed, shall be forfeited upon satisfactory proof before any Police or District Justice.

§108. The owner of every licensed boat shall have and keep the number of her license painted, conspicuously, upon both her bows, under the penalty of five dollars.

§109. All such licenses shall be signed by the Minister of the Interior, numbered according to the respective dates of their issue, and impressed with the seal of his department. No such license shall be transferable.

P. C.

TO LETTERS OF HORSES.

Chapter LV.

As amended
10th Jan., 1865.

§110. The Minister of the Interior may grant a license for one year, to any person for the letting of horses, to be used either under the saddle or in harness, in Honolulu or Lahaina, upon receiving five dollars for every horse intended to be let by the applicant; and the number of horses shall be prescribed in the license.

§111. Every such license shall be numbered consecutively, and shall contain a proviso to the effect that the licensee shall not let any of his horses to be used on Sunday, under a penalty of five dollars for each horse so let.

§112. Every licensee shall cause the number of his license to

be legibly marked and exhibited on the brow band of the bridle of each horse let by him, under the penalty of five dollars for each horse not so numbered.

§113. If any person shall let a horse to another, who is at the time in a state of intoxication, and allow such a person to mount and ride off, he shall be fined five dollars.

§114. It shall be the duty of every person letting a horse, to caution the person hiring the same against fast riding, under a penalty of five dollars.

§115. All horses kept for hire shall be liable to be called into the public service, upon the written order of the Minister of the Interior, fully equipped by the owners thereof, and such owners shall be entitled to receive, for the service of each horse, the sum of two dollars per day.

§116. Any person letting a horse for hire, in Honolulu or Lahaina, without a license, shall be fined in the sum of ten dollars.

§117. Every license for the letting of horses shall be signed by the Minister of the Interior, and impressed with the seal of his department; and no such license shall be transferable.

TO KEEPERS OF STALLIONS.

P. C.

Chapter LV.

Sections 118 and 119 of the Civil Code as amended by an Act approved on the twenty-second day of June, 1868, entitled "An Act to amend Sections 118, 119 and 120 and to repeal Section 121 of the Civil Code," shall be and the same are hereby repealed.

Act
1880.

Chapter XII.

P. C.
Chapter LV.
Section 120, as
amended
1868,
June 22nd.

§120. Every person on whose land any stallion of twelve months old or upwards shall be found trespassing, may sue for and recover, before any Police Magistrate or District Justice, the sum of ten dollars for every such trespass, from the owner of any such stallion, exclusive of the costs of such suit; and in case the stallion shall be unbranded, or in case the owner cannot be discovered within five days from the time when such stallion shall have been found trespassing, then any owner of land on which any such stallion shall be found so trespassing, shall be authorized to castrate such stallion, at the risk of the owner thereof.

§121. Repealed 1868, June 22nd.

TO MANUFACTURERS OF WINE.

§122. The Minister of the Interior is hereby authorized to grant licenses for the manufacture of wine, provided the applicant for such license shall first file with said Minister a bond in the following form, with one good and sufficient surety :

KNOW ALL MEN BY THESE PRESENTS, that we —— principal and —— surety, residing at ——, in the Island of ——, Hawaiian Islands, are held and firmly bound unto ——, Minister of the Interior, and to his successors in office, in the penal sum of five hundred dollars, to be levied of our respective joint and several property, in case the condition herein set forth shall be violated. For the faithful payment of which we hereby pledge ourselves, our heirs, executors and administrators.

Signed with our hands and sealed with our seals, this —— day of ——, A. D. 18——

The condition of this obligation is, that whereas the said ——, principal, has this day obtained a license to manufacture wine out of grapes of Hawaiian growth, for the term of ten years from this date; now if he shall not manufacture wine out of grapes grown in any foreign country; if he shall not manufacture any brandy, rum, or other spirituous liquors; if he shall, on or before the last day of December in each year, furnish the Minister of the Interior with a correct statement, in writing, of the quantity of wine manufactured by him during

the past year, and of quantity sold, and still on hand, then this obligation to be void; otherwise, upon proof being made to the satisfaction of any Police or District Justice, of the violation of any or all of the above conditions the penalty mentioned in the above bond shall be forfeited for the benefit of the Royal Exchequer.

(L. S.) _____, Principal.

(L. S.) _____, Surety.

§123. Before granting such license, the Minister of the Interior shall demand and receive at the hands of the applicant, for the benefit of the Royal Exchequer, the sum of fifty dollars, besides the customary charges for blanks and stamps.

§124. Whoever shall manufacture wine for sale without first obtaining a license as prescribed in this article, shall, on conviction thereof, before any Police or District Justice, be liable to the fines and penalties prescribed in the second section of the 42d chapter of the Penal Code.

§125. Any person obtaining a license to manufacture wine, shall be at liberty to sell domestic wine of his own manufacture, to any person, in such quantity and at such place as he may desire, and shall not be liable for such selling to the penalty prescribed by law for selling spirituous liquors without license.

GENERAL PROVISIONS.

P. C.

Chapter XLI.

§126. No license granted to any retail vendor of goods, wares and merchandise, shall be construed to authorize the sale of alcohol, cologne, lavender, or any other alcoholic preparation under the name of perfumery, to be used as a beverage. The absence of the usual qualities of perfumery in any such preparation, shall be regarded, if the same is sold to be used as a beverage, as conclusive evidence of an intention to evade the laws relating to the retail vending of spirituous liquors.

§127. No victualing house or hotel license shall authorise the sale of peaches, cherries, or other fruits preserved in brandy or spirits of any kind, to be used on or about the premises for which such license is granted. Any such use shall be held as presumptive evidence of an intention to evade the laws relating to the retail vending of spirituous liquors.

§128. Any person offending against the provisions of the last two preceding sections, shall be subject to a fine of not less than ten, nor more than fifty dollars for each offense. The Court, in its discretion, may add imprisonment at hard labor for a term not exceeding thirty days.

All spirituous liquors imported under the name of perfumery or preserved fruits, with the intention of evading the laws relating to duties, shall be liable to seizure, condemnation and sale, for the benefit of the public treasury.

P. C. ARTICLE III.—OF THE SHIPPING AND DISCHARGE OF SEAMEN.
Chapter LXXI.

§129. It shall not be lawful for the master or commanding officer of any foreign vessel, or of any Hawaiian vessel engaged in foreign trade, under penalty of a fine not exceeding one hundred dollars, to ship or discharge any seaman or other person employed on board of his vessel at any other port or place in the Hawaiian Islands than at Honolulu, Lahaina and Hilo.

As amended
1864.

§130. The Minister of the Interior may, in his discretion, grant to any suitable person or persons applying therefor, in writing, a license for one year to establish a shipping office for foreign seamen, at either of the ports of Honolulu, Lahaina or Hilo; provided, however, that not less than two licenses shall be granted for the port of Honolulu. And if, at any time, there shall be found to be any business connection between the parties having licenses under this law, their licenses and bond shall be forfeited.

§131. Before granting a license to keep a shipping office, the Minister of the Interior shall receive at the hands of the applicant the sum of forty (α) dollars, and also a bond with good and sufficient sureties, to be approved by the said Minister, in the penal sum of two thousand dollars, conditioned that he shall not charge or demand more than three dollars as a shipping fee, nor more than ten per cent. of the amount advanced, as a surety fee from any seaman shipped at his office; that he will at no time make default in re-paying the amount advanced on account of any seaman for whom he may have become surety, and whom he may have failed to deliver on board any vessel, at the time agreed upon by the master or agent of such vessel; and that he will in no case ship a seaman who has not a permit from the Harbor Master. (α) Said bond shall be executed in the presence of, and acknowledged before the Minister of the Interior, who shall forward a certified copy thereof to the Police Justice of the port for which the license is granted, and such copy shall be considered as competent evidence in any case relating to such bond.

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

Amendment.
1874.

This amends

P. C.

Chapter LXXI.

§132. In every case of a suit for breach of the bond given by any shipping master, the Police Justice of the port shall have jurisdiction over, and may decide the same, without the aid of a jury, subject however to the right of appeal.

§133. When the condition of the official bond of any shipping master shall be broken, to the injury of any person, such person may, at his own expense, institute a suit thereon, in the name of the Minister of the Interior, and prosecute the same to final judgment and execution.

§134. It shall be the duty of every shipping master to demand and receive the Harbor Master's permit from every seaman whom he may ship, and place the same at the disposal of the Chief of Police at the port, and he shall also deliver to every such seaman certificate of his shipment, stating the name of the ship on which he is engaged to serve, and the time at which he is to render himself on board.

§135. Whoever, without a license, shall ship a foreign seaman, shall be subject to a fine of one hundred dollars for each offense, upon conviction thereof before a Police Justice: provided, however, that nothing in this section contained shall be construed to forbid masters of vessels to ship seamen for their own vessels, without the intervention of a shipping master.

Amendment
1860.

To establish the offense contemplated in this section, it is sufficient to prove that the party charged therewith has procured the shipment of a foreign seaman as an agent, for a beneficial consideration, although he may not have demanded or received a shipping fee, or surety fee, by a percentage of the amount advanced to the seaman shipped.

§136. No commanding officer of any foreign vessel, or Hawaiian vessel engaged in foreign trade, shall discharge any seaman in any port of the Hawaiian Islands, without the written consent of the Harbor Master of such port; nor shall any Consul, or Vice-Consul, or Consular Agent, grant his consent to the discharge of any such seaman until the written consent of the Harbor Master has been first obtained. Whoever shall violate any of the provisions of this section shall be subject to a fine not exceeding one hundred dollars, in the discretion of the Court.

§137. Upon the application of any Consul, Vice-Consul or Consular Agent, for the discharge of any foreign seaman, and upon his filing with the Harbor Master the bond of such seaman, in the penal sum of one hundred dollars, conditioned that he will leave the kingdom within sixty days from his discharge, and will not be guilty of any breach of the laws during his stay on shore, said

Harbor Master may; if he sees no good reason to the contrary, give his consent to such discharge, and grant a permit to the seaman to remain on shore for sixty days. The seaman's discharge shall be written at the foot of every such permit, and the Harbor Master shall keep a record of the same.

§138. In case of Hawaiian vessels engaged in foreign trade, and vessels having no Consul resident at the port where they wish to discharge seamen, the Harbor Master may consent to such discharge, upon the application of the master of any such vessel.

§139. If at the expiration of the time allowed in the permit of any foreign seaman, he shall not have departed this kingdom, he may, in addition to the forfeiture of his bond, be treated as a deserter; provided always, that the Harbor Master may, upon satisfactory proof that such seaman is peaceably disposed, from time to time extend the period allowed for his departure, to a further sixty days, without a forfeiture of the condition of his bond.

§140. No foreign seaman regularly discharged from any vessel, shall be liable for any debts contracted by him within the period of his permit to remain in the Kingdom; provided always, that this exemption shall not apply to any period for which his permit may have been extended, beyond the first sixty days.

§141. No seaman legally attached to any vessel, while lying in any of the ports of this Kingdom, shall be liable for any debts he may contract while so attached.

§142. No master or commanding officer of any foreign vessel, or any Hawaiian vessel engaged in foreign trade, shall ship or take out of the Kingdom, on board his vessel, any native as a seaman or otherwise, for his own use or for the use of any other person, without first obtaining the consent of the Governor of the Island, or of his agent, under penalty of a fine not exceeding five hundred dollars, for each offense, to satisfy which his vessel shall be liable to seizure, condemnation and sale.

As amended
1861.

§143. No application for the shipment of natives on board a foreign vessel or Hawaiian vessel, engaged in foreign trade, shall be considered legally granted until the commanding officer shall have made and executed a bond to the Governor, or his agent, in the penalty of three hundred dollars for each man, with at least one sufficient surety, to be approved by the Governor or his agent, in the following form:

KNOW ALL MEN BY THESE PRESENTS, that we ———, master of the ship ———, of ———, in ———, and now destined on a ——— voyage, principal, and ———, of ———, Hawaiian Islands, surety, are held and firmly bound unto his Excellency ———, Governor of the Island of ———, and to his successors in office, and assigns in the penal sum of ——— dollars, lawful money, to be levied of the said vessel, whercof the said ———, is master, wheresoever the same may be, or of our joint and several property, in case the condition herein named shall be violated.

Sealed with our seals, and dated this ——— day of ———, 18—

The condition of this obligation is that whereas the said ———, principal, having made application for the shipment of ——— natives of the Hawaiian Islands, (*as sailors or otherwise, as the case may be*) for the term of ———, from this date, to serve on board his vessel.

Now if the said ———, shall within ——— from this date return the said ——— natives to the Hawaiian Islands, and shall in all respects comply with the terms of their shipment prescribed in Sections 146, 148 and 152, of the Civil Code, then this obligation to be void otherwise to remain in full force and virtue.

Given under our hands and seals at ———, in the Island of ———, the day and year first above written.

————— (L.S.)

————— (L.S.)

§144. The Governor of the Island to whom said bond shall have been given, shall have the power to enforce the same by suit against the obligors therein named, or either of them, or against the vessel for whose use said sailors shall have been shipped. He shall also have power in case of the death of any such sailor, or for other equitable considerations, to remit the penalty of said bond, notwithstanding a violation thereof.

§145. Whenever the Governor, or his agent, shall consent to any shipping, or taking away, of any native, he shall endorse such consent upon the shipping articles of the vessel; and shall receive for each native thus shipped, or taken away, the sum of fifty cents.

§146. On the shipping of any natives to serve on board any vessel, bound on a foreign voyage, the master of such vessel shall pay to the Governor of the Island, or his agent, in lieu of the personal taxes of such native, the sum of six dollars, if the time for which he has shipped shall not exceed twelve months; and if it shall be for any period over twelve months, the sum of twelve dollars.

As amended
1870.
Chap XXXVIII

Provided, always, that if any native shall engage on board a Hawaiian registered vessel, for a period not exceeding six months, no charges in lieu of taxes shall be collected from the master of the vessel, unless the term of his engagement on board of such vessel shall include the time of the payment of taxes; in which case, the amount of such seaman's taxes shall be collected from the master of the vessel, and said master shall have the right to retain the amount so paid out of the wages of such seaman.

§147. Every native of this Kingdom, who has shipped in a vessel bound on a foreign voyage, the master of which vessel has complied with the provisions of the last preceding section, shall be free from all personal taxes during the period of his service on board of such vessel, and until his return to this Kingdom.

§148. No portion whatever of the expenses of shipping, or discharging native sailors, shall be paid by them, or be deducted from the share or wages due them, but shall be paid wholly by the master of the vessel.

§149. Every sailor, whether a native or a foreigner, who shall have been employed on board any vessel, without having made a specific written agreement with the master, or shipping master, or commander of such vessel, respecting his service and wages, shall

be entitled to receive compensation for his services, at the highest rate of wages paid to any person of his class on board said vessel.

§150. The Minister of the Interior shall appoint in each of the ports of Honolulu, Lahaina, and Hilo, one or more agents, in whose presence, or in the presence of whose deputies, all native seamen of this Kingdom shall be shipped, discharged and paid off.

§151. Every such agent, before entering upon the duties of his office, shall give a bond to said Minister, in the penal sum of two thousand dollars, with good and sufficient sureties to be approved by said Minister, conditioned that he will honestly and faithfully discharge all the duties of his office. Every such agent shall hold office for the term of two years, but may be removed at any time by the Minister of the Interior.

§152. When any native seaman is discharged from any whale ship or other vessel engaged in foreign trade, the master thereof shall, previous to settlement with such seaman, exhibit to the agent appointed by the Minister of the Interior, or to his deputy, a detailed account of the debts incurred by said seaman to said vessel, and the amount of wages earned by said seaman, which account shall, if required, be verified by oath, to be administered by the said agent.

§153. It shall be the duty of the agent appointed to superintend the shipping and discharge of native seamen, upon the request of any such seaman, to render him all the assistance in his power in making his agreement as to service and wages, with the master of the vessel with whom he is about to ship, and to see that his name is duly entered on the crew list and shipping articles of such vessel, in conformity with the laws of the country to which she belongs.

§154. It shall not be lawful for said agent to ship any native seaman for a longer term of service than two years.

§155. It shall be the duty of said agent to keep all bonds for

return of native seamen, as provided in section 143; and upon the expiration of the term specified in said bond for the return of any such seaman, it shall be his duty to forward such bond to the district attorney of the island where he is located, and at the same time notify him that its term has expired. Said district attorney shall prosecute the same within twenty days after receiving it, unless instructed to the contrary by the governor of said island.

§156. In case of the death of any native seaman during the voyage, said agent shall be empowered, in his own name, to demand, sue for, and receive the wages due said seaman, and to pay it over to his legal representatives.

§157. Said agent, in case of any difficulty with the master of a vessel in relation to the settlement of his account with any native seaman, shall be at liberty to call upon the district attorney of the island where he is located, for his assistance, and said attorney shall render his assistance free of charge.

§158. The compensation of said agent shall be fifty cents for each seaman shipped or discharged before him, and two and a half per cent on the amount paid to each seaman; which compensation shall be a full satisfaction for all services rendered. Such compensation shall be wholly paid by the vessel, except the two and a half per cent. commission on the amount paid to each seaman.

§159. No shipment or discharge of, or settlement with any native seaman, shall be binding upon him unless done in the presence or with the written sanction of the agent appointed by the Minister of the Interior, or of his deputy.

§160. It shall be the duty of every such agent to make a quarterly report of the transactions of his office, together with the amount of fees and commissions received by him, to the Minister of the Interior.

§161. The master or owner of every ship or vessel under the Hawaiian flag, arriving from any foreign port, or from sea, at any port of the Hawaiian kingdom shall, before such ship or vessel is admitted to entry, render to the collector of such port, a true account of the number of seamen who have been employed on board since the last entry at any Hawaiian port; and pay to said collector at the rate of twenty-five cents per month for each and every seaman so employed, which amount such master or owner is authorized to retain out of the wages of said seaman.

§162. The master of every coasting vessel employed in the carrying trade between the different ports, roadsteads or harbors of the Hawaiian Kingdom, shall render quarterly to the Collector General of Customs, or to any collector under his directions, a true list of all seamen employed by him during the preceding three months; and pay to said Collector General, or collector, at the rate of twenty-five cents per month for each and every seaman so employed, which sum said master is authorized to retain out of the wages of such seaman.

§163. The returns required in the preceding sections shall be made under oath in such manner and form as the Collector General may prescribe. If any owner or master shall make a false return, he shall be deemed guilty of perjury, and be punished accordingly. He shall also be subject to a penalty of one hundred dollars, for the benefit of the fund hereinafter created, and his vessel be liable to seizure, condemnation and sale, to secure the payment of such penalty.

§164. The several collectors shall make a quarterly return of the sums respectively collected by them under the foregoing provisions, to the Collector General, who is required to pay over the same, with such amount as he may have received from masters or owners of vessels, into the public treasury; to be held solely as a "Marine Hospital Fund," for the relief of sick and disabled Hawaiian seamen. The Minister of the Interior is hereby authorized to provide out of the same, for the temporary relief and

maintenance of such seamen, in such manner as he may deem proper, until hospitals, or other suitable institutions, are established for that purpose within the kingdom.

§165. Whatever surplus of moneys collected under the foregoing provisions may remain, after defraying the expenses of such temporary relief and support, shall be invested in exchequer bills, or other government securities at the discretion of the Minister of the Interior, until a sufficient fund is accumulated for the purchase of a proper site for a marine hospital, and the erection of suitable hospital accommodations for seamen, when it shall be his duty to apply such fund for that purpose. Said Minister is authorized to receive at any time, in the name of the government, donations of land, money or other property for marine hospitals; and the same shall be set apart and applied only to that object.

§166. If a general or other hospital should be established in any of the seaport towns of the Kingdom, the Minister of the Interior may, at his discretion, contract with the same to apply any part of the marine hospital fund to the support thereof, on condition that full provisions is made for the accommodation, relief and maintenance, of sick and disabled Hawaiian seamen.

ARTICLE IV.—OF INTERNAL IMPROVEMENTS.

§167. The Minister of the Interior shall be, and is hereby, charged with the superintendence and management of the internal improvements of the Kingdom; and he may, with the approval of the King in Privy Council, appoint an officer, to be styled the Superintendent of Public Works, to assist him in the discharge of this branch of his duties.

HIGHWAYS AND BRIDGES.

§168. The Minister of the Interior shall appoint a road supervisor for each taxation district of the Kingdom; provided always, that the same person may be appointed road supervisor for more than one district, whenever, in the opinion of said Minister, the public good will be promoted by such appointment.

§169. The road supervisors shall, within their respective districts, have the direction of the public labor on roads, bridges, and all public highways, and disburse all road taxes, and moneys appropriated by the Legislature for roads, highways and bridges, under the instruction of the Minister of the Interior, to whom they shall respectively account for all moneys so expended, furnishing vouchers for the same.

Road Tax payable in money only,

1878.

Chapter XXI.

§170. The governors shall pay over to the road supervisor of each district of their respective islands, the amount of road taxes collected by the tax collector of such district, and shall also furnish said supervisor, with a copy of the tax collector's list of all the people who have not paid the tax in money.

§171. The road supervisor shall hold office for the term of two years, unless sooner removed by the Minister of the Interior, and shall receive such reasonable compensation as said Minister may deem just, to be paid out of such moneys as may be appropriated by the Legislature, from time to time, for that purpose.

Sections 172 to 179 and Section 183 repealed by Act to Amend the Statutes authorizing payment of road taxes by labor. 1878, Chapter XXI.

§180. It shall be the duty of each road supervisor to surrender to his successor in office, all accounts and other papers relating to the office, and all public moneys he may have on hand, together with all implements belonging to the government which may be in his possession.

§181. It shall be the duty of the several road supervisors, so far as practicable, to use part of the road labor at their disposal, in keeping the public roads clear of *oi*, *kikania*, wild indigo, and other noxious weeds and plants.

§182. Upon a written complaint being brought before the Minister of the Interior, signed by at least twelve of the inhabitants, of any district, setting forth that the road supervisor of the district is guilty of a breach of the law, specifying the particular charges against such supervisor, it shall be the duty of said Minister to give such complaint a hearing, and upon proper cause being shown, to dismiss said supervisor from office.

“SECTION 1. Section 184 of the Civil Code shall be amended, so as to read as follows:

“Upon the request of fifty or more tax payers of any district to the Minister of the Interior, that a new road, highway, or street be opened, or that an old road, highway, or street be shut up or widened or altered, or if it shall be made to appear to the Minister of the Interior in any other way, that any road, highway or street should be opened, widened or otherwise altered, the said Minister of the Interior shall request any Judge of a Court of Record to select a list of twenty-four names from among the legal voters of the district in which the improvement or alteration is contemplated, from which such Judge shall direct the Marshal of the Kingdom, or the Sheriff of the Island in which the improvement is contemplated, to draw a jury of six persons to decide on the propriety of the measure proposed, and the decision of such jury or a majority of them shall be certified immediately to the Minister of the Interior, who is hereby authorized and empowered to take action in accordance with such decision of such jury.”

“SECTION 2. Section 185 of the Civil Code shall be amended so as to read as follows :

“In laying out, closing or widening any road or highway, respect shall be had to the private vested rights of property

Act
1872.

Chap. XXXII.

which any individual may have in the land affected by any such proposed work. It shall be the duty of the Road Supervisor immediately after such proposed work shall be determined upon to cause notices to be posted along the line of such proposed new road, street or highway proposed to be closed, opened or widened or altered, advertising the fact and calling upon all parties interested therein to bring forward their claims to the nearest Circuit Judge, Police or District Justice, and it shall be the duty of such Judge or Justice to forward a list of all such claims to the Minister of the Interior."

"SECTION 3. Section 186 of the Civil Code shall be amended so as to read as follows:

"Upon the receipt of such claims, if the Minister of the Interior and the several claimants cannot agree upon the amount to be paid to such claimants, the said Minister shall appoint three disinterested persons as Commissioners, or may request any Judge of a Court of Record to cause a jury to be summoned and drawn in like manner as in the first Section provided, to assess the value of the private property, or such damage likely to be sustained by the owner or occupier of any land to be taken for the proposed improvement, whose decision or the decision of a majority of them shall determine the price to be given by the Government for such private property or for such damages as the case may be, and such commissioners or jury shall send a certified copy of their decision to the Minister of the Interior and another to the claimant."

§187. Upon delivery of said decision to the owner of the land, the property assessed shall revert to the Government for the public use intended, without further conveyance; and the holder of such decision shall present the same to the Minister of the Interior for adjustment, pursuant to the provisions of the next succeeding section.

§188. The Minister of the Interior shall have the power to compound with the holder of any such decision, in any way he may deem most advantageous to the Government, by the substi-

tution of other land, in lieu of that appropriated for the public good; and he shall have the power to draw upon the Minister of Finance, for the payment of any awards he may not have been able to cancel by substitution, out of any moneys which may have been appropriated for that purpose by the Legislature.

“SECTION 4. And be it further enacted that all the provisions of the Act entitled ‘An Act to provide for the assessment of a part of the expense of constructing roads upon estates benefitted thereby,’ approved the 8th day of July, 1870, shall be deemed and taken as applicable to the widening or altering of any road, street or highway, as in the previous Sections of this Act set forth and provided. Provided, always, that the jury provided for in this Act shall be taken and held to have the same powers and authority as the Commissioners provided for in the aforesaid Act, passed on the 8th day of July, 1870.”

TO PROVIDE FOR THE ASSESSMENT OF A PART OF THE EXPENSE
OF CONSTRUCTING ROADS UPON ESTATES BENEFITTED
THEREBY.

Act.
1870.
Chapter VIII

“SECTION 1. Whenever a Commission shall be appointed within the electoral districts of Honolulu and Hilo, pursuant to the provisions of the 186th Section of the Civil Code, to assess the value of private property, required for public use, in the laying out of a new road or highway, the Commission shall determine what estates are especially benefitted by such road or highway, and the amount of especial benefit accruing to each.

“SECTION 2. The Commission shall award the proportion of the whole expense of laying out and constructing the proposed road or highway, which ought to be assessed upon estates benefitted, and the proportion to be paid for, from the public treasury.

“SECTION 3. The Commission shall report, in writing to the Minister of the Interior, the whole amount which ought to be assessed upon estates benefitted, and the amount of especial benefit accruing to each estate; and thereupon, the Minister shall cause to be computed the rateable proportion of cost, to be borne by

each estate, in excess of the assessed value of any portion of the same estate, which may be required for the proposed highway.

“SECTION 4. A certificate of such computation shall be filed in the office of the Registrar of Conveyances, and thereupon a lien shall attach to each estate, in favor of the government, for the rateable amount appearing to be due, which shall have precedence of all other claims whatever. But no personal liability shall attach to the owners of the estate.

“SECTION 5. After the aforesaid certificate shall have been filed in the office of the Registrar of Conveyances, a certified copy shall be served upon the owner of such estate, if known, or posted up in such conspicuous part of the estate, if not known, together with a notification to pay the amount computed against such estate, to some person, and at some place, therein named, within ninety days.

“SECTION 6. If the amount shall not be paid according to such notification, the Minister of the Interior shall order the same to be sold at public auction, by causing a notice of the time and place of the sale, to be printed three times successively in the Government Gazette. Such further notice shall be given, as to said Minister of the Interior, shall seem proper.

“SECTION 7. The amount assessed upon such estates, shall be deducted from the proceeds of the sale, and the expenses shall also be deducted, but the remainder shall be repaid to the owner of the estate.

“SECTION 8. Any person aggrieved by the determination of said commission, may appeal therefrom, to the Supreme Court; upon which appeal, like proceedings shall be had, as in appeals from district justices.

“SECTION 9. Whenever delay shall have occurred in the construction of a road, after it has been duly laid out, the Minister of the Interior may appoint a commission to determine the cost of completion, and benefit specially accruing to the estates of individuals; and the proceedings of such commission shall be the same as to awarding the proportions of expense, as in cases of original laying out.

OF HARBORS, CHANNELS, BUOYS, BEACONS, WHARVES
AND WATER WORKS.

§189. It shall be the duty of the Minister of the Interior to superintend all harbor improvements; the demarkation and improvement of channels; the erection of all public lights and beacons; and the construction and repair of all public wharves and piers throughout the kingdom.

§190. The said Minister of the Interior may, under the direction of the King, improve the water-lots in Honolulu, known as Waikahalulu, by causing a retaining wall to be erected at a suitable depth of water seaward, and by filling up said lots, in such manner as that warehouses may be safely built thereon. He may also build out from said retaining wall such wharves as the public wants may require.

§191. The Minister of the Interior shall have the general charge of the pipes or conduits of water to supply the town and harbor of Honolulu. He may, from time to time, regulate the rates of supply to ships, and to parties on shore, and establish all such rules as may be needful for the public interests.

§192. The said Minister shall appoint some discreet and capable person, to be superintendent of water-works, whose duty it shall be to keep the conduits or pipes for the conveyance of water in repair; collect all water rates from ships and persons in Honolulu, or its vicinity, and perform such other duties in connection therewith, as the said Minister may prescribe.

§193. The superintendent of water-works shall receive for his compensation such sum as may be fixed by the Minister of the Interior, not exceeding however fifteen per cent. of the gross amount of water rates he may collect. He shall make under oath a quarterly return, or at any time when required by the said Minister, of all his receipts and expenditures.

P. C.

OF PUBLIC MARKETS.

Chapter LXV.

§194. The Minister of the Interior, under the direction of the King, is hereby charged with the designation of suitable places to be used as public markets, and with the construction, repair and regulation of all such markets.

§195. Said Minister, with the approval of the King, may appoint a clerk of the markets at Honolulu, and also clerks of the markets at other places, whenever the public good may require the same.

§196. Every clerk of a market thus appointed shall, before entering upon the duties of his office, execute a bond in the penal sum of one thousand dollars, with sufficient surety or sureties, to be approved by the Minister of the Interior, payable to said Minister for the use of the public exchequer, and conditioned for the faithful performance of his official duties.

§197. Every clerk of a market shall faithfully collect the market fees and fines, as they may be prescribed, from time to time, by the Minister of the Interior, with the approval of the King, keeping an account of the same in a suitable book or books, and shall quarterly render a true and faithful account of all moneys received by him in virtue of his office, and pay the same over to said Minister.

§198. It shall be the duty of every clerk of a market to designate and declare to what uses and purposes the stalls and stands of said market shall be appropriated; and from time to time to lease the same by auction, or otherwise, as the Minister of the Interior may direct. The rents of all markets shall be paid in advance, and shall be collected and accounted for by the respective clerks.

§199. It shall be the duty of every clerk of a market to cause all dirt and filth which may accumulate in said market, to be removed daily, and in all other respects to keep said market in a pure, clean and healthy condition. To enable him to do this, he

shall have the power to prescribe such rules and regulations for the observance of those occupying stalls and stands in the market, as may be necessary to keep the same pure and clean, and as the Minister of the Interior may approve.

§200. It shall be the duty of every clerk of a market once in every month, and whenever requested so to do by any purchaser in said market, to inspect all the weights, measures and beams used in weighing and measuring in such market; and, at the expense of the owners, to make them conform to the standard weights and measures of the kingdom; and if any person shall refuse to exhibit his weights and measures, or to make them conform to those established by law, he shall be fined twenty-five dollars.

§201. Any person using any weights or measures in a public market, not approved by the clerk of such market, shall be fined ten dollars, and he shall besides be liable in ten fold damages to any person injured by his conduct.

§202. Every day in the week, except Sunday, shall be a public market day; and it shall be the duty of every clerk of a market to attend such market on market days, and to enforce the laws and regulations applicable to the same.

§203. The public markets shall be opened upon every market day, from the hour of five o'clock in the morning, until seven o'clock in the evening—and no longer, except on Saturday, when they shall be kept open until ten o'clock in the evening.

§204. Every person who shall violate any of the rules and regulations prescribed for the government of any public market or markets, who shall stand or occupy for the sale or vending of any poi, fish, crawfish, oysters or shell fish, or any kind of fruit or vegetables, in any street in the city of Honolulu, shall be fined one dollar for such offence, and it shall be the duty of the clerk of the market to prosecute all such offenders; provided, however,

As amended
1860.

that the fines mentioned in this section shall not be imposed until such time as suitable markets and conveniences are set apart for the public use by the Minister of the Interior.

§205. The salaries of all clerks of markets shall be fixed by the Minister of the Interior, with the approval of the King.

OF PRISONS, JAILS AND HOUSES OF CORRECTION.

§206. The Minister of the Interior, with the approval of the King in Cabinet Council, shall have the power to erect such suitable prisons, jails, station houses, and houses of correction, as may be necessary for the safe keeping, correcting, governing and employing of all persons duly committed thereto; and also with the approval of the King in Cabinet Council, to prescribe rules and regulations for their government and discipline.

§207. The Marshal of the Kingdom is responsible for the safe keeping of all prisoners; and therefore, he shall have the nomination and appointment, with the approval of the Minister of the Interior, of all jailors and other prison officers, who shall hold office during the pleasure of said Marshal. Such jailors, and other officers, shall be men of sobriety, honesty and industry.

§208. The Marshal shall cause to be kept, in every prison, a journal, in which shall be regularly entered the reception, discharge, death, pardon, or escape of any prisoner; and also all punishments that are inflicted for a breach of prison discipline, as they occur, and all other occurrences of note that concern the state of the prison.

§209. On the commitment of any prisoner, there shall be entered on the journal the sex, age, height and personal description of such prisoner, his last place of abode, and place of nativity.

§210. The Marshal shall cause to be kept an exact account of all the receipts and expenditures of each prison, and make a monthly report of the same to the Minister of the Interior.

§211. Said Marshal shall cause each prison to be kept in a clean and healthy condition, and the whole interior thereof shall be thoroughly white-washed with lime, once in every three months.

§212. Said Marshal shall provide for each prisoner, who may be able and desirous to read, a copy of the Bible, or of the New Testament, to be used by such prisoner at proper seasons; and any minister of the Gospel disposed to aid in reforming the prisoners, and instructing them in their moral and religious duties, shall have access to them at seasonable times when not required to be employed in labor.

§213. All prisoners confined only in order to secure their attendance as witnesses, shall be under no other restriction than what is necessary to prevent their escape from prison. Every such prisoner shall be immediately liberated on his giving security for his appearance to testify, as required by law.

§214. No wine, or intoxicating liquor, or any article prohibited by the prison rules, shall be used by any prisoner; and any person who shall furnish any such drink to any prisoner, unless the same be prescribed by a physician as a medicine; or who shall furnish any other prohibited article contrary to the provisions of the prison rules, shall be fined not exceeding two hundred dollars, or imprisoned at hard labor not exceeding two years, in the discretion of the Court; and if an officer, in addition thereto, be dismissed; and any Police, or District Justice, shall have jurisdiction of any case arising under this section.

P. C.
Chapter XLI.

§215. All prisoners sentenced to imprisonment at hard labor shall be constantly employed for the public benefit, on the public

works, or otherwise, as the Marshal, with the approval of the Minister of the Interior, may think best.

Sec. 8 of Act of
August 23, 1862.

The Minister of the Interior is hereby empowered, in his discretion, to detail for labor on any public road, upon application to that purpose from any Road Supervisor, as many prisoners as he may deem necessary for such work; said prisoners to be under the care of their usual overseers and subject to the Road Supervisor only as far as regards the mode of their employment.

§216. When such prisoners cannot be well employed in the performance of any public work, the Marshal, with the approval of the Minister of the Interior, may let them out to labor for private individuals, upon such terms as he may deem proper; provided, always, that such prisoners shall be locked up within the prison every night.

§217. Female prisoners shall be kept entirely separate from the male prisoners, and shall be employed in making mats, in sewing, in washing the clothes of the prisoners, and in such other suitable occupations as the Marshal shall direct.

P. C.
Ch. LXXXII.

§218. The King, his Ministers, the Governors, the Judges of the Supreme and Circuit Courts, members of the Legislature, of the Board of Education, and the Diplomatic and Consular Agents of foreign nations, shall be allowed at suitable hours freely to visit any prison.

P. C.
Ch. LXXXII.

§219. None but official visitors named in the last preceding section, shall be allowed to visit any prison, or to have any verbal or written communication with the prisoners, unless with permission of the Marshal or the keeper of the prison; nor shall any visitor whatever deliver or receive from any of the prisoners, any letter or message, or supply any of them with any articles of any kind, except with the permission of, and through the Marshal, or keeper of the prison, under penalty of not less than five nor more than two hundred dollars.

§220. The pay of prison officers shall be determined and regulated by the Minister of the Interior.

AMENDING THE STATUTES CONCERNING THE SATISFACTION OF
FINES AND COSTS IN PENAL JUDGMENTS.

Act
1870,

Chapter XX

SECTION 1. Section 221 of the Civil Code is hereby amended to read as follows, viz :

§221. When any person shall be sentenced to pay a fine and costs, or either of them, and to be imprisoned until the same be paid, the time of his imprisonment shall be deemed to discharge the same at the rate of twenty-five cents a day.

SECTION 2. The second Section of Chapter LI. of the compiled Penal Code is hereby amended to read as follows, viz :

SECTION 2. When a judgment of fine and costs, or either of them is not satisfied by immediate payment thereof, the offender so sentenced shall be committed to prison, there to remain at hard labor or otherwise, in the discretion of the Court or Magistrate, until such fine is paid or collected out of the offender's property as prescribed in the above Section. Provided, however, that when any poor convict shall have been imprisoned for the space of one year, for fine and costs, or either of them, any two Magistrates may order such convict to be brought before them for examination, and if, upon inquiry, they shall be satisfied that he has not since his conviction, had any estate, real or personal, with which he could have paid the sum for which he stood committed, and that he is held for no other cause, they may direct the Marshal of the Kingdom, or his deputy having him in custody, to discharge such convict from prison.

PROVIDING FOR THE REDUCTION OF TERMS OF IMPRISONMENT
IN CERTAIN CASES.

Act
1874,

Chapter LV.

The Marshal shall require the keeper of every jail to keep a record of the conduct of each convict whose term of imprisonment is not less than three months, and for every month that a convict

appears by such record to have faithfully observed all the rules of the prison and to have conducted himself in all respects properly, there shall be deducted from the whole term of his sentence as follows; two working days for every thirty days. Said record shall be shown in Privy Council when considering petitions for Royal clemency.

§222. Every person sentenced to imprisonment for life shall be considered as civilly dead, and the same disposition shall be made of his estate as if he had died on the day sentence was pronounced; and any last will and testament, or codicil, he may have made prior to that time, shall take effect in the same manner as if he had died on that day.

§223. But no disposition of any estate, either by will or otherwise, after the arrest for crime of which the prisoner was convicted, whether the sentence is for life or otherwise, shall have any advantage or preference over the claim of any person entitled to damages for a private injury committed by the criminal, unless such disposition was made for a valuable and equivalent consideration, to a person ignorant of the arrest.

§224. Whenever a convict is condemned to imprisonment less than for life, any judge having probate powers may, upon due application, appoint a guardian to have the care and management of said convict's estate, real and personal, during the term of his imprisonment. The letters of guardianship shall be revoked by the pardon or discharge of the convict, but such revocation shall not invalidate legal acts done by the guardian.

§225. Every guardian so appointed for any convict, shall pay all the just debts due from the convict out of his personal estate, if sufficient, and if not, out of his real estate, upon obtaining license for the sale thereof from the Judge; he shall also settle all accounts of said convict, and demand, sue for, and receive all debts due to him, and may, with the approbation of the Judge, compound for the same and give a discharge to the debtor;

and he shall appear for and represent his ward, in all legal suits and proceedings, unless when another person is appointed for that purpose.

§226. Such guardian shall have all the rights and duties, as well as the responsibilities, respecting the management and disposal of the convict's estate, as appertain to the guardian of a minor, or insane person. He shall manage the estate frugally and without waste, and apply the profits thereof, so far as may be necessary, for the comfortable and suitable maintenance of the convict's family, if there be any, and if the profits shall be insufficient for that purpose, he may sell the real estate and apply the proceeds thereto, upon obtaining the license of the Judge.

§227. Such guardian may be removed, and another guardian appointed in his place, whenever the Judge shall think there is just cause for removal.

§228. Every such guardian shall have such compensation for his services as the Judge before whom his accounts are settled shall consider just and proper, and he shall also be allowed the amount of all his reasonable expenses.

§229. All property given, or in any manner whatsoever accruing to a convict, shall vest in his guardian, if he be sentenced for a term of years, to be disposed of in like manner with his other property; or if he be sentenced for life, shall vest in his heirs.

§230. Until a lunatic asylum is created by law, any lunatic or insane person, whose lunacy or insanity is established by the court of proper jurisdiction, may be committed to any prison, jail, or house of correction, there to be provided for and safely kept until lawfully discharged. The estate of such person shall in all cases be liable for the payment of his necessary expenses, and it shall be the duty of his guardian, or other legal representative, to make such payments, from time to time as may be ordered by said Court.

See Act to establish Insane Asylum, in Acts of 1862.

OF THE POUNDS—OF ESTRAYS—BRANDS AND MARKS.

§231. It shall be the duty of the Minister of the Interior, through the several governors, to construct and set apart a suitable enclosure or enclosures in each district of their respective islands, for the impounding of estrays; and he shall give notice of their location and extent in some public newspaper.

§232. The respective governors shall appoint suitable persons to have charge of said pounds; and such pound-masters shall be governed by such rules as the law may, from time to time, prescribe.

§233. The several pound-masters shall be liable for the safe keeping and good usage of any estray committed to their charge, and shall receive for their services fifty cents per day, from the owner of said estray, when impounded in either of the districts of Honolulu or Lahaina, and in all other districts the rate shall be twenty-five cents per day, excepting for sheep and goats, which shall be six cents per day. They shall give the estrays a reasonable quantity of food and water; and if any pound-master shall starve any such estray, he shall not be entitled to receive any pound fees for such estray, and he shall also be liable to the owner thereof for damages.

§234. The pound-master may take and certify the deposition under oath, of every person who shall impound any estray, setting forth the land upon which such estray had trespassed, and the name of the owner of such estray, if known; and shall keep a record of such depositions, which shall be open for the inspection of the public.

§235. 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 quarterly returns, under oath, to the Governor of the island, showing his receipts and disbursements.

§236. No pound-master shall, knowingly, receive into his pound any animal seized for committing trespass in any other district, provided there is a pound established in such other district.

§237. It shall be the duty of every pound-master to publish in some newspaper, both in Hawaiian and English languages, or post written notices weekly in both languages in three public places in his district, and also cause to be proclaimed *viva voce* in said languages weekly an account of all estrays in his pound, and it shall be the duty of every pound-master to inform by mail every individual out of his district who shall leave with him a copy of his brand of any estray bearing the said brand, which shall be lodged in the pound under his charge, and if the owners do not claim such estrays and pay the pound fees, that is to say, fifty cents per day for each day's detention, expenses of advertising and the damages to the person on whose property the trespass was committed, within fifteen days from the date of the impounding, such notice having been given as above provided, it shall be lawful for the pound-master to sell such estrays at public auction, and to facilitate the notice to be given in both languages, it shall be the duty of the Minister of the Interior to furnish each pound-master with a copy of a proper notice in both languages, stating in detail the description of all animals impounded. The Minister of the Interior shall prepare the same and keep a correct account of the cost of printing the same, and each pound-master shall pay the cost price of such blanks furnished him.

As amended
1880,
Chapter IX.

§238. The proceeds of such sale, after paying the pound fees, expenses of advertisement, proclamation and sale, and also all damages, shall be retained by the pound-keeper for the use of the owner of the estray, in case he shall substantiate his claim thereto within one year from the sale; and in case he shall fail so to substantiate his claim, such balance of proceeds shall be paid over to the governor, for the benefit of the public treasury.

§239. If any horse, mule, ass, hog, sheep or neat cattle, shall trespass on any cultivated ground, the owner of such animal, or

animals, shall forfeit and pay to the owner of the ground, the sum of fifty cents for the trespass of each animal, excepting sheep and goats, for which he shall pay only six cents each; and if any production of the land be destroyed, or other damage done by the animal or animals, the owner thereof shall further pay to the land-owner the full amount of such damage or loss: 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.

§240. If any of the animals enumerated in the last preceding section, shall trespass on any uncultivated land, the owner of such animal, or animals, shall forfeit and pay to the owner of the ground, twelve and a half cents for the trespass of each animal, excepting for sheep and goats, for which he shall pay six cents per head; 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: provided, however, that if in any particular case, this provision shall have an onerous and unjust bearing, owing to the number of animals trespassing, the Judge shall have power to diminish the forfeiture.

Act
1864,
January 10th.

Section 240 of the Civil Code is hereby amended, by adding to it the following paragraph:

The Governor of Oahu is hereby empowered to cause all cattle, horses, mules, hogs, and asses, allowed to graze on the public roads of the city of Honolulu, and the environs mauka as far as the place known as Kanoniakapueo, to be impounded; and the owner of such animal or animals shall forfeit and pay for the recovery of the same the fee of fifty cents, required by Section 283 of the Civil Code, for each animal so impounded: and if the owner or owners do not claim such estrays and pay the pound fees, it shall be lawful for the pound master to sell such estrays at public auction, after complying with the regulations of Section 287 of the Civil Code.

§241. If the owner of any animal, or animals, trespassing, be not known to the owner of the land, or if being known, he shall refuse to pay the forfeitures and damages as prescribed by law, then the owner of the land trespassed upon, may, after giving notice to the owner of such animal, or animals, when known, or without such notice when the owner is not known, impound the same forthwith.

§242. If any of the animals enumerated in section 239, shall trespass upon land enclosed by a lawful fence, the owner of such animal, or animals, shall forfeit and pay to the owner of the land, if cultivated, twice the penalty prescribed in section 239; and if the land is uncultivated, twice the penalty prescribed in section 240; and he shall also pay in each case the full amount of damage done by such animal, or animals.

§243. Every fence shall be deemed a lawful fence which is five feet high, if made of stone; or which is five feet high, if a hedge, or if made of wood, iron wire, or an artificial pali; or which is two feet high, if made upon an embankment of a ditch three feet deep, and at least two feet wide at the bottom, or upon an artificial or natural pali, three feet high. If the fence be a ditch only, then it shall be nine feet wide at the top, and four feet deep. Every fence to be a lawful fence, shall be substantially built, and reasonably strong and close to turn stock.

§244. Whenever any dispute arises between the owner of the land trespassed upon, and the owner of the animal, or animals, trespassing, the latter may have the animal, or animals, returned to him, within twenty-four hours of the time of his receiving notice of the trespass, upon his delivering to the owner of the land, 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 owner of the land, or a good and

Kuikahi
v.
Keopua, 3 H.R.
p. 765.

sufficient bond for that amount, together with the costs of a civil suit before him. If the animal, or animals, have been impounded, the Justice shall determine which of the parties is to pay the pound fees.

§245. The said Justice shall, upon receiving the amount claimed, or a good and sufficient bond for such amount, and the costs of suit, issue the required certificate, and 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 within five days after such decision has been rendered. In case an appeal is taken, the Justice shall retain in his possession the money, or bond deposited with him, subject to the order of the court to which appeal is taken, and shall also require from the appellant a bond in the sum of fifty dollars, conditioned for the payment of the costs further to accrue, in case he is defeated on appeal.

As amended
1872,
Chapter IX.

P. C.
Amends,
Ch. LXXXIII.

§246. If any person shall set the confined animal of another at liberty, in order that it may trespass upon any cultivated ground or shall by any means designedly decoy any animal to commit a trespass, he shall, for every such offence, forfeit and pay for the benefit of the public treasury, not less than twenty nor more than the sum of one hundred dollars, or be imprisoned at hard labor not less than six months, nor more than two years.

§247. Every owner of neat cattle, horses, mules, or asses, shall mark the same by branding or otherwise, on pain of having his unbranded or unmarked animals impounded, in case of their trespassing, without notice, as set forth in section 241: provided, however, that no person shall mark any animal by cutting off one or both ears, under penalty of five dollars for each and every offense. It shall be the duty of every such owner to deposit with the governor of the island on which his animals are kept, an impression of his brand, or a description of his mark; and the governor shall deliver to such owner a certificate of such deposit, upon receiving the sum of one dollar for the benefit of the public

treasury. Nothing contained in this section shall be construed to apply to animals under the age of one year.

§248. The respective governors shall keep, in a book open to public inspection, a record of all brands and marks deposited with them pursuant to the last preceding section; and said governors shall not grant certificates for the same mark or brand, to two distinct persons on any one island.

§249. Any person who shall obliterate any brand, or mark, on any animal, by placing another brand or mark over the same, or otherwise, although without felonious intent, shall be subject to a fine not exceeding twenty dollars, in the discretion of the Court, for every brand or mark so obliterated.

P. C.
Ch. LXXXIII.

With felonious
intent.
See P. C.
Chapter XXV.

§250. If any of the animals enumerated in section 239 shall be found at large, and not upon the land of the owner, or person having charge of such animal; or if found doing damage to the property of private individuals, or of the government, such animal shall be regarded as an estray within the meaning of this article.

OF THE IMPROVEMENT OF AGRICULTURE AND MANUFACTURES.

§251. It shall be the duty of the Minister of the Interior to watch over the great interests of agriculture, and to do all in his power to promote its improvement, by the collection and distribution of seeds and plants, and by every other means within the scope of his department.

§252. Whenever any agricultural society shall have raised, by contribution of individuals, or otherwise, the sum of five hundred dollars, to be appropriated in the granting of premiums, or otherwise, for the encouragement of agriculture, or the improvement of the breeds of stock, within the kingdom, the treasurer of that society, on presenting satisfactory evidence of that

fact to the Minister of the Interior, shall be entitled to receive at His Majesty's treasury the like sum of five hundred dollars, to be added to the funds of said society: provided always that no such society shall receive from the treasury more than five hundred dollars in any one year.

§253. Every such agricultural society shall, under penalty of forfeiting the grant mentioned in the last preceding section, furnish the Minister of the Interior, annually, in the month of January, with a true statement of the amount raised by such society, from private contributions, or other sources, during the year immediately preceding; also with a correct statement in detail of the expenditures of said society, in premiums, or otherwise, during the same period.

§254. Every agricultural society, which shall receive the said allowance from the public treasury, shall offer, annually, by way of premiums, or shall apply otherwise, at their discretion, for the encouragement or improvement of agriculture, stock or manufactures, a sum not less than the amount annually received, as aforesaid, out of the public treasury.

As amended
1886.

§255. The Minister of the Interior may, with the approval of His Majesty the King, issue a patent to the inventor or improver of any machine, manufacture or work of art, calculated to improve the interests of science, agriculture, or manufactures, and may therein grant to such inventor or improver the exclusive use and benefit of his invention or improvement for any term of years, not exceeding ten, that may be specified in such patent; and, upon the granting of such patent, the sum of one hundred dollars shall be paid by the patentee to the Minister of the Interior, for the use of the Royal Exchequer.

As amended
1868.

§256. Every such inventor or improver shall, before receiving a patent, deliver to the Minister of the Interior a full and clear description, in writing, of his invention or improvement, together with the mode of using or applying the same to the purpose for

which it is intended, and the manner and process of making, constructing, or compounding the same; and in case of any machine, he shall also furnish, in addition to the written description, accurate drawings and a complete model thereof; and shall also, at the same time, if a citizen of this Kingdom, deposit with the Minister of the Interior the sum of thirty dollars, and if a foreigner, the sum of one hundred dollars, for the use of the Royal Exchequer.

§256A. Any person who shall have invented any new art, machine, or improvement thereof, and shall desire further time to mature the same, may file in the office of the Minister of the Interior a *Caveat*, setting forth the design and purpose thereof, and its distinguishing characteristics, and praying protection of his right till he shall have matured his invention; and such *Caveat* shall upon payment by the applicant of the sum of thirty dollars to the Minister of the Interior, be filed in the confidential archives of the Department of the Interior, and preserved in secrecy; and within one year thereafter, if the applicant should desire to avail himself of the benefit of his *Caveat*, he shall file his description, specification, drawings and model, and pay the fee as provided in applications for patents, under Section 256 of the Civil Code of this Kingdom.

Amendment of
1868.

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

Act
1864.

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

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

SECTION 2. If any other person or persons, from and after the recording of the title of any map, chart, book or books, and publishing the same, as aforesaid, within the time limited and granted by this Act, shall print, reprint, publish or import, or cause to be printed, reprinted, published or imported from any foreign Kingdom or State, any copy or copies of such map, chart, book or books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses, or knowing the same to be so printed, reprinted or imported, shall publish, sell, or expose to sale, or cause to be published, sold, or exposed to sale, any copy of such map, chart, book or books, without such consent first had and obtained as aforesaid, then such offender or offenders shall forfeit all and every copy or copies of such map, chart, book or books, and all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such chart, map, book or books, who shall forthwith destroy the same; and every such offender or offenders shall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or her possession, either printed or printing, published, imported, or exposed to sale, contrary to the true intent and meaning of this Act; the one-half thereof to the author or proprietor of such map, chart, book or books, who shall sue for the same, and the other

half thereof to, and for the use of the Royal Exchequer, to be recovered by action of debt, in any Court of Record in this Kingdom, wherein the same is cognizable; *provided, always*, that such action be commenced within one year after the cause of action shall arise and not afterwards.

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

SECTION 4. The author or proprietor of any such map, chart, book or books, shall, within one month after the publication thereof, in this Kingdom, deliver or cause to be delivered to the Minister of the Interior, a copy of the same, to be preserved in his office.

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

ARTICLE V.—OF THE INTERNAL POLICE.

TO TRANSFER THE SUPERVISION OF THE POLICE AND EXECUTIVE OFFICERS OF THE LAW FROM THE DEPARTMENT OF INTERIOR TO THAT OF THE ATTORNEY GENERAL.

Act
1868.

SECTION 1. The care and supervision of the Internal Police of the Kingdom is hereby transferred from the Department of Interior to that of the Attorney General of the Kingdom.

SECTION 2. The Marshal of the Kingdom shall hold his office according to the tenor of his present commission, but all future vacancies shall be filled by appointment of His Majesty the King, upon the nomination of the Attorney General; and all returns and adjustments of accounts, now by law required to be made by the Marshal to the Minister of the Interior, shall be made hereafter to the Attorney General.

SECTION 3. The several Sheriffs shall hold their offices according to the tenor of their respective commissions, but as vacancies occur, appointments shall be made by the several Governors, with the approval of the Attorney General.

SECTION 4. Every person hereafter appointed Marshal shall, before entering upon the duties of his office, give a bond to the Attorney General, with the same penalties and upon the same conditions as are provided by the two hundred and fifty-eighth section of the Civil Code.

§257. There shall be appointed by the King, upon the nomination of the Minister of the Interior, some person of good moral character and discretion, to be Chief of Police, who shall be styled the Marshal of the Kingdom, and who shall hold office during his Majesty's pleasure, subject, however, to removal at any time, upon the representation of the Supreme Court, for corruption, misconduct, or incompetency. He shall reside and keep an office at the seat of government.

Act
1868.
SECTION 1. There shall be appointed by the Marshal of the Kingdom, a Deputy Marshal, who, in case of the absence or disability of such Marshal, shall be authorized to do all acts and things now required to be done by said Marshal.

SECTION 2. The Marshal shall be responsible on his official bond for the acts and defaults of such deputy.

§258. Before entering upon the duties of his office, such

Marshal shall give a bond to the Minister of the Interior, in the penal sum of five thousand dollars, with sufficient surety, or sureties, to be approved by said Minister, conditioned that he will faithfully execute all process directed to him by any of the courts of this Kingdom; that he will faithfully account for and due return make of all fines, penalties, and moneys collected by him; that he will safely keep all prisoners duly committed to his custody; that he will in all things, well and truly, without malice or partiality, perform the duties of his office, and take only the lawful fees of his office.

§259. The bond given by the Marshal of the kingdom, for the faithful performance of his duties, shall be filed and recorded in the office of the Minister of the Interior, and copies thereof certified by the said Minister, under the seal of his department, shall be competent evidence in any court of justice.

In case of any breach of the condition of any such bond, any person thereby injured, may institute a suit upon such bond, in his own name, and for his sole use, and thereupon recover such damages as shall be legally assessed, with costs of suit; for which execution may issue for such person; and in case such person shall fail to recover in the suit, judgment may be rendered, and execution may issue for costs in favor of the defendant against the party who shall have instituted the suit, and the Hawaiian Government shall in no case be liable therefor.

Such bond shall, after any judgment rendered thereon, remain as a security for the benefit of any person injured by the breach of the condition thereof, until the whole penalty shall have been recovered; and the proceeding shall always be in the same manner as hereinbefore directed.

Every suit on any such bond shall be commenced within two years after the right of action shall have accrued, and not afterwards; saving, nevertheless, the rights of infants, femmes coverts, and persons non compos, so that they sue within one year after the disabilities are removed.

§260. It shall be the duty of said Marshal to preserve the

public peace of the Kingdom, to have the charge and supervision of all jails, prisons and houses of correction, and to safely keep all prisoners committed thereto; to execute all lawful precepts, and mandates directed to him by the King, or by any judge, court, minister or governor; to arrest fugitives from justice, as well as all criminals and other violators of the laws; and, generally, to perform all such other duties as may be imposed upon him by law.

§261. Said Marshal shall have power, with the approval of the respective governors, to appoint a deputy in each gubernatorial division of the Kingdom, who shall be styled the Sheriff of such division; and said Marshal and his deputies may command all necessary assistance, civil or military, in the execution of their duties.

Act
1862.

The duties of the Sheriff of the Island of Oahu, as imposed on that officer by law, are hereafter to be performed by the Marshal of the Kingdom.

§262. Every Sheriff before entering upon the duties of his office, shall give a bond to the Marshal in the penalty of two thousand dollars, with such surety or sureties as he shall approve, conditioned that he will, to the best of his ability, preserve the public peace and the laws of the Kingdom, that he will faithfully execute all lawful process placed in his hands for execution, that he will faithfully account for and due return make of all fines, penalties, and moneys collected by him, that he will safely keep all prisoners duly committed to his custody, that he will in all things well and truly, without malice or partiality, perform the duties of his office, and take only the lawful fees of his office.

The bonds of the respective Sheriffs shall be filed and recorded in the office of the Minister of the Interior; and all the provisions of section 259, applicable to the bond of the Marshal, shall be equally applicable to the bonds of his deputies.

§263. The Sheriffs shall hold office during the pleasure of the Marshal, but may be removed at any time by the Supreme Court, or any Circuit Court.

§264. Said Sheriffs, upon approval of the Marshal, shall have power to appoint deputies in their respective divisions, for whose official acts they shall be severally responsible, and from whom they may exact bonds of private indemnity. Said Deputy-Sheriffs shall be paid yearly according to appropriations made by the Legislature.

As amended
1880,
Chapter XVI.

§265. The Marshal and respective Sheriffs shall receive in full payment of their services, such annual salaries or compensation as may, from time to time, be prescribed by the Legislature: provided, however, that the fees received for the arrest of deserting seamen, shall belong to the respective Sheriffs.

§266. The Governors of the Kingdom shall appoint a certain number of constables for each district in the islands under their respective jurisdictions, who shall be under the control of the Marshal and his deputies; but they may be removed at any time by the Governors, Marshal, any Judge of a Court of Record, or Police Justice.

§267. The number of regular constables shall not exceed, for the island of Oahu, one hundred; for the island of Maui, and its dependencies, one hundred; for the island of Hawaii, one hundred; and for the islands of Kauai and Niihau, forty: provided, always, that nothing in this section contained shall be construed to prevent the respective governors from appointing any number of special constables, to serve without pay, in case of, and during any great emergency. The pay of all regular constables, when not otherwise provided for by law, shall be determined by the Marshal, and the respective Governors and Sheriffs of the islands on which they are employed.

§268. In all cases in which the Marshal, or any sheriff, deputy sheriff or constable, shall be a party, plaintiff, or defendant, the officer so interested shall not be competent to execute any process in such case; and the court, when it becomes 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.

§269. In case of the death or removal of the Marshal, his deputies shall continue in office, unless otherwise specially removed, until another Marshal shall be appointed.

§270. Every Marshal or his Deputy, when removed from office, or when the term for which the Marshal is appointed shall expire, shall have power notwithstanding, to execute all such process as may be in their hands, respectively, at the time of such removal or expiration of office, and the Marshal shall be held answerable for the delivery to his successor, of all prisoners which may be in his custody at the time of his removal, or when the term for which he is appointed shall expire, and for that purpose, may retain such prisoners in his custody until his successor shall be appointed and qualified as the law directs.

§271. Whenever the Marshal or any Sheriff, shall sell any real property by virtue of process from any Court, and shall die, or be removed from office, or the term of his commission expire, before a deed shall be executed therefor, by him to the purchaser, the purchaser or plaintiff at whose suit the sale was made, may apply to the Court from which the process issued, setting forth the case and assigning the reason why the title was not perfected; and thereupon the Court may order the Marshal or Sheriff, for the time being, to perfect the title and execute a deed to the purchaser, he paying purchase money and costs remaining unpaid.

Whenever the Marshal or any Sheriff, shall take in execution any real property, and shall die, or be removed from office, or the term of his commission expire, before sale, or other final disposition made thereof, his successor shall have power to proceed under such execution, in the same manner as such Marshal or Sheriff could have done if he had not died, or been removed, or the term of his commission had not expired.

§272. 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 for that purpose, and upon the expiration of his commission, or upon his death, resignation or removal from office, shall be delivered over to his successor, together with all other official records, papers and journals; and in default of such delivery, such Sheriff, or his executors or administrators, shall forfeit the sum of two hundred dollars, to be recovered to the use of the public treasury.

§273. All process of any Court of Record shall be addressed to the Marshal or one of his deputies, and it shall be the duty of such Marshal, his Sheriff, and their deputies, to execute the same at their peril, according to the tenor thereof; and they shall not be liable for any damage resulting from the execution of such process.

§274. The Marshal, any Sheriff, Deputy Sheriff, or constable, §1034. may decline to levy upon, or sell the alleged property of any defendant, upon any suit or execution, unless the plaintiff shall tender to him a satisfactory bond of indemnity, against the claims of third parties.

§275 repealed by Act 1876, Chapter XXXIII.

§276. The respective Sheriffs shall, quarterly, render to the Marshal a true account of all fees, fines, and other moneys, which they shall have received by virtue of their office.

§277. The Marshal shall keep a true account of all moneys received by him from his deputies or otherwise, by virtue of his office; and quarterly render to the Minister of the Interior a true account of the whole amount so received by him, together with the report of such other matters relating to the police department as he may deem proper

P. C.
Chapter LIX.

OF THE PUBLIC HEALTH.*

TO AMEND SECTIONS 1, 2 AND 30 OF CHAPTER 59 OF THE PENAL CODE, RELATING TO THE PUBLIC HEALTH.

Act
1876,
Chapter XI.

SECTION 1. That an Act entitled "An Act to amend Section 278 of the Civil Code," approved August 28th, 1860; and also an Act entitled "An Act to further amend Sections 278 and 279 of the Civil Code," approved January 10th, 1865, shall be, and hereby are repealed.

SECTION 2. That Section 1 of Chapter 59 of the Penal Code, approved July 7th, 1870, be, and the same is hereby amended to read as follows:

"Section 1. There shall be a Board of Health for the Kingdom consisting of five members, at least three of whom shall be members of the Privy Council.

Being §278
Civil Code,
as amended.

"The members of the said Board shall be appointed by the King in Privy Council, and one of their number shall by him be appointed President, and all shall serve without pay and continue in office during the King's pleasure. The said Board shall be charged with the general oversight and care of the public health. In the absence of the President, a member of the Board may by it be chosen to act as Vice President pro tem., and to preside over its meetings. The said Board shall be authorized to employ a secretary, medical practitioners and agents, who shall receive such compensation for their services as shall be approved by a majority of the members of the Board at a regularly convened business meeting thereof, said compensation to be paid out of any funds available to the Board by legislative appropriation; provided however that whenever the Board shall employ its own members the Cabinet Council shall determine the remuneration to be paid them. And the said Board of Health shall, through its President, render to the Legislature at each of its regular sessions, an accurate and detailed report of all its expenditures and transactions and such other information regarding the public health as the said Board shall deem of special interest."

*See also Act to establish a Hawaiian Board of Health, 1868, and Act relating to the practice of medicine of Chinese Physicians, 1880, Chapter XIX.

SECTION 3. That Section 2 of Chapter 59 of the Penal Code, approved July 7th, 1870, be, and the same is hereby amended to read as follows, viz.:

"Section 2. It shall not be lawful for any person to practice in this Kingdom as a physician or surgeon for compensation or reward, unless he shall have first presented to the Board of Health satisfactory evidence of his professional qualifications and good moral character, and obtained a certificate of approval from the said Board and a license to practice from the Minister of the Interior, but the Minister of the Interior with the approval of the Board of Health shall, when necessary or expedient, or when the same shall be deemed advisable, be authorized to grant permits to administer and dispense medicines to persons who shall produce to the Board of Health or to such medical examiners as the said Board, or the Minister of the Interior, shall appoint for that purpose, satisfactory evidence of qualification therefor. All persons licensed to practice medicine and surgery or permitted to administer and dispense medicines under the provisions of this section, for compensation or reward, shall attend whenever practicable on any one requiring their professional or medical services. Any person violating the provisions of this section shall, on conviction thereof, be liable to a penalty of one hundred dollars for each offense."

Being §279
Civil Code,
as amended.

See further
§307.

§280. Said Board of Health may appoint suitable agents in such localities as it may deem necessary, to carry into effect all regulations for the public health; and it shall hold such agents accountable for all moneys received and disbursed by them, on account of the public health, and also for the manner in which they may discharge their several duties.

§281. The Board of Health shall make such regulations respecting nuisances, sources of filth, and causes of sickness, within the respective districts of the Kingdom, and on board of any vessels, as it shall judge necessary for the public health and safety.

§282. Said Board shall also make such regulations as it may judge necessary for the public health and safety, respecting any articles which are capable of containing, or conveying any infection or contagion, or of creating any sickness, when such articles shall be brought into, or conveyed from any district, or into or from any vessel.

§283. Said Board shall also make all regulations which it may judge necessary, for the interment of the dead, and respecting cemeteries and burying grounds.

§284. Notice shall be given by the Board of Health of all regulations made by it, by publishing the same in some newspaper of the district, or where there is no such newspaper, by causing them to be posted in three public places of the town or district; and such notice of such regulations shall be deemed legal notice to all persons.

§285. Every person who shall violate any regulation of the Board of Health, after the same shall have been published, as provided in the last preceding section, shall be fined not exceeding one hundred dollars.

Act
1368.

No slaughter house shall be maintained in any part of this Kingdom, in any place where the Board of Health shall now or hereafter forbid the maintenance of the same.

§286. The Board of Health and its agents, shall examine into all nuisances, sources of filth and causes of sickness, on shore, or in any vessel, and shall cause the same to be destroyed, removed or prevented as the case may require.

§287. Whenever any such nuisance, source of filth, or cause of sickness, shall be found on private property, the Board of Health or any health agent, shall order the owner or occupant thereof, at his own expense, to remove the same within forty-eight hours; and if the owner or occupant shall neglect so to do, he shall be fined in a sum not exceeding one hundred dollars.

§288. If the owner or occupant shall not comply with such order of the Board of Health, the Board or any of its agents, may cause such nuisance, source of filth or cause of sickness, to be removed; and all expenses incurred thereby shall be paid by the said owner or occupant, or by such other person as shall have caused or permitted the same.

§289. When any person shall be convicted for a common nuisance that may be injurious to the public health, the Court may, in its discretion, order it to be removed or destroyed, at the expense of the defendant, under the direction of the Board of Health, or otherwise, as it may deem proper.

§290. Whenever any member of the Board of Health, or its agent, shall think it necessary for the preservation of the lives or health of the inhabitants, to enter any land, building, or vessel, for the purpose of examining into and destroying, removing, or preventing, any nuisance, source of filth, or cause of sickness, and shall be refused such entry, such member or agent may make complaint to any Police or District Justice, who may thereupon issue a warrant directed to any sheriff, deputy sheriff, or constable, commanding him to take sufficient aid, and, being accompanied by such member of the Board of Health, or agent, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness, complained of may be, and the same to destroy, remove, or prevent under the directions of such member or agent.

The King
v.
Tong Lee,
4th Haw. Rep.

§291. The Board of Health, and its agents, may establish quarantine grounds in the several districts, as they may judge best.

§292. The Board of Health may, from time to time, establish the quarantine to be performed by all vessels arriving at any port of the kingdom; and may make such quarantine regulations as it shall judge necessary for the health and safety of the inhabitants.

§293. The quarantine regulations so established, shall extend to all persons, and all goods and effects, arriving in such vessels, and to all persons who may visit or go on board of the same.

§294. Notice shall be given of such quarantine regulations, by publication in the manner provided in section 284; and after such notice shall have been given, any person who shall violate any such quarantine regulations, shall be fined a sum not less than five, nor more than five hundred dollars.

§295. Any vessel which shall refuse to submit to quarantine, or which shall leave the quarantine ground before the expiration of the quarantine imposed upon her, or which shall be the means of clandestinely introducing into this kingdom any contagious disease, or any disease dangerous to the public health, shall be liable to seizure, confiscation and sale, for the benefit of the public treasury.

§296. The Board of Health, and its agents, may at all times cause any vessel arriving, when such vessel, or the cargo thereof, shall in their opinion be foul, or infected, so as to endanger the public health, to be removed to the quarantine ground, and to be thoroughly purified at the expense of the owners, consignees, or persons in possession of the same; and they may also cause all persons arriving in, or going on board of any such infected vessel, or handling such infected cargo, to be removed to some place of safety, there to remain under their orders.

§297. If any master, seaman, or passenger, belonging to any vessel, on board of which any infection may then be, or may have lately been, or suspected to have been, or which may have been at, or which may have come from any port where any infectious distemper prevailed, that may endanger the public health, shall refuse to make answer on oath to such questions as may be asked him, relating to such infection or distemper, by the Board of Health, or its agents, such master, seaman, or passenger, so refusing, shall be punished by fine not exceeding five hundred dollars,

or imprisonment at hard labor not exceeding twelve months, or both, in the discretion of the court.

§298. All expenses incurred on account of any person, vessel or goods, under any quarantine regulations, shall be paid by such person, vessel, or owner of such vessel or goods respectively.

Minister of
Interior
v.
Hackfeld et al.
4th Haw. Rep.

§299. It shall be the duty of the Marshal, and all officers of police, and physicians, to report to the Board of Health, or its nearest authorized agent, the existence of any nuisance, injurious to the public health, of which either of them may be cognizant, as soon as possible after it shall come to their knowledge.

§300. It shall be the duty of every physician having a patient infected with the small pox, or any other disease dangerous to the public health, to give immediate notice thereof to the Board of Health, or its nearest agent, in writing, and in like manner to report to said Board, or its agent, every case of death which takes place in his practice, from any such disease; and every physician who shall refuse or neglect to give such notice, or make such report, shall be fined for each offense a sum not less than ten, nor more than one hundred dollars.

§301. It shall be the duty of every householder, keeper of a boarding or lodging house, or master of a vessel, to report immediately to the Board of Health, or its nearest agent, any person in or about their house, or vessel, whom they shall have reason to believe to be sick, or to have died of, the small pox, or any other disease dangerous to the public health, under a penalty of not less than five, nor more than one hundred dollars, for each offense.

§302. When any person shall be infected with the small pox, or other sickness dangerous to the public health, the Board of Health, or its agent may, for the safety of the inhabitants, remove such sick or infected person to a separate house, and provide him with nurses and other necessaries, which shall be at the charge of the person himself, his parents or master, if able, otherwise at the charge of the government.

See Act of Jan-
uary 3, 1865.
To prevent the
spread of Lep-
rosy.

§303. If the infected person cannot be removed without danger to his life, the Board of Health, or its agent, may make provision for him, as directed in the last preceding section, in the house in which he may be; and, in such case, they may cause the persons in the neighborhood to be removed, and may take such other measures as they shall judge necessary for the public health and safety.

§304. The Minister of the Interior may establish a hospital on each of the islands of Oahu, Maui, Hawaii, and Kauai, to be under the immediate supervision and control of the Board of Health, which may make rules and regulations for the government of such hospitals; which rules and regulations shall be published for general information.

§305. For the purpose of removing nuisances, and causes of sickness, the Board of Health may require the Marshal and Sheriffs to cause the prisoners under their charge to aid in such work.

§306. In case any moneys are expended by the Board of Health, for any sick person brought into this Kingdom in any vessel from abroad, it shall be the duty of said Board, or its agent, to demand the same from the master of the vessel, in which such sick person was brought; and the Collector of Customs shall not grant a clearance to such vessel until the same is paid. The master of such vessel shall be liable for the amount of moneys thus expended.

Act
1876,
Chapter XI.

SECTION 4. Section 30 of Chapter 59 of the Penal Code, approved July 7th, 1870, be, and the same is hereby amended to read as follows, viz.:

Being §307.

Section 30. For the purpose of carrying into effect the law relating to the public health, the Board of Health shall be and hereby is invested with full power to apportion and disburse all sums of money that shall be appropriated by the Legislature for the preservation of the public health, and in case of pestilence or

contagious disease, all such sums shall from time to time be appropriated by the King and Privy Council for the protection of the lives and health of the people. The said Board shall observe the strictest economy in the expenditure of all public moneys placed under its control, and shall deposit with the Minister of the Interior for safe keeping, all the original vouchers for expenditures made under its direction and all books, records and papers relating to its business and transactions. All drafts upon the public treasury for expenditures under the Board of Health shall, in order to their validity, be signed by the Minister of the Interior.

§308. The Board of Health shall keep a regular record of its proceedings, and shall, annually, make a full and detailed report of its transactions, including an account of its receipts and expenditures, to the Minister of the Interior, who shall lay the same before the Legislature. Said Board shall also, during the prevalence of any severe pestilence, or epidemic, publish a weekly report of the public health.

§309. The Minister of the Interior shall appoint, upon the recommendation of the Board of Health, a suitable person to be vaccinating officer in each of the gubernatorial divisions of the Kingdom, who shall receive such salary as may, from time to time, be appropriated by the Legislature, and shall be removable from office at the pleasure of said Minister.

§310. Each vaccinating officer shall appoint, at least, three convenient places in each school district throughout his division, for the performance of vaccination; and, from time to time, give public notice of the time when he will attend at such places, to vaccinate all persons not already successfully vaccinated who may then and there appear; and also of the time when he will attend at such places, to inspect the progress of such vaccination in the persons so vaccinated.

§311. The father or mother of every child shall, within six months after the birth of such child, or, in the event of the death,

illness, or absence of the father or mother, then the guardian, nurse, or person having charge of such child, shall, within six months after its birth, or at the earliest opportunity after, take such child to the vaccinating officer, for the purpose of being vaccinated.

§312. Upon the eighth day, following the day on which any child has been vaccinated, the father, mother, guardian, or other person having charge of said child, shall again take such child to the vaccinating officer that he may ascertain by inspection the result of such operation.

§313. If the vaccination is found to be successful, the officer shall deliver to the father, mother, or other person having charge of the child, free of charge, a certificate that the child has been successfully vaccinated, and shall note the same in a book to be kept by such officer for that purpose.

§314. On the presentation of any child to be vaccinated, should the officer deem the child to be in an unfit state to be vaccinated, he may postpone the operation at his discretion, and give due notice to the parents, or person having charge of such child, to reproduce the same for vaccination at a future time.

§315. The vaccinating officers shall visit the necessary stations appointed by them, at least once in every six months, and oftener, if required so to do by the Minister of the Interior, or Board of Health.

§316. Every parent, guardian, or other person having the charge of any child, who shall refuse or neglect to comply with the provisions of the law respecting vaccination, shall be subject to a fine of five dollars; one-half of which shall be paid to the informer.

§317. The several vaccinating officers shall keep a faithful

record of their transactions, and make an annual report of the same to the Minister of the Interior.

OF INQUESTS.

P. C.
Chapter LX.

§318. The Marshal and Sheriffs, and in all other districts than Honolulu, and Lahaina, the several District Justices, shall, ex officio, act as Coroners, without extra compensation.

§319. As soon as any Coroner shall have notice of the death of any person, within his jurisdiction, supposed to have come to such death by poisoning, violence, or in any suspicious manner, he shall forthwith issue his summons to six good and lawful men, of the district where such death may have occurred, or in which the dead body may have been found or is at the time lying, to appear before him at the time and place expressed in the warrant, then and there to inquire upon the view of the body of the deceased, when, how, and by what means he came to his death. All persons summoned to attend on a Coroner's jury shall serve without pay; and if any person summoned to serve on such jury, shall fail to appear, without reasonable excuse therefor, he may be fined by the Coroner, not exceeding five dollars; and the Coroner may issue process to any constable for the collection of any fines thus imposed.

§320. If the six jurors summoned shall not appear, the coroner may summon other jurors from the bystanders, or others, to complete the number.

§321. When the jury is complete the Coroner shall call over their names, and then in view of the body, he shall administer to them the following oath:

You solemnly swear that you will diligently inquire, and true presentment make, when, how, and by what means, the person whose body lies here dead, came to his death; and you shall return a true

inquest thereof according to your knowledge, and such evidence as shall be laid before you: So help you God.

§322. The Coroner may issue subpoenas for witnesses, returnable forthwith, or at such time and place as he shall therein direct, and may enforce the same by fine or imprisonment, or both, in the discretion of said Coroner.

§323. An oath to the following effect shall be administered to the witness:

You solemnly swear, that the evidence which you shall give to this inquest, concerning the death of the person here lying dead, shall be the truth, the whole truth, and nothing but the truth: So help you God.

§324. The testimony of all witnesses examined before any inquest, shall be reduced to writing by the Coroner, or some other person by his direction, and subscribed by the witnesses.

§325. The jury upon the inspection of the dead body, and after hearing the testimony of the witnesses, and making all needful inquiries, shall draw up and deliver to the Coroner, their inquisition under their hands.

§326. Every coroner's jury shall, if possible, find and certify when, how, and by what means, the deceased person came to his death, and his name if it was known, together with all the material circumstances attending his death; and if it shall appear that he was murdered, the jury shall state who were guilty either as principal or accessory, if known, or were in any manner the cause of his death. The form of the inquisition may be in substance as follows:

An inquisition taken at ———, island of ———, on the ——— day of ———, in the year ———, before ———, one of the Coroners of said island, upon the body of ———, (or, a person) there lying dead, by the oaths of the jurors whose names are hereunto subscribed, who being sworn to enquire when, how, and by what means the said ———, (or person) came to his death, upon their oaths do say, (then insert when,

how, and by what person, if known, means, weapons, or instruments he was killed.) In testimony whereof, the said Coroner, and the jurors of this inquest, have hereunto set their hands, the day and year aforesaid.

§327. If the jury find that any murder, manslaughter, or assault had been committed on the deceased, the coroner shall bind over by recognizance, or, if necessary, commit to jail such witness as he shall think proper, to appear and testify upon the trial of any person who may be indicted for such offense. The Coroner shall return to the Court before which such trial is to be had, the inquisition, written evidence, and all recognizances and examinations by him taken.

§328. If any person charged by the inquest with having committed such offense, shall not be in custody, the Coroner shall have the power to issue process for his apprehension, and such process shall be made returnable before any Police or District Justice, or any other magistrate or court having jurisdiction in the case, who shall proceed therein, in the same manner as if he had issued such process himself.

§329. When any Coroner shall take an inquest upon the dead body of a stranger, or, being called for that purpose, shall not think it necessary on view of such body, that any inquest should be taken, he shall cause the body to be decently buried.

§330. No fees shall be paid to jurors or witnesses attending upon any coroner's inquest, but all the reasonable expenses of the inquisition shall be paid to the Coroner from the public treasury, the account of such expenses being first examined and allowed by the Minister of the Interior.

OF THE FIRE DEPARTMENT OF HONOLULU.

P. C.

Chapter LXIII.

As amended
1880,
Chapter XLV.

§331. There shall be a Fire Department for the City of Honolulu, which shall consist of a Chief Engineer, two Assistant Engineers, one Fire Marshal and as many firemen as may be approved by the representatives of the Department chosen according to its by-laws.

§332. The Chief Engineer and the two Assistant Engineers, shall be elected annually, on the first Monday of June, by the certificate members of the Fire Department.

As amended
1880,
Chapter XLV.

§333. The Fire Marshal shall be elected annually by the Representatives of the Department.

§334. The elections provided for in the two last preceding sections, shall be conducted in such manner as the by-laws of the Department shall prescribe.

§335. The Chief Engineer shall, in all cases of fire, 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 fire engines to be located in the most advantageous situations, and duly worked for the effectual extinguishing of fires. He may grant the custody and use of the fire engines, fire buckets, and other fire apparatus belonging to government, to such firemen as he may deem proper, and assume the control of them at his pleasure; and he shall, as often as once in three months, examine into the condition of the fire engines, engine houses, fire buckets, and other fire apparatus, and report the condition of the same to the Minister of the Interior, together with the names of all the certificate members of the department. When any of the said fire engines, or other apparatus, shall require to be repaired, the Chief Engineer shall cause the same to be well and sufficiently repaired.

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

§337. The Fire Marshal shall divide the City of Honolulu into four districts, and report their boundaries to the Chief Engineer for the purpose of making the visitations and examinations provided for in the next section; and he shall keep a record of the names of the occupants of the houses or other buildings when he shall observe any violations of the provisions of this law. As amended
1880.
Chapter XLV.

§338. It shall be the duty of the Fire Marshal twice in every year, and as much oftener as he may deem proper, to examine the dwelling houses and other buildings in the respective districts for the purpose of ascertaining any violations of this law; and also to examine the fire places, hearths, chimneys, stoves and stove-pipes in the respective districts, and upon finding any of them defective or dangerous, he shall direct the owner or occupants by written notice, to alter, remove or amend the same; and in case of neglect so to do, the party offending, on conviction, shall forfeit and pay twenty-five dollars for the benefit of the Fire Department, and for every day of the times allotted for such alteration, removal or amendment, the party so offending shall forfeit and pay the further sum of ten dollars, and the Fire Marshal may make such alteration, removal or amendment at the expense of said owner or occupant. As amended
1880.
Chapter XLV.

§339. It shall be the duty of the Fire Marshal to prosecute all persons guilty of a violation of any of the provisions of this law, before the Police Court of Honolulu, and he shall pay over all fines collected to the Treasurer of the Fire Department, deducting twenty per cent. of such fines for his services. As amended
1880.
Chapter XLV.

§340. The firemen shall be divided into companies, to consist of such number as shall, from time to time, be fixed by the by-laws of the several companies. Each of said companies may choose out of their own number a foreman, a secretary and treasurer, in such manner, and at such times as they shall think proper.

§341. It shall be the duty of said firemen, whenever any fire

shall break out in this 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 permission of the Chief Engineer.

§342. For the more effectual perfecting of the firemen in their duties, they shall once in every month draw out their several engines, 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.

§343. 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 occasions, 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.

§344. The representatives of the Department shall have authority, whenever a company has, for six months, so few members as to render it inefficient, to disband the same, and assign the members thereof, with their consent, to any other company or companies to which they are assigned.

§345. 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. Every police officer who shall violate any of the provisions of this section shall forfeit and pay the sum of ten dollars for each offense.

§346. All policemen of Honolulu on duty at the time of an alarm of fire, are required to remain at the places where they have been stationed, and to give the alarm of fire, until the community are aroused, and should any such policeman leave his station without the order of his Chief, he shall forfeit and pay ten dollars for each offense.

§347. No person shall, unless by permission of the Chief Engineer, kindle any fire, or furnish the materials for 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) under the penalty of five dollars for each offense.

§348. Every building occupied as a dwelling-house in Honolulu, or as a store-house, or regular place of business, shall be furnished with at least two fire buckets, which shall be kept in a conspicuous place, and upon which the name of the owner shall be painted; and all occupants of buildings not so furnished shall be liable to a fine not exceeding ten dollars.

§349. Any person giving a false alarm of fire in Honolulu, shall forfeit and pay for each offense, a fine not exceeding fifty dollars.

§350. All male residents of Honolulu going to a fire are required to obey the orders of the Chief Engineer, his Assistant Engineers, the Governor of Oahu, and the Marshal of the Kingdom and his Deputies, under a penalty of five dollars for each offense.

As amended
1880.
Chapter XLV.

§351. Any person cutting, or in any way intentionally injuring any portion of the fire apparatus, shall be subject to a penalty not exceeding one hundred dollars.

§352. 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 said premises for the purposes aforesaid, and the persons so refusing shall forfeit and pay not less than twenty dollars.

§353. The City of Honolulu, for the purposes of this law, shall comprise all the space within a circle, whose centre is the public market house of Honolulu, and whose radius is one mile.

P. C.
Chapter LXIV.

OF THE SAFE KEEPING OF GUNPOWDER.

§354. The Minister of the Interior may make such regulations for the storing, keeping and transportation of gunpowder, in any town of the kingdom, as he may think the public safety requires; and no person shall store, keep, or transport any gunpowder, in any other quantity or manner than is prescribed in such regulations.

§355. Whoever shall violate any of such regulations, shall be fined for each offense, not less than twenty, nor more than one hundred dollars.

§356. All gunpowder introduced into, or kept in any town contrary to said regulations, may be seized by any sheriff, or any other officer of police, and the same shall be forfeited for the benefit of the public treasury.

§357. Any person injured by the explosion of any gunpowder, in the possession of any person contrary to the regulations prescribed by the Minister of the Interior, may have an action for damages against the person having custody or possession

of the same; at the time of the explosion, or against the owner of the same, if cognizant of such neglect.

§358. All sheriffs, and other officers of police, shall have authority to enter any building, or place, to search for gunpowder supposed to be concealed there contrary to law; and any Police or District Justice, may grant a search warrant for that purpose.

§359. No regulations for the safe keeping of gunpowder shall take effect until they have been published three weeks successively in some newspaper in the town, or by posting up attested copies of them in three conspicuous places in such town.

OF WRECKS AND SHIPWRECKED GOODS.

P. C.
Chapter LXXV

§360. It shall be the duty of the Marshal, Sheriffs, and their deputies throughout the Kingdom, under the direction of the respective Governors, to take charge of, secure and preserve for the owners thereof, all wrecks and wrecked goods that may be cast upon the shores of their respective jurisdictions.

§361. Every Governor immediately on receiving intimation of any shipwreck, or of the finding of any shipwrecked property to the amount of one hundred dollars, or more, on any of the shores or waters within his jurisdiction, shall order the Sheriff to repair to the place where said wreck or property may be found, and in case the same shall not be in custody of any owner or agent, he shall take charge thereof, and shall secure and preserve the same for the owners.

§362. The Sheriff in such case, may employ as many persons as he shall think proper, to assist in preserving the property; and he may appoint guards to receive the same, and may suppress all tumults and disorders; and if any person shall disobey any lawful order of the Sheriff, he may be imprisoned summarily, as the case may require, and upon subsequent trial he shall be fined for every

such offense in a sum not exceeding ten dollars, or be imprisoned at hard labor for a term not exceeding three months.

§363. The Sheriff shall, on every such occasion, take an inventory of all the property that shall come to his possession; and when required by the owner of the property, or his agent, or by any person interested, he shall make oath to the truth of such inventory, and shall deliver a copy thereof, if required, together with all the said property, to the owner, or agent, or other person lawfully authorized to receive it: provided there shall be first paid, or secured to be paid, to the Sheriff, a reasonable compensation for his services, and such custom-house duties and other charges, if any, as he shall have paid or become liable to pay, on account of the property in question.

§364. If the Sheriff and the other party shall not agree on the sum so due to the Sheriff, then the case may be submitted to arbitrators, to be chosen by the respective parties; but, if the other party shall not agree to submit the case to arbitrators, it shall be submitted to some Judge of the Supreme Court, or Circuit Court of the island, who shall, either in vacation or term time, hear and decide the case in a summary manner, on due notice, and may issue such process as may be necessary to carry his decision into effect.

§365. No person interested in any such property shall be held to pay to any person, other than a Sheriff, any compensation for services or expenses in taking or securing the property, unless it be for property taken before the arrival of the Sheriff.

§366. If any person shall, after the arrival of the Sheriff, take, detain, or intermeddle with any property shipwrecked, or found as aforesaid, except under the direction of the Sheriff, owner, or agent, or other person interested, he shall be subject to a fine not exceeding five hundred dollars, in the discretion of the Court.

§367. The Sheriff, as soon as may be after his arrival at the

place where such property shall be found, shall publish the particulars of the shipwreck, and of the goods found, with such other material facts as he shall ascertain, in such manner as he shall deem best for the information of all parties interested; and in case of neglect so to do, he shall be subject to a fine not exceeding one hundred dollars.

368. The Sheriff, under direction of the Governor, may dispose of so much of the property by public auction as shall be necessary to pay any duties thereon for which they may be liable to the Custom House.

§369. He may sell by auction to the best advantage, such of the property as may be of a perishable nature, whenever necessity may require it, giving reasonable public notice, and if practicable, in a public newspaper.

§370. If no person interested shall appear and establish his claim to such property, the Sheriff shall present, under oath, to the Consul or Vice-Consul, if there be one in the Kingdom, of the nation to which the wrecked property may belong, in case of its being foreign property, an inventory of the same; and if sold, an account of the sales; with an account of all moneys paid by him as duties and expenses on the same; and he shall pay and deliver to such Consul or Vice-Consul, the balance of such accounts, with all the property remaining in his hands, and all papers found by him on board such wreck.

§371. In all other cases the Sheriff shall render a like account, and pay over the balance to the Minister of Finance, who shall retain the same, subject to the claims of the parties interested, for the period of two years, when, if remaining unclaimed, it shall be used for the benefit of the public treasury.

§372. In any law relating to wrecks and shipwrecked property, the word "Sheriff" shall be construed to mean Marshal, Sheriff, or Deputy Sheriff.

OF THE LAW OF THE ROAD.

P. C.

Chapter LXXX

Cummins
v.Sumner.
3 H. R., p. 170.

§373. Whenever any persons shall meet each other on any bridge, road, or other highway, traveling with carriages, wagons, carts, or other vehicles, each person so meeting, shall seasonably turn his horse or other animal, or drive his carriage, or other vehicle, to the right of the middle of the traveled part of such road or bridge, when practicable; so that the respective carriages, or other vehicles aforesaid, may pass each other without interference.

§374. When it is difficult or unsafe for persons traveling with any of the aforesaid carriages, or other vehicles, on account of their being heavily laden or otherwise, to turn or drive their carriages, or other vehicles, to the right of the middle of such traveled part, as aforesaid, any person thus prevented, when meeting with any other person traveling with any of the carriages, or vehicles aforesaid, shall stop a reasonable time, at a convenient part of the road, to enable such other person to pass by.

§375. Whenever any person traveling with any carriage or vehicle as aforesaid, on any bridge, or road, shall overtake any other person with any such carriage or vehicle, either stationary at some inconvenient place for passing by, or traveling at a slower rate, and shall request such other person to permit him to pass, it shall be the duty of the person so overtaken, to turn or drive his carriage, or vehicle, to the right or left of the middle of the traveled part of said bridge or road, or to stop a reasonable time in some convenient place, for the other person to pass by.

§376. No person shall permit his carriage or vehicle to travel or pass, on any such bridge or road, without a suitable driver or conductor; nor shall leave the same on any such bridge or road stationary, in such a situation as to obstruct other persons, traveling with any carriage or other vehicle.

§377. Every person violating either of the foregoing provisions of the law of the road, shall be fined, for each offense, not less than one, nor more than twenty-five dollars. And any person

injured by any violation of the provisions aforesaid, shall be entitled to recover damages, in an action to be commenced within six months after such injury.

OF WEIGHTS AND MEASURES.

P. C.
Chapter LXV.

§378. It shall be the duty of the Minister of the Interior to procure a standard set of weights and measures; and it shall be his duty to try by such standards, all such weights and measures as shall be presented to him to be tried; and to seal such as shall be found true with the capital letters H. I.

§379. Said Minister shall furnish to each of the respective Governors, copies of the original standards, for the use of their respective divisions; and it shall be the duty of the said Governors to try all such weights and measures as may be presented to them to be tried; and to seal such as shall be found true, with the initial letters of their respective divisions.

§380. The charge for trying any weights and measures shall be as follows: For sealing and marking every beam, fifty cents; for sealing and marking every measure of extension, twenty-five cents; for sealing and marking every weight, ten cents; for sealing and marking every liquid or dry measure, ten cents; and a reasonable compensation for making such weights and measures conform to the standards.

§381. The Standards of Weights and Measures shall be those adopted and now used, or that may be adopted and used, by the United States of America.

As amended
1866.

§382. Whenever any wheat, rye, Indian corn, barley or oats, shall be sold by the bushel, and no special agreement as to the measurement shall be made by the parties, the bushel shall consist of sixty pounds of wheat, of fifty-six pounds of rye, of fifty-six

pounds of Indian corn, of forty-eight pounds of barley, and thirty-two pounds of oats.

§383. If any person shall sell any goods, wares, or merchandise, fruit, vegetables, or other commodity whatsoever by any beams, weights, or measures, that have not been duly sealed, he shall be fined for each offense a sum not exceeding fifty dollars; and any person who shall be injured or defrauded by the use of any such beams, weights, or measures, may maintain an action against the offender; and if judgment be rendered for the plaintiff, he shall recover double damages and the costs of suit.

OF THE FISHERIES.

P. C.
Ch. LXXXIV.

§384. All fishing grounds appertaining to any government land, or otherwise belonging to the government, excepting only ponds, shall be, and are hereby forever granted to the people, for the free and equal use of all persons: provided, however, that, for the protection of such fishing grounds, the Minister of the Interior may taboo the taking of fish thereon, at certain seasons of the year.

§385. The Minister of the Interior shall give public notice of any such taboo imposed by him; and no such taboo shall be in force until such notice has been given. Every person who shall violate such taboo shall be punished by a fine not exceeding fifteen dollars, and the value of the fish taken.

§386. No person residing without the Kingdom shall take any fish within the harbors, streams, reefs, or other waters of the same, for the purpose of carrying them for sale, or otherwise, to any place without the Kingdom, under penalty of a fine not exceeding two hundred dollars, in the discretion of the Court.

§387. The fishing grounds from the reefs, and where there happen to be no reefs, from the distance of one geographical mile

seaward to the beach at low water mark, shall, in law, be considered the private property of the konohikis, whose lands, by ancient regulation, belong to the same; in the possession of which private fisheries, the said konohikis shall not be molested, except to the extent of the reservations and prohibitions hereinafter set forth.

§388. The konohikis shall be considered in law to hold said private fisheries for the equal use of themselves, and of the tenants on their respective lands; and the tenants shall be at liberty to use the fisheries of their konohikis, subject to the restrictions imposed by law.

§389. The konohikis shall have power each year, to set apart for themselves one given species or variety of fish natural to their respective fisheries, giving public notice, by *viva voce* proclamation, and by at least three written or printed notices posted in conspicuous places on the land, to their tenants and others residing on their lands, signifying the kind and description of fish which they have chosen to be set apart for themselves.

§390. The specific fish so set apart shall be exclusively for the use of the konohiki, if caught within the bounds of his fishery, and neither his tenants nor others shall be at liberty to appropriate such reserved fish to their private use, but when caught, such reserved fish shall be the property of the konohiki, for which he shall be at liberty to sue and recover the value from any person appropriating the same.

§391. The konohikis shall not have power to lay any tax, or to impose any other restriction, upon their tenants, regarding the private fisheries, than is hereinbefore prescribed, neither shall any such further restriction be valid.

§392. It shall be competent to the konohikis, on consultation with the tenants of their lands, in lieu of setting apart some particular fish to their exclusive use, as hereinbefore allowed, to prohibit during certain months in the year, all fishing upon their

fisheries ; and, during the fishing season, to exact of each fisherman among the tenants, one-third part of all the fish taken upon their private fishing grounds. In every such case it shall be incumbent on the konohikis to give the notice prescribed in Section 389.

§393. No person who has bought, or who may hereafter buy, any Government land, or obtain land by lease or other title from any party, has or shall have any greater right than any other person, resident in this Kingdom, over any fishing ground not included in his title, although adjacent to said land.

§394. If that species of fish which has been tabooed by any konohiki, shall go on to the grounds which have been, or may be, given to the people, such fish shall not be tabooed thereon. It shall be tabooed only when caught within the bounds of the konohiki's private fishery. Nor shall it be lawful for a konohiki to taboo more than one kind of fish upon any fishing grounds which lie adjacent to each other.

§395. Every konohiki or other person who shall willfully deprive another of any of his legal rights to fish on any fishing ground, which now is, or may become, free to the use of the people, or who shall willfully exact from another any portion of the fish caught on any public fishing ground, or who shall willfully exact of another, for the use of any private fishery, a greater amount of fish than by law he is entitled to receive as his share, and any tenant or other person who shall willfully deprive any konohiki of his fishing rights, by appropriating to himself the tabooed fish of said konohiki, or otherwise, shall be punished by a fine not exceeding one hundred dollars for every such offense, in the discretion of the Court, and in default of the payment of such fine be imprisoned at hard labor not exceeding three months.

§396. The several District Justices shall have power to try and punish all offenses against the provisions of the last preceding section, committed in their respective districts.

ARTICLE VI.—OF THE POST OFFICE.

§397. There shall be established a post-office system for the Hawaiian Kingdom, and some suitable and trustworthy person shall be appointed by the King to superintend the same, who shall be styled Postmaster-General, and hold his office during His Majesty's pleasure. The said Postmaster-General shall, until otherwise provided by law, be *ex officio* Postmaster of Honolulu.

“Before entering upon the duties of his office, the said Postmaster-General and likewise the various Postmasters throughout the Kingdom, shall take and subscribe an oath of office, before a Justice of the District, which shall be filed with the Minister of the Interior, said oath shall be in substance, that the affiant will duly and faithfully perform all of the duties of the office, will sustain the inviolability of the postal matter entrusted to his care, and will forward the mails with dispatch.”

Amendment of
1878,
Chap. XVIII.

§398. The Postmaster-General shall appoint Postmasters in such port, cities, towns and villages as the public wants may require. He may also by and with the consent of the Minister of the Interior fix and arrange the compensation of said Postmasters in cases where from the nature of the services rendered by them it may be reasonable or needful to allow them such compensation.”

As amended
1882, -
Chap. XXXIX.

§399. The Postmaster-General shall have power to make such rules and regulations, not conflicting with any law of the Kingdom, as may from time to time be needful for the government of the several post-offices, and for the safe and speedy transmission and delivery of the mails, and he may employ such clerks or assistance as will enable him to discharge his duties in a prompt and efficient manner.

§400. The Postmaster-General may employ mail carriers on the several islands, to carry mails between the several districts of the same, as he may judge to be most for the public good, applying for that purpose such moneys as may be appropriated by the Legislature for that object, and no other.

SECTION 2. That Section 401 of the Civil Code is hereby amended to read as follows:*

As amended
1882,
Chap. XXXIX.

See P. C.
Chapter XVII,
§16.

§401. No ship or vessel arriving at any port of these Islands where a post-office is established, shall be permitted to report, make entry or break bulk until the master or commander shall have delivered to the Postmaster at such port all letters directed to any person or persons within this Kingdom, which under his care or within his power shall be brought into such ship or vessel except such as are directed to the owner or consignee of the ship or vessel, and the Postmaster to whom such letters shall be delivered shall pay to said master or commander as remuneration therefor, such a sum of money as by the rules and regulations of the Universal Postal Union may be necessary, and it shall be the duty of the Collector or other officer of the port empowered to receive entries of ships or vessels to require from every master or commander of such ship or vessel an oath or affirmation purporting that he has delivered all such letters except as aforesaid. And if any commander or master of any ship or vessel shall break bulk before he shall have complied with the requirements of this Article, he shall on conviction thereof before any Court forfeit for every such offense a sum not less than one hundred dollars nor more than five hundred dollars, and in default of payment his vessel shall be liable to seizure, condemnation and sale in order to satisfy such penalty. The master or agent of any ship or vessel about to leave any port of this Kingdom for any foreign port shall give due written notice of the day and hour of the intended departure to the Postmaster of such port, and shall make oath or affirmation of such notice before the Collector of the port before receiving clearance papers.

SECTION 3. That Section 404 of the Civil Code be and the same is hereby repealed.

§402. The commanding officers of coasting vessels, shall receive and deliver the inter-island mails at the post-offices of

*NOTE.—Act of 1860 enacted that Section 401 of the Civil Code be, and the same is hereby amended, by inserting after the word "vessel," in the first line, the words "from a foreign port," and it is so amended in the Penal Code.

the several ports at which they may touch, in such manner as the Postmaster-General may direct, free of charge; under penalty of forfeiting the coasting licenses of their vessels. But the Minister of the Interior shall be entitled to compensate such coasting vessels in such cases as are just and equitable.

Amendment
1868.
Chap. XVIII.

Section 403 of the Civil Code is hereby amended by striking out all the Section after the words "§403," and inserting in place thereof the following words: "The following shall be the rates of Hawaiian Postage on all mailable matter in classes:

1878.
Chap. XVIII.

"CLASS 1. On each letter, sealed package, mail matter, wholly or partly in writing, printed matter, so marked or interlined as to convey other information than that of the original print, all matter not otherwise chargeable with letter postage but concealing any written memorandum; and all matter so wrapped or secured as to prevent its examination without breaking or destroying the wrapper, two cents for each one-half ounce or fraction thereof.

"Where any such matter is sent to, or received from any foreign country, six cents on each one-half ounce or fraction thereof; and in addition to the said rate of six cents, the sea postage shall be collected on such foreign mail matter. Letters to be delivered at the office where mailed, one cent for each one-half ounce or fraction thereof.

"CLASS 2. On all newspapers, pamphlets, almanacs, calendars, corrected proofs, hand bills, magazines, maps, sheet music, occasional publications (not bound), posters, and other publications (not bound), designed primarily for advertising purposes or free circulation, one cent for each four ounces or fraction thereof; where such matter is sent to or received from any foreign country, two cents on each two ounces or fraction thereof. Newspapers published in the Hawaiian Islands and mailed from the office of publication to the subscribers, free in the inter-island mails.

As amended
1882.
Ch. XXXIX.

"CLASS 3. On all books or other bound volumes—either printed or blank—blank cards, book manuscript, card boards, engravings, merchandise, models, samples, seeds, cuttings, roots, bulbs, photographs and all other matter not included in the first or

second classes above, one cent for each one ounce or fraction thereof, domestic or foreign.

“ All matter pertaining to the second or third class above named shall be so wrapped or secured as to permit of free examination without breaking or destroying the cover or wrapper, otherwise such matter shall be subject to first class postage.

“ The sender of any book, paper, or other matter pertaining to the second or third classes, may write upon or within the same, the name and address of the person to whom sent, with a statement that such package was sent by a person named; and also the name and address of the sender, or any part of such statement.

“ No package containing liquids, poisons, glass, explosive chemicals, live animals, sharp instruments, sugar, or any other material liable to deface or destroy the contents of the mail, shall be sent by mail; nor shall any letter or postal card upon which is written, impressed or engraved any disloyal, lewd, obscene, or indecent words or delineations, nor any disloyal, lewd, obscene or indecent book, paper, pamphlet or other publication, be transmitted through the mail. When the postmaster shall have reason to suspect that any mail matter from a foreign country contains articles subject to customs duties, he may retain the same and cause it to be opened in the presence of the person to whom directed, and the Collector of Customs, or any person authorized by him. Any person or persons violating or attempting to violate the above restrictions, shall be liable to a fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding one year on conviction before any Police or District Magistrate. No package sent by mail shall exceed four pounds in weight except under the first class. Provided, however, that nothing in this Section contained shall be construed to conflict with the provisions of any Postal Treaty or Convention now existing; and provided also, that authority and full power are hereby given to the Minister of the Interior, to enter into such Postal Treaties and Conventions, and more especially the International Postal Union of Berne, as shall be necessary or for the public good, and to alter or amend the above rates with foreign countries to conform with such Treaties, Convention or Union and to make the necessary regulations to perfect the same.”

* §405. No ship or vessel leaving any port of the Hawaiian Islands, where a post-office is established, shall be permitted to carry any letters, newspapers, or other mailable matter, outside the mail, unless the Hawaiian postage on the same shall have been previously paid. And if any commander or master of any ship or vessel shall not comply with the requirements of this section, for every such offense he shall, on conviction thereof, forfeit a sum not less than one hundred, nor exceeding five hundred dollars; and such ship or vessel shall be liable to seizure, condemnation and sale, in order to enforce the payment of such forfeiture.

§407. No inter-island letters shall be transmitted by mail unless previously stamped, and it shall be unlawful for any individual to convey any letter or letters from port to port; provided, however, that in case of a deficiency of stamps, the Postmaster, at the place of mailing, may receive an equivalent in money, and mark such letter "paid," and subscribe his name thereto, and such letters shall be transmitted in due course of mail. Any person conveying any letter or letters in contravention of this Section shall be liable to a fine of not less than five or more than fifty dollars, to be recovered before any Police or District Justice, at the suit of the Postmaster General, or any Postal Agent throughout the Kingdom; one-half of which fine shall be paid to any person informing of the violation of this law.

As amended
1864.

P. C.
Chapter XVII.

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

Act.
1864.

P. C.
Chapter XVII.

revoked by the Collector General of Customs, after conviction before any Police Justice, at the complaints of any Postal Agents.

P. C.
Chapter XVII.

§408. The Postmaster-General is hereby authorized to issue, and sell on account of his department, postage stamps, of such denomination as the public convenience may require. If any person or persons shall forge or counterfeit any stamp of the post office department, issued by authority of law, or if they shall obliterate the mark of any stamp for the purpose of using the same for a second time, they shall be adjudged guilty of felony, and on conviction thereof, be fined a sum not exceeding five hundred dollars, or imprisoned at hard labor for a term not more than one year, in the discretion of the Court.

§409. All letters uncalled for after having remained in any post office for one year, shall be considered dead letters; and it shall be the duty of the Postmaster-General, under such rules as he may provide, to have the same opened, and if found to contain no valuable enclosures, to cause the same to be destroyed, and in all cases where valuable enclosures are found, it shall be his duty to preserve the same, and use all proper means to restore the said enclosures to their rightful owners.

§410. The Postmaster General is hereby authorized to provide a suitable official stamp for the use of the General Post Office, and such stationery as may be required for the use of the same; he may also provide for and furnish the necessary stamps and stationery for the post offices at other places in the Kingdom.

§411. The Postmaster-General shall, semi-annually, or oftener if required, render a full and accurate report of the transactions of the General Post Office to the Minister of the Interior, including a statement of receipts and expenditures, letters sent and received, both foreign and inland, and such other matters as will include a full account of the various branches of the service under his charge.

It shall be the duty of the several local postmasters to make

quarterly, or such other returns as may be required, to the Postmaster-General, in such form and manner, and to such extent, as he may direct, of all their official transactions.

§412. The post office department shall pay its own expenses of every kind, so far as practicable. Any excess of receipts over necessary expenditures shall be paid into His Majesty's treasury. If a deficiency should unavoidably arise, the Postmaster-General may, with the sanction of the Minister of the Interior, draw upon the treasury for the amount of such deficiency, which shall be paid out of any funds not otherwise appropriated: and all the facts in relation thereto, and the reasons for such action shall be specially reported to the Legislature at its next session.

§413. For the greater security of letters and other mailable articles posted for transmission in the mails of this Kingdom, the Postmaster-General shall be and he is hereby authorized and ordered to establish a uniform plan for the registration of such letters and other mailable articles on application of parties passing the same, and require from such parties the pre-payment of a registration fee of ten cents on every such letter or article, provided, however, that such registration shall not render the post office department or its revenue liable for the loss of such letters or articles or the contents thereof as far as the inter-island mails are concerned. But in case of the loss of a registered letter or article sent in any foreign mail—excepting, however, in cases of *force majeure*—the Postmaster-General is hereby authorized and directed to pay as an indemnity the sum of ten dollars for each and every letter and article thus lost as provided by the rules and regulations of the Universal Postal Union.

As amended
1882,
Ch. XXXIX,
§3.

§414. The Postmaster-General and his clerks employed in the postoffice, and all Postmasters through the Kingdom, shall not be liable to jury service in any Court.

As amended
1878,
Chapter XVIII

§415. If any person or persons shall rip, cut, untie, unlock, or in any way open any mail bag, valise, or portmanteau, contain-

P. C.
Chapter XVII,
§21.

P. C.
Chapter XVII.
§21.

in letters or mailable matter of the Hawaiian Kingdom, without due authority of the Postmaster-General, said person, or persons shall, upon conviction thereof, for every such offense, pay a sum of not less than fifty dollars, or more than five hundred dollars; or be imprisoned at hard labor for a period not exceeding two years, or both, in the discretion of the Court.

Act
1878,
Chap. XVIII.
§7.

The Postmaster-General is hereby authorized and directed to cause to be prepared for sale at the various post offices throughout the Kingdom, Postal Cards, of substantial card board, not to exceed five and one-half inches in length or three and one-quarter inches in width, which shall bear upon the right hand upper corner of one side, a suitable device and stamp of one cent. to be expressed in the Hawaiian language, and which shall bear upon the stamp side, words directing the address only to be written upon that side. The said postal cards, bearing written or printed words, in either ink or pencil, shall be received for transmission in the mails throughout the Kingdom and no additional postage shall be charged.

Act
1882,
Chap. XVIII.
§5.

The Postmaster-General by and with the advice and consent of His Majesty the King in Privy Council, is hereby authorized to adopt and adhere to any and all the rules and regulations now adopted, and in force or that hereafter may be adopted by the Universal Postal Union, whether or not the said rules and regulations shall or may cause an increase or decrease in either the income or expenditure of the post office.

ARTICLE VII.—OF THE GOVERNMENT PRESS.*

§416. The Minister of the Interior shall appoint a Director of the Government Press, who shall have the control and management of said Press, and be solely responsible therefor. And nothing contained in this article shall be construed as making the Government in any way responsible for the views expressed, or matter published by the Director of the said Press.

*By Authority of Sec. 427 and the Act of 1859, the Government Press was sold October, 1879.

§417. Said Director shall have power to employ operatives, and provide all necessary materials for his office; applying for that purpose the moneys, from time to time, appropriated by the Legislature: provided, however, that if the amount appropriated by the Legislature be not sufficient for the employment of operatives, and to provide the necessary materials for his office, he shall have the power to pay for the same out of the receipts of his office—rendering therefor a detailed account to the Minister of the Interior.

§418. Said Director shall be, *ex officio*, editor of a newspaper which shall be the official organ of the Hawaiian Government. He shall publish therein, all laws, orders, proclamation, reports, decisions, circulars, and notices, that may be sent to him for publication, by either of the departments of Government, or any branch thereof, executive, legislative, or judicial.

§419. Said Director shall, weekly, transmit copies of the said newspapers to the following persons: To the King, for the use of the Palace, three copies; to the Minister of Foreign Affairs, ten copies; to the Kuhina Nui, and each of the heads of the other departments, two copies; to the President of the Board of Education, two copies; and one copy each in addition for each English school in the Kingdom, under his superintendence; to each of the Judges of the Supreme Court, two copies; to each of the Governors, two copies; to the Legislature, when in session, one copy for each member thereof; and also one copy each to such other persons as may be designated by the King.

§420. The subscription price of the Government newspaper, and the charges for all notices and advertisements published therein, and for all other printing done by the government press, shall be such as may, from time to time, be fixed by said Director, with the approval of the Minister of the Interior.

§421. The Director of the Government Press shall have power to execute job printing, for private persons, at such rates of charge as may be profitable for the government.

§426. Said Director shall keep a true and faithful account of all the receipts and expenditures of his office, and present the same, quarterly, to the Minister of the Interior, and he shall also submit to the said Minister, annually, a full and correct report of all the business of his office, accompanied by such suggestions, or recommendations, as he may have to offer, for the regulation and improvement thereof.

§427. The Minister of the Interior shall have the power, with the approval of the King, to sell or lease the Government Press, and all the appurtenances thereto belonging, whenever, in his discretion, it shall seem for the best interests of the Government.

TO AUTHORIZE THE MINISTER OF THE INTERIOR TO
SELL OR LEASE THE GOVERNMENT PRESS.

Act

Approved Feb.
ruary 14, 1859.

SECTION 1. The Minister of the Interior is hereby authorized to sell or lease the Government Press and all the appurtenances belonging to the same, whenever, in his discretion, he shall deem it best for the public interests.

SECTION 2. The Minister of the Interior is hereby authorized to contract for Government printing, and for the publication of all laws, orders, proclamations, reports, decisions, circulars and notices, that may be required by either of the departments of Government, with any person or persons, upon such terms, and for such a length of time as he may deem best for the interests of the Government.

ARTICLE VIII.—NATURALIZATION OF FOREIGNERS.

§428. The Minister of the Interior, with the approval of the King, shall have the superintendence and direction of the naturalization of foreigners.

§429. The said Minister, with the approval of the King, shall

have the power in person upon the application of any alien foreigner who shall have resided within the Kingdom five years or more next preceding such application, stating his intention to become a permanent resident of the Kingdom, to administer the oath of allegiance to such foreigner, if satisfied that it will be for the good of the Kingdom, and that such foreigner owns without encumbrance taxable real estate within the Kingdom, and is not of immoral character, nor a refugee from the justice of some other country, nor a deserting sailor, marine, soldier or officer.

As amended
1882,
Chap. XVIII.

§430. The oath of allegiance to be administered as aforesaid, shall be as follows :

The undersigned, a native of ———, lately residing in ———, being duly sworn, upon his oath, declares that he will support the Constitution and laws of the Hawaiian Islands, and bear true allegiance to His Majesty ———, the King.

Subscribed and sworn to this ——— day of ———, A. D. 18—, before me,

§431. The oath of allegiance shall always be subscribed by the person so naturalized, be sworn to in the form most obligatory upon his conscience, and the jurat thereof shall be subscribed by the Minister of the Interior (or his chief clerk).*

§432. Every foreigner so naturalized, shall be deemed to all intents and purposes a native of the Hawaiian Islands, be amenable only to the laws of this Kingdom, and to the authority and control thereof, be entitled to the protection of said laws, and be no longer amenable to his native sovereign while residing in this Kingdom, nor entitled to resort to his native country for protection or intervention. He shall be amenable, for every such resort, to the pains and penalties annexed to rebellion by the Criminal Code. And every foreigner so naturalized, shall be entitled to all the rights, privileges and immunities of an Hawaiian subject.

See Sections
428 and 429,
as amended in
1882.

§433. It shall be competent for His Majesty to confer upon any alien resident abroad, or temporarily resident in this Kingdom, letters patent of denization, conferring upon such alien, without

*See Sections 428 and 429 as amended in 1882, Chapter XVIII.

abjuration of allegiance, all the rights, privileges and immunities of a native. Said letters patent shall render the denizen in all respects accountable to the laws of this Kingdom, and impose upon him the like fealty to the King, as if he had been naturalized as hereinbefore provided.

As amended
1868.

§434. The fee for administering the oath of allegiance, subscribing the jurat and granting certificate of the same, shall be Five Dollars; *provided, however*, that the Minister of the Interior may, in his discretion, remit part or the whole of said fee, when the aforesaid oath shall be administered to immigrants introduced here through the agency of the Board of Immigration.

Act
1874.
Chapter XLI

TO PROVIDE FOR THE TAKING THE OATH OF ALLEGIANCE BY
PERSONS IN THE EMPLOY OF THE HAWAIIAN GOVERNMENT.

Whereas, it is expedient that all persons who may be appointed to places of profit or emolument under the Hawaiian Government should take the oath of allegiance.

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

As amended
1876.
Chapter VIII.

SECTION 1. From and after the passage of this Act every person of foreign birth who may be appointed to any office of profit or emolument under the Government of this Kingdom shall, before entering upon the duties of his office, take and subscribe the oath of allegiance, in manner and form prescribed by Sections 430 and 431 of the Civil Code.

SECTION 2. Every person now holding any office of profit or emolument under the Government of this Kingdom, who shall not already have taken such oath as aforesaid, and who shall neglect or refuse to take such oath within three months from the passage of this Act, shall be deemed to have resigned his office, which shall become vacant at the expiration of such period.

(SECTION 3. The said oath may be taken and subscribed by

any person not resident on the Island of Oahu, before any Judge of a Court of Record, who shall immediately forward the same to the Minister of the Interior.)

NOTE.—Section 3 repealed, by implication, by Act of 1882, amending Sections 428 and 429.

TARIFF OF CHARGES.

§435. The following Tariff of Charges, for the Department of the Interior, not elsewhere provided for, is hereby established:

For every Royal Patent, lease, or other grant of land, inclusive of stamp, \$5.

For every charter, \$10.

For every patent for any invention, \$10.

For every copy of any patent, charter, or other document, 50 cents per hundred words.

For all other acts and duties, the fees which are not otherwise provided for, such charges as the Minister of the Interior may, from time to time, prescribe.

CHAPTER VIII.

DEPARTMENT OF FOREIGN AFFAIRS.

ARTICLE IX—THE MINISTER OF FOREIGN AFFAIRS, HIS POWERS AND DUTIES IN GENERAL.*

§436. There shall be an executive department styled the Department of Foreign Affairs, which shall be presided over by an officer called the Minister of Foreign Affairs, who shall reside and keep an office at the seat of Government.

§437. It shall be the duty of said Minister to conduct the correspondence of this Government, with the diplomatic and consular agents of all foreign nations, accredited to this Government, and with the public ministers, consuls, and other agents of the Hawaiian Islands, in foreign countries, in conformity with the law of nations, and as the King shall, from time to time, order and instruct.

§438. It shall be the duty of said minister, before transmitting any diplomatic dispatch, making any claim or complaint on behalf of, or in answer to, any claim or complaint made against the authorities of the government of His Majesty, or before transmitting any other important dispatch, involving national responsibility, to submit the same to the King for adoption or amendment, to the end that His Majesty may not become liable for any official act, of which he shall not have had previous knowledge.

§439. The Minister of Foreign Affairs shall keep a full and faithful record of all the transactions of his department, and preserve in some form convenient for reference, all his official correspondence, which shall be, at all times, accessible to the King.

§440. Said minister may, from time to time, publish such

*The offices of Secretary of War and the Navy, abolished 1874, Ch. XXXIX.

portions of his correspondence, as the King may authorize or direct to be published.

§441. Said minister shall have the custody of all public treaties concluded and ratified by the Government; and it shall be his duty to promulgate the same by publication in the government newspaper. When so promulgated, all officers of this government shall be presumed to have knowledge of the same.

§442. It shall be the duty of the Minister of Foreign Affairs to instruct the ministers, consuls, and other foreign agents of this government, in relation to their duties and conduct, in such manner as the King may, from time to time, direct.

§443. Said minister shall also prescribe the fees and perquisites to be received by the consuls, and other foreign agents of this government.

§444. The compensation of the foreign agents of this government shall be such as may, from time to time, be determined by the King: provided, always, that no money shall be applied to this purpose, except as the same may be appropriated by the Legislature.

§445. Every minister, commissioner, consul, or vice-consul,* of the Hawaiian Islands, in any foreign country, may take and certify, under his official seal, all acknowledgements of any deed, mortgage, lease, release, or other instrument affecting the conveyance of real or personal estate in this Kingdom—and such acknowledgement shall entitle such instrument to be recorded.

§446. Such ministers, commissioners, consuls, and vice-consuls, shall have power to take acknowledgments of powers of attorney, to administer oaths, and to take depositions and affidavits, to be used in this Kingdom.

*Consular certificates required on foreign invoices, 1864, p. 61.

§447. It shall be the duty of the Minister of Foreign Affairs to issue and promulgate all proclamations, and orders in council, in anywise affecting the relations of this government with any foreign nation.

§448. The Minister of Foreign Affairs is charged with the requisition upon foreign governments, for the surrender of persons charged with the commission of crimes within this Kingdom; and he is also charged with the surrender of fugitives from justice, coming to this kingdom from any foreign country.

American
Treaty,
Chapter XIV.

§449. The respective judges and magistrates of the Kingdom shall have authority, upon complaint made under oath, to issue a warrant for the apprehension of any person charged with the commission of a crime, in any foreign country, that he may be brought before such judges, or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the Minister of Foreign Affairs, that he may issue a warrant for the surrender of such fugitive.

§450. Before issuing any such warrant, the Minister of Foreign Affairs shall be satisfied that the expenses of apprehension and detention of the fugitive have been paid, or that the representative of the nation has assumed the payment of such expenses.

§451. The warrant of the Minister of Foreign Affairs, directing the surrender of any fugitive from justice, shall be binding upon all officers of His Majesty's Government, in anywise having the custody of such fugitive.

§452. Every fugitive from justice may be retained in prison after his surrender, until a suitable opportunity occurs for his removal, at the expense of the officer to whom he is surrendered.

§453. The Minister of Foreign Affairs may issue passports to all ministers, diplomatic agents, and consuls of the King, sent abroad, and to the consuls and other commercial agents of foreign governments, and to all subjects of the Kingdom going abroad, who may desire the same.

P. C.
Chapter XXIX.

§454. Said passports shall be issued free of charge, signed by the said minister, and impressed with the seal of his department; and shall exonerate all masters of vessels, from any liabilities for having conveyed the persons named in such passports out of the jurisdiction of this Kingdom.

P. C.
Chapter XXIX.

§455. The Minister of Foreign Affairs, upon being duly notified that any alien foreigner has died intestate within this Kingdom, leaving residuary assets therein, but no heirs, shall immediately give notice thereof to the accredited representative, or consul, of the nation to which the deceased belonged.

Bremen Treaty
Chapter III.

§456. If such residuary assets shall be claimed in behalf of any foreign heir, the Minister of Foreign Affairs, upon being satisfied of the claimant's right to receive them, shall order the same to be delivered to him, after deducting the proper charges for receiving and keeping the same. And all persons having such assets in custody, shall deliver the same to the person named in such order.

§457. In case, the Minister of Foreign Affairs shall not be satisfied of the claimant's right to receive such residuary assets, it shall be competent for such claimant to institute a suit for their recovery, against said minister, before the courts of the Kingdom, and the final judgment rendered in the case shall be conclusive upon the parties.

ARTICLE X—THE DIPLOMATIC AND CONSULAR AGENTS OF FOREIGN NATIONS.

§458. It shall be incumbent upon all foreign consuls-general, consuls, vice-consuls, and consular agents, to present their com-

missions through the diplomatic agents of their several nations, if such exist, and if not, direct to the Minister of Foreign Affairs, who, if they are found to be regular, shall, unless otherwise directed by the King, give them exequators under the seal of his department; and it shall be the duty of said minister to cause all such exequators to be published in the Government Gazette.

§459. No foreign consul, or consular or commercial agent shall be authorized to act as such, or entitled to recover his fees and perquisites in the courts of this Kingdom, until he shall have received his exequatur.

§460. It shall be incumbent upon every diplomatic agent, coming accredited to the King, to notify the Minister of Foreign Affairs of his arrival, and to request an audience of the King, for the purpose of presenting his credentials. Said minister, upon receipt of such notice, with copy of his credentials, shall take His Majesty's orders in regard thereto, and communicate the same to such agent.

§461. After any such foreign diplomatic agent shall have presented his credentials to, and been received by the King, it shall be the duty of the Minister of Foreign Affairs, to announce that fact to the public, by notification in the Government Gazette.

§462. No person shall arrest, or otherwise molest, any foreign public minister, received and acknowledged as such by the King, or any attaché, or servant of such minister, except for acts of political sedition, and machinations endangering the political safety of the King's Government: provided, nevertheless, that no subject or inhabitant of this Kingdom, who shall have contracted debts prior to his entering into the service of any such public minister, which debt shall still be due and unpaid, shall have, take, or receive any benefit of this law; nor shall any person be proceeded against by virtue of this law, for having arrested or sued any domestic servant of such public minister, unless the name of such servant shall have been previously furnished to the department of Foreign Affairs.

§463. It shall be the duty of the Minister of Foreign Affairs, upon the receipt of a list of the attaches, and domestic servants of any such public minister, to cause the same to be published in the Government Gazette, and to furnish a copy of such list to the Marshal.

§464. Foreign public ministers are not amenable to the civil or criminal jurisdiction of the Kingdom, and therefore all writs or process, whereby the person of any public minister, received as such by the King, shall be arrested, or imprisoned, or his property distrained, seized, or attached, shall be utterly null and void, to all intents and purposes whatsoever: provided, always, that force may be applied to confine, or send away any such minister, when the safety of the State, which is superior to all other considerations, absolutely requires it, arising either from the violence of his conduct, or the influence and danger of his machinations.

§465. All writs or process, for the arrest or imprisonment of any attache of a public minister, whose name has been furnished to the Department of Foreign Affairs, as provided in section 462, or for the seizure or attachment of his property, shall be null and void; subject, however, to the provisions of section 462: and provided, always, that he shall enjoy no greater privileges than are accorded to him by the law of nations.

§466. If any person assault, strike, wound, imprison, or in any other manner infract the law of nations, by offering violence to the person of a public minister, such person so offending, on conviction, shall be imprisoned not exceeding five years, and fined at the discretion of the Court; and, if an officer of this Government, shall be liable to removal from office.

P. C.
Chapter IX.
Section 10.

§467. All foreign diplomatic agents, received and acknowledged as such by the King, as having the representative character, in a political sense, shall enjoy the exemption from duties upon stores and supplies imported for their private use and consumption, allowed by their respective nations to foreign diplomatic

agents of the same rank, and accredited in the same manner; provided that each foreign diplomatic agent shall, previously, adduce to the Minister of Foreign Affairs, satisfactory proof that the exemption claimed by him would be allowed by his own nation to a Hawaiian agent of the same rank, under the like circumstances.

CHAPTER IX.

DEPARTMENT OF FINANCE.

ARTICLE XI—THE MINISTER OF FINANCE—HIS POWERS AND DUTIES IN GENERAL.

§468. There shall be an executive department, styled the Department of Finance, which shall be presided over by an officer called the Minister of Finance, who shall reside and keep an office at the seat of government.

§469. It shall be the duty of the Minister of Finance to have a general supervision over the financial affairs of the Kingdom, and to faithfully and impartially execute the duties assigned by law to his department. He is charged with the enforcement of all revenue laws; the collection of duties on foreign imports; the collection of taxes; the safe keeping and disbursement of the public moneys, and with all such other matters as may, by law, be placed in his charge.

§470. It shall be his duty to make a biennial report to the Legislature, of the transactions and business of his department, showing the revenue and expenditure for the two preceding years,

and giving a full and detailed estimate of the revenue and expenditure for the two succeeding years.

§471. He shall keep, or cause to be kept, in appropriate books, a clear, distinct and full record of all the transactions and business of his department.

§472. He shall, from time to time, instruct the collectors of customs, the collectors of taxes, assessors and other officers of his department, in relation to their duties and business.

• §473. The Minister of Finance shall be personally responsible for the safe keeping of all moneys paid into the public treasury, and for the proper disbursement and appropriation thereof, pursuant to the laws: provided, however, that in case of the larceny or embezzlement of any such moneys, by any officer of his department, or other persons, said minister shall be allowed to give that fact, and that he had no collusive knowledge thereof, in evidence, and the establishment of such facts shall discharge him from personal responsibility.

§474. Said minister shall appoint, on his own faith and responsibility, a Registrar of Public Accounts, removable at his pleasure. Such registrar shall, before entering upon his duties, give a bond with good and sufficient sureties, for the benefit of the government, to the Minister of Finance, and his successors in office, in the penal sum of not less than five thousand, nor more than ten thousand dollars, conditioned that he will well and faithfully keep the accounts of the Department of Finance; that he will not embezzle, or in any other way wrongfully convert to his own use, or to the use of another, any of the public moneys; and that in all other respects he will faithfully discharge the duties of his office.

§475. Said minister shall have power to administer all necessary oaths connected with the duties of his department.

§476. Said minister shall have power to certify, under the seal of his department, copies of vouchers and other documents deposited in his office; and such copies so certified shall be as valid evidence in any court as the originals.

See Auditor General's Act, 1682, Chap. XXIII.

§477. The head of each ministerial department shall be responsible for the correctness of all drafts or orders drawn by him upon the treasury, in pursuance of appropriations, and for the proper disbursements of all appropriations for his department. The same rule shall apply to the President of the Board of Education. The responsibility of the Minister of Finance, in such cases, shall be limited to the payment of the aggregate amount of appropriations made by the Legislature. All moneys received by any department or officer of the government, on public account, shall be promptly paid into the treasury, and there held subject to disbursement in accordance with law: provided, however, that the provisions of this section shall not apply to the school-tax, which shall be collected by the tax-collectors of the several districts, and deposited with the school treasurers of the several districts, for the support of the government schools.

§478. No draft or order drawn by any District Justice, assessor, or tax-collector, upon the treasury, for salary or compensation, shall be regarded as valid, or paid by the Minister of Finance, unless the same be countersigned by the Governor of the island on which said District Justice, assessor or tax-collector may reside. Such counter signature shall be evidence of the genuineness of any such draft or order, and the Governor countersigning the same shall be responsible therefor. In order to secure uniformity, and a proper security to the treasury in the payment of salaries and compensation, to persons entitled to receive the same, the Minister of Finance shall have power to prescribe the form of all accounts, drafts, or orders, relating to such salaries or compensation.

As amended
1874.
Chapter XLI.

§479. For the purpose of promoting convenience in business and exchange between the different islands of the Kingdom, it shall be lawful for the Minister of Finance, in his discretion, to

receive any current coin on deposit, to any amount not less than fifty dollars, and to issue certificates of deposit therefor, of such denominations as he shall deem to be for the public interest, payable to bearer on demand without interest. The said certificates shall be signed by the Minister of Finance and countersigned by the Registrar of Public Accounts. The money received in exchange for such certificates shall be held as a special deposit, to be used only for cancellation of the said certificates.

TO CONSOLIDATE AND AMEND THE LAW RELATING TO INTERNAL TAXES.

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

SECTION 1. The several laws and parts of laws mentioned in the first schedule hereunto annexed shall be and the same are hereby repealed; but nothing herein contained shall affect any things done, proceedings taken, penalties and liabilities incurred, appointments, orders, returns and regulations made, certificates granted, and boards constituted under the said repealed laws or any of them.

Act
1882

Chap. XLIII.

OF THE POLL TAX.

SECTION 2. An annual poll tax of one dollar shall be paid by every male inhabitant of this Kingdom between the ages of seventeen and sixty years, unless the person be excused from such payment by law, or by the assessor of the district in which he resides, on account of infirmity or poverty.

OF THE SCHOOL TAX.

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

sor of the district in which he resides, on account of age, infirmity or poverty, or unless he be a student actually in attendance at any of the high schools or colleges.

THE TAX UPON ANIMALS.

SECTION 4. All dogs shall be subject to a yearly tax of one dollar each, to be paid by the owners thereof. Provided, however, that the tax collector shall, upon the receipt of the amount of the tax from the owner of the dog, deliver to the said owner a metallic tag for each and every dog so paid for, which tag shall be stamped with the number of the year for which the tax shall have been paid, and stamped also with a number, which number shall be registered opposite the owner's name in the tax collector's book, from one upward, for each taxation district, and the tax collector shall also collect from the said owner the further sum of ten cents for each and every tag given him as above.

SECTION 5. Every owner of a dog shall append or cause to be appended in a conspicuous manner to the neck of each and every dog owned by him a tag received from the tax collector as hereinbefore provided, or a tag stamped by the Government like that furnished to him by the tax collector, and every dog found without a tag so appended shall be destroyed by the police or constabulary force of the district.

SECTION 6. Any person who shall use a tag not furnished in accordance with the provisions of this Act, or who shall use the same tag during two successive years, or who shall counterfeit the tag delivered by the tax collector, or who shall fraudulently remove or cause to be removed a tag from the neck of any dog, shall upon the conviction of the same before any police or district justice, be fined not more than ten dollars or be imprisoned at hard labor not more than thirty days, at the discretion of the Court.

SECTION 7. The Minister of Finance is hereby authorized to cause to be prepared a sufficient number of tags as provided for in Sections 4 and 5 of this Act. He shall cause to be charged to the tax collectors the number of tags issued to them respectively,

and for which they shall be held responsible in the returns they make under the provisions of this Act.

SECTION 8. Every person having the custody or possession of any animal subject to taxation shall be deemed to be the owner thereof and shall be taxed for the same.

OF THE ROAD TAX.

SECTION 9. An annual road tax of two dollars shall be paid by every male inhabitant of this Kingdom between the ages of seventeen and fifty, unless the person be exempted from such payment by law or by the assessor of the district in which he resides on account of infirmity or poverty.

SECTION 10. All carts and drays shall be subject to an annual tax of two dollars each, aside from value as personal property to be paid by the owners thereof.

SECTION 11. Provided always that all taxes received by virtue of Sections 9 and 10 shall be expended in the making, maintaining and repairing of the public roads and highways in the several districts wherein the same are collected and not to be expended in any other district.

SECTION 12. All carriages and wagons drawn by one or more horses or mules, and used for the conveyance of persons, shall be subject to an annual tax of five dollars each, to be paid by the owners thereof.

OF THE TAX UPON PROPERTY.

SECTION 13. All real property in this Kingdom shall be subject to an annual tax of three-quarters of one per cent. upon the value of the same.

SECTION 14. The term "real property" for the purposes of this Act shall be deemed to mean and include all lands and town lots, with the buildings, structures, improvements and other things erected on or affixed to the same.

SECTION 15. All personal property within this Kingdom not subject to specific taxes shall be subject to an annual tax of three-quarters of one per cent. upon the cash value of the same.

SECTION 16. The term "personal property" for the purposes of this Act shall be deemed to mean and include all household furniture and effects, goods, chattels, wares and merchandise, all ships and vessels whether at home or abroad, all moneys in hand, leasehold and chattel interests in lands and real estate, growing crops, public stocks and bonds, and all domesticated birds and animals not hereinbefore specifically taxed.

SECTION 17. All fire, marine and life insurance companies carrying on business in this Kingdom shall pay for and in respect of every one hundred dollars received by such companies respectively for premiums on policies issued by such companies during the year preceding the assessment, the sum of one dollar, and such companies shall not be charged with any other taxes or duties under this Act.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

SECTION 18. The word "company" when used in this Act shall mean any corporation incorporated under the laws of this Kingdom, and foreign corporations carrying on business in this Kingdom or any co-partnership consisting of two or more persons carrying on business together.

SECTION 19. The property of a company shall be assessed to the company under its corporate or firm name, and the individual stockholders or members thereof shall not be liable to be assessed in respect of their individual shares or interests in such companies.

SECTION 20. The returns hereinafter required to be made shall when made by a company being a corporation, be made by the president, treasurer, secretary or manager, or if a firm by some member thereof.

SECTION 21. Every agent for any person who shall be 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.

SECTION 22. Every agent, trustee, treasurer, executor, administrator and guardian 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 order to the assessment of the property which he represents and paying tax thereon; and shall be under and subject to the like penalty or liability for any neglect, refusal or default as any other person, and is hereby 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 is hereby indemnified for all payments which he shall make in furtherance of this Act.

SECTION 23. The mortgagor of any property shall in respect of such property be liable to taxation only on the difference between the whole value of the property mortgaged and the amount of the money due on the mortgage of the property. Provided always that the mortgagor shall append to the statement of the property belonging to him and required by this Act, a statement of the date of the mortgage and of the amount thereof, and the names and addresses of the respective mortgagees.

SECTION 24. In respect of the amount of the money due on such mortgage he shall pay the tax thereon, which payment shall be deemed to be a payment made by mortgagor to the mortgagee on account of interest, or of principal and interest as the case may be, and all money so paid by a mortgagor shall be allowed for in the accounts between the mortgagor and the mortgagee.

SECTION 25. The interest of every person in any property shall be separately assessed (except as hereinbefore provided in respect to shareholders in or members of companies) and every such person shall be liable to taxation in respect of the value of his interest in such property. Provided that in respect of real estate held in any tenancy exceeding a yearly tenancy, the interest of the owner of such real estate shall be estimated at a sum equal to eight years' rent received from such real estate.

SECTION 26. Notwithstanding the sale or the transfer or conveyance of any real estate, such property shall continue to be liable for the payment of any tax owing in respect thereof, so long as such tax shall remain unpaid.

SECTION 27. The interest of any person, as tenant, lessee, or occupier of any real estate that is exempt from taxation, shall be assessed to such person, who shall be liable to taxation in respect of such value.

SECTION 28. Except as provided by Section 25, the interest of any person in real or personal property shall be estimated at a sum which such interest might reasonably be expected to bring at a sale by public auction for cash.

SECTION 29. The Minister of Finance, with the approval of the King, shall appoint annually, on or before the first day of July, an assessor for each taxation district of the Kingdom, whose duty it shall be, under the direction of said Minister, to make, on or before the first day of September, a faithful assessment of all taxes imposed by law within their respective districts, and to furnish an accurate list of the same according to blank forms to be furnished by the said Minister, which shall exhibit the names of all persons assessed and the different items of taxation charged against them. In case of non-residents the list shall state their residence, if known, otherwise such residence must be described as unknown.

SECTION 30. Each assessor, on his appointment to office, shall take and subscribe before a Police or District Justice, or other officer authorized to administer oaths, an oath of office, a certified copy of which shall be immediately forwarded by such officer to the Minister of Finance. The oath shall be substantially in the following form:

I,, having been appointed assessor of taxes for the district of....., on the Island of....., do solemnly swear or affirm, that I will make a fair assessment of taxes in said district according to the best of my judgment and ability, and discharge all the duties of the said office according to law. So help me God.

SECTION 31. No assessor shall be entitled to receive any compensation for his services until a certified copy of his oath as aforesaid shall be received by the Minister of Finance.

SECTION 32. It shall be the duty of the assessor of each district to give public by written or printed advertisement to the residents of his districts, fixing a time and place during the month of July, at which such residents shall render to such assessor a statement of all property, real or personal, belonging to them or of which they had possession or control, on the first day of July, then preceding, and of all animals subject to taxation in their possession on that day, and of all persons in their employ on that day.

SECTION 33. Every person owning any property, real or personal, whether entitled to exemption or not, shall within the time prescribed in such notice as aforesaid, prepare and deliver to the assessor at the place mentioned by him in such notice, a statement in writing signed by the person making the same.

I. Of the description, situation and value of the real and personal property belonging to such person, including moneys deposited with any bank or banking company or other persons of every kind and from every source, or of which such person had the possession, custody or control on the first day of July, then immediately preceding.

II. Of all mortgages, incumbrances and charges secured thereon respectively, with the names and residences of the persons to whom mortgages, incumbrances or charges are owing.

III. Of all animals and other property subject to taxation which were in the possession, custody or control of such person on the said first day of July.

IV. Of the names of all persons subject to taxation in the employ of such person on the said first day of July, to which the statement shall be added a declaration that the same is true and accurate in all particulars.

SECTION 34. Every agent of an insurance company shall, within the time heretofore prescribed, deliver to the assessor of the district in which said company shall carry on business a re-

turn showing the amount received for premiums during the year preceding on the said first day of July.

SECTION 35. If any person shall refuse or neglect to make and deliver to the assessor within the time prescribed, a statement containing the particulars required in Sections 33 and 34, or shall decline to make oath as to the accuracy of the same, the assessor may make such assessment according to the best information within his reach, and the same shall be final, binding and conclusive upon all parties, and shall not be subject to appeal.

SECTION 36. Every person making a return shall subscribe an oath to the following effect, which shall be sworn to before the assessor or any other person authorized to administer oaths without fee or reward to such person :

I solemnly swear that the list of persons in my employ, and of animals and other property in my possession, or owned by me, liable to taxation which I have given, is true to the best of my knowledge, information and belief. So help me God.

SECTION 37. It shall be the duty of each assessor, on or before the first day of September, in each year, to make and complete two copies of his tax list, as hereinbefore prescribed.

SECTION 38. It shall be the duty of each assessor to attend on at least six days between the first and fifteenth days of September, at some convenient place or places in his district, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, with his tax list, which tax list shall, during such times, be open for the inspection of all persons liable to taxation in the district without fee or reward.

SECTION 39. It shall be the duty of each assessor to give written or printed public notice to be affixed in at least four conspicuous places in his district of the time and place at which his tax list shall be open for inspection, as provided in the last preceding section.

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 or 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 first day of October, a notice in writing stating his grounds of objection to his assessment, or to such portion thereof as the objection applies to, and depositing therewith a sum for cost of appeal as follows :

SECTION 41. Where the exemption or reduction claimed from the tax list shall amount to two dollars or under, twenty-five cents for costs ; over two dollars and under five dollars, fifty cents costs ; over five dollars and under ten dollars, one dollar costs ; and so on for every additional five or part of five dollars tax, fifty cents additional cost.

SECTION 42. On receiving the amount of costs the tax assessor shall grant to the person appealing a certificate in the form hereinafter appearing, to be furnished to the assessor in blank by the Minister of Finance.

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

Property tax....., value real....., value personal
....., amount dog tax..... poll, school and
road tax.....

That.....disputes.....and that I have received on deposit the sum of.....dollars for the costs of this appeal.

....., Tax Assessor,

.....District.

SECTION 43. The assessor shall, on or before the first day of September in each year, send written notices to those owners of real estate within their respective districts, who are non-residents of such district and within this Kingdom, describing the property assessed to them, and stating the proposed valuation.

SECTION 44. It shall be the duty of each tax assessor on receiving any notice of objection to forward the same to the President of the Board of Appeals of his district.

OF THE COURTS OF TAX APPEAL.

SECTION 45. The several Circuit Judges of the Second, Third and Fourth Judicial Circuits, and for the Island of Oahu, the Police Justice of Honolulu, together with two disinterested persons, to be appointed by the Minister of Finance for each taxation district, shall constitute a court of appeal, to hear and determine all appeals and objections duly taken under this Act in their several circuits or in the Island of Oahu, provided that no assessor shall be appointed to sit or act as a member of such Court.

SECTION 46. The said Courts shall hold a sitting in each taxation district during the month of October, at such times and places as the Presidents thereof shall appoint, and such Courts may adjourn from time to time as may be deemed necessary.

SECTION 47. The respective Circuit Judges, and Police Magistrate, as the case may be, shall preside at the meetings of the Courts; such meeting shall not be deemed public and the Court may exclude from any such meeting or require to withdraw therefrom all or any persons whomsoever.

SECTION 48. Every such Court shall in respect to the summoning and examination of witnesses and the production of papers and documents and the punishment for contempts and carrying on the business of the Courts, have all the power and authorities of a Circuit Judge at Chambers.

SECTION 49. To constitute a Court it shall be necessary that the President and one other member shall be present.

SECTION 50. The decision of the Court or of a majority of the members thereof shall be final and conclusive.

SECTION 51. The members of the said Courts shall receive and be paid out of the public treasury compensation for their services at a rate not exceeding five dollars per day for each day's actual attendance.

SECTION 52. The assessor shall alter or amend the taxation list in conformity with the decision of the Court, and shall forward one copy to the Governor, and one copy to the Minister of Finance.

SECTION 53. In the event of an appeal or objection being sustained in whole, the costs deposited shall be returned to the appellant, but if the appeal or objection shall be sustained in part only, the Court shall determine what if any portion of the costs shall be paid by the appellant.

OF THE COLLECTION OF TAXES.

SECTION 54. The several Governors under the direction of the Minister of Finance shall superintend the collection of all internal taxes within their respective gubernatorial districts, and shall pay over all taxes received by them, less the cost of collection, to the Minister of Finance. To this end the said Governors respectively with the approval of the Minister of Finance shall appoint annually one tax collector in each taxation district, and they may with the like approval control or remove such collectors at their pleasure.

SECTION 55. Such tax collectors before entering upon the discharge of their respective duties shall severally file with the Governor, a bond to the Minister of Finance, conditioned for the faithful performance of their duties according to law, with two sureties, to be approved by said Minister of Finance, in a penal sum equal to the amount of taxes to be collected by them as shown by the tax list, a certified copy of which shall be immediately forwarded to the Minister of Finance.

SECTION 56. The respective Governors shall deliver to each tax collector, having filed his bond as aforesaid, a copy of the tax list for his district, and said collector shall proceed immediately to collect the taxes in such district according to the same; provided, however that it shall be his duty to add to said list any person or persons, or property not included therein liable to assessment and to collect the taxes with which such persons may be chargeable.

SECTION 57. Each tax collector shall give public notice by advertisement in at least two newspapers, and by posting the same in at least three conspicuous places in his district, notifying the tax-payers to pay him their annual taxes at such place or places in the district, and at such time or times during the months

of November and December, not being later than the fifteenth day of December, as such notice shall appoint, and it shall be the duty of such tax collectors to attend at the times and places specified for the purpose of receiving such taxes. And each tax payer shall pay all taxes due by him to the collector on or before the fifteenth day of December, without any further notification or demand.

SECTION 58. If any tax payer shall fail or neglect to pay his taxes to the tax collector on or before the 15th day of December, the tax collector may levy the same by distress upon so much of the goods and chattels of such person as he may deem sufficient for the payment of the taxes due and expenses of collection, and sell the same upon the order of a District Judge or Police Magistrate, after a public notice of five days. Or the collector may sue for the amount of taxes in his own name, on behalf of the Hawaiian Government, with ten per cent. added thereto, in any District or Police Court notwithstanding the amount claimed, and execution may issue therefor the same as in ordinary civil suits. Provided that no property not especially exempt from taxation shall be exempted from levy and sale under such execution. And provided also that in case of personal taxes, if no property can be found whereon to levy, the defendant, if able bodied, may by sentence of said Judge or Magistrate to be imprisoned at hard labor, until he discharge the amount of his tax and costs at the rate of twenty-five cents per day.

SECTION 59. The collector shall keep all goods distrained at the expense of the owner, until the day of sale ordered by the District Judge or Police Magistrate, unless a bond be given for the production of the same at the time required by such order. Such sale shall be at public auction, and any overplus remaining, after paying the taxes assessed and the costs of collection, as allowed by said Judge or Magistrate, shall be returned to the owner of property, with an account of said sale, and the costs and charges thereof, if demanded.

SECTION 60. Any collector when resisted or impeded in the exercise of his office, may require any constable or other officer of

police to aid him in the discharge of his duties, and if any such officer shall refuse to render such aid, he shall be subject to a fine not exceeding ten dollars and to removal from office on conviction before any District or Police Magistrate.

SECTION 61. It shall be the duty of each collector, on or before the last day of December in each year, to pay over to the Governor of the Island in which his district is situated, the amount of taxes by him collected with the exception of the school tax, which shall be paid over to the school treasurers, and any collector who shall have failed to do so at the time last specified shall be liable to forfeit ten per cent. of the amount of compensation for his services as collector, which forfeiture shall be at the discretion of the Minister of Finance; and it shall be the duty of the Minister of Finance to prosecute on or before the first day of February, the bond of any collector who shall have failed to pay over to the Governor aforesaid the amount of taxes prescribed in the preceding sections.

See Auditor-
General's Act,
1882.
Chap. XXIII.
Section 1.

SECTION 62. It shall be the duty of the respective Governors to hold the tax collector responsible for the full amount of taxes specified in their several tax lists, unless they shall file with the said Governors a sworn list containing the names, places of residence, so far as can be ascertained, and amount of taxes due from each person in their several districts, from whom after using due diligence they were unable to collect the taxes, in which case the said Governors are hereby authorized to deduct the amount of said taxes as sworn to from the amount of the assessor's tax list, and to hold the collector responsible only for the balance.

SECTION 63. Each tax collector who shall have faithfully discharged the duties of his office, and shall have paid on or before the last day of December to the Governor of the Island in which his district is situated, the amount of taxes by him collected, except the school tax, and each tax assessor who shall have faithfully discharged the duties of his office, shall respectively receive a compensation not exceeding five per cent. which shall be regulated by the Minister of Finance on the amount of taxes collected and paid over, and shall receive the Governor's draft on the Minister of Finance for the amount of such compensation.

SECTION 64. If any tax collector shall die, or shall have any disease rendering it improper for him to perform the duties of his office, before completing the collection of taxes for his district, the Governor with approval of the Minister of Finance, may appoint some person to complete the collection, who shall receive such reasonable compensation as such Minister of Finance may determine; and such person shall have the same powers and duties, and may be under the same liability as other tax collectors; provided, however, that such liability shall only extend to the taxes remaining uncollected at the time of his appointment.

SECTION 65. In the case of the death or removal from office of any tax collector, it shall be the duty of his executors or administrators, and of all other persons into whose hands his tax list, or any of his taxes may come, forthwith to deliver the same to the hands of the Governor of his Island.

SECTION 66. It shall be the duty of the tax collectors to pay over to the school treasurers of their respective districts the amount of the school taxes collected by them, and to take from the school treasurers duplicate receipts for the amount paid to them, one of which receipts shall be immediately forwarded by the tax collector to the President of the Board of Education, and the collectors shall be responsible for the full amount of school taxes specified in their several tax lists, unless they shall file with the school treasurer a sworn list containing the names, places of residence and amount of school taxes due from each person in their respective districts from whom they have not been able to collect the school tax on account of death or other cause of inability to collect, and of his having left with the Police or District Justice for the purpose of collection a list of names of persons who have not paid their tax, in which case the school treasurer is hereby authorized to deduct the amount of taxes in the list so sworn to, and the collector shall be responsible only for the balance. The tax collector shall be entitled to receive from the school treasurer the same compensation for the collection of the school tax as is provided by law for the collection of other taxes.

SECTION 67. The following persons shall be exempt from all internal taxes: His Majesty the King; the Diplomatic Agents of

Foreign Countries and their Attaches duly made known to the Department of Foreign Affairs. The following persons shall be exempt from personal taxes: All clergymen of any Christian denomination regularly engaged in their vocation; all teachers of youth employed in public or private schools for more than six months of the year; all soldiers in actual service and all volunteer soldiers duly enrolled and actually doing duty; and active members in good standing of the Fire Department of Honolulu and other towns where a fire department now exists or may hereafter be organized; provided that the commanding officer of each such corps, and the secretary of the fire department shall deliver under oath to the assessor of the district a statement showing the names of the members of such corps or department as entitled to exemption on or before the second day of July in each year; and provided that no exemption shall be allowed from personal taxes unless the parties claiming such exemption shall notify the assessor of the district during the month of July of such claims and the grounds thereof.

SECTION 68. Real property belonging to the King or Queen, to the Government, to the Board of Education for the use of schools, to incorporated or private schools, to the Queen's Hospital, to religious societies for church sites and burying grounds, such church sites and burying grounds not to exceed five acres in extent, shall be exempted from taxation. Personal property belonging to the King or Queen, or to the Government, to the Board of Education for the use of schools, to incorporated or private schools, and to the Queen's Hospital is also exempt. Provided always that the tax of three quarters of one per cent. hereinbefore imposed upon property shall be collected only upon property in excess of the value of three hundred dollars, be the same real or personal.

3 Hawaiian Reports, 320.

SECTION 69. The Minister of Finance shall have power and it is hereby made his duty to prescribe all needful rules and regulations for the assessment and collection of taxes, in cases where no such rules and regulations are definitely made by law; provided, however, that the same shall not be in contravention of any existing Statute or inconsistent with the Constitution.

PENALTIES.

SECTION 70. If any person liable to taxation under this Act does any of the following things: Knowingly and willfully makes and delivers any false statement of property, or makes any false answer in relation to his property for the purpose of evading assessment thereof, or by any falsehood, willful neglect, fraud, art or contrivance whatsoever used or practiced, evades or attempts to evade assessment of his property, every such person shall, on proof thereof to the satisfaction of any District or Police Justice, be assessed and charged treble the amount of the tax of which such person would have been liable, and every such person shall also be liable to forfeit and pay a penalty or not less than twenty-five dollars nor more than five hundred dollars.

SECTION 71. Any person aiding or assisting in any manner whatsoever to commit any act contrary to the preceding section shall, upon conviction before any District or Police Judge, be liable to pay a penalty of not less than twenty-five nor more than two hundred and fifty dollars.

SECTION 72. This Act shall come into effect and become law the first day of June, A. D. 1883.

The schedule hereinbefore referred to:

Article XII, XIII and XIV of the Civil Code.

Section 513 and 514 of the Civil Code.

An Act approved on the 13th day of July, A. D. 1860, entitled "An Act to amend Section 482 of the Civil Code."

An Act approved on the 4th day of August, A. D. 1860, entitled "An Act to amend the English version of Section 486 of the Civil Code."

An Act approved on the 30th day of June, A. D. 1860, entitled "An Act to amend the law in relation to the assessment and collection of taxes."

An Act approved on the 30th day of December, A. D. 1864, entitled "An Act to amend Article XIII of the Civil Code, on the assessment of taxes, by providing for more accurate assessment and taxation of animals and a penalty for the concealment of property."

An Act approved on the 31st day of December, A. D. 1864, entitled "An Act to amend Section 510 of the Civil Code."

An Act approved on the 6th day of July, A. D. 1866, entitled

“An Act to exempt Volunteer Soldiers from certain taxes.”

Chapter XXV of the Session Laws of 1870, being an Act entitled

“An Act to amend Section 483 and 484 of the Civil Code relating

to taxes on personal property and real estate.”

An Act approved on the 29th day of July, A. D. 1872, entitled

“An Act to amend an Act entitled an Act to amend the law in

relation to the assessment and collection of taxes, approved on the

30th day of June, A. D. 1860.”

An Act approved on the 29th day of July, A. D. 1872, entitled

“An Act to amend Section 509 of the Civil Code.

An Act approved on the 13th day of July, A. D. 1874, entitled

“An Act to amend Section 488 of the Civil Code.”

An Act approved on the 8th day of August, A. D. 1874, entitled

“An Act to amend the law in relation to the assessment and col-
lection of taxes.”

An Act approved on the 15th day of September, A. D. 1876,
entitled “An Act to amend Section 485 of the Civil Code.”

An Act approved on the 18th day of September, A. D. 1876,
entitled “An Act to amend Section 500 of the Civil Code.”

An Act approved on the 29th day of September, A. D. 1876,
entitled “An Act to repeal Section 4 of an Act entitled an Act to
amend the law in relation to the tax on animals, and to repeal
Section 481 and 497 of the Civil Code, approved on the 21st day
of July, A. D. 1870.”

An Act approved on the 29th day of September, A. D. 1876,
entitled “An Act to amend Sections 483 and 484 of the Civil
Code.”

Section 2 of an Act approved on the 1st day of August, A. D.
1878, entitled “An Act to amend the statutes authorizing payment
of road taxes to be commuted by labor.”

TO AMEND THE LAW IN RELATION TO THE TAX ON ANIMALS,
AND TO REPEAL SECTIONS 481 AND 497 OF THE CIVIL CODE.

Act
1870,
Chap. XXXIX.

SECTION 1. All horses, mares and colts shall pay a yearly tax of seventy-five cents each; provided however that this shall not be construed to conflict with the law in relation to stallions.

SECTION 2. All horses which may be put up at auction by pound master, under the existing law, and which do not realize a sufficient sum of money to pay the pound fees and other expenses, shall be destroyed by the pound master, after consultation with the tax assessor and collector.

SECTION 3. Every person having the custody or possession of a horse or other animal subject to taxation, shall be deemed the owner thereof, for all purposes of taxation, and shall be taxed at the same; provided that this shall not be construed to conflict with Section 492 of the Civil Code, passed in 1864.

SECTION 4. All mules and asses shall be yearly taxed, fifty cents each.

Repealed 1876,
Chapter LX.

SECTION 5. All dogs shall be yearly taxed, one dollar each; provided however that the tax collector shall, upon the receipt of the amount of the tax, from the owner of any dog, deliver to the said owner a metallic tag for each and every dog so paid for; which tag shall be stamped with the number of the year for which the tax shall have been paid; and stamped also with a number; which number shall be registered opposite the owner's name in the tax collector's book, from one upward, for each taxation district; and the tax collector shall also collect from the said owner, the further sum of ten cents, for each and every tag given him as above; all of which sums the tax collector shall render a distinct account for, and pay over to the public treasury.

SECTION 6. Every owner of a dog shall append, or cause to be appended in a conspicuous manner, to the neck of each and every dog owned by him, a tag received from the tax collector, as provided for in Section 5 of this Act; or a tag stamped by the Government, like that furnished to him by the tax collector; and every dog found without a tag so appended, shall be destroyed by the police or constabulary force of the district.

SECTION 7. Any person who shall use a tag not furnished in accordance with the provisions of this Act, or who shall use the same tag during two successive years, or who shall counterfeit the tag delivered by the tax collector, or who shall fraudulently remove or cause to be removed, a tag from the neck of any dog, shall, upon conviction of the same, before any Police or District Justice, be fined not more than ten dollars, or be imprisoned at hard labor, not more than thirty days, in the discretion of the Court.

SECTION 8. The Minister of Finance is hereby authorized to cause to be prepared a sufficient number of tags, as provided for in Sections 5 and 6 of this Act. He shall cause to be charged to the tax collectors, the number of tags issued to them respectively, and for which they shall be held responsible in the returns they may make under the provisions of this Act.

AN ACT TO AMEND SECTION 498 OF THE CIVIL CODE.

“Section 498. For taxation, educational and judicial purposes the several islands shall be divided into the following districts:

“The island of Hawaii shall be divided into eight districts, as follows: 1, Hilo; 2, Puna; 3, Kau; 4, South Kona; 5, North Kona; 6, South Kohala; 7, North Kohala; 8, Hamakua.

“The islands of Maui, Molokai, Lanai and Kahoolawe shall be divided into six districts, as follows: 1, from Kahakuloa to Ukumehame, including Kahoolawe, to be called the Lahaina District; 2, from Waihee to Honuaula inclusive, to be called the Wailuku District; 3, Kahikinui, Kaupo, Kipahulu, Hana and Koolau, to be called the Hana District; 4, Hamakualoa, Hamakua, Haliimaile, Makawao and Kula, to be called the Makawao District; 5, Molokai; 6, Lanai.

“The island of Oahu shall be divided into five districts, as follows: 1, From Maunaloa to Moanalua inclusive, to be styled the Honolulu District; 2, Ewa and Waianae, to be styled the Ewa District; 3, Waialua; 4, Koolauloa; 5, Koolaupoko.

"The islands of Kauai and Niihau shall be divided into six districts, as follows: 1, from Nualolo to Hanapepe inclusive, to be styled the Waimea District; 2, from Ili of Elieli to Mahaulepu inclusive, to be styled the Koloa District; 3, from Kipu to Hanamaulu inclusive, to be styled the Lihue District; 4, from Waialua to Moloaa inclusive, to be styled the Kawaihau District; 5, from Lepeuli to Honopu inclusive, to be styled the Hanalei District; 6, Niihau."

GENERAL PROVISIONS.

§515. In case any officer, agent, employee or other person in the public service, shall be indebted to the Government, or to any of the departments thereof, his salary or compensation shall be withheld by the head of the proper department, or the officer authorized to settle his accounts, until such indebtedness be fully paid and discharged.

ARTICLE XV—OF IMPORT DUTIES.

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

Distilled spirits, wines of all descriptions, ale, porter, beer, cider, and all other fermented liquors, cordials and liqueurs, exceeding fifty-five per cent. of alcohol, ten dollars per gallon:

Brandy, rum, gin, whiskey, arrack, and all other distilled spirits, not exceeding fifty-five per cent. of alcohol, five dollars per gallon:

Wines, cordials, and liqueurs of all descriptions other than claret, containing more than eighteen and not more than twenty-seven per cent. of alcohol, one dollar per gallon:

Claret wines, ale, porter, beer, cider, and all other fermented liquor, cordials and liqueurs, not exceeding eighteen per cent. of alcohol, five per cent. *ad valorem*.

All sugars, the produce of any foreign country with which this Government has no existing treaty, two cents per pound:

Molasses and syrups of sugar, the produce of any country with which this Government has no existing treaty, ten cents per gallon:

Coffee, the produce of any country with which this Government has no existing treaty, three cents per pound:

Provided, however, that no import duty whatever shall be levied upon any naval stores or supplies belonging to any foreign government when imported and used as such; nor upon such stores and supplies as may be imported by the diplomatic representative of any foreign government, for his own private use and consumption, in accordance with the provisions of Section 467; nor upon goods allowed to be imported by whale ships, in accordance with the provisions of Section 569; nor upon any oil, bone or other products of the sea, being the catch of a duly registered Hawaiian vessel:

And provided also, that the Minister of Finance may, upon special application, allow any of the following articles to be imported free of duty, viz.: Seeds, roots and plants imported to be sown or planted in this Kingdom; plows and hoes, and other implements of husbandry imported by any agriculturist, or body of agriculturists for their own use; steam engines, sugar mills, coffee mills and other machinery for the promotion and facilitating of agriculture, imported by any agriculturist or body of agriculturists for their own use; horses, mares, bulls, cows, sheep, swine, and other domestic animals, birds and bees imported for the purpose of improving or extending the breeds of these animals within this Kingdom.

§517. Whenever the duties specified in this section can be substituted for those provided for in the last preceding section,

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

Act 1864. SECTION 1. The the first paragraph of Section 516 of the Civil Code be, and the same is hereby amended, by inserting the word "rice" after the word "coffee," in the fourth line, so that the paragraph will read as follows:

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

SECTION 2. Be it further enacted, that the said 516th Section is further amended, by supplying, after the eighth paragraph, a new paragraph to read as follows: "Rice, the produce of any country with which this Government has no existing treaty, if the same be in the husk, one cent per pound, and if the same be cleaned, one cent and a half per pound."

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

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

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

Act 1864. SECTION 1. The sixth paragraph of Section 517 of the Civil Code be, and the same is hereby amended, by striking out the words "curiosities, paintings, and statuary not for sale," in the 22d line, and the words "machinery of all kinds, if intended for specific use; steam engines, sugar, coffee, and rice mills, plows, hoes, and other implements of husbandry, imported by, or for any agriculturist, or body of agriculturists, for his or their especial use," in the 26th, 27th, 28th and 29th lines of the English version.

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

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

TO ADMIT COAL FREE OF DUTY.

Act
1864.

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

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

TO PERMIT PUBLICATIONS IN HAWAIIAN TO BE IMPORTED
FREE OF DUTY.

Act
1866.

WHEREAS, by paragraph 6, Section 517 of the Civil Code, certain articles are permitted to be imported duty free;

AND WHEREAS, publications abroad in the Hawaiian language ought to be added to the Free List, because of the benefits which may be derived therefrom to the Hawaiian people, Therefore,

BE IT ENACTED, That all books, pamphlets, and other publications in the Hawaiian language, published abroad and imported into this Kingdom, shall be admitted free of duty.

TO ADMIT SHEATHING COPPER, AND ALL DESCRIPTION OF
SHEATHING METAL FREE OF DUTY.

Act
1868.

That sheathing copper, and all description of sheathing metal, used in covering the bottoms of vessels, is hereby declared to be admitted free of duty.

TO AUTHORIZE THE COLLECTOR-GENERAL OF CUSTOMS TO PERMIT THE WITHDRAWAL OF ALCOHOL IN CERTAIN CASES.

Act
1868.

The Collector-General of Customs, in his discretion, may allow Alcohol to be withdrawn from the Custom House for medicinal, mechanical, or scientific purposes, on the payment of a duty of fifty per cent. *ad valorem*—the party or parties applying for and withdrawing the same, giving satisfactory security that it shall be used only for such purposes.

Approved this 30th day of April, 1868.

TO ADMIT CERTAIN MATERIALS USED IN TANNING, FREE OF DUTY.

Act
1868.

SECTION 1. That from and after the passage of this Act, oak-bark, catechu, and other substances containing "tannin," and used in the process of tanning, when imported into this Kingdom, shall be free of duty.

Approved this 22d day of June, A. D., 1868.

TO IMPOSE SPECIFIC DUTIES UPON RICE, PADDY AND RAW SUGARS IMPORTED INTO THIS KINGDOM.

Act
1880.
Chap. XXXIV.

SECTION 1. There shall be levied, collected and paid, a duty of two and a half cents per pound upon all rice imported into this Kingdom, and if the same be in the husk or what is commonly known as paddy, a duty of one and a half cents per pound; and a duty of two and a half cents per pound upon all raw sugars imported into this Kingdom.

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

Approved on the 14th day of August, A. D. 1880.

TO ADMIT FERTILIZERS FREE OF DUTY.

SECTION 1. From and after the publication of this Act, fertilizers of every description, whether natural or manufactured, applicable to the soil, shall be admitted duty free when imported into this Kingdom.

Approved this 5th day of August, A. D. 1882.

Act
1882.
Chap. XXXI.

TO CARRY INTO EFFECT A CONVENTION BETWEEN HIS MAJESTY THE KING AND THE UNITED STATES OF AMERICA, SIGNED AT WASHINGTON ON THE 30TH DAY OF JANUARY, 1875.

WHEREAS, His Majesty the King did, on the 30th day of January, 1875, enter into a Convention with the United States of America, at the City of Washington, which said Convention was ratified by His Majesty at Honolulu on the 17th day of April, 1875, and ratifications were exchanged at the City of Washington on the 3d day of June of the same year.

Act
1876,
Chapter II.

AND WHEREAS, The said Convention provides in its fifth article, that it, the said Convention, shall go into effect as soon as it has been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States. Now therefore,

RECIPROCIITY.

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

That whensoever His Majesty shall have received satisfactory evidence that the Congress of the United States has passed laws to give full effect to the provisions of said Convention, and shall proclaim that he has received such evidence, from and after the date of such proclamation the following articles being the growth, manufacture or produce of the United States of America, to-wit:

Agricultural implements; animals; beef, bacon, pork, ham, and all fresh, smoked, or preserved meats; boots and shoes; grain, flour, meal and bran, bread and breadstuffs of all kinds; bricks, lime and cement; butter, cheese, lard, tallow; bullion; coal; cordage, naval stores, including tar, pitch, resin, turpentine raw and rectified; copper and composition sheathing, nails and bolts; cotton and manufactures of cotton, bleached and unbleached, and whether or not colored, stained, painted, or printed; eggs; fish and oysters, and all other creatures living in the water, and the products thereof; fruits, nuts, and vegetables, green, dried or undried, preserved or unpreserved; hardware; hides, furs, skins and pelts, dressed or undressed; hoop iron and rivets, nails, spikes and bolts, tacks, brads or sprigs; ice; iron and steel, and manufactures thereof; leather; lumber and timber of all kinds, round, hewed, sawed and unmanufactured, in whole or in part; doors, sashes and blinds; machinery of all kinds, engines and parts thereof; oats and hay; paper, stationery and books, and all manufactures of paper and wood; petroleum and all oils for lubricating or illuminating purposes; plants, shrubs, trees and seeds; rice; sugar, refined or unrefined; salt; soap; shooks, staves and headings; wool and manufactures of wool, other than ready-made clothing; wagons and carts for the purposes of agriculture or of drayage; wood, and manufactures of wood, or of wood and metal, except furniture either upholstered or carved, and carriages; textile manufactures, made of a combination of wool, cotton, silk, or linen, or of any two or more of them other than when ready-made clothing; harness, and all manufactures of leather; starch; and tobacco, whether in leaf or manufactured, shall be introduced into this country free of duty so long as the said Convention shall remain in force.

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

TO AMEND AN ACT ENTITLED "AN ACT TO INCREASE THE IMPORT DUTIES UPON CERTAIN GOODS," APPROVED THE 27TH DAY OF SEPTEMBER, 1876.

Act
1878
Chap. XXVIII.

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

SECTION 1. That Section 1 of an Act to increase the import duties on certain goods, approved the 27th day of September, A. D. 1876, be and the same is hereby amended to read as follows:

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

Note—The Act of 1876 is comprised in the two sections hereby amended and substituted.

"Silks, satins, and silk velvet, and all articles of which silk shall form the principal material, ten per cent.;

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

"Carriages of all descriptions, ten per cent.;

"Hats and caps of all kinds, ten per cent.;

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

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

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

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

"Millinery goods, beads, braids, bonnets, buttons, corsets, collars, sleeves and cuffs, edgings, flowers (artificial), feathers (fancy), fringes for clothing, and for upholstery, ten per cent.;

"Gloves and mitts not otherwise provided for, ten per cent.;

"Gimps for clothing, ten per cent.;

"Hoop-skirts, ten per cent.;

"Hooks and eyes, ten per cent.;

"Insertions, laces, and lace goods of all descriptions, ten per cent.;

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

"Silver plate, plated ware or gilt ware, ten per cent.;

"Britannia ware and fancy metal ware, ten per cent.;

“Tea, ten per cent.;

“Matches of all kinds, ten per cent.;

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

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

“Paintings, pictures, engravings, statuary, bronzes, ornamental work of metal, stone, marble, plaster of Paris or alabaster, and all imitations thereof, ten per cent.;

“Perfumery (other than that which pays a spirit duty), powders, hair, tooth, nail and other toilet brushes, ten per cent.;

“Soaps, ten per cent.;

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

“Candies, ten per cent.;

“Candles, ten per cent.;

“Peanut oil, twenty-five per cent.;

“Toys, ten per cent.;

“Fire-arms, ten per cent.;

“Ammunition, ten per cent.;

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

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

“Playing cards, ten per cent.”

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

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

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

“On cigars and cheroots, ten dollars per thousand;

“On China tobacco, fifty cents per pound;

“On camphor trunks, in nests of four, two dollars per nest; and in nests of two, one dollar per nest;

“On China matting, one dollar per roll;

“On port, sherry, Madeira and other wines of like nature above eighteen per cent. of alcoholic strength; also on all cordials, bitters

and other articles of any name or description containing alcohol, or preserved in alcohol or spirits above that rate of strength and below thirty per cent. unless otherwise provided for, two dollars per gallon;

“On champagne, sparkling Moselle, and sparkling hock, three dollars per dozen reputed quarts, and one dollar and fifty cents per dozen reputed pints;

“On claret, Rhine wine, and other light wines under eighteen per cent. of alcoholic strength, not otherwise provided for, forty cents per dozen reputed quarts, twenty cents per dozen reputed pints, and fifteen cents per gallon if in bulk;

“On ale, porter, cider, and all fermented drinks not otherwise provided for, forty cents per dozen reputed quarts, twenty cents per dozen reputed pints, and fifteen cents per gallon if in bulk.”

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

Approved this 1st day of August, A. D. 1878:

§518. The duties upon all goods, wares and merchandise, imported into this Kingdom, shall be paid in cash: provided, that any collector, with the concurrence of the Minister of Finance, shall have power to grant a reasonable credit for the payment of such duties, not exceeding ninety days, upon receiving a good and sufficient bond with one or more sureties, to be approved by said minister, in a penal sum not less than twice the amount of said duties, conditioned for the payment of such duties, with interest, at the rate of twelve per cent. per annum, within the time for which credit may have been given, as aforesaid; said bond may be in the following form:

KNOW ALL MEN BY THESE PRESENTS, that we.....principal, and....., surety, residing at in the Island of, Hawaiian Islands, are held and firmly bound unto, Collector of Customs at the port of, and to his successors and assigns, for the use of the Royal exchequer, in the penal sum of dollars. For the punctual payment of which we jointly and severally bind ourselves, our heirs, executors and administrators.

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

The condition of this obligation is, that whereas the above bounden, principal, (has imported into the Island of.....,

per , of which is master, an invoice of goods valued at dollars, which have been duly entered at the port of ,) upon which imported goods there is due the lawful impost of dollars for duties. Now if the above bounden , principal, shall punctually pay the said duties at the Custom House in , on or before the expiration of days, from this date, with interest, at twelve per cent. per annum, and shall not make default, then this obligation to be void: otherwise to remain in full force and virtue against us.

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

..... L. S.

..... L. S.

Provided, however, that nothing contained in this section shall be construed to prevent goods, wares and merchandise of every description from being bonded under the direction and control of the collectors of customs, under such rules and regulations as may, from time to time, be prescribed by the Minister of Finance.

§519. Duties on goods, shall be paid, or secured to be paid, before a permit shall be granted for landing or transshipping them.

§520. Every bond entered into for the payment of duties, by a member of a firm, in the name of such firm, shall bind the other member or members of such firm equally with the party who shall have executed such bond.

§521. No clerk, or hired person in the employment of another, shall become surety to any bond to which his employer is a party.

§522. When any bond for the payment of duties shall not be satisfied on the day it may become due, the collector shall forthwith cause a prosecution to be commenced for the recovery of the money due thereon; which prosecution may be heard and determined by the Supreme Court, or any Circuit Court; or by any Justice of the Supreme Court at Chambers, subject to an appeal to the full court in *banco*.

§523. In the case of unclaimed goods, the collector shall procure an inventory and appraisement thereof to be made, and verified on

oath, or affirmation, by two or more respectable persons, and shall afterwards cause such goods to be advertised and sold at public auction, and after retaining the duties, storage and other charges and expenses, including interest on the duties from date of entry, shall pay the overplus, if any there be, into the Hawaiian treasury, there to remain for the use of the owner, who shall, upon due proof of his property, be entitled to receive the same. The collector shall transmit to the Minister of Finance, with the said overplus, a copy of the inventory, appraisement, and account of sales, specifying the marks, numbers and description of the packages sold, their contents, the name of the vessel, and master, in which, and of the place whence, they were imported, and the time when, and the name of the person or persons, to whom said goods were consigned in the manifest.

The receipt or certificate of the collector shall exonerate the master or person having charge, or command of any vessel, in which said goods were imported, from all claims of the owner thereof. When such unclaimed goods are of a perishable nature, they shall be sold forthwith.

§524. All moneys paid for unascertained duties, or for duties paid under protest against the rate, or amount of duties charged, shall be kept and disposed of as other moneys paid for duties, and shall not be held by the collector to await the ascertainment of duties, or the result of any litigation in relation to the rate or amount of duty legally chargeable and collectable in any case where money is so paid; but whenever it shall be shown to the satisfaction of the Minister of Finance, that in any such case, more money has been paid to the collector than the law requires, he shall refund the same out of any moneys in the treasury, not otherwise appropriated.

§525. In relation to the collection of duties, and in all other matters relative to the execution of the revenue laws, the collectors, and other officers of the customs, shall obey the written instructions of the Minister of Finance; and in case any difficulty shall arise as to the true construction, or meaning of any part of

such revenue laws, the written decision of the Minister of Finance shall be conclusive and binding upon such collectors, and other officers of the customs.

ARTICLE XVI—OF PORTS OF ENTRY AND COLLECTION DISTRICTS.

§526. No goods of foreign growth or production shall be landed, or unladen from a foreign vessel or Hawaiian vessel from a foreign port, at any other port in the Hawaiian Islands, than a port of entry for foreign vessels, as created by law, under a penalty of seizure and forfeiture of the vessel, in which such goods shall be brought, and of the goods imported therein, and so landed or unladen.

§527. There shall be and are hereby created the following ports of entry and departure of foreign vessels: Honolulu, in the Island of Oahu; Lahaina and Kahului, in the Island of Maui; Hilo, Kealahou, and Kawaihae, in the Island of Hawaii; Koloa, in the Island of Kauai; but in passing from port to port, or in any other manner, no foreign vessel shall engage in the coasting trade of this Kingdom.

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

§528. In addition to the ports named in the last preceding section, foreign vessels engaged in the whale fishery shall have access to the port of Hanalei, on the Island of Kauai, for the purpose of recruiting and refreshment.

§529. It shall be lawful for any foreign vessel having entered either of the ports open to foreign commerce, and paid all legal

As amended
1878,
Chapter X.

Act
1882,
Chapter II.

As amended
1860.

charges against her, with the written permit of the Collector-General of Customs, to proceed to any other place in the Kingdom, not being a port of entry and departure, for the purpose of debarking cargo, the duties upon which have been paid, or of embarking cargo, or of obtaining refreshments. The collectors of customs at all other ports in the Kingdom than Honolulu, may grant such permits for their respective collection districts.

§530. The Hawaiian Islands shall be divided into the following collection districts: The Island of Hawaii into three, to be called the Districts of Kawaihae, and Kealakekua. The Collection District of Hilo shall comprise all those portions of Hawaii known as Kau, Puna and Hilo; the Collection District of Kawaihae, all those known as Hamakua and Kohala; and the Collection District known as Kealakekua, all that known as Kona. Of the Islands of Maui, Molokai and Lanai and Kahoolawe. The Collection District of Lahaina shall comprise the Islands of Molokai, Lanai, and the District of Lahaina; the District of Wailuku shall comprise the taxation districts of Makawao, Hana and Wailuku. The Island of Oahu shall be known as the Collection District of Honolulu. The Islands of Kauai and Niihau shall be known as the Collection District of Koloa.

As amended
1878,
Chapter X.

ARTICLE XVII—OF THE APPOINTMENT OF COLLECTORS, THEIR GENERAL DUTIES AND COMPENSATION.

§531. The King in Privy Council, upon the nomination of the Minister of Finance, shall appoint a suitable person to be Collector-General of Customs, for all the ports of entry and departure in this Kingdom, who shall be *ex officio* collector of the port of Honolulu, and hold office during the pleasure of His Majesty.

§532. Before entering upon the duties of his office, said Collector-General of Customs shall take and subscribe an oath, before

the Minister of Finance, diligently and faithfully to execute the duties of his office; and shall enter into a bond to the Minister of Finance, and his successors in office, in the penal sum of at least ten thousand dollars, with one or more sureties to be approved by said minister, conditioned that he will faithfully and honestly discharge his duties as Collector-General of Customs, and punctually pay over to the Minister of Finance, as often as required, all moneys collected by him, or any of his deputies, and make quarterly returns of his receipts and transactions, as required by law.

§533. Said Collector-General shall make quarterly returns to the Minister of Finance, commencing on the first day of January in each year, of all moneys received at the several custom houses of the Kingdom, from duties, storage, or any other source, settle his account with said Minister and pay over the balance. He shall also make an annual report of the transactions and business of his department, and a statistical exhibit of the kinds, quantities, and values, of the several imports and exports of the Kingdom; and also of the national characters and tonnage of all vessels which enter the several ports of the Kingdom from foreign countries, and of the foreign countries from which such vessels shall arrive; and also of all vessels which depart from the Kingdom for foreign countries, and of the places for which such vessels depart; and of such other facts and matters as the Minister of Finance may from time to time require.

§534. The Collector-General shall, with the approval of the Minister of Finance, appoint a collector for each of the several ports of the Kingdom, who shall be accountable to him for the faithful discharge of his duties, and who shall hold office during the pleasure of the Collector-General.

§535. Every such collector, before entering upon the duties of his office, shall take and subscribe before the Collector-General, or some magistrate within his district, an oath that he will diligently and faithfully execute the duties of said office of collector, and that he will use his best endeavors to prevent and detect

frauds against, and violations of the revenue laws of this Kingdom; he shall also enter into a bond to the Collector-General, with such sureties, in such penalty, and on such conditions as the Collector-General may require.

§536. Every such collector shall make quarterly returns to the Collector-General of the receipts of his office, and settle his account; and as often as required pay over all moneys in his hands, from whatever source received. He shall also make such statistical exhibits as the Collector-General may from time to time require.

§537. The collectors shall attend in person at the ports for which they are respectively appointed, and shall keep fair and true records of all their transactions, as officers of the customs, in such form and manner as may, from time to time, be directed by the Minister of Finance; and shall at all times, submit their books, papers and accounts to the inspection of such persons as may be appointed by said Minister for that purpose.

§538. Every Collector, in case of sickness, or leave of absence obtained from the Minister of Finance, and not otherwise, may perform his several functions by deputy, duly constituted under his hand and seal; and for whom, in the execution of his trusts, he shall be answerable.

§539. It shall be the duty of each collector, at the port for which he is appointed, to receive all reports, manifests, and documents to be made or exhibited, on the entry of any ship or vessel; to record all manifests, to receive the entries of all vessels and of the goods imported in them, to ascertain the amount of duties payable thereon, endorsing the amount upon the respective entries; to receive all moneys paid for duties, and to take bonds for securing the payment thereof; to grant all permits for the unloading and delivering of goods; to grant passports; and, with the approbation of the Minister of Finance, to appoint guards and storekeepers within his district, when necessary; to administer and

certify all oaths and affirmations necessary for the performance of his duty; which oaths and affirmations may be produced as evidence in any court of justice of the Kingdom; and to do such other things as the law, or regulations made in pursuance thereof, may from time to time place in his charge.

§540. In addition to the duties hereinbefore specified, the Collector-General is charged with the special duty of registering and licensing Hawaiian vessels.

§541. The Collector-General of Customs, with the approval of the Minister of Finance, may appoint a deputy collector, for the port of Honolulu, to assist him in the discharge of his duties, which deputy shall receive such amount of compensation as the King in Privy Council may determine.

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

§543. The Collector of Customs at Lahaina shall receive an annual salary of fifteen hundred dollars, to be paid quarterly.*

§544. The Collectors of Customs at the several ports of Hilo, Kealakekua, Kawaihae and Koloa, shall receive such reasonable compensation as the Collector-General of Customs, with the approbation of the Minister of Finance, may determine.

*Sheriffs made collectors, etc. from 1862. See Appropriation Bill for 1862.

ARTICLE XVIII—OF THE ARRIVAL AND ENTRY OF VESSELS.

§545. The commanding officer of every merchant vessel, arriving from a foreign port, or from a domestic port, with foreign merchandise on board, at any port of entry, shall, within forty-eight hours after arrival, make known to the collector the business upon which such vessel has come to this port, furnish him with a list of passengers, and deliver him a true and perfect manifest of the cargo with which she is laden, containing an account of the packages, with their specific contents, marks and numbers, and the name of the shippers and importers or consignees, in the following form, under penalty of not exceeding one thousand dollars:

P. C.
Chap. LXVIII.

INWARD MANIFEST.

Report and manifest of cargo laden at the port of....., on board of the, whereof, is master, bound for

MARKS.	NUMBERS.	PACKAGES. (specifying contents) OR ARTICLES IN BULK.	BY WHOM SHIPPED.	TO WHOM CONSIGNED.

Port of, Hawaiian Islands.

I,, master of the, do solemnly swear that the above manifest of cargo laden on board of the said, now delivered by me to the Collector of the port of, contains, according to the best of my knowledge and belief, a full, just and true account of all goods now actually laden on board of said vessel: So help me God.

Subscribed and sworn to, this day of 18....

Before me,

....., Collector.

§546. Every master of a merchant vessel, at the time of delivering the inward manifest of his cargo, or if he has no cargo, within forty-eight hours after his arrival, shall deliver to the collector, under oath, a list of stores on board of his vessel, under penalty of forfeiting all stores not mentioned in such list, and a fine of one hundred dollars.

§547. All goods imported in any vessel, and which are not included in her inward manifest, shall be liable to seizure and confiscation; and the vessel and master shall be liable to a fine not exceeding one thousand dollars.

§548. When all the goods included in the inward manifest, are not produced or accounted for to the collector, the vessel and master shall be liable for the appraised value of such deficiency, and the duties thereon, together with a fine not exceeding one thousand dollars.

§549. Any collector may permit errors in manifests or entries to be corrected, in cases where it shall appear to his satisfaction, that there has been neither wrong intention nor gross negligence: provided, the application to make such correction, be made within forty-eight hours after the date of the manifest, or entry, or previous to completing the unloading of the vessel.

§550. The owner or consignee of goods, before obtaining a permit to discharge or land the same, under his oath, to the collector, a full statement of what is designed to be landed and sold, or consumed, with the invoice price, and the costs and charges, as follows:

INWARD ENTRY.

Entry of merchandise imported by, in the, of which is master, from, at the Custom House in, Island of, Hawaiian Islands, this day of, 18....

MARKS.	NUMBERS.	PACKAGES AND CONTENTS. Quantities to be specified.	VALUE AS PER INVOICE.

Port of, Hawaiian Islands.

I,, do solemnly swear that the entry now subscribed with my name, and delivered by me to the Collector of, contains a true account of all goods, wares and merchandise imported for sale, for me, or on my account, or on account of any person, or of any house of trade, or partnership, in which I am concerned, at this

port of its dependencies (saving such goods and merchandise as are described in the other entry or entries hereunto annexed) in the, whereof is master, from; that the said entry contains a just and true account of the cost thereof, including all charges, as per original invoice.

Subscribed and sworn to this day of, 18....

Before me,

....., Collector of Customs.

§550 A. When the costs and charges do not appear in the original invoice, two and one-half per cent. shall be added to the value of the invoice to cover the same, and on the total of which the duty shall be charged.

1874.
Chap. XXXV.

§551. Upon such entry being made, and the duties paid to the collector, or secured to be paid by bond, as hereinbefore prescribed, the collector shall grant to the consignee, or owner of said cargo, or of any part thereof intended to be landed, a permit to discharge in the following form:

No..... Custom House,, H. I.

PERMIT TO DISCHARGE.

MARKS.	NUMBERS.	PACKAGES.	

Permission is hereby given to land the above merchandise, from on board the, whereof is master, to order of.....

Dated day, 18....

....., Collector of Customs.

§552. The collector shall provide an officer, whose compensation shall be such as may be fixed by the Minister of Finance, on the recommendation of the Collector-General of Customs, to be present on board the vessel during her discharge, to superintend the landing of the goods, and see that no other or greater amount of goods are landed than is set forth on the permit.

§552 A. Every vessel of more than 500 tons, shall be allowed six days; and every vessel of 500 tons, and upwards, shall be

1870.
Chapter XII.

allowed twelve days, after entry, in which to discharge, but for all days in excess, the compensation of the officer specified in the preceding section, shall be a charge against the vessel. Sundays and holidays shall not be counted in the number of days allowed for discharge at the expense of the Government.

§553. Whenever any inward entry shall be made at the Custom House, the person making such entry shall exhibit to the collector the original invoices, and bills of lading, and verify the same by oath.

If goods of which entry shall be made, be not invoiced according to their actual cost at the place of export, with design to evade the whole or any part of the duties thereon, such goods, or the value thereof, to be recovered from the person making the entry, shall be forfeited.

§554. The collectors of the several ports shall be *ex officio* inspectors, appraisers, and examiners, at their respective ports, in all cases requiring the inspection, appraisement, or examination of goods, wares and merchandise, or other property, entering or coming in any way into such port, without invoice, or when in his opinion undervalued upon the entry, or in any other case when in his judgment the same may be necessary.

§555. Every collector shall have the power to order one or more packages, out of every invoice of goods imported into this Kingdom, to be designated by him, to be sent to the Custom House for inspection, or examination; and any master, owner, importer, or consignee, who shall refuse to obey any such order of any collector, shall be liable to a fine not exceeding one thousand dollars.

§556. No person shall enter any goods, and secure the duties on them as principal in the bond, unless he is the owner or consignee at the time the vessel enters the port, or unless he is the authorized agent of such owner or consignee.

§557. Whenever any vessel shall arrive at any port of entry in this Kingdom, having on board any wines, spirits, or any gun-

powder, arms, or other munitions of war, or shall be taking on board any such goods for exportation, the collector of such port may immediately place on board of such vessel, one or more officers, whose duty it shall be to see that the revenue laws, and regulations of the port, are duly observed; said officer or officers shall remain on board such vessel until the goods are landed, or until the departure of said vessel. Such officers shall be compensated as provided in Section 552.

§558. No goods, or articles of any description, shall be landed at any of the ports of this Kingdom, on any Sunday, or national holiday; nor on other days except between sunrise and sunset, under penalty of seizure and confiscation.

§559. In case of the transhipment of goods not landed in the Kingdom, the consignee or owner shall, before being entitled to a permit to tranship the same, furnish to the Collector of Custom, a full statement of the goods intended to be transhipped, with their invoice price, as follows :

TRANSIT ENTRY.

Entry of merchandise intended to be transhipped from
whereof, is master, on board of, whereof
is master.

MARKS.	NUMBERS.	PACKAGES AND CONTENTS. Quantities to be specified.	VALUE AS PER INVOICE.

Port of, Hawaiian Islands.
I,, do solemnly swear that the above entry contains a true account of all goods or articles, with the invoice, or estimate value thereof, intended to be transhipped by me, on board of, whereof is master, and that they are truly intended to be exported by me in the said vessel to the port of, and are not intended to be landed in these Islands.

Subscribed and sworn to this day of, 18....

Before me,

....., Collector of Customs.

§560. The collector, after such transit entry has been duly made, may grant a permit to tranship, in the following form :

PERMIT TO TRANSHIP.

MARKS.	NUMBERS.	PACKAGES.	

Permission is hereby given for the above merchandise to be transhipped from on board the, whereof is master, to the order of.....

....., Collector.

....., 18....

§561. An entry, for statistical purposes, shall be made of all goods or other property imported into this Kingdom, which by law are admissible duty free, by the consignee or importer thereof; and the Collector of Customs shall provide suitable blanks for that purpose.

SECTION 1. That Section 562 of the Civil Code be and the same is hereby repealed: provided, however, that nothing in this Act contained shall be construed to exempt any person transhipping any good, wares or merchandise without permit from the Collector of Customs, or who shall make out or pass, or attempt to pass, through any Custom House, any false, forged or fraudulent invoice, or any of his aiders and abettors, from the penalties prescribed in Section 655 of the Civil Code.*

Act
1860, p. 7.

SECTION 2. That Section 563 of the Civil Code be and the same is hereby amended to read as follows:

§563. All goods, wares and merchandise of every kind and description whatsoever, imported into this Kingdom, shall upon exportation be entitled to a drawback equal to all duties payable upon such goods: Provided that no goods or liquors shall be entitled to drawback unless the same are exported in the original packages, and shall have been stored and remained in the public stores under the charge of the Collector of Customs.

§564. If any goods entered for exportation, with intent to drawback the duties thereon, shall be landed without re-enty and

*Sec. 562 imposed a transit duty.

payment of all charges, at any port or place within this Kingdom, such goods shall be subject to seizure and forfeiture, together with the vessel from which they shall be landed; and any person concerned therein shall, on conviction thereof, be imprisoned at hard labor not exceeding six months, or fined not exceeding one thousand dollars.

OF PASSENGERS' BAGGAGE.

§565. If the master of any vessel, arriving at any port of entry of this Kingdom, from a foreign port, shall suffer the baggage of any passenger on board of his vessel to be removed on shore from such vessel, unless a permit therefor has been obtained from the collector of the port, or his agent, such master shall be liable to a fine not exceeding fifty dollars, in the discretion of the Collector of Customs.

P. C.
Chap. LXVIII.

§566. If any passenger arriving at a port of entry of this Kingdom, on board of a vessel coming from a foreign port, shall remove his baggage on shore from such vessel, without first obtaining a permit therefor from the collector of the port, or his agent, such passenger shall be liable to a fine not exceeding fifty dollars, in the discretion of the court.

OF WHALE SHIPS.

§567. Every master of a whaling vessel shall enter his ship at the Custom House, within forty-eight hours after his arrival at any port of entry, and previous to discharging or shipping any seamen, or taking off any supplies or stores, under a penalty of not less than ten, or more than one hundred dollars, to be imposed by the Collector of Customs.

P. C.
Chap. LXVII.

§568. Every master of a whaling vessel shall, within forty-eight hours after his arrival, deliver under oath, at the Custom

House, a list of all wines and spirits on board as stores, and a manifest of all cargo and freight, except the produce of his fishing, and the outfits, provisions, and furniture of his vessel, under the penalty of forfeiting all such stores, cargo or freight, as are not on the list of stores or the manifest, and a fine of one hundred dollars.

§569. Every master of a whaling vessel who shall have duly entered his vessel at the Custom House, delivered all the necessary papers, and paid the legal charges due upon such entry, shall be entitled to a permit from the collector to trade, or barter goods, excepting spirituous liquors, for refreshments and supplies, to the amount of twelve hundred dollars, original invoice value, two hundred dollars of which shall be free of duties. Said permit shall be as follows:

WHALERS' PERMIT TO LAND MERCHANDISE.

CUSTOM HOUSE,, H. I.

MARKS.	NUMBERS.	PACKAGES AND CONTENTS. Quantities to be specified.	VALUE AS PER INVOICE.

Permission is hereby given to, master of the, whaler; to land from said vessel, goods, excepting spirituous liquors, as above named, the same being entered according to their marks, numbers and actual cost, delivered on board as per original invoice.

N. B.—Oil and bone valued as follows: Sperm oil,; whale oil,; bone, All articles to be landed on this permit must be entered upon it with ink, and the value carried out before leaving the vessel.

....., Collector.

To which shall be added the following deposition:

Port of....., H. I.

I,, master of the, do depose on oath that I have not exceeded the value of dollars, in trade or barter with the inhabitants of this port, or its jurisdiction, since my entry on the day of, 18..., and I have not landed, or allowed to be landed from my said vessel, any goods other than what are included in this permit.

.....
Subscribed and sworn to before me this..... day of, 18....

....., Collector.

§570. The privilege to trade or barter granted to whaling vessels in the last preceding section, may be used at one or more ports of the Kingdom, but shall not be construed so as to permit any such vessel to trade or barter goods to a greater amount, in all, than that prescribed in the last preceding section, during one visit to the Kingdom.

§571. The permits to trade or barter, given to whaling vessels, do not include the trade, sale, landing, or disposal of spirituous liquors; and all such traffic on the part of such vessels, shall subject them to all the charges of merchant vessels, and to all other legal liabilities.

§572. The same duties shall be exacted of whaling vessels, as are exacted of merchant vessels, for any goods landed or disposed of by them, exceeding the value of two hundred dollars; and in case such excess amounts to more than one thousand dollars, they shall be deemed in law to have become merchantmen, and be subjected to all the charges of merchant vessels.

§573. Every master of a whaling vessel who shall fail to produce his permit, when called for by any officer of customs, shall be liable to a fine of not less than ten, nor more than fifty dollars, to be imposed by the collector.

ARTICLE XIX.—OF THE DEPARTURE OF VESSELS.

§574. Any vessel, the owner, consignee, or commander of which shall have fully complied with the laws and regulations affecting foreign trade, and with all the laws regulating the shipment and discharge of Hawaiian seamen, shall be entitled to depart upon receiving from the collector of the port a clearance in the following form:

P. C.
Chap LXVIII.

HAWAIIAN ISLANDS.

CERTIFICATE OF CLEARANCE.

Port of, Hawaiian Islands, }
day of, 18.... }

This is to certify that the, of which is master,
 bound for, is at liberty to proceed on her voyage.

....., Collector.

It shall also be incumbent on said collector to furnish the com-
 manding officer, a bill of the charge } more particularly herein-
 after prescribed.

1874,
 Chapter XVI.

SECTION 1. That Section 574 of the Civil Code be and the
 same is hereby amended by inserting after the form of Certificate
 of Clearance, the words "and a Health Certificate in the following
 form:

Note.—Sec.
 574 is Sec. 23 of
 Chap. LXVIII
 P. C.

Hawaiian Islands,
 HEALTH CERTIFICATE.

Port of.....,day of 18....

This is to certify that the of which is master,
 is now ready to depart from this port for with per-
 sons, including the master of the vessel.

And I do further certify that no cholera, plague or other contagious
 or dangerous disease, at present exists at this port or vicinity.

....., Collector.

§575. In case any vessel does not sail within forty-eight hours
 after receiving a clearance, it shall be the duty of the master to
 report the same to the collector of the port, under a penalty of not
 exceeding twenty-five dollars, to be imposed by said collector.

§576. No vessel shall be entitled to a clearance, unless all
 proper charges at the harbor-master's office shall have been
 settled; and the collector may require the master or agent of the
 vessel to produce the harbor-master's receipt or certificate, to
 prove that he has settled all such charges.

§577. Any person wishing to export any foreign goods, shall
 enter the same at the custom-house of the port where they may
 be stored, in the following form:

OUTWARD ENTRY.

Entry of merchandise intended to be exported by, on board the, whereof is master for, which were imported on the, by, in the, master, from, for the benefit of drawback.

MARKS.	NUMBERS.	PACKAGES AND CONTENTS. Quantities to be specified.	VALUE AS PER INVOICE.

Port of, H. I.

I,, do solemnly swear that the articles specified in the above entry were imported in the, of which was master, from; that they were duly entered at this port; that they have been stored under the direction of the Collector of Customs, since the day of, 18...; and that they are not intended to be re-landed in this Kingdom.

Subscribed and sworn to this day of, 18....

Before me,

....., Collector of Customs.

§578. Due entry having been made of the goods intended for exportation, the collector shall grant a permit for lading the same, on board the vessel named in such entry, such lading to be made under the superintendence of the collector, or such other person as he may appoint for that purpose.

§579. To entitle any vessel to a clearance, it shall be incumbent on her commanding officer, first to furnish the collector of the port with a manifest of the cargo laden on board of such vessel, which manifest shall be given under oath, contain a full statement of all the goods on board, expressing contents, quantities and value, and distinguishing between domestic, foreign and transhipped goods, and shall also contain a list of her stores taken from bond, and passengers.

§580. No vessel having cargo on board intended for a foreign country, shall touch at any place in this Kingdom, other than a

port of entry, except as provided in Section 529; and any vessel violating the provisions of this section, shall be subject to a penalty not exceeding five hundred dollars in the discretion of the court.

§581. If any vessel shall sail from any port in this Kingdom without first obtaining a clearance, the commanding officer thereof shall be subject to a fine not exceeding one thousand dollars, in the discretion of the court; for the payment of which fine, the vessel shall be liable to seizure, condemnation and sale.

ARTICLE XX.—OF HARBOR MASTERS—THEIR GENERAL DUTIES AND COMPENSATIONS.

P. C.
Chap. LXVIII.

§582. The Minister of Finance, upon the nomination of the Collector-General of Customs, shall appoint a harbor-master for such of the ports of entry for merchant vessels, as the said Minister and Collector-General may deem necessary, who shall hold office during the pleasure of the said Minister, and who, before entering upon the duties of his office, shall give a bond to the Collector-General of Customs, in the penal sum of at least one thousand dollars, with sureties to be approved by the said Collector-General, conditioned that he will faithfully and honestly discharge the duties of harbor-master, and account for and pay over to the Collector-General, all moneys received by him as required by law.

§583. It shall be the duty of the harbor-master of Honolulu, and Hilo, to board all vessels arriving from foreign ports, as soon as possible after they shall have entered the harbor; to direct them where and how to moor or make fast; to change their anchorage or moorings from time to time as circumstances may require; to see that the commanding officer has the printed port regulations, and to receive a list of passengers, to be delivered at the collector's office. He shall also be wharfinger at the port for which he is appointed.

§584. The harbor-master of Honolulu, and of Hilo, shall also have authority over the anchoring, mooring and making fast, of all hulks, coasters, boats, and other craft in the harbor; and he is charged in general with the enforcement of all harbor regulations.

§585. The harbor-master of Honolulu shall not act as a pilot of the port.

§586. The harbor-master, at the respective ports, is charged with the granting of permits for the discharge and residence on shore of foreign seamen, as prescribed by law; and it shall be his duty to notify the chief of police of the port, on the expiration of every such permit.

§587. The harbor-master of Honolulu, and also of Hilo, shall be entitled to collect and receive from every vessel, except vessels engaged in the coasting trade, boarded by him, or to which he renders assistance or service, the sum of three dollars, in addition to his disbursements for the use of boats and warps, and for labor in mooring or making fast such vessels; and if necessarily detained on board more than two hours at any one time, he shall be paid at the rate of one dollar per hour for such extra detention; and for each time that he may be called upon to board, or that it may be necessary for him to board any such vessel, after having once moored her properly, he shall be entitled to receive the same pay as in the first instance.

§588. The compensation of the harbor-masters of other ports shall be such reasonable sum as may be determined by the Minister of Finance and the Collector-General of Customs, provided, that it shall be at their option to refuse any compensation, in cases where they shall deem it unnecessary.

§589. The harbor-masters shall receive for their services as wharfingers, such a reasonable per centage of the receipts from wharfage as may be determined by the Minister of the Interior, not to exceed ten per cent.

§590. It shall be the duty of the several harbor-masters to make a quarterly report of the transactions of their offices, together with the amount of compensation received by them; to the Minister of Finance.

ARTICLE XXI—OF PILOTS AND BOARDING OFFICERS—THEIR DUTIES
AND COMPENSATION.

P. C.
Chap. LXVIII. §591. The Minister of Finance, upon the nomination of the Collector-General of Customs, shall appoint one or more pilots, for each of the ports of Honolulu, Hilo, and Hanalei, to hold office during the pleasure of said Minister. Said pilots, in case of sickness, or temporary absence, may, with the approval of the collector of the port, appoint deputies to act in their behalf, for whose conduct they shall be responsible.

§592. Each of the pilots for Honolulu shall give a bond to the Collector-General of Customs, with sureties to be approved by said Collector-General, in the penal sum of five thousand dollars; and the pilots for other ports shall give a like bond, in the penal sum of one thousand dollars; which bond shall be conditioned that the pilot shall faithfully perform all the duties imposed upon him by law; that he will not countenance any evasion or infraction of the revenue laws; and that he will continually hold himself in readiness to conduct vessels safely into, and out of, the port for which he is appointed.

§593. In case of a breach of the condition of any such bond, the Collector-General of Customs; or any person injured thereby, may institute a suit upon such bond before any judge of a court of record, and thereupon recover such damages as shall be assessed, with costs of suit, for which execution may issue in favor of such person; and in case the party prosecuting shall fail to recover in

the suit, judgment may be rendered, and execution may issue for costs in favor of the defendant against the party who shall have instituted the suit. Every suit on any such bond shall be commenced within one year after the right of action shall have accrued and not afterwards.

§594. Upon the arrival of any vessel, making the usual marine signal for a pilot, it shall be the duty of the pilot or pilots at the port, to immediately put off to such vessel, taking with him a white and a yellow flag, to enquire into the sanitary condition of the ship, and the health of those on board; and upon being assured to his satisfaction that there is no danger to be apprehended from any contagious disease, he shall board such vessel, but not otherwise.

§595. Upon boarding the vessel, the pilot shall present the commanding officer with a health certificate to be signed by him, and in case the same shall be signed, the white flag shall be immediately hoisted at the main, and the pilot shall be at liberty to bring the vessel into port; but in case the commanding officer shall decline to sign the certificate of health, the pilot shall deliver him a yellow flag, which the master shall hoist at the main, and the vessel shall be placed in quarantine outside of the harbor, and anchored where the pilot may direct. Any pilot who shall conduct a vessel into any port in this Kingdom, in violation of the provisions of this section, or any of the regulations of the Board of Health, or knowing that there is just ground to suspect the existence of contagion on board, shall be liable to a fine not exceeding five hundred dollars; and every vessel, the master of which shall have declined to sign a certificate of health, as above prescribed, shall, upon entering port, be liable to seizure, confiscation and sale.

§596. If the pilot, after boarding any vessel, shall discover the existence of a contagious disease, he shall not return on shore; neither shall it be lawful for any of the ship's company or passengers to land, or communicate with the shore, or board any other

vessel, without permission of the Board of Health, or the collector, under a penalty of a fine not exceeding five hundred dollars.

§597. The pilots of Honolulu shall bring the vessel which they may take charge of fully within the harbor, (within the inner buoy unless otherwise directed by the harbor-master) and anchor her in a suitable and convenient place, under penalty of forfeiting their commissions.

§598. No pilot shall take out any vessel that may be under attachment or arrest, by virtue of any process, nor before she has obtained her clearance, under penalty of forfeiting his commission, and paying a fine not exceeding one thousand dollars.

§599. The compensation of the pilots shall be as follows: One dollar per foot upon the vessel's draft, coming into port, and the same going out of port; for anchoring any vessel off the port of Honolulu, provided the pilot be not detained on board longer than twenty-four hours, ten dollars; and if detained longer than twenty-four hours, five dollars per day for such detention.

TO FIX THE COMPENSATION OF PILOTS AT THE PORT OF
HONOLULU.

SECTION 1. The compensation of the pilots at the port of Honolulu shall be as follows: One dollar and fifty cents per foot on the vessel's draft coming into port, and the same for going out of port, for ships of war, mail steamers, and all vessels under two hundred tons register; five cents per ton registered measurement for all vessels not above included, either for bringing into or taking out of port; *provided, however*, that the total charge shall not exceed fifty dollars for pilotage either in or out: for anchoring any vessel off the port of Honolulu, fifteen dollars, *provided* the pilot be not detained on board longer than twenty-four hours, and for all detention on board beyond that time, seven dollars per day;

but vessels that come in after having been anchored off the port by the pilot, shall not pay more than ten dollars in addition to the regular charge for bringing such vessel into or taking her out of port.

SECTION 2. This act shall take effect and become a law from and after the date of its approval, and all laws or parts of laws opposed to or inconsistent herewith are hereby repealed.

TO FIX THE COMPENSATION OF PILOTS AT THE PORTS OF KAHULUI, MAUI, AND HILO, HAWAII.

SECTION 1. The compensation of the pilots at the ports of Kahului, Maui, and Hilo, Hawaii, shall be as follows: One dollar and fifty cents per foot on the vessel's draft coming into port, and the same for going out of port. For anchoring any vessel off the said ports of Kahului and Hilo, ten dollars; provided that the pilot be not detained on board longer than twenty-four hours, and for all detention on board beyond that time five dollars per day.

Act
1880
Chapter IV.

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

§600. If any foreign vessel, or Hawaiian vessel, engaged in foreign trade, shall enter or depart from any of the ports for which pilots may be appointed, without a pilot, such vessel shall be liable to one-half pilotage.

§601. The pilot's fees and the health fees shall form a part of the port charges, which shall be paid by every vessel to the collector of the port, and no collector shall grant a clearance to said vessel until such fees are paid.

§602. There shall be appointed in like manner as the pilots, at each of the ports of Lahaina, Kealakeakua, Kawaihae and

Koloa, an officer to be called a boarding officer, whose duty it shall be to board every foreign vessel, and every Hawaiian vessel coming from a foreign port, as soon as possible after its arrival; obtain the health certificate; deliver the printed port regulations to the commanding officer; receive the list of passengers to be delivered at the collector's office; and at all times hold himself in readiness to act as pilot when required. It shall also be his duty to report to the proper authorities, all violations, or suspected violations, of the revenue or harbor laws.

§603. Previous to entering upon his duties, every boarding officer shall give to the Collector-General a bond in the penalty of five hundred dollars, with satisfactory surety, conditioned that he will faithfully and honestly perform all the duties imposed upon him by law; that he will not countenance any evasion or infraction of the revenue laws; and that he will give notice to the proper authorities of all violations, or suspected violations, of the revenue or harbor laws, that may come to his knowledge.

§604. Every boarding officer shall be entitled to receive from each vessel boarded by him, the sum of five dollars, (which shall include pilotage when required, which shall be paid to the collector of the port, before the vessel shall be entitled to receive a clearance.

TO AUTHORIZE THE LEVY OF LIGHT DUES.

Act SECTION 1. There shall be levied upon all vessels arriving
1898. from abroad, at any port of this Kingdom where a light house may be established, the sum of three dollars, which shall be paid before departure to the Collector of Customs.

SECTION 2. All vessels engaged in the coasting trade shall pay ten cents per ton as light money, in consideration of which they shall be entitled to visit all ports where light houses may be established, for the term of one year, without further charge.

ARTICLE XXII—PORT REGULATIONS.

§605. All vessels that may enter any port shall be anchored in the place designated by the harbor-master, and moved from one anchorage to another, as he may direct; and no vessel, excepting coasting vessels under fifty tons burden, and vessels about to leave the harbor, shall quit her anchorage or moorings until the commanding officer shall have received the written permission of the harbor-master, under penalty of a fine not exceeding one hundred dollars.

P. C.
Chap. LXVI.

§606. The harbor-master, or any pilot, while removing a vessel from one anchorage or mooring to another, may make fast to any other vessel, or to any warp or wharf; and any person resisting the same, cutting away, or casting off the warp or fastening, shall be subject to a fine not exceeding one hundred dollars; and if such person belong to any vessel, the master of such vessel shall be responsible for any damages resulting from such resistance, cutting away, or casting off, as well as the fine imposed upon the offender.

§607. In order to facilitate the removing and placing of vessels in their proper berths, all vessels in the harbor shall, when requested by the harbor-master or any pilot, slack down their stream cables and other fastenings, and also their bower chains, under penalty of a fine not exceeding one hundred dollars.

§608. All vessels entering port shall, if so requested by the harbor-master or any pilot, rig in their jib, flying jib, and spanker booms, and spritsail yards, and top their lower and topsail yards, within twenty-four hours after anchoring in such port; and in all cases before attempting to come alongside of, or make fast to either of the docks or wharves, and keep them so rigged in and topped until within twenty-four hours before leaving the harbor,

Avery v. S. S.
Cyphrenes, 3 H.
R. 650.

and until after removing from any wharf or dock, under the penalty of a fine not exceeding one hundred dollars.

§609. All vessels anchoring outside the reef at Honolulu, shall, when so requested by the harbor-master or any pilot, change their anchorage, and anchor in such place as he may direct, under penalty of a fine not exceeding one hundred dollars.

§610. No combustible materials, such as pitch, tar, resin, or oil, shall be heated on board of any vessel within the harbor of Honolulu, but all such combustible articles shall be heated either on shore, or in a boat, or on a raft, at a reasonable distance from the vessel, of which distance the harbor-master shall be the judge. Every person violating the provisions of this section, shall be liable to a fine not exceeding one hundred dollars.

§611. No stones or other rubbish, shall be thrown from any vessel into the harbor of Honolulu, or Hilo, under penalty of a fine not exceeding one hundred dollars, and the master of any vessel from which stones or rubbish are thrown, shall be subject to a like fine.

§612. Any person who shall throw, or cause to be thrown, or leave or cause to be left, for the space of six hours, upon the shores or reefs of any harbor in this Kingdom, any dead animal, shall be subject to a fine not exceeding one hundred dollars, and shall cause the same to be removed without delay.

§613. Every vessel taking on board or discharging any ballast, or coals, within the harbor of Honolulu, shall have a tarpaulin properly stretched and spread so as to prevent any falling into the water, under penalty of a fine not exceeding one hundred dollars.

§614. If any person commit any offense on shore, and the offender escape on board any vessel, it shall be the duty of the commanding officer of said vessel to surrender such offender to

any officer of the police who may demand his surrender, either with or without a warrant, on production of his commission or appointment; and if such commanding officer shall refuse to surrender such offender, he shall be subject to a fine of not less than fifty, nor more than one thousand dollars; and upon written notice to the Collector of Customs by said officer of police, the vessel shall not receive a clearance at the Custom House, until the fine is paid, and the offender surrendered.

§615. If the commanding officer of any vessel shall secrete, or allow to be secreted, on board such vessel, any prisoner amenable to, or convicted under the laws of this Kingdom, or convey him out of the jurisdiction of the Hawaiian Islands, he shall be subject to a fine of not less than fifty, nor more than one thousand dollars; and the vessel in which such prisoner shall be conveyed shall be liable to a like fine, for the payment of which she may be seized, condemned and sold.

§616. It shall be lawful for the Marshal, any sheriff, or other police officer, to search any vessel for deserters, criminals, or other offenders or debtors, without a warrant, on producing to the commanding officer of the vessel, his commission or appointment as Marshal, sheriff, or police officer; and the commanding officer of a vessel who shall refuse any Marshal, sheriff, or other police officer, access to the vessel or any part thereof, shall be subject to a fine not less than ten dollars, nor more than one thousand dollars, in the discretion of the court; and such vessel shall not be entitled to a clearance, until the fine is paid, and the search allowed; provided, however, that the provisions of this section shall not be construed to interfere with the jurisdiction of foreign consuls, under existing treaty stipulations.

§617. Nothing contained within the last three preceding sections shall be so construed as to apply to ships of war, or other vessels commanded by officers bearing the commission of foreign states, and not subject to search by the law and usage of nations.

§618. No foreign consul, vice-consul, or consular agent, shall deliver to the master of any foreign vessel, the register, and other papers of such vessel deposited with him, until such master shall produce to him a clearance in due form, from the collector of the port; and any consul, vice-consul, or consular agent, offending against this provision, shall, upon conviction thereof before the Supreme Court, be fined in the discretion of the court, not less than one hundred dollars, nor exceeding one thousand dollars.

§619. The Governor of Oahu shall cause a bell to be rung at the port of Honolulu, at nine and a half o'clock of each evening, as a signal to all mariners at that time on shore, without the written permission of the chief of police, to return on board their vessels; and the bell shall again be rung at ten o'clock, and all mariners found on shore after that time, without such written permission, shall be liable to arrest, and a fine of two dollars.

§620. The Governor of Maui shall cause a bell to be rung at the port of Lahaina at seven o'clock of each evening as a signal to all mariners at that time on shore without the written permission of the Chief of Police, to return on board their vessels; and the bell shall again be rung at eight o'clock, and all mariners found on shore after that time without such written permission, shall be liable to arrest and a fine of two dollars.

As amended
1860.

ARTICLE XXIII—OF THE ARREST AND DETENTION OF DESERTERS
AND MUTINEERS.

§621. If any seaman desert from a vessel, the commanding officer shall, under the penalty of a fine not exceeding one hundred dollars, within forty-eight hours thereafter, inform the chief of police of the port of such desertion, who shall cause diligent

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search to be made for such deserter, to the end that he may be restored to his vessel.

§622. In case of the arrest of any deserter near the port, where the vessel is at anchor, the chief of police shall be entitled to receive from the commanding officer for such arrest, the sum of six dollars; and if arrested at a distance of more than five miles from the port, said chief of police shall be entitled to receive the sum of twelve dollars, besides such necessary expenses as may have been incurred in arresting such deserter, and bringing him to the port.

§623. Every seaman who shall desert from the vessel on which he has shipped, bound for a foreign voyage, after the said vessel shall have left port, shall, on being arrested, pay back to the agent of said vessel the amount of his advance, or in default thereof, be confined at hard labor for the term of not more than six nor less than four months, in the discretion of the court.

§624. In case the commanding officer of any vessel shall decline to receive any deserter from his vessel upon arrest, and such deserter shall remain in prison after his arrest, the commanding officer shall pay one dollar per day for the time during which said deserter shall so remain imprisoned; and in all cases when a vessel shall leave the port, and any person who deserted from the same shall remain in prison, or be arrested thereafter, the said deserter shall be liable to pay the fee for his arrest as provided in Section 622 of the Civil Code, and for his detention as above prescribed.

As amended
1860.

§625. The agents, owners, or masters of vessels, on account of whom the deserters have been apprehended, shall, upon the requisition of the local authorities, take or send such deserters out of the Kingdom, or give security to the satisfaction of the chief of police, for their good conduct; and in case any such agent, owner or master, shall refuse or neglect to comply with such requisition, he shall be subject to the payment of five dollars per day,

for the time during which any such deserter is detained in custody.

§626. All deserters, not taken or sent out of the Kingdom, may be put to hard labor, during their confinement, by the chief of police, at his discretion.

§627. Any person aiding or abetting the desertion of any seaman, shall be subject to a fine not exceeding one hundred dollars, in the discretion of the court.

§628. Upon written application made to the chief of police of any port, by any foreign consul, vice-consul, or commercial agent, residing in this Kingdom, requesting the arrest of any mutinous person, or persons, on board of any vessel of his nation, being within the jurisdiction of this Kingdom, it shall be lawful for such chief, or any other officer of police, to proceed on board such vessel, and arrest the person or persons described in such application: provided such consul, vice-consul, or commercial agent, shall state in his application, that he will indemnify the chief of police from all damages which may result from said proceeding, and from the detention of such person or persons, and that he will pay all costs and charges incident thereto.

§629. It shall be lawful for the chief of police to detain such arrested person or persons, in prison, until called for by the foreign agent who caused their arrest.

ACT TO PROVIDE FOR THE ARREST AND PUNISHMENT OF OFFICERS AND SEAMEN REFUSING DUTY ON OR DESERTING FROM HAWAIIAN VESSELS ENGAGED IN THE FOREIGN TRADE.

Act
1878,
Chapter XXIII

SECTION 1. Any officer or seaman legally attached to any Hawaiian vessel engaged in the foreign trade who shall refuse duty on or desert from any such vessel, shall, upon conviction before

any police or district justice, be subject to a fine not exceeding fifty dollars and costs, and in default of payment of such fine and costs be imprisoned at hard labor not exceeding six months. And may be ordered to be returned to his vessel.

SECTION 2. Any police or district justice may, on complaint made by the master, owner or agent of any such vessel, issue his warrant for the arrest of any person charged with either of the said offenses.

SECTION 3. It shall be lawful for the Marshal or his deputy, or any sheriff or gaoler having in his custody any person convicted under the provisions of this Act, when the vessel to which such person is attached is about to proceed upon her voyage, upon the requisition of the master of such vessel, and upon payment of the costs of the prosecution, to deliver such person on board his said vessel, notwithstanding the term of his sentence shall not have expired.

SECTION 4. Upon the hearing of any such complaint as aforesaid, the shipping articles certified by any Hawaiian consul or commercial agent shall be prima facie evidence of the legal shipment of the party accused.

ARTICLE XXIV—OF THE REGISTRY OF VESSELS.

§630. No vessel shall be entitled to be registered in this Kingdom, or to be deemed a Hawaiian vessel, and entitled to the privileges appertaining thereto, unless such vessel be wholly owned by a subject or subjects of this Kingdom; provided, however, that any vessel fitted out for the prosecution of the whale or seal fishery, may be registered in the name of any part owner of such vessel, actually domiciled in this Kingdom, whether a subject or not.

§631. Upon application made to the Collector-General of Customs, pursuant to the terms of the last preceding section, in writing and under oath, setting forth the name and description of the vessel, whether the same is domestic or foreign built, and if foreign built, how acquired, accompanied by the evidences of title, said Collector-General shall cause such vessel to be measured, and her tonnage correctly ascertained, according to the mode hereinafter prescribed.

§632. Either of several owners of a vessel may make application for her registry, but he shall set forth in his application the share of each owner respectively.

The six hundred and thirty-second section of the Civil Code is hereby amended by adding thereto the following words:

Act
1868.

“Such application must be accompanied by the certificate of some competent person to be chosen by the Collector-General, that the vessel applied for is seaworthy, and in good order, otherwise no register will be granted. The fee for such certificate shall be three dollars.

§633. The tonnage of every vessel shall be ascertained as follows: If such vessel be double-decked, take the length thereof from the fore part of the main stem, to the after part of the stern-post, above the the upper deck, the breadth thereof, at the broadest part above the main wales, half of which breadth shall be accounted the depth of such vessel; then deduct from the length three-fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, divide this last product by ninety-five, and the quotient thereof shall be deemed the true tonnage of such vessel. If such vessel shall be single-decked, take the length and breadth, as above directed, in respect to a double-decked vessel, deduct from the length three-fifths of the breadth, then, take the depth from the under side of the deck-plank to the ceiling in the hold, multiply and divide as aforesaid, and the quotient shall be deemed the tonnage of such vessel.

§634. Upon application being made for the registry of any foreign built vessel, unless such vessel shall have been sold under

a judicial decree of some court of this Kingdom, the Collector-General shall notify the Minister of Foreign Affairs of such application; and it shall be the duty of said minister to inquire, officially, of the accredited representative, or consul, if such there be in this Kingdom, of the nation to which said vessel belongs, whether any legal impediment exists to her registry; and upon receipt of a reply, he shall communicate the same to the Collector-General, for his guidance.

§635. The Collector-General shall, upon ascertaining the tonnage of any vessel intended to be registered, and being satisfied that no legal impediment exists to her registry, proceed to register the same in his office, as a Hawaiian vessel, and shall issue to the applicant therefor a certificate of such registry, in the following form:

No.....

KNOW ALL MEN BY THESE PRESENTS, that pursuant to the laws of the Hawaiian Islands, the, of tons, whereof, a, is owner (or if several owners, setting forth the name and share of each) and being rigged, having masts, (here further describing her) has been duly registered as a Hawaiian vessel, at the Custom House in Honolulu, and is therefore entitled to all the rights and privileges appertaining to Hawaiian vessels, whether in the ports of this Kingdom, or those of other nations, or upon the high seas.

In witness whereof, I have hereunto set my hand and official seal, at Honolulu, Hawaiian Islands this day of, A. D. 18....

(L. S.)

Collector-General of Customs.

§636. Upon the registration of any vessel, as provided in the last preceding section, the Collector-General shall exact from the party applying for such registry, a bond with good and sufficient surety, to be approved by said Collector-General, in the penal sum of not less than two hundred dollars, nor more than two thousand dollars, as shall be graduated by the Collector-General in proportion to the tonnage of the vessel, conditioned that the certificate

of such registry shall be solely used for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and that in case said vessel (if the same be not a vessel employed in the whale or seal fishery) shall become either wholly or in part, the property of any alien foreigner or foreigners, or in case she shall be lost, taken by an enemy, burnt or broken up, the said certificate of registry shall be returned to the said Collector-General within six months after such change of ownership, loss, capture, burning or breaking up: provided, however, that in case of capture, burning or loss, the obligors in such bond shall be exonerated from liability thereon, upon satisfactory proof to the Collector-General that such certificate of registry could not be preserved.

§637. Every vessel duly registered as in this article provided, shall be deemed in law a Hawaiian vessel, and shall be entitled to all the rights and privileges appertaining to domestic vessels. The certificate of registry of such vessel shall be *prima facie* evidence of the ownership and nationality thereof.

§638. Whenever any foreign built vessel shall have been newly registered by the Collector-General of Customs, he shall notify the Minister of Foreign Affairs, and at the same time forward to said minister the foreign register of such vessel, or in default thereof, a statement of such information as he may possess, in respect to the disposition which has been made of such register. Upon receiving such foreign register, or information relating thereto, the Minister of Foreign Affairs shall transmit the same to the accredited representative, or consul, if such there be in this Kingdom, of the nation to which such vessel formerly belonged, and shall notify such representative, or consul, of the new registration of the said vessel.

§639. The Collector-General shall preserve in his office a duplicate of each certificate of registry granted by him, and in case of the loss, or destruction of any such certificate, he shall furnish, upon the application of the owner of the vessel, to which

such certificate belonged, and at his expense, a certified copy of the duplicate original, which copy shall possess the same weight and validity as the original certificate.

§640. It shall be the duty of the Collector-General to keep a record of all transfers, by sale or otherwise, and all mortgages, or hypothecations, of any Hawaiian registered vessel, or any part thereof; and no such transfer, mortgage or hypothecation, shall be valid or effectual unless made by a written instrument, nor until such instrument shall have been deposited with said Collector-General for record. The time of such deposit shall be noted by said Collector-General, or his deputy, upon the back of every such instrument respectively, and the same shall be deemed to have been recorded from that time; provided, however, that the provisions of this section shall not be held to apply to bottomry bonds, and other hypothecations of a like nature, made in a foreign country.

That Section 640 of the Civil Code be and the same is hereby amended by adding thereto the following words:

“To entitle such transfers, mortgages, or hypothecations to be recorded, they must be acknowledged by the party or one of the parties executing the same, before an officer authorized to take acknowledgments under the laws of this Kingdom. And for the better carrying into effect the provisions of this Act, the Collector-General of Customs and his deputy are also authorized to take acknowledgments in such cases and charge the sum of one dollar for each party signing.”

Amendment
1874,
Chapter XXXI.

§641. Every transfer of a registered vessel, or any part thereof, when duly made and recorded as prescribed in the last preceding section, shall entitle the transferee, being a Hawaiian subject, or otherwise entitled to the right of registry of such vessel, to all the rights and interests of the original registered owner, in respect to such vessel and registry.

§642. Upon the payment or discharge of any mortgage, or hypothecation, upon a registered vessel, or any part thereof, it

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shall be the duty of the mortgagee or pledgee, or his lawful representative, to execute and deliver to the mortgagor or pledger a release duly acknowledged, which shall be entered of record by the Collector-General; or to cancel the same upon the record by written entry of satisfaction thereon, under penalty of a fine not exceeding one hundred dollars, for every such neglect or refusal, and under a further liability to pay all damages occasioned thereby.

§643. In case of the transfer, mortgage, or hypothecation of a registered vessel, or any part thereof, it shall be the duty of the owner or owners of such vessel to produce her certificate of registry, to the Collector-General, within three days thereafter, or if the vessel be not at the time within the Kingdom, then immediately after her return; and the Collector-General shall note in brief, such transfer, mortgage, or hypothecation, upon the back of said certificate. Upon a violation of the provisions of this section, every such vessel shall be liable to seizure, condemnation and sale.

§644. Whenever any certificate of registry is given up to the Collector-General, upon the transfer of the vessel to which such certificate belonged, he shall, before re-issuing such certificate with his endorsement of transfer thereon, or before granting a new certificate of registry to such vessel, exact of the owner or owners, the bond prescribed by Section 636.

ARTICLE XXV—OF PASSPORTS.

P. C. §645. Every person who may have resided on these islands
Chap. LXXIV. for more than thirty days, wishing to leave the Kingdom, shall make application to the collector of the port from which he intends to sail, for a passport.

§646. It shall be lawful for the collectors of customs, and in case of their sickness or absence, for their respective deputies, to grant passports to all applicants for the same, as provided in the last preceding section, upon the payment of one dollar, the price of the stamp, except in the following cases:

First. In case of the indebtedness or obligation to pay money, of the applicant, to the Government or to any private individual, of which the collector has received written notice, accompanied by a request not to grant a passport;

Second. In case the applicant is a party defendant in a suit, civil or criminal, pending before any court in this Kingdom, of which the collector shall have received written notice;

Third. In case of a writ of *ne exeat regno*, or any other process to arrest or stay the departure of the applicant, shall have been issued by any court of the Kingdom, of which the collector shall have received notice in writing;

Fourth. In case of a written complaint being made to the collector, that the applicant is about to depart the Kingdom, leaving his wife or family unprovided for.

That Section 646 of the Civil Code be, and the same is hereby amended, by adding another clause as follows:

Fifth. All protests against the granting of a passport shall be made on a stamped form, to be furnished by the collector of customs, for which a charge of three dollars shall be made. Amendment of
1874
Chapter X.

That Section 646 of the Civil Code is hereby amended by adding a new clause to be entitled "Sixth," which shall read as follows:

Sixth. The written notice, complaint or protest and accompanying request not to grant a passport required by this section, shall be duly attested by oath as to the truth of the claim or debt owing by the person applying for a passport made before a collector of customs, or his deputy, of the port where application for a passport is made, and unless so attested shall have no effect against granting a passport, and after the expiration of ten days from the presentation of the said written notice, complaint and protest, it shall be the duty of the said collector of customs or his deputy to grant a passport to the person designated in said notice, complaint Amendment of
1882,
Chapter XV,
Taking place of
Amendment
1878,
Chapter III.

or protest, unless said collector of customs or his deputy shall, within this time be satisfied that in some court having jurisdiction, a suit has been commenced to enforce the said claim or collect the said debt; and on receiving written notice thereafter of the termination of said suit or the filing of an approved bond conditioned to pay the amount claimed by the person protesting against the issuing of such passport in case the suit shall terminate adversely to him, it shall be the duty of the said collector of customs or his deputy, to grant such passport, anything in this Act contained to the contrary notwithstanding.

SECTION 2. A passport shall not be refused to any laborer who may have served out a written contract to labor, or has been duly discharged from service by reason of any demand, claim or debt arising out of said contract to labor made by or owing to his employer or any person in his behalf.

§647. Every collector of customs may, after granting a passport, cancel the same, upon being satisfied that it was obtained by any deceit or misrepresentation; or that the permission to leave the Kingdom will work great wrong or injustice to the Government, or to any individual. The collector shall, within twenty-four hours after cancelling any such passport, give written notice of such cancellation to the master or commanding officer of every vessel in port, either by personal service, or by leaving the same on board such vessel, and shall forward a like notice to the Government Gazette for publication.

§648. No passport shall be construed to prevent the arrest of any person obtaining the same, upon process issuing out of any court of the Kingdom.

§649. Every person who shall depart from any port in the Kingdom with the intention of leaving the same, without first obtaining a passport, shall be subject to a fine not exceeding one hundred dollars, in the discretion of the court.

§650. Every collector who shall grant a passport contrary to the provisions of Section 646, and shall refuse to cancel the same in

accordance with the provisions of Section 647, previous to the departure of the person obtaining the same, shall be subject to a fine not exceeding one hundred dollars, in the discretion of the court; and the party injured thereby may have his remedy against him by a civil action.

§651. Every master or commanding officer of a vessel, who shall convey out of this Kingdom any person not having a passport, shall be subject to a fine of fifty dollars, and be liable for all debts which such person may have left unpaid in this Kingdom; and if he shall fail to pay such fine and debts, such vessel shall be subject to seizure, condemnation and sale for the payment thereof: *provided always*, if the master or commanding officer of such vessel shall by the aid of the police of this Kingdom make a thorough and faithful search of the vessel after clearance, and previous to passing the boundaries of the jurisdiction of this Kingdom, with a view to guard against persons making their escape, such master or commanding officer of a vessel shall not be liable to said fine or liable for the payment of the debts which such person may have left unpaid in this Kingdom, nor shall the vessel be liable to seizure and confiscation. *And provided further*, that none of the provisions of this Section or Article, shall be construed as applicable to any seaman legally shipped on board of any vessel.

As amended
1874.
Chap. XXIX.

§652. Nothing in this article contained shall be construed as contrary to Section 453, which provides for the granting of passports by the Minister of Foreign Affairs in certain cases.

§653. Any person who has obtained a passport to leave the Kingdom, who may leave and return within one year, may leave again under the same passport, there being no written notice filed against him; provided it be vised by the collector of the port, at which any such party may embark. After the lapse of one year a new passport shall be required.

§654. In all cases in which any collector shall have refused, or cancelled a passport, on any of the grounds set forth in Sections

646 and 647, such collector may, in case such applicant shall file with him a sufficient bond with sureties to be approved by him, conditioned that said applicant will pay the amount of his indebtedness, or obligation, or abide the results of the suit, and pay the amount of any judgment that may be rendered against him in any pending suit, or provide for the support of his family, as the case may be, issue a passport to the party applying for the same.

ARTICLE XXVI—OF SMUGGLING, AND OTHER FRAUDS AGAINST THE
REVENUE LAWS.

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§655. Every person who shall be in any way engaged in the importation, introduction, landing, or transshipping of any goods, wares or merchandise, subject to duty, without paying or securing the payment of such duty, or who shall make out or pass, or attempt to pass, through any custom-house, any false, forged or fraudulent invoice, and also his aiders and abettors, shall be deemed guilty of the misdemeanor of smuggling, and on conviction thereof, shall be fined not less than fifty, nor more than one thousand dollars, or imprisoned at hard labor not exceeding two years, in the discretion of the court; and all goods, wares, and merchandise, so smuggled or attempted to be smuggled, and the vessel from which they are smuggled or attempted to be smuggled, together with all her boats, tackle, apparel and furniture, and all other boats, vessels, and craft of whatever description, in any way used or engaged in such smuggling, or attempt to smuggle, shall be forfeited, and may be seized, condemned and sold for the benefit of the Hawaiian Government.

§656. Any person who shall be charged with, or suspected of, the offense of smuggling, or attempting to smuggle, may be

arrested by any officer of the police or customs, without a warrant, and detained until he can be brought before some police or other justice, for examination.

§657. In all cases where any person shall be charged with smuggling, or attempting to smuggle, any goods, wares or merchandise, it shall be incumbent on such person to prove the legal importation, and the payment of the duties required by law.

§658. All baggage, or other property, exempt from duty, landed without due entry and permit, first made and obtained, shall be forfeited, and be liable to seizure and sale.

§659. Whenever any article, subject to duty, shall be found in the baggage of any person, which shall not, at the time of making entry for such baggage, have been mentioned to the collector, it shall be forfeited; and the person in whose baggage it shall be found shall forfeit and pay five times the value of such article.

§660. All vessels, boats, goods, wares, merchandise, or other property, liable to forfeiture shall, and may, be seized in any place, either upon land or water, by any collector or other officer of customs, by any person employed for the prevention of smuggling, or by any sheriff, constable, or police officer; and all property so seized by any other person than a collector, shall, as soon as convenient, be delivered into the care of the collector, nearest the place of seizure.

§661. It shall be lawful for any collector or other officer of customs, to go on board of, and examine any vessel, on her entry into and departure from this kingdom, and at any other time that such collector or other officer may deem it necessary.

§662. It shall be lawful for any collector, or other officer of customs employed for the prevention of smuggling, or for any sheriff, constable, or police officer, to go on board any vessel, when

he shall have reason to suspect any goods subject to duty are concealed on board of such vessel, and upon producing his commission, or appointment to office, to search for, seize and secure any such goods.

§663. If any collector, or other officer of customs, or sheriff, constable, or other police officer, shall suspect the concealment of any smuggled goods in any house, shop, cellar, warehouse, room, hulk, or other place, he shall, upon application to any judge or justice, setting forth under oath, facts sufficient in the opinion of such judge or justice, to justify such suspicion, be entitled to a warrant to enter such house, shop, cellar, warehouse, room, hulk, or other place, and there to search for and secure any such goods; and in case of resistance, to break open doors, chests, trunks, and other packages, and there to seize, and from thence to bring away any smuggled goods, and to place and secure the same in the custody of the collector nearest the place of seizure.

§664. When any collector, or other officer of customs, shall deem it necessary, he may call upon any sheriff, constable, or other police officer, to render him assistance in making or enforcing any search or seizure; and any such officer refusing such assistance, shall be liable to a fine not exceeding five hundred dollars, in the discretion of the court.

§665. If any collector, officer of the customs, or other officer, or any person acting in their aid, shall be hindered, opposed, molested or obstructed, in the due execution of his office or duty, in making any search or seizure, or otherwise, by any person whatsoever, every person so hindering, opposing, molesting or obstructing any such officer, or other person, and also any person aiding or abetting in the commission of such offense, shall be liable to a fine of not less than fifty, nor more than one thousand dollars, in the discretion of the court.

§666. The Collector-General, or any other collector of customs, is authorized to cause a suit or prosecution to be instituted in his

own name, on behalf of the Hawaiian Government, for any violation of the provisions of any law relating to the revenue of customs.

§667. All vessels, goods, or other property seized, shall remain in the custody of some collector or other officer of the customs, until it shall have been ascertained whether the same are liable to forfeiture or not: provided, however, that if the claimant of any such vessel, goods, or other property, shall pray to have the property delivered to him, the court may appoint three appraisers, to appraise under oath the value of the same, at the expense of the claimant; and if at the return of the appraisal, the claimant shall give a bond with two good and sufficient sureties, to be approved by the court for payment to the collector, of a sum equal to the value appraised, and produce a certificate of the duties having been paid or secured, such property shall be delivered to the claimant.

§668. If, upon the trial, judgment shall be given for the claimant, the bond shall be cancelled; but if against him, he must, within twenty days thereafter, pay into court the amount of the appraised value with the costs, or judgment shall be forthwith rendered upon the bond, on motion in open court, or before some judge at chambers.

§669. All property in the custody of any collector, or other officer of the customs, shall, after condemnation, be sold at public auction, upon giving such notice of the time and place of sale, as the court may direct.

§670. When any property shall be seized under any law relating to the revenue of customs, notice of such seizure shall be published in the Government Gazette, and unless the person from whom it is taken, or the owner, or some person authorized by him, shall, within twenty days from the day of such notice of seizure, give notice to the person seizing the same, or to the collector, that he claims such property, it shall be held to be condemned, and shall be sold at public auction.

§671. The proceeds of all property condemned and sold for violation of any revenue law, after deducting legal commissions for selling the same, and all other necessary expenses; and also all fines and penalties imposed for the violation of any revenue law, after deducting the costs of court, shall be paid to the Collector-General of Customs.

§672. The proceeds of all forfeitures, fines and penalties, under the revenue laws, after deducting the legal costs and charges, as provided in the last preceding section, shall be divided as follows:

One-half shall be paid and accounted for by the Collector-General to the Minister of Finance, for the benefit of the public treasury; one fourth to the person who gave the definite information which led directly to the seizure, or induced the prosecution; and one fourth to the person who made the seizure or entered the prosecution; if no other person has a claim as informer than the one making the seizure; or entering the prosecution, he shall be entitled to the one-half.

§673.* Any person entitled to a share of any such forfeiture, fine or penalty, may be used as a witness on the trial.

As amended
1876,
Chapter III.

§674. Every person having a claim for a share of any such forfeiture, fine or penalty, shall state the same in writing under oath, to the Collector-General, within twenty days from the date of the seizure, or from the time the penalty is imposed, otherwise he shall forfeit his claim.

§675. The Collector-General shall pay over their shares to the several claimants, according to their legal rights, of which he shall be the judge, subject to an appeal to the Minister of Finance, within ten days after the rendition of the collector's decision.

§676. No officer shall be entitled to a share of any forfeiture, fine or penalty, for any violation of the revenue laws, by virtue of his office, nor be debarred from receiving a share, on account of

*Section 673 is also Section 19, Chapter LXX P. O.

his office or salary: provided, however, that if the Collector-General shall be a claimant in any case, his claim shall be filed with, and be heard and determined by, the Minister of Finance, subject to no appeal.

§677. All spirituous liquors seized and condemned for any violation of the revenue laws, shall be sold in bond, and be subject to exportation, or to withdrawal for consumption, upon payment of the legal duties, the same as if they had been legally imported; and the person or persons entitled to a share of the proceeds of the liquors condemned and sold, shall receive a share of the duties actually paid on such liquors, in the proportion of their shares in the proceeds. All other property, so seized and condemned, shall be sold without any reference to duties.

§678. When in any suit for the forfeiture of any vessel, goods or other property, judgment shall be given for the claimant, if it shall appear to the court, or judge trying the case, that there was probable cause of seizure, such court or judge shall cause a certificate to be made thereof, and in such case, the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to a suit on account of such seizure or prosecution; but the vessel or other property must be, after judgment, forthwith returned to such claimant or his agent.

§679. All suits to procure a decree of forfeiture, condemnation and sale, against any vessel, boat, goods, or other property, may be brought in the Supreme Court, in any Circuit Court, or before any Judge of the Supreme or Circuit Court at chambers, and they shall have exclusive jurisdiction to try and determine such cases: provided, always, that the several police justices shall have concurrent jurisdiction to try and determine any such suit, where the value of the property does not exceed five hundred dollars.

§680. Forfeitures for the violation of any provision of the revenue laws, shall attach and divest the property the moment

the offense has been committed, and no sale or other change of property shall purge the forfeiture.

§681. All suits brought against any person, vessel, goods, or other property, for the violation of any provision of the revenue laws, and all suits brought against any officer of the customs, or other person, for anything done in pursuance of the revenue laws, shall be commenced within six months after such violation is discovered, or such thing done.

§682. Upon sworn complaint to any justice, charging any person with the violation of any provision of the revenue laws, and setting forth sufficient facts to warrant said justice in the belief that such violation has been made, he shall issue a warrant for the arrest of such person, commanding that he be brought before him for examination. If, after the examination of the accused, the justice shall be of the opinion that there is probable cause to believe, upon the evidence produced to him, that a conviction would take place before a jury, he shall commit the accused to prison, to await his trial at the next term of the Supreme or Circuit Court: provided, however, that the accused may be released from prison, upon giving a bond with two good and sufficient sureties, to be approved by said justice, conditioned for the payment of any fine that may be imposed upon him, if found guilty, or that he will appear at the time of trial, and answer to the charge; and further provided, that nothing in this section contained shall be construed as interfering with the jurisdiction of the police justices in cases of smuggling and other offenses, as provided in the next succeeding section.

§683. The respective police and district justices throughout the Kingdom, shall have jurisdiction to try and determine all cases, in which any person shall be charged with smuggling, or attempting to smuggle, and all other offenses against any provision of the revenue laws, when the amount of the fine does not exceed five hundred dollars.

The King v.
Easer, 3 H. R.
607.

The King v. H.
Bradley, 4 H.R.
187.

§684. In case any person charged with, and convicted of, an offense against the revenue laws, shall desire an appeal, it shall be incumbent upon him to first pay the amount of the accrued costs and fine, or to give a bond for the payment of the same, signed by at least two good and sufficient sureties, to be approved by the court by whom he was tried.

§685. Every person who shall be fined for a violation of any provision of the revenue laws shall, in case he fail to pay such fine, be imprisoned at hard labor until such fine be paid or remitted, or until he shall have earned a sum equivalent to such fine.

§686. If any officer shall make any collusive seizure, or shall deliver up, or shall make any agreement to deliver up, or not seize, any vessel, boat, or other property liable to seizure, or shall directly or indirectly take or receive any bribe, gratuity, recompense, or reward, for the neglect or non-performance of his duty, he shall, for each such offense, be liable to a fine of not exceeding two thousand dollars, and be rendered incapable of serving the King in any office or employment; and if any person shall give any bribe, recompense or reward to, or make any such collusive agreement with, any such officer, whether the offer, proposal, promise or agreement, be accepted or performed, or not, he shall be liable to a fine of not exceeding two thousand dollars.

§687. Whenever the words "goods," "wares," and "merchandise," or either of them, are used in this article, the same shall be construed to include all property of whatever kind or description.

§688. The Minister of Finance shall have power, from time to time, to make, alter and amend, such rules and regulations for the collection of duties and the transaction of the business of the custom houses, not in conflict with any law, as he may deem proper, giving due notice of the same in the Government Gazette.

§689. Any person who has incurred any fine, penalty or forfeiture, for a breach of any provision of the revenue laws, or is interested in any vessel, or merchandise subject to seizure, forfeiture, or disability, may petition the Minister of Finance, setting forth the circumstances of his case, and praying that the same may be mitigated or remitted, and the said Minister may mitigate or remit such fine, forfeiture, or penalty, or remove such disability, or any part thereof, and he may direct any prosecution for such fine, penalty or forfeiture, to be discontinued upon such terms as he may deem reasonable.

ARTICLE XXVII—TARIFF OF CHARGES FOR THE DEPARTMENT OF FINANCE.

§690. For the receipt, care and disbursement of all residuary moneys belonging to the estate of any intestate, a commission of ten per cent.

For the receipt, care and storage of any residuary property, other than money, five per cent. *ad valorem* per annum, besides all actual expenses.

For administering any oath, one dollar.

For every copy of any document, fifty cents per hundred words.

For all other acts and duties, the fees of which are not otherwise provided for, such charges as the Minister of Finance may, from time to time prescribe.

CUSTOM HOUSE CHARGES.

§691. For visit of health officer, when required, five dollars; and when necessarily detained on board, ten dollars per day.

For bill of health on departure, when required, one dollar.

For entrance pilotage at the ports of Honolulu, Hilo, and Hanalei, one dollar per foot upon the vessel's draught.

As amended
1874,
Chapter XVI.

For departure pilotage from any of said ports, one dollar per foot upon the vessel's draught.

For anchoring any vessel off the port of Honolulu, ten dollars; and if the pilot be detained longer than twenty-four hours, five dollars per day for such detention:

For every stamped blank furnished by the collector, one dollar.

For receiving and filing every manifest, inward or outward, one dollar.

For receiving and filing every entry, fifty cents.

For receiving and filing every bond, given to secure the payment of duties, one dollar.

For every clearance, one dollar.

For the benefit of buoys, two dollars.

For lights at Lahaina, two dollars.

For boarding officers, at those ports where no pilotage is charged, five dollars.

For every hulk, moored in the harbor of Honolulu, one hundred dollars per annum.

For every passport, the price of the stamp only, one dollar.

For measurement of vessels for registry, five cents per ton.

For registering any vessel, twenty-five cents per ton.

For every copy of the certificate of registry, fifty cents per hundred words.

For recording every bill of sale, mortgage, or hypothecation of a vessel, or part thereof, fifty cents per hundred words.

For every copy of the same, fifty cents per hundred words.

The Custom-House charges for all other acts and duties not herein prescribed, and also the rates of storage, shall be such as may, from time to time, be prescribed by the Minister of Finance.

HARBOR MASTER'S CHARGES.

§692. For every permit to discharge a foreign seaman, fifty cents.

For stamped bond upon discharge of foreign seaman, one dollar.

For stamped application to the Governor for shipment of natives, one dollar.

For stamped bond on shipment of natives, one dollar.

For boarding and mooring vessels, the fees prescribed in Section 587.

CHAPTER X.

DEPARTMENT OF PUBLIC INSTRUCTION.

AN ACT TO REPEAL CHAPAER 10 OF THE CIVIL CODE, AND TO REGULATE THE BUREAU OF PUBLIC INSTRUCTION.

Act

Jan. 10, 1865.

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

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

NOTE.—See Act to provide for the separation of the sexes in Government Schools, 1862, following this act. Act concerning Independent Schools, 1870, Chapter XXXVII. Act concerning Reformatory Schools, 1870, Chapter XLI. Act concerning Agricultural and Industrial Schools, 1874, Chapter XIV.

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

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

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

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

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

SECTION 7. The seal of the Bureau of Public Instruction shall be such as may be approved by the Board of Education, and copies of all documents belonging to the said Board, certified by

the President and impressed with such seal, shall be as valid evidence in any court of law as the original.

OF THE COMMON SCHOOLS.

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

SECTION 9. For the purposes of education, the Kingdom is divided into school districts, the boundaries of which are the same as those of the taxation districts; that is to say, the Island of Hawaii shall be divided into eight uniform school districts, as follows: 1, Hilo; 2, Puna; 3, Kau; 4, South Kona; 5, North Kona; 6, South Kohala; 7, North Kohala; 8, Hamakua. The Island of Maui shall be divided as follows: 1, from Kahakuloa to Ukumehame, including Kahoolawe; 2, from Waihee to Honuaula, inclusive; 3, Kahikinui, Kaupo, Kipahulu, Hana and Koolau; 4, Hamakua-
loa, Hamakuapoko, Haliimaile, Makawao and Kula; 5, Molokai; 6 Lanai. The Island of Oahu shall be divided as follows: 1, from Maunalua to Moanalua, inclusive; 2, Ewa and Waianae; 3, Waialua; 4, Koolauloa; 5, Koolaupoko. The Island of Kauai shall be divided as follows: 1, from Nualolo to Hanapepe, inclusive; 2, from Wahiawa to Mahaulepu, inclusive; 3, from Kipu to Kamalomaloo, inclusive; 4, from Anahola to Kilauea, inclusive; 5, from Kalihiwai to Honouliuli, inclusive; 6, Niihau.

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

OF THE INSPECTOR GENERAL.

SECTION 11. The Board of Education shall appoint, from among their own number, or otherwise, an Inspector General of

Schools, to hold office during the pleasure of the said Board, and who shall receive such salary as the Legislature shall, from time to time, determine; *provided, always*, that no person in holy orders or minister of religion shall be eligible to fill the office of Inspector General.

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

SECTION 13. The Inspector General of Schools shall be invested by the Board of Education with discretionary powers, such as the opening and closing of schools, the appointment and dismissal of school teachers; the arranging and re-arranging of the studies to be pursued, and the prominence to be given to any particular branch of learning; he shall also have full authority to examine the books, vouchers and accounts of the school agent and local Board of Trustees; to order repairs of Government school houses and premises; to hold competitive examinations among those desirous of serving as school teachers, and to give certificates of approval to those found competent; and in these, and in all other matters intrusted to him by the Board of Education, he shall act temporarily with the same authority as though the Board itself were acting in the matter; and of all such doings, in the name of the Board, he shall render in person or in writing a distinct statement to the Board, which, in its judgment, may approve or disapprove of all or any of his acts thus temporarily performed in its name.

OF SCHOOL AGENTS.

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

and the said agents shall be continued in office during the pleasure of the Board of Education.

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

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

SECTION 17. The several school agents shall, under the Board of Education, be the trustees of all the school property in their respective districts, and shall severally have the power to sue and be sued in any court of the Kingdom. The school houses in the respective districts shall be especially under the care of the school agents, and they shall, as far as possible, preserve the same from injury and decay; and, when occasion requires, call the attention of the Inspector General, or directly of the Board of Education, to such steps as seem necessary to that object.

OF DISTRICT SCHOOL BOARDS.

SECTION 1. Section 18 of the Act entitled "An Act to repeal Chapter 10 of the Civil Code, and to regulate the Bureau of Public Instruction" is hereby amended so as to read as follows:

SECTION 18. In each of the school districts, as hereinbefore prescribed, there shall be a school board, to consist *ex-officio*, of the school agent, the district justice and one other member, chosen by the parents and guardians of the scholars attending the common district schools.

SECTION 2. Section 18 is hereby farther amended by inserting after the above amendment, a new section to be styled Section 18A, and said section shall read as follows:

SECTION 18A. The school agent of each district shall cause to be returned to him, on or before the first Monday of March, in

each year, by each teacher of the common district schools, a correct list of the names of the parents and guardians of the children attending the schools, and he shall hold an election by ballot, of which at least ten days previous notice shall have been given; on the last Monday of March in each year, between the hours of ten and two, for the third member of the district school board; and the electors of said member shall be only such parents and guardians, whose names may be found in the list prepared by the teachers of the common district schools, as hereinbefore provided.

SECTION 3. The remaining part of Section 18 shall constitute a whole section to be styled Section 18B, and it shall read as follows:

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

OF THE SCHOOL REVENUE.

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

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

OF ATTENDANCE.

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

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Section 2.

SECTION 21. If any child shall persist in absenting himself from school, any police or district justice shall, upon proper complaint being made by the school teacher, the school agent, or the Inspector General, cause the father or mother, or guardian or adoptive parent of the child, together with the child, to be arrested; and, upon its being proved that the person responsible for the child, as a minor, has not used proper diligence to enforce the child's regular attendance at school, the said responsible party shall be fined by the said police or district justice in a sum not exceeding five dollars; and, in default thereof, be subjected to imprisonment at hard labor for a term not to exceed fourteen days; and, in case the child shall prove the offending party, the police or district justice shall send him to a reformatory and industrial school, for a term not less than 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.

As amended
1866.

TO AMEND SECTIONS 3 AND 4 OF CHAPTER 79 OF THE PENAL CODE, RELATING TO THE BUREAU OF PUBLIC INSTRUCTION.

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

SECTION 1. That Section 3 of Chapter 79 of the Penal Code, approved July 7, 1870, be and the same is hereby amended, to read as follows:

SECTION 21A. The teachers of all day schools for the education of native Hawaiian children, shall keep a correct register of the

NOTE.—By Act of June 24, 1868, two new sections, 21A and 21B were inserted here. These being placed in the P. C. were amended therein. Section 3 is 21A and Section 4 is 21B.

names, sex, age, as far as ascertainable, and the places of residence of the children attending their respective schools, and no teacher of any such school shall grant a release to any child under (15) fifteen years of age, who shall be registered as attending his school, for the purpose of entering another school, unless the consent and approval of the parent or guardian of such child shall be given in writing to the teacher; or unless authorized to grant such release by the school agent of the district, for good reason shown to his satisfaction. In every such case a certificate of release in writing, shall be granted by the teacher, setting forth the facts in the case.

SECTION 2. That Section 4 of Chapter 79 of the Penal Code, approved July 7, 1870, be and the same is hereby amended to read as follows:

SECTION 21B. No teacher of any day school, for the education of native Hawaiian children, shall receive into his school, any child under (15) fifteen years of age, who shall have attended another school of this class in the district, unless such child shall produce to the teacher of the school to be entered, a certificate of release signed by the teacher of the school last attended by such child.

Provided however that children from one district desiring to enter school in another district, may be received or admitted without producing a certificate of release from the school last attended in another district.

The teacher of any such school who shall violate any of the provisions of this, or of the foregoing section, shall, upon conviction thereof, before any police or district justice, be subject to a fine not exceeding ten dollars for each offense.

OF TEACHERS OF COMMON SCHOOLS.

SECTION 22. The teachers of common schools shall be certified by the Inspector General; no person shall teach in them who has not received a certificate, and no person shall receive a certificate without having exhibited satisfactory evidence of good moral character and qualification to teach; and every certificate so granted, may be cancelled, upon grounds which shall appear

sufficient to the Inspector General of Schools, or by the Board of Education; *provided, always*, that any teacher, whose certificate has been cancelled by the Inspector General, may lay his case before the Board, in the shape of an appeal from the decision of the Inspector General.

SECTION 4. Section 23 is hereby amended so as to read as follows:

Act
1870,
Chapter XV.

SECTION 23. The teachers of the common schools shall be appointed by the school boards of the respective districts, and may be removed by the same, subject to appeal from their decision, to the Board of Education.

SECTION 5. A new section, to be entitled Section 23A, is hereby inserted after Section 23, and the same shall read as follows:

SECTION 23A. Whenever the parents of the children attending any Government Common School, shall deem themselves aggrieved on account of the conduct of the teacher, or should they desire to call any individual to act as teacher, they shall have the right to present their petition in writing, to the district school board, who shall then appoint a time for the hearing of the case; and if, in their opinion, the cause of the petitioners shall have been proved by good and sufficient testimony, they shall grant the petition.

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

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

OF BOOKS AND STATIONERY.

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

SECTION 26A. The scholars in the Government schools shall be supplied by their parents or guardians with the books and stationery requisite for their use.

SECTION 26B. In case any scholar shall not be furnished by his parents or guardians with such books and stationery, he shall be supplied therewith by the school agent of the district, who shall be authorized to pay for the same out of the school funds of the district.

SECTION 26C. The school agent shall inform the Tax Collector of the district of the names of the scholars supplied with books and stationery, as provided in the last preceding section, and the amount expended for each, together with the name of the parent or guardian who should have supplied the same, and the collector shall add such amount to the school-tax of such parent or guardian, for the next year, and collect the same, unless such school agent shall be of opinion that said parent or guardian is unable to pay the amount thus expended for books and stationery so supplied, in which case he may remit the whole, or a part thereof, as may be just.

OF INSTITUTIONS ENDOWED BY GOVERNMENT AND SELECT SCHOOLS.

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

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

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

OF ENGLISH SCHOOLS FOR HAWAIIAN BOYS AND GIRLS.

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

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

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

OF SCHOOL LANDS, SCHOOL HOUSES AND CHURCH SITES.

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

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

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

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

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

SECTION 37. Where a site for a school house is needed, and the same cannot be as well located on Government land as upon that of a private individual, the school agent of the district is authorized to take a suitable lot, not exceeding one-half acre, as a site for such school house, first paying to the owner the value thereof; such value, in case of disagreement, shall be determined by a jury of three men, to be chosen, one by the school agent, one by the owner of the land, and the third by the two already chosen by the school agent and owner; the said jury shall have the power to locate the lot desired for the school house, in a place different from that chosen by the school agent, should they deem it more reasonable and proper; *provided, however*, that it shall not be lawful to appropriate for such purpose any private burying ground or house lot, against the will of the owner thereof.

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

GENERAL PROVISIONS OF THE PARENTAL AND FILIAL DUTIES,

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

SECTION 40. Parents, that is to say, first the father and then the mother, or, in case they be both dead, guardians, legally appointed shall have control over the actions, the conduct and the education of their children within the years of legal majority; they shall have the right, at all times, to recover possession of their children by *habeas corpus*, and to chastise them moderately for their good; and it shall be the duty of all parents and guardians to set a good example before their children; to provide, to the best of their ability, for their support and education; to see that they are instructed in a knowledge of the Christian religion; to use their best endeavors to keep them from idleness and vice of

P. C.

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Section 5.

all kinds; and to inculcate upon them habits of industry, economy and loyalty; and it shall be lawful for any Judge of the Supreme Court, or of any Circuit Court of this Kingdom, on a complaint being laid before him against any parent, that he or she is encouraging their children in ignorance and vice, to summon such parents before him; and, upon its being proved to his satisfaction, to bind out such child, within the years of legal majority, to some person of good moral character, to be well supported, trained to good habits, and taught at least the rudiments of knowledge.

OF THE CENSUS.

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

P. C.
Chap. LXXIX,
Section 6.

SECTION 1. That Section 7 of Chapter LXXIX of the Penal Code, approved July 7, 1870, be and the same is hereby amended to read as follows:

Amendment
1878,
Chapter XVII.

SECTION 7. To enable the Board of Education to carry into execution the design of the last preceding section, relating to the census, it is hereby authorized to make, through its agents, all proper and necessary inquiries. And all persons are hereby required, under pain of a fine not to exceed fifty (\$50) dollars, to be imposed by any police or district justice, to answer to the best of their knowledge, all such questions as shall be propounded by the agents of the Board, relating to, or necessary for, the making of a complete census.

NOTE—This is
Sec. 42 of this
Act.

SECTION 43. The necessary expenses of making any census shall be paid by the Minister of Finance, upon the order of the Board of Education, out of any moneys appropriated by the Legislature for that object.

OF THE REGISTRY OF BIRTHS, DEATHS AND MARRIAGES.

SECTION 44. The school agent of each district shall exercise the office of registrar of births, deaths and marriages in his dis-

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

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

Act
1878,
Chapter XVII. SECTION 2. That Section 8, of Chapter LXXIX of the Penal Code, approved July 7, 1870, be and the same is hereby amended to read as follows:

This is Sec.
46 of this Act. SECTION 8. It shall be the duty of every person authorized according to law to perform the marriage ceremony, to report quarterly to the school agent of the district, the names of all persons married by him.

It shall be incumbent upon the father, if living, of any child born in this Kingdom, and if not living, or if the child be illegitimate, upon the mother, within three months after the birth of such child, to notify some registrar of births and deaths in the district, of the name and sex and date of the birth of said child. It shall also be incumbent on any minister of religion officiating at burials, any undertaker, hospital officer, health agent, or near relative of legal age, of any deceased person, to inform some registrar of births and deaths in the district, of the name, sex, age, and nationality of the deceased, at any time when applied to therefor by any registrar in the district.

Any neglect to comply with any of the foregoing provisions of this section, shall subject the delinquent on conviction before any police or district justice, to a fine not exceeding twenty-five dollars for each offense.

P. C.
Chap. LXXIX, SECTION 47. It shall be the duty of the Minister of the Interior, upon the nomination of the Board of Education, to appoint a suitable number of agents in the several districts of the King-
Section 9.

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

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

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

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

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

TO PROVIDE FOR THE SEPARATION OF THE SEXES IN THE GOVERNMENT SCHOOLS.

SECTION 1. It shall be the duty of the several superintendents of Government Schools, in consultation with the school trus-

tees under instructions from the Board of Education, to establish separate schools for the children of each sex in their respective districts whenever practicable, and whenever there are sufficient children for the formation of two or more schools. And in the selection of teachers, preference shall be given to a teacher of the same sex as the children, if properly qualified.

TITLE 3.—OF THE LEGISLATIVE DEPARTMENT.

CONSTITUTION.

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

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

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

ARTICLE 46. The Legislative Body shall assemble biennially, in the month of April, and at such other time as the King may judge necessary, for the purpose of seeking the welfare of the

NOTE—Section 768 to 779 are affected by provisions of the Constitution granted August 1864, though without statute amendment, and Article 43 to 61 of the Constitution are reprinted here, with references to them on the margin of sections amended or confirmed thereby.