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STATUTE LAWS

OF

HIS MAJESTY KAMEHAMEHA III.

KING OF THE HAWAIIAN ISLANDS;

PASSED BY THE

HOUSES OF NOBLES AND REPRESENTATIVES,

DURING THE TWENTY-FIRST YEAR OF HIS REIGN, AND THE THIRD AND
FOURTH YEARS OF HIS PUBLIC RECOGNITION,

A. D. 1845 AND 1846:

TO WHICH ARE APPENDED THE

ACTS OF PUBLIC RECOGNITION,

AND THE

TREATIES WITH OTHER NATIONS.

VOL. I.

Honolulu, Oahu:

CHARLES E. HITCHCOCK, PRINTER,
GOVERNMENT PRESS.
1846.

FROM



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STATUTE LAWS
OF
HIS MAJESTY KAMEHAMEHA III,

Chapter I. Of The Government Press. page 18-in Hawaiian
Chapter II. Of The Internal Commerce. page 22 in Hawaiian
Chapter III. Of Internal Improvement. " " 36 " "
Chapter IV. Of The Gubernatorial Transactions. Page 42 in Haw.
Chapter V. Of Subjects And Foreigners. Page 58 in Haw.
Chapter VI. Of The Inter-Island Channels, Coasting Trade And Fisheries. Pg. 64
Chapter VII. Of The Hawaiian Land Office. Page 74 in Haw.

Chapter I. Of The Foreign Agency. Page 92 in Haw.
Chapter II. Of The Neutral And Belligerent. Page 93 in Haw.
Chapter III. Of The Home Duties To Foreign Nation. Page 94 in Haw.

Chapter I. Of The Foreign Imposts. Page 101 in Haw.
Chapter II. Of The Internal Taxes. Page 125 in Haw.
Chapter III. Department Fees, Perquisites, Costs, Commission, & C. Pg. 134. Haw
Chapter IV. Of Coins And Currency. Page 143 in Haw.
Chapter V. Of The Fines, Penalties And Pecuniary Civil Forfeitures. Pg. 146. Haw
Chapter VI. Government Realizations. Page 147 in Haw.

Chapter I. Of The Parental Duties. Page 153 in Haw.
Chapter II. Of The Filial Duties. Page 155 in Haw.
Chapter III. Of The Public And Private Schools. Page 157 in Haw.
Chapter IV. Institutions Endowed By Governments. Page 163 in Haw.
Chapter V. Of Parish And Church Foundations. Page 167 in Haw.
Chapter VI. Penal Obligation In Regard To Children, Schools And Churches Pg. 1

Chapter I. Of The Executive Judicial Officers. Page 178 in Haw.
Chapter II. Of The Executive-Extra Judicial Officers. Page 189 in Haw.
Chapter III. Of The Legal Suits Defences. Page 196 in Haw.
Chapter IV. Of Criminal Prosecutions. Page 203 in Haw.

HAAWINA-PORITION
PAUKU-SECTION
MOKUNA-CHAPTER

FIRST ACT KAMEHAMEHA III. ENG. (page 9).
SECOND ACT KAMEHAMEHA III. " (page 19). PART ONE (page 16 in Hawaiian)
SECOND ACT KAMEHAMEHA III. " (page 113) PART II. Page 88 in Haw.
SECOND ACT KAMEHAMEHA III. " (page 131) PART III. Page 100 in Haw.
SECOND ACT KAMEHAMEHA III. " (page 195) PART IV. Page 151 in Haw.
SECOND ACT KAMEHAMEHA III. " (page 223) PART V. Page 172 in Haw.
APPENDIX, (page 272) Page 211 in Haw.

COMPILER'S PREFACE.

THE Hawaiian kingdom was governed until the year 1838, without other system than usage, and with a few trifling exceptions, without legal enactments. The bill of rights, proposed and signed by His Majesty on the 7th of June, 1839, was the first essential departure from the ancient despotism. The Constitution which he voluntarily conferred on the people on the 8th of October, A. D. 1840, recognized the three grand divisions of a civilized monarchy, king, legislature and judges, and defined in some respects the general duties of each. These however, were so engrafted on the ancient form of government that there seemed to be a blending of their separate functions, requiring the aid of organic acts, limiting their usual spheres, in order to secure the civil liberties intended to be conferred upon the people. The Constitution had not been carried into full effect. Its provisions needed assorting and arranging into appropriate families, and prescribed machinery to render them effective.

Some of the most obvious points in civil and criminal jurisprudence had been in some measure provided for by declaratory and penal ordinances, either proclaimed by the king before, or enacted by the legislature after the Constitution was given. Yet as civilization very rapidly progressed, and commerce with the increase of foreign population largely augmented, these were found in their nature much too loose to satisfy the national wants. These laws and rules, though universally promulgated at home, and somewhat extensively abroad, were neither well known nor understood. From detached fragments they were collated and translated into the English language in 1842,

by the Rev. William Richards, who has since been distinguished as one of His Majesty's Envoys to Europe. That translation containing 200 pages, 12 mo., is systematized for reference into 55 chapters, each devoted to some distinct subject of legislation. It will be found of lasting benefit to the Hawaiian government in defining the public and private rights, duties and obligations that existed before the present codification, which is in fact based upon it. Many cases must necessarily arise that can only be measured by the old law. New laws or amendments of the old, cannot divest rights previously acquired, and, as in other countries, so in this, the repealed ordinances must be resorted to in numerous cases accruing before the repeal or modification. Means and remedies may be altered, but the rights themselves, if vested, cannot be constitutionally disturbed. This is one admitted doctrine of civilized jurisprudence. Another of its admitted doctrines, even in the exposition of new laws is, that the old law must first be understood and the mischief intended to be cured by it, in order to apply the remedy. That axiom will of itself render continual retrospection necessary, so that neither the judge nor the barrister will be able, notwithstanding the new enactments, at least historically, to dispense with the translation of Mr. Richards.

Criminally, the old law applies to the most heinous offences—to open breaches of the public peace and decorum—and to wrongs towards the person and property of individuals. The native dialect not admitting of distinction, these offences are all indiscriminately called "*heiva*," which word literally means "wrong." It is, however, for the most part erroneously translated into the English, "crime," regardless of the judicial meaning of that word. Thus the treaty stipulations providing for consular juries in all cases of crime alleged against foreign residents, are made verbally applicable to the least moral dereliction; and the legal distinction between crimes, misdemeanors and torts, does not definitely exist in the old compilation, except by adopting the European and American measure of offences—the penalty annexed to them. A misdemeanor would never be understood in England or the United States as a crime, nor the converse, although denoted by the technical name of some crime or misdemeanor; and those nations in contracting with His Majesty for the peculiar formation of juries in cases of crime, cannot have cov-

ered all the wrongs known in the native by the word "hewa," but not punished as crimes by us.

Civilly, the old law likewise embraced the most usual rights and duties of the social relations augmentative of population and incitative to industry. The fundamental basis of landed tenures was declared, and cultivation of the soil, under a feudal tenancy not much differing from that of ancient Europe, was encouraged by relaxing the vassal service. The revenue, derived chiefly from the native population, was slight and utterly insufficient to maintain the more regular system demanded by the increase of foreign commerce and the enhanced value of property; which required something more of the Hawaiian courts than mere investigation of facts.

As results of missionary labor, however, the ordinances have been greatly serviceable in preparing the nation for what has since become indispensable to its political existence—a complete code of laws, embracing organic forms of the different departments, particularly executive and judicial, with outlines of their duties and modes of procedure and comprehensive civil and criminal digests. The events of the late Provisional Cession to Great Britain conclusively prove that some more minute and extensive judicature was long since requisite. These national wants were brought to His Majesty's notice by the Ministerial Reports of May 21st, 1845, in consequence of which the Legislative Houses passed the following

JOINT RESOLUTION.

"Be it enacted by the Nobles and Representatives of the Hawaiian Nation, in Legislative Council assembled.

"That having taken into consideration the review of the Constitution made by the Attorney General, which he read before us on the 21st day of May, he be requested to draw out for us a digest of the constitution and laws, and also a project of the organic acts which he recommends, accommodating them to our condition and circumstances.

Passed at the Council Chamber, this 24th day of June, 1845.

Approved by	(signed)	KAMEHAMEHA,
	"	KEONE ANA.

The compiler in obeying that resolution, has submitted at intervals portions of the succeeding code to His Majesty in cabinet council of his ministers, where they have first undergone discussion and careful amendment; they have next been transferred to the Rev. William Richards, for faithful translation into the native language, after which, as from a judiciary committee, they have been reported to the legislative council for criticism, discussion, amendment, adoption or rejection. The two houses have put them upon three several readings—debated them section by section with patience and critical care, altering and amending them in numerous essential respects, until finally passed in the form in which they now appear.

The political principles of this code are not materially different from those sustained by the mildest forms of monarchy, though the plan of arrangement and the machinery of execution is believed to be novel in the history of government, centering it decidedly in the king, whose executive functions are assigned to the management of five ministers, dependent solely upon him, but controllable by a majority of ministerial voices. Act 1st, Kamehameha III., creates these ministers—defines their relations to the crown and to each other—the extent and mode of their accountability, both public and private—creates the privy council of the executive, and refers the five ministers for details of their duties, to Act 2d, Kamehameha III., in five distinct parts, organizing the executive departments.

The judiciary is an independent branch of government, controllable in no way by the king in his executive character, but only in his judicial capacity, on appeal to the supreme court, of which His Majesty is by the Constitution, chief judge. This branch is definitely organized by Act 3, Kamehameha III., and invested with all the judicial attributes incident to an independent and recognized nation. Machinery is by that act given to the several courts composing this branch of the government. Their field of action before only known under the generic term "law suit," has been subdivided and appropriately classified. Causes, civil, criminal and mixed, maritime and probate, personal and real, have been contradistinguished from each other, and the dependent proceedings and proofs affixed to them.—Trials *per pais*, *by the country* or *by jury*; and trials upon debate in *banco*—business of the judge at chambers; and proceedings, origi-

FIRST ACT KAMEHAMEHA III.

AN ACT TO ORGANIZE THE EXECUTIVE MINISTRY OF THE HAWAIIAN ISLANDS.

SECTION I. *Be it enacted by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council Assembled:—*

That, in order to conduct with greater system and certainty the several executive functions reposed by the Constitution in His Majesty the king, there shall be appointed and regularly commissioned by His Majesty, under the great seal of the Hawaiian Islands, five ministers of His Majesty's executive duties, one of whom shall be the constitutional Premier, and the other four shall be at all times removable at the mere pleasure of His Majesty, in concert with the Premier.

SECTION II. The Premier shall be Minister of Interior Affairs, to be styled His Highness.

The other four ministers shall be of equal rank in His Majesty's service, but shall nevertheless take precedence of each other according to the following order:

1. The Minister of Foreign Relations.
2. The Minister of Finance.
3. The Minister of Public Instruction.
4. The Attorney General.

SECTION III. Either of said ministers may be impeached before His Majesty of mal-administration or malconduct, in the duties assigned by law to his department, by any party aggrieved: provided always that grievances complained of by any resident foreigner, not duly naturalized, shall not extend to matters of government policy, but shall be confined to injury done to such foreign resident in his person or in his property, by a minister without authorization of law.

SECTION IV. When any impeachment of a minister is sought, the party accuser shall memorialize His Majesty through some of the other ministers, under oath, to be administered by one of the Governors, setting forth the grounds of accusation, and tendering proof thereof. Whereupon His Majesty may in his discretion appoint a commission to inquire into and report to him upon the truth of the charges set forth in the accuser's memorial. The commission shall within forty-eight hours appoint a time and place of hearing, and shall cite the respective parties before them for that purpose. They shall also have power to call for persons and papers—to subpoena and compel the attendance of witnesses, and to punish by discretionary fine or imprisonment for contempt of their mandates, or for disorderly conduct in their presence during the investigation. The said board of commissioners shall preserve in writing, the testimony adduced before them, and shall submit the same, together with their award, to His Majesty, who shall act thereon as he, in his royal pleasure, may deem proper. But the said commissioners shall nevertheless recommend in their award some proper conclusion of their inquiries.

SECTION V. Each of the ministers herein before named, in order to be eligible, shall have attained the full age of twenty-five years; shall at the time of his appointment be a subject owing allegiance to His Majesty; and shall actually reside in the Hawaiian Islands, not to remove thereout during his continuance in office. He shall upon impeachment as aforesaid, be removable from office, and otherwise punishable in the discretion of His Majesty.

SECTION VI. Each of the ministers shall preside over, superintend and supervise the execution of the appropriate part of an Act, entitled "An Act to organize the Executive Departments of the Ha-

waiian Government," to be hereafter made and enacted; which Act, shall consist of five parts; detailing under chapters, articles and sections, the various duties of the respective ministers; and which parts, shall be numbered according to the order of ministerial precedence herein before prescribed, that is to say:—

SECTION VII. The Minister of the Interior shall be solely accountable for the faithful and lawful execution of the duties comprised in part first of said organic act. The Minister of Foreign Relations, in like manner, for the faithful and lawful execution of the duties comprised in part second. The Minister of Finance, in like manner, for the faithful and lawful execution of the duties comprised in part third. The Minister of Public Instruction, in like manner, for the faithful and lawful execution of the duties comprised in part fourth; and the Attorney General, in like manner, for the faithful and lawful execution of the duties comprised in part fifth of the said organic act.

SECTION VIII. The five ministers shall be accountable to His Majesty, for the official acts of all the officers appointed under the several parts of said act over which they respectively preside, who shall be appointed by His Majesty upon their recommendation, and shall be removeable at their request. But no alien shall be commissioned by the king to act as an officer in the Hawaiian Islands.

SECTION IX. The officers appointed to carry out the respective parts of the said organic act, shall receive their instructions and directions from the minister presiding over the department to which they belong; and an adherence to such instructions and directions, shall in law justify said officers for the duties they may have discharged in accordance therewith.

SECTION X. Before instructing the officers of his department in regard to the discharge of their respective duties, the presiding minister shall submit to His Majesty in privy council, the opinions and directions which he intends to give them on all important matters, which shall be approved by the king and attested by the premier, before they become binding upon the officers to whom they are intended to be addressed.

SECTION XI. It shall be the duty of the said five ministers, to convene at the royal palace, on such days and at such times as His Majesty, with the attestation of the premier, may establish. They shall prescribe the rules of such privy councils to be then and there observed. At every such privy council, it shall be the duty of each of the said ministers, to lay before His Majesty, all the business transactions complete or inchoate of his department, since the last meeting of such privy council; showing as completely as may be, the returns from the several Island divisions of the kingdom; and it shall at such meetings be the duty of each minister to take the orders of the king to be executed up to the next stated meeting of the privy council.

SECTION XII. All orders in council, circular letters, standing instructions, executive rules, ordinances and decrees, shall be presented to the king for adoption and signature, and to the premier for attestation, at some regular meeting of the privy council, and they shall be then and there previously explained and discussed, to the end that all acts of an executive nature, may emanate from His Majesty, and be countersigned by the premier; and that the same may not be adopted without cautious deliberation.

SECTION XIII. His Majesty may, with the attestation of the premier, at any time, whether by reason of public emergency or not, convoke his privy council for business purposes, or to consult them upon affairs of his executive government. He may in like manner call for a full exposé of the transactions of either of the said ministers. He may at any time supersede either of them, vacate their offices, and upon his own mere motion, appoint others to fill their places, whether in case of death, resignation or removal.

SECTION XIV. And in case at any time either of the said ministers may be impeached by an award of commissioners as herein before provided, the said award shall be reported to the king through the privy council of state, when it shall rest solely with the king to decide upon the impeachment, punishment or acquittal of said minister.

SECTION XV. His Majesty, with the attestation of the premier,

may at any time require the separate opinions in writing of all the ministers, upon any point involving the interests of his kingdom.

²SECTION XVI. There shall be kept at the palace, regular minutes of all the transactions of the said privy council of state, to preserve secrecy in regard to which, each of the said ministers and the person officiating as secretary, shall make and file his solemn oath upon the holy evangelists. The premier, for the king, shall have sole control over and custody of the said records.

¹SECTION XVII. All orders of nobility—of etiquette and precedence—of rank and of title—of official dress—of salutes—of official ceremonies and of national courtesy, shall be established upon definite rules by orders in council, signed by the king and attested by the premier, and duly promulgated for the information of the people. All acts of the legislative branch of the Hawaiian government shall be signed by His Majesty and attested by the premier before they acquire the binding effect of laws; and before signing the same, His Majesty may call for the opinions of his said ministers upon the probable result, effect and operation of laws proposed to him for signature. But it shall in no case be indispensable to the validity of an executive sanction, that a law be first submitted to the privy council.

SECTION XVIII. His Majesty, with the attestation of the premier, may at any time by royal letters patent, confer upon any of his subjects whom in his discretion he may see fit to appoint, the honorary title of member of his privy council of state; which appointment shall not make it incumbent upon the said honorary member to attend the stated meetings of the privy council, unless specially required by His Majesty through the premier; when a neglect to attend without good cause, shall forfeit the place of such delinquent member. By virtue of said letters patent, each honorary member shall have full liberty to be present at any regular or extraordinary meeting of the said privy council of state, and at such meeting to express his views and opinions upon any measures of executive policy proposed by either of the five principal ministers, or submitted by the king to said council; and he shall be entitled to the full confidence of the ministers in all matters affecting the administration of their respective departments, or the general welfare of the

nation. He shall also be entitled to record his vote upon all questions proposed or submitted; or, being present, he may decline to vote. Each of the said honorary members shall, upon receiving a royal patent, make and file with the privy council a solemn oath upon the holy evangelists, to support the Constitution, and to observe strict secrecy in regard to all matters, coming to his knowledge as a privy councillor, 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 the said council, nor shall it be held to continue after the injunction of secrecy has been raised by the king.

SECTION XIX. It shall be the duty of the privy council at each meeting, to consider the subjects upon which secrecy was enjoined at the previous meeting, with the view to a continuance or relaxation of the rules of secrecy thereon.

SECTION XX. The governors of the several Islands of Hawaii, Maui, Oahu and Kauai, shall be honorary members of His Majesty's privy council of state, without further creation of patent, and shall continue to be entitled excellency. They shall be accountable only to the king and premier for the discharge of the various duties imposed on them by law; but, in rendering such accounts, and in making applications and recommendations to the king, they shall, for the sake of system, and in order to enable the king to act with more method and certainty, account, apply or recommend to His Majesty in writing, and through the medium of one of His Majesty's five ministers, to the end that His Majesty may embody their report into a rational record. That is to say:

1. All gubernatorial reports of their internal administration, exclusive of the finances, the judicial transactions and the public instruction, shall be made through the minister of the interior.

2. All gubernatorial reports of the fiscal transactions of their respective islands, shall in like manner be made to the king, through the minister of finance.

3. All gubernatorial reports of the public instruction of their respective islands, shall in like manner be made to the king, through the minister of public instruction.

4. All gubernatorial reports of the judicial administration of their respective islands, shall in like manner be made to the king, through his attorney general.

All which gubernatorial reports shall not be considered as made, although addressed to the said executive departments, but to the king and premier through them; through whom, in like manner, for the sake of method, the king and premier shall address all rules, orders, laws, by-laws, instructions, sanctions and decrees, to the respective governors.

SECTION XXI. The governors shall have executive control of their respective islands, subject to the supervision of the king and premier. They shall have charge of all the island forces in case of invasion, and of the munitions and armaments of war in their respective islands, in conformity with the Constitution and laws. They shall have power to suspend the execution of punishments for the purpose of recommending to the king their remission or the pardon of the persons sentenced by the laws in their respective islands, in relation to which recommendation the king shall act his own pleasure. They shall have power to recommend to the king, through the premier, as minister of the interior, any internal improvements for their respective islands, and may supervise the execution thereof, when ordered, as herein before provided. They shall grant certificates of license to marry, as provided in the act to organize the executive departments, and superintend or perform the other duties to be assigned them by law.

SECTION XXII. The governors shall cause the decisions of the courts of their respective islands, which have become final, to be executed, and for that purpose may call out and take personal command of the civil posse. They shall in like manner have power to call out and take command of the military power to suppress mobs, and to quell riots, or they may order the sheriffs of their respective islands so to do. They shall have power to legalize the judicial process of other island divisions of the kingdom, coming to their respective islands for execution; to authenticate copies of records and other vouchers to be used as evidence in the courts of other islands in the kingdom, and to take affidavits, and to perpetuate testimony for that

purpose, as prescribed in the act to organize the judicial departments of the Hawaiian islands.

SECTION XXIII. The said governors shall be impeachable before the king, in the same way and through the same medium, and be triable by commission in like manner, and punishable for malfeasance in office to the like extent, as is herein provided in the case of the executive ministers of the king, in the 3d and 4th sections of this act.

SECTION XXIV. The said five executive ministers, and the said governors shall not be liable to criminal process, except by order of the king; nor shall they be liable to be tried and punished criminally, until after impeachment as herein before provided, or until removal from office by the king without impeachment. The offices conferred upon them shall be preserved from indignity, though this section is not intended to shield the said officers themselves, as men, from like punishment with their fellow subjects. Upon impeachment or removal, they cease to be officers, and become simple subjects, liable as all others for what they have committed.

SECTION XXV. While in office the said five executive ministers shall be as fully amenable to all private civil suits before the courts of the island in which they reside, or happen to be, as other persons, but shall in no case be imprisoned, except by order of the king.

SECTION XXVI. While in office, the governors shall be as fully amenable to all civil suits as other subjects; but such suits shall be commenced and prosecuted to judgment in the first instance before the supreme court, as prescribed in the act to organize the judiciary department of the Hawaiian islands; and it shall then become the duty of His Majesty, as the supreme executive, to order the said judgments executed through his proper department, as provided in said act.

SECTION XXVII. The five executive ministers created by this act, shall, before entering upon the duties of their respective departments, take and subscribe before His Majesty, an oath, to support the Constitution and laws, and faithfully and impartially to discharge

the various duties assigned to them by law. Which oath shall remain on file with His Majesty, among the records of his privy council, to be used against them on any impeachment of high treason.

✓ SECTION XXVIII. The said executive ministers shall receive a yearly compensation, to be provided in part third of the act to organize the executive departments, which compensation may be from time to time increased or diminished, as His Majesty may, by an act of the legislature prescribe.

✓ SECTION XXIX. Either of the executive ministers created by this act, may at any time resign into the hands of His Majesty the office confided to him, and shall upon surrender of all government property and archives confided to his care, be released from all after acts of his department: Provided always that such voluntary resignation shall not absolve said minister from accountability for the acts and transactions which he may have performed during his continuance in office.

SECTION XXX. The ministerial appointments, publicly declared by His Majesty, in his most gracious speech to the legislative council, shall be considered as already made; except that his highness John Young, who has been appointed by His Majesty as premier, in accordance with the authority given him in the Constitution, shall be the Minister of the Interior.

SECTION XXXI. This organic act shall take effect one calendar month after its promulgation in the Hawaiian and English languages, and become thereafter the established law of the nation.

Done and passed at the council house in Honolulu, this 29th day of October, A. D. 1845.

KAMEHAMEHA.

Attest, JOHN YOUNG, Premier.

- 19 -

SECOND ACT KAMEHAMEHA III.

AN ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS OF THE
HAWAIIAN ISLANDS.

PART I.

DEPARTMENT OF THE INTERIOR.

SECTION I. *Be it enacted by the Nobles and Representatives of
the Hawaiian Islands, in Legislative Council Assembled:—*

That in order to conduct with greater certainty and system the several executive functions reposed by the Constitution in the king and premier, there shall be and is hereby created, a department to be styled the "Department of the Interior Administration;" over which, the premier, as minister of the interior, shall preside, residing and having his place of business at the seat of the Hawaiian government.

SECTION II. It shall be the duty of the premier, as minister of the interior, to see faithfully executed in the respective islands of

this kingdom, all the duties assigned by law to the following bureaux, viz:

1. Of the government press.
2. Of internal commerce.
3. Of internal improvement.
4. Of gubernatorial transactions.
5. Of naturalization.
6. Of the fisheries, the inter-island channels and coasting trade.
7. Of the land office.

SECTION III. The premier, as minister of the interior, shall cause to be preserved distinct, in appropriate books, the respective transactions of each of said bureaux, as detailed in the respective chapters of this part to which they refer; over each of which, if its transactions in his estimation justify and require it, he shall have power to appoint a clerk, and he shall have power to consolidate all or as many of said bureaux, in the hands of one clerk, as he may at any time deem expedient: but in that case, the said clerk shall preserve distinctly the respective records of each, and shall not, on that account, be entitled to receive a greater compensation, than may be by law provided for one such clerk.

SECTION IV. The premier, as minister of the interior, shall prescribe written rules, and give general instructions in writing to the clerks appointed under him, for ordinary guidance in the discharge of the duties of his department; but it shall nevertheless be incumbent on said clerks, to submit all official acts and transactions to, and take the specific orders of said minister, before performing them.

SECTION V. The premier, as minister of the interior, shall have charge of the great seal of the Hawaiian Islands, and shall affix the same to all royal documents, receiving the king's signature, and attested by him. He shall also have charge of the royal standard and of the national flag. He shall have charge of the standard of weights and measures prescribed by law, and be accountable for the safe keeping thereof respectively, and of the public stamps, to be deposited and used by the director of the government press, as in this

act provided. He shall be the repository of all the original manuscript acts of the legislative department of this kingdom, after they have received the executive sanction; and in like manner, of all the royal rules, ordinances and decrees, sanctioned in privy council. He shall cause them to be promulgated as hereinafter provided; and be responsible for their correct dissemination throughout the kingdom. He shall superintend the naturalization of foreigners, and preserve the record thereof. He shall countersign all commissions in his department, emanating from the king; and he shall communicate to the officers created thereby, the royal pleasure in regard to their duties, comprised in the succeeding chapters of this part.

SECTION VI. The premier shall have power to administer oaths, to be read in evidence in any court of justice in the kingdom; and copies of original vouchers deposited in his office, under the privy seal of his department, shall have the same weight and authority in any such court, as the originals.

SECTION VII. The premier shall, when required by the king, perform the tour of the respective islands, to confer with the governors in His Majesty's name, upon their internal policy, in order to lay before His Majesty, more particular information concerning the condition of the kingdom. On which occasions, His Majesty, in concert with the premier, may appoint an under minister of the interior, *ad interim*.

CHAPTER I.

ARTICLE I.—OF THE GOVERNMENT PRESS.

SECTION I. The bureau of the government press shall be presided over, superintended and managed by one officer, to be commissioned and removeable by the king and premier, as already prescribed.

SECTION II. He shall have sole charge and responsible control over the materials of said press, and over the buildings appropriated thereto; all increase, decrease or alterations in regard to which, he shall recommend to the minister of the interior, to be laid with his views thereon, before the king in privy council.

SECTION III. Said officer shall be styled, the director of the government press; he shall have power to make contracts with and employ operatives in his office, and at pleasure to control and remove them; being accountable to the king and minister of the interior, for the discretion so to be used by him, and for the most beneficial economy of his office. He shall, in like manner, provide for the supply of all needed materials in his office, having first submitted a list, with the probable cost of such materials, and a statement of the particular exigency calling for the same, to the premier; who shall instruct him in regard to the royal pleasure concerning them.

SECTION IV. The director of the government press shall be *ex officio*, editor of a newspaper, to be called the Polynesian, which shall be the official organ of the Hawaiian government. He shall cause to be published therein, without charge, all exequators and all official circulars and notices, purely of a government nature, emanating from either of the five executive departments. He shall also give insertion in said newspaper, to all notices required by law, to

legalize the transactions of private individuals; for which, he shall charge the insertion fees, to be from time to time established, by circular from the interior department.

SECTION V. The director of the government press shall promulgate the laws enacted by the legislative council, when directed so to do by the minister of the interior; inserting them, or if so directed, their titles and outlines, in the official organ, both in the Hawaiian and English languages. It shall also be his duty to transmit said newspaper weekly, if occasion will permit, to the following persons, viz:

To His Majesty, the king, for the use of the royal palace, five copies.

To His Highness, the premier, five copies.

To each of the four other executive ministers, five copies.

To the royal school, ten copies.

To the legislative council, when in session, one copy for each member thereof.

To each of the governors of the respective islands, one copy; and to the minister of foreign relations, in foreign countries recognizing the sovereignty and independence of His Majesty's government, one copy to each.

It shall also be the duty of said director, to transmit the government organ to such other persons at home and abroad, as in the estimation of the privy council, will most conduce to the beneficial circulation thereof, and be most likely to call into notice the acts and measures of His Majesty's government.

SECTION VI. Said director shall explain in an inoffensive manner, the policy of His Majesty's government, as the same may, from time to time, be given him in charge; and he shall not suffer articles of a nature offensive or disparaging to other friendly powers, to have publicity through the columns of said newspaper; nor give insertion therein, to communications of a libellous or of an indecent nature.

SECTION VII. The director of the government press shall have discretionary power to contract with private persons for the execu-

tion of job printing, at such rates as he may deem profitable to the government; and he shall be accountable for all the avails, receipts and expenditures of his office. He shall also be accountable for the economy of his transactions therein, and for all unjustifiable losses accruing to the government in consequence of his management of the same—for any of which, he may be informed against to the king, by the minister of the interior.

ARTICLE III.—OF THE PUBLIC STAMPS.

SECTION I. The director of the government press shall be, *ex officio*, keeper of the public stamps, to be hereinafter described; which it shall be his duty to impress upon all documents requiring to be legalized throughout the kingdom; that is to say:—all deeds and leases of real estate, between private individuals. All bills of sale of chattel property, between private individuals. All bonds for the payment of money. All mortgages and hypothecations, executed within this kingdom. All documents affecting real property throughout the kingdom. All documents and papers or exhibits required by law at the custom houses. All agreements not to be performed within a year and a day by either party thereto. All articles of copartnership. All powers of attorney, executed in the kingdom. All process of the courts of judicature throughout the kingdom. All exhibits, required by law to be made by private individuals. All petitions to any department of the government. All licenses. All letters testamentary, of administration, letters of guardianship, and inventories of property, filed by such executors, administrators and guardians. All wills and testaments. All official and other bonds, executed within this kingdom. All recognizances to keep the peace. All enlargements and extensions, in any way affecting the rights and interests of private persons, throughout the kingdom; and all instruments hereinafter specifically required to be stamped:—for any of which impressions, the director of the

government press shall receive payment, at the hands of the person applying for the same, the price prescribed and graduated in and by the third part of this act, for the benefit of the royal exchequer. And it shall be the duty of His Majesty's attorney general, as provided in the fifth part of this act, to prepare and propose to the king and premier for adoption, all the forms in blank, contemplated in this section; which, when so prepared and adopted, he shall furnish to the director of the government press, to be printed in blank by the said director, and sold stamped in blank, to whomsoever it may concern, at the price to be prescribed by an executive circular, emanating from the interior department, for the benefit of the royal exchequer.

SECTION II. The said stamp shall consist of the device of the royal crown; shall be of the diameter of an inch; and shall be impressed upon said documents with the words, "*Royal Stamp*" inscribed over the crown in the Hawaiian, and under the crown in the English language. This device may, however, be altered from time to time, by an order in council.

SECTION III. No document required to be stamped by law shall be of any valid force in the courts of this kingdom, unless the same shall have been previously impressed, as herein above provided.

SECTION IV. It shall be the duty of the director of the government press to keep in some place convenient to the public, a depository for the sale of said legalized blanks, and of the said government newspaper, and of the printed laws of the kingdom, and of all government documents, which from time to time may be ordered to be printed for general information. It shall also be his duty to open running accounts with each of His Majesty's five ministers; in which accounts, the director of the public press shall debit them officially, with the fulfilment of all written orders for stamped documents directed to him, as they may from time to time have occasion to supply the presiding officers of their respective bureaux therewith; to be used and sold by said officers, in the regular course of their official transactions, and to be accounted for to the minister of finance. It shall be the duty of said

departments with all blanks required for their transactions, stamped as in this article directed; and to debit them with the regulated price thereof in favor of their departments.

ARTICLE III.—DIRECTOR'S ACCOUNTABILITY.

SECTION I. The director of the government press shall, on the first Mondays of January, April, July and October, pay over to the minister of finance, all monies in his hands on those days, in anywise accruing to the royal exchequer, from the transactions of his office, with a duplicate statement in gross, of the amount paid over for private subscriptions to the Polynesian newspaper—for private commercial and legal advertisements—for job printing—for sales of stamps upon documents, not sold in blank, but brought to him to be impressed—for legalized and stamped blanks, and for pamphlets and other government documents, printed and sold at his office; which statement, if found to correspond with the amount of money paid over, shall be receipted by the said minister of finance, upon one of the said duplicate statements, in exoneration of the director, for the quarterly discharge of his official duties, in accounting for the current receipts of his bureau.

SECTION II. The director shall, quarterly, on the first Monday of each month in the first section of this article mentioned, account in all respects to the minister of the interior, for all the transactions of his bureau; in which report, he shall specify in detail, the amount paid over to the minister of finance, the amounts outstanding to the debit of the respective ministers, and to private parties—the particulars of expenditure and disbursement in carrying on the duties of his bureau, and the condition and wants thereof.

SECTION III. The director of the government press shall keep in his office, books of account, in which he shall enter in minute detail, all the monied and other transactions of his bureau—the amounts

expended for materials and labor, and for repairs, enlargements and additions to the government property confided to his care—the deterioration and losses incurred therein—the accounts current opened with the departments respectively—the private accounts current of transactions entered into upon his own responsibility with private individuals; and, in addition to the quarterly accounts already herein prescribed, he shall yearly, on the first Monday of April, render to the minister of the interior, an annual report in complete detail, to enable said minister to make his annual report to His Majesty, for the information of the legislature and people.

SECTION IV. The director of the government press shall receive a compensation, to be provided in the third part of this act.

CHAPTER II.

OF THE INTERNAL COMMERCE.

SECTION I. The bureau of internal commerce shall be presided over, superintended and managed by the minister of the interior, who may assign the immediate duties thereof to a clerk appointed by him.

SECTION II. The minister of the interior shall have supervisory control over all the matters in this chapter detailed, and direct his clerk in regard thereto. He shall have power to make contracts with, and employ operatives in carrying out its duties, controlling and removing the same at pleasure, being accountable to the king for the discretion so to be used by him, and for the most beneficial economy of the bureau hereby created, that is to say :

SECTION III. He shall have supervision over :

1. All venders of goods, wares and merchandise throughout the kingdom, whether at wholesale or retail, according to the provisions of the following article on that subject.

2. All venders of spirituous liquors throughout the kingdom, whether at wholesale or retail, according to the provisions of the following article relative to that subject.

3. All victualing house, inn and hotel keepers throughout the kingdom, according to the provisions of the following articles relative to that subject.

4. All auctioneers throughout the kingdom, according to the provisions of the following article relative to that subject.

5. All hawkers and peddlers throughout the kingdom, according to the provisions of the following article relative to that subject.

6. All publishers of newspapers and periodicals throughout the kingdom, other than the government organ, according to the provisions of the following article relative to that subject.

ARTICLE I.—OF THE VENDERS OF GOODS, WARES AND MERCHANDISE.

SECTION I. It shall be the duty of the minister of the interior to grant a vending license to any person applying therefor in writing, and stating in his application the name of the vender—the character of the merchantable articles intended to be sold—where the applicant designs to establish his principal place of business, and whether said business is to be carried on with his own capital, or upon commission.

SECTION II. The vender at wholesale, whether on commission or otherwise, shall before receiving his license, pay for the use of the royal exchequer, twenty-five dollars, and the said license shall be renewable from year to year, upon the like terms of payment.

SECTION III. The vender at retail, whether on commission or otherwise, shall before receiving his license, pay for the use of the royal exchequer, twenty-five dollars, and the said license shall be renewable from year to year, upon the like terms of payment.

SECTION IV. Vending shall be denominated wholesale when articles are sold by the entire box, bale, case, basket, barrel, cask or pipe, or if dry goods, by the piece, or if sold in none of the ways above enumerated, then by the hundred pounds. And all weights and quantities less than above specified, shall be denominated for the purposes of this law, retail weights and measures.

SECTION V. Venders both at wholesale and retail shall be entitled to receive both licenses separately, upon complying with the terms of both the preceding sections: Provided that in all licenses to be issued pursuant to this act, it shall form a positive condition, that neither the wholesale vender nor the retail vender of goods, wares and merchandise, shall at any time vend upon the premises appropriated to his business, or elsewhere within this kingdom, any spirituous

liquors of any kind whatever, without express license obtained for that purpose according to law. And that in case it shall at any time appear to the satisfaction of a local magistrate, without the intervention of a jury, that the said licensed vender has sold spirituous liquors of any kind during the term of his license, he shall forfeit his license to vend, and be subject for each offence to the penalties prescribed in the second article of this chapter.

SECTION VI. The licenses herein above directed to be given, shall be signed by the minister of the interior, and impressed with the seal of his department.

SECTION VII. The minister of the interior shall cause to be kept in a book, the names of all licensed venders of goods, wares and merchandise, throughout the kingdom—their respective places of abode—the capacity in which they vend—the character of the licenses given them, and the amount of license money paid by each, together with the date of each license. And it shall also be his special duty, from time to time to pay over to the minister of finance, all license money by him received, under the provisions of this article.

SECTION VIII. Any person violating the provisions of this article by the vending of goods, wares and merchandise, without having previously obtained a license as herein provided, shall on conviction, forfeit and pay to the government, five hundred dollars, and may be imprisoned not exceeding six months, in the discretion of the court.

ARTICLE II.—OF THE VENDERS OF SPIRITUOUS LIQUORS.

SECTION I. The minister of the interior shall have power to grant a wholesale vending license for spirituous liquors to any wholesale merchant applying therefor in writing, under oath, and stating in his application the name of the vender—where the applicant intends

SECTION IV. Upon a violation of any of the above conditions of his bond, by any wholesale vender of spirituous liquors, it shall be the duty of the minister of the interior to pass said bond over to His Majesty's attorney general, for enforcement against the delinquent parties, both principal and surety, with such information as has come to his knowledge in regard to any such violation.

SECTION V. The minister of the interior shall have power in like manner to grant licenses to retail spirituous liquors by the bottle or glass, but at no place not previously approved by the privy council, and at no place at which the entry of merchant vessels is forbidden by law; which licenses shall not be granted until after the right thereto has been offered at public vendue to the highest bidder, in the following manner :

The minister of the interior shall, before the expiration of the respective retail licenses of the preceding period, cause a public notice to be inserted in the Polynesian newspaper, that on a day to be decided upon by him, not less than one week after the date of said notice, the retail licenses will be exposed to sale, naming the time and place, and that the highest bidders will be entitled to receive licenses according to law, upon their complying with the requisitions of the succeeding section.

SECTION VI. The highest bidders at such sales, unless deemed unworthy by the privy council, upon suggestion of the minister of the interior, shall be entitled to licenses upon presenting to said minister certificates from the auctioneer by whom they were sold, stating the amount bid, and that the holder has paid the purchase money to such auctioneer. Before issuing any such license, the approved highest bidder shall enter into bond, with sufficient surety, to be approved by said minister, in the like form and penalty as prescribed in the third section of this article, but the condition of which bond shall be in the following words, viz :

The condition of this obligation is, That whereas the above bounden ——— principal has this day become entitled to a license for retailing spirituous liquors ———, in the island of ———, for the term of ——— from the date hereof; do hereby bind myself, during the continuance of his license, sell or furnish the same

to any native subjects of these islands, nor keep nor suffer to be kept at his place of retailing, a noisy or disorderly house, nor promote by such retailing any disturbance or breach of the public peace and tranquility; and if he shall not contribute by such retailing, to any violation of the laws of this kingdom, nor violate any of the conditions of the license, copy of which is annexed, then this obligation to be void; otherwise, upon proof being made to the satisfaction of a common magistrate, without the intervention of a jury, as prescribed in the act to organize the judiciary, the penalty mentioned in the above bond shall be forfeited, and the license upon which it is founded shall be revoked.

SECTION VII. The licenses above directed to be given, as well for the wholesaling as for the retailing of spirituous liquors, shall be signed by the minister of the interior, and impressed with the seal of his department.

SECTION VIII. Retailing of spirituous liquors shall be regulated more definitely by the terms of the licenses, and shall never exceed in quantity five gallons. The minister of the interior may prescribe in the licenses definite rules and regulations to be observed by the venders.

SECTION IX. The minister of the interior shall keep in a book of licenses, the names of all licensed venders of spirituous liquors throughout the kingdom—their respective places of abode—the character of the licenses given them, and the amount of license money paid by each, together with the date of each license. It shall be his special duty from time to time to pay over to the minister of finance all license money by him received, under the provisions of this article.

SECTION X. Any person violating the provisions of this article by vending spirituous liquors, either at wholesale or at retail, without having previously obtained a license as herein provided, shall on conviction, forfeit and pay to the government for each offence, five hundred dollars, and may be imprisoned, not exceeding six months in the discretion of the court.

SECTION XI. The minister of the interior shall have power in case of the modification entered into by

the sale of spirituous liquors in this kingdom, (*which may God grant,*) to issue his proclamation, discontinuing prospectively the vending thereof at retail, and the further issuing of licenses for that purpose; the prohibition upon alcoholic drinks having been previously declared by the minister of finance, as prescribed in the third part of this act.

SECTION XII. The prefect of police shall in person or by proxy inspect all places licensed to vend spirituous liquors under this law.

ARTICLE III.—OF HOTELS, INNS AND VICTUALLING HOUSES.

SECTION I. The minister of the interior may grant a license to keep a hotel, inn or victualling house, bowling alley or billiard table connected therewith or disconnected therefrom, to any person applying therefor in writing, and stating in his application the name of the publican—where he intends to establish his place of business, and whether the same is intended for the ordinary accommodation of sailors, or for the accommodation of other classes.

SECTION II. Before licensing a house for the ordinary entertainment of sailors, to be called an inn or victualling house, the minister of the interior shall receive at the hands of the applicant the sum of twenty-five dollars, and shall exact of him a bond, with at least one sufficient surety to be approved by the minister of the interior, in the following penalty, upon the following condition, and in the following words, to wit :

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 His Highness — minister of the interior, for the use of the Hawaiian government, in the penal sum of five hundred dollars, lawful money, to be levied of our respective joint and several property, in case the condition herein set

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

Scaled with our seals, and dated this — day of — 18—.

The condition of the above obligation is, that whereas the above bounden — principal, has this day made application as required by law, for a license to keep an inn or victualling house for the term of one year from the date hereof. Now if he shall not, during the continuance of his said license, sell or furnish any spirituous liquors of any kind whatsoever, without having first obtained a license for so doing, according to law; and if he shall not, during the continuance of said term, keep or suffer to be kept at his place of business, a noisy or disorderly house, or promote thereby any disturbance of the public peace and tranquillity; nor harbor nor conceal deserting sailors; but shall provide the customers for whose benefit his license is granted, with wholesome food whenever required, and shall at no time keep open his said inn after — o'clock at night, and shall at all times give free access thereto for examination by any officer of the police, and observe all other regulations sanctioned by the privy council and embodied in his license, among which may be included or prohibited permission to keep bowling alleys and billiard tables at rates of license to be prescribed in privy council, then this obligation to be void; otherwise, upon proof being made to the satisfaction of a common magistrate, without the intervention of a jury, as prescribed in the act to organize the judiciary, the penalty mentioned in the above bond shall be forfeited, and the license upon which it is predicated shall be revoked.

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

— (L. S.)

— (L. S.)

SECTION III. Before granting a license to keep a house of public entertainment for the higher classes of society, to be called a hotel, the minister of the interior shall receive at the hands of the applicant, the sum of forty dollars, and shall exact of him a bond in the like form and penalty as is required in the preceding section of this article.

SECTION IV. It shall be the duty of the minister of the interior to cause each of the said houses of public entertainment, as well for the accommodation of sailors as for the resort of the higher classes, to be from time to time inspected by some civil officer of the local police, at the place where the same is situated, who shall make report to him of its condition and character.

SECTION V. It shall be the duty of every keeper of a public hotel, licensed under the provisions of this article, to keep open for general inspection, a register of the names of all persons who become

guests or inmates thereof; and it shall be their duty respectively to cause such list to be published monthly in the government newspaper, for which they shall pay the usual publication fees.

SECTION VI. The licenses directed to be given by this article, shall be signed by the minister of the interior, and impressed with the seal of this department. He shall keep in a book of licences, the names of all licensed tavern, inn and hotel keepers throughout the kingdom—their respective places of abode—the character of the licenses given to each—the amount of license money paid by each, and the names of the sureties in their respective bonds; and it shall be his duty to pay over to the minister of finance all license money by him received, under the provisions of this article.

SECTION VII. Any person violating the provisions of this article, by opening or keeping an inn, or a hotel, or by opening or keeping a bowling alley or billiard table connected therewith or disconnected therefrom, without license first obtained pursuant to the provisions of this article, shall on conviction, forfeit and pay to the government for each offence, one hundred dollars, and may be imprisoned, not exceeding six months, in the discretion of the court: Provided, that the minister of the interior may grant licenses to keep bowling alleys or billiard tables upon bond, conditioned as may be determined in privy council.

ARTICLE IV.—OF PUBLIC AUCTIONEERS.

SECTION I. It shall be the duty of the minister of the interior, from year to year, commencing on the first day of January in each year, to grant the following number of auction licenses, at the following places in this kingdom, to wit:

At Honolulu, in the island of Oahu, at least two auction licenses; and at Lahaina, in the island of Maui, at least one auction license.

But it shall nevertheless be discretionary with the said minister, whenever in his opinion the wants of the public require it, to grant any additional number of such licenses at Honolulu, not exceeding four, and at Lahaina, not exceeding two; and the said minister may in his discretion, should he deem the public good to require it, cause an auction license to be granted at any of the ports of entry and departure, established by the third part of this act, upon the like conditions as herein provided.

SECTION II. In order to obtain any such auction license, the applicant shall at least ten days before the expiration of the preceding auction year, file a petition with the minister of the interior, setting forth the name and nation of the applicant—whether he is a native or naturalized subject of His Majesty, or an unnaturalized foreigner, domiciliated in the kingdom; and also where he intends to establish his place of business.

SECTION III. In granting auction licenses, the minister of the interior shall give preference to applicants in the following order:

1. To native or naturalized subjects of His Majesty.
2. To domiciliated aliens.
3. When the applicants are all native or naturalized, or when they are all domiciliated aliens, to the several applicants, according to the priority of filing their petitions in his bureau: Provided always that the respective applicants shall be able and ready to comply with the succeeding provisions of this article.

SECTION IV. It shall not be necessary to expose at public vendue through the intervention of a licensed auctioneer, any real property or goods or chattels levied upon and exposed to public sale by any sheriff or other executive officer of a court of justice, pursuant to the decree or mandate of any such court; but the property of a deceased testator or intestate, when offered for sale by any executor or administrator, under the authority of a judge of probate, shall be sold at auction by a licensed auctioneer, after the notice required by law: Provided always such property is not ordered to be sold pursuant to a levy or the judicial decree of a court, other than a court of probate.

SECTION V. Before granting any auction license at Honolulu, on the island of Oahu, as hereinbefore provided, the minister of the interior shall receive at the hands of the applicant, the sum of five hundred dollars; and before granting an auction license at Lahaina, on the island of Maui, he shall receive at the hands of the applicant therefor, the sum of two hundred and fifty dollars, and shall in both cases, exact of the applicant a bond in the penalty of five hundred dollars, with at least one sufficient surety, to be approved by said minister, in the following form, and upon the following condition, viz :

KNOW ALL MEN BY THESE PRESENTS, That we — principal and — sureties residing at — in the Island of —, Hawaiian Islands, are held and firmly bound unto His Highness — minister of the interior, for the use of the Hawaiian government, in the penal sum of five hundred dollars, lawful money, to be levied of our respective joint and several property, in case the condition herein set forth shall be violated. For the just and full payment of which we hereby 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 said — principal, has this day made application as required by law, for a license to sell at auction, at —, in the island of — for one year from this date. Now if he shall not, during the continuance of his said license, knowingly expose to such sale dutiable articles, imported into the Hawaiian Islands in contravention of the foreign imposts prescribed in and by the laws of this kingdom; and if he shall at no time make default in paying over to parties for whose benefit he has exposed property to public sale at auction, the amounts therefrom arising; and if he shall at no time during the continuance of his said license, demand or receive for selling at auction the property of others, a greater commission than is for the time being allowed him by law; then this obligation to be void: otherwise, upon proof being made to the satisfaction of a common magistrate, without the intervention of a jury, as provided in the act to organize the judiciary, the penalty mentioned in the above bond shall be forfeited, and the license upon which it is predicated shall be revoked.

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

_____. (L. S.)

_____. (L. S.)

SECTION VI. The minister of the interior may, in his discretion, stipulate in writing, with the auctioneers appointed by him at any of the ports of entry and departure, created by the third part of this act, other than Honolulu and Lahaina, for the payment by them respect-

ively, of a per centage not exceeding two per cent., upon the sale price of all property sold by them at auction, at their respective places; which per centage shall be for the use of the royal exchequer in lieu of the license money required to be paid at Honolulu and Lahaina.

SECTION VII. In case the minister of the interior shall, at any time, in his discretion, as contemplated in the first and sixth sections of this article, license auctioneers at any of the ports of entry and departure, other than Honolulu and Lahaina, upon per centages of sale, it shall be the duty of such auctioneers to give the same bond, in the like penalty, and upon the same condition as prescribed in the fifth section of this article; and it shall be their duty respectively, to comply with the general regulations in this article prescribed, for the auctioneers licensed at Honolulu and Lahaina.

SECTION VIII. The auctioneers in this article, both required and discretionally allowed to be licensed, shall each be at liberty to charge upon all property by them respectively sold at public vendue, a commission of not more than five per cent. upon the gross sales thereof, and to retain said per centage in their hands out of the purchase money paid to them by the bidders; and they shall have power to sue for and recover to the use of the person or persons for whom any such property was offered for sale, the amounts at which the said property was by them struck off; to prove which, the oath of the clerk officiating at such sale, shall be valid evidence in any court of this kingdom.

SECTION IX. The sheriffs of the respective islands of this kingdom, and the elisors appointed in their stead, shall be ex-officio auctioneers, for the purposes of the courts thereof; and shall have power to make valid sales under execution upon their own responsibility as to the title to the property by them sold: Provided always that they shall in no case be entitled to charge an auction commission upon any such sale.

SECTION X. All the auctioneers licensed under the provisions of this article, shall quarterly, from the date of their respective

licences, render a written account to the minister of the interior, of the gross amount of property struck off by them upon the estimate of the highest bids offered; with an epitomy of the commissions by them received. And the auctioneers licensed upon per centage, shall quarterly pay over to the minister of finance, the per centage received by agreement; in default of which, the minister of the interior shall have power, upon complaint of the minister of finance, to revoke or suspend their licenses.

SECTION XI. The licenses given under the provisions of this article, shall be signed by the minister of the interior, and impressed with the seal of his department.

SECTION XII. The minister of the interior shall keep in a book of licenses, the names of all licensed auctioneers throughout the kingdom—their respective places of abode—the terms under which each was licensed, and the amount of license money received at the hands of each at the royal exchequer. It shall be his special duty from time to time to pay over to the minister of finance all license money by him received, under the provisions of this article.

SECTION XIII. Any person violating the provisions of this article, by exposing to sale at public vendue, without license first had and obtained, any property to be vended at auction, other than the official sales of executive judicial officers, as in this article provided; shall on conviction, forfeit and pay to the government for each offence, five hundred dollars, and the property so exposed shall not be considered as lawfully sold to the person acquiring the same: Provided that nothing in this section contained shall be construed to extend to persons acting on account of, under responsibility to, or instead of the licensed auctioneer, being appointed by him for the time being, in case of sickness or pressure of business.

ARTICLE V.—OF HAWKERS AND PEDDLERS.

SECTION I. It shall be the duty of the minister of the interior to grant a hawking and peddling license to any person, native or foreign, in the Kingdom, upon application being made to him for that purpose in writing, setting forth the name of the applicant—the island in which he designs to peddle, and whether such hawker intends to peddle on his own account or on commission.

SECTION II. Each hawker and peddler shall be confined in the exercise of his license, to the particular island for which he shall make application, and shall not be allowed to peddle in any other island than that for which his license is given: provided that a license may be granted to peddle in all or any number of the islands, upon compliance with the provisions of the succeeding section.

SECTION III. Before granting a license to peddle, the minister of the interior shall receive at the hands of the applicant twelve dollars and a half, for the use of the royal exchequer, as license money to peddle in any one designated island of this kingdom, and at the same rate for any other of the said islands; and he shall receive at the hands of the said applicant a bond, with at least one sufficient surety, to be approved by the minister of the interior, in the penal sum of five hundred dollars, which bond shall be in the following words, and upon the following condition, viz:

KNOW ALL MEN BY THESE PRESENTS, That we ——— principal, and ——— sureties, residing at ———, in the Island of ———, Hawaiian Islands, are held and firmly bound unto His Highness ———, minister of the interior, for the use of the Hawaiian government, in the penal sum of five hundred dollars lawful money, to be levied of our respective joint and several property, in case the condition herein set forth shall be violated. For the just and full payment of which we

hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Scaled with our seals, and dated this — day of — 18—.

The condition of the above obligation is, that whereas the above bounden — principal, has this day made application for a license to peddle at the Island of —, for the term of one year from the date hereof: Now if he shall not, during the continuance of his license, peddle goods of any kind in any other Island, than that for which his license is given, and if he shall not within that time, peddle and offer for sale any property of any kind, the product or manufacture of any foreign country which has been imported into this, in contravention of the law regulating the duties upon imposts—and if he shall at no time peddle or offer for sale any spirituous liquors, then this obligation to be void: otherwise, upon proof being made to the satisfaction of a common magistrate, without the intervention of a jury, as prescribed in the act to organize the judiciary, the penalty mentioned in the above bond shall be forfeited, and the license upon which it is predicated shall be revoked.

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

— (L. S.)

— (L. S.)

SECTION IV. Upon a violation of any of the above conditions of his bond, by any hawkers and peddler, it shall be the duty of the minister of the interior to pass the said bond over to His Majesty's attorney general for enforcement against the delinquent parties, both principal and sureties, with such information as has come to his knowledge, in regard to any such violation.

SECTION V. The licenses directed to be given by this article, shall be signed by the minister of the interior, and impressed with the seal of his department.

SECTION VI. The minister of the interior shall keep alphabetically in a book of licenses, the names of all licensed hawkers and peddlers throughout the kingdom—the island divisions of the kingdom in which they are respectively licensed to peddle—the amount of license money paid by each, and the names of the sureties, in their respective bonds. It shall also be his special duty from time to time to pay over to the minister of finance, all license money by him received, under the provisions of this article.

SECTION VII. Any person violating the provisions of this article, by hawking or peddling any articles of foreign product or fabric, without a license first obtained, pursuant to the provisions of this article, shall on conviction, forfeit and pay to the government, one hundred dollars, and may be imprisoned not exceeding six months, in the discretion of the court.

ARTICLE VI.—OF NEWSPAPERS AND PERIODICALS.

SECTION I. The minister of the interior shall grant a license to publish a periodical, journal or newspaper, to any person applying therefor in writing, and stating in his application the name of the publisher—where he intends to establish his periodical, journal or newspaper—whether the same is to be devoted to religious or literary objects solely, or whether commercial notices and advertisements are to be equally admitted into its columns, upon terms of charge.

SECTION II. The publishers of all periodicals, journals and newspapers printed in any part of the kingdom, devoted exclusively to objects of literature, science, the arts, or to education or religion, shall be entitled to receive at the hands of the minister of the interior, a license therefor without charge, other than the regulated price of such license, and the regulated fees of his bureau, as defined in the third part of this act.

SECTION III. Before granting a license to publish any periodical, journal or newspaper, having in view the insertion in its columns of commercial notices and advertisements, the minister of the interior shall receive at the hands of the applicant, the sum of one hundred dollars, as license money.

SECTION IV. All political measures, all laws of this govern-

ment, and the acts of all the officers thereof shall be open to unconstrained and free discussion in any licensed periodical, journal or newspaper, published therein; the publishers being responsible in personal damages to any private party agrieved, for libellous matter, or false and injurious charges. Excepting always that disrespectful assertions or allusions employed towards His Majesty the king, or towards His Highness the premier, in any public periodical, journal or newspaper printed in this kingdom, whether licensed or not, shall be considered high scandal, and shall subject the publisher of such periodical, journal or newspaper, for each offence, to a fine not less than one thousand dollars, and upon repetition, to imprisonment, not exceeding one year, in the discretion of the court.

SECTION V. The licenses directed to be given by this article, shall be signed by the minister of the interior, and impressed with the seal of his department, after which they shall be good for one year from the date thereof.

SECTION VI. The minister of the interior shall keep alphabetically in a book of licenses, the names of all licensed publishers of periodicals, journals and newspapers throughout the kingdom, whether devoted exclusively to literature, science, the arts, education or religion, or intended for the publication of commercial notices and advertisements—the name of such periodical, journal or newspaper—where established—the language in which printed, and the amount of license money received for each. And it shall be his special duty from time to time to pay over to the minister of finance, all license money by him received, under the provisions of this article.

SECTION VII. Nothing in this article contained, shall be held to extend to the Polynesian newspaper, or government organ, regulated in and by the first chapter of this part.

SECTION VIII. Any person violating the provisions of this article, by printing or publishing any periodical, journal or newspaper

in this kingdom, without first having obtained a license for so doing, pursuant to the provisions thereof, shall on conviction, forfeit and pay to the government for each offence, five hundred dollars, and may be imprisoned, not exceeding six months, in the discretion of the court.

CHAPTER III.

OF INTERNAL IMPROVEMENTS.

SECTION I. The bureau of internal improvements shall be presided over, superintended and managed by the minister of the interior, who may assign its immediate duties to a clerk appointed by him.

SECTION II. He shall open and keep a journal of public works and improvements for each of the islands of this kingdom, in which he shall insert all specific instructions given by the king to the respective governors, in regard to the following subjects, over which the said governors shall have supervision and control in their respective islands. He shall also insert in said journal all correspondence with them respectively, in relation to,

1. The construction and improvement of all public roads, highways and bridges throughout their respective islands.
2. The construction of all public marts and markets.
3. The erection of light houses and beacons, and demarking of channels:
4. The construction of prisons and places of public correction.
5. The restraining and impounding of estrays.

ARTICLE I.—OF PUBLIC ROADS, HIGHWAYS AND BRIDGES.

SECTION I. The respective governors shall, on receiving the king's instructions from the minister of the interior, have power to

lay out and cause to be constructed, any designated road or highway, or any bridges, in their respective islands, and for that purpose they may in their discretion order out as operatives, any persons sentenced to hard labor, placing the same under the superintendence of an officer; or they may call out to said work, any number of persons not sentenced, but liable to do public work, and who shall not have commuted the labor tax provided in the third part of this act, as therein allowed, compelling such persons to work at such designated improvements, in accordance with the provisions of this article.

SECTION II. In laying out any road or highway; and in planing any bridges, the governors shall respect the private vested rights of property which any private individual may have in the land over which said roads or highways shall be intended to pass, and over which any such bridges shall be intended to extend; and in case in the laying out or planing of any road, highway or bridge, it shall appear that it is likely to take away for the public convenience the private property of any person, the governor shall, before laying out such road or highway, and before planing such bridge, cite the party to be affected thereby, to appear before him to show cause why the said road, highway or bridge, should not be constructed over his property.

SECTION III. It shall be lawful for said governor to impanel a jury to assess the value of the private property so to be appropriated to the public use, and also the damages likely to be sustained by the private owner, whose verdict shall determine the price to be given for such private property, a certified copy of which verdict shall be transmitted by the governor to the minister of the interior.

SECTION IV. The governor of the island in which the road, highway or bridge is to be constructed, shall give to the party in whose favor the verdict of the jury was rendered, a certificate in the following form:

This is to certify, that a jury duly impanelled according to law, have assessed

the damages of ——— for appropriating to the public use his (land or water course or whatever was so appropriated) at ——— dollars.

Government house at ———, Island of ———, this ——— day of ——— 18——.

_____,
Governor.

SECTION V. Upon delivery of said certificate to the party in whose favor the verdict was rendered, the property assessed shall revert to the government for the public use intended, without further conveyance, and the holder of said certificate shall present the same to the minister of the interior for adjustment, pursuant to the provisions of the succeeding section.

SECTION VI. The minister of the interior shall have power to compound with the holder of any such certificate, in any way he may deem most advantageous to the interests of government, by the substitution of other land or other privileges, in lieu of that appropriated for the public good, or he shall have power to draw upon the minister of finance for the payment thereof in money.

SECTION VII. The governors shall appoint an overseer of any designated public road, highway or bridge, which in pursuance of this article, may be directed to be constructed, whose compensation shall be regulated by the minister of the interior. He shall confide to the management of said overseer the laborers employed thereon, and he shall hold the said overseer responsible for the execution of the public work so confided to his care, by withholding his compensation in case the same shall not have been faithfully or diligently performed.

SECTION VIII. In case there are no persons sentenced to hard labor in the island where such road, highway or bridge is ordered to be constructed, and in case there are no private persons in said island who have not paid the commutation labor tax, provided in the third part of this act, or not a sufficient number of such persons, then the governor shall make an estimate of the probable cost of constructing such public road, highway or bridge, and shall transmit such estimate to the minister of the interior, with a summary of the

difficulties to be foreseen in constructing the same, who may issue proposals for its construction, by public advertisement in a newspaper, to the lowest bidder. The contract with the lowest bidder founded upon such proposals, shall be entered into in writing, and shall be payable by the minister of finance, upon the order of the minister of the interior, out of the road taxes of the island in which such public road, highway or bridge shall be constructed.

ARTICLE II.—OF PUBLIC MARTS AND MARKETS.

SECTION I. There shall, from time to time, be established at such places in such of the islands as may be designated by the king, at the instance of the minister of the interior, public marts or markets, for the sale of the home products; to which, the Hawaiian vessels engaged in the carrying or coasting trade, resort for supplies of native produce, needed at the ports of more general entry and departure, created in the third part of this act.

SECTION II. The marts or markets for home produce, shall be held at such places as the minister of the interior may direct, and shall always be constructed in the mode deemed by the respective governors most suitable to the purposes for which they are intended. The governors shall, when requested so to do by the minister of the interior, furnish a plan and estimated cost of any such mart or market, the estimated income to be derived therefrom to the royal exchequer, and the probable convenience effected thereby, to the producers of the island.

SECTION III. Said marts or markets shall be conveniently placed, in the estimation of the governor, and if necessary, shall be covered, to protect the articles offered for sale, from rain. There may be, at the discretion of the governor, compartments or stalls provided therein, for the use of the sellers of produce, which com-

partments or stalls may be leased yearly, by order of the governor, to the retailers of island produce, the avails of which stalls shall be for the benefit of the royal exchequer.

SECTION IV. It shall be the duty of the respective governors to cause cleanliness to be preserved in and about said marts or markets, and to punish by fine those who suffer articles offered for sale in their stalls to become putrid, and who neglect the cleansing of the same.

SECTION V. The governors shall annually transmit to the minister of the interior, an account of the condition of said marts and markets, and shall annually account to the minister of finance for the rental of said compartments and stalls. But said governors may, under the instructions of the minister of the interior, receive the rental in produce for the use of the government, in lieu of cash.

ARTICLE III.—OF LIGHTHOUSES, BEACONS AND CHANNELS.

SECTION I. The respective governors shall, on receiving the king's instructions from the minister of the interior, have power to cause to be erected at any designated points upon the coasts of their respective islands, lighthouses or beacons, for the guidance of vessels at night; and for that purpose may be required to furnish estimates of the expenses likely to be incurred thereby, and of the probable income likely to accrue to the royal exchequer from such lighthouses and beacons, upon the port charges established by the third part of this act.

SECTION II. When any such lighthouses or beacons are found necessary to the commerce of these islands, and are reported upon favorably by the governor, they shall be erected by contract with the lowest bidder, after due advertisement of proposals, as directed in the eighth section of the first article of this chapter.

SECTION III. The governors shall in like manner, under the instruction of the minister of the interior, cause the channel of any designated harbor or inlet in their respective islands to be surveyed, pursuant to contract for that purpose entered into by said minister; and shall, on his requisition, furnish the contractor with all needed boats and laborers for that purpose, at the government expense, to be certified by said governor.

SECTION IV. The charts and maps of any such surveys shall be filed in the bureau of the public works, for the use of the interior department.

ARTICLE IV.—OF PRISONS AND HOUSES OF CORRECTION.

SECTION I. The governors shall, on receiving instructions from the minister of the interior, have power to lay out and cause to be constructed, any designated building in their respective islands, to be used as a prison or house of correction; which when so erected, shall become a declared prison or house of correction for the island, wherein may be confined all wrong-doers, and all persons under lawful arrest, awaiting their trials as wrong-doers.

SECTION II. For the purpose of erecting or of repairing any such prison or house of correction, the governors may, in their discretion, order out as operatives, any persons already sentenced to hard labor in their respective islands, placing such sentenced persons under the surveillance of an officer; or, they may call out to the said work, any number of persons not so sentenced, but liable to do public work, and who shall not have commuted the labor tax provided in the third part of this act. They may compel such persons to work at such designated building or repairs, in like manner as is prescribed for the opening of roads and the erection of bridges, in the first article of this chapter.

SECTION III. In case there are not a sufficient number of persons sentenced to hard labor in the island where such prison or house of correction is ordered to be erected or repaired; and in case there are not a sufficient number of persons in said island who have not paid the commutation labor tax as provided in part third of this act; then the governor shall make an estimate of the probable cost of such construction, completion or repair, in the mode prescribed for the construction of roads, highways and bridges, in the eighth section of the first article of this chapter; and the said prisons or houses of correction shall be constructed or repaired at the expense of the islands respectively, from the fines and penalties imposed therein.

SECTION IV. The prisons and houses of correction ordered by this article to be constructed, shall in addition to those already in existence, be the legalized prisons of the respective islands, and under the charge of the respective sheriffs, who shall be accountable in damages or in fine, upon their official bonds, or otherwise punished, for all escapes, and for all unnecessarily harsh usage of prisoners, as particularly defined in the fifth part of this act, in the act to organize the judiciary department, and in the criminal code of this kingdom.

SECTION V. The governors may cause suspected persons or others requiring confinement, to be temporarily lodged in said prisons when occasion shall at any time seem to them to justify or require personal restraint; and the sheriffs' shall respectively bring up such prisoners to enquire into the legality of their imprisonment whenever required by *habeas corpus*, as prescribed in the act to organize the judiciary.

SECTION VI. No person shall be held in duress in any such prison or house of correction, by the sheriff or his agents, for a longer term than forty-eight hours, without a mittimus duly signed by some judge, as prescribed in the act to organize the judiciary.

ARTICLE V.—OF THE RESTRAINING AND IMPOUNDING OF
ESTRAYS.

SECTION I. Any horse, mare, mule, ass, kine, swine, goat, or sheep, found at large in any of the islands of this kingdom, or doing damage therein to the property of private persons, or to the property of government, or unmarked as in this article prescribed, though not at the time doing damage, shall be denominated an estray, and may be taken up and lodged in the pounds to be established in virtue of this article.

SECTION II. It shall be the duty of the governors, under the direction of the minister of the interior, to set apart some proper enclosure or enclosures on their respective islands, for the impounding of estrays, of which and of their location and extent, due notice shall be given by said governors, in some public newspaper.

SECTION III. The respective governors shall appoint some suitable person to be pound master, to have charge of said pounds, and shall control his conduct in regard thereto.

SECTION IV. The governors shall cause weekly to be proclaimed *viva voce* in the streets of the capital of, and in the vicinity of all pounds in their respective islands, the number and kind of animals then impounded, and if ascertained, the names of the owners.

SECTION V. It shall be lawful for the owner of impounded cattle, at any time within two months from the day of first proclaiming the same, to demand, reclaim and take away his or her impounded estray, upon paying to the pound master half a dollar per diem, for the time such estray shall have remained impounded. Such owner shall be liable for the same.

use of the party aggrieved, the damages which occasioned the impounding of said estray, and all the expenses incurred: Provided that the owner of any estray shall not be liable for the payment of any damages occasioned by such estray, nor any expense in impounding the same, unless due notice was given to said owner, if known, and damages demanded of him before impounding.

SECTION VI. The governor shall have power to impanel a jury in cases of dispute, to try the question of estray under the meaning of this article, and the question of damages sustained, upon application for that purpose, and deposit with him of twenty-five dollars, to be forfeited by the claimant or the party impounding, as the verdict of the jury shall determine.

SECTION VII. All animals remaining in the public pounds, unreclaimed for more than two months, shall be exposed to public sale by the pound master, by order of the governor, to the highest bidder, and out of the proceeds arising from such sales shall be deducted the damages to the party impounding, to be assessed by the governor for the use of said aggrieved party, without the intervention of a jury, and also all the costs and expenses incurred by impounding the estray and occasioned by the public sale thereof. The remainder shall be for the use of the royal exchequer.

SECTION VIII. The governors shall quarterly inform the minister of the interior, as well of the condition of said pounds, as of the revenue derived therefrom to the government, and shall quarterly pay over to the minister of finance all pound money received by their respective pound masters.

SECTION IX. Every owner of cattle, horses, mules, sheep, goats and swine throughout this kingdom, shall mark the same by branding or otherwise, on pain of forfeiting his animals found at large doing damage or trespassing, and unbranded or unmarked, according to this article. It shall be the duty of such owner to deposit with the governor of the island in which the said animals may be, an impression of his brand or description of his mark, and to receive from said governor a certificate of the fact: for all which the governor shall

demand and receive for the use of the royal exchequer, and pay over to the minister of finance, the fees of marking certificates, prescribed in the third part of this act, and shall furnish the minister of the interior with a list of the names of cattle, horse, mule, sheep, goat, ass and swine owners, in their respective islands, and a description of the marks employed by each. Nothing herein contained shall be construed to apply to the young of animals within the age of six months, going unmarked with a dam which is marked.

CHAPTER IV.

OF THE GUBERNATORIAL TRANSACTIONS.

SECTION I. The bureau of the gubernatorial transactions shall be presided over, superintended and managed by the minister of the interior, who may assign its immediate duties to a clerk appointed by him.

SECTION II. The minister of the interior shall, under the direction of the king, hold correspondence with, give the king's instructions to, and receive reports from the governors of the respective islands, upon all the gubernatorial duties prescribed in the several succeeding articles of this chapter; of all which he shall keep suitable and distinct records for the information of His Majesty.

SECTION III. The governors of the island divisions of this kingdom, shall make report quarterly to the king through the minister of the interior, of all acts performed by them under the several articles of this chapter; and when called upon for details of their transactions, shall at all times furnish the same for the use of His Majesty.

SECTION IV. The governors shall be accountable to the king, through said minister,

1. For granting licenses to marry.
2. For granting divorces and separations in all cases in which they shall be applied to.
3. For the enlistment of native sailors on board foreign vessels.
4. For the apprehension of fugitives from justice.
5. For the employment of the civil posse, and of the military power of their respective islands.

6. For the use of all government property confided to their care.

7. For the execution of any discretionary duty required of them by the king, the performance of which is not by law specially imposed upon some other officer or department.

8. For the prompt and faithful execution of all duties specially imposed upon them by law, for which they are not by law made specially accountable to the king, through some other department of this government.

ARTICLE I.—OF THE MARRIAGE CONTRACT.

SECTION I. In order to validate the marriage contract, it shall be necessary that the respective parties be not to each other within the fourth degree of consanguinity. That the male shall, at the time of contracting marriage, be at least seventeen years of age, and the female at least fourteen years of age; that the man shall not have at the time an undivorced wife living; and that the woman shall not have at the time an undivorced husband living. It shall also be necessary to validate the marriage of native female subjects of these islands, with male foreigners coming here to reside, that the foreigners have become first duly naturalized, by taking the oath of allegiance, and it shall in no case be lawful to marry in this kingdom without license for that purpose first obtained from the governor of the island where the female party has her domicile, or from his acting substitute, who shall, before granting such license, satisfy himself that none of the provisions of this article will be violated thereby.

SECTION II. The marriage rite may be performed and solemnized by any minister of the christian religion, of any denomination upon presentation to him of the governor's license; who may be at liberty to receive the price to be stipulated by the parties, or the gratification tendered to him. It shall also be competent for the

minister of the interior, to appoint a civil officer on each of the islands, in like manner to solemnize marriages. It shall be incumbent on said ministers and upon said officer, to retain as a voucher, the governor's license.

SECTION III. The husband, whether married in pursuance of this article, or heretofore, or whether validly married in this kingdom or in some other country, and residing in this, shall be accountable in his own property, for all the debts contracted by his wife anterior to and during marriage; to any of which debts, he may set up the same defence she could have interposed had she remained sole. The husband shall be bound in law to maintain, provide for, and support his wife during marriage, in the same style and manner in which he supports and maintains himself. Should he neglect or refuse so to do, he shall be compellable upon complaint, as defined more particularly in the act to organize the judiciary. The husband shall, in virtue of his marriage, and in consideration of the responsibilities imposed on him by law, be the virtual owner, except otherwise stipulated by express marriage contract, of all moveable property belonging to his wife anterior to marriage, and of all moveable property accruing to her after marriage; over all which moveable property he shall, unless otherwise stipulated by contract, have absolute control for the purposes of sale or otherwise, and the same shall be equally liable with his own for his private debts. The husband shall in virtue of his marriage, unless otherwise stipulated by express contract, have the custody, use and usufruct, rents, issues and profits of all property of a fixed and immoveable nature, belonging to his wife before marriage, or accruing to her after marriage; and he may rent or otherwise dispose of the same for any term not exceeding the term of his natural life; provided, that in case his wife shall first die, the husband legally married as aforesaid, shall cease to have control over the immoveable and fixed property of his wife, and the same shall immediately descend to her heirs as if she had died sole, unless there happen to be legitimate issue of the marriage within the age of legal majority; in which case, the husband shall continue to enjoy a *curtesy* in said immoveable or fixed property, until such issue shall attain majority, when the same shall descend to the heir or heirs of the body of the wife. The immoveable and fixed property of the

wife shall not be liable to be sold for the payment of husband's debts, whether contracted in his own behalf solely, or in support of or for the use of his wife after marriage. But such immoveable and fixed property may be legally sold on execution, to satisfy the debts contracted by the wife before marriage, if no property of the husband be found to satisfy the same.

SECTION IV. The wife, whether married in pursuance of this article or heretofore, or whether validly married in this kingdom or in some other country, and residing in this, shall be deemed for all civil purposes, to be merged in her husband, and civilly dead. She shall not, without his consent, unless otherwise stipulated by anterior contract, have legal power to make contracts, or to alienate and dispose of property—she shall not be civilly responsible in any court of justice, without joining her husband in the suit, and she shall in no case be liable to imprisonment in a civil action. The husband shall be personally responsible in damages, for all the tortuous acts of his wife; for assaults, for slanders, for libels and for consequential injuries done by her to any person or persons in this kingdom. The wife shall in virtue of her marriage, be entitled in law to receive upon the death of her husband, by way of dower, a life estate in one third part of all immoveable and fixed property owned by him at the time of her intermarriage, or acquired by him during her marriage; and an absolute property in the one third part of all his moveable effects in possession or reduceable to possession at the time of his death, after the payment of all his just debts: Provided, that the wife may voluntarily as hereinafter specified, renounce in writing, her dower in any of the immoveable and fixed property of her husband, sold by him for a valuable and satisfactory consideration. Without which free and unconstrained renunciation in writing, she shall, notwithstanding such sale by her husband, be entitled to demand and receive her dower of the purchaser or holder, at the time of her widowhood.

SECTION V. In order to render a release of dower valid, as contemplated in the proviso to the foregoing section, the same shall be indorsed upon or appended to the deed of conveyance executed by the husband, and recorded with said deed, in the office of the register

of conveyances, hereinafter created. In order to authorize the register to record such release, he shall first have examined the wife who purports to have signed it, separately and apart from her husband, to know from her own lips, whether in very truth she has signed such release as her voluntary act, without fear or constraint from her husband. Should it prove to be voluntary and unconstrained, the same shall be valid, and recorded as such, but not otherwise.

SECTION VI. The widow of a deceased husband shall be entitled to apply to the judge of probate for admeasurement of her dower, as provided in the act to organize the judiciary.

SECTION VII. The children of a valid marriage shall be denominated legitimate; and the husband of said marriage shall be liable for their suitable and proper support in all respects, until they severally attain the age of twenty years, when his liability shall cease. Said husband shall also be liable to do all the parental duties provided in the third, fourth and fifth parts of this act. He shall also be entitled to control and manage his children in all respects during their minority, and require reasonable service at their hands. He shall be the natural guardian of their persons and of their property; he shall be liable to prosecution for totuous acts committed by them, and entitled to prosecute and defend all actions at law in which they or their individual property may be concerned: Provided that all minors, evincing, to the satisfaction of a court of justice, sufficient understanding to be conscious of right and wrong, shall be, in their own persons, liable for crimes committed by them, to the same extent and in the same manner, as persons in law.

SECTION VIII. Children whose parents shall not have legally married, in contemplation of this article, shall be denominated bastards, and shall not be entitled to inherit from their male parents, without express bequest: Provided nevertheless, that the female parent shall be compellable to maintain and support them during minority, and they shall be capable to take by inheritance from the mother, without will. They may be affiliated upon the male parent until the age of twelve years, as prescribed in the act to organize the judic-

ry, upon sworn information and complaint given, as in the said act provided.

SECTION IX. The governors of the respective islands shall cause to be kept a register of all licenses to marry by them respectively granted, in which shall be preserved a true duplicate of each license, in the following form, viz:

Liberty is granted to ——— (an *Hawaiian subject, or a naturalized or unnaturalized Englishman, Frenchman, American, or other foreigner, as the case may be*) residing at ——— in the Island of ——— to marry ——— (an *Hawaiian subject, or an English, French or American woman*) residing at ——— in the Island of ———; there appearing no legal impediment to the said marriage.

Given under my hand, at ———, Island of ———, this ——— day of ——— 18—.

Governor.

SECTION X. The governors shall annually render to the minister of the interior, for the use and information of His Majesty, a true list of the number of licenses so granted, of the names of the parties receiving the same, of their respective places of residence, and of the dates of said licenses. And the clergymen or other officers solemnizing marriage, shall annually, on the first day of January, report to said minister the number solemnized by them in the respective islands.

SECTION XI. Marriages legal in the country where contracted, shall be held legal in the courts of this kingdom.

SECTION XII. It shall be incumbent upon the father, if living, of any child born in lawful wedlock in this kingdom, and if not living, upon the mother, within six months thereafter, to notify in writing the governor of the island within which said child was born, of its name and sex, and of the date of its birth. Any neglect to make such announcement shall subject the delinquent parent to a fine of ten dollars.

SECTION XIII. It shall be incumbent on the governors to keep a register of births, and to enter therein the names of all children born

within their respective islands, as of the date of the information, in the last preceding section required.

SECTION XIV. The governors shall annually furnish the minister of the interior, a full list of births registered by them, and when requested by private parties interested, shall certify the records of marriage licenses, and registrations of births, to be used in evidence in the courts of this kingdom, or elsewhere; upon being paid the fees of transcriptions prescribed in the third part of this act, for the use of the royal exchequer.

ARTICLE II.—OF DIVORCES AND SEPARATIONS.

SECTION I. The governors shall have power to decree annulments of the marriage contract between parties residing in their respective islands, upon application, for the cause only of adultery, as defined in the criminal code of this kingdom, upon satisfactory proof that the party accused, since the marriage was solemnized, had cohabited and had carnal connexion with some third party. The governors shall also have power to decree a separation from bed and board between natives legally married, and residing in their respective islands; upon application of either party, for any of the following causes appearing satisfactorily to require such separation, viz:

1. For excessive and habitual ill treatment of the one party by the other.
2. For habitual drunkenness.
3. For continued refusal of the husband to provide his wife with the necessaries of life.

SECTION II. In case divorce shall be decreed absolute for adultery, the adulterous party (if the female) shall not be entitled to receive any settlement by way of alimony from the property of her divorced husband; she shall not be entitled to receive again any moveable property which she may have brought him in marriage; nor to

enjoy; during his natural life, the immoveable property which may have belonged to her while unmarried, or which may have accrued to her during marriage. Said immoveables shall nevertheless descend, upon her death, to her next of kin, as if divorce had not taken place. Neither shall she be entitled to dower upon the death of her divorced husband.

SECTION III. In case divorce shall be decreed absolute for adultery, the adulterous party (if the male) shall not be entitled in law to retain the immoveable and fixed property of his divorced wife; but such divorce shall operate to fully instate her in its possession, with all the rights therein, of a single woman. She shall by virtue of such divorce acquire all the rights of legal identity of an unmarried woman—be again capable of suing and being sued in her own name, and of making contracts. She shall be entitled to receive an allowance by way of alimony adequate to her support during the lifetime of her divorced husband out of his property, which shall be ascertained and set apart by the governor, upon a scale commensurate with the style in which she was accustomed to live during marriage; and the husband's property may be sequestered in trust, for the payment thereof during his life. She shall, upon the death of her divorced husband, cease to be entitled to alimony, and shall instead, become entitled to the dower of a widow in his property, according to the provisions of the preceding article. The divorced wife of an adulterous husband shall, after decree passed, be fully authorized in law to marry again, and shall be solely entitled to the custody, care and control of the children of her previous marriage, for whose support, provision may be made by the governor, in settling her alimony. The adulterous party to a divorce, shall in no case be entitled to the custody, possession, use or usufruct of the property, moveable or immoveable, of any child of such marriage, but such custody, possession, use and usufruct shall belong to the innocent party.

SECTION IV. The divorce of the parents, shall in no case operate to bastardize the issue lawfully born of the marriage dissolved thereby.

SECTION V. In case of mere separation from bed and board for any of the causes in this article mentioned, the parties shall be still considered as married; they shall not, upon after reconciliation, be required to be re-married in order to cohabitation: Provided nevertheless that the separation shall have the effect, in law, to reinstate the wife, whether the wrong-doer or not, in the right to sue or be sued, to alienate and convey property, and to make contracts as if a single woman, during the continuance of such separation; the cessation of which, in order to reinstate her in the legal protection of a wife, shall be notified in writing to the governor who granted the separation.

SECTION VI. The governor shall have power, as in the third section of this article provided, to set apart an allowance of alimony for the use and support of the wife, (if the aggrieved and complaining party) and for the support of her children during their minority, or until the cessation of the separation, out of the property of the husband: The governor shall have power to sequester the offending husband's property for this purpose, and to enforce the payment of such alimony.

SECTION VII. The aggrieved and complaining husband of a wife separated from bed and board by the governor, shall not be compellable to provide alimony for his wrong-doing wife; shall not, on account of such separation loose any of the rights of property acquired by virtue of the marriage, nor be bound in law to surrender the property brought to him in marriage: Provided that he shall, notwithstanding such separation, be bound to support the legitimate children of the marriage; to do which, the governor granting the separation shall have power to compel him.

SECTION VIII. The divorces and separations granted in pursuance of this article, shall be notified to the public through the Polynesian newspaper, at the expense of the party obtaining the same; and the reconciliations and reunions herein also provided for, shall in like manner be notified to the public, through the Polynesian newspaper at the expense of the husband in all cases; until which respective

notices shall have been so made public, neither the divorces in this article contemplated, nor the reunions herein allowed, shall be of any valid force.

SECTION IX. In order to effect the notification required by the preceding section, it shall be incumbent on the respective governors, as soon as may be after granting any divorce or separation, and after notice to them of any reunion, to report the same to the minister of the interior for announcement, as already provided; who shall furnish the proper notice to the director of the government press. And it shall further be incumbent on the respective governors, quarterly to pay to the minister of finance, the fees for granting divorces and separations, for registering reunions, and for publishing the same, prescribed in the third part of this act.

SECTION X. Either party may, within fourteen days, take written exception to any decree of divorce or separation, made by any governor, as in this article prescribed; and may for cause of exception assigned, appeal from such executive decree to the judicial tribunals of the country for a rehearing, in the mode prescribed by the act to organize the judiciary; they shall, upon such rehearing, be entitled to all the advantages allowed by that act, and until the final decree of the court of appeal, such decree of the governor shall not be conclusive.

ARTICLE III.—OF THE ENLISTMENT OF NATIVE SAILORS ON BOARD
FOREIGN VESSELS.

SECTION I. It shall not be lawful for the commander or other officer of any foreign vessel, to enlist or to take away on board his vessel, any native inhabitant of this kingdom as a sailor or otherwise, for his own or for the use of any other person, without first complying with the requisitions of this article.

SECTION II. Application for that purpose shall be made by the commanding officer to the governor of the island, where such native is desired, upon stamped paper, setting forth the name and nation of the vessel for whose use said native is desired—her place of destination—the avowed object of her voyage, and the period of time during which such native is required. Should any particular native or natives be specially desired, his or their name or names shall be inserted in the application, and should none in particular be indicated, the governor may cause the desired number to be obtained, pursuant to the applicant's request. The governor shall judge in all cases of the expediency of granting applications for enlistment of native sailors on board foreign vessels, and may grant or refuse the same, in his discretion.

SECTION III. No application for the enlistment of natives on board a foreign vessel shall be considered legally granted, until the commanding officer shall have deposited with the governor an executed duplicate copy of the shipping articles by which such native is enlisted, containing the terms and stipulations of his enlistment; and shall have made and executed a bond to the governor, in the penalty of one hundred dollars for each man, with at least one sufficient surety, to be approved by the governor, in the following form, viz:

KNOW ALL MEN BY THESE PRESENTS, That we ——— master of the ship ———, sailing from the port of ———, in ———, and now destined on a ——— voyage, principal, and ——— of ———, island of ———, Hawaiian Islands, surety, are held and firmly bound unto His Excellency, ———, governor of the said 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, whereof 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 enlistment 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 said vessel, has this day deposited, pursuant to law, a copy of his shipping agreement with ——— which copy is hereto annexed, to form part of the condition of this bond:

Now if the said ——— shall, within ——— from this date, return the said enlisted natives to the Hawaiian Islands, and shall pay to said governor out of the

wages of said seamen, the sum of fifty cents per month for the whole term of their service respectively, and shall in all respects comply with the terms of their enlistment hereunto annexed, 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.)

SECTION IV. The governor of the island to whom said bond shall have been given, shall have power to enforce the same at law in the courts of this kingdom, and elsewhere, against the obligors therein named, or against the vessel for whose use said sailors shall have been enlisted, according to the mode prescribed in the act to organize the judiciary, and other laws incident to the *situs* of said vessel. He shall have power, in case of the death of such enlisted natives, or for other equitable considerations, to remit the penalty in the said bond mentioned, notwithstanding a violation thereof.

SECTION V. The governor may, upon full compliance with the provisions of the preceding sections, endorse his consent upon the shipping articles of said vessel; for which consent, as well as for the bond and stamps hereinbefore prescribed, he shall receive at the hands of the captain, the fees to be regulated in the third part of this act: whereupon the said enlisted natives shall be at liberty to depart the realm.

SECTION VI. The governors shall have power, after the provisions of the preceding sections are fully complied with, to compel the embarkation of any subjects of these islands so voluntarily enlisted by a foreign captain, and for that purpose in case of desertion, he may cause them to be arrested and conveyed on board.

SECTION VII. If any captain or other officer of a foreign vessel, shall, without complying with all the provisions of this article, take, or carry away out of the jurisdiction of this government, any native subject thereof, he shall, on conviction, forfeit and pay the

sum of five hundred dollars for each offence; to satisfy which, his vessel shall be liable to attachment, condemnation and sale, as prescribed in the act to organize the judiciary.

ARTICLE IV.—OF THE APPREHENSION OF FUGITIVES FROM JUSTICE.

SECTION I. The governors upon receiving information from the minister of the interior, that any person, an alien, fleeing from the justice of a foreign country on account of crime committed therein, is lurking in their respective islands, evading justice, and that formal demand has been made for his surrender by the representative of such foreign country, or in case no demand has been made, that a public proclamation has been issued abroad against such fugitive, and a reward offered for his apprehension and surrender, shall have power, and it shall be their duty to issue a warrant for his or her apprehension.

SECTION II. It shall be the duty of the sheriff to whom the said warrant is addressed, to make diligent search for such fugitive, and having arrested, to confine him or her in prison until the further order of the governor.

SECTION III. The respective governors shall, upon being instructed so to do by the minister of the interior, surrender such arrested fugitive to the marshal of the Hawaiian Islands, created by the fifth part of this act, to be by him held in custody, until the representative of the foreign nation whose subject or citizen he is, shall have accepted his surrender, and assumed the payment of the promised reward, as well as the charges and expenses of apprehension, commitment and surrender; which shall be considered an assumption of the foreign government towards the government of His Majesty the king, in favor of the royal exchequer.

ARTICLE V.—OF THE CIVIL POSSE AND OF THE MILITARY POWER.

SECTION I. The governors shall have power to appoint any number of constables for their respective islands, at such places as they may deem the public good most to require; and shall agree with said constables, upon the price to be paid them for their services, either by way of commission or otherwise; of which appointments, places and compensation, they shall give information to the minister of the interior.

SECTION II. Said constables shall constitute the civil posse of the respective islands, and be, primarily, under the command and control of their respective sheriffs, as more particularly set forth in the fifth part of this act, who shall have power, if need be, to marshal and command said civil posse, in aid of the duties required to be performed by him.

SECTION III. All male subjects of His Majesty, between the ages of eighteen and forty years, shall be liable to do military duty in the respective islands where they have their most usual domicile, whenever so required by proclamation from the governor thereof. They shall rendezvous at such place and at such time as said governor shall, in and by his proclamation direct, upon the pains and penalties to be prescribed in the criminal code of this kingdom.

SECTION IV. The governor shall have power to excuse any subject residing in his island, liable to do military duty, on account of sickness or any other bodily infirmity, and not otherwise, from the military service required by his proclamation. Every subject liable to do military duty as aforesaid, who shall neglect or refuse to report himself at rendezvous, pursuant to the governors proclamation, shall be punishable as in the criminal code prescribed for desertion: Provided that the following persons shall be exempt from military duty,

viz: All professed ministers of the christian religion, of every denomination. All teachers of youth, holding the certificates required by the fourth part of this act, and actually employed as such in some of the school districts thereby created. All members of the privy council of state, and all heads of bureaux in the respective executive departments. All members of the houses of nobles and representatives, when in actual session as a legislative body. All judges and justices of the respective courts of this kingdom. All sheriffs; all notaries public. All registers of wills and conveyances. All collectors of the customs. All poundmasters, and all civil constables in the respective islands.

SECTION V. The governors shall be commanders-in-chief of the military power in their respective islands, with the military title of general. They shall have power to nominate for appointment by the king, through the minister of the interior, their military staffs respectively, and all officers necessary to the operations in prospect. They shall have power to constitute courts martial for the trial of military offenders, and to confirm or reverse their sentences. They shall have power direct and control the movements and operations of the said military power, when embodied as aforesaid, or they may devolve such command upon an adjutant general. They shall have power, in aid of their military operations, to declare martial law in their respective islands, and to lay embargoes upon the several ports thereof, when directed by His Majesty the king, through the minister of the interior.

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

SECTION VII. His Majesty may rendezvous the respective

island forces at any designated point within the kingdom—may assign military duty to be specially performed by them, when in his estimation required; and may, by proclamation, prescribe rules and regulations for the government of the military power of the kingdom.

ARTICLE VI.—OF THE GOVERNMENT PROPERTY.

SECTION I. The property of this government, as contradistinguished from the property of individuals, whether aliens or subjects, and whether the said property be moveable or fixed and immoveable, shall be deemed to be held and controllable only by the minister of the interior, by order of His Majesty. The said minister shall be accountable to His Majesty for the safe keeping thereof. He shall see that said property does not needlessly decay or deteriorate in value. He shall provide for the renting of government immoveables, and for the sale and disposition of government moveables. He shall direct the realization in money, of all articles of produce or manufacture which may have been received in payment of taxes, and may for that purpose transport and export the same at pleasure. The vessels appertaining to the government, shall always be owned in his name, and registered in his name, as hereinafter provided. He shall control the movements of said vessels, and place them under the command of suitable officers, removeable at his pleasure. He may at all times direct the destination of said vessels, and detach them upon special duties and commissions. He shall countersign all patents and leases, as hereinafter provided. He shall also be accountable to His Majesty, through the minister of finance, for the usufruct, rents, issues and profits of such immoveable and fixed property, which he shall have power to rent and keep employed for that purpose, as provided in the seventh chapter of this part.

SECTION II. The governors shall be accountable to the king, through the minister of the interior, for so much of the government property as shall at any time happen to be within their respective

islands. It shall be their duty, when required, to furnish said minister with an inventory thereof, and with a statement of its condition and value; and the said minister may appoint suitable persons in the respective islands, to take charge of and manage the same; who shall, when so appointed, be compellable by the respective governors to discharge faithfully the orders of said minister.

SECTION III. The governors shall keep, in suitable and safe deposits the munitions of war in their respective islands, subject to orders from the minister of the interior; to whom they shall, when required, furnish a faithful account of the stores of powder, ball and arms so in deposit—the quantity and number of each—the condition thereof, and the places at which the same are kept. It shall not be lawful for said governors to use the munitions of war without appropriation expressly made by the minister of the interior, except in case of invasion, or in case of riot and insurrection, calling for prompt and energetic measures before communication could be made to the minister of the interior.

SECTION IV. The minister of the interior shall set apart annually, or oftener if occasion shall render it necessary, an adequate amount of powder, to be available to the governors for salutes, at the respective batteries where salutes are necessary; and shall place the same at the disposal of the governors of the islands where said batteries are situated; the expenditure of which powder they shall circumstancially account for annually to the minister of the interior.

SECTION V. The forts at the respective islands shall be deemed government property within the meaning of this article, and the respective governors shall have command over them for all purposes of defence, and for the security of prisoners. They may, however, delegate such command to a captain of the fort, holding him accountable for the proper use thereof. Said forts shall be armed by order of the minister of the interior, at the government expense, to be paid by the minister of finance, after audit.

ARTICLE VII.—OF THE DISCRETIONARY DUTIES.

SECTION I. His Majesty may at any time, through the minister of the interior, require either of the governors to do or cause to be done within his island, any duty in regard to its internal affairs, not specially defined by law, nor expressly devolved by law upon some other officer or department of his government.

SECTION II. It shall be incumbent on the minister of the interior, in making such requirement, to give special written directions in relation thereto, and in what way to execute the same. But nothing in this article contained, shall be construed to devolve the duties of one officer upon another, or to validate the exercise of functions by one officer, which are by law expressly assigned to another.

SECTION III. Upon receiving such instructions, the governor to whom they are addressed, shall forthwith execute the same, and with all required or convenient speed, report his action thereon to the king, through the minister of the interior, upon pain of the punishment prescribed in the act to organize the executive ministry.

ARTICLE VIII.—OF THE PRESCRIBED DUTIES.

SECTION I. The respective governors shall report faithfully all the acts and transactions particularly required of them by the statute laws of this government, to the proper minister created by the act to organize the executive ministry; and, in case any transaction, the performance of which is required of them by law, shall not be made reportable to any specified minister, said governors shall, upon being

required by the king to perform the same, report to the minister of the interior, as if such transaction was specifically made to depend upon the fourth chapter of this part; and in case of refusal or neglect to cause such duties performed as required, or in case they shall perform them carelessly, the governor so offending against the king's orders, shall be liable to impeachment, condemnation and punishment, as prescribed in the act to organize the executive ministry.

CHAPTER V.

OF SUBJECTS AND FOREIGNERS.

SECTION I. The bureau of naturalization shall be presided over, superintended and managed by the minister of the interior, who may assign its immediate duties to a clerk, who shall open and keep a journal of all the matters detailed in the following articles of this chapter, and preserve for said minister all correspondence with the respective governors in relation thereto.

ARTICLE I.—ALIENS, DENIZENS AND NATIVES.

SECTION I. It shall be incumbent upon all foreigners coming from foreign countries into this kingdom, whether for transient purposes or with intent to remain permanently, and being at the time aliens to this, to bring and here exhibit before landing, a passport from some competent officer in the country whence such foreigner shall have come, descriptive of the person, age, sex and vocation of such foreigner, and properly authenticated, so as to be attested by the diplomatic agent, consul or commercial agent here resident, of the country whence such foreigner shall have come.

SECTION II. It shall be incumbent on every such foreigner, before landing, and before removing from a vessel any articles of baggage, to cause his passport to be seen, and its genuineness attested by

the endorsement of some diplomatic agent, consul or commercial agent in this kingdom. It shall be his duty to exhibit said passport to the governor of the island, or if he be absent, to the collector of the customs at the port where such foreigner shall have arrived. Before landing personal baggage from on board a foreign vessel, it shall be further incumbent on every foreigner coming into the kingdom, to obtain a permit from the collector of the customs, as prescribed in the third part of this act. For certifying the authenticity of every passport, the diplomatic agent, consul or commercial agent shall be entitled to collect at law, for his own use, from the bearer; and for examining the same when so certified, the governor, and for every permit to land baggage the said collector of customs shall severally be entitled to collect, for the use of the royal exchequer, the fees prescribed in the third part of this act.

SECTION III. All persons born within the jurisdiction of this kingdom, whether of alien foreigners, of naturalized or of native parents, and all persons born abroad of a parent native of this kingdom, and afterwards coming to reside in this, shall be deemed to owe native allegiance to His Majesty. All such persons shall be amenable to the laws of this kingdom as native subjects. All persons born abroad of foreign parents, shall, unless duly naturalized, as in this article prescribed, be deemed aliens, and treated as such, pursuant to the laws.

SECTION IV. All aliens shall, as in Great Britain and the United States of America, continue to be under the following disabilities:

1. They are not eligible to any civil or military office in this kingdom, created by the laws.
2. They are not entitled to vote at any election for elective officers of this kingdom, nor to take any official share in the administration of the government.
3. They are not able to acquire any allodial or fee simple estate in lands.
4. They are not entitled to the registration of their vessels in this kingdom, nor to hoist thereon the Hawaiian flag.

SECTION V. Aliens are not, however, exempted from the taxes imposed by law, nor are they less than subjects, amenable to the punishments, fines, penalties and forfeitures prescribed by the several acts of this kingdom.

SECTION VI. Aliens coming to reside and do business, or acquire advantages in this kingdom, shall, in order to the validity of their transactions, and to the valid acquisition of such advantages, exhibit to the minister of the interior their passports, certified as hereinbefore required, and shall obtain from said minister, a certificate of nationality in the following form :

This is to certify that ———, a native of ———, in ———, has come to reside in the Hawaiian Islands, and to subject himself to the laws so long as he shall remain; and all authorities thereof are required to respect the rights guaranteed to him by law as a domiciled alien.

Given under my hand, and the seal of the interior department, at ———, this ——— day of ———, 18—.

————— (L. S.)

The minister of the interior shall demand and receive for every such certificate, the fees prescribed in the third part of this act.

SECTION VII. No copartnership among aliens residing and doing mercantile or other business in this kingdom, shall be valid in law, until its members resident, shall have obtained a certificate of nationality, as in this article prescribed; neither shall any leasehold estate be considered validly acquired by any such alien; but the ordinary transactions and individual agreements of aliens, not resulting from copartnership, nor from the leasehold of lands and tenements, and the obligations of the general law maritime and merchant, disconnected from copartnership, shall not, in any other respects, be affected by the want of such certificate.

SECTION VIII. Aliens duly enrolled by the minister of the interior, and receiving certificates of nationality, shall be denominated *domiciled*, and be entitled to all the particular privileges granted by law to domiciled foreigners, in addition to those not specially precluded by law to aliens in this kingdom. They shall be capable of

taking by will, an inheritance in lands and tenements less than allodial or fee simple; of acquiring, owning, possessing, enjoying, disposing of, and of transmitting by inheritance, any chattel property, real or personal, within this kingdom. They shall be entitled to all the marital and parental rights, the rights of dower, of curtesy and of divorce; and they shall be compellable to do all the marital and parental duties defined in the laws of this kingdom. They, in common with all other aliens, shall be civilly and criminally responsible in all respects to the extent of the rights and privileges conferred on them by law, and be entitled to seek international intervention when all the internal recourses afforded by the laws of this kingdom shall have been fully and finally resorted to for redress without just effect, but not otherwise. They shall, when domiciliated as aforesaid, be compellable to serve as jurors to the like extent as native or naturalized subjects; compellable to pay all taxes and assessments applicable to personal and real chattels, and to contribute to the maintenance of schools. The right of civil redress shall be allowed them in the courts of this kingdom, pursuant to the act to organize the judiciary, and the full rights of personal liberty and security, as modified by law.

SECTION IX. If any master of a vessel shall suffer the baggage of an alien foreigner coming into any of the ports of this kingdom, to be removed on shore from his vessel before compliance with the provisions of this article, such master shall be liable to pay, for the use of this government, five hundred dollars for each offence; and the baggage so landed, shall be liable to seizure, confiscation and sale for that purpose, in the courts of this kingdom, as prescribed in the act to organize the judiciary; the foreigner so offending, shall also be amenable to the like fine, and to be banished the realm.

SECTION X. Any alien foreigner complying with the preceding sections of this article, may, after a residence of one year in this kingdom, apply to his excellency the governor of the island of Oahu, at Honolulu, for permission to become naturalized, and said governor shall have power, after the expiration of one year from the time such application was made, to administer the oath of allegiance to him, upon evidence that the applicant has complied with the requisitions above set forth, that he is not of immoral character, nor a refugee.

from the justice of some other country, nor a deserting sailor, marine, soldier or officer, belonging thereto.

SECTION XI. The oath of allegiance to be administered as aforesaid, shall be in the following words :

GOVERNMENT OF THE HAWAIIAN ISLANDS.

The undersigned, a native of ———, lately residing in ———, being duly sworn upon the holy evangelists, 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 ——— of ———, A. D., 18—.
Before me, ———.

Which oath shall always be subscribed by the foreigner so naturalized, be sworn to in the form most obligatory upon his conscience, and the *jurat* thereof subscribed by said governor; for which services the governor shall demand and receive the fees prescribed in the third part of this act.

SECTION XII. The records of naturalization shall be kept in deposit at the office of the minister of the interior, whose duty it shall be, on being paid the fees of transcription, prescribed in the third part of this act, to furnish such naturalized foreigner with a certified copy, to be used in evidence in any court of this kingdom.

SECTION XIII. 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.

SECTION XIV. It shall be competent to His Majesty, with the attestation of the premier, and on consultation in privy council, to

Collection of Sec. 134

confer upon any alien resident abroad, or temporarily resident in this kingdom, letters patent of denization, conferring upon such alien, without abjuration of native 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.

ARTICLE II.—DEPARTURE OF FOREIGNERS.

SECTION I. It shall not be lawful for the commanding officer of any Hawaiian or foreign vessel to carry out of this kingdom as a passenger, any domiciled alien, naturalized foreigner or native, without previous exhibition to him of a passport from His Majesty's minister of foreign relations, as prescribed in the second part of this act.

SECTION II. The commanding officer of any vessel, who shall violate the provisions of this article, shall, upon return into His Majesty's jurisdiction, be subject to all the debts and other liabilities to private individuals in this kingdom, of the passenger so by him carried away; and his vessel to attachment, confiscation and sale, for the payment thereof, as prescribed in the act to organize the judiciary.

ARTICLE III.—OF THE ASSETS OF INTESTATE FOREIGNERS.

SECTION I. The minister of the interior shall, after administration, pursuant to the act to organize the judiciary, be *ex officio*, the

receiver of all the residuary effects, monies and assets of foreigners dying intestate within this kingdom, and leaving therein no personal representative entitled to administer; which assets, monies and effects, it shall be the duty of the administrator, appointed by order of the court of probate, after final settlement of his accounts, and after payment of all the just debts, costs and disbursements of administration, to pass over to said minister, with an attested copy of the final *exonereter* of the court. The administrator, in such cases, shall be entitled to receive the fees prescribed in the third part of this act.

SECTION II. The minister of the interior shall, upon the receipt of any such residuary assets, other than money, cause the same to be stored and cared for, or if perishable, disposed of to the best advantage at public vendue, for the use of the heirs abroad of said intestate. He shall be entitled to receive for such storage, care or sale, the fees prescribed in the third part of this act, to the use of the royal exchequer. It shall also be his duty to pass over to the minister of finance, in deposit for the use of the heirs of such deceased foreigner, any residuary monies so delivered to him by order of court, or so coming into his hands from the perishable effects of the intestate.

SECTION III. It shall be incumbent on the minister of finance, safely to keep the monies so deposited with him, until drawn from him by order of the minister of foreign relations. He shall, for so doing, charge and deduct the commissions of receipt, deposit and disbursement, prescribed in the third part of this act.

SECTION IV. The minister of the interior shall, when any residuary assets, monies or effects of any deceased intestate foreigner shall have been delivered up to him by the administrator, notify the same to the minister of foreign relations, and its disposition; who shall immediately notify the accredited diplomatic agent of the nation whose subject the said intestate foreigner had been, of the kind, and amount of residuary property so on storage or deposit, in order that the heirs abroad may be apprised, and may take measures for the recovery of their interests in such residuary property.

SECTION V. At the full expiration of five years from the day of notifying the accredited agent of a foreign nation, as in the last preceding section required, in case no application shall have been previously made to the minister of foreign relations, for said assets, the same shall, if property other than money, be sold, and its avails added to the monied assets of said intestate, and deposited upon charge of commissions, as aforesaid, for the use of the royal exchequer; at the expiration of ten years from the day of notifying the said accredited agent, all heirs of said intestate, resident abroad, shall be forever barred from the right to demand or recover the same.

CHAPTER VI.

OF THE INTER-ISLAND CHANNELS, COASTING TRADE AND FISHERIES.

SECTION I. The minister of the interior shall have supervisory control over all matters affecting the inter-island channels, coasting trade and fisheries, detailed in the succeeding articles, and shall direct his clerk in regard thereto. He shall have power also to make contracts and employ operatives in carrying out said duties, controlling and removing the same at pleasure; being accountable to the king for the discretion so to be used, and for the most beneficial economy of the bureau hereby created.

ARTICLE I.—OF THE MARITIME COAST AND OF THE ENCLOSED SEAS.

SECTION I. The jurisdiction of the Hawaiian Islands shall extend and be exclusive for the distance of one marine league seaward, surrounding each of the islands of Hawaii, Maui, Kahoolawe, Lanai, Molokai, Oahu, Kauai and Niihau; commencing at low water mark on each of the respective coasts of said islands. The marine jurisdiction of the Hawaiian Islands shall also be exclusive in all the channels passing between the respective islands, and dividing them; which jurisdiction shall extend from island to island.

SECTION II. It shall be lawful for His Majesty to defend said closed seas and channels, and if the public good shall require it, prohibit their use to other nations, by proclamation.

SECTION III. All captures and seizures made within said channels or within one marine league of the coast, shall be deemed to have been made, and all foreign vessels entering therein, shall be deemed to have entered in His Majesty's waters. The civil and criminal jurisdiction shall be co-extensive with the one maritime league, and the inter-island channels herein defined. And the right of transportation and transshipment from island to island, shall exclusively belong to Hawaiian vessels duly registered and licensed to the coasting trade, as in the two succeeding articles prescribed.

ARTICLE II.—OF THE REGISTRY OF HAWAIIAN VESSELS.

SECTION I. No vessel shall be entitled to be registered in this kingdom or be deemed an Hawaiian vessel, unless owned wholly, or in part, by some subject native or naturalized of His Majesty.

SECTION II. Upon application made by any native or naturalized subject, in writing and under oath, to the minister of the interior, setting forth the name, description and admeasurement of his vessel, whether native built, and if foreign built, how acquired, accompanied with the evidences of title, said minister shall, if no impediment thereto exists by the law of nations, enroll said vessel in his office as an Hawaiian vessel, and issue to the applicant a register in the following form :

No. ———

KNOW ALL MEN BY THESE PRESENTS, That pursuant to the laws of the Hawaiian Islands, the ———, of ——— tons, whereof ———, an Hawaiian subject, is owner and being ——— rigged, carrying ——— masts, (here describing her) has been duly registered in this department as an Hawaiian vessel, entitled to hoist the Hawaiian flag, to navigate the high seas, and to enter the lawful ports of other nations as such.

In witness whereof I have hereunto set my hand and affixed the seal of the interior department, at Honolulu, Oahu, Hawaiian Islands, this ——— day of ——— 18—.

(L. S.)

For which enrollment and register the minister of the interior shall demand and receive of the applicant, the fees of registration to be prescribed in the third part of this act, for the benefit of the royal exchequer.

SECTION III. Every vessel duly registered as in the preceding section set forth, shall be deemed in law an Hawaiian vessel, and said register shall be *prima facie* evidence of the ownership and nationality thereof. It shall entitle said vessel to all the privileges conferred by law upon Hawaiian vessels, and she shall not be liable to the restrictions and duties imposed upon foreign ships and vessels.

SECTION IV. The minister of the interior shall keep a register of the enrollment of Hawaiian vessels—of the tonnage and description thereof—and of the names of the original owners. In case of the loss or destruction of the register conferred upon any enrolled vessel, he shall furnish at the expense of the owner, an attested copy of her original register.

SECTION V. It shall be necessary to validate the hypothecation of any enrolled vessel, that a summary be endorsed upon the register at the time of mortgaging, and to validate the discharge of such hypothecation that a summary of such discharge be also endorsed on the vessels register, and signed by the party entitled to acquit the same.

SECTION VI. All transfers of Hawaiian registered vessels shall be lawful, and shall entitle the transferees, being Hawaiians, to all the rights and interests of the original registered owner: Provided said transfers shall have been entered upon the original register, in the interior department. The minister of the interior, when applied to for that purpose by any registered owner, shall endorse and attest upon the duplicate register in the custody of such owner, the transfer of his vessel upon renewal of the bond required in the succeeding section. For which transfer, endorsement, attestation and renewed bond, the minister of the interior shall demand and receive the fees prescribed by the third part of this act.

SECTION VII. Before enrolling any vessel as an Hawaiian ves-

sel, the party applying shall give to the minister of the interior a bond, with at least one sufficient surety, to be approved by said minister, in the penalty of at least five hundred dollars, conditioned for the return of her register to the minister of the interior, in case said vessel shall ever become the exclusive property of any foreigner or foreigners not owing allegiance to His Majesty.

ARTICLE III.—OF THE COASTING TRADE.

SECTION I. The minister of the interior shall grant a coasting license to any Hawaiian registered vessel, the registered owner of which for the time being, shall have applied to him in writing, setting forth the vessels name, the date of her enrollment, and the number of her register; upon compliance with the provisions of the succeeding sections of this article.

SECTION II. The form of every coasting license shall be in the following words, viz:

BE IT KNOWN TO ALL WHOM IT MAY CONCERN, That ———, an Hawaiian subject, owner of the Hawaiian ———, of ——— tons burden, ——— rigged ———, having this day deposited his bond as required by law, and paid the sum of twenty-five dollars, license has been and is hereby granted for one year unto his said ———, the ———, to trade, transport and carry from port to port and from island to island in this kingdom, such merchandise or other articles, at such prices as may seem most proper to him, having strict regard to the following conditions, viz:

1. The said ———, the ———, shall not, upon pain of forfeiture, condemnation and sale, be engaged at any time in carrying or selling any articles the product or manufacture of any foreign country, which may have been imported into this, in violation of the duties upon imports.
2. She shall at no time engage in the retail of spirituous liquors.
3. She shall at all times when departing from the port of Honolulu, first announce her destination to the collector of the customs, and receive at his hands the government mail bag, which she shall transport to and deliver at her port of destination without charge, receiving from each port at which she may touch, the gov-

ernment mail, and transporting the same free of charge to any designated port at which she may be destined to stop.

4. She shall give preference in charter engagements to the Hawaiian government, and in all respects comply with the laws thereof.

This license shall be transferable by endorsement, in the presence of the minister of the interior, and follow the said —, the —, during the term for which it is granted.

In witness whereof I have hereunto set my hand, and affixed the seal of the interior department, this — day of —, 18—.

(L. S.)

SECTION III. Before granting a coasting license, the minister of the interior shall receive, at the applicant's hands the sum of twenty-five dollars for the use of the royal exchequer, and shall exact of him a bond with at least one sufficient surety, to be approved by said minister, in the penal sum of five hundred dollars, which bond shall be in the following form, viz :

KNOW ALL MEN BY THESE PRESENTS, That we — owner of the —, an Hawaiian registered vessel, principal, and —, of — in the island of —, sureties, are held and firmly bound unto His Highness —, minister of the interior, for the use of the Hawaiian government, in the penal sum of five hundred dollars, to be levied of our respective joint and several property, in case the condition herein named shall be violated. For the just and full payment of which we jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents.

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

The condition of this obligation is, that whereas — the principal in the above bond has received for his —, the —, a coasting license for one year from this date: Now if he shall at no time violate the conditions of his said license, nor favor the escape of deserting sailors or refugees from justice, then this obligation to be void: otherwise, to remain in full force and virtue, as a valid hypothecation of his said vessel, for the full penalty herein set forth.

Given under our hands and seals, the day and year first above written,

— (L. S.)

— (L. S.)

SECTION IV. If any vessel, native or foreign, shall engage in the coasting and carrying trade of these islands without first taking out a license, as in this article prescribed, she shall, upon due proof and upon being found within His Majesty's waters, be liable to seizure,

confiscation and sale, for the benefit of the royal exchequer, as prescribed in the act to organize the judiciary.

SECTION V. The minister of the interior shall have power, by circular, to establish by-laws for the guidance and government of all vessels engaged in the coasting trade of this kingdom, and said vessels shall be bound to observe the same upon pain of forfeiting their respective licenses.

SECTION VI. Licensed coasters shall not be liable to pay harbor dues or port charges of any kind ; but they shall be at all times liable to impressment into the public service upon a just compensation to be afterwards assessed, in like manner as is by law prescribed in case of private property taken for the public use.

SECTION VII. It shall be incumbent on said minister to keep alphabetically, in a book, the names of vessels licensed to the coasting trade, with the date of each license, and from time to time to pay over to the minister of finance all license money by him received under the provisions of this article.

ARTICLE IV.—OF THE INTER-ISLAND MAILS.

SECTION I. The collector general of customs and the collectors of the respective ports of entry and departure, established by the third part of this act, shall be, *ex-officio* post masters, and entitled to receive and open, at their respective ports, the mail bags hereinafter specified.

SECTION II. The minister of the interior shall appoint some trustworthy and discreet person, residing conveniently, on each of the islands where no port of entry and departure is established by the third part of this act, to be the post master thereof.

SECTION III. Said minister shall furnish each of the post masters with a number of leathern bags, corresponding to the number of post offices established in pursuance of this article ; each of which bags shall have written or printed thereon the name of a designated post office and island, and shall be capable of being securely locked.

SECTION IV. The post master shall close the mail at least one hour before the departure from his port of any coasting vessel, destined to another island. He shall deliver said mail bag, properly secured, to the master of the coasting vessel, from whom he shall take a receipt to be used in evidence against such master, in case of neglect or loss by carelessness on his part.

SECTION V. The respective post masters shall preserve, in writing, a list of the letters and packages by them transmitted, and inclosing the mails, shall address to the corresponding post master for whom the mail bag is intended, a list of the letters and packages therein contained, in order to guard against fraud or miscarriage.

SECTION VI. It shall also be incumbent on the respective post masters, upon receipt of any mail bag, to post up in some conspicuous place, convenient to the public, a copy of the list of letters so received by them ; and it shall be their duty to facilitate, by all means in their power, the speedy and safe transmission of the letters, packages and papers by them received for persons residing at a distance from their respective post offices.

SECTION VII. It shall be incumbent on the commanding officer of any foreign vessel arriving at any of the ports of entry and departure established by the third part of this act, to deliver to the collector of such port, as post master, all letters and papers on board his vessel, destined for private individuals or for the government ; for each of which letters the said commanding officer shall be entitled to receive, at the post office, two cents, and for each of which papers he shall be entitled to receive one cent.

SECTION VIII. The post master upon receiving ship letters and papers, shall apportion them out to the bags of the respective islands

for which they are destined, and shall make out and post for public information, as in the sixth section of this article required, a list of the names of those in his island to whom any of them shall have come addressed.

SECTION IX. The respective post masters shall, half yearly, after the passage of this act, furnish a list of all letters remaining, on that day, in their post offices to the director of the government press for publication. They shall also quarterly report to the minister of the interior all the letters by them received and transmitted, and shall demand and receive the rates of postage established in and by the third part of this act.

ARTICLE V.—OF THE PUBLIC AND PRIVATE RIGHTS OF PISCARY.

SECTION I. The entire marine space, without and seaward of the reefs, upon the coasts of the several islands, comprising the several fishing grounds commonly known as the *Kilohce grounds*—the *Luhce grounds*—the *Malolo ground*, and the fishery of the ocean, from said reefs to the limit of the marine jurisdiction in the first article of this chapter defined, shall be free to the people of these islands. The people shall not be molested in the enjoyment thereof except as hereinafter provided.

SECTION II. 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 landlords whose lands, by ancient regulation, belong to the same; in the possession of which private fisheries, the said landholders shall not be molested except to the extent of the reservations and prohibitions hereinafter set forth.

SECTION III. The landholders 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 landlords, subject to the restrictions in this article imposed.

SECTION IV. The landlords 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 to their tenants and others residing on their lands, and signifying to the minister of the interior, in writing, through his agents in their districts, the kind and description of fish which they have chosen to set apart for themselves. The landlords shall respectively pay for such notification, the fees prescribed by the third part of this act; and it shall be the duty of the minister of the interior yearly to furnish the director of the government press with a list of said landlords, the districts and islands of their residence, and the kind of fish specially set apart by each, in the form of catalogue; which catalogue the said director shall cause to be once inserted in Hawaiian and English languages, in the Polynesian newspaper, for public information, at the expense of said minister to be included by him, according to a fixed rate, in the fees to be received at his department from the respective landlords.

SECTION V. The specific fish so set apart shall be exclusively for the use of the landlord, 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 landlord, for which he shall be at liberty to sue and recover the value from any fisherman appropriating the same; and moreover, if he take one fish criminally he shall pay five, and in that proportion shall he pay to the full amount of what he may have taken wrongfully. Whoever may have taken fish in violation of this law, without paying as above, shall be fined fifty dollars for each offence.

SECTION VI. The landlords shall not have power to lay any tax or to impose any other restriction upon their tenants regarding the private fisheries than is in the preceding section prescribed, neither shall such further restrictions be valid.

SECTION VII. It shall be competent to the landlords, on consultation with the tenants of their lands, in lieu of setting apart some peculiar fish to their exclusive use, as hereinbefore allowed, to prohibit during certain indicated months of the year, all fishing of every description upon their fisheries; and, during the fishing season to exact of each fisherman among their tenants, one third part of all the fish taken upon their private fishing grounds. In every such case it shall be incumbent on the landlords to comply in like manner with the requirements of the fourth section of this article.

SECTION VIII. The royal fish shall appertain to the Hawaiian government, and shall be the following, viz :

1st. The bonito, when off any part of the coast of Lanai.

2d. The albacore of Hawaii.

3d. The mullet of Huleia, Anehola and Hanalei, the squid and fresh water fish of Mana on Kauai.

4th. The shoal fish taken at the following places, noted for the abundance of fish frequenting them; off Oahu, 1, kalia, 2, keehi, 3, kapapa, 4, makaekuli, and pahihi.

5th. Off Molokai; 1, punalau, 2, ooia, 3, kawai, 4, koholanui, 5, kaonini, 6, aikoolua, 7, waiokama, and 8, heleiki.

6th. And off Maui; the kuleku of Honuauia, and the same whenever found off said island.

7. All the following transient fish, viz:—1, the kule, 2, the anaeholo, 3, the alalauwa, 4, the uhukai, 5, the kawelea, 6, the kawakawa, 7, the kalaku.

These fish shall be divided equally between the king and fishermen. But on all the prohibited fishing grounds the landlords shall be entitled to one species of fish, and those who have walled fish ponds shall be allowed to scoop up small fish to replenish their ponds. If the prohibited fish of the landlord be mingled with the royal fish, then the landlord shall be entitled to one third of the whole of the fish taken, though this applies only to Molokai, Oahu and the rivers of Kauai.

All which shall be yearly protected by the king's taboo, to be imposed by the minister of the interior, by means of circular from his department, as prescribed in the act to organize the executive ministry; and during the specified season of taboo, they shall not be subject to be taken by the people.

SECTION IX. At the expiration of the taboo seasons, all persons inhabiting these islands shall be at liberty to take the protected fish, accounting to the fishery agents of the respective districts off which the same shall have been caught, for the half part, or portion so taken; and the minister of the interior shall make known through his agents, by *visa voce* proclamation, the respective months or seasons of the year during which the said royal fisheries may be used, and the said protected fish taken.

SECTION X. The minister of the interior shall appoint suitable and proper fishing agents in the several coast districts of the respective islands, to superintend the fisheries aforesaid, to whom he shall from time to time give directions through the respective governors, in regard to the sale or other disposition of the share of fish accruing to government.

SECTION XI. It shall be the duty of the agents appointed, to exact and receive of all fishermen, for the use of the royal exchequer, during the legalized fishing seasons, the one half part, or portion of all protected fish taken without the reefs, whether at the respective places in the eighth section of this article indicated, or in the channels and enclosed seas dividing these islands, or upon the high seas, within the marine jurisdiction of this kingdom. And if any officer or agent of this government shall exact more fish of the people than is in and by this section expressly allowed, he shall, on conviction, forfeit his office, and be liable to pecuniary fine, in the discretion of the court, before which he shall have been convicted.

SECTION XII. It shall be competent to His Majesty, by an order in council, from time to time, to set apart any given portion, or any definite kind of the said protected fish, or any proportional part of the avails therefrom arising, for the use of the royal palace, to be delivered or paid over to the chamberlain of his household, created by the third part of this act.

SECTION XIII. It shall be incumbent on the minister of the interior to provide, by instructions to the respective governors, for the sale and disposal of all fish received by the said fishing agents, and to pay the avails thereof to the minister of finance.

SECTION XIV. If any person shall, in violation of this article, take, out of season, the fish protected by the king's taboo, or if any person shall, within the free fishing seasons, take any of the protected fish, without delivering to the agent appointed for that purpose, the proportion accruing to the royal exchequer, he shall, on conviction, forfeit all fish found in his possession, and shall in addition pay five fold for all fish thus taken, or he may be put in confinement, at the discretion of the court condemning him.

CHAPTER VII.

OF THE HAWAIIAN LAND OFFICE.

SECTION I. The bureau of the land office shall be presided over, superintended and managed by the minister of the interior, who may ^{by and with the} confide the custody and care of the records of his transactions to a clerk, whose duty it shall be to preserve distinctly the following matters, viz:

1. The cession of private lands to the government.
2. The disposition of government lands.
3. The real rents, forfeitures and escheats to government.
4. The board of commissioners for quieting private titles.

ARTICLE I.—OF THE CESSION OF PRIVATE LANDS TO THE GOVERNMENT.

SECTION I. The minister of the interior shall have power to treat upon the best terms that can be obtained, with any person or persons in these islands, who being proprietors of landed tracts or districts, may be willing to sell them to this government.

SECTION II. Said minister shall, in making a contract of cession from any native landed proprietor, submit the proposals of said proprietor to His Majesty in privy council, and obtain a vote of council upon the policy or impolicy thereof. A majority of council

votes, with the sanction of the king, shall determine his action in regard thereto.

SECTION III. Every cession to government, when agreed upon by the privy council and approved by His Majesty, shall, if acceded to by the proprietor, be engrossed in a book of grants kept by the minister of the interior, and shall be signed originally in said book by the grantor of the lands ceded, in the following form, viz:

KNOW ALL MEN BY THESE PRESENTS, That I, ———, of the district of ———, Hawaiian Islands, for and in consideration of the sum of ——— dollars to me in hand paid, (or as the case may be to me secured by, &c. setting forth the security) have granted, bargained, sold, enfeoffed, conveyed and do hereby confirm unto His Majesty, Kamehameha —, king of the Hawaiian Islands, and to his successors and assigns, all my right, title, interest, claim, possession, right of possession, reversion, right of reversion, remainder and right of remainder, in and to the following described tract or tracts of land, situate on the Island of ———, viz:

Together with all and singular the tenements, hereditaments, buildings and improvements now situate thereon, and all the natural privileges of water, timber, stone, lime, sand, way, ingress, egress and regress, and all the rights of piscary thereto appendant; subject only to the private vested or other rights therein of all persons having such rights in said tract or tracts which were acquired in accordance with the past usages of the country, or confirmed by existing laws:

To have and to hold the tract or tracts above specified, in manner and form as above conveyed, subject only to the above reservation, in favor of third persons having vested right therein unto His Majesty the king, and unto his successors and assigns forever.

In witness whereof I the said ———, have hereto set my hand and seal, at Honolulu, in presence of His Highness the premier, this ——— day of ———, 18—
———. (L. S.)

SECTION IV. It shall be lawful for the minister of the interior, when any such deed of cession shall have been executed by a native proprietor, (if the consideration be not otherwise paid) to give such grantor, his heirs and assigns a bond, conditioned substantially for the performance by His Majesty's government, through the minister of finance, of all the terms specifically, upon which the said grantor had consented to cede, and His Majesty in privy council had concerted to accept the cession; copy of the terms of cession, as adopted by the privy council, and accepted by the proprietor, shall be annexed

to said bond, in explanation thereof. Every such bond shall be signed by His Majesty, and attested by the minister of finance, by whom the conditions thereof shall be fulfilled; and said bond shall always be in the following form, viz:

We the king of the Hawaiian Islands, and our successors, the kings thereof, are, by this solemn instrument, held bound to pay unto ———, and to his heirs and assigns, at our exchequer, and through our minister of finance, who has attested the same, the sum of ——— dollars, on or before the full expiration of ——— years from this present date, the consideration money agreed to be paid said ———, his heirs and assigns, for certain lands at the Island of ———, this day ceded unto us.

Upon condition, however, that within that period, we and our successors, punctually paying the said ———, — per cent. of interest upon the entire principal sum above expressed, on demand, at our exchequer annually, from this date, he and his heirs do not exact any portion of the principal, until the full expiration of the said ——— years. But upon failure to pay punctually the said interest, at the time and place, and in the manner above set forth, the entire sum of the said principal shall immediately become due and payable; and on recovery thereof, by suit against our attorney general, as by law allowed, our national property of every description shall be liable to levy and sale, to the extent of the principal in this bond expressed, interest and costs of suit, for the benefit of the said ———, his heirs and assigns; and we do pledge, for the redemption of said principal, interest and costs, the national faith of our kingdom.

Done at our Palace, in Honolulu, Island of Oahu, this — day of —, 18—.

(L. S.)

Attest, ———

Minister of Finance.

SECTION V. The minister of finance shall preserve a duplicate of every such bond at the exchequer chamber, and it shall be his duty to make provision for the punctual payment of the interest thereon yearly, being allowed a latitude of three days for grace, on such yearly payments of interest. It shall also be his duty, as often as the financial interests of the government will permit, to pay to the respective bond holders any sum or sums of money not otherwise required by the fiscal transactions of his department, in reduction of the principal sums secured by said bond, which respective payments shall be endorsed thereon by the holders without refusal.

SECTION VI. It shall be competent to the holder of any such

government bond, in case the interest be not annually paid as therein directed, to institute a suit against His Majesty's attorney general, for the recovery thereof, in the court of the island of Oahu, at Honolulu, pursuant to the provisions of the act to organize the judiciary. And upon recovery, to cause the amount of the judgment to be levied of the government property, in any part of this kingdom, as in and by the fifth part of this act provided.

SECTION VII. It shall not be lawful for the minister of finance to pay to the order of any such bond holder, any part of the principal or interest of his said bond, without exhibition thereof at the exchequer; neither shall the transfer or assignment of any such bond to a third party be valid, without previous notice of such transfer or assignment to the minister of finance, who shall note the name of the transferee, or assignee, upon the duplicate in his office.

SECTION VIII. It shall be the duty of the minister of finance to report yearly, an abstract of any debt so created for the purchase of land, to the king in privy council, and upon the final extinguishment of any bond allowed to be given as aforesaid, to cancel and deliver to the minister of the interior every such bond, to be filed among the vouchers and evidences of title to the tract or tracts of land, for the consideration of which, the same was originally given.

SECTION IX. It shall be the duty of the minister of the interior, with the advice of the privy council, to cause any tract or tracts of land, ceded to the Hawaiian government, to be demarked with convenient precision, by actual survey or otherwise, as in his estimation may most conduce to the interests of the government, and of the patentees and lessees thereof from government; which demarkation, whether consisting of field notes or natural outlines, shall be preserved in the department of the interior, as explanatory of the limits ceded, as hereinbefore provided; and it shall be the duty of said minister, from time to time, as the public exigencies will permit, to cause maps and diagrams of the ceded lands to be delineated and kept in his office for convenient reference.

SECTION X. The minister of the interior shall, in like manner,

cause to be ascertained and defined, all landed property in the respective islands at the time of the passage of this act, belonging in any wise to the government of the Hawaiian Islands; which landed property, together with any and all tracts ceded, as hereinbefore contemplated, shall be in his possession as the public domain of His Majesty, for the purposes defined in the second article of this chapter.

SECTION XI. It shall be the duty of said minister to preserve and guard the said public domain, and to give information to His Majesty's attorney general, when any trespass or waste shall be committed thereon, by the cutting down of prohibited trees, or the removal of stone, coral, sand or other property of the government appertaining thereto; or, when any obstruction or diversion of the water accustomed to flow thereon, shall have been committed; whose duty it shall be to prosecute, to the use of the royal exchequer, for damages, as in and by the fifth part of this act provided.

SECTION XII. The title of the Hawaiian government in the lands so acquired and so bona fide owned, as in the preceding sections set forth, shall be deemed in law to be allodial, subject to the previous vested rights of tenants and others, which shall not have been divested by their own acts, or by operation of law.

ARTICLE II.—OF THE DISPOSITION OF GOVERNMENT LANDS.

SECTION I. The minister of the interior shall have power to contract for the absolute sale, *in fee simple*, of any government land, at a price to be in each instance agreed upon in privy council, under sanction of the king, and when so agreed upon, to be conveyed to the purchaser by royal patent, as hereinafter prescribed.

SECTION II. Applicants for the purchase of lands in fee simple, shall petition the minister of the interior in writing, setting forth the quantity and locality of the particular land desired, and the price pro-

posed to be paid for the same; whether such price is intended to be in cash or its equivalent; whether wholly or partially in advance, with a specified credit for the residue; or whether wholly upon credit; which petitions the applicants shall accompany with testimonials of their vocation and moral character from some known sponsor for the same.

SECTION III. It shall in no case be lawful to grant lands in fee simple, within this kingdom, to aliens, unless the right to such fee simple shall have been acquired by an alien, anterior to the passage of this act. Nor shall it be lawful to make any prospective contract with an alien for the sale of government lands in fee simple.

SECTION IV. Before replying to any petition for the purchase of lands in fee simple, the minister of the interior shall take the vote of the privy council thereon, a majority of whom, approved by the king, shall decide the question of sale or of contract.

SECTION V. In all cases of absolute sale, agreed upon as aforesaid, the patent shall be signed by His Majesty, be attested by the minister of the interior, impressed with the seal of the Hawaiian Islands, and recorded in a book of patents, to be kept in the bureau by this chapter created: Provided that no such patent shall issue from said bureau, until the party for whose benefit it is granted, shall have delivered to the minister of the interior, the duplicate of a receipt from the minister of finance, for the consideration expressed in said patent; which duplicate receipt shall be recorded in the bureau of the land office, below the record of the patent issued thereon.

SECTION VI. The form of all royal fee simple patents shall be as follows:

KAMEHAMEHA —, by the grace of God, king of the Hawaiian Islands, by this his royal patent, makes known unto all men, that he has for himself and his successors in office, this day granted and given, absolutely, in fee simple unto —, his faithful and loyally disposed subject, for the consideration of — dollars, paid into the royal exchequer, all that certain piece of land, situated at —, in the Island of —, and described (*by actual survey or by natural boundaries as the case may be*) as follows:

containing — acres, more or less; excepting and reserving to the Hawaiian government, all mineral or metallic mines, of every description.

To have and to hold the above granted land in fee simple, unto the said —, his heirs and assigns forever, subject to the taxes to be from time to time imposed by the legislative council equally, upon all landed property held in fee simple.

In witness whereof I have hereunto set my hand, and caused the great seal of the Hawaiian Islands to be affixed, at Honolulu, this — day of —, 18—.

(L. S.)

Attest, —, Premier.

SECTION VII. Land so patented shall never revert to the king of these islands, nor escheat to this government, for any other cause than attainder of high treason, as defined in the criminal code, nor be diverted from the patentee or his assigns, except by operation of law under sale in virtue of a judicial decree, or for the non-payment of taxes as prescribed in the third part of this act, or for the utter default of heirs of the testate or intestate owners, being Hawaiian subjects, as in the fifth part of this act prescribed; but the patented lands shall descend to the lineal or collateral heirs, being Hawaiians, of the patentee and his assigns, as tenants in common, unless otherwise prescribed by the will of a testate patentee.

SECTION VIII. In all cases of *absolute* sale, as in the fourth section of this article provided, in which the consideration for land is not intended to be paid in hand, it shall be lawful for the minister of the interior, in concurrence with the privy council and at the direction of His Majesty, to receive at the hands of the patentee, concurrently with the delivery to him of said patent, a mortgage collateral to and in security of said patentee's note for the payment of any residuary balance due upon said land; which note shall be drawn negotiable to the order of the minister of finance and made payable for the sum or sums, and at the time or times agreed upon in privy council as aforesaid, with interest, to be stipulated in said note; which note and the collateral mortgage shall be delivered to the minister of finance.

SECTION IX. In case default shall be made in the payment of said note at the time and upon the mature conditions thereof, it shall be the duty of the minister of finance to pass the same over to His

Majesty's attorney general for legal enforcement, as prescribed in the fifth part of this act, and in the act to organize the judiciary.

SECTION X. The minister of the interior shall have power, with the approbation of the king and upon vote of the ^{private} privy council, as hereinbefore required, to lease to any person in these islands, whether native or naturalized subjects, or ^{established} aliens, domiciled according to law, any quantity of the royal domain for any term to be prescribed in such lease, not exceeding fifty years to aliens, upon an annual rent to be reserved and to be payable in advance to the minister of finance at the royal exchequer. *a court that has charge of the public treasury.*

SECTION XI. Every lease of lands entered into by the minister of the interior, as in the preceding section allowed, shall be in the form and upon the reservations and conditions following, to wit:—

This indenture of lease between His Hawaiian Majesty's minister of the interior of the one part, and ———, of ———, Island of ———, Hawaiian Islands, of the other part, witnesseth: that the Hawaiian government has leased and does hereby lease unto the said ———, his executors, administrators and assigns, upon the conditions hereinafter expressed, that tract of land containing ——— acres, situate at ———, Island of ———, and known by the following boundaries:

which tract, and all its present improvements and advantages, the said ———, his executors, administrators and assigns is to possess and enjoy, without unlawful molestation, for the term of ——— years from this date, provided he or his said representatives shall, during that period, comply with the following engagements on his part, viz:

The said ———, is yearly, during said term, to pay the minister of finance, at the royal exchequer, as the reserved rent of said land, the sum of ——— dollars; he is in addition thereto, to pay any taxes now or to be hereafter imposed by law upon landed property, which are applicable to leasehold estates; he is by no means to manufacture or sell any ardent spirits upon said land; and at the full expiration of the said term of ——— years, he is to restore the said land to His Highness, the minister of the interior, for the use of the Hawaiian government, together with all the buildings, enclosures and improvements thereon.

And it is hereby covenanted by the said ———, that in case default shall be made in the payment of the rent as above reserved, that it shall be lawful for His Majesty's attorney general, for the use of the royal exchequer, to distrain upon the property of the said ——— or of his representatives, found at the time of such default, upon the said premises, to the value of the rent in arrear; or to sue for and

levy the same on execution, upon any other property of said ——— or of his representatives; and also, that in case of non-payment of rent, whether the same shall have been distrained or levied on execution, as above authorized; or in case either of the other conditions above set forth shall be violated, then it shall be lawful for the said attorney general to cause this lease to be annulled, and the minister of the interior reinstated in the premises hereby demised.

In witness whereof the respective parties have hereto set their hands and seals, this — day of —, 18—.

———— (L. S.)

———— (L. S.)

SECTION XII. The said leases shall be recorded originally before delivery in a book of leases, to be kept in the archives of the bureau by this act created, and the minister of the interior shall be entitled to receive at the hands of the lessee, for the use of the royal exchequer, the fees of leasing and recording, established by the third part of this act.

SECTION XIII. It shall be incumbent on the minister of the interior to keep alphabetically, in a book, in the form of a catalogue, the names of all patentees—the localities of their residence—the gross number of acres conveyed to each—the gross sum of consideration paid by each, and the gross residue of consideration still due at the exchequer. It shall also be his duty in a similar book, and in the like form of catalogue, to preserve the names of all lessees—the localities leased to each—the gross number of acres demised to each—the gross amount of annual rents due from each—the day when payable at the exchequer, and the ascertained day of the termination of each term.

ARTICLE III.—OF THE REAL RENTS, FORFEITURES AND ESCHEATS.

SECTION I. The real rents, due upon the royal leases herein before authorized to be granted, shall be due and payable from the lessees of the minister of the interior, to the minister of finance; and

in default of such payment, shall be distrainable or collectable by suit by the attorney general; as already provided; they shall first be applicable to the payment of the annual interest accruing to the bondholders of the funded national land debt, in the first article of this chapter contemplated, and shall be held in law to be set apart for that express purpose.

SECTION II. The real forfeitures, shall take place upon all leases, the conditions of which shall not have been complied with by the original lessee or his assigns; and shall be ascertained and declared at the suit of His Majesty's attorney general, in the court of the island of Oahu, pursuant to the form established by the fifth part of this act, and by the act to organize the judiciary; which leases, when the conditions thereof shall have been ascertained and declared to be violated, shall be deemed to have reverted to the government by forfeiture, and be again as originally, at the disposal of the government, through the minister of the interior.

SECTION III. The real escheats, shall take place upon all patents in fee simple, as well as upon all leases for terms of years, the patentees or lessees of which, or their heirs or assigns, being Hawaiian subjects, native or naturalized, shall have been convicted of the crime of high treason, as defined in the criminal code, and after such conviction, shall not have been pardoned by His Majesty's grace. Such escheats shall also take place, in all cases of royal patentees who shall have died without heirs, native or naturalized in this country. Which escheats shall always be ascertained and declared, at the information of His Majesty's attorney general, to be filed and proved by him in the court of the island of Oahu, pursuant to the form established by the fifth part of this act, and by the act to organize the judiciary; and such lands shall be again, as originally, at the disposal of the government, through the minister of the interior: Provided that in all cases in which lands shall have been informed against, and escheated as aforesaid, for the want of Hawaiian heirs, if the same shall have appertained to an Hawaiian naturalized subject, having heirs lineral or collateral resident in a foreign country, the escheated land shall not revert to the Hawaiian government, until two years after the minister of the interior shall have given public information

thereof to all whom it may concern, in the Polynesian newspaper; and it shall be the duty of the minister of the interior, in every such case immediately to notify the minister of foreign relations of the name of the last fee simple owner of the property escheated, and of the nation whence he shall have come; who shall forthwith give notice thereof to the accredited agent of the foreign government whose citizen or subject the said last owner had formerly been; to the end that the foreign heirs, if any, of the said last owner, may avail themselves of the provisions of this article. And further provided, that the defect only of heirs lineal or collateral, shall in no case be deemed sufficient cause to forfeit the leasehold property of any domiciled lessee of the government; but the crime of treason, as modified to rebellion by the criminal code, in the cases of domiciled foreigners, shall be the sole cause of escheat in any such case.

SECTION IV. The foreign heir or heirs of any lands escheated for the want of Hawaiian heirs, shall within the term of two years from the day notice of said escheat shall have been given to the foreign diplomatic agent of his government, by the minister of foreign relations, be at liberty to apply to the minister of the interior in person, to be admitted to take and subscribe an oath preliminary to the oath of allegiance, in the following form :—

HAWAIIAN ISLANDS.

The undersigned, now a subject (or citizen, as the case may be) of ———, having come to reside in the Hawaiian Islands, and intending, in good faith, to become naturalized thereto so soon as the laws thereof will permit; being inheritor of lands from an Hawaiian subject, which he is desirous, by becoming naturalized, to retain in fee; being duly sworn, doth upon his oath declare, that he will in the meantime, support the constitution and laws of the Hawaiian Islands, and forego resort to his native protection, in all matters affecting the said landed inheritance.

Subscribed and sworn to, this ——— day of ———, 18—.

Before me, ———.

SECTION V. Upon taking such preliminary oath, the foreign heir shall be deemed in law to be for two years a subject of these islands, in respect only to his capability of holding in fee simple the land by him inherited until the expiration of the time limited by law for his naturalization; at which period, if all the provisions of the fifth

chapter of this part shall have been complied with, and said foreign heir be admitted as therein prescribed to take the oath of allegiance and abjuration, the said escheated lands shall not revert to the Hawaiian government; but shall descend to such foreign heir, upon payment by him of all the fees incident by law to this privilege for the benefit of the royal exchequer: provided that during the years of probation required by the fifth chapter of this part, and allowed to such foreign heir by this section, he shall pay all the usual taxes and assessments annexed by law to such lands in abeyance; and shall not have power to lease or convey the same to any third party, nor to transmit the inheritance thereof in case of his decease. And further provided that if at the end of the probationary years herein allowed, he do not in good faith take and subscribe the oath of allegiance and abjuration, fulfilling all the requisites thereto prescribed in the fifth chapter of this part, the said foreign heir shall not be entitled to inherit or to hold the land so escheated, but the same shall on the new information of His Majesty's attorney general, as prescribed in the fifth part of this act, revert forever to the Hawaiian government as in its former estate; and the heir, having neglected to acquire the same on probation as aforesaid, shall forfeit the alternative right to pecuniary compensation in the succeeding section provided.

SECTION VI. The foreign heir of such escheated lands may, in lieu of electing to inherit by naturalization as aforesaid, within the said term of two years from the day of notice in the third section of this article required, in person or by proxy, institute a suit in the court of the island of Oahu, at Honolulu, against His Majesty's attorney general, as in the fifth part of this act provided, for the recovery of the value of said escheated lands, to be assessed by the verdict of a jury as prescribed in the act to organize the judiciary; which value when so assessed shall be paid to the said foreign heir by the minister of the interior, after deducting all the costs and expenses of said suit, five per centum of commissions for the sheriff or other executive officer of the court, and five per centum of drawback upon the sale value, for the benefit of the royal exchequer; whereupon the said escheated lands shall immediately revert to the minister of the interior for the benefit of the Hawaiian government,

as in its former estate, and the said foreign heir shall be barred by the payment of the sum assessed, of all after right to acquire the same, pursuant to the option allowed him in the fourth section of this article.

ARTICLE IV.—OF THE BOARD OF COMMISSIONERS TO QUIET LAND TITLES.

SECTION I. His Majesty shall appoint through the minister of the interior, and upon consultation with the privy council, five commissioners, one of whom shall be the attorney general of this kingdom, to be a board for the investigation and final ascertainment or rejection of all claims of private individuals, whether natives or foreigners, to any landed property acquired anterior to the passage of this act; the awards of which board, unless appealed from as hereinafter allowed, shall be binding upon the minister of the interior and upon the applicant.

SECTION II. The said commissioners shall, before acting, take and subscribe an oath to be administered to them by the minister of the interior, in the following form:

We and each of us do solemnly swear that we will carefully and impartially investigate all claims to land submitted to us by private parties against the government of the Hawaiian Islands; and that we will equitably adjudge upon the title, tenure, duration and quantity thereof, according to the terms of article fourth of the seventh chapter of the first part of an act entitled "An act to organize the executive departments of the Hawaiian Islands," passed at Honolulu, — day of —, 18—.

Subscribed and sworn to, this — day of —, 18—.

Before me, —, —,

Minister of the Interior.

Which oath, having been sworn to, shall remain on file in the interior department.

SECTION III. It shall be the duty of said board of commissioners to select one of their number as president. They shall have

power to employ clerks and copyists for the purposes in this article defined; they shall appoint the time and place of their sessions; shall at pleasure adjourn their meetings, and when necessary, postpone the business pending before them.

SECTION IV. The president of said board shall, at least once in each month, from the date of their first convention, report their proceedings to the minister of the interior—the number of claims then pending before them—the number to that date confirmed or rejected, and the reasons for confirmation and rejection of any particular claim to land, with all the evidences adduced to and reduced before them.

SECTION V. It shall be the special duty of said board to advertise in the Polynesian newspaper, during the continuance of their sessions the following public notice, viz:

TO ALL CLAIMANTS OF LAND IN THE HAWAIIAN ISLANDS.—The undersigned have been appointed by His Majesty the king, a board of commissioners to investigate and confirm or reject all claims to land arising previously to the — day of —, 18—. Patents in fee simple, or leases for terms of years, will be issued to those entitled to the same, upon the report which we are authorized to make, by the testimony to be presented to us.

The board holds its stated meetings weekly at —, in Honolulu, island of Oahu, to hear the parties or their counsel, in defence of their claims; and is prepared, every day, to receive in writing, the claims and evidences of title which parties may have to offer, at the —, in Honolulu, between the hours of 9 o'clock A. M. and 3 o'clock P. M.

All persons are required to file with the board specifications of their claims to land, and to adduce the evidence upon which they claim title to any land in the Hawaiian Islands, before the expiration of two years from this date, or in default of so doing, they will after that time be forever barred of all right to recover the same, in the courts of justice.

Dated — day of —, 18—.

SECTION VI. The said board shall be in existence for the quieting of land titles during two years from the first publication of the notice above required, and shall have power to subpoena and compel the attendance of witnesses by discretionary fine; in like manner, when in session for the hearing of arguments, to punish for contempt; and they shall have power to administer oaths to witnesses, and to perpetuate testimony in any case depending before them,

which, when so perpetuated, shall be valid evidence in any court of justice created by the act to organize the judiciary.

SECTION VII. The decisions of said board shall be in accordance with the principles established by the civil code of this kingdom in regard to prescription, occupancy, fixtures, native usages in regard to landed tenures, water privileges and rights of piscary, the rights of women, the rights of absentees, tenancy and subtenancy—primogeniture and rights of adoption; which decisions being of a majority in number of said board, shall be only subject to appeal to the supreme court, as prescribed in the act to organize the judiciary, and when such appeal shall not have been taken, they shall be final.

SECTION VIII. All claims to land, as against the Hawaiian government, which are not presented to said board within the time, at the place and in the manner prescribed in the notice required to be given in the fifth section of this article, shall be deemed to be invalid, and shall be forever barred in law, unless the claimant be absent from this kingdom, and have no representative therein.

SECTION IX. The minister of the interior shall issue patents or leases to the claimants of lands pursuant to the terms in which the said board shall have confirmed their respective claims, upon being paid the fees of patenting or of leasing (as the case may be) prescribed in the third part of this act, unless the party entitled to a lease shall prefer to compound with the said minister as in the succeeding section allowed.

SECTION X. The minister of the interior shall have power in concurrence with the privy council, and under the sanction of His Majesty, to issue to any lessee or tenant for life of lands so confirmed, being an Hawaiian subject, a patent in fee simple for the same, upon payment of a commutation to be agreed upon by His Majesty in privy council.

SECTION XI. The patents and leases issued in accordance with the award of said commissioners, shall be recorded at the expense of

the patentee or lessee, as prescribed in the third part of this act, in a book to be kept for that purpose by the minister of the interior.

SECTION XII. The said board shall not have power to entertain any claim to lands set up by any private person or persons until the claimant shall have deposited with the minister of finance a bond conditioned to defray the costs and expenses incident to the proposed investigation, according to the rates of charge prescribed in the third part of this act; which costs and expenses, shall, after award rendered, be taxed by the president of said board, and a certificate thereof shall be given to the claimant, who shall exhibit the same to the minister of finance, whose certificate of full payment, together with the award of the commissioners, shall authorize the delivery of the awarded patent or lease to such confirmed claimant, by the minister of the interior, and not without.

SECTION XIII. The titles of all lands claimed of the Hawaiian government anterior to the passage of this act, upon being confirmed as aforesaid, in whole or in part by the board of commissioners, shall be deemed to be forever settled, as awarded by said board, unless appeal be taken to the supreme court, as already provided. And all claims rejected by said board, unless appeal be taken as aforesaid, shall be deemed to be forever barred and foreclosed, from the expiration of the time allowed for such appeal.

GENERAL PROVISIONS.

SECTION I. The minister of the interior shall have power at the direction of His Majesty in privy council, to issue patents to the inventors or improvers of any machinery or other work of art, beneficial, in the estimation of His Majesty, to the interests of his kingdom; and to grant to such inventors or improvers, and to the authors of literary works, the exclusive use and benefit of their said inven-

tions, improvements and works, for any term of years to be designated in such patent.

SECTION II. Said minister shall also have power, at the direction of His Majesty in privy council, to issue charters of incorporation to any private body politic and corporate, calculated by its operations to benefit the government in any island division of this kingdom; and to confer upon such corporation all the privileges and powers of a person in law, for any term of time, to be limited in said charter, upon the terms and conditions to be therein expressed, reserving to His Majesty's government the right of annulment, as prescribed in the act to organize the judiciary.

SECTION III. Said minister shall have power to stipulate the compensation of all clerks and employees in his department, to be paid by the minister of finance quarterly, upon audit, as in the third part of this act provided, and he shall have power upon the like contingency, to meet all the current and necessary outlays and disbursements thereof, without other limit than his ministerial and private accountability to the king.

SECOND ACT KAMEHAMEHA III.

AN ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS OF THE HAWAIIAN ISLANDS.

PART II.

DEPARTMENT OF FOREIGN RELATIONS.

SECTION I. *Be it enacted by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council Assembled:—*

That in order to conduct with greater certainty and system the several executive functions reposed by the Constitution in the king and premier, there shall be and is hereby created, a department to be styled the "Department of Foreign Relations," over which the minister of foreign relations, created by an act to organize the executive ministry, shall preside, residing and having his place of business at the seat of the Hawaiian government.

SECTION II. It shall be the duty of said minister to hold correspondence with the diplomatic agents of all foreign nations accredited to this government; and all letters, dispatches and announcements re-

garding the affairs of any foreign prince, potentate, state or power, intended to be communicated to this government, shall be addressed through said minister, or through those accredited by His Majesty, through him to other governments.

SECTION III. The minister of foreign relations shall preserve distinct in his office, and conveniently for reference, the diplomatic intercourse exchanged between this government and the respective agents of other nations resident near His Majesty. He shall at all times, keep the same accessible to His Majesty, and to the other members of his privy council; provided that all such correspondence shall be considered and held to be confidential and secret, not to be divulged except by order of the king in cabinet council; provided, that nothing in the above proviso contained, shall be construed to prevent the minister of foreign relations, in concert with the cabinet ministry, from causing his diplomatic interchanges to be printed for the use of the departments.

SECTION IV. The minister of foreign relations shall be entitled to the custody of all original manuscript treaties concluded and ratified by this government, which he shall carefully preserve in his department. It shall be his duty to promulgate the same, if public treaties, in the Polynesian newspaper, by furnishing attested copies for that purpose to the director of the government press; and they shall, when so promulgated, have the binding force and efficacy of laws, of which all officers, legislative, executive and judicial, shall take notice *ex officio*, and the legislative enactments shall always give place to them in cases of conflict.

SECTION V. There shall be a seal of the department of foreign relations, distinct from the great seal, described in the first part of this act; the device and diameter of which shall be determined by the king in cabinet council, with the recommendation of the minister of foreign relations; which, when so determined, shall be notified to the public through the government organ; and copies of all treaties and other official acts of this government through said minister, certified by him, and impressed with his seal of office, shall be as valid evidence in any court as the originals.

SECTION VI. It shall be incumbent on all foreign consuls general, consuls, vice consuls, commercial agents and vice commercial agents coming accredited to the minister of foreign relations in this kingdom, to present their credentials to said minister, who, if the said credentials are found regular, shall, unless otherwise directed by His Majesty, give them respectively, exequaturs under his departmental seal in the following form :

DEPARTMENT OF FOREIGN RELATIONS.

Be it known to all whom it may concern that ———, Esquire, having this day presented to this department his commission from ———, which is found to be in due form; he the said ———, is hereby acknowledged by order of His Majesty, as ——— for the Hawaiian Islands; and all his official acts as such, are ordered to receive full faith and credit, by the authorities of this government.

Given under my hand, and the seal of the foreign office, at Honolulu, this ——— day of ———, 18—.

SECTION VII. No consul general, consul, consular or commercial agent of any foreign nation appointed to reside in this for commercial or other purposes, shall be authorized to act as such or entitled to recover his perquisites in the courts of this government, until he shall have received the exequatur prescribed in the preceding section. It shall be the duty of the minister of foreign relations to cause every such exequatur to be published by one insertion in the Polynesian newspaper without charge, for the benefit of all whom it may concern.

SECTION VIII. It shall be incumbent upon every minister of a foreign nation, whether having representative capacity or not under the articles of Vienna, coming accredited from his sovereign to His Majesty or to the minister of foreign relations, to signify his arrival in this kingdom to said minister, and to request of him an audience of the king for the purpose of presenting his credentials in person; who, upon receipt of such notice, with copy of the credentials, shall take His Majesty's orders in regard thereto, and communicate His Majesty's pleasure to such accredited representative.

SECTION IX. Every foreign minister, as well accredited to the minister of foreign relations, as having representative capacity under the

articles of Vienna, shall after presentation, be announced to the public in the following words :—

His Majesty, the king of ———, (or his excellency the president of ———,) our great and good friend, has accredited unto us ———, to reside near our court, in character of ———, and we require all our subjects, and all departments of our government to pay high consideration to his person, his property and his retainers, and to give full faith and attach full credit to all his official acts, as such minister.

Done at the Palace, at Honolulu, this ——— day of ———, 18—.

(Signed,)

KAMEHAMEHA.

———, Minister of Foreign Relations.

SECTION X. It shall not be lawful to molest the person of any minister accredited to the king, or to the minister of foreign relations, as in the ninth preceding section provided; and who has been announced as therein directed, except for felony or breach of the public peace of this kingdom, or for acts of political sedition and machinations affecting the political safety thereof. Neither shall it be lawful to arrest or detain the person of any individual attached to the legation of any such accredited and acknowledged minister, whose name has been previously furnished to the department of foreign relations.

SECTION XI. In order to guard against a violation of the preceding section by any executive or judicial officer in this kingdom, it shall be the duty of the minister of foreign relations to notify this law to every accredited minister of a foreign nation on the transmission of his recognition; and, upon receipt of a list of the attachées of such minister to cause the names of his household to be published in the Polynesian newspaper.

SECTION XII. If any judge, sheriff, or other judicial or executive officer of this kingdom, shall, except for felony or breach of the peace, knowingly arrest, imprison or otherwise maltreat any foreign accredited and acknowledged minister of any foreign nation at peace or at hostility with His Majesty's government; or any retainer of the household, or attachée of the legation of such minister, made known as such; or if any such judge, sheriff or other judicial or executive officer shall, knowingly, attach or levy upon any property belonging to such minister, without first obtaining the written authorization for

that purpose of His Majesty's attorney general as provided in the fifth part of this act, he shall forfeit and pay for every such offence, the sum of one thousand dollars, and be liable to impeachment and removal from office: Provided that nothing in this section contained shall be construed to exempt consuls, vice consuls, commercial agents and vice commercial agents, from suits and prosecutions at the instance of private individuals in this kingdom; nor their private property and effects from attachment or levy for the payment of their debts as in the cases of other persons. And further provided that nothing in this section contained shall be construed to exempt the said consuls or vice consuls, commercial agents or vice commercial agents from the criminal jurisdiction of this government in all cases of misdemeanor, or from private liability in damages to any person aggrieved by them.

SECTION XIII. It shall be the duty of the minister of foreign relations, when diplomatically applied to for that purpose, to obtain from the proper department of this government and furnish to the accredited agent of any foreign nation, residing near this government, any required information touching the rights, interests or grievances of the fellow citizens or subjects of such accredited agent; and to explain the points at issue or complained of diplomatically, for the information of the nation whose subject or citizen conceives himself aggrieved, by any act of His Majesty's government, or of any officer authorized by His Majesty to perform the act complained of: Provided that it shall not be lawful for the minister of foreign relations to take diplomatic cognizance, in debate or otherwise, of any matter complained of which has not been performed or sanctioned by the full and final action therein of His Majesty's government; or so long as, by the laws of this kingdom, redress is afforded to the party complainant, which has not been resorted to; neither shall His Majesty's government be internationally responsible until all the local means afforded by the laws have been unavailing for the recovery of a private right or the redress of a private grievance.

SECTION XIV. It shall be the duty of the minister of foreign relations, before transmitting any diplomatic despatch to the accredited minister of any foreign nation, in preferment of any complaint, or in answer to any complaint preferred against the authorities or govern-

ment of His Majesty, to submit the said despatch to the king, in cabinet council, 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.

SECTION XV. The minister of foreign relations shall superintend the bureaux created by the following chapters, and shall be accountable for the faithful exercise of all the duties therein prescribed. He shall have power to appoint a clerk or clerks for all or any of the said bureaux, and shall give particular instructions respecting duties assigned to the same, viz:

1. The foreign agency.
2. The neutral and belligerent rights.
3. The home duties to foreign nations.

CHAPTER I.

OF THE FOREIGN AGENCY.

SECTION I. The minister of foreign relations shall have power, under direction of His Majesty in cabinet council, to accredit Hawaiian diplomatic agents, not representative in capacity by the law of nations, to be resident or special abroad, as the case may at any time require. It shall be his duty to instruct such ministers, in His Majesty's name, upon the duties assigned to or required of them; and the diplomatic acts of said accredited ministers shall, when approved by His Majesty, have the binding force of admissions against this government: Provided that no such accredited agent shall have authority to treat in His Majesty's name, except under special powers granted him for that express purpose; and further provided that no treaty concluded and signed under special powers, shall have the binding force of a law, until the same shall have received His Majesty's formal ratification.

SECTION II. It shall be the duty of the minister of foreign relations, under direction of His Majesty in cabinet council, to commission consuls of the Hawaiian Islands, to reside at the ports of foreign nations for commercial purposes; and it shall also be his duty by circular from his department, in the form of an order in council, as prescribed in the act to organize the executive ministry, to define the official duties of such consuls—to establish the fees and perquisites to be by them received, and to give them general standing instructions, which shall be obligatory upon them as laws of this kingdom.

SECTION III. It shall be the duty of the minister of foreign relations to correspond with each and all the delegated agents, whether diplomatic or commercial in the two preceding sections mentioned,

and to require of them minute information upon all subjects affecting the rights of His Majesty's government.

SECTION IV. The minister of foreign relations shall keep distinct, in books or otherwise, all documents and exchanges connected with the foreign agency of this government, which he shall submit, when required, to his Majesty in privy council.

SECTION V. It shall belong solely to His Majesty, in privy council, to affix and establish the compensation of diplomatic agents, whether resident or special, accredited to other nations, who shall draw therefor upon the minister of finance, payable to the order of the minister of foreign relations; who, if found to be due and payable, shall endorse such drafts, and cause the proceeds thereof to be transmitted to the drawer or his transferee.

SECTION VI. Any duly accredited Hawaiian minister or consul, shall have power to grant, under the seal of his legation or of his consulate, passports to the subjects and citizens of the nation to which he is accredited, entitling such subjects or citizens to debark within His Majesty's dominions, pursuant to the first section of article first of chapter fifth, of the first part of this act. Which passports shall, before landing, be avouched genuine by the minister of foreign relations in this government, instead of the consul of such foreigner, as in the said chapter provided.

SECTION VII. The minister of foreign relations shall be entitled to demand and receive for the use of the royal exchequer, the same fees and perquisites allowed in and by the third part of this act, to the consuls of foreign nations for identifying the genuineness of every such passport.

CHAPTER II.

OF THE NEUTRAL AND BELLIGERENT RIGHTS.

SECTION I. In case at any time the interests or safety of this government, in the opinion of His Majesty in privy council, seem to require it, the minister of foreign relations, by command of His Majesty in privy council, shall issue and promulgate, as orders in council contemplated by the act to organize the executive ministry, embargoes upon foreign and domestic commerce. It shall, upon the happening of every such exigency, be his special duty to give written notice thereof, by circular letter to the diplomatic corps residing near this government, and to cause such notice, with His Majesty's proclamation, to be published in the Polynesian newspaper.

SECTION II. It shall in the like cases, provided for in the preceding section, and with the like command, be incumbent upon the minister of foreign relations, to issue, and in like manner to promulgate proclamations of neutrality, if by reason of the conflicts or disagreements of other nations, the safety of His Majesty's government shall seem to be endangered. He shall give due written notice of such neutrality, by circular letter to the diplomatic corps residing near this government.

SECTION III. The minister of foreign relations shall, at His Majesty's command, in all cases justifying the same, furnish for His Majesty's signature, letters of marque and reprisal, (should such recourse ever unhappily become necessary or expedient to this government); upon the granting of which, bond and security, in the dis-

cretion of His Majesty, shall always be required of any commissioned privateer.

SECTION IV. For the purpose of more complete organization, in all cases of extra-territorial recourse to arms, offensive or defensive, the minister of foreign relations shall discharge the duties of a secretary at war and of the navy, under direction of His Majesty in privy council.

SECTION V. The minister of foreign relations shall preserve distinctly, in books or otherwise, all documents and other evidences in any way connected with the matters provided for in this chapter. He shall, when commanded, produce them or any part thereof to His Majesty in privy council, and keep them always conveniently accessible to the ministers of His Majesty's cabinet.

CHAPTER III.

OF THE HOME DUTIES TO FOREIGN NATIONS.

SECTION I. The minister of foreign relations shall preside over, superintend and manage the matters assigned to the bureau by this chapter created, for the performance of which, he may appoint a clerk who shall be controllable and removeable solely by him.

ARTICLE I.—OF THE APPREHENSION OF FUGITIVES FROM JUSTICE.

SECTION I. The minister of foreign relations, upon information in writing from the minister of the interior, that an alien fugitive from justice has been arrested within the jurisdiction of this kingdom, and is in custody of the marshal, pursuant to section third, article fourth, chapter fourth, of the first part of this act, shall give immediate notice of such arrest to the accredited representative of the nation to which said fugitive belonged, if there be one near this government; and he shall, through such accredited representative, tender such fugitive to the nation whose subject or citizen he is; claiming at the same time, the costs and expenses incurred by his apprehension, removal, confinement and surrender: of all which costs and expenses he shall transmit an attested copy, taxed and allowed by the judge in foreign cases, as prescribed in the act to organize the judiciary. The minister of foreign relations shall also claim for the royal exchequer, as a condition precedent to such surrender, any reward that may have been offered for the apprehension of such fugitive from justice.

SECTION II. The minister of foreign relations, on receiving diplomatic notice of the acceptance of a surrender, and on receipt of the consideration upon which the same was offered, to be always made either in money or in consular or other draft, drawn to the order of the minister of finance, upon the government whose subject or citizen is surrendered, shall pass diplomatically to such accredited agent the following,

ORDER OF SURRENDER.

His Hawaiian Majesty's government have this day placed at the disposal of —, the body of —, a fugitive —, citizen (or subject) apprehended by order of the governor of —, pursuant to article four, chapter four, of the first part of an act to organize the executive departments; having this day received through the minister of finance, the reward of — dollars, offered for his apprehension, and the further sum of — dollars, costs and expenses incurred therein.

All officers of His Majesty's government are therefore upon exhibition hereof, required to afford the said —, every lawful facility at his expense, in removing the said fugitive from His Majesty's jurisdiction.

Given under my hand, and the seal of the foreign office, at Honolulu, this — day of —, 18—.

SECTION III. It shall be incumbent on the respective governors, and upon the marshal of the Hawaiian Islands, the judges respectively created by the act to organize the judiciary, and all other executive and judicial officers of this kingdom, to receive and consider the said order of surrender as *prima facie* evidence that the fugitive has been duly delivered up to the nation claiming him. And it shall be their duty to surrender his person, in accordance therewith, for the purpose of transmitting him to any destination indicated by such accredited representative, and if need be, to use force for that purpose: Provided however, that it shall be competent to a foreign representative to retain a fugitive in confinement in His Majesty's prisons or elsewhere, at his expense, until a suitable opportunity occurs for his removal.

SECTION IV. In case the representative of the nation whose fugitive subject or citizen shall have been apprehended, refuses to accept the surrender, and said fugitive shall not have brought a passport, as required by the first article of chapter fifth, of the first part

of this act, the master of the vessel by which he may have been conveyed into this kingdom, if at any time afterwards found within His Majesty's dominions, and also the fugitive in person, shall be severally liable, as in and by the ninth section of that article provided. But in case said fugitive shall, without the knowledge of the master, have brought a false passport, or a passport under a feigned name, he shall alone be amenable to the penalties of said ninth section, and the governor within whose jurisdiction he was apprehended, may deliver him up for transportation to any armed vessel of his nation that may visit His Majesty's jurisdiction. The said governor shall, at the same time transmit direct, through the minister of foreign relations, the motives which caused his expulsion from this kingdom.

ARTICLE II.—OF THE FOREIGN DEPARTURES.

SECTION I. Any person, native, naturalized or foreign, domiciled and residing in this kingdom, and desiring to leave its jurisdiction may at any time prior to his intended departure, apply to the minister of foreign relations for a passport, pursuant to article second, chapter fifth of the first part of this act. The minister of foreign relations, unless previously notified in writing of the existence of any of the impediments in the succeeding section specified, shall grant a passport when thereunto requested, being paid for the use of the royal exchequer, the fees prescribed by the third part of this act.

SECTION II. It shall not be lawful for the minister of foreign relations knowingly to grant a passport to any person indebted to this government, or to private individuals residing therein, without the creditors consent, or unless the said creditors neglect to make known their objections at the department of foreign relations; neither shall it be lawful to grant a passport to any agent in trust, executor or ad-

ministrator or guardian, without presentation to the minister of foreign relations, of a certificate from the probate judge, that such trustee, executor, administrator or guardian has satisfactorily settled his accounts. Neither shall it be lawful to grant a passport to a defendant in any civil suit depending before the courts of this kingdom, notice of the existence of which, shall have been given to the minister of foreign relations on or before the day of granting the same; nor, in case a *ne exeat regno* shall have been previously issued against such applicant by the foreign judge of Honolulu, pursuant to the act to organize the judiciary.

SECTION III. In case none of the impediments set forth in the last preceding section are officially made known as existing, and in case the applicant shall pay to the minister of foreign relations, for the use of the royal exchequer, the passport fees prescribed in the third part of this act, the said minister shall grant a passport in the following form:

PASSPORT.

Age	_____	} Permission is hereby granted to _____, a _____ subject (or citizen) lately residing at _____, in the Hawaiian Islands, to pass out of the ports thereof on his destination to _____, and all officers of His Majesty's government are required, and all authorities of other friendly nations are requested to render him requisite lawful assistance.
Profession	_____	
Height	_____	
Hair	_____	
Eyes	_____	
Physiognomy	_____	
Signature	_____	

Given under my hand, and the seal of the Hawaiian Islands, at Honolulu, this
____ day of _____, 18____.

SECTION IV. Said passport shall operate to exonerate all masters of vessels sailing from any port of the Hawaiian Islands from all liability for having conveyed the bearer out of the jurisdiction of this kingdom.

SECTION V. The minister of foreign relations shall preserve in his office a register of all passports granted by him as aforesaid, with the vouchers authorizing the same; and he shall, from time to time, publish in the Polynesian newspaper, for general information, a list of those who have obtained passports.

ARTICLE III.—OF THE ASSETS OF INTESTATE FOREIGNERS.

SECTION I. The minister of foreign relations, upon information in writing from the minister of the interior, that any foreigner, whether alien, domiciled or naturalized, has died intestate within this kingdom, leaving residuary assets therein, but no heirs, shall, as in the third article of chapter fifth of the first part of this act prescribed, immediately give notice to the accredited representative of the nation whose subject or citizen the deceased had been, with the amount and value of such personal assets, calling the attention of the foreign representative to the laws of this kingdom applicable to such assets.

SECTION II. In case at any time residuary assets are claimed in behalf of any foreign heir, the minister of foreign relations, if satisfied of the claimant's title to receive them, and of his proper authorization for that purpose, shall draw in favor of such claimant upon the minister of finance for the realized value of such assets, deducting the drawbacks prescribed by the third article in the last preceding section alluded to, and upon payment thereof by the minister of finance, he shall notify the accredited representative of the applicant's nation, how much and what kind of property was surrendered in virtue of this act, and how much was retained to the use of the exchequer.

SECTION III. In case the minister of foreign relations shall not be satisfied of a claimant's right to receive the residuary assets of an intestate foreigner, deposited at the royal exchequer, it shall be competent to such claimant to institute a suit for their recovery against His Majesty's attorney general before the foreign court at Honolulu, pursuant to the fifth part of this act and the act to organize the judiciary, in order to test his rights. The judgment of said court, un-

less appealed from as in the judiciary act provided, shall be conclusive upon the minister of finance in surrendering or refusing to surrender the assets of said intestate.

ARTICLE IV.—OF THE REGISTRY OF HAWAIIAN VESSELS.

SECTION I. Upon application being made for the registry of any foreign built vessel, pursuant to section second, article second, chapter sixth of the first part of this act, unless such vessel shall have been sold under a judicial decree of the courts of this kingdom, the minister of foreign relations, at the request of the minister of the interior, shall inquire officially of the accredited representative of the nation to which said vessel belongs, whether any legal impediment exists to her enrollment, and upon receipt of a reply, it shall be his duty to signify the same to the minister of the interior for his guidance.

SECTION II. The minister of foreign relations shall notify the representative of any foreign nation, accredited to His Majesty's government, when the judicial condemnation of any vessel of his nation shall have taken place in this, and also the grounds upon which such condemnation was decreed. He shall also inform such accredited representative when any vessel of his nation shall have been new registered in this kingdom, transmitting in every such case, to the foreign representative, her former register, or in default of any previous register existing, he shall inform such foreign representative what disposition has been made of the previous register, and for what reason the same cannot be restored.

ARTICLE V.—OF THE REAL ESCHEATS.

SECTION I. In every case contemplated by the third section of article third chapter seventh of the first part of this act, the minister of foreign relations, upon being informed by the minister of the interior, shall give official notice to the accredited representative of any nation whose citizen or subject, whether domiciled or naturalized, shall have died seized or possessed of landed property in this kingdom, but leaving therein no heirs capable of inheritance, what are the provisions of the Hawaiian law in regard to such landed property. The said minister shall, at the same time, call the attention of such foreign representative to said third article, that the foreign heir or heirs of the deceased may be pointedly informed of the terms and conditions upon which said landed property, or the avails thereof can be acquired.

SECTION II. In every case contemplated by the preceding section in which the nation of a deceased foreigner shall have no accredited agent at His Majesty's court, it shall be the duty of the minister of foreign relations to notify directly the minister of foreign relations of such nation, and to enclose for his information, copy of said article.

SECTION III. When a foreign inheritor of landed property in this kingdom has adopted either of the alternatives allowed by the said third article, it shall be incumbent on the minister of foreign relations to signify the same, and all the particulars thereof to the accredited representative, or in case there be none, to the minister of foreign relations of the nation to which such foreign inheritor may have belonged.

SECOND ACT KAMEHAMEHA III.

AN ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS OF THE HAWAIIAN ISLANDS.

PART III.

DEPARTMENT OF FINANCE.

SECTION I. *Be it enacted by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council Assembled:—*

That in order to conduct with greater certainty and system the several executive functions reposed by the Constitution in the king and premier, there shall be and is hereby created, a department to be styled the "Department of Finance;" over which the minister of finance, created by an act to organize the executive ministry, shall preside, residing and having his place of business at the seat of the Hawaiian government.

SECTION II. Said minister shall see faithfully executed in the respective islands, all the duties assigned to the following bureaux, viz:

1. Of foreign imposts.
2. Of the internal taxes

less appealed from as in the judiciary act provided, shall be conclusive upon the minister of finance in surrendering or refusing to surrender the assets of said intestate.

ARTICLE IV.—OF THE REGISTRY OF HAWAIIAN VESSELS.

SECTION I. Upon application being made for the registry of any foreign built vessel, pursuant to section second, article second, chapter sixth of the first part of this act, unless such vessel shall have been sold under a judicial decree of the courts of this kingdom, the minister of foreign relations, at the request of the minister of the interior, shall inquire officially of the accredited representative of the nation to which said vessel belongs, whether any legal impediment exists to her enrollment, and upon receipt of a reply, it shall be his duty to signify the same to the minister of the interior for his guidance.

SECTION II. The minister of foreign relations shall notify the representative of any foreign nation, accredited to His Majesty's government, when the judicial condemnation of any vessel of his nation shall have taken place in this, and also the grounds upon which such condemnation was decreed. He shall also inform such accredited representative when any vessel of his nation shall have been new registered in this kingdom, transmitting in every such case, to the foreign representative, her former register, or in default of any previous register existing, he shall inform such foreign representative what disposition has been made of the previous register, and for what reason the same cannot be restored.

ARTICLE V.—OF THE REAL ESCHEATS.

SECTION I. In every case contemplated by the third section of article third chapter seventh of the first part of this act, the minister of foreign relations, upon being informed by the minister of the interior, shall give official notice to the accredited representative of any nation whose citizen or subject, whether domiciled or naturalized, shall have died seized or possessed of landed property in this kingdom, but leaving therein no heirs capable of inheritance, what are the provisions of the Hawaiian law in regard to such landed property. The said minister shall, at the same time, call the attention of such foreign representative to said third article, that the foreign heir or heirs of the deceased may be pointedly informed of the terms and conditions upon which said landed property, or the avails thereof can be acquired.

SECTION II. In every case contemplated by the preceding section in which the nation of a deceased foreigner shall have no accredited agent at His Majesty's court, it shall be the duty of the minister of foreign relations to notify directly the minister of foreign relations of such nation, and to enclose for his information, copy of said article.

SECTION III. When a foreign inheritor of landed property in this kingdom has adopted either of the alternatives allowed by the said third article, it shall be incumbent on the minister of foreign relations to signify the same, and all the particulars thereof to the accredited representative, or in case there be none, to the minister of foreign relations of the nation to which such foreign inheritor may have belonged.

3. Of departmental fees, perquisites, costs, charges and commissions.
4. Of currency and coins.
5. Of fines, penalties and other pecuniary forfeitures.
6. Of government realizations.

SECTION III. The minister of finance shall cause to be preserved distinct in appropriate books, the respective transactions of each bureau, as detailed in the several chapters to which they refer; over each of which, if the transactions thereof shall, in his estimation, justify and require it, he may appoint a clerk. He shall also have power to consolidate as many of the said bureaux as His Majesty may deem not incompatible with each other, in the hands of one clerk. But in that case, said clerk shall preserve distinctly the respective records of each, and shall not on that account be entitled to receive a greater compensation than is by law allowed to one clerk.

SECTION IV. The minister of finance shall prescribe written rules, and give general instructions in writing, to the several officers appointed to transact the business of the respective bureaux herein above specified. But it shall nevertheless be his duty to submit such rules and instructions to His Majesty in privy council, for approval, as prescribed in the act to organize the executive ministry.

SECTION V. The minister of finance shall have charge of the dies and devices adopted at any time by law, for impressing the Hawaiian currency, and shall be accountable for their safe keeping. He shall countersign all commissions in his department, emanating from the king, and communicate to the officers created thereby the royal pleasure touching their duties.

SECTION VI. The minister of finance shall have power to administer oaths in matters connected with any of the duties of his department; which oaths shall entitle the facts deposed, to be read in evidence in any court of justice.

SECTION VII. There shall be a seal of the department of finance, distinct from the great seal described in the first part of this

act; the device and diameter of which, shall be determined by the king in cabinet council, upon recommendation of the minister of finance; and when so determined, shall be notified to the public, through the government organ. Copies of all vouchers deposited in his office, certified by said minister, and impressed with his seal of office, shall be as valid evidence in any court, as the originals.

CHAPTER I.

OF THE FOREIGN IMPOSTS.

SECTION I. There shall be, and is hereby imposed upon all foreign goods, wares and merchandisc, all foreign fabrics and other articles, all raw materials for the manufacture of articles, and all foreign produce imported into this kingdom; a duty of five per centum *ad valorem*; which imposts shall be payable at the respective custom houses, established at the ports of entry and departure, created by this act.

SECTION II. For the more effectual collection of said imposts the following places upon the Hawaiian coasts shall be and they are hereby created ports of entry and departure, viz: Honolulu, in the island of Oahu, and Lahaina, in the island of Maui; at which places, and no others, it shall be lawful for foreign vessels engaged in the merchant service to enter; and in addition thereto, Hilo, in the island of Hawaii, and Hanalei, in the island of Kauai, shall be ports of entry and departure, for vessels engaged in the whale fishery: Provided however that having entered at either of the first two mentioned ports and paid or given bond for the payment of duties, as in this chapter allowed, it shall be lawful for any merchant vessel, with the written permit of the collector of customs, to proceed to any other place in the Hawaiian Islands not being a port of entry and departure for the purpose of debarking or of embarking cargo, or for the purpose of obtaining refreshments.

SECTION III. The minister of finance shall recommend to the king, in privy council, a suitable person to be collector general of customs for all the ports of entry and departure, created by this act,

to whom it shall be his duty to give standing instructions. The collector general so appointed shall be accountable upon his bond for all monies received in payment of duties at the respective islands to which the several ports of entry and departure belong; also for all letters and packages transmitted by mail; for all postage money paid at the respective islands, and for punctual and careful compliance with all the duties prescribed in articles third and fourth of chapter sixth of the first part of this act, regulating the coasting trade and the inter-island mails. Said collector general shall make quarterly returns to the minister of finance, commencing the financial year of his transactions on the first day of January in every year. He shall, before appointment, give in a penalty to be determined in cabinet council, a bond, with one or more securities, approved by the minister of finance, in the following form :

KNOW ALL MEN BY THESE PRESENTS, That we —— principal, and —— sureties, residing at Honolulu, in the island of Oahu, Hawaiian Islands, are held and firmly bound unto ——, minister of finance, and to his successors in office, in the penal sum of —— dollars, for the payment of which, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents.

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

The condition of this obligation is, that whereas the said —— principal, has been this day appointed to perform all the duties imposed by law upon the collector general of customs for the Hawaiian Islands, and all ports and places upon their coasts, frequented by foreign vessels and Hawaiian coasters: Now if he shall faithfully and honestly perform such duties, observe all the provisions of the several statutes applicable thereto, shall not countenance any evasion or infraction of the same, shall appoint faithful and honest collectors and sub-collectors to discharge said duties under him wheresoever requisite, being accountable hereby for their official acts, shall, faithfully and punctually pay over to the minister of finance all monies by him and his substitutes received, and shall make quarterly returns of his transactions, as required by law, then this obligation to be void: otherwise, upon proof being made to the satisfaction of a common magistrate, without the intervention of a jury, as prescribed in the act to organize the judiciary, the penalty of this bond shall be forfeited to the extent of any malfeasance in office, and be collectable against the obligors, both principal and sureties.

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

——— (L. S.)

——— (L. S.)

SECTION IV. All permits to discharge at places other than the main ports of entry, and all anticipated clearances granted, as in the

second section of this chapter contemplated, shall be exhibited by the master of the vessel receiving them, to some collector or sub-collector at the point of his intended discharge, embarkation or departure, who shall retain all authentic permits so presented, and who shall counter-sign, before departure, all anticipated clearances from his port or dependency.

SECTION V. The collector general of customs and his substitutes shall, *ex-officio*, be the postmasters required by article fourth, chapter sixth of the first part of this act, and shall in their transactions as such be guided thereby.

SECTION VI. The said collector general and his substitutes shall superintend the execution of by-laws for the government of all coasting vessels, in conformity with section fifth of article third, chapter sixth of the first part of this act.

SECTION VII. The sub-collectors shall transmit quarterly to the collector general at Honolulu, for the use of the royal exchequer, all net monies by them received under any of the provisions of this act; and they shall make specific quarterly returns to the minister of finance of the receipts, disbursements and expenditures at their respective offices.

SECTION VIII. The collector general of customs shall recommend to the governor for appointment, a harbor master, a health officer and a pilot, at any of the ports of entry and departure, whether for merchant ships or whalers, where found requisite, to do all the duties in this act devolved upon such officers. The principal health officers and pilots shall have power, with the approval of the governors, to appoint deputies, and said deputies shall be entitled to receive the fees and perquisites allowed by this act to the principal health officers and pilots.

SECTION IX. The pilots appointed for Honolulu in the island of Oahu shall give bonds and security, to be approved by the governor, in the penalty of at least five thousand dollars; and the pilots appointed for the other ports shall severally give bonds in the penalty of one thousand dollars, conditioned as follows :

The condition of this obligation is, That whereas the above bounden — principal, has this day been appointed pilot for —, the port of entry and departure at the Island of —: Now if he shall faithfully and honestly perform all the duties imposed on him as such by law, not countenance any evasion nor infraction of the law imposing duties upon imports and exports, appoint faithful and honest substitutes to discharge the like duties with himself wheresoever requisite on said island, being accountable hereby for all their acts in that capacity; if he and his substitutes shall continually hold themselves in readiness to conduct foreign and domestic vessels safely into and out of said port of entry and its dependencies, then this obligation to be void: otherwise, upon proof being made to the satisfaction of a common magistrate, without the intervention of a jury, as prescribed in the act to organize the judiciary, the penalty of this bond shall be forfeited to the extent of the injury committed, or of the loss sustained, and the same shall be collectable against said obligors, both principal and sureties.

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

(L. S.)

(L. S.)

SECTION X. It shall be competent to the principal pilots to exact of their deputies corresponding bonds of private indemnity.

SECTION XI. The harbor masters appointed as prescribed in the eighth section of this chapter, shall each give a bond and security, to be approved by the governor of the island for which they are appointed, in the penalty of at least five hundred dollars, conditioned as follows:

The condition of this obligation is, That whereas the above bounden — principal, has this day been appointed harbor master, for the port of entry and departure created by law for the island of —: Now if he shall faithfully and honestly perform the duties of harbor master as prescribed by law, shall discharge diligently the duties required of him by the governor, as agent for enlisting native sailors, shall faithfully account to the said governor, and pay over to the collector general of customs, all monies by him at any time received in virtue of the laws, or in consequence of said governors instructions, then this obligation to be void: otherwise upon proof being made to the satisfaction of a common magistrate, without the intervention of a jury, as prescribed in the act to organize the judiciary, the penalty in this bond shall be forfeited, and the commission upon which it is predicated shall be revoked.

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

(L. S.)

(L. S.)

SECTION XII. It shall not be lawful for the master or com-

manding officer of any foreign vessel, coming within the jurisdiction of this kingdom, to discharge any seaman or other enlisted or unenlisted mariner from his vessel at any other port or place upon the coasts of the Hawaiian Islands, than at Honolulu, in the island of Oahu, and at Lahaina, in the island of Maui; neither shall it be lawful at any other ports or places to enlist native sailors on board foreign vessels, according to the provisions of article third, chapter fourth of the first part of this act.

ARTICLE I.—OF THE ARRIVAL OF FOREIGN VESSELS.

SECTION I. Upon the arrival of any foreign vessel off either the ports of entry, by this chapter created, it shall be the commander's duty to make the usual marine signal, for a pilot.

SECTION II. The commissioned pilot or his substitute, shall go to every foreign vessel nearing the anchorage of his port, approaching her at the windward side, taking with him a white and also a yellow flag. He shall, on so doing, be provided with an abstract of the laws and regulations of the port, to be presented to the commander. He shall not, however, board any vessel until after having presented the commanding officer with a blank certificate, as follows:

I ———, commander of the ———, of ———, hereby most truly declare, that the name of the port at which the vessel under my command last anchored or hove to, was ———, which port I left ——— days ago. I did not hear that any contagious disease existed there or in its vicinity, within a short time previous to my departure. No person on board my ship has been seized by any contagious disorder, nor have I heard of any such disease on board of any vessel that I have spoken on my way to this place. No person has died or been sick of a contagious disease on board my vessel during the last six months.

Given on board the ———, this ——— day of 18—.

Commander.

Upon signing and delivery of said certificate, the vessel may be at

liberty to enter the port, and not before; and the commanding officer being furnished by the pilot with a white flag, shall immediately hoist and continue the same for half an hour, at the main, in token that his vessel is free from contagion; but in case the commanding officer shall decline to subscribe the certificate of health tendered him in the form herein prescribed, the pilot shall deliver him a yellow flag, which it shall be the duty of the commanding officer to hoist at the main of his vessel, in token of disease on board. Infected vessels shall remain at quarantine outside the harbor, being anchored where the health officer and pilot may direct; and it shall not be lawful for the pilot, in case of sickness, to conduct a vessel into the harbor until the health officer has reported whether the disease be contagious, and if it prove contagious, the vessel shall in no case be allowed to enter until the disease is ascertained and reported not in existence, by the health officer. Any pilot conducting a vessel into any port of this Kingdom, in violation of these provisions, or knowing that there is just ground to suspect the existence of contagion on board, shall be subject to a fine of five hundred dollars, upon the penalty of his bond. In like manner any vessel entering before delivery of a certificate of health, shall, if infected, be liable to seizure, confiscation and sale, as prescribed in the act to organize the judiciary. For all other violations of duty, the commissioned pilot shall be liable upon his bond, in the discretion of the court.

SECTION III. If the pilots or health officers, having boarded any vessel, discover the existence of a contagious disease after boarding her, they shall not return on shore, neither shall it be lawful for any of the ship's company to come on or communicate with the shore, until the disappearance of the disease has been signified to the collector of customs, by hoisting the white flag at the main. In case any person land from on board an infected vessel, or board another vessel until the disappearance of the disease has been definitely ascertained by the collector of customs, he shall be liable to a fine of one hundred dollars. Upon the hoisting of a white flag on board any vessel laying at quarantine as aforesaid, it shall be incumbent upon the collector of customs to dispatch some trusty person to inquire into her condition, under the precautions of approach already pre-

scribed; and in case necessities of any kind be needed, he shall furnish them at the vessel's expense.

SECTION IV. The health fees and the pilotage at each of the ports of entry and departure, shall form part of the port charges, to be regulated by this act. They shall be payable at the custom house before granting a clearance, as hereinafter provided.

SECTION V. The harbor master may direct as to the place of anchorage or moorage of all vessels, and he shall have power to change the place of anchorage or moorings at their expense, as circumstances may require, to be included in the port charges. This authority shall extend to hulks, boats and all other craft in the harbor, and any resistance thereto shall be punishable by fine, in the discretion of the court. He shall receive of the commanding officer of every vessel a list of his officers and crew, for the use of the police and magistracy; also proffer his assistance to every vessel in any of the duties imposed by law upon a harbor master, and carry into effect any local or temporary regulations made by the governor, in relation to seamen. In case there be no harbor master appointed for any of the ports, the same duties are hereby devolved upon the commissioned pilot.

SECTION VI. The commanding officer of any merchant vessel, immediately after coming to anchor at either of the legalized ports of entry, shall make known to the collector of customs, the business upon which said vessel has come to his port—furnish him with a list of passengers, and deliver him a manifest of the cargo with which she is laden, containing marks and numbers, and the names of those to whom consigned, in the following form:

INWARD MANIFEST.

Report and manifest of cargo laden at the port of ———, on board of the ———, whereof ——— is master, bound for ———.

MARKS.	NUMBERS.	PACKAGES, OR ARTICLES IN BULK.	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.

SECTION VII. The consignee of goods or merchandize, before obtaining a permit to discharge or land, shall furnish under his oath to the collector of the customs or his substitute, 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 merchandize 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 merchandize 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 or its dependencies, in the ———, whereof ——— is master, from ———; that the said entry contains a just and true account in ——— of the costs thereof, including all charges, as per original invoice.

Subscribed and sworn to this ——— day of ———, 18—.

Before me, ———, Collector of the Customs.

SECTION VIII. Upon such entry being made, and the duties paid to the collector, or secured to be paid by bond and security, as

hereinafter 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. —

OFFICE OF THE COLLECTOR OF CUSTOMS, —, —, H. I.

MARKS.	NUMBERS.	PACKAGES.	

Permission is hereby given to land the above merchandize from on board the —, whereof — is master, to order of —.

Dated — of —, 18—.

Collector of Customs.

SECTION IX. The collector, at his discretion, and at the expense of any vessel, as hereinafter regulated, may provide an officer to be present on board said vessel during her discharge, to superintend the disembarkation, and see that no other or greater amount of merchandize be landed than is set forth in the permit.

SECTION X. In all cases in which goods, wares and merchandize, foreign fabrics and other articles, raw materials for the manufacture of articles, or foreign produce of any kind, shall be introduced in amount exceeding one thousand dollars, for re-shipment to some destination out of this kingdom, and not for sale or consumption therein, except the product of the whale fishery, there shall be and is hereby allowed to the importer or his transferee, upon transshipment, a drawback upon the full duties of four per centum *ad valorem*, reducing the imposts on such merchandize to a transit duty of one per centum *ad valorem* upon the invoice price. And upon the product of the whale fishery no duty shall be exacted under this law, unless imported for consumption in the kingdom.

SECTION XI. In every case in which property is desired to be transhipped from ship to ship, and not landed in the kingdom, the

consignee or owner shall, before being entitled to a permit to transship the same, submit to the collector of customs a full statement of the cargo intended to be transhipped, with its invoice price, as follows:

TRANSIT ENTRY.

Entry of merchandize 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 estimated value thereof, intended to be shipped 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 at these islands.

Subscribed and sworn to this ——— day of ———, 18—.

Before me, ———,

Collector of Customs.

SECTION XII. The collector of customs may, in every such case, give a permit to tranship, in the following form:

No. ———

OFFICE OF THE COLLECTOR OF CUSTOMS, ———, ———, H. I.

MARKS.	NUMBERS.	PACKAGES.	

Permission is hereby given for the above merchandize to be transhipped from on board the ———, whereof ——— is master, to the ———, whereof ——— is master, to the order of ———.

Collector.

———, ———, ———, 18—.

SECTION XIII. All goods, wares and merchandize, all fabrics and other articles, and all raw materials for the manufacture of articles being the products of any foreign country, imported into and landed in this kingdom for the purpose of re-shipment, not less in amount than one thousand dollars, shall, in order to entitle the same to drawback, as prescribed in the tenth section of this article, be placed in store at some place approved by the collector of customs, where said collector can at all times have free access to them for examination; and it shall be the duty of the collector or his substitute to demand, and of the owner or consignee to give a certificate of deposit for the same, subject at all times to removal by the owner, under the collector's supervision, upon re-entry for exportation, as hereinafter specified: Provided that upon such re-entry for transshipment, no drawback shall be allowed upon a less amount of exportation than one thousand dollars.

SECTION XIV. No transit property, except the products of the whale fishery, shall, upon pain of confiscation, be entered or landed within this kingdom elsewhere than at one of the ports of entry for merchantmen, created by this act; nor stored otherwise than under the control of the collector of customs, in some place of which he shall have previously approved: Provided that nothing in this act contained shall be construed to extend to the naval stores and supplies of foreign nations, imported to be used as such; neither shall any thing in this act contained extend to the imposition of duties upon such naval stores and supplies, or upon the stores and supplies imported for the private use and consumption of any foreign diplomatic agent, accredited to His Majesty, or to the department of foreign relations, as prescribed in the second part of this act; nor upon goods and merchandize, including medicines, imported by christian missionaries, for their private use, or for gratuitous distribution; nor to such articles of any kind as may be received from abroad by private individuals for the benefit of charitable institutions in this kingdom: Provided however, that in case articles imported for any of the purposes aforesaid have been subsequently sold, the collector of customs shall have discretionary power to demand and recover duties solely upon the gross amount of sales instead of the invoice price.

SECTION XV. An entry for statistical purposes shall be made by the consigner or importer of any goods or other property exempted from duties in and by the fourteenth section of this article; and the collector of customs shall provide suitable blanks for that purpose.

SECTION XVI. All merchandize and other articles entered at the custom houses, in virtue of this chapter, and claiming the benefit of drawback, shall be sworn to be for re-exportation.

SECTION XVII. Every whaler that may have complied with the requirements of this chapter, shall be entitled to demand and receive at the custom house, permits, the first of which shall be to trade for provisions and refreshments, to an amount not exceeding two hundred dollars, and the second, to trade subject to duties. Said permits shall be respectively in the following words:

WHALERS FIRST PERMIT.

OFFICE OF THE COLLECTOR OF CUSTOMS, ———, ———, H. I.

MARKS.	NUMBERS.	PACKAGES AND CONTENTS. Quantities to be specified.	VALUE AS PER INVOICE.

Permission is hereby given to ———, captain of the ——— whaler, to land from said vessel goods as above named, provided the same shall not exceed the value of two hundred dollars, as per original invoice.

N. B. Oil and bone valued as follows: Sperm oil, ———; whale oil, ———; bone, ———.

—————,
Collector.

To which shall be added the following deposition:

PORT OF ———, HAWAIIAN ISLANDS.

I ———, master of the ———, do depose on oath, that I have not exceeded the value of two hundred dollars, in trade or barter, with the inhabitants of this port or its jurisdiction, since my entry, on the ——— day of ———, 18—.

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

—————,
Collector

WHALERS SECOND PERMIT.

OFFICE OF THE COLLECTOR OF CUSTOMS, —, —, H. I.

MARKS.	NUMBERS.	PACKAGES AND CONTENTS. Quantities to be specified.	VALUE AS PER INVOICE.

Permission is hereby given to —, captain of the — whaler, to land from said vessel goods as above named.

N. B. Oil and bone valued as follows: Sperm oil, —; whale oil, —; bone, —.

—, —,
Collector.

To which shall be added before clearance, the following deposition:

Port of —, —, Hawaiian Islands.

[—, master of the —, do depose on oath, that I have not exceeded the value of two hundred dollars in trade or barter with the inhabitants of this port or of its jurisdiction, since my entry, on the — day of —, 18—, except to the amount set forth in the annexed schedule of articles sold, which also has set opposite to each article its true valuation according to the original invoice thereof.

Subscribed and sworn to, this — day of —, 18—.

Before me, —, —,

Collector.

SECTION XVIII. The same imposts shall be exacted of every whaling vessel at the custom houses or their dependencies, as are imposed by the first section of this chapter, for any goods or other property landed or disposed of by them, exceeding the value of two hundred dollars; and in case such excess amount to one thousand dollars, they shall be deemed in law to have become merchantmen, and be subjected as such to the port charges, harborage and other expenses incident to vessels engaged in the merchant service. Neither shall a clearance be granted to any whaling vessel, until full payment of the same.

SECTION XIX. It shall be as competent to the collectors of

the respective islands, as to the collector general of customs, to grant any whaling vessel, having complied with the requisitions of this chapter, a like clearance as hereinafter prescribed, for the departure of merchantmen.

SECTION XX. The duties upon all goods, wares and merchandize imported into this kingdom, shall be considered as due in cash at the custom house: Provided that the collector general, with the concurrence of the minister of finance, shall have power to grant a reasonable credit, not exceeding ninety days, upon receiving a bond in double the sum to be secured, and 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 the customs at the port of ———, and to his successors and assigns, for the use of the royal exchequer, in the penal sum of ———. 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 ———*) or (*has sold and bartered away at the dependency of ———, goods and other property at invoice value ——— dollars over and above the permitted value of two hundred dollars*) 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 ——— from this date, with interest at twelve per centum, and shall not make default, then this obligation to be void: otherwise to remain in full force and virtue against us.

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

————— (L. S.)

————— (L. S.)

SECTION XXI. The collector general of customs shall be *ex officio* inspector and appraiser, in all cases requiring the inspection or appraisement of goods, wares and merchandize, or other property, entering or coming in any way into the port of Honolulu, without invoice, or when in his opinion undervalued upon the entry, and also when requiring the intervention of the judicial or other officers of this kingdom. He shall decide the true condition and value thereof, when

necessary; and when required so to do in cases of average, insurance or salvage, arising before the admiralty court, created by the act to organize the judiciary; for which purpose, said collector general shall have power to administer oaths and take the testimony of witnesses, to be read in evidence in any court. If parties interested object to his valuation, he may appoint some disinterested merchant as his arbitrator, and the party in interest another, who, if they cannot agree, may choose an umpire, and the award shall be conclusive as to the valuation and costs of arbitration.

ARTICLE II.—OF THE DEPARTURE OF FOREIGN VESSELS.

SECTION I. All vessels, the owners, consignees and commanders of which have fully complied with the regulations of this chapter, shall be entitled to depart this kingdom, upon receiving from the collector of their port of entry, a clearance in the following form:

HAWAIIAN ISLANDS.

CERTIFICATE OF CLEARANCE.

Port 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 commanding officer, separately, a bill of the charges, more particularly hereinafter prescribed.

SECTION II. The owner or shipper of any merchandize imported into this kingdom, *in transitu*, shall, before embarkation, enter said property at the custom house of the port where the same shall have been stored, in the following form:

OUTWARD ENTRY.

Entry of merchandize 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 —, Hawaiian Islands.

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 duties to the amount of — were paid thereon; that they have been stored under direction of the collector of customs at this port, since the — day of — last past; and that they are not intended to be re-landed at these islands.

Subscribed and sworn to this — day of —, 18—.

Before me, —,

Collector of the Customs.

SECTION III. To entitle any vessel to a clearance, it shall be incumbent on her commanding officer first to furnish the collector of customs with a manifest of the cargo intended to be exported in said vessel, in the following form:

OUTWARD MANIFEST.

Report and manifest of cargo laden at the port of —, on board the —, whereof — is master, bound for —.

MARKS.	NUMBERS.	PACKAGES AND CONTENTS. Quantities to be specified.	BY WHOM SHIPPED.

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.

ARTICLE III.—LOCAL REGULATIONS APPLICABLE TO THE RESPECTIVE PORTS.

SECTION I. In addition to the rules hereinbefore prescribed, the observance of which shall be necessary to entitle any vessel to her clearance, the following shall have been also observed, or the fines and penalties annexed thereto paid. But unless the collector of customs shall have due notice of any act contravening these rules, or of the non-payment of the fines and penalties annexed to their violation, it shall not be lawful to refuse a clearance.

SECTION II. If any person commit an offence on shore, and the offender escape on board any vessel, it shall be the duty of the commanding officer of said vessel to surrender the suspected or culprit person to any officer of the police who demands his surrender, on production of a legal warrant. In case the commanding officer refuse to deliver up such suspected or culprit person, he and his vessel shall be held amenable for the fine or penalty annexed to the offence, and he shall not receive his clearance until the same is satisfied.

SECTION III. If any prisoner amenable to or convicted under the laws of this kingdom, shall have been secreted and taken out of its jurisdiction on board any foreign vessel, said vessel shall be subject to a fine of four hundred dollars, and may on proof, at any time be libelled, condemned and sold for the payment of such fine, as prescribed in the act to organize the judiciary.

SECTION IV. It shall not be lawful for any person on board of a vessel at anchor in the harbor of Honolulu, to throw stones or other rubbish overboard into said harbor. Any vessel from which such rubbish is thrown, shall be amenable to a fine of one hundred dollars for the first offence, and double for every succeeding offence, on ac-

count of any of which, such vessel may be seized, confiscated and sold, as prescribed in the act to organize the judiciary.

SECTION V. The governor of the island of Maui, shall, one hour after sunset in the evening of each day, cause the drum to be beaten at the port of Lahaina, as a signal for apprehending all mariners at that time on shore, without his written permission. It shall be incumbent on all mariners belonging to foreign vessels at anchor off Lahaina, unless otherwise allowed in writing by the governor, or unless in actual attendance on their captains, to return to their vessels at sunset, on pain of two dollars fine, if apprehended after the beating of the drum as aforesaid. 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 his written permission, to return on board their vessels; and it shall be incumbent on them so to do, upon pain of two dollars fine, if apprehended at or after ten o'clock of the evening, when said governor shall cause the bell to be again rung, as a signal for their apprehension. At the other ports, these or other regulations shall be established by the governors.

SECTION VI. It shall not be lawful to discharge in this kingdom any foreign enlisted or unenlisted seaman, without the previously obtained written consent of the governor of the island where such seaman is discharged, or of the harbor master of the port, acting by the authority of the governor; neither shall it be competent to or lawful for any foreign consul, vice consul, commercial agent, or vice commercial agent of any foreign government, residing at said ports, to grant his consent or approbation to the discharge of any such seaman from on board a vessel of his nation until the requirements of this article in regard thereto have been complied with.

SECTION VII. In order to the discharge of any such foreign seaman, as in the last preceding section contemplated, it shall be incumbent on the foreign consular or commercial agent aforesaid, to notify the harbor master of the name of the seaman desired to be discharged, and of the cause for which his discharge is desired. It shall also be incumbent on said consular or commercial agent, to

assume expressly the guardianship of such discharged person, and consular responsibility for his support until re-shipped out of this kingdom; or, in lieu of consular responsibility, it shall be incumbent on the consular or commercial agent to obtain for him, and file with the harbor master a bond, to be approved by such harbor master, in the form and penalty following, to wit:

KNOW ALL MEN BY THESE PRESENTS, that I ———, of ———, in the island of ———, Hawaiian Islands, am held and firmly bound unto His Excellency ———, governor of said island, and his successors in office and assigns, in the penal sum of one hundred dollars, good and lawful money, to be levied of my property, in case the conditions of this bond shall be violated: for the payment of which I also bind my heirs, executors and administrators, firmly by these presents.

Scaled with my seal, and dated this ——— day of ———, 18—.

The condition of this obligation is, that whereas ———, lately belonging to the ———, of which ——— is master, has this day been discharged according to law: Now if he shall punctually, at or before the expiration of sixty days from this date, re-embark on board some vessel, and leave the jurisdiction of this kingdom, and if until the day of such re-embarkation and departure, he shall not be guilty of any breach of the laws, and if on conviction of any public or private offence within that time, he shall punctually pay the fine or damages awarded, and if on or before his departure as aforesaid, he shall fully pay and discharge all debts by him contracted in this kingdom, then this obligation to be void: otherwise to remain in full force against me the said surety, without detaining him from re-embarkation.

Given under my hand and seal, the day and year above written.

(L. S.)

SECTION VIII. The harbor master may, on satisfactory proof that the discharged seaman has not been able, within the sixty days accorded by his bond, to obtain a vessel in which to depart the kingdom, and that he is peaceably disposed, extend the time allowed for his departure to a further period of sixty days, without forfeiture of its past conditions.

SECTION IX. Upon compliance with the above alternative provisions on the part of the consular or commercial agent, it shall be the duty of the harbor master to obtain from the governor, or if empowered for that purpose, to sign and deliver to the consular or commercial agent, a written permit, as follows:

SEAMAN'S PERMIT.

.. Permission is given to ———, on board the ———, now lying in the harbor of ———, Hawaiian Islands, to remain on the island of ——— for sixty days, he being previously discharged from the obligations of his shipping articles by his captain.

Port of ———, Hawaiian Islands.

—————,
Governor or Harbor master.

At the foot of every such permit shall be written and signed the form of discharge usual to the laws and usages of the nation whose subject or citizen is discharged in virtue thereof. The harbor master shall keep a record of the same. And if there be no consul of the nation of the person desiring to be discharged, the harbor master, for the purposes of this law, may, upon application, be at liberty to consent to such discharge. If at the end of the time allowed, any discharged person neglects to depart this kingdom, he shall, besides the forfeiture of his bond, be considered and treated as a deserter.

SECTION X. If any foreign seaman desert from a vessel, the commanding officer shall, within forty-eight hours thereafter, inform the harbor master, whose duty it shall be to notify the prefect of police, created by the fifth part of this act, and cause diligent search to be made for such deserter, to the end that he may be restored to his vessel. If the deserter be found near the harbor where the vessel is at anchor, the harbor master shall be entitled to recover of the commanding officer, for his apprehension, six dollars; if found without the reasonable and usual precincts of the harbor, or not more than ten miles distant therefrom, the harbor master shall be entitled to recover of the commanding officer, twelve dollars; if apprehended beyond ten miles from the vessel's anchorage, or upon some other island, the harbor master shall be entitled to recover of the commanding officer twenty-five dollars. In case the deserting seaman be necessarily kept on shore and boarded, before his surrender to the commanding officer, fifty cents per day: Provided that it shall be competent to any commanding officer of any vessel from which a seaman may have deserted, to agree with the harbor master upon the price to be paid for subsisting such deserter, if re-taken, until surrender to him.

SECTION XI. No commanding officer shall, upon pain of one hundred dollars, discharge from his vessel any enlisted or unenlisted seaman, otherwise than according to the provisions of this article, and if a foreign seaman desert, and the vessel from which he deserted, sail without notice of such desertion having been given at least forty-eight hours before obtaining her clearance, or if he omit giving such notice for forty-eight hours after the desertion of the man, such commanding officer shall be considered to have discharged said seaman, contrary to the provisions of this article, and shall be amenable to fine in like manner.

SECTION XII. Every foreign seaman, of whose desertion from any vessel, due notice shall have been given, and every seaman discharged contrary to the provisions of this article, shall be apprehended, and if not returned to his vessel, shall be put at the disposal of his proper consul or commercial agent, but if he refuse to receive him, under charge of his consulate, said deserter shall be put to hard labor by the governor, until he quits the country.

SECTION XIII. The collector general of customs, or his local substitute, with the approbation of the governor of the island, in case desertion takes place within forty-eight hours of the necessary time of a vessel's departure, shall, when circumstances require it, have power to compound with the commanding officer for a sum adequate to the costs of apprehension, not exceeding twenty-five dollars; and he may in that case, give such vessel a clearance, suffering the man to remain, and be treated as a deserter under this law.

SECTION XIV. All aiders and abettors to the desertion of foreign seamen, shall be amenable to a fine of one hundred dollars.

SECTION XV. Whoever shall apprehend any deserting sailor and surrender him to the custody of the prefect of police, shall be entitled to receive one half the reward consequent upon his apprehension and delivery.

SECTION XVI. All goods, wares and merchandize, all foreign fabrics and other articles, all raw materials for the manufacture of ar-

articles, and all produce, imported or landed in this kingdom, in contravention of the provisions of this chapter, shall be liable to forfeiture and sale, for the benefit of the royal exchequer, as prescribed in the fifth part of this act, and of the act to organize the judiciary.

SECTION XVII. Any vessel, foreign or domestic, importing any articles whatsoever into this kingdom with the design to evade, or having imported them without such design, evading the payment of duties imposed by this chapter, shall be deemed a smuggler, and be liable as such to seizure, confiscation and sale, for the benefit of the royal exchequer, as in the last preceding section prescribed.

SECTION XVIII. All entries made at the custom house, falsely describing the amount and quantity of the articles entered, or the invoice price and charges thereon, shall be deemed fraudulent, and the merchandize or other articles entered thereby, shall be liable to forfeiture and sale, for the use of the royal exchequer, in like manner.

SECTION XIX. Every master, commander, owner, consignee or other person, in any way engaged in the importation, introduction or landing of any merchandize or other articles from abroad, without payment of the duties chargable thereon, pursuant to this chapter, shall be deemed a smuggler, and be liable as such to the pains and penalties prescribed by the criminal code.

SECTION XX. Every vessel that shall depart the kingdom after entry, without a clearance first obtained, pursuant to the provisions of this act, shall be deemed guilty of marine barratry, and her commanding officer be amenable to a fine of five hundred dollars, for which said vessel may be libelled, by order of the minister of finance, and condemned by decree of the court.

SECTION XXI. Nothing in the provisions of this chapter contained shall be construed to forbid the free discharge, in this kingdom, of native or naturalized subjects of His Majesty. Neither shall the governor's permit be necessary for that purpose.

ARTICLE IV.—TARIFF OF IMPOSTS, FEES AND EXPENSES, INCIDENT
TO CHAPTER I, PART III.

SECTION I. Until the modification of subsisting treaties, no discrimination shall be made in the duties to be imposed, at the custom houses, alike on all imported articles intended for sale or consumption in this kingdom; but until that time, the duty of five per cent *ad valorem*, on the amount of the invoice cost, and all charges except insurance and freight shall be indiscriminately exacted, except as in this chapter remitted or modified; and *ad valorem* duties wherever they are exacted under this act shall be estimated upon this basis.

SECTION II. So soon as the modification of subsisting treaties will permit, the minister of finance shall recommend to his Majesty in privy council, the measures which, in his estimation, may seem best calculated to repress and effectually prevent the importation of spirituous and intoxicating drinks of every description, either by prohibitory duties or by declaring them contraband of trade, and liable to confiscation; which recommendation, being adopted by His Majesty in privy council, and publicly announced by proclamation, signed by His Majesty and attested by the minister of finance, shall, from the date to be fixed in said proclamation, have the binding force and efficacy of a law. Whereupon, and not sooner, the minister of the interior shall, by his proclamation, discontinue, prospectively, the issuing of licenses for the wholesale and retail vending thereof, as prescribed in the tenth section of article second, chapter second, of the first part of this act.

SECTION III. Before granting a clearance to any foreign vessel, as in this chapter prescribed, there shall be demanded and received at the port of her entry any of the following custom house charges, for which the corresponding services may have been rendered, or the corresponding duties performed, viz:

1. For visit of health officer, in all cases, five dollars; when necessarily detained on board, ten dollars per day. For bill of health on departure, when required, five dollars.

2. For entrance pilotage, at any of the ports or their dependencies where requisite, one dollar per foot upon the vessel's draft.

3. For departure pilotage from any of the ports or their dependencies where requisite, one dollar per foot upon the vessel's draft.

4. For conducting any vessel to anchorage off the port of Honolulu, if the pilot be not detained on board from the necessities of said vessel, longer than twenty-four hours, ten dollars; if detained longer than twenty-four hours, five dollars per diem for each subsequent day's detention. In case the pilot does not anchor the vessel, he shall be entitled to one dollar for health certificate. Should a vessel thus anchored without the harbor afterwards enter, the anchorage fees above prescribed shall be remitted and the usual pilotage only be exacted.

5. For visit of pilot at Lahaina, to obtain the certificate of health, and take the flags and abstract of laws on board, one dollar. If he conducts the vessel to her anchorage, one dollar in addition, and if for any reason, his services are longer required on board, two dollars per day.

6. For every manifest of cargo delivered to the collector of customs on entry, and stamp, one dollar.

7. For inward entry at the custom house and stamp, fifty cents.

8. For every permit to discharge at port of entry, or at some dependency, and stamp, fifty cents.

9. For transit entry and stamp, fifty cents.

10. For permit to tranship, and stamp, fifty cents.

11. For sub-collector's countersigning permits to disembark cargo, and anticipated clearances at places other than ports of entry, one dollar.

12. For bond given to secure the payment of duties, in all cases in which the same shall be so secured, and stamp, fifty cents.

13. For custom house guard, stationed on board when deemed advisable by collector, subsistence to be demanded of the vessel during his actual stay on board, and his per diem pay not exceeding three dollars.

14. For property transhipped and taken out of the kingdom, one per cent. *ad valorem*.

15. For whalers permit to trade, deposition and stamp, one dollar.

16. For all excess of two hundred dollars in the sale or barter by whale ships, five per cent. *ad valorem* on invoice price and charges.

17. For certificate of clearance at the port of entry, and stamp, one dollar.

18. For outward manifest of cargo to be exported, and stamp, one dollar.

19. To whaling vessels entering the harbor of Honolulu, tonnage duty of six cents per ton upon the ship's burden; anchorage having been paid at Lahaina, to be deducted from the gross amount of harbor dues at Honolulu.

20. For the benefit of buoys, two dollars.

21. To vessels entering the harbor of Honolulu for purposes of trade, harbor dues shall be charged as follows:

For the harbor, twenty cents per ton upon the ship's burden.

For the benefit of buoys, two dollars.

22. Vessels anchoring at the port of Lahaina, whether merchantmen or whalers, and whether so anchoring for the purposes of trade or for refreshments only, shall pay the collector, for the privileges so to be enjoyed, ten dollars; and for the benefit of lights at said port, one dollar.

23. To the owners of all hulks of not more than two hundred tons burden, laying inoored at the docks or in the open harbor of Honolulu, shall be charged gross harborage of seventy-five dollars per annum, and if of more than two hundred tons burden, one hundred dollars; to be levied of said hulk, or of the owner's other property.

24. Any foreign vessel entering either of the ports of this kingdom, and then departing under permit to some other port or dependency, shall not, on her return to the port of original entry, be again required to pay harbor dues, other than pilotage.

25. Upon every successive visit or entrance from abroad, merchantmen and whalers shall be required to pay the harbor dues above imposed.

26. The minister of finance shall have discretionary power, upon satisfactory cause shown, to remit wholly or in part, or to mitigate as

humanity may, in his opinion require, the harbor dues and other port charges, except pilotage and health fees, upon foreign vessels taking refuge in any port of this kingdom, being in distress, impelled by stress of weather, loss of officers or crew, or pursued by public enemies.

27. For services of collector, as inspector or appraiser of damaged cargo, or as surveyer of injuries sustained by vessels at sea, or in case of collision, and for inspection, survey and appraisal of salvage property, ten dollars; provided he be not employed longer than one day, but for each additional day, five dollars, to be ascertained and awarded by the court; and the like compensation for the arbitrators whom he may appoint.

28. For permit of governor or harbor master, upon discharging every foreign seaman, and stamp, fifty cents.

29. For bond upon discharge of foreign seamen, and stamp, fifty cents.

30. For stamp, upon every application to a governor for the enlistment of a native sailor or other native on board a foreign vessel, as prescribed by section second, article third, chapter fourth, of the first part of this act, fifty cents.

31. For bond on shipment of native seamen and other natives, with stamp, fifty cents.

32. For written consent of governor to the enlistment of native seamen or other natives, fifty cents.

33. The rates of postage to be received by collector and sub-collectors, pursuant to section ninth, article fourth, chapter sixth, of the first part of this act, shall be as follows:

1. For all single letters written in this kingdom and transmitted in the government mail bags direct from one post office to another, six cents.

2. For all single letters transmitted through one or more intermediate post offices to their destination, six cents for each transmission.

3. For every enclosure in any letter, the postage above prescribed for a single letter.

4. Beyond one ounce in weight, twenty-five cents for each successive transmission.

5. For every single letter brought from abroad into this kingdom by a foreign vessel, if delivered to the owner at the post office of

the port of such vessel's entry, six cents. If transmitted to such owner through the mail, six cents additional.

6. Letters and packages certified to be free by His Majesty's ministers, by the governors of either of the islands, or by the post master at either of the ports or dependencies, shall not be subjected to the charge of postage.

34. The fees and expenses incident to the debarkation of foreign passengers, under the requisitions of article first, chapter fifth, of the first part of this act, shall be as follows:

1. To any foreign consul, or commercial agent, to his own use, for certifying the genuineness of any passport, two dollars. In like manner, to the use of the royal exchequer, the like fee for every such passport attested abroad by an Hawaiian consul, and authenticated in this kingdom, by the minister of foreign relations.
2. The governor's approval of such passport before landing baggage, one dollar.
3. For permit of collector to land baggage, one dollar.

ARTICLE V.—TARIFF OF COMPENSATIONS INCIDENT TO CHAPTER I,
PART III.

SECTION I. The following compensation and no greater shall be paid to the several officers upon whom are devolved the duties and services prescribed by this chapter, and those parts of this act to which they refer, viz:

To the collector general of customs, a yearly salary of one thousand and five hundred dollars, to be paid quarterly, or in his discretion oftener by the minister of finance, upon auditor's certificate that any part thereof is due, after deducting all counter claims of his department.

To the collectors of the respective ports of entry and departure, appointed by the collector general of customs, other than the port of Honolulu, and to the sub-collectors of the respective dependencies, a commission by contract with said collector general, not exceeding

ten per centum upon the gross sum of the charges accruing to the royal exchequer at their respective ports or dependencies; provided they have respectively collected, and within one month thereafter, transmitted to the collector general of customs, the charges and duties for which they claim per centage.

To the health officers at the respective ports, unless diminished by contract with the governors appointing them, the health fees assigned to their respective duties.

To the pilots at each of the respective ports for which a pilot is herein contemplated, unless diminished by contract with the governors appointing them, the pilotage herein imposed upon vessels by them respectively piloted, moored or conducted to anchorage.

To the collectors of the several ports, other than Honolulu, and to the sub-collectors of their dependencies, as post masters, *ex officio*, unless diminished by contract with the minister of finance, the postage by them respectively received upon all letters and packages passing through their hands.

ARTICLE VI.—ACCOUNTABILITY OF OFFICERS, UNDER CHAPTER I,
PART III.

SECTION I. The collector general of the customs, in fixing the per centage of his collectors and sub-collectors, shall, in order to their validity, obtain the approval of the minister of finance. He shall on the first Mondays of January, April, July and October, in each year, pay over to the minister of finance, all monies in his hands on those days, in anywise accruing to the royal exchequer, from his transactions and those of the collectors and sub-collectors at the different ports and dependencies, contemplated in this chapter; and annually or oftener if required, he shall furnish the minister of finance with a duplicate statement in gross, of the amount of property imported to be sold, or consumed in this kingdom—of property introduced for exportation—of property exempted from impost—of the number of foreign letters and packages deposited at the respective post offices,

and of the number of domestic letters and packages deposited therein, with the gross amount of postage money received—the number of foreign vessels piloted into the respective ports, with the pilotage received therefor—the number of foreign seamen discharged, and the number of native seamen enlisted at the respective ports of entry, with the gross amount of perquisites; also a detailed account of the per centages allowed in his contracts with the respective collectors and sub-collectors; which statement, if found on audit to be correct, the amount of money paid over, shall be receipted by the minister of finance, upon one of the said duplicate statements, in exoneration of the collector general, for the discharge of his official duties, in accounting for the current receipts of his bureau.

SECTION II. To enable the collector general of customs to account, as in the preceding section directed, it shall be incumbent on the collectors, sub-collectors, harbor masters and pilots, to furnish him quarterly, on or before the days therein specified, all the statistics above required, applicable to their respective islands and dependencies; and to that end the governors shall have power to compel them.

CHAPTER II.

OF THE INTERNAL TAXES.

SECTION I. The governors shall superintend the collection of all taxes regulated and imposed in pursuance of this chapter. They shall pay said taxes over to the minister of finance, for the use of the royal exchequer. To this end the governors shall appoint tax officers in each district described in the succeeding section, and shall have power to control and remove them at pleasure, or upon complaint of any party aggrieved, or of the minister of finance.

SECTION II. For taxation purposes, the island of Hawaii shall be subdivided into the following districts, viz:

1. Kona. 2. Kau. 3. Hilo and Puna. 4. Hamakua. 5. Kohala.

The island of Maui into the following districts:

1. Kahakuloa and Kaanapali. 2. Lahaina, Oloalu and Ukamela-me. 3. From Waikapu to Waihee, and from Hana to Kula. 4. Honouliuli. 5. Hamakua, Koolau, Hana, Kipahulu, Kaupo and Kahikinui. 6. The dependent island of Molokai. 7. The dependent island of Lanai.

The island of Oahu into the following districts:

1. Ewa, Honolulu, Waikiki. 2. Koolau. 3. Koolaula. 4. Wailana. 5. Waianae.

The island of Kauai into the following districts:

1. Kona. 2. Halealea. 3. Koolau. 4. Puna. 5. From Waihi to Kipu. 6. Niihau.

SECTION III. The tax officers shall be accountable to the governors appointing them, for all internal taxes imposed by law, which

taxes shall always be contradistinguished from the license money, the fees and perquisites, and the fines and penalties established by the laws. The tax officers shall make quarterly returns of their doings to the respective governors, and shall as often pay said governors the sums collected for the use of the royal exchequer. The auditor of finance shall, by comparison of the governors reports, arrive at the correctness and fidelity of the tax officers in collecting and paying over the internal taxes of the kingdom. The result of said audit shall yearly be submitted to His Majesty in privy council, by the minister of finance.

SECTION IV. An assessment roll for the respective districts above named, shall be laid before the legislative council by the minister of finance, containing the names of the taxable inhabitants of each district, with the kind and amount of tax payable by each. Which assessment roll when approved by the legislature and sanctioned by the king, shall be transmitted by the minister of finance to each of the governors, with instructions how to act in its collection; and the governors shall give corresponding instructions to the tax officers.

SECTION V. The rate of taxation proposed on the assessment roll and laid before the legislative council, shall never exceed what is in this chapter prescribed.

ARTICLE I.—OF THE POLL TAX.

SECTION I. Every male subject of His Majesty who has attained the age of twenty years, unless specially exempted by statute, shall yearly pay for the support of government, one dollar.

Every female subject of His Majesty, having attained the same age, unless in like manner exempted, shall pay annually, half a dollar.

Every male child between the ages of fifteen and twenty years, shall pay half a dollar.

Every female child between the same ages, shall pay quarter of a dollar.

Persons however, debilitated with age, both males and females, and daughters living with their parents, shall be freed from this tax.

ARTICLE II.—OF THE LAND TAX.

SECTION I. All landed divisions denominated *Ili*, throughout the islands, shall pay a yearly tax, as follows:

Ili No. 1, five dollars.

Ili No. 2, three dollars.

Ili No. 3, one dollar and a half.

In those parts of the islands where there is no distinct division into *ilis*, but merely into *ahupuaas*, each *ahupuaa* shall pay a yearly tax for the support of government, as follows:

Ahupuaa No. 1, ten dollars.

Ahupuaa No. 2, five dollars.

Ahupuaa No. 3, three dollars.

This tax however, may be diminished, at the discretion of the tax officer, he keeping in view, not merely the size of the land, but also the number of its occupants and its value, and preserving a just proportion between said value and the taxation.

SECTION II. All houses and house lots situated in villages and not connected with agricultural grounds, shall be annually assessed, *ad valorem*, for the support of government, according to yearly national exigencies: Provided however, that this taxation shall never apply to farmers and tenants who are actually employed in cultivating their lands, even though they may have erected their habitations in other places.

SECTION III. Leasehold estates derived from government, pursuant to the provisions of chapter seventh, of the first part of this act, and having rent reserved, shall not be taxable in addition to such rent; but life estates, and estates for years, granted by government to private individuals for a consideration in advance, shall, unless otherwise stipulated in the grant, be subject to taxes for the support of government.

SECTION IV. No land tax shall be imposed for twenty years next ensuing, upon lands patented in fee simple.

SECTION V. It shall be incumbent on every individual, native, naturalized and alien, owning or possessing lots and enclosures, not exempted from taxation by this chapter, to make known their fair value in the owners or possessors estimation, to the governor of the island where such land is situated, on or before the first day of December in each year; in default of which notice, the governor shall affix a taxable value thereto, which shall be binding.

ARTICLE III.—OF THE LABOR TAX.

SECTION I. The labor tax hereby imposed, and hereinafter prescribed, shall be solely applicable to male subjects of His Majesty, born of native aboriginal mothers. The persons so taxable must be either vassals or tenants of some landlord; or if not cultivators of the soil, they must be without any art or profession. No natives owning farms in fee simple, and cultivating them, and no other persons being married and having three living children, shall be amenable to the labor tax; neither shall natives debilitated with age.

SECTION II. In assessing the labor tax, the year shall be considered as divided into thirteen lunar months; the two first weeks of each of which, shall be allotted to government labor throughout the kingdom, as follows:

SECTION III. Commencing the month with the first Monday in January in each successive year, on the first week, every man liable to perform labor for government, shall thus labor on Tuesday and Wednesday, and on Friday of the same week, all tenants under landlords, shall labor each for his own particular lord, and all persons not occupying land, and not specially exempted by statute, shall labor for government. On the second week of the same month, tenants shall labor for their landlords on Tuesday and Wednesday, and all from whom public labor is due, shall on Friday labor for the government. On the third and fourth weeks of the month no public labor shall be done, but on those weeks the people shall be free.

SECTION IV. The governors of the several islands shall, at their discretion, give orders to the tax officers, or appoint, instruct and empower some other person in each taxation district in this chapter mentioned, to superintend and oversee the labor so to be performed: Provided that no person amenable to the labor tax shall be required to labor at a distance of more than five miles from home; but further provided that any such person being at the time absent from his district shall be amenable to labor in any district in which he may happen to be, on the labor days.

SECTION V. The overseers of public labor shall, on Monday previous to the first labor day, send out a crier, who by proclamation shall give notice of the kind and place of labor for that week. It shall be also the duty of said overseers, early in the morning of the labor days at the place where such labor is to be performed, to raise a white flag, and to keep it flying until seven o'clock, when it shall be temporarily lowered, in token that work has begun. At twelve o'clock at noon the flag shall be again lowered for half an hour, in token of respite, to afford time for dinner; after dinner the flag shall be again raised, as a signal to re-commence work, which shall continue until three o'clock, when the flag shall be again lowered, as a signal to cease labor for the day.

SECTION VI. At the lowering of the flag at three o'clock, the overseer of public labor shall give notice of the labor for the ensuing

day, if any, and make known any laws, regulations or public notices given him in charge.

SECTION VII. All laborers who arrive after the lowering of the flag at seven o'clock in the morning of the labor day, shall be amenable to a fine of six and one quarter cents; all who arrive after the flag is lowered for dinner, twelve and a half cents, and those who absent themselves entirely, twenty-five cents for each day of absence.

SECTION VIII. The overseers shall have power to impose a fine not exceeding twenty-five cents, upon any laborer on account of remissness in duty or idleness, while on the ground.

SECTION IX. The overseers, in case of disorderly and mutinous conduct, shall also have power to authorize and require any constable to apprehend any delinquent, and take him before the local magistrate, who shall, unless good cause be shown to the contrary, sentence such delinquent to imprisonment at hard labor, not less than five nor more than ten days.

SECTION X. Any person amenable to the labor tax shall be at liberty to commute the same by paying to the overseer of public labor or to the tax gatherer of the district, or to his landlord if the labor were due to him, twelve and a half cents per day.

SECTION XI. The employer of any person amenable to labor tax, being unwilling to allow his taxable employee to absent himself from his employment, may commute with the tax gatherer of the district, at the rate in the preceding section specified, and deduct the amount from the wages of his said servant.

SECTION XII. It shall be competent for the several governors to assess, at their discretion, a highway tax on all the male inhabitants of their respective islands, without exception, of not exceeding twelve days labor in any one year, which may in all cases be commuted, as prescribed in section tenth of this article.

ARTICLE IV.—OF TAXABLE CHATTELS AND CHATTEL TAXES.

SECTION I. The chattel property enumerated in this article, pertaining to private individuals, whether native or naturalized, or to domiciled or undomiciled aliens, excepting the diplomatic agents of other governments accredited to this, and their announced attachees and foreign employees, as prescribed in the second part of this act; and also excepting all christian missionaries and all native teachers, duly licensed by the minister of instructions, shall be liable to taxation for the support of government according to its ready cash value.

SECTION II. It shall be incumbent upon every householder throughout the kingdom, who is not by this chapter freed from chattel-tax, annually, on or before the first day of December in each year, to file with the governor of the island in which he resides, a statement in gross of the fair cash value of his household property, attested by some local magistrate, or in case there be none, by some person of known probity. It shall in like manner be incumbent upon all owners of cattle, horses, mules, asses, cats and dogs on or before the first day of December, to file with the governor of the island in which they happen to be, a true statement of the number owned by them respectively attested as aforesaid.

SECTION III. The governors shall, on or before the last day of January in each year, furnish to His Majesty, through the minister of finance, the names of all owners of household property at their islands, with the value certified by each; and also the names of the owners of animals mentioned in the preceding section, with the number certified by each; and in case the owner of any household property, or of any of the enumerated animals, shall have neglected or refused to file an attested certificate of number and value, the governor shall furnish His Majesty, through the minister of finance, an approximate of the amount, number and value thereof, in his judgment, which approximation, whether high or low, shall be conclusive upon the owner for assessments of the current year.

SECTION IV. The minister of finance shall, by His Majesty's direction, compile, for submission to the legislative council, appropriate assessment rolls of taxable landed property according to the preceding, and upon chattel property according to the following rates, viz. :

SECTION V. All foreign made articles of household furniture exceeding in gross the value of one hundred dollars, shall be liable to a yearly tax not exceeding two per cent. for the support of government.

SECTION VI. All home made articles of household furniture exceeding in gross the value of one hundred dollars, shall be liable to a yearly tax not exceeding one per cent., for the support of government.

SECTION VII. All horses and mares not used for draft or as beasts of burden, shall be yearly taxed half a dollar each. All mules and asses not used for draft or as beasts of burden, shall be yearly taxed one quarter of a dollar each. Colts under two years old shall not be liable to taxation.

SECTION VIII. All neat cattle owned by private individuals, and not used as beasts of burden or draft, nor regularly milked, shall be liable to a yearly tax of twenty-five cents per head for the support of government. Calves of the age of one year or more shall be liable to the same assessment.

SECTION IX. All dogs and cats owned by private individuals shall be yearly taxed \$1 per head for the support of government. Dogs, however, which are taught to be useful by guarding houses, flocks and herds, and thus used, shall be free, and also cats kept at home for watching storehouses.

SECTION X. All other chattel property, moveable or immoveable, real or personal, not hereinbefore specially named, shall be liable to an *ad valorem* tax not exceeding two per cent., for the support of government, except such as belong to feudal tenants and subtenants of lands, and except such as having been imported from abroad for sale or for transshipment, and being liable to duties in pur-

suance of the first chapter of this part have been entered at the custom house, have paid such duties, and still remain at the time of taxation in the possession of the importer or his transferee for mercantile purposes.

SECTION XI. No chattel tax shall be assessable upon the property of a proprietor of only two hundred dollars in value who, being legally married, shall have become the father of two children living at the time of taxation.

SECTION XII. The governors of the respective islands and the feudatory lords employed in His Majesty's service, and receiving yearly salaries out of the government revenues, shall be considered as interested to the extent of their salaries in the taxes imposed upon the people for the support of government pursuant to this chapter. These shall be considered to have renounced all right, under ancient usages, to impose upon the people of their islands or districts any taxes or assessments additional to those in this law prescribed; Provided, however, that they may claim of their private tenants any rent-service or other stipulated rent which they may agree upon with such tenants for the use and occupation of their private lands and the enjoyment of their fisheries.

ARTICLE V.—OF THE ASSESSMENT OF TAXES.

SECTION I. The minister of finance shall, on the last day of January, in each year, present to His Majesty, in privy council, to be afterwards laid before the legislative council, a budget of the deficiencies and wants of the royal exchequer, showing concisely the gross sum that will, by estimation, be required to meet the exigencies of government for the fiscal year; the amount which by comparison can be depended upon as revenue derivable from foreign imports under the first chapter of this part; the amount that from comparison may be depended upon from the land, labor and poll taxes in the first

SECTION III. When the taxes have been assented to by the representatives of the people, the roll shall be subscribed by His Majesty and the Premier, and be by the minister of finance transmitted in separate district copies to the respective governors, to be enforced by the tax agents in the districts, for the benefit of the royal exchequer.

SECTION IV. In all cases in which landed property may be assessed in accordance with this article, if the owner neglect or refuse to pay the same, the tax officer shall be at liberty to levy upon and distrain for its amount any moveable property found upon the premises; and if no moveable property be found out of which to collect the tax, then said landed property shall be returned to the governor, and by the governor to the King through the minister of finance, as in default for non-payment of taxes. If land be thus returned two years in succession, the minister of finance shall give notice in some public newspaper, advertising such lands for sale on a certain day, unless the taxes be previously paid at the exchequer. If, on or before the day of sale, no one shall appear and pay the taxes so in default, the said land shall be offered by the minister of finance to the highest bidder, and the highest bidder shall become entitled to receive a lease for five years for any part thereof struck off to him, subject to accruing taxes, without divesting the fee.

SECTION V. In all cases in which taxes may be assessed against the person or the chattel property of any party pursuant to the bases, and in the form and manner aforesaid, if the person so assessed shall neglect or refuse to pay, the tax officer shall be at liberty to levy upon and distrain, for the amount of such tax, any moveable property found upon the premises; and in every case of levy for non-payment of taxes, the tax officer shall deliver the property distrained to the governor of the island, for the benefit of the royal exchequer.

SECTION VI. The minister of finance shall, in transmitting the assessment roll to the respective governors, instruct them what property will be received by government in payment of taxes, and at what value it will be considered cash at the exchequer; which may differ according to the capability of the respective islands

and vary according to the state of demand or market, but which prices shall always be adjusted by His Majesty, in privy council, upon recommendation of the minister of finance, after consultation with the board of finance created by the general provisions of this part.

CHAPTER III.

DEPARTMENTAL FEES, PERQUISITES, COSTS, COMMISSIONS, &c.

SECTION I. The ministers of the interior, of foreign relations and of public instruction, and the attorney general, shall each account to His Majesty, through the minister of finance, for the fees, perquisites, costs, charges and commissions received by them, or by the officers connected with their departments pursuant to the several parts of this act.

To this end, the said ministers shall be severally held bound in virtue of their high commissions as prescribed in the act creating them.

SECTION II. They shall, quarterly, submit to the auditor of the exchequer a summary thereof, accompanied with vouchers of receipts and disbursements at their departments, and at the branches and posts in the several islands where they have established agencies.

The auditor shall, after inspection and comparison of said quarterly exhibits, certify to the minister of finance, for His Majesty's information, the fiscal condition of each executive bureaux; what has been its quarterly income and expenditure, and in what respect it has been found most productive or expensive.

SECTION III. To this end the following tabular rates and prices shall guide the auditor of finance, viz :

ARTICLE I.—DEPARTMENT OF THE INTERIOR.

There shall be due the exchequer, from the department of the interior, pursuant to the first part of this act on account of the transactions of the following bureaux, viz :

I. THE GOVERNMENT PRESS.

1. The annual subscription price of the Polynesian newspaper, the casual sale of odd numbers and the sale of bound volumes thereof, to be accounted for by the director of the public press, according to instructions from the interior department.

2. For the publication of guests by keepers of hotels; the publication of divorces and reunions; the publication of financial notices required by this act to be at the expense and for the benefit of any private party's interest. The publication of law notices required by the fifth part of this act, to be at the expense of any party therein prescribed; and the publication of judicial notices required by the act to organize the judiciary, to be at the expense of any party therein prescribed, as follows :

No insertion for less than one dollar. Insertions over four lines, twenty-five cents per line for the first, and six and one fourth cents per line for all subsequent insertions.

3. For all notices required by law to legalize the private transactions of individuals other than those above enumerated; all commercial and other private advertisements, and the annual publication of fish set apart by the landlord; at the price and rate of insertion, from time to time established, altered and modified by instructions from the interior department.

4. All money and avails received at the government press, from private individuals, for the execution of job printing, and for all books, pamphlets and unstamped blanks printed by order of government, including the Hawaiian statute laws, price to be fixed by the director, or at a fair and profitable rate, in accordance with instructions from the interior department.

5. The stamps impressed upon documents, by the director, for each, as follows :

1. All deeds, leases and mortgages of real property, bills of sale and transfers of chattel or personal property, hypothecations, bonds, all contracts and agreements not to be performed in a year and a day, all articles of copartnership, all enlargements and extensions, powers of attorney, petitions and applications to the departments, licenses, letters testamentary and of administration, inventories, recognizances and exhibits, one dollar each.

2. Process of the courts of judicature (excepting the island district justices) fifty cents each.

2. INTERNAL IMPROVEMENTS.

1. For enrolling private marks at the governor's office, twenty-five cents.
2. For enrolling brands at the governor's office, three dollars.
3. For certificates of such enrollments, twenty-five cents.

3. THE GUBERNATORIAL TRANSACTIONS.

1. Application for divorce and stamp, one dollar.
2. Hearing at governor's chambers, ten dollars.
3. For passing and signing decree of divorce absolute, ten dollars.
4. For sending up record of appeal, fifty cents for every folio or hundred words.
5. For certifying record, one dollar.
6. Petition for separation from bed and board, with stamp, one dollar.
7. Hearing at governor's chambers, ten dollars.
8. Passing and signing decree, five dollars.
9. For sending up record of appeal, fifty cents for every folio or hundred words.
10. For certifying record, one dollar.
11. Warrant for arrest of fugitive from justice, one dollar.
12. Marshal's fees, five dollars per day, and three dollars per day for traveling fees.
13. Jail fees, one dollar-per day while in confinement, food inclusive.
14. For surrender by minister of foreign relations, five dollars.

4. SUBJECTS AND FOREIGNERS.

1. To foreign diplomatic agent or consul for attesting the genuineness of passport given by authorities of his government, at his option, two dollars.
2. The governor or collector of customs, for examining passport, one dollar.
3. For certificate of nationality and stamp, one dollar.
4. For application to governor of Oahu to be allowed to take oath of allegiance and stamp, one dollar.

5. For administering oath of allegiance, subscribing jurat and granting certificate of same, five dollars.

6. Storage of intestate's residuary property other than money, five per cent. *ad valorem* per annum.

7. If sold to prevent deterioration, the commissions hereinbefore prescribed for auctioneers.

8. Commission of receipt, deposit and disbursement of residuary money, two per cent. per annum, but not less for any portion of a year while in care of minister of finance.

9. Drawback on surrender by minister of foreign relations, five per cent. of the gross value.

5. MAILS, COASTING TRADE AND FISHERIES.

1. Register, twenty-five cents per ton.

2. Every copy of register and certificate, fifty cents per folio or hundred words.

3. Every endorsement of hypothecation or of transfer upon register, fifty cents per folio or hundred words.

4. Every renewal of bond on transfer, with endorsement and attestation, two dollars.

6. LAND OFFICE.

1. Patent for fee simple purchaser, two dollars.

2. Recording same in bureau of land office one dollar.

3. For all after copies of recorded patent, one dollar each.

4. For all mortgages given in security of purchase money, including stamps and note, two dollars.

5. For all leases or contracts for terms of years, two dollars.

6. Recording the same in bureau of land office, one dollar.

7. For preliminary oath of allegiance, five dollars.

8. By each claimant for the incidental expenses of advertising the public notice of commissioners for quieting land titles to all claimants, and of room hire, while engaged in the investigation of his claim, one dollar.

9. For each distinct action, motion or adjournment of commissioners in the matter of any land claim, one dollar.

10. For draft of depositions and draft of minutes of testimony reduced, in relation to claims, fifty cents per folio or hundred words.

11. For engrossed copy, to be signed by witnesses, twenty-five cents per folio or hundred words.

12. For every commission issued by board of commissioners to take testimony abroad, or in another island, including interrogatories and cross interrogatories, two dollars.

13. To commissioners appointed for executing the same, two dollars per witness examined, to be paid by president of the board.

14. For report of board of commissioners upon each case, five dollars.

15. For patents or leases issued in consequence of commissioner's report, and for recording the same, the like fees as prescribed in cases of patents and leases derived by contract at the land office.

7. GENERAL PROVISIONS.

1. For exclusive privilege of inventions or improvements in machinery or works of art for a term not less than ten years, the inventor or improver shall pay ten dollars.

2. For exclusive ownership and privilege of printing and selling literary works for a term not less than ten years, the authors or their assigns shall pay two dollars.

3. For private charters of incorporation, the sum to be agreed upon by the privy council.

ARTICLE II.—DEPARTMENT OF FOREIGN RELATIONS.

There shall be due the exchequer from the department of foreign relations :

1. For all documents, blanks, newspapers, books and pamphlets charged in minister's account, by director of the government press, according to the rates hereinbefore affixed.

2. For authenticating the genuineness of any passport given by an Hawaiian diplomatic agent or consul, two dollars.

3. For every passport given by the minister of foreign relations upon departures from this kingdom, one dollar, and for the registry thereof in his office, one dollar.

ARTICLE III.—DEPARTMENT OF PUBLIC INSTRUCTION.

There shall be due the exchequer from the department of public instruction :

1. For blanks employed in various returns required by the fourth part of this act, the regulated price.
 2. For books and stationery supplied to schools, the cost price.
 3. For disbursement of taxes and assessments devoted to the support of education throughout the kingdom, according to assessed value disbursed.
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ARTICLE IV.—DEPARTMENT OF LAW.

There shall be due the exchequer from the department of law :

1. For the registry of all deeds, bills of sale of chattels, mortgages of real and personal property, wills and testaments, powers of attorney, and other instruments required by law to be registered, fifty cents per folio or hundred words.
2. For taking every acknowledgment preparatory to registry, one dollar for each party signing.
3. For all attested copies of such instruments required in department, authenticated by seal of office, fifty cents per folio or hundred words.
4. For all stamped blanks employed in department, the price debited by the director of the government press.
5. For noting the protest of mercantile paper, two dollars.

6. For each notice and certified copy of protest, two dollars.
7. For noting all other protests, three dollars.
8. For every notice thereof, and certified copy of protest, two dollars.

ARTICLE V.—OF THE AUDIT AND SETTLEMENT OF ACCOUNTS IN GENERAL.

SECTION I. There shall be appointed by His Majesty in privy council, some suitable person to be auditor of finance for the exchequer, to whom shall be submitted quarterly the exhibits and vouchers of said respective ministers.

SECTION II. The said auditor shall, by comparison, ascertain from said vouchers the correctness of the respective ministerial bureaux, and report the same to the minister of finance, for the information of His Majesty, and to enable said minister to make out and submit the annual assessment roll of taxation contemplated by the second chapter of this part. If the several fiscal reports be found correct by the auditor, and be so certified, the minister of finance shall quarterly testify, in writing, to each of the said ministers as follows :

DEPARTMENT OF FINANCE, }
Honolulu, — day of — 18. }

The quarterly report of —, —, — commencing on the — day of — 18, shewing the fiscal transactions of his department, has this day passed satisfactory audit.

—,
Minister of Finance.

But in case the auditor, for any reason, shall be unable to certify correct the report of either of said ministers, the minister of finance shall apprise the minister whose report has not passed audit, accord-

ing him three days of grace to rectify mistakes, at the end of which period he shall, if the errors are not satisfactorily explained, lay the rejected report before His Majesty in privy council, for consideration.

SECTION III. Any minister who shall knowingly or intentionally withhold or embezzle from the royal exchequer any part of the government dues, duties, taxes, fines, penalties, forfeitures, charges, fees, perquisites or commissions properly belonging thereto, and derived through all or any of his bureaux, or any officer, commissioned or non-commissioned in his employment, shall be deemed guilty of embezzlement of the public monies, and shall be impeachable and punishable, in the discretion of His Majesty, as prescribed in the act to organize the executive ministry : Provided, however, that in all cases in which the embezzlement shall have been the act of any person in his employ, said minister shall be allowed to give that fact, and that he had no collusive knowledge thereof in evidence, and be discharged from personal responsibility; but the guilty person shall be subjected to the pains and penalties annexed to embezzlement by the criminal code.

SECTION IV. No item shall be charged or credited at the department of finance in the accounts of government debits and credits, until it has passed the auditor of finance; neither shall any check, order, or draft be cashed at the exchequer without allowance by the minister of finance after audit.

SECTION V. All disbursements of the royal palace shall be paid to the order of the chamberlain of His Majesty's household, to be from time to time drawn at his discretion upon the minister of finance, not exceeding in all six thousand dollars per annum, except by special approbation as hereinafter provided. All disbursements for the support of His Majesty's political family shall, in like manner, be paid to the order of the officer entitled thereto as for salary to be from time to time drawn, at the discretion of every such officer, upon the minister of finance, not exceeding the sums respectively allowed to each in cash by the general provisions of this part.

SECTION VI. The auditor of finance shall in no case allow said salaries to be anticipated, but he shall in all cases deduct, by way of offset, any balances or counter charges due the exchequer from any officer of the government before allowance of an official draft. In all cases of compensation claimed by way of perquisites, costs and commissions allowed to any officer of government, he shall examine the accuracy of the charges made, by estimate upon the fee bills and tariffs of charges allowed by law, and see that no greater amount be at any time drawn than is by law allowed, and by the drawer actually earned.

SECTION VII. Upon allowance of any draft by the auditor, it shall be presented for payment to the minister of finance, who, unless he see good cause to the contrary, shall endorse the same over to the registrar of public accounts, who having paid the draft, order or balance of account, shall enter the same in the book of the department, and carefully file away the voucher of such payment.

SECTION VIII. The minister of finance shall be personally accountable, in virtue of his high commission, for the custody and safe keeping of all monies paid at any time into the exchequer from any sources of royal revenue, and for the disbursement and appropriation thereof, pursuant to the laws.

SECTION IX. Said minister shall appoint, on his own faith and responsibility, a registrar of public accounts, removable at his pleasure, to whom he shall confide the exchequer records of debits and credits. He shall cause the entries to be made in the manner most intelligible and best suited to an easy and expeditious ascertainment of the correct receipts and disbursements of government; the amount of revenue, whence derived, in what way accrued, and how and on account of whom disbursed. For this purpose, said registrar shall open and keep such and so many books of accounts as may be deemed most advisable by two-thirds of the board of finance, and he shall have them at all times accessible to the members of said board, for examination or inspection.

SECTION X. The minister of finance may exact of the registrar of public accounts a bond, with security, to be by him approved, in any penalty which he may deem requisite for the safe keeping and proper disbursement, according to law, of any money, at any time in the exchequer.

CHAPTER IV.

OF COINS AND CURRENCY.

SECTION I. The currency of the Hawaiian Islands shall consist of the dollar, valuing one hundred cents, American currency; the half dollar, valuing fifty cents; the quarter dollar, valuing twenty-five cents; the eighth of a dollar, valuing twelve and a half cents; and the sixteenth of a dollar, valuing six and a quarter cents; and the cent, a copper coin, impressed with the head of His Majesty, surrounded by the words "Kamehameha III., ka moi;" on the reverse, "Aupuni Hawaii." Gold and silver coins wearing the legalized impress of any sovereign state, shall be receivable in payment of government dues, duties and taxes, at the exchequer, and in tender or payment of debts contracted by private individuals in this kingdom, at their current or merchantable value, for the time being, at Honolulu, to be established by evidence. In case any of the said coins be refused, the payer, having tendered, may bring the same into court, and plead such tender and refusal in bar of costs as prescribed in the act to organize the judiciary.

SECTION II. The minister of finance shall cause to be minted, for circulation, a copper coin as described in the preceding section; and with the advice of two-thirds of the privy council, and approbation of His Majesty, he may also cause to be minted any small silver coins of such descriptions and quantity as said council shall direct.

SECTION III. The better to regulate and conduct the financial operations of this government, the privy council shall form and is hereby created a board of finance. It shall be the duty of the minister of finance to devise and recommend measures to be laid before the said board, and the said minister shall succeed to all the rights in action and dues now pertaining to the Hawaiian Treasury

Board, created by an act of the legislative council passed at Lahaina, Maui, on the 10th day of May, A. D., 1842, whereby Doctor G. P. Judd, Timothy Haalilio and John Li were especially empowered to conduct the financial operations of government. He shall be in like manner liable for all the lawful undertakings, promises and obligations of said board.

SECTION IV. The minister of finance shall have power, two-thirds of the board concurring, to make loans at home or abroad, in favor of the government—to issue exchequer bills and bills of credit, bearing his signature stipulating such rate of interest, and payable at such time as two-thirds of the board may, by vote, establish, and to be receivable at the exchequer in payment of government dues, duties and taxes at any time before or after their maturity, and in payment or tender of private debts at any time after their maturity for the amounts therein expressed. The government faith and revenues shall be, and are hereby, pledged for the redemption of all loans so made by the minister of finance, and for the punctual payment, at maturity, of all exchequer bills or bills of credit so issued as aforesaid with the interest stipulated thereon; and the government faith is further hereby pledged for the receipt and acceptance at the exchequer of all such bills before maturity and without accrued interest in payment of government dues, duties and taxes.

SECTION V. The seal of the department of finance shall be the corporate seal of said board, and be impressed as such upon all specialties issued thereby, importing the pecuniary faith and credit of His Majesty's government, and in like manner upon all documents, attestations, certificates and copies issued as evidences of fiscal transactions by the minister of finance; which seal so impressed shall be admitted in evidence before any court of justice, that the signatures to the instrument impressed are genuine.

ARTICLE I.—OF INTEREST.

SECTION I. For all the purposes of this chapter, the better to regulate the Hawaiian currency and the home and the foreign com-

merce of this kingdom, one per centum per month or twelve per centum per annum, shall be the lawful interest to accrue upon all interest bearing contracts not otherwise stipulated in writing.

SECTION II. It shall in no case be deemed unlawful to stipulate by written contract for a higher rate of interest than twelve per cent. per annum, provided the contract to that effect be signed by the party to be charged therewith.

SECTION III. In all cases when contracts commence to draw interest, and no stipulation in writing exists to the contrary, they shall be deemed to draw twelve per cent., simple interest, per annum, not to be compounded from year to year.

ARTICLE II.—OF THE WEIGHTS AND MEASURES.

SECTION I. For the better regulation of domestic and foreign commerce, the following shall be legal weights and measures, any increase or diminution of which shall be deemed fraudulent, and subject the party offending to the pains and penalties annexed to swindling by the criminal code.

WEIGHTS.

One pound shall be sixteen ounces avoirdupois.

One quarter shall be twenty-five pounds.

One hundred shall be four quarters.

One ton shall be twenty hundred weight, or two thousand pounds.

MEASURES.

One foot shall be twelve inches English.

One yard “ three feet “

One fathom “ two yards “

One Pio “ three yards “

One chain “ eleven fathoms “

One furlong “ ten chains “

One mile shall be eight furlongs English.

One league " three miles "

SQUARE MEASURE.

144 inches shall be one square foot.

9 square feet " one yard.

4 square yards, or 36 square feet, one fathom.

121 square fathoms, or 4,356 square feet shall be one square chain.

10 square chains shall be one acre.

SOLID MEASURE.

1,728 solid inches shall be one solid foot.

50 " feet (cubical) one ton. .

128 " feet, or 8 feet long, 4 feet broad and 4 feet high, shall
be one cord.

1 solid fathom, or 216 solid feet, shall be one pile.

LIQUID MEASURE.

1 pint shall consist of 4 gills.

1 quart " " 2 pints.

1 gallon " " 4 quarts or 231 cubic inches.

1 barrel " " 31 1-2 gallons.

1 ton " " 8 barrels.

SECTION II. Upon information being lodged with any judge of the superior court that any person, native, naturalized, domiciled or alien, is in fraudulent use of weights or measures, a warrant may be issued to apprehend the delinquent and to seize in evidence the weights or measures alledged to be fraudulently employed by him or her in the mode prescribed in like cases by the fifth part of this act, and by the act to organize the judiciary. The suspected person, on test of his or her weights or measures by the provisions of this article, shall, if found guilty, be punishable to the extent prescribed in the criminal code.

CHAPTER V.

OF THE FINES, PENALTIES AND PECUNIARY CIVIL FORFEITURES.

SECTION I. The fines, penalties and forfeitures in this act enumerated as such, shall not be deemed criminal, but civil, and resulting from civil breaches of the executive organic acts of this kingdom. They shall as such be sued for, prosecuted and recovered by His Majesty's attorney general, or any of his agents, in the mode prescribed by the fifth part of this act and of the act to organize the judiciary.

SECTION II. The ministers of the interior, of foreign relations, of finance and of public instruction, shall furnish His Majesty's attorney general with any and all evidences of indebtedness, at their respective departments, and any and all official and other bonds from private individuals importing the payment of money, the conditions and promises of which have not been fulfilled by the promisers, obligators or sureties. It shall in like manner be incumbent on said several ministers to give the attorney general information coming to their knowledge in which any person may have become amenable to pecuniary fine or to forfeiture of any kind under the provisions of this act, with the evidences coming to their knowledge. For the recovery of which sums, fines, penalties and forfeitures, the said attorney general shall institute suits, if need be, and prosecute them to the judgment and execution for the benefit of the royal exchequer in the mode prescribed by the fifth part of this act, and by the act to organize the judiciary.

SECTION III. In such cases, arising under the provisions of this act, the attorney general shall be accountable to the king, through the minister of finance upon quarterly audit of his accounts.

CHAPTER VI.

GOVERNMENT REALIZATIONS.

SECTION I. The realizations of government contradistinguished from the fees, perquisites, costs, charges and commissions, and from the fines, penalties and civil forfeitures available to the exchequer, shall consist of the monied proceeds of land and of other property owned by or accruing by operation of law to government, as defined in article sixth, chapter fourth of the first part of this act; also the proceeds of the royal fisheries contemplated and set apart by article fifth, chapter sixth of the first part of this act not appropriated to the use of the palace; also any and all monied gains arising from operations of the board of finance created by section third of chapter fourth of this part, and also the proceeds of any and all property received at the several islands in payment of taxes or seized for default of such payments in pursuance of chapter second of this part. These and all other results from monied enterprises in behalf of government; or derived from the conversion of government property into money, shall be for the purposes of this act, termed the legalizations of government, cumulative of the revenue otherwise derived. They shall be available to the minister of finance for the support of government, and be paid into the royal exchequer for that purpose.

SECTION II. The coral reefs upon the coasts of the respective islands shall be deemed government property. The minister of the interior may cause them to be wrought and used for the benefit of the government, or sold for the benefit of the exchequer, and he may assign such work to be performed by the convicts sentenced to hard labor in the respective islands.

The above, however, shall not be construed to forbid the cutting or collecting of stone from the quarries by any person having vested

rights in the lands to which said quarries appertain, designing to use the same for their own building purposes; and said quarries shall be free to all persons to whom His Majesty in privy council may at any future time, in his discretion, grant that privilege.

SECTION III. The minister of the interior in concert with the minister of finance, and with the concurrence of two-thirds in number of the board of finance, shall have power to establish, open, cultivate and conduct farms and plantations upon any or either of the islands, and to set apart for that object any quantity of government land not otherwise appropriated. He may appoint overseers of the farming and planting operations so established—he may remove them at pleasure—he may erect buildings and cause machinery to be constructed for their use. He shall convert the products and results thereof into cash, as realizations of government available to the minister of finance for the support of government.

SECTION IV. The minister of the interior may cause to be seized as vagrants any subjects of His Majesty living in idleness and without occupation or visible means of support, and he may impress them into the service of the government farms and plantations, the working of stone or other enterprises for the use and support of government. He shall also have power to bind out such idlers and vagrants to labor for a term not exceeding one year at any one time, and at a rate of hire, two-thirds to the apprentice, and one third for the exchequer, with any agriculturist, planter or farmer in any of the islands, or with any mechanic or artizan who will undertake their training and instruction in his art or trade. He shall have power to authorize the master of such bound apprentice to use coercive means to be indicated and limited in the articles of apprenticeship, in case the apprentice neglect or refuse to do the reasonable labor required of him.

SECTION V. The minister of the interior shall have power, two thirds of the board of finance concurring, to lay conduits of water to supply the town of Honolulu, at an annual charge to those who may avail themselves thereof, to be fixed by order in council.

SECTION VI. All deposits and crystalizations of salt, not the result of private enterprise, shall belong to the government. The minister of the interior may cause all such salt derived from the mines or from the salt lakes, to be carefully collected and sold for the benefit of the exchequer. He shall also have power to open salt works upon the coasts of the islands, and to assign the labor incident thereto to persons sentenced to hard labor by the courts, and to vagrants impressed into the government service.

SECTION VII. The forests and timber growing therein, shall be considered as government property, and under the special care of the minister of the interior, who may from time to time convert the products thereof into money for the benefit of government. For this purpose he may collect fuel and timber, and dispose of the same at his discretion; but nothing herein contained shall be interpreted to prohibit the cutting of timber and fuel as specified in the laws enacted on the 9th of November, 1840, and also at the legislative meeting at Lahaina in April, 1841. The minister of the interior, however, shall, with the approbation of the privy council, have power to lay such restrictions on the same as he shall deem expedient.

SECTION VIII. The minister of the interior shall also have power to cause lime to be produced for the benefit of government. He may assign the operative work thereof to those impressed into the government service, and to persons sentenced to hard labor.

SECTION IX. The minister of the interior shall account to His Majesty, through the minister of finance, for all monies realized at his department from any of the realizable bases in the preceding sections enumerated, submitting them to audit in like manner as the other ministers.

GENERAL PROVISIONS.

SECTION I. The minister of finance in regulating the monetary affairs of the kingdom shall have strict regard to the several organic

acts thereof. He may, with the approbation of the board of finance and for good and satisfactory cause, remit any items of charge which may have been discretionally remitted by either of the ministers, and he may direct the auditor of public accounts so to do in his audit.

SECTION II. The minister of finance may take the advice at any time of the board of finance upon any powers and duties discretionally reposed in him in matters affecting the transactions of his department, if for any cause he desires to avoid the sole responsibility thereof, and two-thirds of said board shall be competent to justify his act.

SECTION III. The disbursements and clerk hire of the respective departments shall be discretionary with the respective ministers. They shall be payable to their order drawn by check upon the minister of finance, but such checks shall never be paid until audit, to know whether in fact the disbursements have actually accrued, the clerk hire has actually been earned and the sums charged do not exceed the sums actually paid or payable by them. Neither shall any such check be paid for a greater amount than is appropriated to the department whence it issued by the board of finance for clerk hire, nor for a greater sum than is so appropriated for stationery and departmental expenses. All such excesses shall be at the personal charge of the respective ministers incurring them.

SECTION IV. His Majesty's household shall be deemed for the purposes of this act to consist of Her Majesty the queen consort, and such others as shall from time to time be enrolled at the palace by order of His Majesty: Provided that the expenses of building and furniture, and the salary of the minister of the interior shall not be deemed included in the outlays contemplated by this section.

SECTION V. His Majesty's political family shall be held in law to comprise the five executive ministers hereinbefore named. The governors of the respective island divisions of this kingdom, and all honorary members of the privy council of state actually engaged in the government service. These shall be entitled to the pay and emo-

luments to be prescribed for each by the king and premier with the consent of the privy council, and said pay shall be accounted by the minister of finance as made for His Majesty's political support. Neither shall any of them be able in law to make engagements in behalf of the royal exchequer for the payment of money except by order of the minister of finance, approved by the board of finance. All expenditures of the royal household exceeding in annual amount the sum of six thousand dollars shall be first agreed upon and definitely appropriated by a majority in number of the board of finance.

SECTION VI. There shall be appointed by His Majesty, with the approbation of the privy council, a chamberlain of the royal household, who shall be solely entitled to draw upon the minister of finance for all monies due on account of the current expenses of the royal household, which he shall pay out, manage and control at his sole discretion, by order of His Majesty. It shall not be lawful for any person in this kingdom to debit His Majesty or any other person, on His Majesty's private account, except said chamberlain, and any person doing so shall be unable to recover the same at law, and no individual drafts, notes, bonds, bills or other pecuniary engagements on behalf of His Majesty, shall be of any valid force in law without the signature of the chamberlain. Neither shall the minister or the auditor of finance allow, nor the registrar of public accounts, pay any such royal order, check, draft, bond, note, bill or other monied engagement not drawn, made or countersigned by the chamberlain; and for all debts contracted by the chamberlain or by the king, with his concurrence, in value over and above the said stated allowance and which shall not be afterwards approved by two thirds of the board of finance, the said chamberlain shall be personally accountable to the creditors.

SECTION VII. The chamberlain of the household shall cause the private royal expenditures to be entered in appropriate books to be kept for that purpose at the palace, to be at all times accessible to His Majesty.

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lic instruction, and when so determined shall be notified to the public through the government organ. Copies of all vouchers deposited in his office, and of all documents originating therein, certified by said minister, and impressed with his seal of office, shall be as valid evidence in any court as the originals.

SECTION III. The minister of public instruction shall have power to administer oaths, which oaths shall entitle the facts deposed to be read in evidence in any court of justice.

SECTION IV. Said minister shall superintend the moral and intellectual well being of all who reside within the jurisdiction of this kingdom, and in an especial manner of all children within the age of legal majority. All youths and pupils throughout the kingdom availing themselves of the benefits hereafter conferred upon the legalized schools shall be under his particular guardianship and protection, and it shall be his special duty to see that they enjoy in full all the advantages, privileges and encouragements contemplated by the laws. He shall see that parents and guardians perform the parental duties hereinafter prescribed in regard to education and good morals. He shall inform against those who may be guilty of any of the disorders and improprieties hereinafter set forth in order that they may be punished as prescribed in the criminal code.

SECTION V. Nothing in the preceding section contained shall be construed to authorize any official interference on the part of said minister in the religious belief or mode of christian worship most accordant with the feelings and consciences of individuals residing in this kingdom, nor with the parents of children or the guardians of wards in relation to the doctrinal opinions of such children or wards. Neither shall he make any exception or show any official partiality towards one denomination of christians to the prejudice of another in the conferring of offices or of licenses to teach.

SECTION VI. The religion of our Lord and Saviour Jesus Christ shall continue to be the established national religion of the Hawaiian Islands. The laws of Kamehameha III., orally proclaimed, abolishing all idol worship and ancient heathenish customs are hereby con-

tinued in force, and said worship and customs are forbidden to be practised in this kingdom upon the pains and penalties to be prescribed in the criminal code.

SECTION VII. Although the Protestant religion is the religion of the government as heretofore proclaimed, nothing in the last preceding section contained shall be construed as requiring any particular form of worship, neither is anything therein contained to be construed as connecting the ecclesiastical with the body politic. All men residing in this kingdom shall be allowed freely to worship the God of the christian Bible, according to the dictates of their own consciences, and this sacred privilege shall never be infringed upon. Any disturbance of religious assemblies or hindrance of the free and unconstrained worship of God, unless such worship be connected with indecent or improper conduct, shall be considered a misdemeanor, and punished as in and by the criminal code prescribed.

SECTION VIII. It shall not be lawful to violate the christian Sabbath by the transactions of worldly business. The Sabbath shall be considered no day in law. All documents and other evidences of worldly transactions dated on the Sabbath shall be deemed in law to have no date, and to be void for not having legal existence. It shall not on that day be lawful to entertain any civil cause in the courts of this kingdom. Every attempt to serve civil process on that day shall be deemed a trespass by the officer attempting it, and shall subject such officer to the private civil suit of the party aggrieved: Provided, however, that it shall, in criminal, fraudulent and tortuous cases be lawful to issue compulsory process for the arrest of wrong doers, and it shall, without such process, be lawful on that day for any conservator of the public peace and morality, to arrest, commit and detain for examination a wrong doer.

SECTION IX. The following subjects and provisions shall be regarded by said minister in carrying out the succeeding chapters of this part, viz :—

CHAPTER I.

OF THE PARENTAL DUTIES.

SECTION I. Parents, that is to say first the father, and in case of his death, the mother, or in case they be both dead, guardians legally appointed, shall alone have control over the actions, the conduct and the education of their children within the years of legal majority. It shall not be lawful to interfere with such parents or guardians in the legitimate exercise of said control. They shall have the right at all times to recover possession of their children by *habeas corpus*, they shall have the right of moderate chastisement for the good of their children, but they shall not, on pain of the criminal code, use undue or unnecessary severity towards them.

SECTION II. It shall be competent to any legally appointed judge to deprive any parent maltreating or unmercifully using his or her child of the custody thereof, and to confide such child to some suitable guardian, at the expense of the parent offending.

SECTION III. It shall be competent to parents to consent in writing, and in the presence of a judge, to the adoption of their children by any suitable third party; but in that case the terms of the adoption must be definitively stipulated in the agreement, and must not be a beneficial consideration to the parents, but to the child, satisfactory to the judicial officer acknowledging the adoption. All such acts of adoption shall be recorded by a notary public as in and by the fifth part of this act provided. Every person so adopting a child shall become in law entitled to the parental rights over him during minority, and liable from the day of adoption to all the parental duties and obligations.

SECTION IV. It shall be competent to any parent legally entitled to the custody, care and education of a child to bequeath such right to some guardian to be appointed and named in his will. Upon the death of such testator, and upon probate of the will, it shall only be discretionary with the judge of probate to refuse such appointed guardian, his letters testamentary, and of guardianship, in case of crime or of open immorality or of notorious drunkenness. The guardian of a child, by will, shall be the guardian of his person, his property, and of his moral and intellectual training. Such guardian shall stand at law in the place and stead of the child's father, and be answerable in like manner. In case the father shall have died intestate, or dying testate, no guardian is named in the will, the court of probate shall have power, upon application, to appoint a guardian as prescribed in the act to organize the judiciary; and the certificate of the minister of public instruction, impressed with the seal of his department, shall be *prima facie* evidence of the competency and fitness of the person named as guardian to be appointed such by the court.

SECTION V. In cases of bastardy the mother being the only parent recognized by law, shall be guardian of the child, and liable in like manner as if the father were dead.

SECTION VI. The rules of descent and of natural inheritance shall be those defined by the civil code, and the priority of rights to the guardianship of orphan children shall be those prescribed by the act to organize the judiciary.

SECTION VII. It shall be incumbent on all parents, guardians and adopters of children, between the ages of four and of fourteen years, to send such children to some school hereinafter prescribed.

If any parent, adopter or guardian fail, without cause satisfactory to the school agent of the district, to send such children constantly to school, between the age of four and eight years, the parent, adopter or guardian so offending shall not have the benefit of exemption from taxes allowed by chapter second of the third part of this act, be the other causes of exemption what they may. Neither shall any child over eight years of age who does not go to some such school be freed

from the labor tax imposed by chapter second of the third part of this act.

SECTION VIII. The minister of public instruction shall give information of all cases coming to his knowledge in which the parental duties incident, as well to guardians and adopters as to parents, are violated or improperly discharged, in order that they may be enforced in accordance with the designs of the law. It shall also be specially incumbent on said minister discretionally to incite parents, adopters and guardians, by suitable motives, to fulfil all the parental duties prescribed by the laws, and to this end he may recommend the most suitable measures to His Majesty in privy council.

CHAPTER II.

OF THE FILIAL DUTIES.

SECTION I. It shall be the bounden duty of all children within the years of legal minority 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 and adopted parents, the lawful and moral commands of the guardians appointed by the court of probate.

SECTION II. Children shall submit themselves to the proper correction of their parents and guardians and to the correction of their teachers hereinafter named. They shall not, except in cases of outrage and brutality, have the right of legal reclamation for acts of parental correction, nor for correction inflicted by their guardians or teachers; neither shall they absent themselves from parental control. All children so absenting themselves, after the age of fourteen years, shall be amenable to the labor tax wherever found, and liable to impressment into the government service as vagrants, pursuant to the provisions of chapter sixth of the third part of this act.

SECTION III. It shall not be lawful for children, whether major or minor, to maltreat, abuse or injure the persons of their parents for any cause whatsoever: Provided, they may use lawful preventive measures of self-defence when assaulted by their parents or guardians, but not in the way of retaliation. Any child who, being above the age of fourteen years, contravenes the provisions of this section, shall be punishable as in and by the criminal code prescribed.

SECTION IV. Children that have obtained majority shall, if in the estimation of a court of justice able so to do, maintain and support their aged, poor or infirm parents during life, in the same style and manner as they support themselves, and be enforced to this obligation by any court of justice in this kingdom : Provided, however, that no child having assumed obligations towards his adopted parents shall be obliged to maintain his natural parents.

SECTION V. Intermarriage shall be deemed in law to create affinity of relationship between the parties intermarried and the lineal ancestors of each other or their descendants being minors. The husband shall, during coverture, be under the same obligation to support and maintain the father and mother, grandfather and grandmother of his wife, or the children of his wife by previous marriage, being minors, that he is under to support and maintain his own parents and grand parents and his own children, by previous marriage, and no greater : Provided, that in case the wife be possessed of distinct individual means, independently of her husband, the said maintenance and support shall proceed from her individual means ; and further provided, that the poor children of poor parents may give in evidence their inability to support their own immediate families in exoneration from this duty. To sustain every application to any court of justice for support on the part of aged or indigent parents, its truth must have been certified by the minister of public instruction or his local agent.

SECTION VI. Every ward of a guardian created by will, and every child adopted by notarial act as hereinbefore provided, and every ward of a guardian appointed by the court of probate, shall be liable only during the continuance of such guardianship, and if adopted during minority, to do the filial duties prescribed by law towards parents : Provided, however, that in case the adopter of a child shall have endowed such child, upon attaining majority, with an outfit or settlement in life, the child, by accepting such endowment, shall be deemed to have assumed the filial duties towards his or her adopter due from a child to its parent after majority.

SECTION VII. The minister of public instruction in executing the functions of his office, shall pay due regard to the reciprocal duties of parents or guardians, and children or wards prescribed by this act.

CHAPTER III.

OF THE PUBLIC AND PRIVATE SCHOOLS.

SECTION I. For the purposes of education and moral suasion, the island of Hawaii shall be subdivided into the following districts, viz:—

1. Hilo and Puna. 2. Kau. 3. South Kona. 4. North Kona.
5. North Kohala. 6. Hamakua, Waimea and Kawaihai.

The island of Maui into the following districts, viz :

1. Kahakuloa, Kaanapali, Lahaina, Oloalu, Ukamehame and Kahoolawe. 2. From Waihee to Kahikinui. 3. Hamakuapoko, Hamakualoa, Makawao Haliimaile and Kula, inclusive. 4. From Koolau to Kaupo. 5. The island of Molokai. 6. The island of Lanai.

The island of Oahu into the following districts, viz:—

1. From Maunaloa to Honolulu fort. 2. From Honolulu fort to Moanalua. 3. Eva and Waianai. 4. Waialua. 5. The two divisions of Koolau. *(See also the 6th section)*

The island of Kauai into the following districts, viz:—

1. Nualolo and Hanapepe, inclusive. 2. Wahiawa to Kapaa, inclusive. 3. Kealia to Awawapuhi, inclusive. 4. Niilau.

SECTION II. The minister of public instruction shall recommend to His Majesty, in privy council, for appointment, a general superintendent of schools, and of good morals, for each of the districts in the last preceding section specified, who may, with the approbation of said minister, appoint proper sub-agents under them for the minor divisions into which the said general superintendents, with the approbation of the minister of public instruction, are hereby authorized to arrange such districts either by the observance of geographical lines

or otherwise as may appear to them most expedient: Provided always that in arranging said districts and in appointing such sub-agents the minister of public instruction shall see that the wishes, opinions and convenience of a major part in number of the parents, adopters and guardians of children interested in the school are consulted so far as a due regard to economy and propriety will allow; and for that purpose, it shall be his duty to receive and consider the petitions addressed to him through his general superintendents. The said general superintendents, on presenting such petitions or on applying to the minister of public instruction for the appointment of a sub-agent for any particular school, shall ascertain and faithfully report to him the general locality of the children interested in the school, their moral condition and state of education; and the minister of public instruction shall at all times on petition of a majority of those interested in any district school, have power to suspend or remove any sub-agent or teacher at his discretion.

SECTION III. The respective superintendents shall, within their several districts, have power to license teachers upon examination on the principles and branches of education, and according to the rules from time to time established by order in council, emanating from the department of public instruction. But the minister of public instruction shall nevertheless have power to disallow the licenses so given for good cause, and to order them revoked.

SECTION IV. The teacher's license shall be in the following form:—

TEACHER'S CERTIFICATE.

Island of ———,

District No. ——— Hawaiian Islands.

————— having exhibited evidence of good moral character, and having been duly examined and found to be versed in the rudiments of general education, and particularly versed in (here insert the particular branches in which he is versed) I do hereby license him to teach any of said branches of education within this district, so long as he conforms to the requirements of the law and observes the general rules laid down by the minister of public instruction.

Given under my hand this — day of ———, 18 .

—————,
General superintendent for the district No. ———.

SECTION V. No person shall be so licensed to teach without having first exhibited satisfactory evidence of good moral character and qualifications to instruct, particularly in the rudiments of reading, writing, arithmetic and geography; and no person having been so licensed shall be entitled to the benefits of the law relating to the support of schools after having exhibited a want of aptitude to teach or a want of that industry and faithfulness necessary to the successful discharge of his duties, nor after having become of immoral character or habits. Neither shall a license granted in one district qualify nor authorize the holder to teach in another, without new examination, although it may be considered by every other general superintendent as *prima facie* evidence of the holder's qualifications.

SECTION VI. The general superintendent of each school district in concert with the sub-agent of any sub-division, shall have full power to erect, alter, modify and repair school houses, also to contract with and employ teachers, and to this end he may require of the tax gatherer and overseers of the labor tax any amount of labor, or in lieu thereof, the commutation therefor in money or in property. When labor is so required by the superintendent of schools, he shall always indicate the place and manner in which it shall be performed. Whenever the labor tax or its avails prove inadequate to the support of any school established by the general superintendent or by any of his sub-agents, it shall then be lawful for the agent or the superintendent who has pledged such support, to draw on the tax gatherer of the district in accordance with instructions from the department of public instruction for the payment of the residue in any government property in his hands, other than the poll tax. Said general superintendent shall also have power to allot land, not otherwise appropriated, to the teachers and to the schools of their respective district sub-divisions. Such land shall not however be allotted to the use of any teacher of youth not duly licensed by the general superintendent of the district in which he designs to teach, as herein provided. Neither shall any land set apart by the general superintendent of the district, in concert with the sub-agents thereof, be considered validly appropriated to that object until the said general superintendent shall have notified the same, its location, quality and quantity to the minister of public instruction, and received from said minister the certificate of the minister of the inte-

rior to that effect. All land so set apart shall be registered as school lands in the interior department, and shall be considered as set apart to eleemosynary uses, not given to the teacher or temporary occupant thereof, who only while continuing to hold the teacher's license, and to teach statedly in the district sub-division, shall have the private use, occupancy and usufruct of such land. When for any cause he is dismissed, or voluntarily retires or dies, the land shall pass to his successor in said school, with all the tenements erected thereon, unless erected from his own private means, with the written approbation of the minister of public instruction.

SECTION VII. The sub-agents of the several school districts, as far as practicable, shall on the first day of January in each year report to the general superintendent for their respective districts the number of schools established therein, the number of families residing in their sub-divisions, the number of children between the ages of four and fourteen years, the number of children actually scholars in the schools of their districts, the number of children dependent upon adoption or guardianship, and the number of parents dependent upon filial support.

SECTION VIII. It shall be the duty of the several general superintendents of districts, annually, on the first day of January in each year, to report in like manner to the minister of public instruction the aggregate of the statistics in the last section required for their respective districts, and the number of teachers by them respectively licensed, also the number of school houses established in the district, how and at what expense supported.

SECTION IX. The general superintendent of each district shall, under the minister of public instruction, have the nominal ownership and be the trustee of all school property for his district. He shall have power to sue and be sued on account of the same in any court of this kingdom. He, in concert with the local sub-agent, shall, under direction of said minister, indicate the site for all school houses in his district. The sub-agent may, under his direction, superintend the erection thereof, and may make contracts for that purpose. The buildings so erected shall be under his immediate guardianship. He

shall preserve them from decay and deterioration, and when requisite in his opinion, shall cause them to be repaired or altered at the expense of the district, giving due notice of all his acts to the minister of public instruction for approval.

SECTION X. The labor tax imposed by article third of chapter second of the third part of this act shall be specially devoted, so far as need be, to the support of schools established on the foundation of this part and to the maintenance and support of teacher's licensed and teaching in some district pursuant to the provisions thereof: Provided that the several superintendents shall annually account to the minister of public instruction for the manner in which it has been appropriated by them, and the minister of public instruction shall certify to the king, through the minister of finance, what deficit ought to appear in the tax gatherer's reports for each taxation district.

SECTION XI. The minister of public instruction from time to time, as the wants of the district may require, shall furnish to the respective superintendents any requisite amount and kind of books and stationery which, in his opinion, may be needed by the district to be paid on audit by special appropriation from the resources of the labor or other taxes set apart for the support of schools: Provided, however, that such books and stationery shall, when practicable, be sold at cost in the districts.

SECTION XII. The minister of public instruction, in concert with the minister of the interior and with the approbation of His Majesty in privy council, shall have power to set apart for the use of specific schools attached to the respective districts or to the endowment of select schools or seminaries of learning, incorporated as heretofore provided, any quantity of the unappropriated land which being rented or otherwise rendered productive, under his instruction, by the general superintendent of the district, if set apart for district schools, or of the trustee of the select school or seminary, if set apart to select school purposes, shall be applied to their support in the manner to be by said minister indicated in each case.

SECTION XIII. The minister of public instruction shall, from time to time, make a tour of the respective islands to inquire into the

condition of the public schools, when it shall be his duty to hold public examinations of the pupils attached thereto, and when in his estimation the merits of any pupil will warrant it, he shall have power, by way of special encouragement, to give a certificate of honor to such pupil, which may in his discretion, with the after ratification of His Majesty, extend to exemption from future taxes of any particular kind therein to be specified, or to a general teacher's license for the islands. Pupils thus distinguished shall be eligible on arrival at a proper age and retaining their pre-eminent character to employment in the government service, if found by His Majesty otherwise qualified: Provided, however, that in case of immorality, subsequent to the date of said certificate, it shall be considered as no longer of any force or value.

SECTION XIV. The general superintendent of schools for the district, upon complaint that a designated pupil is refractory or disorderly to the detriment of the school, shall have power to suspend such pupil from the school, and report the same to the minister of public instruction, who may confirm or revoke the order of suspension at his discretion, and such pupil, being over the age of twelve years, shall, while so suspended, be liable to the labor tax and to the other taxes for the support of government, and be liable to impressment into the public service as a vagrant.

SECTION XV. It shall be lawful for any licensed teacher in actual employment in any sub-division of any of said districts to administer correctional punishment to the pupils of his school when, in his judgment, necessary, and the teacher so acting shall not be in any way amenable therefor: Provided such correctional punishment shall in no case exceed reasonable flagellation; and provided that in case a pupil shall be immoderately or unreasonably or cruelly beaten by his teacher, or wounded or maimed, the teacher shall be liable in private damages to the parent, adopter or guardian of such pupil, and may, on complaint and satisfactory proof to the general superintendent of the district, be deprived of his license to teach: Provided that such teacher may at any time appeal from the decision of the general superintendent to the minister of public instruction who may affirm or reverse the sentence of suspension.

SECTION XVI. The minister of public instruction shall, from time to time, prepare and lay before His Majesty, in privy council for adoption, suitable rules for the internal regulation and conduct of the district schools deriving support from His Majesty's government. He shall in such rules prescribe the necessary bye-laws in his opinion proper to be observed by the teachers towards their pupils and by the pupils towards their teachers. He shall also define the obligations mutually imposed by law upon parents, adopters and guardians, and upon children and wards, prescribing by way of explanations concisely the positive and inferential duties reciprocal from each. Such bye-laws, sanctioned by His Majesty in privy council, shall form part of the requirements herein imposed, and be obligatory in all respects as the law of the land.

SECTION XVII. The minister of public instruction shall in like manner prepare and lay before His Majesty, in privy council, circular directions from his department, to be addressed to the respective general superintendents of the several districts, defining their duties and the duties of the sub-agents of district sub-divisions under this law, instructing them in regard to the mode of erecting school-houses, the economy and mode of applying the labor tax, how to appropriate the same, how much thereof to accord each teacher of a sub-division, upon what points of education to examine candidates for the teacher's certificate, when to consider any such teacher qualified for his office, how to make the returns in this chapter required of them, prescribing the forms and transmitting the necessary blanks for such returns, how to act in concert with the school teachers or sub-agents of sub-divisions, how to draw upon the tax gatherer for the support of teachers and for other school purposes, and how to account to him for the amounts received, and at what price to account to him for the sale of books and of stationery supplied from his department; what are the crimes, misdemeanors and torts to persons and to school property of which they are particularly required to report to the department of public instruction, for prosecution under the fifth part of this act, how and for what causes to suspend teachers under reasonable suspicion or just accusation, when vacations from study may be granted in the district, and for how long. He may also in like manner instruct them on any other subject connected with his department;

which he may deem important. And it shall be incumbent on the said minister, after consultation with the board of finance, to lay before His Majesty in privy council, to be embodied in said circular directions, the reasonable compensation which ought to be awarded to the general superintendent of districts, the sub-agents of sub-divisions, and the teachers of schools dependent upon the support of government, which, when approved by His Majesty, shall operate as a special appropriation applicable to the taxes and other revenues of the government to be paid first from the avails of the labor tax, and if in any case that be found insufficient, then from any other property in the hands of the tax officer of the district in accordance with instructions from the minister of finance, and approved by the privy council. The minister of public instruction shall account to the auditor of finance in all respects, as prescribed in the third part of this act, and be therefrom acquitted or amenable therefor.

SECTION XVIII. Nothing herein contained shall be construed to forbid or prevent the establishment of select and independent schools to be supported by the parents or guardians of youth without monied assistance from His Majesty's government. Neither shall it be construed to prevent persons of moral standing from teaching and inculcating knowledge without the certificates of capacity to teach hereinbefore required to be given. Such select schools, or other literary institutions, may obtain from His Majesty in privy council, through the minister of the interior, pursuant to the general provisions of the first part of this act, charters of definite incorporation, but if endowed by this government, shall be subject to the visitation of the minister of public instruction.

CHAPTER IV.

INSTITUTIONS ENDOWED BY GOVERNMENT.

SECTION I. When any literary institution, seminary of learning or select school shall have been incorporated as allowed in the general provisions of the first part of this act, if endowed by government with lands or allowed privileges peculiar to itself affecting pecuniary matters, or if such institution be endowed in money or government resources of any kind, these shall always be definitely set forth and described in the charters of incorporation, and the minister of public instruction shall be considered in law to be *ex-officio* the agent of His Majesty, appointed in all such cases to see that the objects and considerations upon which such institution was founded are properly carried out by its trustees or other corporate representatives. He shall for that purpose, at any time in his discretion, upon notice of twenty-four hours, previously given to the head of such institution, have power to visit the same and inquire into its condition and mode of action, uses and conduct. Such institution shall in no case refuse him the right of visitation and free inquiry extending to the inspection of its books and other records. Every refusal to be so visited, and every attempt to withhold from said minister the required information within the knowledge or power of any officer thereof, shall be a valid cause for forfeiting and retaking at law its corporate power.

SECTION II. In case it shall happen upon visitation that the said minister is satisfied the charter of any such institution has been violated, he shall report the same to His Majesty's attorney general, who shall proceed to annul such charter by quo warrant or for non use or mal-use of its corporate franchises, as prescribed in the fifth part of this act, and in the act to organize the judiciary.

- **SECTION III.** Government endowments, within the meaning of the two preceding sections, shall be such only as are made by charter, signed and rendered patent in privy council as contemplated in the act to organize the executive ministry, and in the general provisions of the first part of this act, in virtue of which some property or accruing interest of the government is set apart to the use of an institution. The private donations and charities of His Majesty, of the chiefs or of His Majesty's ministers shall in no case be held to constitute an endowment in contemplation of this act. Neither shall these be held to constitute a precedent for asking similar endowments for others on the part of government.

1. **SECTION IV.** The schools and seminaries heretofore endowed both at Lahainaluna and Wailuku on the island of Maui, and at Koolau on the island of Oahu, shall be construed within the meaning of this act for all the purposes of visitation.

2. **SECTION V.** The select school at Honolulu, on the island of Oahu, in which are now assembled the children of the chiefs, shall be continued, and shall be denominated the royal school. The minister of public instruction shall have power to receive into said school, for the general purposes of education and moral training, any other children being descendants of the royal line or heirs of chiefs of rank.

3. **SECTION VI.** To entitle any other children than those mentioned in the last preceding section to admission into said school, application shall be made, in writing, by the minister of public instruction to His Majesty in privy council, setting forth the rank and age of such child, together with the reasons for allowing him or her the privileges of tuition in said royal school. The minister of public instruction, at the direction of His Majesty in privy council, shall, if ordered so to do, enrol the name of such child as among the pupils of the royal school, to be educated at the expense of the parent, adopter or guardian, as prescribed from time to time, by order in council, and shall give a certificate of such enrolment to the party interested.

4. **SECTION VII.** The general guardianship, nurture, board, lodging and tuition of scholars so enrolled, shall specially belong to the

minister of public instruction, who shall keep in good order, well furnished and well supplied with all the necessary appliances of education, suitable buildings with rooms and accommodations suited to the rank and adapted to the comfort of such pupils. They shall continue to reside in the buildings provided under the immediate care and control of their present guardians and teachers; or, in case of their failure on account of ill health, or for any cause, it shall then be the duty of the minister of public instruction, upon consultation with the privy council, to make such other provision as may be deemed necessary for the suitable education of said pupils, by providing persons equally competent to instruct, to set them a good example and to restrain the evil tendencies of youth. The said family shall be accountable to him for the careful culture of the minds, morals and manners of the said pupils whom they shall faithfully restrain, according to the best of their ability, from all wrong acts, and encourage by all means in their power to the exercise of every virtue. Such family may be removed by said minister for good cause, appearing to his satisfaction. A stated yearly compensation, to be settled by His Majesty in privy council, shall be paid to the family so to be employed.

SECTION VIII. It shall also be incumbent on said minister to provide for the said school, as circumstances may require, other qualified and competent teachers of approved good morals and manners, to aid in instructing them in any of the arts and sciences necessary to be acquired by the expectant rulers of this nation, calculated to qualify them for the discharge of responsible official duties, and to fill the stations in this government to which they are destined. He shall have power, with the concurrence of two-thirds of the board of finance and the approbation of His Majesty, to provide, at the public expense, a library for the use of said school, and philosophical and chemical apparatus for its use, to belong permanently to the said school. He may be also at liberty to collect a museum for the use of said school, and to devote suitable rooms thereto.

SECTION IX. It shall be competent to the teachers employed in said school, having received previous instructions from the minister of public instruction, to inflict upon the said pupils reasonable, necessary and deserved punishment for any act of insubordination, disobe-

dience, neglect of duty or malfeasance, which may extend to corporal chastisement for the good of such offending pupil. In case of incorrigible wickedness or continued bad example on the part of any of said pupils, the minister of public instruction, with the written approbation of His Majesty, a majority in number of the privy council consenting, shall have power to suspend such offending pupil from the benefits to be derived from said school by striking his or her name from off the roll of students for a limited time, or forever, in the discretion of the king in privy council, and if forever erased, the pupil so suspended shall be deprived of a portion of the property to which he is heir, as the king in privy council may determine.

SECTION X. It shall not be lawful for any person, native or foreign, naturalized or alien, in this kingdom to incite or encourage the pupils of said school to vice or immorality of any kind, or to the indulgence of any carnal appetite or passion, or to the use of stimulating drinks, or to the commission of any offence against the laws either directly or by inference. If any person shall so incite or encourage, aid or abet the said pupils, or be accessory to said impropriety, he shall be deemed guilty of a high misdemeanor, and punished by fine not exceeding one thousand dollars, in the discretion of any judge of the superior court at Honolulu, without the intervention of a jury, and may be imprisoned until full payment of the said fine.

SECTION XI. The expenses of the royal school shall be defrayed in the first instance by special appropriation of the board of finance, for which amounts the minister of public instruction shall be authorized to draw bills on the department of finance, which the minister of finance shall cause to be paid after audit. It shall be the duty of said minister to present semi-annually to His Majesty in privy council an exhibit of the current expenses of the said select royal school, showing in one column the amounts disbursed for the permanent use of the institution, and separately in another column the amounts expended for books, stationery, teachers' compensations, board for the pupils, and stated compensation to the family having it in charge, which last mentioned column of items shall be divided among the parents, adopters and guardians of such pupils, by the minister of finance, to be borne and reimbursed by them to the royal exchequer, share and

share alike, and to be a charge against the private property of said parents and adopters and against the private property of said pupils being wards collectable, by order of the king, without suit.

SECTION XII. There shall be a uniform dress adopted for the pupils of the royal school, to be determined by the minister of public instruction, in concert with the family in charge, and all articles of dress and of toilette shall be procured under the direction of said family, and shall be made a distinct charge against each pupil, to be paid by his or her parents or guardian, and shall be collectable as in the last section prescribed.

SECTION XIII. All other select schools or private institutions for the promotion of learning not endowed by government, but the expenses of which are wholly defrayed by private individuals, shall, unless immoral in their tendency, be lawful, and the pupils attending them and the parents, adopters and guardians sending their children and wards thereto, within the ages of pupilage hereinbefore specified, shall be considered in law to comply with the requisitions of this act, and to be equally exempt from taxes and impressment as if such pupils were sent and went to some district, or other school endowed by government: Provided always that notice in writing shall have been given to the minister of public instruction of the establishment of such select school or institution, of its particular location, the names of the parents, adopters and guardians concerned therein, and of the number of pupils enrolled among the students; and the minister of public instruction shall have given public notice, or a private certificate, that such school is acknowledged by the government; and provided also, that upon complaint to said minister that immorality is taught, inculcated or practised at any such school, it shall be lawful for His Majesty's attorney general, upon information and proof as prescribed in the fifth part of this act and in the act to organize the judiciary, to move for an injunction upon those engaged in said school against the further conduct thereof as against good morals.

CHAPTER V.

OF PARISH AND CHURCH FOUNDATIONS.

SECTION I. Any adult male persons, not less in number than fifty individuals, living in the same vicinity and adopting similar doctrines and tenets of religious belief, and like form of christian worship, shall be entitled to petition the minister of public instruction, through the general superintendent, in writing, for permission to erect at their own expense, a church or other religious conventicle, and for land to be appropriated to a parsonage for the use and support of the clergyman to be employed with the approbation of said minister, on satisfactory evidence that he is in good and regular standing with his own denomination of christians.

SECTION II. The minister of public instruction shall have discretionary power, with the consent of His Majesty in privy council, to grant the prayer of such petitioners, and with the like consent to set apart a suitable site and adequate parsonage grounds for the erection of a parish church and parsonage at the voluntary expense of the parishioners, which church and parsonage shall be considered as nominally government property, and shall be held in trust by the minister of public instruction for the purposes of divine worship and christian instruction, in accordance with the religious creed and tenets of a majority of the parishioners. Said parish shall be permitted to manage its own affairs and select its own clergyman or priest, at the discretion of the petitioners, or of such enroled parishioners as pay not less than two dollars each per annum for the support of such clergyman: Provided always they do not directly, nor by implication, contravene the established laws of the kingdom nor the conditions of

the grant; and, provided, furthermore that an annual report be made by the parish, to the general superintendent, of all parish proceedings in order that the minister of public instruction may give correct information to His Majesty, and see that the designs of this act are not thwarted nor the laws infringed.

SECTION III. The report mentioned in the last preceding section shall contain not only a digest of the resolutions and acts of the parish meetings, but also a statement of the number of contributors and amount of contributions to the support of religion in said parish; on the transmission of which report to the minister of public instruction, he may, with the king's approbation, two-thirds of the board of finance concurring, contribute for the support of any minister of religion in case of deficiency in the amount voluntarily contributed in his parish.

SECTION IV. The parishes thus regularly established, be they of what denomination of christians soever, shall be under the protection of this government, so far only as the civil arm may be necessary to protect them from interruption or disturbance, and to carry out their own bye-laws. It shall not be lawful to molest the said parishes in the enjoyment of their religious freedom, or to commit acts of trespass upon the churches, parsonages, grounds, school houses and other buildings and enclosures appropriated thereto or to the schools of the district. Every person so offending, shall be liable to fine as hereinafter prescribed, subject to appeal as prescribed in the act to organize the judiciary, and it shall be incumbent on the minister of public instruction to inform His Majesty's attorney general of every violation of religious rights that may come to his knowledge in order that the offender may be punished as prescribed in the criminal code.

SECTION V. His Majesty in privy council may, by proclamation, set apart, order and decree the observance of fasts and days of humiliation on account of calamity or other cause requiring it, or days of thanksgiving to God on account of the peculiar benefits of his Providence. These shall, when declared, be made known to the respective districts, through the minister of public instruction, who

shall also cause them to be published in one or more public newspapers. When thus promulgated, they shall be obligatory according to their general spirit and intent upon all persons: Provided, however, that they shall have no sectarian tendency, and not be calculated by favoring one sect to injure another.

CHAPTER VI.

PENAL OBLIGATIONS IN REGARD TO CHILDREN, SCHOOLS AND CHURCHES.

SECTION I. It shall not be lawful for any parent, adopter, guardian or teacher to inculcate vice or immorality in his or her children, wards or pupils, or to incite such children, wards or pupils to the commission of any crime, tort or misdemeanor, public or private. Every such inciting parent, adopter, guardian or teacher shall, upon proof of his or her previous knowledge of the offence about to be committed, and that proper means were not employed by him or her calculated to prevent its commission be deemed accessory thereto before the fact, if a crime or misdemeanor, and shall be punishable therefor as an accessory in the mode prescribed by the criminal code; if a tort to the person or property of individuals or to the property of government that might have been prevented, the parent, adopter, guardian or teacher having previous knowledge of such intended tort, shall be liable in his private property to make restitution or compensation therefor to the assessed amount of damages.

SECTION II. All school property destroyed by the pupils of any school, district or select, without the previous knowledge of the teachers shall be replaced at the expense of the parent, adopter or guardian of the pupil who destroyed such property, which shall be recoverable to the use of the said school.

SECTION III. Any person not attached to a school who may wantonly trespass upon the property set apart for its use, or who shall cut, destroy or carry away any such property, shall be liable to pay fourfold the cash value thereof to be recovered by suit as in the fifth part of this act provided.

SECTION IV. Any person who shall maliciously disturb, distract or interrupt any school or religious assembly by assaulting the same or by making intentionally an immoderate noise, or by being party to a riot or commotion with like intent, within the distance of one hundred yards thereof, or who shall assault any teacher or pupil while engaged in the duties or pursuits of such school, or while peaceably going to or returning therefrom, shall be deemed guilty of a common misdemeanor, and punished therefor as prescribed in the criminal code.

SECTION V. Any person connected with the guardianship, nurture or tuition of any child under the age of legal majority who shall by evil discourse, manipulation or exitation, or by the exhibition of obscene pictures or indecent devices or allusions, corrupt or attempt the corruption of the morals of such child shall be deemed guilty of a common misdemeanor, and punished therefor as prescribed in the criminal code.

SECTION VI. Any person who shall intentionally interrupt, distract, hinder or disturb by noise, or otherwise, any assembly convened for the worship of Almighty God on the Sabbath, or any other day of the week, if such noise or other disturbance be promoted or brought about or happen within the distance of one hundred yards from the church or other place of such religious meeting, the person so offending shall be deemed guilty of a common misdemeanor, and punished as prescribed in the criminal code.

SECTION VII. The minister of public instruction shall, from time to time, give notice to His Majesty's attorney general of any breaches of the provisions of this part, and of the proofs and evidences coming to his knowledge, that he may proceed against the offenders or delinquents pursuant to the fifth part of this act.

GENERAL PROVISIONS.

SECTION I. All teachers, sub-agents and general superintendents appointed, licensed and actually engaged under the provisions of this

part shall be exempt from the payment of labor and poll taxes and from assessment of property taxes upon all property by them owned, whether real or personal, less in actual value than five hundred dollars. They shall not be required otherwise than by their official labor, to contribute to the support of education in their respective districts.

SECTION II. The minister of public instruction, with the approval of His Majesty, two-thirds of the board of finance concurring, shall have power to expend public money derived from the labor tax and other portions of the government revenues to further the general interests of education throughout the kingdom by lectures, or by botanical, geological, mineral or other researches and to the purchase of experimental apparatus, but he shall in every case before expending such money for general purposes, make known to His Majesty, in cabinet council, the specific object had in view by him, and obtain His Majesty's consent.

SECTION III. The minister of public instruction shall be charged with the stated enumeration of the inhabitants of this kingdom, of whom it shall be his duty to make a complete census to be laid before His Majesty in privy council. The census so to be taken shall comprise in distinct columns, the inhabitants in each district, between such ages as the privy council shall direct, specifying also the proportional number of each sex, and shall, as far as practicable, indicate their avocations and such other particulars as the privy council shall direct, including an annual bill of mortality, and of the natural increase.

SECTION IV. To enable the minister of public instruction to carry into execution the designs of the last preceding section, he is hereby authorized to make all necessary inquiries; and all persons in this kingdom are required, on pain of ten dollars fine, to be imposed by any judicial officer, to answer, to the best of their knowledge, all questions propounded either by said minister, or by any of his agents in accordance with his instructions to them relating to the statistics specified in the preceding section.

SECOND ACT KAMEHAMEHA III.

AN ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS OF THE
HAWAIIAN ISLANDS.

PART V.

DEPARTMENT OF LAW.

SECTION I. *Be it enacted by the Nobles and Representatives of
the Hawaiian Islands, in Legislative Council Assembled:—*

That in order to conduct with greater certainty and system the several executive functions reposed by the Constitution in the king and premier, there shall be and is hereby created, a department to be styled the "Department of Law," over which the attorney general, created by an act to organize the executive ministry, shall preside, residing and having his place of business at the seat of the Hawaiian government.

SECTION II. There shall be a seal of the department of law distinct from the great seal described in the first part of this act; the device and diameter of which shall be determined by the king in cabinet council, upon recommendation of the attorney general. When so determined, it shall be notified to the public through the government

organ, and copies of all vouchers deposited with or recorded by any officer attached to his department, and of all documents originating therein, certified by the attorney general, and impressed with his seal of office, shall be as valid evidence in any court as the original.

SECTION III. The attorney general shall have power to administer oaths which shall entitle the facts deposed to be read in evidence in any court; also to take and perpetuate the deposition of witnesses for executive purposes. He shall also have power to take the acknowledgment of deeds, releases of dower, mortgages real and personal, hypothecations, powers of attorney, contracts and articles of agreement, letters of copartnership, articles of marriage settlement, articles of adoption, and any and all other instruments now or at any time hereafter required by law to be recorded. He shall certify to such acknowledgment before recording.

SECTION IV. It shall be incumbent on said attorney general, as law adviser, to counsel and advise His Majesty in all matters of law affecting his executive administration, being responsible for the counsel and advice he shall so give. He shall in like manner, and upon the like responsibility, when applied to in writing, counsel and advise either of His Majesty's four other executive ministers upon any law points or matters of legal policy arising in their departments, which counsel and advice, if followed, shall absolve said ministers from all direct responsibility for the effect or result of the measures adopted in pursuance of such legal advice.

SECTION V. Said attorney general shall be deemed in law, by virtue of his office, to be retained as of legal counsel in all cases involving directly the rights, franchises, interests and property of the government arising under any of the organic acts thereof, or under the civil and criminal codes. He shall be liable to suit at law, or in equity for all reclamations against the government. He shall prosecute and defend, in his official name, all actions at law before the supreme, superior or circuit courts in which the government is a direct party. He shall present all crimes, misdemeanors and public torts by indictment, and sue for and recover all fines imposed and penalties incurred under the laws, cognizable in the courts of record.

SECTION VI. The better to define the labors and duties required of, and the responsibilities imposed upon the said attorney general, the department of law shall be entitled twofold, legislative and executive. For the discharge of the latter of which labors and duties he may delegate specific powers to sub-agents. He shall give general instructions to such sub-agents, to be sanctioned by His Majesty in privy council, and explanatory directions from time to time exonerating them from liability on account of the acts to be performed.

TITLE I.

DUTIES TO THE LEGISLATIVE BRANCH OF GOVERNMENT.

SECTION I. The nobles and representatives may, by joint resolution, demand the opinion in consultation of the attorney general on any matter before them involving the well being and safety of His Majesty's government, and may impose upon him any extra judicial duty. It shall be incumbent on him, annually, in the month of April to present to the legislative council a report embracing a general statistic view of the judicial and other transactions of the year, connected with the department of law; and it shall furthermore be incumbent on him to watch the operation and bearing of the laws of this kingdom on the interests and welfare of the people, and to report his views thereon. He shall examine critically all proposed acts of incorporation, public or private, designed to be granted by the legislature or by the minister of the interior, and report upon their constitutionality, their interference with the private vested rights of individuals, their contravention of the previously enacted statute laws of this kingdom, of the absolute or conventional rights of other nations, and their moral tendency.

SECTION II. It shall be incumbent on the attorney general, upon receiving complaint in writing against any judicial officer connected with the supreme or superior courts, from any private party aggrieved, to lay the said complaint before His Majesty, in privy council, with the view of ascertaining the probable cause of such complaint, and the propriety of filing articles of impeachment against such judicial officer. If probable cause appear, in the estimation of His Majesty in privy council, the said attorney general shall make out and submit to the representatives in legislative council assembled, articles of im-

peachment, at the information of the party aggrieved, and it shall then be the duty of said attorney general to appear at the trial of such impeachment and advocate the same as public prosecutor..

SECTION III. Upon the filing of such articles impeaching the conduct of a judicial officer, the representatives shall by resolution of their body, appoint a committee of three disinterested persons, not of their number, but being Hawaiian subjects, to hear the evidence and preside at the trial of such impeachment, who shall appoint the time and place of their meeting for that purpose, cite the parties accuser and accused before them, and subpoena the witnesses of accusation and defence. They shall, when convened, have power to punish by fine and imprisonment for contempts and indecorums, and shall have power to enforce obedience to their mandates in like manner. They shall decide all questions of law and of admissibility of evidence on the trial of such impeachments. They shall allow full latitude of debate to the prosecutor and accused; may adjourn their session and postpone their inquiry at discretion, for good cause; may issue commissions to take the testimony of foreign or absent witnesses, and compel, by discretionary fine, the personal attendance of witnesses from other islands. The appointment of such a special court for the trial of an impeachment, shall, from the date of the joint resolution, have the effect to suspend the judicial functions of the officer impeached until the trial shall have been completed, and an officer shall be appointed to act in his place *pro tempore*. The commissioners shall return their award in writing to the representatives, with the evidence and reasons upon which it is founded, who shall put the same to vote after debate, and by resolution affirm or reverse the same. If the judgment affirmed be one of conviction and sentence, it shall have the effect to oust the judicial officer impeached from the office to which he had been appointed; if of acquittal, it shall have the effect to reinstate him in office. If the judgment reversed be one of conviction and sentence, it shall have the effect to reinstate said judicial officer, but if of acquittal, it shall not have the effect to oust or punish said officer, but operate only as a vote of censure.

SECTION IV. The proceedings on impeachment of judicial officers shall be at the expense of the informant in all cases in which

the officer impeached shall have been reinstated without vote of censure on the part of the representatives. Said expenses shall be taxed by the presiding member of the commissioners who tried the impeachment, according to the costs of court prescribed in the act to organize the judiciary and the marshal's fees hereinafter prescribed. In all cases in which the judicial officer impeached shall in consequence of the trial have been ousted of his office, and when not actually ousted, censured by vote, the expenses of the proceedings, except the counsel fees of the accused, shall be borne by government, and be payable by the minister of finance upon taxation by the presiding member of the commission.

SECTION V. The punishment of an impeached and convicted judicial officer shall in each case be recommended by the commission trying such officer, and be fixed upon, mitigated or altered by the representatives in their resolution of affirmance or reversal. Such punishment shall extend to fine, imprisonment or banishment, in the discretion of the commission and of the representatives; and in cases of proved judicial treason or murder, shall, in the like discretion, extend to death, without trial by jury; subject to His Majesty's executive clemency. The imposition of such special punishment by the representatives in cases of impeachment shall not be deemed *expost facto*, the delinquents amenable thereto being premonished by this law, that such will be the result of their judicial crimes or misdemeanors: Provided that no officer created by the act to organize the judiciary shall be amenable to impeachment for mere exercise of his judgment or of the discretion conferred on him by law. Neither shall any such judicial officer be amenable to impeachment, trial and condemnation except for incapacity, gross immorality or malfeasance in office to the detriment of this government, or of a private party in interest, to be positively and clearly proven against him. Judicial officers shall not be liable to have their motives and actions impugned except upon the clearest evidence; but, on the contrary, such motives and actions shall be deemed *prima facie* to have been correct, honest, pure and disinterested until the converse be proven. Neither shall the reversal of the judgment or decision of an inferior by a superior court be construed to impugn the motives or integrity of the judicial officer that rendered such judgment or pronounced such decision. The free and

unconstrained exercise of reason in rendering their judgments, and in the award of their decisions is hereby declared to be inviolate, subject to the right of appeal, in accordance with the law, which shall never be refused a litigant party conceiving himself aggrieved.

SECTION VI. The attorney general shall cause the result of every impeachment and trial to be made public either through the government organ, or some other newspaper, for the information of all persons.

SECTION VII. The nobles and representatives may at any time by joint resolution require the attorney general to procure from the proper department, whether executive or judicial, and submit to them, or to submit to them from his own department, the statistics of any kind, necessary to facilitate their labors and inquiries; which it shall be his duty to lay before them, if the public interest will, in His Majesty's opinion, upon consultation in cabinet council, permit.

TITLE II.

DUTIES TO THE EXECUTIVE BRANCH OF GOVERNMENT.

SECTION I. Upon application being made to the attorney general by either of the other executive ministers stating a case in writing, accompanied by the vouchers, or propounding any question purely of law the solution of which becomes necessary to the departmental duties of said minister, it shall be the duty of said attorney general, without fear or favor, and without partiality or bias, to answer the same correctly in his candid opinion, under the responsibilities of his oath of office. It shall not be lawful for him in giving such opinions and advice, under any circumstances, to lean to the interest of this government or to swerve from the very truth of the matter propounded to him and involved in the facts submitted. All intentional, injurious misadvice given by him to His Majesty or to any executive department upon questions of law, if such injury arise from intentional misadvice, shall subject said attorney general to impeachment and punishment subject to executive clemency. He shall in no case, however, be held responsible for the correctness of advice not given upon a previous submission to him of the facts, or when the facts submitted are incompletely laid before him or are at variance with the facts afterwards disclosed, nor shall he be responsible for the misapplication of his opinion given to any of the said departments upon an abstract question of law submitted without the facts.

SECTION II. In all executive matters involving questions of jurisprudence, national or international, or involving questions often growing out of the construction or application of the laws of this kingdom or out of the construction or application of the constitution

and laws of foreign countries, or involving conflicts of law, it shall not be lawful for the executive departments to proceed or to involve the government by act or concession until legal consultation shall have been had in the manner hereinbefore provided with the department of law in order that the attorney general's view of the legal bearings of such case may have been first obtained: Provided that the minister to whom such views have been given shall not be concluded thereby but at full liberty to depart therefrom in the discharge of his duties being in that case solely responsible for the act or concession; unless said minister, upon reference to His Majesty in cabinet council, shall have been ordered to depart therefrom upon principle or from motives of government policy or necessity.

SECTION III. Every department of the executive government and every officer attached thereto, following implicitly the advice in matters of law thus given shall be released from the consequences therefrom to ensue, and such consequences shall be attributable to the department of law subjecting the said attorney general to impeachment, removal from office and punishment, as prescribed in the act to organize the executive ministry.

SECTION IV. The attorney general, by order of His Majesty, shall prepare and submit to the privy council the form of any order in council designed to be adopted in pursuance of section seventeenth of an act to organize the executive ministry. He shall in like manner, and under the like direction, frame and submit any letters patent intended to be conferred in pursuance of the said act. He shall instruct the governors of the several islands in relation to the judicial, executive judicial and all other duties connected with the department of law, and shall also prescribe the form and manner in which they shall report their performance of the same to him; and the attorney general shall report a faithful comparative and statistical summary of the whole to His Majesty in privy council, on the first Monday of January in each year, with recommendations of law and of policy in regard thereto.

SECTION V. The several island governors of this kingdom shall have the right of legal consultation with the said attorney general to

the like extent and with the like effect upon the duties assigned them by law as is herein given to the respective executive heads of departments created by this act.

SECTION VI. The better to discharge the respective duties, legislative, executive and judicial hereby imposed upon the department of law the following specific divisions shall be and are hereby created in the executive duties which shall fall under his immediate supervision, and for the faithful execution of which in all cases, where no latitude of official discretion is allowed, to the presiding officers thereof he shall be personally responsible, viz :

CHAPTER I.

OF THE EXECUTIVE JUDICIAL OFFICERS.

SECTION I. There shall be appointed by the king in privy council, upon recommendation of the attorney general, a marshal of the Hawaiian Islands, whose office and residence shall be at the seat of the Hawaiian government. Said marshal shall be of approved good moral character and discretion.

SECTION II. It shall be the duty of said marshal to have immediate supervision and control over the respective sheriffs of the several islands, appointed by the respective governors on his nomination, whom he shall instruct upon the nature and mode of performing their various duties as executive officers of the courts of record, created by the act to organize the judiciary; also upon the respective acts of an executive nature devolved on them by law as conservators of the peace; as trustees of the jails, prisons and places of public correction in the respective islands for which they are appointed; as the safe keepers of all prisoners therein confined for any cause tried or cognizable before the courts of record; as the executors of criminal sentences passed by the courts of record, and of the civil judgments and decrees rendered by such courts; as the executors of executive mandates issued by His Majesty or by the governors, or by the head of either of the executive departments; as the commanders of the civil posse under authority of the governor; as the apprehenders of fugitives from justice; as the detectors of crimes and misdemeanors; as guardians of the revenue laws, of the public domain, of the public rights of piscary and other public property from trespass and spoliation. These respective trusts and functions shall be discharged by the sheriffs and other judicial officers hereinafter named on their own

private responsibility to the said marshal and on the responsibility of the said marshal to His Majesty's government and to private parties aggrieved upon the penalty of his official bond.

SECTION III. The marshal shall have power, with the approbation of His Majesty, to make requisitions upon the respective governors for military force to be employed in execution of any process or in discharging any of the specific duties required of him when he shall have reason to fear that resistance will be made, and on all criminal executions for capital offences. The said marshal when necessary, shall accompany his requisitions with special instructions to the sheriff approved in writing by the attorney general, detailing the mode of procedure to be pursued by such sheriff; which if circumstantially followed shall exonerate such sheriff from accountability upon his bond to the marshal, and said marshal upon his bond to the department of law.

SECTION IV. The marshal of the Hawaiian Islands shall before appointment make and file with the minister of finance a bond with two or more sufficient sureties, to be approved by the attorney general, in a penalty to be affixed in cabinet council; which bond shall be in the following form and upon the following condition, viz :

KNOW ALL MEN BY THESE PRESENTS, That we — principal and — suret—, all residing at — in the Island of — Hawaiian Islands are jointly and severally bound unto —, His Majesty's attorney general for the time being, and to his successors in office and assigns in the penal sum of — dollars, to be levied of our respective private property in case the conditions hereinafter named or any of them shall be violated. For the punctual and faithful payment of which we jointly and severally bind ourselves, our heirs, executors and administrators firmly by these presents.

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

The condition of this obligation is, that whereas the said — principal, has this day been appointed marshal of the Hawaiian Islands, and entrusted to execute and see executed the several executive judicial duties imposed by law upon that officer: Now if he shall as such marshal recommend to the governors, for appointment, proper sheriffs for the respective islands of Oahu, Maui, Hawaii and Kauai, for whose acts he is to be personally responsible upon this bond: if he and his sheriffs so appointed obey, in a lawful manner, all the mandates and writs issuing out of any court in this kingdom according to the local or general jurisdiction thereof defined in the act to organize the judiciary; if he shall, by himself, or through his said sheriffs and their deputies execute all the lawful commands and other executive

mandates emanating from the respective governors to him officially, in a lawful manner: if he shall personally or through his said sheriffs and their deputies execute all mandates and writs emanating to him from His Majesty's supreme executive government, through his highness the minister of the interior, countersigned by the attorney general; if he shall personally or through his said sheriffs and their deputies conserve the public peace of this kingdom, and apprehend for just cause, pursuant to the mandate of a judge or other judicial officer, addressed to him, or without such mandate, all violators of the law coming to his knowledge; if he shall personally or through his said sheriffs and their deputies safely keep in confinement all wrong doers arrested, detained or sentenced to imprisonment by any court of record for any cause, and not suffer them to escape until duly discharged by order of some judicial officer as prescribed in the act to organize the judiciary; if he shall personally or through his sheriffs and their deputies, provide for the humane and proper treatment of all prisoners awaiting trial at some court of record, and for all wrong doers convicted or imprisoned by any such court; if he shall personally or through his sheriffs and their deputies take suitable and proper care of the island jails and prisons confided to his care, see to it that they be kept cleanly and reasonably comfortable for the habitation of prisoners; certify the needed repairs, alterations and amendments thereof to the governors, and cause the said repairs, alterations and amendments to be made when thereunto required by the governors; if he shall personally or through his sheriffs and their deputies faithfully, honestly and diligently collect on execution addressed to him from any competent court any and all sums of money, costs and charges, fines, penalties and pecuniary forfeitures adjudged judicially to the Hawaiian government or to any private party, and having collected pay the same over to the lawfully entitled party pursuant to any such writ of execution; if he, his sheriff and their deputies shall not at any time exact more or greater costs than are allowed and taxed by a competent judicial officer in his or their favor; if he, his sheriffs and their deputies shall in no case transcend or be guilty of any official or private breach or violation of the laws of this kingdom, then this obligation to be void. Otherwise, upon proof being made to the satisfaction of the chief justice of the superior court at Honolulu, without the intervention of a jury, the penalty mentioned in this bond shall be forfeited, and the amount of injury sustained in consequence of such breach or violation shall be leviable upon us the said principal and suret—, or our private, joint and several property, together with the costs of such award to be taxed against us.

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

_____. (L. S.)
 _____ (L. S.)

SECTION V. It shall be competent to the judge before whom the breach of the said marshal's bond may have been assigned by any party aggrieved to order a trial of fact upon such allegation with the view to arrive at the precise amount for which judgment ought to be awarded in favor of the party aggrieved, unless in the estimation of said judge upon notice to show cause, it shall appear to his satis-

faction that no material contest need arise upon the amount to be awarded.

SECTION VI. It shall be incumbent on the said marshal, in person, or represented in the person of either of the sheriffs, or in the person of the duly appointed deputies of said sheriff, to attend the session of the circuit courts established in each of said islands, and to obey all the mandates thereof. He and his said substitutes shall not be accountable for acts commanded by judicial process duly attested and signed: Provided, however, that the marshal shall be solely accountable upon his official bond for the mode and course by him, his sheriffs and their deputies pursued, in the execution and enforcement of such process. The formality and legality of process shall not have the effect to legalize the wrongful acts of the officer executing the same: Provided also that the said marshal in the levy and sale of property under any judicial execution, order or decree, shall levy, advertise and sell at his own risk and peril as to the rights of third parties in the property so levied upon, advertised and sold; and that the executive sale of such marshal, his sheriffs or their deputies shall not have the effect to convey to the purchaser, under execution, a greater estate than the defendant had at the time of levy.

SECTION VII. It shall be competent to the said marshal to exact of his sheriffs corresponding bonds of private indemnity.

SECTION VIII. It shall be optional with the said marshal, his sheriffs and their deputies to decline levying upon, advertising or selling property by virtue of an execution upon any judgment or decree unless the precise property of the defendant be indicated to him by the plaintiff in execution; and it shall also be optional to the said marshal, his sheriffs and their deputies to demand of the plaintiff so indicating levyable property, a bond of indemnity against the after claims of third parties.

SECTION IX. It shall not be optional, but imperative upon the said marshal, his sheriffs and their deputies, to obey all the mandates of any judicial officer having jurisdiction under the act to organize the judiciary in all cases of crime, misdemeanor, tort or judicial con-

empt; neither shall they be personally liable to damages and reclamations for having implicitly obeyed such mandates.

SECTION X. The marshal of the Hawaiian islands shall keep an office at the seat of government, and shall hold correspondence with and give general instructions to the several sheriffs, to be by them observed in discharge of the various duties recited in the condition of his bond; and also specific instructions upon all specific matters arising within these islands in which they may be in doubt, or which may be given him in charge by His Majesty's government through the attorney general. Said marshal, in every case, shall submit his general or special instructions before transmitting them to the attorney general and receive his written approval thereof; which general instructions so approved, if followed by the officer to whom they may be addressed, shall exonerate such officer and the said marshal from all blame or damages resulting therefrom.

SECTION XI. It shall, when so applied to by the said marshal, be the attorney general's duty to approve or alter, modify, amend or dissent from the general or special instructions intended to be given by him; and in an especial manner to certify to said marshal the legality or illegality of arresting or detaining in any criminal or tortuous action, of citing in a civil action, or of levying upon the property, on execution, of any diplomatic agent, consul or commercial agent of any foreign nation accredited to this government, or their attachés duly announced. It shall also be his special duty to counsel and direct said marshal, for the direction of himself, his sheriffs and their deputies in every case before proceeding to attach any foreign vessel within the marine jurisdiction of the Hawaiian Islands, or the captain, officers or crew of any such vessel; and said marshal, his sheriffs and their deputies shall in no case proceed officially on board any such foreign vessel for the service of civil or criminal process issuing from the courts of this kingdom without previous consultation thereon with the attorney general, and his advice. For every such service of civil or criminal process the said marshal shall be personally liable upon his bond for the damages resulting, unless he has obtained the attorney general's sanction thereto in writing.

SECTION XII. The said marshal shall recommend for approval and appointment by the respective governors a sheriff of each of the islands of Oahu, Hawaii, Maui and Kauai, who shall respectively reside at the seat of justice, where the circuit courts created by the act to organize the judiciary are required to be statedly held. Said sheriff may, with the approval of the marshal, appoint deputies from among the local constables at suitable places throughout the islands.

SECTION XIII. All process of the respective courts of judicature throughout this kingdom, being courts of record under the act to organize the judiciary, shall be addressed as follows: "To the marshal of the Hawaiian islands or his sheriff for the island of ———." Such writs and other process issuing from a court of record, and so addressed, when delivered to the sheriff of the island within whose jurisdiction the same was issued, or his lawfully constituted deputy shall be considered in law to have been delivered to the said marshal, who shall become responsible upon his official bond for its lawful and proper execution, and the same shall be returned on or before the return day in said writ or process mentioned, to the court from whence it issued, in the name of the said marshal, by his sheriff or deputy, with the proceedings had thereon circumstantially. No other executive judicial officer except the marshal or his sheriff for a given island, and the lawfully constituted deputy of such sheriff, shall be at liberty to, nor shall it be lawful for any other, to serve the writs, process or mandates, or to enforce the judgments or decrees in the particular island.

SECTION XIV. The respective sheriffs shall be at liberty to take corresponding bonds of private indemnity from their deputies. They shall, upon the appointment of any deputy sheriff to act in their names and upon the responsibility of their bonds, give notice to the governor and to the local associate justices, in writing of the name and place of residence of such deputy.

SECTION XV. The respective sheriffs and their deputies so appointed shall have all the power and executive judicial authority within the islands and judicial districts for which they may have been appointed, which is conferred by law upon the marshal of the Ha-

waiian islands, where also the said marshal may in person exercise concurrent power and authority with, or, in his discretion, over them.

SECTION XVI. The marshal shall, within thirty days after his appointment, give notice to the attorney general of the executive judicial organization of his respective judicial districts, and of the names and respective places of residence of his island sheriffs and their respective deputies; and also, immediately after the substitution of any of them. Any of the said officers may be fined, imprisoned or suspended by any court of record, or not of record within the island, for for which he is appointed, for contempt of such court while in session or of the judge or justice of such court at chambers, or for contempt of the process, orders, decrees, mandates or other proceedings of any such court. Fines so imposed shall not however be construed as breaches of the marshal's bond.

SECTION XVII. The sheriffs at Honolulu and Lahaina, shall, *ex officio*, be prefects of the local police, and, under the governors, shall have the supervisory control and direction of the *constables* appointed for said respective places. Before entering on the duties of their office, they shall, as prefects of police, give to the marshal a bond in a penalty, and with security, to be by him approved for the execution of the duties required of them by law, in the following form :

KNOW ALL MEN BY THESE PRESENTS, That we — principal and — surety, all residing at — in the Island of —, Hawaiian Islands, are held and firmly bound unto —, His Majesty's attorney general, for the time being, and to his successors in office, and assigns, in the penal sum of — dollars, to be levied of our respective private property in case the conditions hereinafter named, or any of them, shall be violated. For the punctual and faithful payment whereof we jointly and severally bind ourselves, our heirs, executors and administrators firmly by these presents.

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

The condition of this obligation is that whereas the said —, principal, has this day been appointed prefect of police for the port and jurisdiction of — in the island of —, and entrusted to execute, and through his constabulary force, ~~see~~ executed the several executive judicial acts and duties imposed by law upon that officer within the said port and its local jurisdiction: Now if he shall as such prefect of police regulate, instruct, guide and superintend the constabulary force of said port and its immediate jurisdiction; if he shall in person, or by, through or with the

aid of said constabulary, or any of them, obey in a lawful manner all the writs, processes, orders and other judicial mandates of the local magistracy of said jurisdiction; if he and his constables, or any of them, shall obey all the executive mandates and commands of the governor of said islands, or of his acting substitute, or of said attorney general in behalf of the executive ministry touching the apprehension of fugitives from justice, the enlistment of natives on board foreign vessels, the apprehension of deserters from foreign vessels, the inspection of hotels, inns and victualling houses, bowling alleys and billiard tables, the suppression of disorderly houses and houses of ill fame, the arrest and impressment of vagrants, the arrest and imprisonment of criminals, of malefactors and of breakers of the public peace, and tranquility, the arrest of smugglers, the seizure of articles introduced into said ports in contravention of the law imposing duties on imports, the apprehension of all sailors found on shore after the hour prescribed by law, the commitment and safe custody until examination by a local magistrate, judge or justice of all such apprehended sailors and other seafaring men, and of all noisy, disorderly, riotous, lewd or other persons of every description found by him or his constables violating any statute law of this kingdom; if he shall in every case furnish to the attorney general or his substitute at such port, before examination, a list of the names of persons so committed by him or them with the cause in brief for which they were committed, and the names of the witnesses to any overt act in contravention of law for which such person was committed, if he shall on or before the hour of nine o'clock, A. M., of the day ensuing such arrests bring up for examination before the local justice or magistrate of said port all such apprehended and committed persons, with the witnesses to their delinquencies; if he and his constables shall obey the mandate of the said justice or magistrate in regard to them; if he and his constables shall not suffer them to escape without previous compliance with the judgment awarded against them; if he and his constables shall not maltreat or wantonly abuse such arrested persons nor employ unnecessarily harsh treatment towards them; if he and his constables shall faithfully keep watch at night within the precincts of said port in the manner, at the stations and with the objects set forth in the instructions to be from time to time issued to him and them from the department of law; if he and his constables shall not be personally concerned in any violation of the statute laws of this kingdom, or of the municipal ordinances of said port nor accessory to any such violations, nor an aider nor abettor thereto, or knowing the same shall not conceal or suppress the knowledge thereof, but give information to the local justice or magistrate; if he and his constables shall duly pay over to the party entitled thereto, or to the local justice or magistrate of his jurisdiction all money by him or them collected or received on execution, and make punctual return of all writs and mandates addressed to him; then this obligation to be void. Otherwise, upon proof being made by the attorney general, to the satisfaction of any justice or associate justice of the superior court at chambers, at the port for which said prefect is appointed, the penalty of this bond shall be forfeited to the extent of the damage done or of the injury sustained to be assessed without the intervention of a jury and collected jointly or severally against us the said co-obligors and our several private property.

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

_____. (L. S.)

_____. (L. S.)

SECTION XVIII. The said respective prefects of police shall, in virtue of their appointments by the governors of the said respective islands, have command over the constables of the ports for which they are appointed, and shall file with the local magistrate or justice of said port, a list of the names of those so appointed to be constables, and give notice in like manner to the attorney general.

SECTION XIX. The general advice and direction previously given to the said prefects of the local police by the attorney general, shall if by them observed in the duties of their offices exonerate them and those acting by their authority for any act so done in pursuance thereof, or of his special written advice upon a case submitted.

SECTION XX. In all cases in which any resident foreigner, whether alien or naturalized, domiciled or undomiciled, shall have died intestate in this kingdom, leaving therein no heirs or no person entitled to administer upon his or her estate according to the priority of right established by the act to organize the judiciary, it shall be the duty of the marshal, as public administrator, in person or through his sheriff in any island where such intestate shall have died, to notify the same to the judge or court having probate jurisdiction at Honolulu, and forthwith to make out or cause to be made out, a correct and faithful inventory or list of the property of such intestate foreigner, both real and personal, with an appraisement of its approximate cash value, and remarks upon its durability or perishable nature; which inventory it shall be his duty or that of his sheriff making the same, to swear to, and he shall file the same with the judge or court having probate jurisdiction at Honolulu. He shall cause the notices to creditors and debtors, applicable to such estate, to be published as prescribed in cases of administration of intestate's estates by the act to organize the judiciary. He and his sheriffs shall have power, as public administrators, to sue for and recover all debts due to such intestate foreigner, and he and they shall be in like manner amenable, after the time accorded by law, to all suits and prosecutions on behalf of persons claiming upon said estate. He or they shall ascertain the debts due from the estate and realize the assets in cash or otherwise, economically. In case any of the said assets be perishable or liable to deterioration, he shall have

power to sell them at auction to the highest bidder as by law allowed; and in case there be not sufficient monied assets to pay off fully the debts of such deceased intestate, he shall apply to the judge or court having probate jurisdiction for permission to sell at public or at private sale such and so much of the intestate's property, either real or personal, as may be necessary for that purpose, said marshal being accountable upon his official bond, and his sheriffs to him upon their official bonds for all waste, mal-appropriation, unlawful use or embezzlement of the assets of such intestate. He shall, at the expiration of the time prescribed in such cases by the act to organize the judiciary, render a correct and full account of his proceedings in administering upon any such estate, and having paid the residuary assets to the minister of finance as required in and by the first part of this act, he shall be entitled to exonereter, and his commissions upon the gross value of said assets, both real and personal.

SECTION XXI. The marshal of the Hawaiian Islands shall inform the attorney general of his proceedings from time to time in the administration of the estates of intestate foreigners having no heirs or next of kin, entitled to administer upon their estates. He shall be entitled to seek advice of said attorney general, officially, upon the course and propriety of his proceedings as such public administrator, and by following such advice given him in writing, shall be exonerated from liability to government upon the penalty of his official bond. He shall give notice to the attorney general of the passage of his exonereter by the court or judge having probate jurisdiction, in every case—of the gross amount of assets upon which commissions were awarded him by the court—of the gross amount of debts paid by him for the deceased—of the gross amount of residuary property in store at the interior department, or in deposit at the exchequer—and of the real estate of which the said intestate died seized or possessed, and which still remains subject to the alternative reclamation of foreign heirs.

SECTION XXII. The assets, real or personal, of an intestate foreign resident of this kingdom shall in no case, except the same be in immediate danger of decay, deterioration or loss, be sold by the

said public administrator or his respective substitutes until an order shall have been granted to that effect by the judge or court having probate jurisdiction at Honolulu.

SECTION XXIII. The said marshal, as public administrator, shall be entitled, for himself and his sheriffs, to the fees of administration prescribed in the act to organize the judiciary, additional to the per centage allowed by the second part of this act in such cases.

SECTION XXIV. When any person in this kingdom shall have come to his or her death in a sudden or suspicious manner, or by the known agency of another, the said marshal or either of his sheriffs shall, if so required by the governor of the island where such death occurred, summon a jury of inquest, which he or his said sheriffs shall have power arbitrarily to select, and compel summarily to attend, for the purpose of inquiring into the causes and circumstances of such death. He shall have power to bind over witnesses to appear at court, in consequence of the inquest, or in default of recognizance, to commit such witnesses to jail until the coming of such court. He shall, upon rendition of the verdict of inquest, have power to arrest and detain in confinement any suspected party, principal or accessory to such death. He shall immediately thereafter give notice of such inquest, with a copy of such verdict, to the attorney general, that measures may be taken with the view to criminal prosecution by indictment or otherwise as hereinafter provided.

SECTION XXV. In all cases in which the marshal or his sheriff for any of the islands is a party plaintiff or defendant before the courts of this kingdom, the officer so interested shall not be competent to serve process in such case, but the court shall in that case name some disinterested person as elisor to serve such process, who shall be accountable in all respects to the court or to the party aggrieved, as if he were sheriff or marshal, so far only as regards the particular case.

SECTION XXVI. It shall be competent for the several governors at their discretion to commit the entire charge of all prisoners, or any of them, to the marshal or to the sheriff of the particular island where such prisoner or prisoners may be; and when thus committed, it shall

be incumbent on the marshal or sheriff in charge, to safely keep such prisoner or prisoners, provide them with necessities, and compel them to render profitable labor to the government, pursuant to instructions from the minister of the interior, through the attorney general.

SECTION XXVII. The marshal of the Hawaiian Islands shall, when ordered so to do by the local or circuit court of any island division of this kingdom, dismiss from office, without inquiry, any subaltern officer belonging to his marshalcy or to the sheriffalty of said island division for reasons causing such court to expel such subaltern, and refuse him power to execute its process.

SECTION XXVIII. The respective governors of the several islands, when requested by the local or circuit courts, or by the respective police justices or local magistrates of Honolulu and Lahaina, shall dismiss from office, without inquiry, any subaltern officer belonging to their respective constabulary forces for reasons causing such court to decree their dismission from office, and for refusing them power to execute its process.

SECTION XXIX. It shall be incumbent upon the prefects of the police at Honolulu and Lahaina to be constantly in attendance personally, or by deputy, upon the courts not of record, established at said ports for the purpose of receiving process and commands from said courts in matters cognizable before them. The respective prefects, their deputies and constables, shall have full power and lawful authority, and it shall be especially their duty to serve, fulfil and execute all writs, process and mandates issued by the local justices and magistrates of the port-districts to which they belong, and having done so, to make faithful return of their acts regarding said process, writs and mandates to the judicial officer by whom they were issued. They shall sustain the like responsibilities to the said respective local justices and magistrates, and to parties litigant prosecuting or defending their rights and interests before them, and to prisoners, criminal or otherwise, awaiting examination before them, or tried or examined by them, and sentenced to imprisonment or hard labor, that are sustained by the marshal of the Hawaiian Islands to the courts of record created by the act to organize the judiciary. They and their con-

stables shall in all respects be as amenable to said local justices or magistrates as are the said marshal and his sheriffs and deputies to the courts of record, and the parties litigant therein or interested in the process of any kind issued by said courts of record.

CHAPTER II.

OF THE EXECUTIVE EXTRA JUDICIAL OFFICERS.

ARTICLE I.—REGISTRY OF CONVEYANCES.

2016
Page 8 of 10
310

SECTION I. The attorney general shall be *ex officio*, the registrar of conveyances, mortgages, bills of sale of chattel property, contracts and agreements, articles of marriage settlement, certificates of copartnership, powers of attorney, and all other instruments affecting the transactions of persons in this kingdom, required to be recorded with the registrar of conveyances, and which are hereby required to be stamped in order to their validity. He may assign the duties of his registry to a clerk appointed and removable by him at pleasure.

SECTION II. As registrar, the attorney general shall keep distinct the conveyances and pledges of real property from those of personal property; the conveyances of real and personal property from other registered instruments of a miscellaneous nature required to be recorded, but not importing the conveyance or pledge of property. He shall to that end keep distinct books in his office for each class of recorded instruments, in which the registry of said instruments shall consist of an entire literal transcript thereof verbatim; at the foot of which transcript the said attorney general as registrar of conveyances shall certify its comparison with the original, after which he shall certify upon the exterior of, or endorse upon said registered instrument, the date of its registry, the book in his office in which, and the pages of said book at which, it was registered.

SECTION III. It shall not be lawful to record any conveyance or other instrument required by law to be registered, unless the same

shall have been previously stamped by the director of the government press the parties who subscribed such conveyance or other instrument have duly acknowledged to the registrar or some one of his agents hereinafter mentioned, the authenticity of their signatures, and that they had subscribed the same for the uses and purposes in the said conveyance or other instrument set forth: Provided that such conveyance or other instrument may be registered as to one or more of the subscribed who may have so acknowledged without prejudice to the others not acknowledging: and, further provided, that in case of the death or absence of any such subscriber, the registrar may take by way of acknowledgment, the deposition of any prescribed witness to such conveyance or other instrument, who, at the time of subscription was present, and saw the subscriber sign his or her name thereto, heard such subscriber acknowledge the signing to be intended for the uses and purposes set forth in the conveyance or other instrument, and was requested to become an attesting witness.

SECTION IV. It shall not be lawful to register any release of dower in lands or other property signed by an undivorced wife without her previous confession to the said registrar, or one of his agents hereinafter mentioned, apart from her husband that she had signed the said release without compulsion, fear or constraint from her husband.

SECTION V. The said registrar or his agent hereinafter mentioned shall endorse upon such conveyances and other instruments a certificate of the fact and date of acknowledgment, and by whom acknowledged, which certificate shall be recorded with the instrument.

SECTION VI. The registrar shall keep in his office twofold indexes of each class of records registered therein, one alphabetical of the grantors, mortgagors, conveyers, donors and parties of the first part in said conveyances and other registered instruments, with the book and page of the record thereof; the other alphabetical of the grantees, mortgagees, donees and parties of the second part in said conveyances and other instruments, with the book and page of the record thereof. He shall, when required by any person, upon being paid the fees of search hereinafter prescribed, certify whether any conveyances or pledges have been before executed or given by a

grantor, or any transfers have been made by a grantee or mortgagee of property indicated to him. His certificates so given shall be at his peril if falsely made, and they shall be *prima facie* evidence of the fact certified to in any court of this kingdom.

SECTION VII. All deeds of landed property and leases for a longer period than one year, however executed, all releases of dower, and all mortgages or other pledge of real estate in security for the payment of money, all deeds and declarations of trust of real property and all evidences of interest in the same shall be recorded with the registrar of conveyances within thirty days after the execution thereof, in default of which no such document shall be valid against another document conveying the same right or interest subsequently executed, but previously acknowledged and recorded.

SECTION VIII. All bills of sale or pledges of chattel property, all contracts and agreements, all articles of marriage settlement and powers of attorney or other instruments affecting the transactions of private individuals the terms of which are not to be performed within one year shall first be duly acknowledged and then recorded with the registrar as hereinbefore provided, within thirty days after the execution thereof, in default of which no such instrument shall be binding to the detriment of third parties, or conclusive upon their rights and interests.

SECTION IX. No court of justice shall take judicial cognizance of any instrument required by law to be recorded, which shall not be certified so to have been by the registrar of conveyances.

SECTION X. The record of all such conveyances and of all such private documents or instruments as are enumerated in the seventh and eighth preceding sections shall be as valid evidence of the facts therein set forth, as binding in law upon the parties interested therein, and as conclusive upon their rights and interests as the originals, and may be given in evidence in any court.

SECTION XI. The said registrar shall, when required by any party in interest, give attested copies and transcripts of any instrument or document registered in his office upon being paid the fees of

transcription prescribed in the third part of this act; and he shall also give certificates of any fact apparent in his archives, upon being paid therefor the fees prescribed by law.

SECTION XII. The said attorney general as registrar of conveyances for the kingdom may, with the approbation of the governor of each island division, appoint and empower an agent in each island to take the acknowledgment of conveyances and other instruments to be forwarded for registry to the seat of government; whose certificate of such acknowledgment shall entitle such conveyance or other instrument to be recorded, and shall be as valid evidence of the facts attested, as if made by the registrar in person. The attorney general shall give public notice of the appointment of every such agent and of his place of residence, and shall be answerable for all his unlawful official acts.

SECTION XIII. All conveyances of real and personal property made and executed anterior to the passage of this act, and all pledges of property, real or personal, executed anterior to the passage of this act, the conditions of which have not been fulfilled when this act is promulgated shall be recorded in the office of the registrar of conveyances at the instance and expense of the grantee or mortgagee, within ninety days after the promulgation thereof; and all such conveyances and pledges not so registered shall be void in law as against subsequent grantees and mortgagees of the same property not having notice of the existence of such previous conveyances or pledges.

ARTICLE II.—OF THE REGISTRY OF WILLS AND TESTAMENTS.

SECTION I. All wills, testaments and codicils that have undergone probate pursuant to the act to organize the judiciary, and are so certified by the judge of probate, shall be delivered by the party in

interest to the attorney general for registry in the record of wills and testaments to be kept in his office ; and it shall be the duty of said attorney general to register the same in like manner as in the first article of this chapter required for conveyances, pledges and other instruments, at the expense of the testator's estate. All wills, testaments and codicils not so proven and recorded shall not be deemed valid to convey the inheritances bequeathed to those named therein as heirs.

SECTION II. All inventories of real and personal property presented to the judge of probate shall upon the certificate of the said judge be delivered to the attorney general for registry in a book to be kept by him for that purpose at the expense of the testator's estate. All inventories not so registered shall not in law be deemed valid evidence of the amount and value of the property coming into the said executors or administrators hands.

SECTION III. All final settlements of the accounts of executors and administrators rendered and certified, and all final exoneraters signed by the judge of probate shall be delivered to the attorney general for registry in a book to be kept by him for that purpose, at the expense of the testator's or intestate's estate. All final accounts not so approved and registered, and all exoneraters not registered shall not have the effect in law to exonerate the executor or administrator from legal accountability for his official acts and transactions.

ARTICLE III.—OF THE NOTARIAL DUTIES.

SECTION I. The attorney general shall be *ex officio*, the principal notary public for the Hawaiian Islands. He shall as such have power, with the approbation of His Majesty, in privy council, to appoint, upon his own responsibility, subject to his control and removal,

notaries public, to be resident at Lahaina in the island of Maui, at Hilo in the island of Hawaii, and at Hanalei in the island of Kauai, whom it shall be his duty to instruct regarding any of the acts required by law to be performed by a notary public, which are by law applicable to them. He shall instruct them upon the manner in which to discharge their respective duties. Said notaries shall not be personally accountable for duties by them performed pursuant to such instructions. They shall as often as occasion will permit give notice to the said principal notary of all their acts and transactions, and in all cases of doubt apply to him by letter for instructions.

SECTION II. The attorney general shall keep in his office a notarial record of each of the duties hereinafter imposed upon him as such notary, and he shall direct those holding notarial powers under him what records to preserve in their respective offices.

SECTION III. The duty of said principal notary shall be, to note the protest of any person in this kingdom protesting for any cause against injustice of any kind, public or private; and to give due notice thereof to the party protested against: to the end that such injurious act or proceeding may have authoritative remonstrance; or to the end that the party protesting may not be held to have silently permitted the injurious act or proceeding; or to the end that the party protesting may not be estopped in law from asserting his or her rights; or to the end that the party protesting may not be deemed in law to have waived his or her rights in the premises; and to the end that the party protested against may have authoritative notice of the dissent or objection of the protestor against such act or proceeding; and to the end that the party protested against may be legally held liable for his or her injurious act or proceeding to the protestor.

SECTION IV. All such general notarial acts of protestation, disconnected from the protest of commercial paper hereinafter provided for, shall be solely made at the notarial office in Honolulu. They shall contain circumstantially the facts of the case calling for such protest as narrated by the protesting party, and shall conclude generally with the object had in view by the protestor.

SECTION V. The original or certified copies of such protests shall be *prima facie* proof in any court of the allegations therein set

forth, to be afterwards established or rebutted by evidence; and the courts of this kingdom shall take notice thereof as such.

SECTION VI. Protests noted before the consuls, and other agents resident in this kingdom, shall not be received by any of the said courts with the faith and credit given to the said notarial protests, and shall be of no other valid force than is necessary to the proper comity of nations.

SECTION VII. The said principal notary and the respective notaries by him commissioned, as in the first section of this article allowed, shall have power legally to hold the endorsers and guarantors of mercantile paper for non-payment, and the drawers for non-acceptance pursuant to the inferences of the law merchant regarding promissory notes, bills of exchange and drafts for the payment of money, or the delivery of specific articles.

SECTION VIII. Three days of grace or latitude from the day of the maturity of mercantile paper, shall be accorded to the makers of any promissory note payable in this kingdom, for its fulfilment by such makers. At three o'clock of the afternoon of the third day of grace so accorded, if upon presentation of said promissory note to the makers, or any one of them, by the said principal notary or by either of the notaries appointed by him, the said maker or makers shall fail to pay said note, the notary so presenting the same shall protest it for non-payment, and by such protest hold liable to the payee or his assigns, the endorsers thereof jointly and severally. Three days of grace or latitude from the day of sight of any bill of exchange or draft inland or foreign, if no day of payment after sight be set forth in such bill or draft, shall be allowed to the drawee for acceptance, on the third day of which, at the hour of 3. P. M., the said bill or draft shall be accepted or refused; and if a day after sight be specified in such bill or draft, then on the day so set forth in the said bill or draft at three o'clock, P. M., the said bill or draft shall be accepted or refused. In either case, on the day and hour and at the place of payment, the said principal notary, or any of the notaries so appointed by him, shall have power, at the request of any party interested in the acceptance and payment of said bill or draft, to present the same for acceptance,

which, if then and there refused, he shall have power to protest for non-acceptance, and thereby hold responsible the drawer and endorsers of said bill or draft to the payee or transferee thereof, in accordance with the general law merchant in such cases.

SECTION IX. The notary so presenting and protesting for non-payment any promissory note, and so presenting and protesting for non-payment or non-acceptance any bill of exchange or draft drawn payable in this kingdom, shall immediately give notice of such presentation and protest to the endorsers of every protested note, and to the drawer and endorsers of every such bill or draft by personal delivery of such notice in writing, or by transmission thereof through some reasonably safe conveyance, or through the inland mails, or by ship, as occasion may chance. The forwarding of such notice in either of the ways aforesaid shall be deemed sufficient constructive notice in law to hold the said endorsers and drawers, without proof, that such notice was actually received; and the notarial certificate of protest impressed with the notarial seal of said notary shall be conclusive evidence that the said note, bill or draft was duly presented, demanded and protested at the day, hour and place required by the law merchant and by the provisions of this article, to give legal recourse to the secondary promissors and guarantors of such note, bill or draft, by the party entitled to be paid the sum imported as its consideration.

SECTION X. The endorsers and guarantors of any promissory note payable in this kingdom, and the drawers and endorsers of any bill of exchange or draft drawn to be accepted and paid in this kingdom, which have not been duly presented for payment or acceptance as in this article required, shall be held in law to have been released from obligation after the expiration of the time in this article prescribed.

SECTION XI. The said notaries public shall each keep a record of all such original protests, and of the dates at which they respectively gave any notice of protest as required by this article, which record and certified copies thereof under their seals of office, shall be valid evidence in any court of this kingdom.

SECTION XII. It shall be incumbent on all adopters of children, pursuant to the fourth part of this act within thirty days after such adoption to transmit the written act and terms of such adoption attested by some judicial officer of this kingdom, to the said principal notary public, at Honolulu, to be by him enregistered at the expense of the adopter; in default of which, such act of adoption shall be void and of no effect.

SECTION XIII. The said attorney general, as principal notary for the kingdom, shall keep in his office a record of such adoptions in which he shall, being paid the fees of registration, enter at length every such act of adoption, and its terms and conditions, after the same has been legalized by some judicial officer as above required. He shall certify to the party in interest upon the instrument so recorded, the time of its registry, and the book and page containing its record; which certificate shall be valid evidence of the facts so certified.

SECTION XIV. The notaries appointed by the said principal notary shall have power to take and to certify in the respective islands for which they are appointed, the acknowledgment of the execution of conveyances, deeds, mortgages and releases of dower in lands, and the execution of bills of sale of chattel property, contracts and agreements, articles of marriage settlement, letters of copartnership, powers of attorney, and any other instrument required to be recorded by the registrar of conveyances; and their certificates of such acknowledgment under seal shall be as valid evidence of the facts so certified as if taken and made by the registrar of conveyances in person. It shall be equally incumbent on said registrar upon the receipt of the same and payment of the registration fees to record them in the archives of his office.

SECTION XV. The said principal notary and the respective notaries appointed by him shall for all the purposes given them in charge by this act, be in this kingdom officers of the law of nations, competent to discharge the various acts capable of performance by notaries public under the laws of other nations; and their certificates under notarial seal shall have the same binding force in all respects.

SECTION XVI. The seal of the department of law shall be the notarial seal of the attorney general as principal notary public for this kingdom; and for the other notaries herein contemplated, His Majesty shall adopt a notarial seal of the device and diameter to be recommended to him in privy council by the attorney general; of which, when so adopted, due notice shall be given in the Polynesian newspaper.

CHAPTER III.

OF THE LEGAL SUITS AND DEFENCES.

SECTION I. It shall be the duty of the attorney general, upon application from any of the executive ministers, to enforce at law, before the courts of justice, in the mode of practice prescribed by the act to organize the judiciary, all fines and penalties incurred towards either of said executive departments, informing and suing therefor in the name of the Hawaiian government on his relation as attorney general; and he shall be accountable to the minister of finance for the sums so recovered when collected.

SECTION II. For this purpose it shall be incumbent on the several ministers presiding over the respective departments in this act mentioned, when any legal forfeiture shall have accrued or when any legal liability shall have occurred, to give information thereof to the attorney general, and to place at his disposal for the purpose of suit any bond, mortgage, note or other evidence of indebtedness, on account of which such minister claims the payment of money, or the forfeiture of property to government, with the particulars touching the same. It shall also be incumbent on each of said ministers to make known to said attorney general and place at his disposal the facts and documents of any kind which may be available to the defence of any rights in litigation of this government.

SECTION III. The attorney general shall be accountable for the skillful, prompt and proper prosecution and defence of all such rights and interests confided to his management; and when money or property is recovered by judgment or decree pursuant to the mandate of any court, the marshal of the Hawaiian Islands shall pay or deliver the same to the proper department, through the attorney general.

SECTION IV. The Hawaiian government represented in any court shall have the right to open and to sum up to the court and jury, and to close in debate at banco all suits, prosecutions and defences in which the government, through any department thereof, is a party plaintiff, claimant, prosecutor or defendant.

SECTION V. All civil suits instituted on behalf of the Hawaiian government for the recovery of money due to government through any of the executive departments, shall be commenced by petition from the attorney general to the presiding judge of the court; in which he shall set forth briefly the grounds of action as follows :

1. To ——— :

The Hawaiian government plaintiff, by ———, Attorney General, alleges that ———, defendant, is legally indebted to ———, minister of ———, for the use of the royal exchequer in the sum of ——— dollars.

[Here set forth clearly the circumstances under which the liability accrued to government : If upon a bond, the particular condition broken—if upon a note, the failure to pay the same—if upon a forfeiture, the violation of the law for which such forfeiture is incurred—if upon an implied undertaking, the circumstances creating the same—if upon an express agreement, the nature thereof and the circumstances attending its breach.]

In consequence of which the Hawaiian government, through its attorney general, claims from the said ———, defendant, the said sum of ——— dollars, interest and costs of suit; and asks the process of this court in order to recover the same pursuant to the requirements of the act to organize the judiciary.

SECTION VI. The said attorney general shall append to every such petition, copy of any bond, mortgage, note, bill, contract or agreement which may give rise to such suit, if evidence thereof exists in writing; and shall file said petition with the judge to whom it may be lawfully addressed, and a list of the witnesses, if any, upon whose oral testimony it is proposed to substantiate the claim; which petition shall authorize the judge having jurisdiction, to proceed according to the course more particularly set forth in the act to organize the judiciary.

SECTION VII. All civil suits instituted by private parties against the Hawaiian government to recover at law their private rights and interests shall be deemed commenced by the service of summons on the attorney general to appear and answer such claims of a private

party issued from any court having jurisdiction of the controversy. Said attorney general shall adopt the measures of defence most judicious in his opinion, being answerable to His Majesty for the prudence, skill and conduct of such measures, and he shall have power *ex officio* to conclude the government therein by his legal and lawful acts.

SECTION VIII. All foreclosures of mortgage pledges upon real or personal property, executed to any department of this government, and all contracts, leases and other agreements subsisting between any department of this government and private parties, the conditions and terms of which have been broken, shall be enforced in favor of government by bill in equity, filed by the attorney general on the relation of the minister presiding over such department and stated to be for the benefit of the royal exchequer. Proceedings by bill in equity so filed shall in like manner as those filed by private parties in interest be entertained by the court and in the manner prescribed in the act to organize the judiciary.

SECTION IX. In all cases where by this act the attorney general is required to proceed by *scire facias* to determine the rights or interests of this government in any matter, thing, right or interest therein contemplated, the *scire facias* shall not be proclaimed by him until its approval in writing by some judge having jurisdiction to determine the matter, thing, right or interest therein involved as prescribed in like cases by the act to organize the judiciary. To obtain such approval the attorney general shall by bill in equity set forth the grounds on which he claims lawfully to conclude the party by such *scire facias*; which if deemed colorably just by the judge authorized to entertain the matter, he shall approve the *scire facias* and order the same promulgated for the information of whom it may concern.

SECTION X. All libels authorized by law to be filed in the courts having maritime jurisdiction in this government at the instance of any department, for the foreclosure of hypothecations or for the recovery of maritime pledges and liens given at the instance of any department; or for the arrest, seizure, detention, confiscation and sale of any vessel forfeited or liable under the laws to this government, shall be filed

by the attorney general on the relation of such department, or the officer thereof to whom the right of foreclosure, arrest, seizure, detention, confiscation and sale immediately accrued; in which he shall detail clearly all the material facts and circumstances connected therewith, and conclude by requesting such remedy in the premises as is accorded in like cases by the act to organize the judiciary.

SECTION XI. In all cases in which the charter of any body politic shall be alledged to have been forfeited, the attorney general shall on the relation of the department informing, file his bill in equity with the court having jurisdiction thereof, and request a writ of *quo warranto* to be addressed to the presiding officer of such body politic, if any, or any officer thereof existing, citing such corporation to show by what warrant it claims the right to do the act complained of, and why its corporate powers should not be annulled. The attorney general shall describe in every such bill with reasonable precision the facts and circumstances for which he claims to annul any such charter, and may in the discretion of the judge obtain an injunction upon the said body politic against the exercise of its corporate powers until satisfactory cause shown pursuant to the terms of the *quo warranto*; when the said injunction shall be dissolved or made perpetual as prescribed in the act to organize the judiciary; and if dissolved, annulment of the charter shall not be decreed, and if the charter be annulled by judicial decree, the said injunction shall be rendered perpetual under a penalty to be discretionally affixed by the judge at the suggestion of the attorney general. The proceedings of government by *quo warranto* shall be in all respects accordant with those prescribed for private parties by the act to organize the judiciary.

SECTION XII. In all cases of non-payment of rent in arrear for landed or other property, and due to the royal exchequer, the attorney general shall make written application for a writ authorizing the levy and sale of property for the payment of such rent, to the judge having jurisdiction thereof, in the mode prescribed for obtaining such writs by the act to organize the judiciary.

SECTION XIII. In all cases of ouster and ejection from the possession of landed property owned by this government and wrong-

fully in possession of any person residing in this kingdom, the attorney general shall, on the relation of the minister of the interior, proceed to eject such wrongful occupant in the mode prescribed by the act to organize the judiciary.

SECTION XIV. In all cases of trespass upon the property of this government, the attorney general shall proceed on the relation of the department informing to recover damages for such trespass in the mode defined in the act to organize the judiciary.

SECTION XV. In all cases of nuisance to the public detriment, the attorney general upon information of the party complaining, shall apply in writing to the court having cognizance thereof for its abatement or removal at the cost of the party erecting or originating the same, in the mode defined by the act to organize the judiciary.

SECTION XVI. In all cases of constructive, implied, suppositious or hypothetical right on the part of this government or of any department thereof for the benefit of the royal exchequer, to recover money or damages or property or rights or interests therein, pursuant to the words or to the spirit and intent of any law now or heretofore passed or hereafter to be enacted, or pursuant to the words or to the spirit, construction or intent of any instrument in writing, signed by any party contracting, or pursuant to the words or to the construction, spirit or intent of any verbal agreement entered into for the benefit of this government by any contracting party, the attorney general shall proceed to recover such money or property, or to assert and enforce such right or interest at law in the court having cognizance thereof for the benefit of the royal exchequer in the mode prescribed in like cases between private parties litigant.

SECTION XVII. In all cases contemplated by this article in which the attorney general shall institute civil proceedings in behalf of this government, or of any department or officer thereof for the benefit of the royal exchequer, it shall be incumbent upon him in person or by proxy to appear before the judge in whose court such civil proceedings have been commenced, and there substantiate by proof, so far as may be, the allegations contained in his petition, information,

bill or complaint, and on failure so to appear, or appearing on failure to substantiate such allegations to the satisfaction of the court or judge, the government shall be non-suit; and on satisfactory or legal proof of such allegations, he shall be entitled to demand judgment and execution as prescribed in the act to organize the judiciary.

SECTION XVIII. The Hawaiian government, through the attorney general, shall have the same rights of appeal from an inferior to a superior court in any case, as is accorded to private litigant parties by the act to organize the judiciary; and he may in like manner remove the record and proceeding by writ of error upon assignment of errors, or move for new trial, or in arrest of judgment, or for mandamus, prohibition, injunction, *ne exeat regno*, or otherwise, in behalf of this government, to the like extent, and with the like effect as private parties may or can do, in any case requiring the same in his opinion.

SECTION XIX. The costs of suit shall be taxed by the court before which such proceedings were instituted, and shall be levyable of the party failing to recover or recovered against : provided that the government shall in no case be liable to pay the attorney's fees of prosecution or defence.

SECTION XX. All actions sounding in tort, or for the recovery of any fine, penalty or forfeiture, incurred by law to the Hawaiian government, and which is contemplated by chapter fifth of the third part of this act, and the fine, penalty, damages or other consequence of which is therein declared not to be of criminal but of civil infliction, shall be commenced by written information from the attorney general to the presiding judge of the court having cognizance thereof, in the following form :

To ——— :

The undersigned, His Majesty's attorney general, makes known that it has come to his notice that (setting forth the facts and circumstances contravening any law, and the day and place, when and where such contravention occurred, and the party and witnesses to such contravention.)

Which the said ———, in violation of (setting forth the section, article, chapter, title or part of any statute thus violated) unlawfully did in contempt of

said statute, and of the binding efficacy thereof in this kingdom. For which the said _____ is justly amenable to the (fine or penalty) in said law affixed, of _____ dollars to be levied of his private property, (or as the case may be of the said vessel,) and the undersigned claiming the said (fine or penalty) with costs of suit, asks the process of this court for its enforcement pursuant to the act to organize the judiciary. -

SECTION XXI. The attorney general upon his own responsibility, and at his discretion, to be by him removable again at pleasure, may appoint an agent of his department to reside at each of the ports of entry and departure, created by the third part of this act, who shall assist him pursuant to instructions to be given in writing from the department of law. Said agents shall do the duties of district attorney's at each of the judicial districts in which said ports are situated. They shall, when so instructed, and when for any cause, the said attorney general cannot attend said courts, represent the government therein with like effect, and to the like extent as the said attorney general might were he personally present and acting in the premises. They shall, pursuant to instructions, attend the local courts established at said ports for the collection of fines and penalties cognizable therein, for the examination and commitment of delinquents preparatory to circuit trial, and for the punishment of minor offences against the laws comprised in their jurisdiction by the act to organize the judiciary. It shall be their duty to ascertain from the prefects of the police the number and names of persons arrested from the adjournment of one police court to the convention of a succeeding, with the circumstances in brief attending each case of arrest, and the names of the witnesses to the offence for which such arrested parties await examination. They shall at every such court appear as prosecutors, examine the witnesses, and if justice require it, urge upon the court the imposition of fine or imprisonment. Said district attorneys shall not be precluded from legal practice in the several courts of this kingdom for their own use and emolument. The attorneys fees growing out of any cause by them prosecuted or defended for this government, shall pertain to them, and being taxed shall be collected as portion of the judgment rendered, and paid over to them respectively.

SECTION XXII. It shall be incumbent on said district attorneys, as often as occasion will allow, to transmit to the attorney general

correct information of the number and kind of civil and of penal causes, tried or depending before the police courts respectively, in which foreigners are in any way concerned; with a list of all criminals, and full particulars of all crimes referred for trial, on indictment, before the circuit judge; to enable said attorney general to frame the indictments upon which they are to be arraigned. They shall attend all inquests held by the sheriff of the island in which they reside, to inquire into the circumstances of sudden or suspicious death, and shall obtain and furnish to the attorney general the particulars disclosed.

SECTION XXIII. The attorney general shall be responsible for all the wrongful acts of said district attorneys, and for all sums by them collected through the courts of justice for the use of government. He may require of them adequate bonds of indemnity for the faithful discharge of their duties, and for the prompt payment to the minister of finance, through him, of all such monies collected.

CHAPTER IV.

OF CRIMINAL PROSECUTIONS.

SECTION I. The prosecution of all crimes and misdemeanors punished by the criminal code, whether alluded to in this act or defined by said code, and cognizable before the courts of record, shall devolve upon the attorney general and his substitutes under his express direction. It shall be incumbent on him as such prosecutor, and on his substitutes in his name when directed, to appear on behalf of this government, and by all proper and lawful exertions bring to punishment both criminals and common offenders of the law. He shall in person, or by his substitutes, collect all possible information touching the commission of crimes and misdemeanors, and shall adduce the same in evidence on the trial of the offenders.

SECTION II. The attorney general may to this end, demand bonds of recognizance for the appearance of material witnesses, and in default of such bonds secure the attendance of witnesses by demanding their temporary imprisonment during the vacation of the court.

SECTION III. When a writ of *habeas corpus* shall have been issued by any court of justice, to inquire by examination of witnesses into the cause and legality of the imprisonment of any alledged delinquent or criminal awaiting his trial, the attorney general or his substitute shall always be notified of such inquiry by the judge, and shall attend to see that the criminal or delinquent be not enlarged without just cause. He shall represent the prosecution in all such cases, and he may, when the public interests require it, enter *nolle prosequi* against a suspected person.

SECTION IV. The attorney general may, on behalf of the government, apply to any court for a *habeas corpus* to ascertain the probable grounds of action against any person in confinement, with the view to indictment, if in his opinion the evidence adduced on the original commitment will not warrant the reasonable belief that such suspected person can be convicted.

SECTION V. The attorney general or his substitute shall prepare bills of indictment founded upon the application of penal enactments that are alleged to have been violated by persons in actual confinement after examination. Such bills shall be framed in such a manner as to allege the precise or constructive breach of the particular penal law. They may contain various counts, declaring various forms of the breach of any such law, to substantiate any of which, evidence may be adduced by him to the court. Every such indictment shall, before arraignment of the supposed offender, be certified to be a true bill by the presiding judge. If, in the opinion of the judge, probable cause has not been shown, on examination, to warrant reasonable belief of conviction, he shall disallow such bill and the suspected shall be discharged. No person shall be twice tried for the same offence.

SECTION VI. Every person apprehended upon any criminal charge or for any offence in contravention of law, shall be examined before some judicial officer within forty-eight hours after apprehension, and committed for trial at the circuit or superior court, or enlarged for want of proof, or for innocence of the supposed delinquency.

SECTION VII. The attorney general or his substitute in any criminal prosecution shall within two weeks of the term of any circuit court furnish the circuit judge with a list of the witnesses to be subpoenaed in any suit or prosecution triable on behalf of government at such circuit; whose duty it shall be to issue the citations to such witnesses, and cause them to be duly summoned through the marshal or sheriff or his deputy, upon pain of contempt.

SECTION VIII. Every prisoner committed for trial shall be arraigned upon an indictment allowed by the judge at the circuit suc-

ceeding his commitment ; and on failure so to do, the said prisoner shall be enlarged without further inquiry. When so arraigned the bill of indictment shall be read aloud in open court to the accused; and shall be the precise measure of the accusation against him. The indicted shall be called upon to confess or deny the charges of the indictment by plea of guilty or not guilty.

SECTION IX. Upon a plea of not guilty, wholly or in part to an indictment, the said attorney general shall, unless a postponement be granted for cause by the court, proceed to make good by proof all or any of the counts in said indictment according to the course of trial in criminal causes prescribed by the act to organize the judiciary.

SECTION X. The attorney general shall be furnished by the court after every conviction or enlargement of an indicted wrongdoer with a transcript of the judgment rendered by the court; and the judge before whom the trial, examination, conviction or enlargement took place shall, on being required so to do in writing, furnish said attorney general a full transcript of the record and proceedings for the after use of government.

SECTION XI. In all courts of record, sentence and condemnation when passed on any convicted person shall always be passed on motion made by the attorney general or his substitute, according to the penalty, fine or forfeiture affixed to the violation of the law of which said person was found guilty ; but motion in arrest of judgment or of execution may be entertained by the court upon due notice thereof to the attorney general or his substitute.

SECTION XII. The government of these islands shall in no case be liable for costs of defence or for damages sustained by the failure to make good an accusation against any suspected person.

GENERAL PROVISIONS.

SECTION I. The fees and perquisites to be received at the department of law for the several duties devolved *ex officio* upon the attorney general, shall be those prescribed by chapter third of the third part of this act, which shall be paid over by him to the minister of finance, subject to the drawback for clerk hire and other disbursements to be allowed by order in council.

SECTION II. The marshal of the Hawaiian Islands shall be entitled to receive to his own use :

1st. For the service of every original or mesne civil process issuing out of any court of record the sum of five dollars for each party served therewith, and three dollars per day for traveling expenses ; which fees shall be paid after taxation by the party failing in the civil action or by the party recovered against.

2d. On account of every jury by him or his sheriff's empaneled on *venire facias* in each suit tried at the circuit or upon special trial before a judge at chambers, one dollar to be paid after taxation by the party failing in the civil action or by the party recovered against.

3d. For every witness by him summoned for the plaintiff, complainant, prosecution or defence in any civil or criminal cause, or to be examined at chambers, in banco, before a master in equity, or before referees appointed in any such cause, one dollar, and for traveling expenses, three dollars per day, to be paid, if in a civil action, by the party failing or recovered against; and if in a prosecution, the witness to be paid by the prisoner in case of conviction.

4th. For every criminal process issued by a competent court for the arrest or detention of any criminal or wrongdoer, five dollars, and the traveling expenses allowed in civil cases ; to be paid by the prisoner in case of conviction.

5th. For every inquest upon the body of a deceased person, or upon the supposition of unnatural death held by said marshal or his duly appointed sheriff the sum of five dollars per diem while necessarily so engaged. To be paid by government upon audit.

6th. For every report of any such inquest, one dollar per folio or hundred words, to be paid by government on audit.

7th. For every execution in any civil suit, addressed to the marshal or his sheriff, the said marshal shall be entitled to ten dollars. If he in person or by either of his sheriffs or their deputies have actually levied upon and advertised property for sale under such execution, said marshal shall be entitled to receive from the defendant in execution seven per cent. on the entire amount of the judgment and taxed costs.

8th. For the detention of prisoners committed to jail on civil process issuing out of any court of record, one dollar per diem while so detained in prison ; to be paid by the party imprisoned in lieu of his board, before enlargement.

9th. For the detention of prisoners awaiting trial at a circuit for alleged crimes or misdemeanors, fifty cents per day, to be paid by the prisoner in case of conviction.

10th. For the confinement and supervision, while at public labor, of vagrants and of persons sentenced to hard labor, committed to his care by the governor, twenty-five cents per diem, and for the board of such vagrants or sentenced laborers, twenty-five cents per diem, to be paid on audit from the avails of their labor.

11th. For every day of attendance in prison, or by either of his sheriffs upon the supreme, circuit or superior courts, the marshal shall be entitled to five dollars.

12th. The like ratable compensation shall be accorded to the respective prefects of the police for the service of the and like process for levy and advertisement on executions issued by the respective local police courts as are herein allowed to the marshal ; and two dollars per diem when required to be in attendance upon said courts in person or by deputy.

13th. The prisoners sentenced to hard labor, and the marine deserters committed by the said respective police courts shall be deemed to be in custody of the marshal or his sheriff, and not of the prefect of police, from the day of sentence or commitment pursuant to the mitimus of said police courts.

14th. The compensation to be awarded to the constables shall be fixed and regulated by the respective governors.

15th. As inspectors of hotels, inns and victualling houses, the respective prefects of police shall be entitled to fifty per

cent. of the gross sum of every bond given by such publicans that may be forfeited on their information sustained by disinterested evidence, after deduction of all other allowances of per centage to other officers of the government.

16th. The prefects of police shall receive one half the fines imposed upon apprehended deserters from foreign vessels at their respective ports, and one half the fines imposed upon wrongdoers and disturbers of the public peace by them arrested, whether the penalties be secured by bond or not to him : Provided the fines be imposed by the evidence of witnesses disconnected from the constabulary force : and provided also that on receiving deserters from persons not paid policemen he shall pay one half of the sum allowed after deducting all other allowances of per centage to other officers of government by law, for apprehending them.

GENERAL PROVISIONS OF THE ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS.

SECTION I. Either of the ministers whose duties are defined by the several foregoing parts, may, by written notice, for any cause connected with his official duties, convoke a meeting of the said ministers in cabinet council for consultation. Said ministers shall collectively have power to counsel the minister at whose instance they were convoked, in regard to the policy of any executive measure; and if, for any cause, there be a want of unanimity among them, or should they deem the matters referred to be of sufficient gravity and importance, or to affect seriously the interests of His Majesty's government, they shall refer the same to the privy council as prescribed in the act to organize the executive ministry.

SECTION II. From and after the promulgation of this act, chapter first of the existing laws and all other previous or existing laws at conflict therewith shall be, and they are hereby repealed; and all previous or existing laws not at conflict with this act, shall be used as explanatory thereof in the administration of justice.

SECTION III. Until the passage of the civil code, the principles of the foregoing act, and the prescriptions of all the civil statutes now existing not at conflict therewith, shall serve and be binding as a civil code for this kingdom; of which the courts of justice shall take notice in administering the rights to which they are applicable.

SECTION IV. Until the passage of the criminal code, the principles of the foregoing act and the prescriptions of all the criminal or penal statutes now existing, not at conflict therewith, shall, as modified

or altered thereby, serve and be binding as a criminal code for this kingdom ; of which the courts of justice shall take notice in administering punishment upon wrongdoers.

SECTION V. Until the passage of the act to organize the judiciary, the governor of Oahu, with the written approval of His Majesty in privy council, in appointing judges pursuant to the constitution, shall commission one or more to reside at the town of Honolulu, who shall have original jurisdiction in all cases arising in said island wherein the matter or controversy shall exceed in value one hundred dollars, whether arising upon the high seas or territorially, or cognizable by the courtesy of nations. The original powers of said judge or judges for judicial purposes shall be civil, criminal, mixed, maritime, probate, equitable and legal in all cases contemplated or required by this act, or the judicial practice therein required for carrying out the rights and duties in this act contemplated. The said judge or judges shall also have appellate jurisdiction from all the local courts of the islands in all cases that have been decided by either of the said courts, excepting always the board of commissioners for granting land titles. The said judge or judges shall proceed in accordance with this act, and with the prescriptions of the 47th chapter of the existing laws not inconsistent therewith. All modifications in judicial practice indicated by this act shall be considered modifications of the said 47th chapter and in so far a repeal thereof. The governor of the island of Maui and the governor of the island of Oahu shall appoint for their respective islands special police justices to reside and have jurisdiction at the ports of Lahaina and Honolulu in all cases or controversies, if territorial, not exceeding in amount of controversy one hundred dollars; and if marine, only in *personam*, and not exceeding in value two hundred dollars. Said police justices shall in practice follow the prescriptions of this act and of the 47th chapter of the existing laws not hereby modified or repealed. They shall not however have jurisdiction of jury trials, nor power to libel or confiscate foreign vessels. The said judge or judges and the said special police justices shall respectively do what to right may in their judgments seem to appertain, subject to appeal; and the said judge or judges of original and appellate jurisdiction shall, when in their judgment necessary, appoint referees in civil cases, determine matters at chambers or at haupo, refer controversies

to a master in equity, issue commissions to take the testimony of witnesses residing abroad or in other islands, and both they and the said police justices, shall have power to enforce by fine and imprisonment the mandates of their courts.

SECTION VI. This act shall be promulgated by caption in the Polynesian newspaper, and in such other newspapers as the minister of the interior may deem expedient. It shall take effect in designated portions at the times respectively set forth in the resolutions for its promulgation to be specified. Said publication shall continue until all portions thereof required to take effect shall have gone into operation, and in the interval the minister of the interior shall deposit for sale at least four hundred copies of the native original at the island of Maui; four hundred copies at the island of Kauai; four hundred copies at Hilo in the island of Hawaii, and he shall have at least four hundred copies at Honolulu in the island of Oahu deposited conveniently for sale according to the rates determined by the third part of this act. He shall simultaneously deposit one hundred copies of the English original at each of the said respective places for like disposition among foreigners; and he shall furnish gratis one copy to each member of the legislature, to each of the cabinet ministry, to each of the judges and justices, to each of the prefects of police and to each of the general superintendents of schools.

Done and finally passed at the Council House at Honolulu this 27th day of April, A. D., 1846.

(Signed,)

KAMEHAMEHA.

Attest, JOHN YOUNG, Premier.

A P P E N D I X .

JOINT RESOLUTION.

Resolved, by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council Assembled:—

That article fourth of chapter seventh of the first part of an act entitled "An act to organize the Executive Departments of the Hawaiian Islands," passed at the council house in Honolulu on this 10th day of December, 1845, be promulgated to take effect throughout this kingdom as the imperative law of the land, at the end of sixty days from the day of its first publication in the Polynesian newspaper.

And be it further resolved, that until promulgation of the act to organize the judiciary, chapter forty-seventh of the existing laws, shall apply to appeals from the board of commissioners for quieting land titles, to the supreme court; and, that from the day of the date hereof, the other courts of the country shall cease to have jurisdiction in matters affecting titles to land in this kingdom.

Passed at the council house in Honolulu, this 10th day of December, A. D., 1845.

KAMEHAMEHA.

Attest, JOHN YOUNG, Premier.

JOINT RESOLUTION.

Resolved, by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :—

That an act entitled "An act to organize the Executive Ministry of the Hawaiian Islands," passed and approved on the 29th day of October, A. D., 1845, having been already promulgated in the Hawaiian language by due publication in a public newspaper entitled "Ka Elele," be promulgated in the English language by further publication in the Polynesian newspaper, to take effect as the imperative law at the end of the time in said act specified.

And be it further resolved, That from and after the day of the publication thereof in said Polynesian newspaper, the premier shall be considered as minister of the interior; the other officers to be appointed conformably with the provisions of said act.

Passed at the council house in Honolulu, this 26th day of January, A. D., 1846.

KAMEHAMEHA.

Attest, JOHN YOUNG, Premier.

JOINT RESOLUTION,

To carry into effect the sixth articles of the Treaties concluded at Honolulu, between the government of the Hawaiian Islands and the governments of France and Great Britain, 26th March, 1846, in relation to brandies, wines and other spirituous liquors.

Resolved, by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :—

That from and after this date, there shall be, and is hereby imposed, an *ad quantum* duty upon—

1st. Brandy, rum, gin, whisky, arrack and all other distilled spirits, not exceeding 55 per cent. of alcohol, five dollars per gallon.

2d. Wines of all descriptions, other than claret, cordials and liquors, not exceeding 27 per cent. of alcohol, one dollar per gallon.

3d. Claret wines, ale, porter, beer, cider and all other fermented liquors, cordials and liquors not exceeding 18 per cent. of alcohol, fifty cents per gallon.

4th. Claret wines, ale, porter, beer, cider and all other fermented spirituous liquors, cordials and liquors exceeding 18 per cent. of alcohol, one dollar per gallon.

5th. Wines of all descriptions, ale, porter, beer, cider and all other fermented spirituous liquors, cordials and liquors exceeding 27 per cent. of alcohol, five dollars per gallon.

6th. Distilled spirits, wines of all descriptions, ale, porter, beer, cider and all other fermented liquors, cordials and liquors, exceeding fifty-five per cent. of alcohol, ten dollars per gallon.

The collectors of the customs at the respective ports now or at any time established by law, shall exact and receive the duties above imposed; and all such liquors imported without full payment thereof, shall be deemed to have been smuggled.

It shall be incumbent upon all venders, whether at wholesale or retail, in cases of controversy, to prove the legal importation and payment of the duties required by law. All such liquors imported without payment of the duties, shall be forfeited to the government. All vessels engaged in the illicit importation of such spirituous liquors shall be liable to seizure, and on due proof, to confiscation and sale. The masters and supercargoes of vessels so engaged, shall moreover, and all their aiders, co-operators and abettors, whether on board such vessels or on shore, be subject to a fine of one thousand dollars each, and imprisonment until paid.

No drawback shall be allowed upon spirituous liquors landed for re-exportation, and the permits to trade or barter given to vessels engaged in the whale fishery, shall not include the sale, barter or disposition of spirituous liquors, but all such traffic on the part of whalers shall be held to constitute them merchantmen, and subject them in all respects to the like duties.

All distillation of spirits in this kingdom is hereby absolutely pro-

hibited on pain of a fine of one thousand dollars and imprisonment until paid.

Done and passed at the Council Chamber in Honolulu, this third day of April, A. D., 1846.

KAMEHAMEHA.

Attest, JOHN YOUNG, Premier.

JOINT RESOLUTION.

Resolved, by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :—

That from and after the publication hereof in the Polynesian newspaper, articles second and third of chapter second of the first part of an act entitled "An act to organize the Executive Departments of the Hawaiian Islands," passed at the Council House on the 25th day of July last, shall take effect as the imperative law of the land; and that licenses to sell spirituous liquors and to keep hotels, inns and victualling houses shall be given in accordance therewith.

Done and passed at Honolulu, this third day of April, A. D., 1846.

KAMEHAMEHA.

Attest, JOHN YOUNG, Premier.

JOINT RESOLUTION,

In relation to the duties imposed 3d April, 1846, on the importation of spirituous liquors.

Resolved, by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :—

That the minister of finance be, and he is hereby authorized to allow drawback, and in cases appearing to his satisfaction, to exempt

them in equity from said imposts ; to exact transit duty only, upon brandies, wines, and other spirituous liquors liable to duties, under the provisions of a joint resolution, passed on the 3d instant, for carrying into effect the sixth articles of the treaties concluded at Honolulu with the governments of France and Great Britain.

And further, resolved, That said minister be, and he is hereby empowered, to allow such liquors to be landed and stored for re-exportation in such places and deposits as to him may seem proper, under the control and supervision of the collectors of customs, hereby authorizing him to require bonds for re-exportation, in such penalty, and upon such conditions as he may deem necessary to that object.

He may also, in his discretion, require the opening and examination of spirituous liquors, requisite to the fulfilment of the laws imposing duties thereon.

Done and passed at the Council House, in Honolulu, this 10th day of April, 1846.

KAMEHAMEHA.

Attest, JOHN YOUNG, Premier.

JOINT RESOLUTION.

Resolved, by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :—

1st. That from and after the respective dates hereinafter mentioned, to be computed from and after the publication of this resolution in the Polynesian newspaper, the act, parts of an act, chapters, titles and articles mentioned herein, and finally passed on the 27th day of April, 1846, shall take effect and become the binding law of this kingdom; and that from those dates respectively, all other laws at conflict therewith shall be, and they are hereby repealed—that is to say:

SECOND ACT KAMEHAMEHA. III.

ENTITLED

AN ACT TO ORGANIZE THE EXECUTIVE DEPARTMENTS OF THE
HAWAIIAN ISLANDS.

PART I.

entitled

Department of the Interior :

consisting of

CHAPTER I.

Of the Government Press,

consisting of

Article I.—Government Press.

Article II.—Public Stamps.

Article III.—Director's Accountability.

CHAPTER II.

Internal Commerce,

consisting of

Article I.—Venders of goods, wares and merchandize.

Article II.—Venders of spirituous liquors.

Article III.—Hotels, inns and victualling houses.

Article IV.—Public Auctioneers.

Article V.—Hawkers and Pedlers.

Article VI.—Newspapers and Periodicals.

CHAPTER III.

Internal Improvements,

consisting of

Article I.—Public roads, highways and bridges.

Article II.—Public marts and markets.

Article III.—Lighthouses, beacons and channels.

Article IV.—Prisons and houses of correction.

Article V.—The restraining and impounding of estrays.

CHAPTER IV.

Gubernatorial transactions,

consisting of

Article I.—The marriage contract.

Article II.—Divorces and separations.

Article III.—Enlistment of native sailors on board foreign vessels.

Article IV.—The apprehension of fugitives from justice.

Article V.—The civil posse and the military power.

Article VI.—The government property.

Article VII.—Discretionary duties.

Article VIII.—Prescribed duties.

CHAPTER V.

Subjects and foreigners,
consisting of

Article I.—Aliens, denizens and natives.

Article II.—Departure of foreigners.

Article III.—The assets of intestate foreigners.

CHAPTER VI.

The inter island channels, coasting trade and fisheries,
consisting of

Article I.—The maritime coast and enclosed seas.

Article II.—The registry of Hawaiian vessels.

Article III.—The coasting trade.

Article IV.—The inter island mails.

Article V.—The public and private rights of piscary.

CHAPTER VII.

The Hawaiian Land Office,
consisting of

Article I.—The cession of private lands to government.

Article II.—The disposition of government lands.

Article III.—The real rents, forfeitures and escheats.

Article IV.—The board of commissioners to quiet land titles.

PART II.

entitled

Department of foreign relations :

consisting of

CHAPTER I.

The foreign agency.

CHAPTER II.

The neutral and belligerent rights.

CHAPTER III.

The home duties to foreign nations,
consisting of

Article I.—The apprehension of fugitives from justice.

Article II.—The foreign departures.

Article III.—The assets of intestate foreigners.

Article IV.—The registry of Hawaiian vessels.

Article V.—The real escheats.

PART III.

entitled

Department of Finance:

consisting of

CHAPTER I.

The foreign imports,
consisting of

Article I.—The arrival of foreign vessels.

Article II.—The departure of foreign vessels.

Article III.—Local regulations applicable to the respective ports.

Article IV.—Tariff of imports, fees and expenses incident to chapter I, part 3.

Article V.—Tariff of compensations incident to chapter I, part 3.

Article VI.—Accountability of officers under chapter I, part 3.

CHAPTER II.

Internal Taxes,

consisting of

Article I.—Of the poll tax.

Article II.—The land tax.

Article III.—The labor tax.

Article IV.—Taxable chattels and chattel taxes.

Article V.—The assessment of taxes.

CHAPTER III.

Departmental fees, perquisites, costs, &c.,
consisting of

Article I.—Prescribing fees for the Department of Interior.

Article II.—Prescribing fees for the Department of Foreign Relations.

Article III.—Prescribing fees for the Department of Public Instruction.

Article IV.—Prescribing fees for the Department of Law.

Article V.—The audit and settlement of accounts in general.

CHAPTER IV.

Coins and currency,
consisting of

Article I.—Interest.

Article II.—Weights and measures.

CHAPTER V.

Of the fines, penalties and pecuniary civil forfeitures.

CHAPTER VI.

Government realizations.

PART IV.

entitled

Department of public instruction:

consisting of

CHAPTER I.

Parental duties.

CHAPTER II.

Filial duties.

CHAPTER III.

The public and private schools.

CHAPTER IV.

Institutions endowed by government.

CHAPTER V.

Parish and church foundations.

CHAPTER VI.

Penal obligations in regard to children, schools and churches.

PART V.

entitled

Department of Law:

consisting of

TITLE I.

Duties to the legislative branch of government.

TITLE II.

Duties to the executive branch of government:

consisting of

CHAPTER I.

The executive judicial officers.

CHAPTER II.

The executive extra judicial officers,

consisting of

Article I.—Registry of conveyances.

Article II.—Registry of wills and testaments.

Article III.—The notarial duties.

CHAPTER III.

The legal suits and defences.

CHAPTER IV.

Criminal Prosecutions,

Together with the general provisions of said respective parts, and the general provisions of the said entire act.

2. And be it further resolved, That the first part of said act shall take effect immediately upon the publication hereof as aforesaid. Excepting so much thereof, and of the second and third parts, as require aliens, coming to reside in this kingdom, to bring and exhibit passports, which requirement shall not take effect until the full expiration of one year after such publication. Excepting also sections 7 of article 4 of chapter 6 of said first part which shall not take effect until the proclamation of His Majesty in privy council, ordered for that purpose; and also excepting article first of chapter 4 of the said first part entitled, "Of the marriage contract," which shall not take effect until the expiration of ninety days from the publication hereof, as aforesaid.

3. And be it further resolved, That the second part of said act shall take effect immediately after the publication hereof.

4. And be it further resolved, That the third part of said act shall take effect at and after the expiration of sixty days from the publication hereof. Excepting article first, second, third and fourth of chap.

third, entitled of "Departmental fees, perquisites, costs, commissions, &c.," which shall take effect immediately upon the publication of this resolution.

5. And be it further resolved, That the fourth part of said act shall take effect at and after the expiration of ninety days from the publication of this resolution.

6. And be it further resolved, That the fifth part of said act shall take effect at and after the expiration of sixty days from the publication hereof, excepting chapter third entitled "Of the legal suits and defences," which shall go into effect immediately after the publication of this resolutions; and that until the passage of the act to organize the judiciary, the judge or judges appointed for Honolulu in conformity with article fifth of the general provisions of the act hereby promulgated shall have jurisdiction for all the purposes of said fifth part co-extensive with this kingdom, and said judge or judges shall discharge the duties of the superior and circuit judges contemplated by said fifth part in accordance therewith, and with the forty-seventh chapter of the existing laws not inconsistent with nor repealed by said fifth part. Said forty-seventh chapter shall, until such passage, serve instead of, and be considered as the act to organize the judiciary department of the Hawaiian Islands alluded to for all purposes not otherwise directed or allowed by the entire act in this resolution promulgated.

7. And be it further resolved, That the general provisions of the act in this resolution set forth shall take effect immediately after the publication hereof, and be also published by one insertion in the Polynesian newspaper, and such other newspaper as the minister of the interior may deem proper.

Done and passed at the Council House, in Honolulu, this 27th day of April, A. D., 1846.

KAMEHAMEHA.

Attest, JOHN YOUNG, Premier.

INDEX.

	A.	Sec.	PAGE.
ABEYANCE,			
Lands, when to be deemed in	- -	5	106
ABETTERS,			
To the desertion of foreign seamen, how punished	- - - -	14	154
ABSTRACT OF LAWS,			
Duty of pilot to furnish commanding officers of vessels with	- -	2	138
ACCOUNTS IN GENERAL,			
Audit and settlement of, provided for	-	1	181
How and by whom to be kept	-	9	183
Registrar of, by whom to be appointed and removable	- -	9	183
Duties of registrar of, defined	-	9	183
Bond may be required of registrar by minister of finance	- - -	10	184
ACKNOWLEDGMENT,			
Necessary to the registration of instruments	- - -	3	247
Necessity of, in cases of release of dower	-	4	247
Certificate of, to be endorsed on instrument	- - -	5	247
Agents to take, how and by whom appointed	- - -	12	249
ACQUITTAL OF MINISTERS,			
Solely to be decided upon by the king	- - -	14	12
ACT,			
To organize Executive Ministry	- -	9-17	
Object of	- - -	1	9
How promulgated, and when to take effect	- - -	31	17
To organize the Executive Departments alluded to and contemplated	- - -	6	10, 11

ACT—Continued.		SEC.	PAGE.
Ministers created to execute	- -	6	10, 11
Constituent parts of, enumerated	- -	6	11
Object of, declared	- -	6	11
Part 1st, of	- -	1	19
Part 2d, of	- -	1	113
Part 3d, of	- -	1	131
Part 4th, of	- -	1	195
Part 5th, of	- -	1	223
General provisions of	- -		270
To organize judiciary department, alluded to and contemplated	- -	26	16
ACTS,			
Executive, whence to emanate	- -	12	12
Legislative, to be signed by King and attested by the Premier	- -	17	13
may be referred in consultation to ministers before signing	- -	17	13
may increase or diminish ministerial compensation	- -	23	17
original manuscripts of to be kept in interior department	- -	5	21
Of government officers, may be freely discussed	- -	4	44
ADJUTANT GENERAL,			
How and by whom appointed	- -	5	70
Duties of	- -	5	70
ADMINISTRATOR,			
Upon assets of intestate foreigners, by whom to be appointed	- -	1	81
Final settlement of accounts of, provided for	- -	1	81
Fees of administration, entitled to	- -	1	81
Duty of, to surrender residuary assets	- -	4	81
Marshal of Hawaiian Islands, <i>ex-officio</i> , entitled to be	- -	20	241
ADMIRALTY COURT,			
Establishment of contemplated	- -	21	148
ADOPTION,			
Of children, by third parties allowed	- -	3	198
ADOPTER,			
Duty of, to send children to school	- -	7	199
Liability of, for not doing so	- -	7	199
ADOPTED CHILD,			
Duty of, towards adopter during minority	- -	6	202
When apportioned, duty of, to adopter during majority	- -	6	202
ADULTERY,			
Sole cause of divorce to be	- -	1	62
What to constitute	- -	1	62
AD VALOREM,			
Duties on imports to be charged	- -	1	132
Drawback on transit property to be	- -	10	144

AD VALOREM—Continued.		SEC.	PAGE.
Definition of	- -	1	156
How to be computed	- -	1	156
Houses and house lots to be taxable	- -	2	163
Chattel property unenumerated in article to be taxed	- -	10	170
AFFILIATION,			
Of bastards, provided for	- -	8	60
AGENCY, FOREIGN,			
Bureau of created	- -	1	119
AHUPUAA,			
Subdivision of lands into, for purposes of taxation	- -	1	165
ALIENS,			
Ineligible to executive appointments	- -	8	11
Domiciled not excluded from auction licenses	- -	3	37
Distinctions between denizens and natives	- -	1	75
Required to bring passports	- -	1	75
Passports of, what to contain	- -	1	75
Passports of, to be authenticated	- -	1	75
Passports of, to be attested on arrival	- -	1	75
Before landing baggage of, passports of to be endorsed	- -	2	76
Before landing baggage of, passports to be exhibited to the governor or collector of customs	- -	2	76
Before landing baggage of, duty of to obtain collector's permit	- -	2	76
Fees of passports and permits, collectable of	- -	2	76
How contradistinguished from natives	- -	3	76
Treatment of, what to be	- -	3	76
Disabilities of, what	- -	4	76
Not to hold civil or military offices	- -	4	76
Not to vote for elective officers	- -	4	76
To have no official share in the administration of government	- -	4	76
Cannot hold allodial or fee simple titles in land	- -	4	76
Vessels of, cannot be registered	- -	4	76
Cannot hoist Hawaiian flag on vessels of	- -	4	76
Not exempted from taxes nor punishments, fines, penalties nor forfeitures	- -	5	77
To do business in the kingdom, required to take certificate of nationality	- -	6	77
Copartnership of, invalid without certificate	- -	7	77
Leasehold estates of, not valid without certificates	- -	7	77
Obtaining certificates, to be denominated domiciled	- -	8	77
Particular privileges of, when domiciled	- -	8	77
When entitled to international redress of grievances	- -	8	78
When may become naturalized	- -	10	78

	SEC.	PAGE.
ALIENS—Continued.		
Term of residence preparatory to naturaliza- tion of - - - - -	10	78
Oath of allegiance to be taken by - - - - -	11	79
Entitled to certified copy of oath - - - - -	12	78
Effect of their naturalization - - - - -	13	79
Power of the king to denizenize - - - - -	14	80
ALIMONY,		
Allowance of, how and by whom made - - - - -	3	63
Adulterous wife, not entitled to - - - - -	2	62
Wrong doing wife not entitled to - - - - -	7	64
ALLEGIANCE,		
Executive ministers to owe - - - - -	5	10
Aliens may take oath of - - - - -	10	78
Form of oath prescribed - - - - -	11	79
Who to administer oath of - - - - -	11	79
Preliminary oath of, allowed in cases of foreign heirs - - - - -	4	105
Form of preliminary oath of - - - - -	4	105
Effect of preliminary oath of - - - - -	5	105
ALLODIAL,		
Title of government in public lands, to be deemed - - - - -	12	99
ANCHORAGE,		
Harbor Master, to direct - - - - -	5	140
ANIMALS,		
Remaining in public pounds, how to be dis- posed of - - - - -	7	54
To be branded - - - - -	9	54
ANNOUNCEMENT,		
Of foreign ministers, how to be made - - - - -	9	116
APPOINTMENT,		
Of departmental officers, how and by whom to be made - - - - -	8	11
Aliens ineligible to - - - - -	8	11
APPREHENSION,		
Of fugitives from justice provided for - - - - -	1	68
Expenses of and reward for, by whom to be paid - - - - -	3	68
Duties of foreign minister in regard to - - - - -	1	123
Of deserting sailors, reward for - - - - -	15	154
APPROPRIATION,		
For disbursements of royal palace, limit- ed and provided for - - - - -	5	182
For support of ministerial officers, limit- ed and provided for - - - - -	5	182
APPRENTICESHIP,		
Vagrants may be bound to - - - - -	4	191
APPRAISER,		
Collector general to be <i>ex-officio</i> - - - - -	21	147
ARCHIVES,		
Ministers required to surrender on resignation - - - - -	29	17

	SEC.	PAGE
ARMAMENTS OF WAR,		
Governors to have charge of - - - - -	21	15
ARREST,		
Of accredited ministers, how punished - - - - -	10	116
Precautions for preventing - - - - -	11	116
ARRIVAL,		
Of vessels, commanders' duty to make signal for pilot - - - - -	1	130
ASSETS,		
Of intestate foreigners, who entitled to receive - - - - -	1	80
Administration on, how provided for - - - - -	1	81
Court of probate to legalize administration on - - - - -	1	81
Residuary, to be paid minister of interior - - - - -	1	81
How to be stored - - - - -	2	81
When perishable, how disposed of - - - - -	2	81
Monied, to be deposited with minister of finance - - - - -	2	81
Payable by minister of finance to order of for- eign minister - - - - -	3	81
Minister of interior to give notice of to minis- ter of foreign relations - - - - -	4	81
Notice to be given by minister of foreign relations to foreign diplomatic agent - - - - -	4	81
Foreign heir of, when to be barred - - - - -	5	82
Duties of minister of foreign relations in regard to - - - - -	1	127
ASSESSMENT,		
Of labor tax, division of time for - - - - -	2	166
Of taxes, how to be made - - - - -	1	171
ASSESSMENT ROLL,		
Of internal taxes to be submitted to lo- gislatore for approval - - - - -	4	164
Limit of bases in - - - - -	5	164
Of landed property and of chattel prop- erty, to be compiled by minister of fi- nance - - - - -	4	170
To be presented to the king in privy council - - - - -	2	172
ATTACHES,		
Of foreign legation, unlawful to molest - - - - -	10	116
List of, to be filed in department of foreign relations - - - - -	11	116
List of, to be published - - - - -	11	116
Punishment for arresting, imprisoning or mal- treating - - - - -	12	116
Exempted from chattel taxes - - - - -	1	169
ATTORNEY GENERAL,		
Office of, created - - - - -	2	9
Judicial administration of Islands to be reported through, by Governors - - - - -	20	15
Duty of, to provide forms to be printed by director of government press - - - - -	1	25
Duty of, to enforce bonds of venders of spirituous liquors - - - - -	4	32

ATTORNEY GENERAL—Continued.	SEC.	PAGE
Duty of, to enforce hawkers' and pedlars' bonds	4	42
Prosecution against, by land bond holders, how to be instituted	6	98
Effect of judgment against, in favor of land bond holders	6	98
Duty of, to prosecute for trespass upon public domain	11	99
Minister of finance to pass patentees' note to, in default of payment for collection	9	101
Duty of, to enforce payment of patentees' note at law	9	102
Real rents collectable by	1	104
Forfeitures of leases to be ascertained and declared by	2	104
Escheats to be ascertained and declared by	3	104
Now information on escheats, when and how to be filed by	5	106
Suit may be instituted against, by foreign heir, for assessment of escheated lands	6	106
To be one of board of commissioners to quiet land titles	1	107
Authorization of, pre-requisite to arrest of foreign representative	12	117
Claimant of residuary assets of intestate foreigners may sue	3	127
Duty of, to account to minister of finance for fees, perquisites, costs, commissions, &c.	1	175
Accounts of, to be quarterly submitted to and for with vouchers	2	175
Rates of charge in department of, established	3	175
Duty of, to sue for fines, penalties, and forfeitures	1	189
Ministers to furnish evidences of indebtedness to, for prosecution	2	189
Executive ministers to inform, when persons become amenable to fine	2	189
Accountability of, in regard to fines, penalties and forfeitures	3	189
Duty of, to annul charter of institutions endowed by government	2	212
Duty of, to move for injunction against select schools for immorality	13	216
Minister of public instruction to inform, when religious rights are violated	4	218
Minister of public institutions to notify		

ATTORNEY GENERAL—Continued	SEC.	PAGE
of violations of penal law respecting schools and churches	7	221
Department of law to be presided over by	1	223
Where to reside	1	223
Duty of, to recommend device and diameter of seal	2	223
Power of, to administer oaths	3	224
Power of, to perpetuate depositions	3	224
Power of, to take acknowledgment of instruments for recording	3	224
Duty of, to advise king in matters of executive administration	4	224
To be deemed retained as a legal counsel for government	5	224
Division of labors of	6	225
Duty of, to advise legislature	1	226
Duty to appear at trial of impeachment, as prosecutor	2	227
Duty of, to make public result of impeachment	6	229
Duty of, to furnish information and statistics to legislature when required	7	229
Duties of, to the executive branch of government,	1	230
Executive departments, when not to proceed without legal consultation with	2	231
Effect of advice of, upon executive ministers	3	231
Duty of, to draft orders in council	4	231
Governors to have right of legal consultation with	5	232
Subdivision of duties of	6	232
Duty of, to recommend marshal of Hawaiian Islands	1	233
Duty of, to approve marshal's bond	4	234
Duty of, to alter, modify, amend or dissent from marshal's instructions to sheriffs	11	237
Notice to be given to, of executive judicial organization by marshal	16	239
Prefect's bond to be given to	17	239
Effect of advice upon prefect of police	19	241
Marshal to inform respecting administration of intestate foreigners' estates	21	242
Marshal to give notice of coroners' inquests and copy of verdict to	24	243
To be ex-officio registrar of conveyances	1	246
Duty of, to contradistinguish between conveyances of real and personal property	2	246

ATTORNEY GENERAL—Continued.

	SEC.	PAGE
Not to record instruments until stamped and acknowledged	3	247
Not to register releases of dower until special acknowledgment	4	247
Duty of, to endorse upon conveyances fact and date of acknowledgment	5	247
Duty of, to keep twofold indexes of conveyances	6	247
Time within which instruments relating to real property require to be recorded	7	248
Time within which instruments affecting personal property require to be recorded	8	247
Effect of not recording them within the time	9	248
Duty of, to give attested copies of instruments when required	11	248
Power of, to appoint agents to take acknowledgment of conveyances	12	249
Duty of, to give public notice of agents appointed for that purpose	12	249
Duty of, to keep registry of wills and testaments	1	249
Duty of, to register inventories of decedents' real and personal property	2	250
Duty of, to register final settlements of executors and administrators	3	250
To be ex-officio principal notary public	1	251
Duty of, to keep notarial record	2	251
Duty of, in regard to general protests	3	251
General protests to be solely made in Honolulu	4	251
Validity of general protests in courts of justice	5	251
Difference of validity between notarial protests and consular protests	6	252
Power of, to hold endorsers and guarantors of mercantile paper	7	252
Method of protesting mercantile paper by	8	252
Duty of, to give notice of protests	9	253
Duty of, to keep record of protests of mercantile paper	11	253
Acts and terms of adoption to be recorded by	12	254
Duty of, to keep records of adoption	13	254
Duty of, to register instruments acknowledged by other notaries	14	254
Power of, as officer of law of nations	15	254
Seal of principal notary what to be	16	255

ATTORNEY GENERAL—Continued.

	SEC.	PAGE
Seals of other notaries how to be adopted	16	255
Duty of, to enforce at law fines and penalties of government	1	256
Executive ministers to furnish information to	2	256
Accountability of, for skill and promptitude in suits and defences	3	256
Right of, to open and sum up in court and at banco	4	257
How to commence civil suits for government	5	257
Duty of, to append voucher to petition	6	257
Duty of, to notify judge of names of witnesses	6	257
Summons against government to be served upon	7	257
Measures of defence to be adopted by	7	258
How to proceed to foreclose mortgages	8	258
How to obtain acire facias	9	258
How to file libels in maritime actions	10	258
How to obtain quo warranto	11	259
How to distrain for rent	12	259
How to institute actions of ejectment	13	260
How to proceed in actions of trespass	14	260
How to abate nuisance	15	260
How to proceed in cases of hypothetical damages	16	260
Duty of, to appear and make good complaint	17	260
Power of, to appeal on behalf of government	18	261
Costs of, how to be taxed	19	261
How to commence suits sounding in tort	20	261
Form of petition in actions of tort prescribed	20	261
Power of, to appoint district attorneys	21	262
Duty of district attorneys to make reports to	22	263
Duty of, to institute criminal proceedings	1	264
Power of, to demand bonds of recognition from witnesses	2	264
To be notified of habeas corpus in criminal cases	3	264
Power of, to enter nolle prosequi	3	264
Power of, to apply for habeas corpus in criminal cases	4	265
Duty of, to prepare bills of indictment	5	265
Duty of, to furnish circuit judge list of witnesses	7	265

ATTORNEY GENERAL—Continued.		SEC.	PAGE
Duty of, to make good indictment against offenders	9	266	
To be furnished by court with transcript of judgment	10	266	
Sentences to be passed on motion of	11	266	
Motion in arrest of judgment to be notified to	11	266	
Fees of department of, prescribed	1	267	
AUTHORS,			
Minister of interior to grant patents to	1	110	
May secure exclusive use of works to	1	111	
AUCTIONEERS,			
How to be licensed and when	1	36	
Discretionary powers in regard to number and location of	1	37	
Power of, to sell testators' and intestates' property	4	37	
Property under execution, not necessary to be sold by	4	37	
License money of, at Honolulu	5	38	
Lahaina	5	38	
other ports	6	38	
Bond of, at Honolulu and Lahaina	5	39	
other ports	7	39	
Commissions of, what	8	39	
Sheriffs to be ex-officio, for purposes of courts	9	39	
Sheriffs not to charge auction commissions	9	39	
Quarterly accounts of, to be rendered	10	40	
Per centage of, to whom payable	10	40	
Licenses to, to be signed by minister of interior	11	40	
List of, to be kept by minister of interior	12	40	
Powers of, to appoint substitutes	13	40	
Sales of, without license, penalty	13	40	
AVERAGE,			
Appraiser and inspector in cases of, who to be	21	148	
AUDITOR,			
Duty of, to ascertain correctness of tax gatherers' report	3	164	
Quarterly ministerial accounts to be rendered to	2	175	
To be guided by tabular rates of charges	3	175	
How and by whom to be appointed	1	181	
Duty of ministers to submit quarterly exhibits and vouchers to	1	181	
Duty of, in regard to exhibits of ministerial bureaux	2	181	

AUDITOR—Continued.		SEC.	PAGE
Items not to be charged or credited in government accounts without his certificate	4	182	
Ministerial salaries not to be allowed in anticipation by	6	183	
Duty of, to examine correctness of claims to perquisites, costs and commissions before payment	6	183	
Certificates of, to be endorsed by minister of finance before payment	7	183	
May be directed to remit items by minister of finance	1	193	
Not to allow drafts or orders of the king uncountersigned by the chamberlain	6	194	
AWARDS OF IMPEACHMENT,			
How to be reported and through whom	14	12	
Final decision on, to rest solely with the king	14	12	
AWARDS,			
In cases of appraisement and inspection, for purposes of average, salvage or insurance, how to be made	21	140	
B.			
BAGGAGE,			
Of aliens, not to be removed before endorsement of passport by foreign agent	2	76	
Penalty to master, vessel and alien for landing without collector's permit	9	78	
BANISHMENT,			
Aliens coming into the kingdom without passports subjected to	9	78	
BARRATRY,			
Departure of vessels without clearance to be deemed	20	155	
Penalty for, proscribed	20	155	
BASTARDY,			
In cases of, mother to be guardian of child	5	193	
BASTARDS,			
Their rights and disabilities	8	60	
BATTERIES,			
By whom powder to be provided for	4	72	
BEACONS,			
Governors to construct	1	50	
Contracts for erecting, how to be made	2	50	
BELL,			
When to be rung at Honolulu as signal for mariners to return on board	5	151	
When to be rung at Honolulu as signal for apprehending mariners	5	151	

	SEC.	PAGE
BIDDERS,		
Lowest, to receive contracts for the construction of roads, highways and bridges	8	49
Lowest, to receive contracts for the erection of light houses, &c.	2	50
BIDS,		
At auction, who may recover	8	39
Proof of, how to be made	8	39
BIGAMY,		
Forbidden	1	57
BIRTHS,		
Parents to furnish information of, to governors	12	61
Governors to furnish annual list of, to minister of interior	14	62
BOARD,		
Of commissioners for quieting land titles, who to appoint	1	107
President of, how to be selected	3	107
Power of, to employ clerks and copyists	3	108
President of, to make monthly reports to minister of interior	4	108
To advertise notice to claimants	5	108
Duration of	6	109
Principles of decision by	7	109
Claims to land, when barred	8	109
Patents and leases consequent upon decisions of Power of claimants under awards of, to commute leases for patents	9	109
Patents and leases upon awards of, to be recorded	10	109
Costs and expenses of, to be taxed by president	11	109
Titles confirmed by, to be forever settled	12	110
Titles rejected by, to be forever barred	13	110
Hawaiian Treasury, minister of finance to succeed to rights in action and dues pertaining to	13	100
Minister of finance liable for promises and obligations of	3	185
Of finance, creation of	3	186
Minister of finance to advise and recommend measures for	3	185
Concurrence of, necessary to validate government loans	4	186
Concurrence of, necessary for issuing exchequer bills	4	186
Seal of, prescribed	5	186
BOATS,		
Power of harbor master over	5	140
BOND,		
Form of, for wholesale venders of spirituous liquors	3	31

	SEC.	PAGE
BOND—Continued.		
When violated, to be enforced by whom	4	32
Form of, for retail venders of spirituous liquors	6	33
Form of, for hotels	2	35
Of auctioneers, at Honolulu and Lahaina	5	38
Of auctioneers at other ports of entry	7	39
Of hawkers and pedlars	3	41
On enlistment of native sailors on board foreign vessels	3	66
On transfer of Hawaiian vessels	6	85
Of coasting vessels	3	87
Of collector general of customs	3	135
Of pilots	9	137
Of harbor masters	11	137
Duties may be secured by	8	141
Form of, for payment of duties prescribed	20	147
On discharge of foreign seamen	7	152
Of marshal of Hawaiian Islands	4	234
Of sheriffs, when may be exacted	7	236
Of indemnity upon levies, when may be exacted	8	236
Of prefects of police, form of	17	239
BRANDS,		
Animals without, to be considered estrays	1	53
Required upon animals on pain of forfeiture	9	54
How legalized	9	54
Fees of, payable to governors	9	55
BRIDGES,		
Embraced in internal improvements	2	46
Powers of governors to lay out and construct	1	47
Governors to appoint overseers	7	48
Duties of overseers of, prescribed	7	48
Accountability of overseers	7	48
BY-LAWS,		
For government of coasting vessels, who to establish	5	88
BUDGET,		
Of deficiencies and wants of exchequer to be annually laid before His Majesty	1	171
Deficiency appearing in, to be subject matter of taxation	1	172
BUREAUX,		
Of interior department, enumerated	2	20
Transactions of, to be kept distinct	3	20
Clerks of, to be appointed	3	20
Of department of foreign relations enumerated	15	118
Of department of finance enumerated	2	131
Of department of law enumerated	1	246

C.

	SEC.	PAGE
CABINET COUNCIL,		
Seal of department of foreign relations, to be determined in	5	114
Diplomatic dispatches to be submitted to the king in	14	118
Accrediting Hawaiian diplomatic agents to be determined in	2	119
Publication of diplomatic correspondence may be ordered by	3	114
Seal of Department of finance to be determined in	7	133
Seal of department of public institutions to be determined in	2	195
Seal of department of law to be determined in	2	223
Information called for by the legislature, may be refused by the king in	7	229
Ministers may refer attorney general's opinion to	2	231
Penalty of marshal's bond to be fixed in	4	234
May be convoked by ministers	1	270
CALVES,		
When exempted from taxation	8	170
CAPTURES,		
Within one league of coast or in inter-island channels, to be deemed within jurisdiction	3	84
CATS,		
When exempted from taxation	9	170
CENSUS,		
How and by whom to be made	3	222
CERTIFICATE,		
Of assessment of private property taken for construction of public roads &c., required	4	47
Form of prescribed	4	48
Effect of, in conveying property to government	5	48
May be compounded with holder	6	48
Of nationality, when, how and by whom obtained	6	77
Effect of	7	77
Privileges conferred by	8	77
CEREMONIES, OFFICIAL,		
How to be established	17	13
CESSION,		
Of private lands to government, provided for	1	95
Contracts may be made for	2	95

	SEC.	PAGE
CESSION—Continued.		
When agreed upon, to be engrossed in book of grants	3	96
Form of deed of, prescribed	3	96
Bond for consideration of, may be given	4	96
Form of bond prescribed	4	97
Bond for consideration of, where to be kept	5	97
When suit may be instituted on bond	6	98
Minister of finance not to pay interest on bond without presentation	7	98
Abstract of debt created for, to be yearly laid before the king	8	98
Private lands ceded to government, to be surveyed	9	98
To be comprised in public domain	11	99
Title of Government, to be allodial	12	99
CHANNELS,		
Taboo regarding royal fish, to be declared by	8	92
Of harbors, governors to have surveyed	3	51
Charts of, where to be filed	4	51
Inter-island, bureau of created	1	83
King may defend	2	83
Captures and seizures in, where deemed to be made	3	84
Right of transportation in, exclusive to Hawaiian vessels	3	84
CHARTERS,		
Of incorporation, who may grant	2	111
CHARTS,		
Of coast surveys, where to be filed	4	51
CHAMBERLAIN OF HOUSEHOLD,		
Fish set apart for palace, to be delivered to	12	93
To draw for disbursements of palace	5	102
To be appointed by the king	6	194
Duties of, to keep books of private royal expenditures	7	194
CHARITABLE INSTITUTIONS,		
Goods imported for, not liable to duties	14	144
CHARGES,		
At custom house, bill of prescribed	3	156
CHILDREN,		
Of valid marriage, legitimate	7	60
Without legal marriage, bastards	8	60
Birth of, how, when and by whom to be notified	12	61
Birth of, to be registered by governors	13	61

CHILDREN—Continued.		SEC.	PAGE
Care of, to be confided to wife of adulterous husband	-	3	63
Divorce of parents, not to bastardize	-	4	63
Support of, to be provided for in alimony after separation	-	6	64
Duty of, to obey lawful commands of parents	-	1	201
Not to maltreat, injure or abuse parents	-	3	201
Liability of, to support aged, infirm and poor parents	-	4	202
CHRISTIAN RELIGION,			
Ministers of, may perform rights of marriage	-	2	57
To retain governor's license to marry as voucher	-	2	58
Missionaries of, to be exempted from chattel taxes	-	1	169
Provided for	-	1	217
CHURCH FOUNDATIONS,			
How to be issued by departments	-	12	12
CIVIL SUITS,			
Sustainable against ministers	-	25	16
Sustainable against governors	-	26	16
Against ministers, transitory	-	25	16
Against governors, local	-	26	16
CIVIL POSSE,			
What to constitute	-	2	69
Who to have primary command of	-	2	69
CIVIL REDRESS,			
Domiciled aliens entitled to	-	8	78
CIVILITER MORTUUS,			
Married women to be	-	4	59
CLEARANCE,			
Not to be granted to vessels until payment of port charges	-	4	140
Port charges and harborage to be paid by whalers before granting	-	18	146
To whaling vessels, who may grant	-	19	147
When to be granted to foreign vessels	-	1	148
Form of certificate of	-	1	148
Outward manifest to be delivered before granting	-	3	149
Observance of local regulations prerequisite to granting	-	1	150
Commanding officer, liable to fine for neglect to give notice of desertion before	-	11	154
May be granted upon compounding for apprehension of deserters	-	13	154

CLEARANCE—Continued.		SEC.	PAGE
Departure of vessels without, to be deemed barratry	-	20	155
Before granting, what charges to be exacted at custom house	-	3	156
CLERGYMEN,			
Duty of, to report number of marriages annually	-	10	61
COASTING TRADE,			
Regulation of, contemplated	-	1	49
Minister of interior to control and supervise	-	1	83
COASTS, MARITIME,			
Defined	-	1	83
COASTING LICENSES,			
Who to grant	-	1	86
Form of prescribed	-	2	86
Bond required for	-	3	87
Penalty for coasting without license	-	4	87
By-laws for regulation of, provided for	-	5	88
Vessels having, not liable to harbor dues or port charges	-	6	88
List of vessels, having to be kept	-	7	88
CODICILS,			
Registry of, provided for	-	1	149
COINS,			
Hawaiian, device and value of prescribed	-	1	185
Minister of finance may cause copper and silver to be minted for circulation	-	2	185
Foreign, receivable at exchequer, how and at what value	-	1	185
COLLECTORS OF CUSTOMS,			
Passports of foreigners to be exhibited to	-	2	76
Permit to land baggage, to be obtained by foreigners from	-	2	76
To be ex officio post masters	-	1	83
Mail bags to be furnished to	-	3	89
When mails to be closed by	-	4	89
List of letters and packages to be retained by	-	5	89
Duty of, to post list of letters	-	6	89
Entitled to receive foreign letters	-	7	89
To apportion letters and papers to mail bags of islands	-	8	89
To post list of foreign letters	-	8	90
To account quarterly to minister of interior for letters and papers	-	9	90

COLLECTORS OF CUSTOMS—Continued.	SEC.	PAGE
To sign clearances and permits to discharge	4	135
How to be governed as post masters	5	136
To superintend execution of by-laws for coasting vessels	6	136
To transmit nett monies quarterly to collector general	7	136
How disappearance of disease on board infected vessels to be signified to	3	139
Master of merchant vessel to furnish list of passengers	6	140
Inward entry to be furnished to, by consignee	7	141
Power of, to grant permits to discharge	7	142
Power of, to place officer on board during discharging	9	142
Power of, to grant permit to tranship cargo	11	143
Transit property to be stored under approbation of	13	154
Permits to trade may be granted by, to whalers	17	145
Power of, to grant clearances	19	147
Duty of, to furnish bills of port charges	1	148
Outward manifest of cargo to be furnished to	3	149
Contravention of local port regulations to be notified to	1	150
Power of, to compound for costs of apprehending deserters	13	154
Commissions of, to be determined by collector general of customs	1	160
Duty of, to furnish collector general charges for which they claim per centage	1	161
Per centage allowed to, to be annually reported to minister of finance	1	162
Governors may compel, to furnish accounts to collector general of customs	2	162
COLLECTOR GENERAL OF CUSTOMS,		
Who to appoint	3	134
Bond of, prescribed	3	135
To be post master	5	136
To superintend by-laws for government of coasting vessels	6	136

COLLECTOR GENERAL OF CUSTOMS—Cont.	SEC.	PAGE
Nett monies to be quarterly paid to, by sub-collectors	7	136
Duty of, to recommend harbor master to governor	8	136
Duty of, to recommend health officer to governor	8	136
Duty of, to recommend pilot	8	136
Power of, to grant clearances	19	147
Duty of, as inspector and appraiser	21	147
Power of, to compound for costs of apprehending deserters	13	154
Salary of prescribed	1	160
Duty of collectors to transmit list of charges for which they claim compensation to	1	161
Receipt of minister of finance, when to be given to	1	162
Duty of collectors, harbor masters and pilots to report to	2	162
COLTS,		
When exempted from taxation	7	170
COMMISSIONERS,		
Board of, for trial of impeachments prescribed	4	10
For the quieting of land titles	1	107
For the trial of impeachments against judicial officers	3	227
COMMISSIONS,		
To be charged by auctioneers upon sales of property	8	39
Upon sales by sheriffs and elisors not to be charged as auctioneers	9	39
Of auctioneers, epitome of to be rendered	10	40
On assets of intestate foreigners	3	81
Departmental, tabular rates of prescribed	1	175
COMMERCIAL AGENT,		
Aliens to exhibit passport to, on arrival	1	75
Passport of aliens to be endorsed by, before landing baggage	2	76
See consul	7	115
COMMANDING OFFICER,		
Of vessels forbidden to enlist native sailors without compliance with the law	1	65
Bond of, to be deposited with governor	3	66
Liability of, on bond	4	67

COMMANDING OFFICER—Continued.

	SEC.	PAGE
Penalty for enlistment of native sailors contrary to law	7	67
Of vessels carrying away passengers without passport, how liable	1	80
Liable for debts of passengers so carried away	2	80
To exhibit permit and anticipated clearances to collectors	4	136
Not to discharge seamen except at Lahaina and Honolulu	12	133
Of merchant vessels to signify business to collector of customs	6	140
To furnish list of passengers	6	140
To deliver manifest	6	140
Duty of, to surrender offenders from on board vessels to police	2	150
Duty of, to give notice of desertion to harbor master	10	153
Penalty of, for discharging foreign seamen contrary to law	11	154

COMPENSATION,

Ministerial to be annual	28	17
Of clerks in interior department	3	20
Of director of government press	4	27
For property taken for public use	4	48
Of overseers of public roads, highways and bridges	7	48
Of constables, by whom to be regulated	1	69
Of diplomatic agents, king to affix	5	120
Of clerks of finance department	3	132
Tariff of, at custom house	1	160

COMMUTATIONS,

Of labor tax, provided for	10	168
Of persons engaged to do private labor	11	169

COMPOUND INTEREST,

Not to be allowed	3	187
-------------------	---	-----

CONSULS, FOREIGN,

Not to act without exequatur	7	115
Foreigners to exhibit passports on arrival	1	75
Liable to suits and prosecutions	12	117
Perquisites allowed to and collectable by	2	76
Approbation of, to discharge of foreign seamen, unlawful without the governor's consent	6	151
Duty of, to assume guardianship of or obtain bond for discharged seamen	7	152
Permit of government to discharge for-		

CONSULS, FOREIGN—Continued.

	SEC.	PAGE
Foreign seamen, to be delivered to, by harbor master	9	152
Deserting seamen to be put at disposal of	12	134
Protests before, not entitled to full faith and credit	6	252
CONSULS, HAWAIIAN,		
May be appointed to reside abroad	2	119
Duties of, to be prescribed by minister of foreign relations	2	119
Correspondence with, provided for	3	120
Power of to grant passports	6	120

CONTRACT,

Of marriage, requisite to legality of	1	57
Who may solemnize	2	57
Duties and responsibilities of a husband resulting from	3	58
Rights of husband resulting from	3	58
Rights of wife resulting from	4	59
Of marriage abroad, valid by lex loci	11	61
May be defined by written agreement	3	59
Interest upon when not stipulated, what to be the rate of	1	187
Interest upon, may be stipulated by parties	2	187
Compound interest not to be allowed on	3	187

CONTRABAND OF TRADE,

When spirituous liquors may be declared	2	156
---	---	-----

CONSANGUINITY,

Persons at fourth degree of, capable of contracting marriage	1	57
--	---	----

CONSTABLES,

Prefects of police to have command over	18	241
Governors to remove on requisition of courts of justice	28	244
Amiability of, to police courts	29	245
Compensation of, prescribed	14	268
How and by whom appointed and paid	1	69
To be commanded and controlled by sheriffs	2	69

CONVEYANCES,

Registry of, created	1	246
Distinctness to be preserved in records of	2	246
Before recording, instruments to be acknowledged	3	247
Index of, to be kept	6	247
Within what time instruments affecting real property to be recorded in registry of	7	248
Of chattels, within what time to be recorded	8	248

	INDEX	
306		
CONVEYANCES—Continued.	SEC.	PAGE
Instruments not recorded not to be evidence in law	9	248
Record of, to be as valid in law as original	10	248
Of anterior date to act, within what time to be recorded	13	249
CONDUITS OF WATER,		
Honolulu may be supplied by	5	191
COPARTNERSHIP,		
Certificates of nationality necessary to validate among aliens	7	77
CORAL,		
Removal from public domain, trespass	11	99
CORRECTION, HOUSES OF,		
Who may be employed in erecting	2	51
Estimated cost of, in certain cases to be given by governors	3	52
To be in addition to already legalized prisons, when constructed	4	52
To be in charge of sheriffs	4	52
Persons under arrest not to be confined in, longer than forty-eight hours without mittimus	6	52
CORAL REEFS,		
Declared to be government property	2	190
CORONFR,		
Marshal of Hawaiian Islands to be ex officio	24	243
COUNCIL, ORDERS IN,		
How to be adopted and requisites to validity of	12	12
COURTS OF ISLANDS,		
Final decisions of, to be executed by governors	22	15
COURTS MARTIAL,		
Who may constitute	5	70
Sentences of, who to confirm or reverse	5	70
COURT, SUPREME,		
Jurisdiction of, original against governors	26	16
Appeal to form board of commissioners for quieting land titles allowed	1	107
Upon what principles to be made	7	109
CREDIT,		
May be given for payment of duties	20	147
CREW,		
List of, duty of commander to furnish harbor master	5	140

	INDEX.	307
CRIMINAL PROCESS,		
Executive ministers and governors exempt from	24	16
CURTESY,		
In immovable property of wife, by husband	3	58
Domiciled aliens entitled to	8	78
CUSTOM HOUSE,		
Duties payable at, in cash	20	147
Duties at, not to discriminate	1	156
D.		
DAMAGE,		
Animals doing, to be denominated estrays	1	53
Of party aggrieved by estrays, to be paid by pound master	5	54
May be assessed by jury	6	54
Upon public sales of estrays, to be deducted from sale price	7	54
DEBTS,		
Of passengers departing without passport, payable by master and vessel	2	80
DECREES, ROYAL,		
To be kept in interior department	5	21
DECREES, EXECUTIVE,		
Requisites to validity of	12	12
DECREES,		
In cases of divorce, governors may make	1	62
Expense of, to be borne by applicant	8	64
May be appealed from	10	65
DECISIONS,		
Trial of courts, governors to see executed	22	15
DEFENCES,		
Legal of government, who to make	1	256
DENIZENS,		
May be created by letters patent	14	80
DEPARTURE,		
Of foreigners, incidents to	1	80
Duty of minister of foreign relations in regard to	1	125
Ports of, created	2	134
Of foreign vessels, when to take place	1	143
Of vessels without clearance, to be deemed barratry	20	155
DEPARTMENTS, EXECUTIVE,		
Act to organize the	19 to 272	
Duties of one cannot be devolved upon another	1	73
DEPARTMENT,		
Of interior, created	1	19
Bureaux of, enumerated	2	20

DEPARTMENT—Continued.	SEC.	PAGE
Duties of clerks in, to be governed by general and special instructions	4	20
Royal standard, national flag, standard of weights and measures and public stamps to belong to	5	20
Legislative acts and rules, ordinances and decrees in privy council, to be deposited in	5	21
Privy seal of, provided for	6	21
Of foreign relations, created,	1	113
Of finance, created	1	131
Of public instruction, created	1	195
Of law, created	1	223
Legislative, recognized	5	21
DESCENT,		
Of wife's real property, to be lineal in case of issue	3	58
To be collateral in case of no issue	3	58
Of government lands patented in fee, to be lineal or collateral to heirs as tenants in common	7	101
Rules of, contemplated	6	199
DESERTION, MILITARY,		
Punishment of	4	69
DESERTER,		
Unable to become naturalized	10	79
Discharged foreign seamen, when to be treated as	9	153
Profect of police, to search for	10	153
Duties of harbor master in regard to	10	153
To be placed at disposal of consul	12	154
Costs of apprehending may be compounded with collector general of customs	13	154
Reward for apprehending prescribed	15	154
DIAGRAMS,		
Of lands ceded to government, to be delineated	9	98
DIES,		
For impressing Hawaiian currency, who to have charge of	5	132
DIPLOMATIC AGENTS,		
Passports of foreigners to be endorsed by, before landing baggage	2	76
To be notified of residuary assets of intestate foreigners	4	81
Private stores of, not liable to duties	14	144
Exempted from chattel taxes	1	169
DIRECTOR OF GOVERNMENT PRESS,		
How appointed and removable	1	22

DIRECTOR OF GOVERNMENT PRESS—Cont.	SEC.	PAGE
Duties and responsibilities of in regard to press	2	22
Style of	3	22
Duties of, in regard to Polynesian newspaper	4	22
Duties of, in regard to laws	5	23
Policy of government, how to be explained by	6	23
Discretionary power of, in regard to job printing	7	23
Accountability of, for avails, receipts and expenditures	7	24
Duties of, in regard to public stamps	1	24
Duties of, in regard to legalized blanks	1	25
Duties of, in regard to public depository and sale of documents	4	25
When to pay over money to minister of finance,	1	26
Quarterly accounts of, when and how to be rendered	2	26
What books of accounts to keep	3	26
Compensation of, where to be provided	4	27
To publish semi-annual list of letters in post offices	9	90
Minister of interior to furnish list of tabooed fish to	4	91
Minister of interior to furnish list of tabooed fishing seasons to	7	92
DISABILITIES,		
Of aliens, particularized	4	76
DISCHARGE,		
Of cargo, form of permit for, prescribed	8	142
Amount of, not to exceed permit	9	142
Of foreign seamen, requisites to	6	151
Form of, used in foreign country, to be at foot of permit	9	153
Of foreign seamen contrary to law, penalty for	11	154
Of native and naturalized subjects to be free	21	155
DISCRIMINATION,		
In duties on imports not to be made until modification of treaties	1	156
DISCRETIONARY DUTIES,		
King may require of governors	1	73
Directions in regard to, to be given by minister of interior	2	73

DISCRETIONARY DUTIES—Continued.	SEC.
Governors, how to execute and report	3
DISCUSSION, FREE,	
Government acts and measures to be subject to	4
DISTRICTS,	
Fishing, agents to be appointed for	10
Taxation, number and limits of defined	2
Educational, number and limits of defined	1
DISBURSEMENTS DEPARTMENTAL,	
Provided for	3
DISPOSITION OF GOVERNMENT LANDS,	
Mode of, provided for	1
DIVORCE,	
Powers of government to decree, for adultery	1
Domiciled aliens entitled to	8
DOCUMENTS, ROYAL,	
To be attested by premier	5
DOGS,	
How taxable	9
DOLLAR,	
Hawaiian, value and device of, prescribed	1
DOMICIL,	
Governor of females, to grant license to marry	1
How aliens may acquire	8
DOMAIN, PUBLIC,	
What to consist of	10
Trespasses on, what to consist of	11
DOWER,	
Of wife, what to be	4
How and before whom release of, to be executed	5
If not involuntary and unconstrained, release of to be void	5
Admensurement of, how and by whom to be made	6
Domiciled aliens entitled to	8
Releases of, how to be acknowledged	4
DRAWBACK,	
Goods imported for reshipment, entitled to	13
Goods entered for, to be sworn to before re-exportation	16
DRESS, OFFICIAL,	
May be prescribed by order in council	17
DRINKS,	
Spirituous and intoxicating, provision made for repressing importation of	2
DRUM,	
When to be beaten at Lahaina for the apprehension of mariners	5

DRUNKENNESS,	SEC.	PAGE
Cause of separation from bed and board	1	62
DUTIES PRESCRIBED,		
Of governors, to be reported to proper department	1	73
Not specially reportable to any department, to be reported to minister of interior	1	174
DUTIES TO FOREIGN NATIONS,		
Minister of foreign relations to discharge	1	123
DUTIES ON IMPORTS,		
Payable in cash at custom house	20	147
Evading payment of, to be deemed smuggling	17	155
Introduction of merchandize without payment of, to be deemed smuggling	19	155
Discrimination in, not to be made until modification of treaties	1	156
What to be computed upon	1	156
DUTIES, NOTARIAL,		
Prescribed	1	250
E.		
ECCLESIASTICAL BODY,		
Disconnection of, from political body	7	197
EDITOR,		
Director of public press to be ex-officio	4	22
ELISORS,		
To be auctioneers ex-officio for purposes of courts	9	39
When and by whom to be appointed	25	243
EMBARKATION,		
Port of, defined	2	148
Requisites to	2	148
EMBARGOES,		
Governors may lay, in islands	5	70
EMBEZZLEMENT,		
Of public monies, how punishable	3	182
EMERGENCY, PUBLIC,		
Privy council may be convoked by reason of	13	12
ENTERTAINMENT,		
Public houses of, how and by whom to be licensed	1	34
Bond for required	3	35
Inspection of, how and by whom to be made	4	35

ENTERTAINMENT—Continued.	SEC.
Licenses for, to be signed and impressed with seal	6
Penalty for keeping without license	7
ENLISTMENT,	
Of native sailors on board foreign vessels	1
Mode of, prescribed	2
Bond and shipping articles to be filed with governor on	3
Penalty for, when unlawful	7
ENCLOSED SEAS,	
What declared to be	1
May be defended	2
Captures and seizures in, to be deemed within king's jurisdiction	3
Right of transportation in, exclusive to Hawaiian vessels	3
ENROLMENT,	
Of Hawaiian vessels, synonymous with registry	2
ENTRY,	
Ports of, established	2
Inward, form of prescribed	7
Transit, form of prescribed	11
Statistical, when and how to be made	15
Outward, when and where to be made	2
False, to be deemed fraudulent	18
Ports of, duties to be payable at, before clearance	3
ESCHEAT,	
Lands conveyed in fee simple, not to, except for treason	7
When to take place upon patents and leases	3
Defect of collateral heirs not sufficient for, of leasehold property	3
Notice of, to be given to foreign diplomatic agent	4
Upon failure of foreign heir to take the oath of allegiance, land to revert	5
New information of, how and by whom to be filed	5
Duty of minister of foreign relations in regard to	1
EXCHEQUER,	
Rental of stalls in public marts and markets to be for benefit of	3
Receivable in produce	5
Auditor of finance created for the	1
Dues, duties, taxes, fines, penalties, forfeitures, charges, fees, perquisites and	

EXCHEQUER—Continued.	SEC.	PAGE
commissions of executive bureau, declared to belong to	3	182
Monies derived from any source of royal revenue, declared to belong to	8	183
Registrar of public accounts to be appointed for	9	183
ESTATES,		
Aliens not entitled to acquire fee simple or allodial	4	76
Life, and for years, when liable to taxation	3	166
ESTRAYS,		
Empounding and restraining of, prescribed	1	53
Duty of governors to construct pounds for	2	53
Number and kind of empounded, to be weekly proclaimed	4	53
Owner of, may reclaim on payment of costs	5	53
Question of, may be tried by jury	6	54
Remaining in pound, to be exposed to sale	7	54
ETIQUETTE,		
Orders of, may be established	17	13
EVIDENCE,		
Governors may legalize	22	15
Weight of authentications as of bids at auction, what shall be valid as	8	39
EXCELLENCY,		
Governors of islands to be entitled	20	14
EXCHEQUER BILLS,		
Minister of finance may issue	4	186
EXEQUATOR,		
Consuls and consular agents not to act without	7	115
Upon giving, minister of foreign relations to notify provisions of law to ministers and consuls	11	116
Upon receipt of, list of attaches to be filed in foreign office	11	116
EXECUTIVE MINISTRY,		
Act to organize the	9 to 17	
Number of the	1	9
Official names and rank of the	2	9
For what impeachable	3	10
Mode of impeaching members of	4	10
Eligibility of persons to	5	10
Duties of, where and how detailed	6, 7	10 & 11
Officers under, how appointed and removable	8	11
Officers of, how to be instructed by	9	11
To constitute privy council	11	12
When and how to be convoked in privy council	13	12

EXECUTIVE MINISTRY—Continued.

	SEC.	PAGE
Who to decide upon their impeachment, punishment or acquittal	14	12
King may require separate opinions of in writing	15	13
Required to take oath of secrecy	16	13
May be consulted in legislative matters	17	13
Not liable to criminal process	24	16
Amenable while in office to private civil suits	25	16
Oath of office of, prescribed	27	16
Compensation of, to be annual	28	17
Resignation of, provided for	29	17
Certain persons declared to be, in virtue of king's speech, May 20, 1845	30	17
Duty of, to submit quarterly accounts to minister of finance	1	181
Certificate of correctness of accounts of, to be given to	2	181
Rejected reports of, how dealt with	2	182
Embezzlement by, how punished	3	182
Disbursements of, how and by whom paid	5	182
Salaries of, not to be anticipated	6	183
Items of charge may be discretionally remitted by	1	193
Disbursements and clerk hire of departments to be discretionary with	3	193
To constitute king's political family	5	193
Entitled to pay and emoluments appropriated by king and premier	5	194
Power of to consult with attorney general	1	230
Cannot proceed to involve government without consultation with attorney general	2	231
EXECUTIVE DEPARTMENTS,		19 to 272
An act to organize the		
Minister, reports of governors to be made to the proper	1	73
Branch of government, duties of attorney general to the	1	230
Judicial officers, sale of property by, allowed without auction license	13	40
Duties of		233

	SEC.	PAGE
EXONERETER,		
Of the court of probate, when, where and by whom to be recorded	3	250
Of court of probate, when to be given to administrator of foreign intestates' estate	1	81
EXPENSIES,		
Tariff of at custom houses, prescribed	3	156
EXTENSION,		
Of bond of discharge, seamen may be granted by harbor master	8	152
EXTRA JUDICIAL OFFICERS,		
Of the executive	1	246
F.		
FARMS,		
Minister of interior may cultivate for public benefit	3	191
FASTS,		
His Majesty may establish	5	218
FEEES,		
Of insertion in government organ, provided for	4	23
Of publishing guests and inmates of hotels	5	36
Of transcription of certificates of licenses to marry and of registration of births	14	62
Of countersigning and attesting passports, and of permit to land baggage	2	76
Of certificates of nationality	6	77
Of naturalization	12	79
Of storage, care and sale of intestates' property, to whom payable	2	81
Of publishing list of tabooed fish, and catalogues, by whom payable	4	91
Of publishing tabooed fishing seasons	7	92
Of harbor master, health officer and pilots contemplated	8	136
Of health officer and pilot, to form part of port charges	4	140
Allowed to principal health officer and pilot, duties entitled to	8	136
Tariff of at custom houses, prescribed	3	156
Departmental, tabular rates of prescribed	1	175
Of leasing and patenting, to whom payable	12	103
FEE SIMPLE,		
Government lands may be conveyed in	1	99
Aliens incapable of acquiring titles to land in	3	100
FABRICS, FOREIGN,		
Introduction of contrary to law, how punished	16	155

	SEC.	PAGE
FEALTY,		
To the king, how imposed - - -	14	80
FELONY,		
Foreign representatives may be arrested for	10	116
FINANCE, MINISTER OF,		
Created - - -	2	9
For duties of, see minister of finance		
FINANCE,		
Department of, created - - -	1	131
FINANCIAL YEAR,		
Of custom house, when to commence	3	135
FINES,		
For remissness or idleness in regard to public labor, extent of and by whom imposed -	8	168
For disorderly or mutinous conduct of public laborers -	9	168
Under executive organic act, to be deemed civil and not criminal -	1	189
FIELD NOTES,		
Of surveys, where to be preserved	9	98
FINANCE, BOARD OF,		
To be consulted upon fixing rates at which property is to be received in payment of taxes	6	174
To prescribe number and kind of books of accounts to be kept at exchequer - - -	9	183
Created - - -	3	185
Duty of minister of finance to recommend measures to -	3	185
Government loans to be made on concurrence of - - -	4	186
Exchequer bills to be issued on concurrence of - - -	4	186
Corporate seal of, prescribed	5	186
Concurrence of, necessary to cultivation of public farms and plantations - - -	3	191
Minister of finance may take advice of, in exoneration of his acts - - -	2	193
Appropriations for clerk hire and departmental disbursements may be made by - - -	3	193
May authorize ministers to bind exchequer by engagements	5	194
May release chamberlain from private accountability for excesses of household expenses -	6	194
Auditor of, how and by whom to be appointed - - -	1	181

	SEC.	PAGE
FINANCE, AUDITOR OF—Continued.		
Duty of, in regard to vouchers and exhibits of ministerial bureaux - - -	2	181
Items not to be charged or credited in government accounts without certificate of -	4	182
Ministerial salaries not to be allowed by, in anticipation	6	183
Certificates of, to be endorsed by minister of finance before payment - - -	7	183
Minister of public instruction to present departmental accounts to - - -	17	211
FILIAL DUTIES,		
Prescribed - - -	1	201
FISH,		
What kinds of free to people, and within what limits - - -	1	90
Private grounds of, defined - - -	2	90
Private, use of declared to be in common between landlords and tenants - - -	3	91
Landlords may set apart one species of - - -	4	91
Species of, when set apart to be exclusive property of landlords - - -	5	91
Taxes on, not to be imposed by landlords	6	91
Landlords may prohibit taking during specific seasons - - -	7	92
Royal, to belong to government, and kinds of prescribed - - -	8	92
Taboo on royal, how and by whom to be proclaimed - - -	8	92
Agents of, to be appointed for constables - - -	10	93
Directions to, what, by whom and through whom to be given - - -	10	93
Duties of fishing agents defined - - -	11	93
King may set apart proportion or kind of, for palace	12	93
Royal, who may provide for sale of - - -	13	93
Penalty for the taking royal, out of season	14	93
Penalty for non payment of government share in royal - - -	14	94
FISHERIES,		
Bureau of created - - -	2	20, 90
FISHERMEN,		
Landlords may sue and recover from value of specific fish set apart - - -	5	91
To pay third part of private fish to landlords - - -	7	92
Royal fish to be divided equally between king and - - -	8	92
Penalty to, for fishing out of season	14	94

FLAG, NATIONAL,	SEC.	PAGE
To be kept in interior department	5	20
Hawaiian, aliens not entitled to hoist on their vessels	4	76
Quarantine, pilots to be provided with white and yellow	2	138
Regulations in regard to hoisting white	2	139
Regulations in regard to hoisting yellow	2	139
FOREIGNERS,		
Unnaturalized, may impeach executive ministers	3	10
Naturalization of, who to superintend	5	21
Before intermarriage with native females to become naturalized	1	57
Contradistinguished from subjects	1	75
Not to land baggage until passport be attested and exhibited	2	75
Duty of, to exhibit passport to governor or collector of customs on arrival	2	76
Incidents to departure of	1	80
Assets of intestate, who entitled to receive	1	80
Administration on assets of, when to be effected by public administrator	1	81
Court of probate to legalize administration on assets of intestate	1	81
Residuary assets of, to be stored by minister of interior	2	81
Residuary monied assets of to be deposited with minister of finance	2	81
Monied assets of, payable on order of minister of foreign relations	3	81
Notice of assets of, to be given to minister of foreign relations by minister of interior	4	81
Notice of residuary assets of, to be given by minister of foreign relations to foreign diplomatic agent	4	81
When foreign heirs of, to be barred of assets	5	82
Duties of minister of foreign relations in regard to assets of, particularized	1	127
Foreign heirs of, may sue for assets of domiciled, entitled to preference in auction license	3	37
FOREIGN AGENCY,		
Bureau of, created	1	119
Relations, department of, created	1	114
Minister of, created	2	9
Duties of minister of, detailed	1	113

FOREIGN RELATIONS—Continued.	SEC.	PAGE
See minister of foreign relations		
Nations, home duties to, defined	1	123
Imports, bureau of, created	1	134
Vessels, not to enlist native sailors except at Honolulu or Lahaina	12	138
Duty of on arrival, to make signal for pilot	1	138
Departure of, when lawful	1	148
Before granting clearance to, what charges to be exacted	3	156
FORCES, ISLAND,		
Governors to have charge of	21	15
FORESTS,		
Declared to be government property	7	192
Regulations concerning prescribed	7	192
FORFEITURES, REAL,		
Upon what to take place and when	2	104
Regulations concerning	2	104
General, under executive organic act, to be deemed civil and not criminal	1	189
How and by whom to be enforced	1	189
FORTS,		
To be deemed government property	5	72
By whom to be commanded, and what uses to be devoted to	5	72
FREIGHT,		
Not to be included in computation of duties, ad valorem	1	156
FUGITIVES FROM JUSTICE,		
Apprehension of, provided for	1	68
Duty of sheriffs to search for, arrest and confine in prison	2	68
To be surrendered to marshal	3	68
Duties of foreign representatives in regard to apprehension of	1	123
FURNITURE,		
Foreign household, how taxable	5	170
Domestic household, how taxable	6	170
G,		
GENERALISSIMO,		
King to be, of naval and military forces	6	70
GOODS,		
Venders of, how and by whom licensed	1	29
To wholesale	2	29
To retail	3	29

GOODS—Continued.

	SEC.	PAGE
Venders of, not to vend spirituous liquors without license	5	29
Penalty for sale of spirituous liquors by, without license	5	30
List and character of to be kept in interior department	7	30
Penalty for selling without license	8	30
GOVERNMENT PRESS,		
Bureau of, created	2	20
Director of, contemplated	5	20
Director of, how appointed and removable	1	22
For duties and responsibilities of, see director of government press		
GOVERNMENT,		
Measures and laws of to be freely discussed	4	44
Property of, who held and controlled by	1	71
How classified	1	71
Governors accountable for to minister of interior	2	71
Governors to give minister of interior inventory of, and statement of its condition and value	2	72
Cession of lands to, by private individuals provided for	1	95
Contracts for cession of land to, to depend on privy council	2	95
Grants of land to, to be engrossed in book	3	96
Bond may be given in consideration of cession of land to	4	96
King to sign bond for consideration of lands ceded to	4	97
Interest on bond for cession of lands to, when to be paid	5	97
Holders of bonds for cession of land to, may prosecute for non payment of	6	98
Bonds for consideration of lands to, not to be paid without presentation	7	98
National debt created for cession of land to, to be yearly laid before the king	8	98
Lands ceded to, to be surveyed and demarked	9	98
Lands belonging to, otherwise than by cession, to be defined and demarked	10	99
Lands belonging to, declared public domain	10	99
Public domain of, how protected	11	99
Title of in lands, to be allodial	12	99

GOVERNMENT—Continued.

	SEC.	PAGE
Vested rights of tenants in lands, not to be divested by cession to	12	99
GOVERNORS,		
To be honorary members of privy council, ex-officio	20	14
Accountable only to king and premier for their duties	20	14
To have executive control of islands	21	15
To see final decisions in islands executed	22	15
Impeachable before the king	23	16
Not criminally liable until after impeachment or removal	24	16
Minister of interior to confer with	7	21
To construct roads, highways and bridges	1	47
To cite parties affected by construction of roads, highways and bridges before them	2	47
May impanel jury to assess value of private property taken for public use	3	47
Duty of, to give interested party certified copy of verdict	4	47
When to make estimate of constructing roads, highways and bridges	8	48
To appoint overseers of public roads, highways and bridges	7	48
To indicate suitable places for marts and markets	3	49
Power of, to lease stalls and compartments in marts and markets	3	50
To make yearly report of condition of marts and markets	5	50
To account for rents of stalls and compartments in markets	5	50
Powers of, to lay out and construct prisons and houses of correction	1	51
May call out as operatives, persons sentenced to hard labor	2	51
When and how to make estimates of probable costs of prisons, &c.	3	52
May cause suspected persons to be temporarily lodged in prisons	5	52
To set apart enclosures for impounding estrays	2	53
To appoint pound masters	3	53
To proclaim number of impounded animals	4	53
To receive fees of impounding from pound masters	5	53

GOVERNORS—Continued.

	SEC.	PAGE
May impanel jury to try question of estray	6	64
May impanel jury to assess damages sustained from estray	6	64
When to assess damages of estray without intervention of a jury	7	54
To report condition of pounds and revenue derived therefrom	8	54
Impressions of brands and description of marks to be deposited with	9	54
Duty of, to furnish names of owners of animals to minister of interior	9	55
To keep register of licenses to marry	9	61
To furnish list of licenses to marry annually to minister of interior	10	61
To keep register of births	13	61
To furnish minister of interior annual list of births	14	62
Application for enlistment of native sailors on board foreign vessels to be made to	2	66
Bond and copy of shipping articles to be deposited with	3	66
May enforce bonds of enlistment at home or abroad	4	67
May endorse consent upon shipping articles	5	67
May compel embarkation of enlisted natives	6	67
May issue warrant for arrest of fugitives from justice	1	68
May surrender fugitive to marshal	3	68
Power of, to appoint constables	1	69
Constables to constitute civil posse of	2	69
May require military duty, between what ages	3	69
May issue proclamation for rendezvous of persons liable to do military duty	3	69
May excuse from military duty	4	69
To be commanders in chief of military power in respective islands	5	70
To be subordinate to king in command of military	6	70
How triable for disobedience of military orders	6	70
✓ May be required to do discretionary civil duties	1	73
Written instructions to, to be given respecting discretionary duties	2	73
Punishment of, for disobedience of in-		

GOVERNORS—Continued.

	SEC.	PAGE
structions regarding discretionary duties	3	73
To correspond with minister of interior in regard to naturalization of foreigners	1	75
Passports of foreigners to be exhibited to	2	76
Fishing agents to be instructed by minister of interior through	10	93
Sale and disposal of royal fish to be made by	13	93
Duty of, to take official notice of written surrender of fugitives from justice by minister of foreign relations	3	124
Duty of, to transmit motive for expulsion of fugitives from justice	4	125
To appoint harbor masters	8	136
To appoint health officer	8	136
To appoint pilots	8	136
Bonds of pilots to be approved by	9	136
Harbor masters' bond to be approved by	11	137
Power of, to make local and temporary regulations for ports	5	140
Power of, to establish port regulations in regard to sailors	5	151
Consent of, necessary to discharge of foreign seamen	6	151
Consular approbation to discharge of foreign seamen unlawful without consent of	6	151
May delegate authority to discharge foreign seamen to harbor master	6	151
Harbor master to obtain permit of, for discharging foreign seamen	9	152
Duty of, to put deserting seamen to hard labor	12	154
Power of, to commute with commanding officer for apprehending deserters	13	154
Permit of, unnecessary to discharge of Hawaiian seamen	21	155
Power of, to diminish local perquisites of health officer by contract	1	161
Power of, to diminish local perquisites of pilots	1	161
Power of, to compel rendition of accounts to collector general	2	162
Duty of, to superintend collection of internal taxes	1	163
Duty of, to pay over taxes to minister of finance	1	163
To appoint tax officers	1	163
Tax officers accountable to	3	163

GOVERNORS—Continued.		SEC.	PAGE
Assessment roll of taxes to be transmitted to, by minister of finance	-	4	164
Power of, to appoint overseers of labor tax	-	4	167
Duty of, to instruct tax gatherers in regard to labor taxes	-	4	167
Duty of, to furnish minister of finance with names of owners of household property with value	-	3	169
To furnish minister of interior names of owners of animals, with number	-	3	169
Power of, to affix approximate amount, number and value of animals or household property for taxation purposes	-	3	169
Receiving salaries, to be considered interested in taxes	-	12	171
District copies of annual tax roll to be transmitted to, for collection	-	3	173
Landed property in default for non payment of taxes, to be delivered to	-	5	173
Instruction to be given to, concerning what property will be received in payment of taxes	-	6	173
Included in the king's political family	-	5	193
Pay and emoluments of, how to be regulated	-	5	194
Duty of attorney general to instruct in regard to executive and judicial duties	-	4	231
Right of, to consult attorney general	-	5	231
Power of, to appoint sheriffs	-	2	233
Requisitions may be made on, by marshal for military force	-	3	234
Marshal to recommend sheriffs to, for appointment	-	12	238
Sheriffs to have control of constables under	-	17	239
Prefects of Police to be appointed by	-	18	241
Coroner to act by order of	-	24	243
May commit persons to charge of marshal or sheriffs	-	26	243
Duty of, to dismiss subaltern officers of constabulary upon order of court	-	28	244
Agents for taking acknowledgment of instruments to be approved by	-	12	249
GOVERNOR OF OAHU,			
Aliens may apply to, for naturalization	-	10	78
May administer oath of allegiance	-	11	79
Duty of, to cause bell to be rung at	-		

GOVERNOR OF OAHU—Continued.		SEC.	PAGE
Honolulu as signal to mariners to return on board	-	5	151
Permission of, may be given to mariners to remain on shore	-	5	151
GOVERNOR OF MAUI,			
Duty of, to cause drum to be beat at Lahaina as signal for mariners to return on board	-	5	151
Permission may be given by, to mariners to remain on shore	-	5	151
GOD,			
Free and unconstrained worship of, tolerated	-	7	197
Disturbance and hindrance of worshipping, prohibited and punished	-	7	197
GRACE,			
Days of, allowed minister of finance for payment of interest on land bonds	-	5	97
Days of, allowed ministers upon rejection of their reports	-	2	182
Days of, allowed upon mercantile paper	-	8	252
GRIEVANCES, PRIVATE,			
Information respecting, to be furnished foreign representative by minister of foreign relations	-	13	117
GUARDIANS,			
Power of, over children	-	1	198
May be deprived of children by judge	-	2	198
May be appointed by a will	-	4	199
May be appointed by court of probate	-	4	199
GUARDIANSHIP,			
Right of priority to, contemplated	-	6	199
II.			
HABEAS CORPUS,			
Persons may be brought up on	-	5	52
Possession of children may be recovered by	-	1	193
HARBOR MASTERS,			
Collector general to appoint	-	8	136
Bonds to be given by	-	11	137
To direct anchorage of vessels	-	5	140
To change anchorage of vessels	-	5	140
Authority of, to change position of hulks, boats and other craft	-	5	140
Resistance to, how punished	-	5	140
List of officers and crew to be delivered to	-	5	140
To proffer assistance to vessels	-	5	140
In case there be none, duties of devolved on pilots	-	5	140

HARBOR MASTERS—Continued.		SEC.	PAGE
When may give consent to discharge of foreign seamen	- - -	6	151
Duty of consular agent to give notice of intended discharge of seamen to	- - -	7	151
Bond on discharge of foreign seamen to be filed with	- - -	7	152
Discretion of, to extend term of permit to foreign seamen	- - -	8	152
Duty of, to obtain governor's permit	- - -	9	152
When empowered to sign and deliver permit	- - -	9	153
Duty of, to deliver permit of discharge to consul	- - -	9	152
Duty of, to keep record of discharges of foreign seamen	- - -	9	153
When may act as foreign consul in discharging seamen	- - -	9	153
Duty of, to notify prefect of police of deserting seamen	- - -	10	153
Fees of apprehension of deserters to be charged by	- - -	10	153
Entitled to receive board of deserters	- - -	10	153
Board of deserters may be stipulated with	- - -	10	153
HARBORAGE,			
When to be charged to whalers as merchantmen	- - -	10	146
HARBOR,			
Of Honolulu, stones and rubbish not to be thrown into on penalty	- - -	4	150
HARD LABOR,			
Persons sentenced to, may be employed in construction of roads, highways and bridges	- - -	1	47
Persons sentenced to, may be employed in erecting prisons and houses of correction	- - -	2	51
Deserting seamen, when to be put to	- - -	12	154
Persons sentenced to, liable to work on coral reefs	- - -	2	190
Persons sentenced to, may be compelled to perform on salt works	- - -	6	192
Persons sentenced to, liable to work in producing lime	- - -	8	192
HAWAIIAN ISLANDS,			
Seal of, to be kept in interior department	- - -	5	20
To be impressed on royal documents	- - -	5	20

HAWAIIAN VESSELS,	SEC.	PAGE
To resort for home products to places indicated by minister of interior as marts and markets	1	49
Registry of, provided for	1	84
Registry of, how and by whom to be applied for	2	84
Certificate of registry of, prescribed	2	84
Privilege conferred upon	3	85
Enrolment of, to be kept by minister of interior	4	85
Requisites to valid hypothecation of	5	85
How may be transferred by registered owner	6	85
Bond required on registry of	7	86
Privileges of, in regard to coasting trade	1	86
Duty of minister of foreign relations in regard to registry of foreign vessels as	1	128
HAWKERS AND PEDLARS,		
May be licensed by minister of interior	1	41
Application for license of, what to contain	1	41
License money to be given by	3	41
Bond to be exacted of	3	41
Without license, penalty to	7	43
HEALTH,		
Certificate of, to be presented by pilot to commanding officer	2	138
HEALTH OFFICER,		
HEATHENISH CUSTOMS,		
Abolished and rendered penal	6	196
Collector general to appoint	8	136
HEIRS, FOREIGN,		
Residuary assets of intestate foreigners to be kept for, by minister of finance	2	81
Notice to be given to foreign representative for benefit of	4	81
When barred of right, to recover residuary assets	5	82
HEIRS LINEAL OR COLLATERAL,		
Fee simple lands to be inherited by, as tenants in common	7	101
HIGH TREASON,		
On impeachment of ministers for, oath of office to be used as evidence	27	17
Lands patented in fee simple, to escheat for	7	101

HIGH TREASON— <i>Continued.</i>	SEC.	PAGE
Leases for terms of years to be forfeited for	3	104
HIGH SCANDAL,		
Punishment for, prescribed	4	44
HIGHWAYS,		
Power of governors to lay out and construct	1	47
Overseers of, contemplated	1	47
Governors to appoint overseers of	7	48
Power of governors to assess taxes for	12	168
HOME DUTIES TO FOREIGN NATIONS,		
Bureau of created	1	123
HONORARY MEMBERS,		
Of privy council, to be created by patent	18	13
Entitled to record their votes	18	14
May decline to vote	18	14
Required to swear fidelity and secrecy	18	14
Governors of islands to be, ex officio	20	14
HORSES,		
How taxable	7	170
HOTELS,		
Licenses to keep, how and by whom applied for	1	34
Register of guests to be kept by	5	35
List of guests to be published monthly	5	36
Licenses to keep, how signed and impressed	6	36
Penalty for keeping without license	7	36
HOUSES OF CORRECTION,		
Governors to lay out and cause to be constructed	1	51
In what way to be constructed	2	51
Estimated cost of erecting, in certain cases to be given by governors	3	52
Fines and penalties to be devoted to construction of	3	52
To be in addition to already legalized prisons	4	52
To be in charge of sheriffs	4	52
Prisoners not to be confined in over 48 hours without mittimus	6	52
HOUSEHOLD, ROYAL,		
Chamberlain of, contemplated	12	93
Fish may be appropriated to use of	12	93
Chamberlain of, to draw for disbursements of royal palace	5	182
Appropriation for use of, how limited	5	182
Members of, who to consist of	4	193

HOUSEHOLD, ROYAL— <i>Continued.</i>	SEC.	PAGE
Expenditures of, how limited	5	194
Chamberlain of, to be appointed by the king	6	194
Duty of chamberlain to draw for expenses of	6	194
Liability of chamberlain of, for excesses of appropriation	6	194
Duty of chamberlain of, to keep books of private expenditures of	7	194
HOUSES, VICTUALING,		
Application for license to keep, how to be made	1	34
License money and bond required	2	134
Inspection of, how and by whom to be made	4	35
Licenses for, how to be signed and sealed	6	36
Penalty for keeping without license	7	36
HULKS,		
Power of harbor master over	5	140
HUSBANDS,		
Accountability of, for wife's debts anterior to and during marriage	3	58
May interpose same defence wife could, dum sola	3	58
Liability of, to provide for wife during marriage	3	58
Compellable to support wife on complaint	3	58
To be owner of wife's movable property	3	58
Rights of, in wife's immovable property	3	58
When control of, over immovables of wife to cease	3	58
Curtesy of, in wife's immovable property, how derived	3	58
Immovable property of wife not liable for debts of	3	59
Immovable property of wife may be sold on execution to pay her debts	3	59
Refusal of, to provide necessaries for wife, cause of separation	1	62
Not bound to provide alimony for adulterous wife	2	62
Not obliged to yield dower to adulterous wife	2	63
May retain movable property of adulterous wife	2	63
Adulterous, not entitled to retain immovable property of wife	3	63

HUSBANDS—Continued.	SEC.	PAGE.
Adulterous, compellable to provide alimony for wife	3	63
Adulterous, property of, subject to wife's dower	3	63
Wife of adulterous, entitled to marry again	3	63
Wife of adulterous, entitled to custody and control of children	2	63
Adulterous, not entitled to custody of children's property	3	63
Of separate wife to provide alimony	6	64
Property of, may be sequestered	6	64
Aggrieved and complaining, not compellable to provide alimony for wrong doing wife	7	64
Loses no right of property by separation	7	64
Bound to support legitimate children	7	64
Governor may compel to support legitimate children	7	64
HYPOTHECATION,		
Of Hawaiian vessels, requisites to	5	85
I.		
IDOL WORSHIP,		
Abolished and rendered penal	6	197
IMPEACHMENT,		
Of executive ministers, cause of	3	10
Proceedings on	4	10
Punishment consequent on	5	10
Final decision on, solely with king	14	12
Of governors, how made and tried	23	16
Effect of, to destroy impunity	24	16
Of high treason, to be measured by oath of office	27	17
Of judicial officers, how and by whom made	2	226
Effect of, upon judicial officers	3	227
Expenses of, by whom to be borne	4	223
Punishment consequent on, to what to extend	5	228
IMPROVEMENT, INTERNAL,		
Bureau of, created	2	20
How and by whom to be superintended	1	46
Journal of, to be kept	2	46
IMPOSTS, FOREIGN,		
Bureau of created	1	134
Duty on, to be ad valorem	1	134
Ports of entry and departure created for collection of	2	134
Sub collectors of, quarterly to account to collectors general for	7	136

IMPOSTS, FOREIGN—Continued.	SEC.	PAGE
Payable to collector before permit to discharge	8	141
Bond and security for, contemplated	8	142
Drawback allowed on goods imported for reshipment	10	142
Drawback on, limited to minimum of importation	13	144
Not to be imposed upon naval stores	14	144
Not to be imposed on goods of diplomatic agents	14	144
Not to be imposed on goods of Christian missionaries	14	144
To be exacted of whalers for importations over \$200	18	246
Duo and payable in cash at custom houses	20	147
Evasion of, punishment for	17	155
Fraudulent entries to evade punishment for	18	155
Discrimination in, not to be made	1	156
Account of, to be quarterly rendered by collector general	1	161
Tariff of, prescribed	1	156
IMPRISONMENT,		
Of ministers, not to take place except by order of king	25	16
IMMOVABLES, GOVERNMENT,		
Who to have charge of	1	71
INJUNCTION,		
Of secrecy may be imposed by king	18	14
To be reconsidered at each privy council	19	14
INCORPORATION,		
Charters of, minister of interior may issue	2	111
INFECTED VESSELS,		
To remain at quarantine	2	139
ILI,		
Subdivision of lands into, for taxes	1	165
ILL TREATMENT,		
Excessive and habitual, cause for separation	1	62
INCESTUOUS,		
Marriage within 4th degree declared to be	1	57
INHERITANCE,		
Of bastards regulated	3	60
Natural, rules of contemplated	6	199
INNS,		
Licenses to keep, how and by whom granted	1	34
License money of, prescribed	2	34
Inspection of, how and by whom to be made	5	35

INNS—Continued.	SEC.	PAGE
Registry of guests at, to be kept	5	35
Penalty for keeping, without license	7	36
INSPECTOR,		
Collector general of customs to be ex-officio	21	147
INSTITUTIONS, CHARITABLE,		
Goods of, not liable to duties	14	144
INSURANCE,		
Inspector and appraiser of goods in cases of, who to be	21	148
Not to be included in computing ad valorem duties	1	156
INSTRUCTION, PUBLIC,		
Department of, created	1	195
Seal of, prescribed	2	195
See minister of public instruction		
INSTRUCTIONS,		
To departmental officers, by whom given	9	11
Sanction of king and premier necessary to validity of	10	11
INTERIOR AFFAIRS,		
Premier to be minister of	2	9
Department of, created	1	19
Bureaux of, enumerated	2	20
Privy seal of, prescribed	6	21
INTER ISLAND CHANNELS,		
Bureau of created	1	83
INTERNAL POLICY,		
Information concerning, to be laid before king	7	21
INTERNAL COMMERCE,		
Bureau of, created	1	28
INTERNATIONAL INTERVENTION,		
Domiciled aliens, when entitled to seek	8	78
INTERNAL TAXES,		
Regulation concerning, prescribed	1	163
Accountability of tax officers for	3	163
Assessment roll of, to be laid before legislature	4	164
INTERMARRIAGE,		
Affinity of relationship created by	5	202
INTEREST,		
Upon contracts how, when not otherwise stipulated	1	187
Not to be compounded	3	187
INTOXICATING DRINKS,		
Provision made for repressing importation of	2	156

INVOICE,	SEC.	PAGE
Merchandise coming into Honolulu, who to appraise	21	147
INWARD ENTRY,		
Form of, prescribed	7	141
INVASION,		
In cases of, governors may call out island forces	21	15
INVENTORS,		
Patents may be issued to	1	110
Exclusive use of inventions may be conferred on	1	111
INVENTORIES,		
Of executors and administrators, when and how to be registered	2	250
ISLANDS,		
Governors of, to be honorary members of privy council	20	14
Fiscal transactions of, to be reported to minister of finance	20	14
Executive control to be with governors	21	15
Judicial decisions of, to be executed by governors	22	15
Tour of, to be made by premier	7	21
Licenses to hawk and peddle confined to	2	41
See governors of islands		
J.		
JOB PRINTING,		
Contract for, to be discretionary with director of government press	7	24
Rates of, to be profitable to government	7	24
Avails of, to be accounted for to minister of finance	1	26
JURISDICTION,		
Maritime, bounded and declared	1	83
Civil and criminal, co-extensive with what	3	84
JUDGE, SUPERIOR,		
Power of, to apprehend fraudulent user of weights and measures	2	188
JUDGMENTS, SUPREME,		
Civil, to be executed by order of king	26	16
JURORS,		
Domiciled aliens compellable to serve as	8	78
JUDICIAL ADMINISTRATION,		
Reports of, to be made through attorney general	20	15
JUDICIAL PROCESS,		
Governors may legalize	22	15

JUDICIAL OFFICERS,		
How and by whom impeached	2	226
Impeachments against, how to be tried	3	227
Expenses of impeaching, by whom to be borne	4	228
Punishment of, how to be declared	5	228
JURY,		
Governors may impanel in certain cases	3	47
Verdict of, to be certified by government	4	47
To try question of estray and damages	6	54
When to assess escheated lands	6	106
JUSTICE,		
Fugitives from, how and when apprehended	1	68
Sheriff to arrest and confine in prison	2	68
Expenses and reward to be paid before surrendered	3	68
Duty of foreign ministers in regard to fugitives from	1	123
JURAT,		
Of oath of allegiance, who to subscribe	11	79
K.		
KING,		
To appoint executive ministers	1	9
Impeachment of ministers to be before	3	10
Commissioners for trial of ministers appointed by	4	10
Ministers to owe allegiance to	4	10
Ministers accountable to, for official acts of sub-agents	8	11
Minister's instructions to be approved by	10	11
To prescribe times for holding privy councils	11	12
To sign orders in council, standing instructions, etc., etc.	12	12
May convoko privy council	13	12
Impeachments to be reported to	14	12
May require separate opinion of ministers	15	13
Records of privy council to be kept for	16	13
Legislative acts to be signed by	17	13
May appoint honorary members of privy council	18	13
Governors of islands accountable to, through ministers	20	14
Sole power of, to grant pardons	21	15
Ministerial oaths of office to remain on file with	27	17
May increase or diminish ministerial compensation	28	17
To sign documents in an interior department	5	20
May require tour of islands to be made	7	21
Scandal against, how punished	4	44
Governors instructed by, respecting roads, highways and bridges	1	47

KING—Continued.		
To designate location of marts and markets	1	49
To instruct minister of interior respecting light houses, beacons and channels	1	50
To direct gubernatorial correspondence	2	56
Governors to report quarterly to	3	53
Specific accountability of governors to	4	53
Subjects of, liable to do military duty	3	69
Subjects of, how punishable for military disobedience	4	69
Title of, as military commander	6	70
May rendezvous island forces	7	71
May prescribe rules and regulations for government of military power	7	71
To direct minister of interior regarding government property	1	71
Governors accountable to for government property	2	71
May require discretionary duty of governors	1	73
Cannot devolve duty of one officer upon another	1	73
Allegiance to, from whom natural	3	76
Allegiance to, how acquired	6	77
Rebellion against, how punished	13	79
May confer denization upon aliens	14	80
May defend channels and closed seas	2	83
Marine jurisdiction of, what	3	84
Subjects of, solely entitled to Hawaiian register	1	84
Proposals for ceding land to government to be laid before	2	95
To direct cession of lands to government	2	96
To sign bonds for consideration of lands ceded to government	4	97
Abstract of natural land debt to be annually submitted to	8	98
Lands held by minister of interior to be denominated public domain of	10	99
To sanction price of lands in fee simple	1	99
Fee simple patents to be signed by	5	100
Lands patented in fee never to revert to	7	101
Lands patented in fee simple to escheat to, for treason	7	101
To sanction mortgage for fee simple purchases from government	8	101
To approve the leasing of lands	10	102
To appoint commissioners for quieting land titles	1	107
Commutation of leases for patents to be approved by	10	109
To direct the issuing of letters patent to inventors and others	10	109
Charters of incorporation to be issued by direction of	2	111

KING—Continued.

	SEC.
Minister of interior accountable to, for current disbursements	3
Foreign representatives residing near, how and by whom corresponded with	3
Executives to be subject to	6
Ministers accredited to, how to obtain audience of	8
Notification of ministers accredited to, to be signed by	9
Hawaiian diplomatic agents accredited under direction of	1
Hawaiian consuls commissioned under direction of	2
Diplomatic intercourse to be submitted to	4
Compensation of diplomatic agents to be established by	5
Embargoes to be promulgated by order of	1
Neutrality to be declared by order of	2
Letters of marque and reprisal to be issued at command of	3
Secretary of war to act under direction of	4
Transaction relating to neutral and belligerent rights to be laid before	5
To determine compatibility in duties of clerks of finance department	3
Minister of finance to submit rules and instructions of department to	4
Commissions in department of finance to emanate from	5
Collector general of customs to be nominated to	3
Measures for repressing importation of spirituous liquors to be recommended to	2
Audit of internal taxes to be submitted to	3
Assessment roll of internal taxes to be sanctioned by	4
Governors to report names of house holders, and value of property to, for taxation	3
Assessment roll to be compiled by order of	1
Annual budget of wants of exchequer to be presented to	1
Assessment roll to be presented to, in blank to be filled up and signed	2
Governors to report property in default of payment of taxes to	4
Prices at which property receivable in payment of taxes to be adjusted by	6
To appoint auditor of finance	1
Correctness of ministerial accounts to be certified to, by auditor	2
Embezzlement of public monies punishable in discretion of	3
Head of, to constitute device of Hawaiian coins	1

KING—Continued.

	SEC.	PAGE
May cause copper and silver coins to be minted for circulation	2	185
May grant use of coral reefs and quarries to private individuals	2	191
Who to constitute household of	4	193
Political family of, who to consist of	5	193
Chamberlain to be appointed by	6	194
Unlawful to debit except by order of chamberlain	6	194
Books of royal expenditures to be accessible to	7	194
To appoint general superintendants of schools	2	204
Rules and regulations for schools to be adopted by	16	210
Compensation of superintendants, sub agents and teachers, to be approved by	17	211
Select schools to be incorporated by	18	211
Power of, to establish fasts and days of thanksgiving	5	218
Attorney general to advise in matter of executive administration	5	224
Attorney general's instructions to be sanctioned by	6	225
Complaints against judicial officers to be laid before, by attorney general	2	226
Clemency of towards impeached judicial officers	5	228
May control information required by legislature	7	229
Mis-advice given to, by attorney general how punished	1	230
May order attorney general to frame orders in council	4	231
Marshal of Hawaiian islands to be appointed by	1	233
Sub-notaries to be approved by	1	250
Seal of sub-notaries to be adopted by	16	255

L.

LABOR TAX,

	SEC.	PAGE
Who applicable to	1	166
Not to be performed out of district	4	167
Absentees liable to, wherever found	4	167
Mode of performing	6	167
Penalty of laborers prescribed	7	168
Commutation of, provided for	10	168

LAND,

See leases and patents

LAND TAX,

	SEC.	PAGE
How regulated	1	165
Houses and house lots, when liable to	2	165
Lease hold in lands, when not liable to	3	166
Lands patented in fee not liable to	4	166

	SEC.	PAGE
LAND TAX—Continued.		
Duty of land proprietors to make known the value of lands, liable to	5	166
LANDLORDS,		
Private fishing grounds of what; when not to be molested in use of private fisheries	2	90
To hold fisheries for themselves and tenants	3	91
Power of, to set apart species of fish	4	91
Exclusive use of fish set apart by	5	91
Disabled from imposing taxes in regard to fish	6	91
May prohibit fishing during seasons	7	92
LAND OFFICE,		
Bureau of, created	1	95
Who to preside over	1	95
LAND DEBT, NATIONAL,		
Rents due upon leases set apart for payment of	1	104
LANGUAGES,		
Hawaiian and English, laws to be promulgated in	31	17
LAW,		
Department of, established	1	223
Seal of, contemplated	2	223
LAWS,		
To be signed by king and attested by premier	17	13
Treaties to have the force of	1	119
LEASES,		
For government land, who to countersign	1	71
How to be entered into	10	102
Form of prescribed	11	102
Book of, to be kept in land office	12	103
List of lessees to be kept	13	103
Rents upon, to whom due	1	103
How and by whom destitutable	1	104
Rents upon, specially appropriated	1	104
Forfeiture of, when to take place	2	104
When to escheat	2	104
Defect of, lineal and collateral heirs not sufficient to escheat	3	105
LEASEHOLD ESTATES,		
Aliens cannot acquire without certificate of nationality	7	77
When liable to taxation	3	166
LEGITIMATE CHILDREN		
Who to be considered	7	60
Rights and liabilities of parents in regard to	7	60
LEGISLATURE,		
May increase or diminish ministerial compensation	23	17

	SEC.	PAGE
LEGISLATURE—Continued.		
Assessment roll of internal taxes to be laid before	4	164
Limit of, in imposing internal taxes	5	164
LEGISLATIVE BRANCH OF GOVERNMENT,		
Acts of, to be signed by king and attested by premier	17	13
Duties of attorney general to the	1	226
Duty of attorney general to submit articles of impeachment against judicial officers to	2	226
LEGISLATIVE DEPARTMENT,		
Recognized to be distinct	5	21
LEGATION, FOREIGN,		
Persons attached to, unlawful to molest	10	116
List of attachees to be furnished department of foreign relations	10	116
Precautions for preventing molestation of	11	116
Punishment for arresting, imprisoning or maltreating attachees of	12	116
LETTERS PATENT,		
Honorary members of privy council may be created by	18	13
Governors to be honorary members without	20	14
LEX LOCI CONTRACTUS,		
To govern in regard to marriages	11	61
LICENSES,		
To marry, certificates of, given by governors	21	15
To vend merchandize, how and by whom given	1	29
Not to extend to spirituous liquors	5	29
To be impressed with privy seal of department	6	30
Goods, wares and merchandize not to be sold without	8	30
For vending spirituous liquors, how and by whom granted	1	30
Bond for, required	3	31
License money prescribed	3	31
For retailing, where and in what numbers to be granted	5	32
For retailing to be offered at public sale	5	32
Highest bidders entitled to receive	6	32
Bond for retailing required	6	33
To be impressed with privy seal of department	7	33
Punishment for violation of	10	33
To be prospectively discontinued, how and when	11	33

LICENSES—Continued.		SEC.	PAGE
To keep hotels and victualling houses, how obtained	- - - - -	1	34
License money for inns and victualling houses	- - - - -	2	34
To auctioneers, by whom and when granted	- - - - -	1	36
Discretionary power in regard to granting	- - - - -	1	37
Application for, when and how made	- - - - -	2	37
License money of, auctioneers	- - - - -	5	38
Of auctioneers, how revoked or suspended	- - - - -	10	40
Of auctioneers, how signed and impressed	- - - - -	11	40
Of hawkers and pedlars, how and by whom granted	- - - - -	1	41
Confined to island	- - - - -	2	41
License money for	- - - - -	3	41
Penalty for hawking and peddling without	- - - - -	7	43
To marry, by whom granted	- - - - -	9	61
To marry, form of	- - - - -	9	61
To marry, number of to be reported by governors	- - - - -	10	61
To marry, certified copies of evidence in courts of justice	- - - - -	14	62
When and how for sale of intoxicating drinks to be discontinued	- - - - -	2	156
LIBERTY, PERSONAL.			
Guaranteed to domiciled aliens	- - - - -	8	78
LIGHT HOUSES.			
Governors to construct	- - - - -	1	50
Contracts for erecting, how to be given	- - - - -	2	50
LIQUORS, SPIRITOUS.			
See spirituous liquors	- - - - -		
MIME.			
May be produced for be benefit of government	- - - - -	8	192
LIST OF OFFICERS.			
Duty of commander to furnish harbor master	- - - - -	5	140
LIST OF CREW.			
Duty of commander to furnish harbor master	- - - - -	5	140
LOCAL REGULATIONS.			
Applicable to respective ports, what	- - - - -	1	150
M.			
MACHINATIONS, POLITICAL.			
Foreign representatives may be arrested for	- - - - -	10	116
MAILS, INTER ISLAND.			
Who to have charge of	- - - - -	1	88
Bags for, who to provide	- - - - -	3	89
When to be closed	- - - - -	4	89

MAILS, INTER ISLAND—Continued.		SEC.	PAGE
List of letters to be transmitted with bag	- - - - -	5	89
On receipt of bag, list of letters to be posted	- - - - -	6	89
Foreign letters and papers to be transmitted through	- - - - -	7	89
Foreign letters and papers to be apportioned to by post masters	- - - - -	8	90
MAJORITY OF AGE.			
What to constitute	- - - - -	7	60
MALADMINISTRATION.			
Executive ministers impeachable for	- - - - -	3	10
MANIFEST OF CARGO.			
To be furnished collector of customs	- - - - -	6	140
Inward of, form of	- - - - -	6	141
Outward, form of prescribed	- - - - -	3	149
MARITAL RIGHTS.			
Domiciled aliens entitled to	- - - - -	8	78
MARES.			
How taxable	- - - - -	7	170
MARKS.			
Animals without, to be considered as estrays	- - - - -	1	53
Required upon animals on pain of forfeiture	- - - - -	9	54
Fees for, payable to governors	- - - - -	9	55
MAPS.			
Of coast surveys where to be filed	- - - - -	4	51
Of ceded lands, minister of interior to have delineated	- - - - -	9	98
MARRIAGE.			
Licenses for, governors may grant	- - - - -	21	15
Requisite to the validity of	- - - - -	1	57
Rite of, may be performed by christian ministers	- - - - -	2	57
Civil officer may be appointed to solemnize	- - - - -	2	58
Duty and responsibility of	- - - - -	3	58
Rights and privileges of	- - - - -	3	58
Children of, what denominated	- - - - -	7	60
Children born without, what denominated	- - - - -	8	60
Form of license for	- - - - -	9	61
Contracted abroad, valid by lex loci	- - - - -	11	61
MARITIME COASTS.			
Defined and demarked	- - - - -	1	83
MARITIME JURISDICTION.			
Limits of	- - - - -	1	83
MARTS AND MARKETS.			
Establishment of, contemplated	- - - - -	1	49
Where to be held	- - - - -	2	49
How to be provided for and constructed	- - - - -	2	49
Governors to provide stalls and compartments in	- - - - -	3	49

MARTS AND MARKETS— <i>Continued.</i>	SEC.	PAGE
Stalls in, may be yearly leased	3	50
Cleanliness to be preserved in, under penalty of fine	4	50
MARINERS,		
Enlisted or not, not to be discharged ex- cept at Honolulu or Lahaina	12	138
Drum to be beat at Lahaina for apprehend- ing	5	151
Signal for apprehension of, when to be giv- en at Honolulu	5	151
MARQUE, LETTERS OF,		
Minister of foreign relations to pre- pare	3	121
Bond and security to be given for	8	121
MARTIAL LAW,		
Who to declare	5	70
MARINE SIGNAL,		
To be made by commanding officers of foreign vessels on arrival	1	138
MATERIALS, FOREIGN,		
Introduction of, contrary to law, how punished	16	155
MARSHAL OF HAWAIIAN ISLANDS,		
Fugitives from justice to be surrendered to, by governors	3	68
Duty of, to take notice of surrender by minister of foreign relations	3	124
How and by whom to be appointed	1	233
Duty of	2	233
Power of, to make requisitions for mili- tary force	3	234
Bond of, prescribed	4	234
Duty of, to attend circuit courts	6	236
Power of, to exact private indemnity from sheriffs	7	236
May decline levying upon property with- out bond of indemnity	8	236
Duty of, to obey judicial mandates in criminal cases	9	236
Duty of, to keep office at seat of govern- ment	10	237
Duty of, to instruct sheriffs	10	237
Duty of, not to proceed on board of for- eign vessels without advice	11	237
Duty of, to recommend sheriffs to gov- ernors for appointment	12	238
Process of courts of record, to be ad- dressed to	13	238
Duty of, to give notice of executive ju- dicial organization of islands	16	239
Prefects of police to give bonds to	17	239

MARSHAL OF HAWAIIAN ISLANDS— <i>Cont.</i>	SEC.	PAGE
Duty of, as public administrator	20	241
To inform attorney general of adminis- tration on foreigners' estates	21	242
Fees of, as public administrator pre- scribed	23	243
Duty of, as coroner	24	243
Incapable of serving process when in- terested party	25	243
Prisoners may be committed to entire charge of	26	243
Subaltern officers to be dismissed by, on order of court	27	244
Fees of, prescribed	2	267
MEASURES,		
Standard of, to be kept in interior depart- ment	5	20
Of government, may be freely discussed	4	44
Hawaiian, regulation of	1	187
Square, what	1	189
Solid, what	1	188
Liquid, what	1	188
Fraudulent, may be seized in evidence by judicial warrant	2	188
MERCHANDIZE,		
See licenses to vend		
Foreign, introduction of contrary to law are punished	16	155
MERCHANTMEN,		
Where alone to enter	2	134
Whalers, when to be deemed	18	146
MERCHANT SERVICE,		
Vessels engaged in, may obtain permit to discharge at other places	2	134
Permits to discharge to be exhibited to collector	4	136
MERCY,		
Governors may recommend criminals to	21	15
MILITARY,		
Power, governors may call out and command	22	15
Duty, who liable to do	3	69
Where, under what circumstances and pen- alties, to rendezvous	3	69
Who may excuse from duty	4	69
Who exempt from	4	70
Who to command in islands	5	70
Staff and officers may be appointed	5	70
Disobedience of orders by governors are pun- ished	6	70
King may rendezvous entire power of islands	7	71
Laws and regulations for government of, how and by whom prescribed	7	71

MINISTERS, EXECUTIVE,

See executive ministers

MINISTER OF THE INTERIOR,

May make internal improvements	21	15
Who shall be ex-officio	30	17
Where to reside	1	19
General duties of	2	20
To preserve appropriate and distinct books	3	20
To give general written instructions to clerks	4	20
Great seal to be in charge of	5	20
Royal standard and national flag to be in charge of	5	20
Standard of weights and measures to be in charge of	5	20
Accountability in regard to	5	20
Manuscript acts of legislatures to be in charge of	5	21
Rules, ordinances and decrees of privy council to be in charge of	5	21
Duties of, respecting promulgation	5	21
Duties of, respecting naturalization	5	21
To countersign commissions	5	21
To instruct departmental officers	5	21
Alterations increase and decrease of materials of public press to be reported to	3	22
Accountability of director of press to, respecting contract and acts of agents	3	22
List of materials and probable cost to be submitted to by director,	3	22
Quarterly reports of director to be made to	2	26
Annual accounts of director to be submitted to	3	27
To preside over internal commerce	1	28
Duties of, respecting internal commerce	2	28
Subdivision of duties in regard to internal commerce prescribed	3	28
To pay license money of internal commerce to minister of finance	7	30
To grant license for vending goods, wares and merchandize	1	29
To keep alphabetical list of licenses	7	30
To grant licenses for vending spirituous liquors	1	30
To approve penalty in venders' bond	3	31
To pass bond over to attorney general for prosecution	4	32
To grant licenses for retailing spirituous liquors	5	32
In what places and in what number	5	32

MINISTER OF INTERIOR—Continued.

To receive highest bids and advertising fees before granted	6	32
Licenses to be signed by and impressed with seal of	7	33
Power of, to discontinue sale of liquors by proclamation	11	33
To grant licenses for hotels, inns and victualing houses	1	34
License money to be required by	2	34
Bond to be exacted by	2	34
License money for hotels	3	35
Bond to be exacted of hotels	3	35
To cause inspection of inns and victualing houses	4	35
License money to be paid for inns and victualing houses	3	35
Power of, to license auctioneers	1	37
Preferences, how to be given to applicants	3	37
To require bond of auctioneer	5	38
Discretion of, in regard to auction licenses	7	39
When auctioneer accounts to be rendered to	10	40
Power of, over non-accounting auctioneers	10	40
Duty of, to pay auction money to minister of finance	12	40
Power of, to grant hawking and peddling licenses	1	41
To receive license money for	3	41
Bond to be exacted for hawking and peddling	3	41
To pay over license money to minister of finance	6	42
To grant licenses for periodicals and newspapers	1	43
To superintend bureau of internal improvements	1	46
To keep journal of public works	2	46
To instruct governors respecting high ways and bridges	1	47
Verdict of assessment to be transmitted to, by governors	3	47
Power of, to compound with holders of certificates	6	48
Power of, to draw upon minister of finance in payment of property taken for public use	6	48
To advise governors how to instruct overseers of roads, &c.	7	48

MINISTER OF THE INTERIOR—Continued.

	SEC.	PAGE
Estimated costs of roads &c., to be submitted to, by governors	8	48
May issue proposals for construction of roads, &c.	8	49
To draw order on minister of finance for payment of cost	8	49
To direct construction of public marts and markets	1	49
To direct in regard to locating sales of home produce in marts and markets	2	49
May order governors to construct marts and markets	2	49
May require from governors estimated cost, income and probable convenience of marts and markets	2	49
Governors annually to report condition of marts and markets to	5	50
May direct governors to receive produce for rents of stalls in marts and markets	5	50
To instruct governors respecting beacons, light houses and channels	1	50
May require of governors estimate of expense and probable income of light houses, &c.	1	50
To instruct governors when and where harbors and inlets ought to be surveyed	3	51
May require governors to furnish contractor with needed boats, &c.	3	51
Const surveys to be filed with	4	51
To instruct governors regarding the erection and repairs of prisons and houses of correction	1	51
To direct governors the location of public pounds	2	53
Governors to report condition of pounds to	8	54
Governors to furnish list of cattle owners and marks to	9	55
To superintend and manage gubernatorial transactions	1	56
To hold correspondence with governors	2	56
To receive quarterly reports from governors	3	56
Governors to report to, respecting marriage, divorce, enlistment of native sailors, civil posse, military power, government property, discretionary duties and prescribed duties	6	56

MINISTER OF THE INTERIOR—Continued.

	SEC.	PAGE
Clergymen and civil officers annually to report number of marriages solemnized to	10	61
List of births to be annually reported to, by governors	14	62
To give information to governors of fugitives from justice	1	68
To instruct governors when to surrender fugitives from justice to marshal	3	68
To hold and control government property	1	71
Accountable to king for safe keeping of	1	71
To see that it does not deteriorate	1	71
To provide for renting immoveables and for disposition of moveables	1	71
To direct realization of into money	1	71
May receive produce and manufactures for taxes	1	71
To own government vessels	1	71
Government vessels to be registered in name of	1	71
To place them under command of officers	1	71
To direct destination of government vessels	1	71
To countersign patents and leases	1	71
Accountable to minister of finance for rental of immovables	1	71
Governors accountable to, for property in their islands	2	72
Governors to furnish inventory of government property to	2	72
To furnish statement, value and condition of to	2	72
May appoint suitable agents to take charge of government property	2	72
May require governors to compel agents to fidelity	2	72
May order governors in regard to munitions of war	3	72
Governors to account to, for stores of powder and arms	3	72
May make appropriation of powder for governors	3	72
To set apart annually a necessary quantity of powder for use of government	4	72
To place powder at disposal of island batteries	4	72
Expenditure of powder to be annually accounted for to	4	72
May require discretionary duties of governors	1	73

MINISTER OF INTERIOR—Continued.		SEC.	PAGE
To give written instructions regarding discretionary duties	2	73	
Cannot devolve duties of one officer upon another	2	73	
Duty of governors to obey requirements of, and report to	3	73	
Disobedience of governors how punished	3	73	
Governors to report to, upon duties not reportable to any other officer	1	74	
Refusal of governors to report, how punished	1	74	
To preside over bureau of naturalization	1	75	
Passports of foreigners to be exhibited to	6	77	
To grant certificates of nationality to foreigners	6	77	
To demand and receive fees for certificates	6	77	
To enrol domiciled aliens	8	77	
Record of naturalization to be kept in office of	12	79	
To furnish certified copy of oath of naturalization	12	79	
Fees of transcription to be paid to	12	79	
To be ex-officio receiver of intestate foreigners' assets	1	81	
May dispose of perishable assets at vendue	2	81	
Entitled to fee for storage, care and sale	2	81	
To deposit residuary monies with minister of finance	2	81	
To notify minister of foreign relations concerning residuary assets	4	81	
To grant registers to Hawaiian vessels	2	84	
To enrol Hawaiian vessels	2	84	
To demand fees of registration	2	85	
To keep register of enrolment	4	85	
To furnish attested copy of register when required	4	85	
To endorse and attest transfer of Hawaiian vessels	6	85	
To require renewal of bond on transfer	6	85	
Fees of transfer to be paid to	6	85	
Bond on registration to be given to	7	86	
To grant coasting licenses	1	86	
To receive license money from coasting vessels	3	87	
To approve bond of coasters	3	87	
May establish by-laws for the government of coasting vessels	5	88	

MINISTER OF INTERIOR—Continued.		SEC.	PAGE
To pay coasting license money to minister of finance	7	88	
To appoint post masters	2	88	
To furnish leather bags for use of post offices	3	89	
Quarterly reports of post masters to be made to	9	90	
Duty of, to furnish list of landlords' fish to director of government press	4	91	
To furnish list of landlords' tabooed seasons to director of government press	7	92	
King's taboo to be imposed by, upon fish	8	92	
Duty of, to raise king's taboo by proclamation	9	93	
To appoint fishing agents	10	93	
To pay avails of royal fish to minister of finance	13	93	
To superintend bureau of land office	1	95	
Power of, to treat for cession of private lands to government	1	95	
To make contract for lands with native proprietors	2	95	
To be governed by vote of privy council in contracting for cession of	2	95	
Grants of cession to be engrossed in book	3	96	
May give bond for payment of purchase money	4	96	
Terms of cession to be annexed to bond	4	96	
Duty of, to cause ceded lands to be surveyed	9	98	
Discretion of, in regard to demarkation of survey	9	98	
Field notes or natural outlines to be preserved by	9	98	
Duty of, to cause maps and diagrams to be delineated	9	98	
To keep maps and diagrams in office	9	98	
Government lands in possession of, to be deemed public domain	10	99	
To preserve and guard public domain	11	99	
To inform attorney general of trespasses on public domain	11	99	
Title of government to be allodial in lands held by	12	99	
Power of, to contract for fee simple sale of lands	1	99	
Sale of lands by, how effected	2	99	
Forbidden to grant fee simple titles to aliens	3	100	

MINISTER OF INTERIOR—Continued.			SEC.	PAGE
Duty of, to submit applicants petition to privy council	-	-	4	100
To attest patents	-	-	5	100
To keep book of patents	-	-	5	100
Not to deliver patents without receipt from minister of finance	-	-	5	100
Receipt of minister of finance to be recorded below patent	-	-	5	100
Discretion of, to receive mortgage and note in payment of lands in fee simple	-	-	8	100
Power of, to lease government lands	-	-	10	102
Rent reserved by, to be annual and payable in advance	-	-	10	102
Book of leases to be kept by	-	-	12	103
Duty of, to record leases	-	-	12	103
To exact fees of leasing and recording	-	-	12	103
To keep catalogue of patentees	-	-	13	103
To keep catalogue of lessees	-	-	13	103
Real rents to be due upon leases of	-	-	1	103
To notify minister of foreign relations when lands of foreigners escheat	-	-	3	104
Duty of to administer preliminary oath of allegiance to foreign heir	-	-	4	105
To pay ass'd value of land to foreign heir	-	-	6	106
Escheated land to revert to	-	-	6	106
To appoint board of commissioners for quieting land titles	-	-	1	107
To administer oaths to commissioners	-	-	2	107
To file oaths of commissioners	-	-	2	107
To issue patents or leases to claimants confirmed by commissioners	-	-	9	109
May compound with claimants	-	-	9	109
May issue patents and fee simple instead of leases to claimants	-	-	10	109
Leases and patents to be recorded by	-	-	11	110
Power of, to grant patents to inventors and authors	-	-	1	110
To issue charters of incorporation	-	-	2	111
To stipulate compensation of clerks in department of	-	-	3	111
To meet expenses and disbursements of department without limit	-	-	3	111
Duty of, to give information to minister of foreign relations of fugitives from justice	-	-	1	123
To inform minister of foreign relations of assets of deceased foreigners	-	-	1	127
To apply to minister of foreign relations upon registry of foreign vessels	-	-	1	128
To give information to minister of foreign relations of escheats	-	-	1	129

MINISTER OF INTERIOR—Continued.			SEC.	PAGE
When to issue proclamation to discontinue sale of spirituous liquors	-	-	2	156
To account to minister of finance for fees perquisites, &c. in his department	-	-	1	175
Responsibility of, what	-	-	1	175
To furnish attorney general evidences of indebtedness for prosecution	-	-	2	189
To cause coral reefs to be wrought and sold	-	-	2	190
To cultivate farms and plantations	-	-	3	191
To appoint overseers of farms and plantations	-	-	3	191
May seize idlers as vagrants	-	-	4	191
May impress vagrants into government service	-	-	4	191
May apprentice vagrants	-	-	4	191
May delegate power to coerce apprenticed vagrants	-	-	4	191
May lay conduits of water for Honolulu	-	-	5	191
May work salt mines and lakes	-	-	6	192
May assign labor of salt works to convicts and vagrants	-	-	6	192
Forests and timber under special control of	-	-	7	192
To cause lime to be produced for government	-	-	8	192
To account to minister of finance for realizations of government	-	-	9	192
To submit accounts to auditor in like manner as other ministers	-	-	9	192
Salary of, not to be included in royal household expenditures	-	-	4	193
Certificate of, necessary to authorize lands to be set apart for schools	-	-	6	206
Lands set apart for schools to be registered in department of	-	-	6	207
MINISTER OF FINANCE,				
To receive quarterly accounts of director of government press	-	-	1	26
To exonerate director from accountability	-	-	1	26
License money for sale of goods to be paid to	-	-	7	30
License money for hotels, &c., to be paid to	-	-	6	36
When and where to grant auction licenses	-	-	1	36
Discretionary power in regard to auction licenses	-	-	1	37
Auctioneers, when to pay money to	-	-	10	40

MINISTER OF FINANCE—Continued.

	SEC.	PAGE
May complain of auctioneers to minister of interior	10	40
License money for hawking and peddling to be paid to	6	42
To pay verdict of assessment of property taken for public use	6	48
To pay cost of constructing roads, &c.,	8	49
Governors to account to, for rent of stalls in markets	5	50
Avails of government property payable to	1	71
Expenses of forts payable by	5	72
Monied assets of intestate foreigners to be passed over to	2	81
Duty of, in regard to assets	3	81
Entitled to charge and deduct commissions on assets	3	81
To receive license money of coasters	7	88
Avails of royal fish to be paid to	13	93
To perform condition of land bonds	4	96
To attest land bonds	4	97
To preserve duplicate of land bonds	5	97
To provide for payment of interest on land bonds	5	97
To pay holders in reduction of land bonds	5	97
To endorse payments to land bond holders	5	97
Consequences of non payment of interest on land bonds	6	98
Unlawful to pay interest without presentation of land bonds	7	98
Unlawful to pay transferred land bonds without previous notice	7	98
Duty of, to report yearly abstract of land debt	8	98
Duty of, to cancel and deliver land bonds to minister of interior	8	98
Damages for trespass on public domain payable to	11	99
Receipt of, necessary to patent in fee simple	5	100
Note of patentee negotiable to order of	8	101
To pass note of patentee to attorney general for enforcement	9	102
Rents in leases payable to, in advance	10	102
Fees incident to escheats payable to	5	106
Drawback upon sale value of foreign inheritor payable to	6	106
Bonds for costs of land commission deposited with, by claimants	12	110

MINISTER OF FINANCE—Continued.

	SEC.	PAGE
To give claimant receipt for bond	12	110
Patent or lease not to be delivered to claimant without receipt of	12	110
To pay clerks of interior department quarterly on audit	3	111
To pay drafts of diplomatic agents for compensation	5	120
Fees for indentifying passports payable to	7	120
Costs and expenses of apprehending fugitives payable to	1	123
Draft in favor of foreign heirs to be upon	2	127
To pay draft for intestates' assets	2	127
Judgment in favor of foreign heir conclusive upon	3	128
To preside over department of finance	1	131
General duties of, prescribed	2	131
Books of, what to contain	3	132
Power of, to appoint clerks	3	132
To prescribe rules and instructions to officers of	4	132
To submit rules and instructions to king	4	132
Dies and devices to be in charge of	5	132
To countersign commissions in department	5	132
Power of, to administer oaths	6	132
Seal of, provided for	7	132
Collector general of customs to be recommended by	3	134
To instruct collector general	3	135
Collector general to report to	3	135
To approve bond of collector general	3	135
To recommend measures for repressing importation of intoxicating drinks	2	156
Prohibition of intoxicating drinks, how declared by	2	156
Compensation of collector general payable by	1	160
To contract for compensation of collectors and sub collectors	1	161
Collector general of customs to pay money to	1	161
Collector general to make statistical report to	1	161
May complain of and have tax officers removed	1	163
Internal taxes payable to	1	163
To lay assessment roll before legislative council	4	164
To transmit assessment roll to governors	4	164

MINISTER OF FINANCE—Continued.

	SEC.	PAGE
To instruct governors about collection of taxes	4	164
Governors to furnish names of owners of household property to	3	169
To compile roll of taxable landed property	4	170
To compile assessment roll of chattel property	4	170
To present budget of wants and deficiencies of exchequer	1	171
To present annual assessment roll in blank	2	172
To transmit district copies of assessment roll to governors	3	173
Governors to report property in default of taxes to	4	173
To give public notice of sale of defaulted property	4	173
To offer defaulted property at public sale	4	173
To instruct governors what property to receive in payment of taxes, and at what value	6	173
Executive ministers to account to, for departmental receipts	1	175
Auditor of finance to certify condition of bureaux to	2	175
Correctness of ministerial bureau to be certified to, by auditor	2	181
Duty of, to give ministers certificates of correctness of accounts	2	181
To give three days grace for correction of reports	2	182
Chamberlain of household to draw upon for disbursements	5	182
Disbursements of king's officers to be paid by	5	182
To endorse audited drafts to registrar for payment	7	183
Accountability of, for custody of public monies	8	183
To appoint registrar of public accounts	9	183
To define mode of keeping government accounts	9	183
To exact bond of registrar	10	184
To mint and circulate copper and silver coins	2	185
To devise and recommend measures for board of finance	3	185
To succeed to rights and liabilities of treasury board	3	185

MINISTER OF FINANCE—Continued.

	SEC.	PAGE
To make loans in favor of government	4	186
To issue exchequer bills	4	186
Faith and revenues pledged for redemption of loans by	4	186
Evidences of transactions to be impressed with seal of	5	186
To furnish attorney general evidences of indebtedness for prosecution	2	189
Government realizations available to	1	190
Products of public farms and plantations available to	3	191
Minister of interior to account to, for realizations	9	192
Duty of, to have regard to organic acts	1	193
To remit items remitted by ministers	1	193
To call for advice of board of finance	2	193
Orders for disbursements and clerk hired to be drawn upon	3	193
May authorize other ministers to bind exchequer	5	194
Chamberlain's draft to be upon	6	194
Minister of public instruction to account to upon audit	17	211
To pay expenses of impeaching judicial officers	4	228

MINISTER OF FOREIGN RELATIONS,		
To grant passports of departure to passengers	1	80
To draw monied assets of foreigners from minister of finance	3	81
To be notified of residuary assets by minister of interior	4	81
To notify diplomatic agent of residuary property	4	81
Notice of escheated lands to be given to, by minister of interior	3	105
To give notice of escheated lands to foreign representative	3	105
To preside over department of foreign relations	1	113
To hold diplomatic correspondence	2	113
Foreign correspondence to be addressed to	2	114
Hawaiian representatives to be accredited through	2	114
To keep correspondence accessible to privy council	3	114
Correspondence of, to be secret and confidential	3	114
Correspondence of, open to cabinet ministers	4	114

MINISTER OF FOREIGN RELATIONS—Cont.	SEC.	PAGE
Manuscript treaties to be deposited with	4	114
To promulgate treaties	4	114
Seal of department of, prescribed	5	114
To recommend device and diameter of seal	5	114
To notify seal by publication	5	114
Effect of copies of official acts and treaties when certified by	5	114
To give exequaturs to foreign consuls	6	115
Consuls not to act without exequaturs from	7	115
Exequaturs to be published by	7	115
Foreign representative to signify arrival to	8	115
To take king's orders respecting foreign representatives	8	115
To announce foreign representatives to the public	9	116
List of attachés to be furnished to	10	116
To notify law requiring list to foreign representatives	11	116
To publish list of foreign attachés	11	116
To furnish foreign representative information affecting grievances of his fellow citizens or subjects	13	117
Duty of, to explain points at issue or complained of	13	117
Not to take diplomatic notice of complaints till after full action of government	13	117
To submit diplomatic despatches to king	14	118
Bureaux in department of, created	15	118
Power of, to appoint clerks	15	118
To accredit Hawaiian diplomatic agents	1	119
To instruct Hawaiian ministers	1	119
To accredit Hawaiian consuls	2	119
To prescribe official duties of Hawaiian consuls	2	119
To prescribe fees and perquisites of Hawaiian consuls	2	119
To correspond with Hawaiian agents and consuls	3	120
To preserve documents connected with foreign agency	4	120
To submit matters of foreign agency to king	4	120
Drafts of Hawaiian agents payable to order of	5	120
To vouch authenticity of passports	6	120
To impose embargoes	1	121
To notify diplomatic corps of embargoes	1	121

MINISTER OF FOREIGN RELATIONS—Cont.	SEC.	PAGE
To issue proclamations of neutrality	2	121
To notify neutrality to diplomatic corps	2	121
To prepare letters of marque and reprisal	3	121
To require bond and security of privateers	3	121
Duties of, as secretary at war	4	122
Duties of, as secretary of the navy	4	122
To keep books of transactions in foreign agency	5	122
To produce records of foreign agency to king	5	122
Home duties of, to foreign nations	1	123
Power of, to appoint, control and remove clerk of home duties	1	123
To give notice of arrest of fugitives to foreign representative	1	123
To give order of surrender of fugitive from justice	2	124
To explain reasons for expulsion of fugitives	4	125
To grant passports of departure	1	125
When unlawful to grant passports of departure	2	125
Pre-requisites to granting passports	3	126
Effect of passports granted by	4	126
To keep registry of passports	5	126
To publish notice of passports	5	126
To notify foreign representative of assets of intestate foreigners	1	127
When to draw on minister of finance for value of assets	2	127
To deduct drawback and fees from value of assets	3	127
To inquire of foreign diplomatic agent whether legal impediments exist to enrolling foreign vessels as Hawaiian	1	128
To notify condemnation of foreign vessels as Hawaiian	2	128
To notify new registry of foreign vessels to diplomatic agents	2	128
To transmit old register to foreign agent	2	128
Duty of, in regard to real escheats	1	129
To notify foreign representative of landed property left by deceased foreigners	1	129
To notify foreign agent of alternative adopted by foreign heir	3	129
To account to minister of finance for fees, &c., of department	1	175
Liability of, prescribed	1	175
To render quarterly accounts to auditor with vouchers	2	175

MINISTER OF FOREIGN RELATIONS—Cont.		
	SEC.	PAGE
Rates of charge in department of, prescribed	3	179
To furnish attorney general with evidences of indubitedness for prosecution	2	189
MINISTER OF PUBLIC INSTRUCTION,		
Duty of, to account to minister of finance for fees, &c., of department	1	175
To render quarterly accounts to auditor with vouchers	2	175
Rates of charge in department of, established	3	180
Where to reside	1	195
To determine device and diameter of seal	2	196
To authenticate copies of vouchers	2	198
To administer oaths	3	198
To superintend morals and training of children	4	196
To superintend parental duties towards children	4	196
Not authorized to interfere with religious belief or mode of worship	5	196
Duties of, how to be regulated	9	197
Certificate of, prima facie evidence of competence to become guardians	4	199
To give information when parental duties are violated	8	200
To incite fulfilment of parental duties	8	200
Certificate of, necessary to sustain application for relief against obligation to support parents	5	202
To recommend general superintendants of schools	2	204
To approve sub. division of school districts	2	204
To approve sub agents of schools	2	204
To suspend sub agents or teachers	2	205
To revoke licenses to teach	3	205
Lands set apart for schools to be notified to.	6	206
General superintendants to report to	8	207
To control superintendants as trustees of school property	9	207
To certify to minister of finance deficit in tax gatherers' reports	10	208
To furnish books and stationery for districts	11	208
To set apart lands for schools	12	208
To make tour of islands for inspection of schools	13	209
To give certificate of honor	13	209

MINISTER OF PUBLIC INSTRUCTION—Cont.		
	SEC.	PAGE
To confirm or revoke suspension of pupils for disorderly conduct	14	209
Suspended teachers may appeal to	15	209
Power of to affirm or reverse sentence of suspension	15	209
To prepare rules of internal regulation for schools	16	210
To prepare circular directions for general superintendants	17	210
To recommend compensation to superintendants, sub-agents and teachers	17	211
To account to minister of finance upon audit	17	211
Right of visitation by, to endowed institutions	18	211
Power of, to cause objects of incorporated institutions to be executed	1	212
Power of summary visitation	1	212
To inform attorney general when charter of incorporation has been violated	2	212
To receive into royal school descendants of chiefs of rank	5	213
To submit application for admission into royal school before the king	6	213
To enrol applicants among pupils of royal school	6	213
Board, lodging and tuition of royal school to belong to	7	214
Power of to remove teachers and superintendants of royal school	7	214
To provide library and apparatus for royal school	8	214
To authorize punishment of pupils in royal school	9	215
To draw on minister of finance for support of royal school	11	215
To determine uniform dress for pupils of royal school	12	216
Notice to be given to, upon establishment of select schools	13	216
To notify attorney general when immorality is taught in select schools	13	216
May set apart site for parish churches and parsonage grounds	2	217
To be trustee of lands appropriated for divine worship	2	217
To inform attorney general of violation of religious rights	4	218
To give attorney general notice of breaches of penal regulations in regard to churches and schools	7	221

MINISTER OF PUBLIC INSTRUCTION—Cont.		SEC.
To expend public money in furtherance of general interests of education	2	
To make census	4	
To make inquiry regarding facts connected with census	4	
MISSIONARIES, CHRISTIAN,		
Exempted from chattel taxes	1	
MITTIMUS,		
Necessary to legalize detention of prisoners longer than 48 hours	6	
MOBS,		
Governors may suppress	22	
MORTGAGE,		
Minister of interior may take in security for payment of lands patented in fee simple	8	
Enforcement of, by whom and how	9	

N.

NATIVES,		
Contradistinguished from aliens	1	
Who to be considered as	3	
Rights of, how conferred upon aliens	10	
To what extent conferred by naturalization	13	
To what extent conferred by naturalization not to be enlisted on board of foreign vessels except at Honolulu and Lahaina	12	
NATIONALITY,		
Certificates of, necessary to business of foreigners	6	
Copartnership with aliens invalid without	7	
Leasehold estates not to be acquired by aliens without	7	
Rights and duties consequent upon	8	
NATURALIZATION,		
Bureau of created	2	
Who to superintend	5	
Requisites to	10	
Who may not obtain	10	
Oath of allegiance necessary to	11	
Who to administer oath	11	
Effect of, on foreigners	13	
NAVAL STORES,		
Not subject to be stored by collector	14	
Not subject to duties	14	
NEAT CATTLE,		
How taxable	8	
NEWSPAPERS,		
Licenses for, when and by whom given	1	
Devoted to literature, license for gratis	2	

NEWSPAPERS—Continued.	SEC.	PAGE
Devoted to commerce, license money for	3	43
May discuss government measures freely	4	44
Printing and publishing without license	8	45
NOTE,		
Of patentee, minister may take in payment of lands	8	101
How enforced	9	102
NOTARY PUBLIC,		
Attorney general to be principal	1	250
Sub, how and by whom to be appointed	1	250
Where to reside	1	251
How removeable	1	251
Instructions to, how to be given	1	251
Records of, how to be kept	2	251
Duty of principal, to enter general protests	3	251
Principal and subs, to hold endorsement by protests	7	252
To give notice of protests	9	253
Principal, to register acts of adoption	12	254
Subs, power of to take acknowledgment of instruments	14	254
Principal and subs, to be officers of law of nations	15	254
Seals of, prescribed	16	255
O.		
OATH,		
Memorial for impeachment of ministers to be under	4	10
Governors may administer	4	10
Of secrecy, to be made by officers to privy council	16	13
Honorary members of privy council to take	18	14
Official, of executive ministers	27	16
May be administered by premier	6	21
Of allegiance, who may take	10	78
Who may administer	11	79
Preliminary of allegiance, form of proscribed	4	105
Ministers of foreign relations, of finance, and of public instruction may administer	3	196
Attorney general may administer	3	196
P.		
PALACE,		
Fish may be set apart for use of	12	93
PARENTAL RIGHTS AND DUTIES,		
Towards legitimate children defined	7	60
Towards illegitimate children defined	8	60
Domiciled aliens entitled to	8	78
PARENTS,		
Priority of, prescribed	1	198

VOL. 1. 46

PARENTS—Continued.		
Power of, over children	1	198
May be deprived of children by judge	2	198
May consent to adoption of children	3	198
May bequeath guardianship of children	4	199
Duty of, to send children to school	7	199
May be incited to parental duties	8	200
PARDONS,		
Governors may recommend	21	15
King sole power of to grant	21	15
PARISH FOUNDATIONS,		
Provided for	1	217
PASSPORTS,		
Aliens to bring, properly authenticated	1	75
To be endorsed by diplomatic agents or consul	2	76
Necessary to nationality	6	77
Necessary to naturalization	10	78
Necessary to denization	14	80
On departure, who to grant	1	80
Liability of master and vessel for taking passengers without	2	80
Fugitives from justice when not bringing, master of vessel liable for	4	124
Impediments to granting of departure.	2	125
Form of, prescribed	3	126
List of to be published	5	126
PASSENGERS,		
Departure of, illegal without passport	1	180
Debts of, without passport payable by master of vessel	2	80
List of, to be published by collector	5	140
PATENTS,		
For lands, who to countersign	1	71
Denizens may be created by	14	80
For lands in fee simple, may be contracted	1	99
Not to be granted to aliens	3	100
Who to be signed by	5	100
Form of prescribed	6	100
To inventors and authors, by whom and when to be granted	1	110
PEACE, BREACH OF,		
Foreign representatives may be arrested for	10	116
PEDLARS,		
See hawkers.		
PENALTY,		
For sale of spirituous liquors without license	5	30
For vending goods without license	8	30
For retailing liquors without license	3	31
For breach of retailers' bond	6	33
For wholesaling or retailing without license	9	23

PENALTY—Continued.		
Of auctioneers without license	5	38
Of hawkers and pedlars without license	4	42
For high scandal	4	44
For landing foreigners' baggage without permit	9	78
For coasting without license	4	87
Of collector general's bond	3	125
Of pilot's bond	9	163
Of deputy pilot's bond	10	137
Of harbor master's bond	11	137
Of pilots for bringing suspected vessels into port	2	139
Of infected vessels for coming into port	2	139
Of persons on board infected vessels for boarding other vessels	3	139
For resistance to harbor masters	5	140
Of bond to secure payment of duties	20	147
For non surrender of offenders on board of vessels	2	150
For separating and taking out of the kingdom persons amenable to the laws	3	150
For throwing stones or rubbish into the harbor of Honolulu	4	150
Of mariners apprehended after signal	5	151
Of bond for discharging foreign seamen	7	152
For discharging foreign seamen contrary to law	11	154
For introducing foreign goods	16	155
For smuggling	17	155
For making false entries	18	155
For introducing goods without payment of duties	19	155
For marine barratry	20	155
For entering or landing transhipped property except at ports of entry	14	144
For storing transit property otherwise than under control of collector	14	144
For embezzlement of public monies	3	182
For increase or diminution of weights and measures	1	187
For fraudulent use of weights and measures	2	188
Under executive organic act to be deemed civil and not criminal	1	189
How and by whom to be sued for	1	189
For inculcating vice or immorality in children	1	220
For the destruction of school property by pupils	2	220
For trespass upon property set apart for schools	3	220
For disturbance or interruptions of schools or religious assemblies	4	221

PENALTY—Continued.

For evil discourses or indecent practices towards children	5
Of marshal's bond	4
Of prefect's bond	17

PERMIT,

Of collector to land baggage to be obtained by foreigners before landing	2
For discharging foreign seamen, harbor-master to obtain	9
Form of	9
Native and naturalized seamen may be discharged without	21
To discharge or land not to be granted before entry	7
Form of, to discharge	8
To tranship	12

PER CENTAGE,

To be paid by auctioneers	6
To be charged by auctioneers upon sales	8
When auctioneers to pay minister of finance	10

PERIODICALS,

See newspapers.

PERQUISITES, DEPARTMENTAL,

Tabular rates of, proscribed

PILOTS,

Collector general to appoint	8
Bonds to be given by	9
May exact private bonds of indemnity	10
To go to every vessel nearing anchorage	2
How to approach vessels	2
Duty of, to take flags	2
To take abstract of laws and port regulations	2
To present blank certificates of health	2
When to furnish white flag	2
When to furnish yellow do	2
Not to anchor infected vessels	2
Liability of, on bond	2
Duties of harbor masters when devolved upon	6

PISCARY,Public and private rights of
See fish and landlords.**POLL TAX,**

Who liable to and at what rate

POLITICAL FAMILY ROYAL,

Who to constitute	5
Pay and emolument of how regulated	5
Disbursements for, limited and provided	5
Not to be anticipated	6

POLYNESIAN NEWSPAPER,

Director of government press to be ex-officio editor of	4
---	---

POLYNESIAN NEWSPAPER—Continued.

Uses of	4
Laws to be promulgated in	5
Libels and indecent matter not to be inserted in	6
Declared to be official organ of government	4
Sale of retail licenses to be advertised in	5
List of guests to be published in	5
Licenses of periodicals not applicable to	7
Divorces and reunions to be published in	8
Fish set apart by landlords to be published in	4
Annual catalogue of fish to be published in	4
Tabooed fishing seasons to be published in	7
Treaties to be promulgated in	4
Exequaturs to be published in	7
List of attachees to be published in	11
Embargoes to be published in	1
List of passports to be published in	5
Seal of department of foreign relations, of finance, of public instruction and of law to be notified in	7

POLICE,

Officers of, to inspect public houses	4
List of officers and crew to be furnished for use of	5
Offenders to be surrendered to, by commanding officers of vessels	2
Prefects of, who to be ex-officio	16

PORT,

Regulations, abstract of to be presented commanders of vessels	2
Charges, fees of pilots to form part of	4
Charges, clearance not to be granted until payment of	4
Expense of changing anchorage to be included in	5
When full to be charged whalers as merchantmen	18
Bill of, when to be furnished of embarkation, what	2
Local regulation applicable to	1
Regulations respecting mariners on shore	5
Charges, upon foreign vessels bill of	3
Of entry and departure created	2

POST MASTERS,

See mails.

POUNDS, PUBLIC,

See estrays.

POWDER,

Supplies of, to be furnished by minister of interior	4
--	---

PLANTATIONS,	SEC.	PAGE
Minister of the interior may cultivate for public benefit	3	191
PREFECT OF POLICE,		
Duty of, to apprehend deserters	10	153
Deserting sailors to be surrendered to on apprehension	15	154
Sheriffs of Honolulu and Lahaina to be ex-officio	17	239
To give bond to marshal	17	239
Power of, over constabulary force	18	241
Exonerated of, by following advice of attorney general	19	241
Duty of, to attend police courts	29	244
Duty of, to serve process of police courts	29	244
Fees and perquisites of, prescribed	12	268
PREMIER,		
To be ex-officio minister of interior	2	9
Not removable without impeachment	2	9
To have control of records of privy council	16	13
See minister of interior.		
PRIVY COUNCIL,		
Executive ministers to form	11	12
When and where to convene	11	12
Duties of ministers at the	11	12
May be convoked in cases of emergency	13	12
Impeachments to be reported through	14	12
Minutes of, to be kept at palace	16	13
Records of, to be kept by premier	16	13
Orders in, in what cases to be made	17	13
Legislative acts to be signed	17	13
Honorary members of, how created	18	13
May continue or relax rules of secrecy	19	14
Governors to be honorary members of, ex-officio	20	14
King on consultation in, may create denizens	14	80
Price of lands to be agreed upon in	1	99
Mortgage of patentees to be sanctioned in	8	101
Leases of land to be approved by vote of	10	102
Members of, to have access to transactions of foreign office	3	114
Documents connected with foreign agency to be submitted in	4	120
Compensation of diplomatic agents to be established in	5	120
Embargoes to be laid in	1	121
Neutrality to be declared in	2	121
War and naval measures to be taken in	4	122
Measures for repressing spirituous liquors to be recommended in	2	156
Audit of internal taxes to be submitted in	4	164

PRIVY COUNCIL—Continued.	SEC.	PAGE
Budget of exchequer to be presented in	1	171
Assessment roll to be presented in	2	172
Assessment roll to be filled up in	2	172
Prices at which property receivable in payment of taxes to be adjusted in	6	174
Auditor of finance to be appointed in	1	181
Rejected ministerial reports to be laid before	2	182
Coins to be minted by advice of	2	185
Declared to be board of finance	3	185
Use of coral reefs may be granted in	2	191
Cutting of timber to be restricted in	7	192
Honorary members of, included in political family	5	194
Chamberlain of household appointed in	6	194
Superintendents of schools appointed in	2	204
Regulations for schools adopted in	16	210
Compensation of school teachers and superintendents prescribed in	17	211
School charters to be granted	18	211
Fasts and thanksgivings established in	5	218
Instructions to attorney general given in	6	225
Judicial impeachments recommended in	2	226
Orders in, to be framed by attorney general	4	231
Statistical summary to be reported in	4	231
Marshal of islands to be appointed in	1	233
Sub notaries to be appointed in	1	250
Sub notarial seals to be adopted in	16	255
PRISONS,		
See houses of correction.		
PROBATE,		
Judge of, to admeasure dower of widows	6	60
Court of, to appoint administrator of foreign intestates	1	81
PROCLAMATION,		
Governors may rendezvous military power by	3	69
Refusal of military to obey, how punished	4	69
King may proscribo rules for government of military by	7	71
Coasts and enclosed seas may be prohibited by	2	83
Landlords to restrict fish by	4	91
Landlords to restrict fishing seasons by	7	92
King's tabu upon fish imposed by	8	92
Embargoes to be declared by	1	121
Neutrality to be declared by	2	121
Restricting intoxicating drinks	2	156
Thanksgiving days and fasts to be declared by	5	218

PROMULGATION,	SEC.	PAGE
Of orders in council necessary	17	13
Of act to organize ministry, how made	31	17
Of laws in general, who made by	5	21
PROPOSALS,		
For the construction of roads, &c., how and by whom issued	8	49
For constructing light houses, &c.,	2	50
PROSECUTIONS, CRIMINAL,		
Duty of attorney general to institute	1	264
PROTESTS, GENERAL,		
To be made before principal notary	3	251
Definition of	3	251
Effect of	4	251
Weight of, in courts of justice	5	251
Before consuls, weight of	6	252
Of commercial paper, how and by whom made	7	251
Time and manner of, prescribed	6	252
Notice of, in commercial paper	9	253
Effect of, upon endorsers and guarantors	9	253
Effect of, what of upon endorsers and guarantors	10	253
Record of, in commercial paper, how kept	11	253
PUBLIC, INSTRUCTION,		
Minister of, created	2	9
Duties of, regulated and prescribed	9	197
See minister of public instruction.		
Q.		
QUARANTINE,		
Vessels where to remain at	2	139
Who to direct	2	139
Vessels doing, how to be supplied with necessaries	3	139
R.		
RANK,		
Of executive ministers	2	9
Orders of, may be established	17	13
RATIFICATION,		
Necessary to validity of treaties	1	119
REGISTER,		
Of guests at hotels to be kept	5	35
Foreign, to be transmitted to foreign representative upon condemnation of foreign vessels	2	128
REGISTRER OF PUBLIC ACCOUNTS,		
Audited drafts to be paid by	7	183
Appointment and removal of, provided for	9	183

REGISTRER OF PUBLIC ACCOUNTS—Cont.	SEC.	PAGE
Duties of, defined	9	183
Bond may be required of	10	184
Not to pay draft of king uncountersigned by chamberlain	6	194
REALIZATIONS OF GOVERNMENT,		
Contradistinguished from fees, fines, &c.	1	190
REBELLION,		
Naturalized foreigners when guilty of, and how punishable	13	79
Refugees from justice unable to become naturalized	10	78
RECORD,		
Of conveyances of real and personal property, what to consist of	2	246
Stamp necessary to authorize	3	247
Acknowledgment necessary to authorize	3	247
Of release of dower, when allowed	4	247
Indexes of, how to be kept	6	247
Of landed property, within what time to be made	7	248
Of personal property, within what time to be made	8	248
Want of, to invalidate instruments	9	248
Validity of, in evidence	10	249
RECONCILIATIONS,		
Sufficient to legalize cohabitation of separated man and wife	5	64
REGISTRY,		
Of Hawaiian vessels provided for	1	84
Application for, how made	2	84
Form of certificate of	2	84
Who to grant	2	85
What to be evidence of	3	85
Hypothecation of vessels to be endorsed on	5	85
Discharge of hypothecation to be endorsed on	5	85
Transfer to be endorsed on	6	85
Bond to be given on	7	86
Duty of foreign ministers in regard to	1	128
Of wills and testaments provided for	2	249
Attorney general to keep	1	250
Of inventories of deceased persons property	2	250
Of settlements of executors and administrators	3	250
REGULATIONS,		
Local, applicable to ports	1	150
RELIGION, CHRISTIAN,		
Continued and established	6	196
No particular form of, required in worship	7	197
RELEASE OF DOWER,		
Requisites to validity of	5	59

	SEC.	PAGE
RENTS, REAL,		
Definition of	1	103
Who payable to	1	103
Who distrainable by	1	104
REPRISAL, LETTERS OF,		
Minister of foreign relations to furnish	3	121
REPRESENTATIVES, FOREIGN,		
May assume expenses and reward in apprehending fugitives from justice	3	68
Minister of foreign relations to correspond with	2	113
How to be announced	7	115
To obtain legal audience	8	115
Unlawful to molest	10	116
Liable for felony, breach of the peace, and political machinations	10	116
To furnish list of attachees	10	116
Punishment for arrest or maltreatment of	12	117
Consuls not included in exemptions of	12	117
Information touching grievances and rights to be given to	13	117
Not to complain of grievances so long as laws of country afford redress	13	117
Arrest of fugitives from justice to be notified to	1	123
To be notified when foreigners die intestate	1	127
To be notified of payment of assets of foreigners	2	127
Enquiry to be made of, before enrolling foreign vessels	1	128
Registers of foreign vessels to be returned to	2	128
To be notified of lands of deceased foreigners	1	129
REPRESENTATIVES OF THE PEOPLE,		
Articles of impeachment of judicial officers to be submitted to	2	226
Duty of, in regard to impeachment of judicial officers	3	227
RESIGNATION,		
Of ministers, how provided for	13	12
Condition of	29	17
RETAIL VENDING,		
Of merchandize, what to consist of	4	29
Of spirituous liquors, what to consist of	2	31
See licensees.		
RITE,		
Of marriage, who to perform	2	57
REUNIONS,		
How to be published	8	65

	SEC.	PAGE
REWARD,		
For apprehending deserting sailors prescribed	15	154
RIOTS,		
Governors may quell	22	15
ROADS, PUBLIC,		
See internal improvement.		
ROAD TAXES,		
Appropriation of, for specific islands	8	169
ROLL, ASSESSMENT,		
Of landed property and chattels to be compiled	4	170
To be laid before legislature	2	172
See assessment roll.		
S.		
SABBATH, CHRISTIAN,		
Transaction of worldly business unlawful on the	8	197
SAILORS,		
Victualling houses of, how licensed	2	34
Native, enlistment of on board foreign vessels	1	65
Governors to determine expediency of enlisting	2	66
Penalty for carrying away without enlistment	7	67
Not to be enlisted but at Lahaina or Honolulu	12	138
Reward for apprehending deserting	15	154
SALE,		
Of property under execution to be by sheriffs	9	39
At auction without license, penalty for	13	40
SALT,		
Deposites and christilization of, government property	6	192
Vagrants may be required to work on	6	192
SALUTES,		
May be prescribed	17	13
Provided for at national batteries	4	72
SALARIES,		
Of ministerial officers provided for	5	182
Not to be anticipated	6	183
SALVAGE,		
Inspector and appraiser in cases of, who to be	21	148
SAND,		
Removal of, from public dominion, trespass	11	99
SCANDAL, HIGH,		
Penalty for	4	44
SCHOOLS,		
Public and private regulation concerning	1	124
Districts, subdivision of islands into	1	124
SEAL,		
Great, of Hawaiian islands, where and how to be kept	5	20

SEAL—Continued.

	SEC.
Use of	5
Privy, of department of interior	5
Of department of foreign relations	5
Of legation, to be affixed to passports	6
Of foreign relations to be affixed to passports	3
Of department of finance	7
Of board of finance	5
Of department of public instruction	2
Of department of law	2

SEAMEN,

See sailors.

SEAS, ENCLOSED,

What declared to be

SECURITY, PERSONAL,

Guaranteed to domiciled aliens

SECRECY,

Injunction of, may be imposed by king

To be reconsidered at each privy council

SEDITION, POLITICAL,

Foreign representatives may be arrested for

SEPARATION,

See divorce.

SEQUESTRATION,

Of husband's property for support of wife, how made

Upon separation, how and by whom made

SETTLEMENTS,

Of executors and administrators, when, where, and by whom to be recorded

SHERIFFS,

Governors may command

To be auctioneers, ex-officio

Responsibility of, to be private

Sales of property by, not invalid for want of license

To be in charge of prisoners and houses of correction

To be accountable for escapes

Accountable for harsh usage of prisoners

To bring up prisoners on habens corpus

Not to detain prisoners without mittimus

To apprehend fugitives from justice

How and by whom appointed

Power of, to appoint deputies

Responsibility of marshal for

To serve process of courts of record

To exact bonds from deputies

To notify governor of name and residence of deputy

Powers of

PAGE

20

21

114

120

126

132

186

195

223

83

78

13

14

16

63A

64

1A

250

15

39A

40

40A

52

52A

52

52

52

68

238

238

238

238

238

238

238

238

238

238

238

238

238

238

238

238

238

SHERIFFS—Continued.

	SEC.	PAGE
To be prefect of police at Honolulu and Lahaina	17	239
Bonds of, as prefects	17	239
To act as public administrators	20	241
Fees of, as public administrators	23	243
Powers of, as coroners	24	243
Prisoners may be confined to, by governors	26	243
Duty of, in regard to prisoners	26	244
Marshal may dismiss, by order of court	27	244
Fees and perquisites of, prescribed	2	267

SHIPPING ARTICLES,

Copy of, to be filed on enrolment of native sailors

SLANDER,

Not to be admitted in Polynesian newspaper

SMUGGLER,

Vessel, when to be deemed

Liability of

SMUGGLING,

Introduction of merchandize without payment of duties to be deemed

SPIRITUOUS LIQUORS,

Venders of at wholesale, who may be

Wholesaling of, what to constitute

Retailing of, what to constitute

License money for selling

Bond and penalty of venders

Who to prosecute

Number of retail and location prescribed

License money for retailing

Bond for retailing

List of vendors to be kept

Vendors without license, how punished

Sale of, to be discontinued prospectively

Not to be drank off hotel premises

Provision made for repressing importation of

STAFF, MILITARY,

Governors to appoint

STAMPS, PUBLIC,

To belong to interior department

To be deposited with director of government press

Various documents required to be impressed with

Device and diameter of

Necessary to validity of documents

Avails of, to be accounted for

Necessary to authorize recording of instruments

	SEC.	PAGE
STANDARD, ROYAL,		
To be kept in interior department	5	20
Of weights and measures, to be kept in interior department	4	20
STATISTICS,		
Entry of goods exempt from duties to be made for purposes of	15	145
Required for guidance of collector general of customs, who to compel	2	162
STONES,		
Removal of, from public domain, trespass	11	99
Not to be thrown into harbor of Honolulu	4	150
Penalty for throwing into harbor	4	150
SUBJECTS,		
Entitled to preference in auction licenses	2	37
Liable to do military duty	3	69
How punished for disobedience of military orders	4	89
Regulations respecting	1	75
Aboriginal, liable to labor tax	1	166
SUB AGENTS,		
Of school districts exempt from taxes	1	222
SUITS,		
Against ministers may be sustained	25	16
Against governors may be sustained	26	16
Of government, attorney general to institute	1	256
SUPREME COURT,		
Jurisdiction of, original against governors	26	16
Civil judgment of, executed by order of king	26	16
Appeals to, from board of commissioners for quieting land titles allowed	1	107
How to be taken	7	109
Effect of appeals to	12	110
SUPERINTENDENTS,		
General of schools, how to be appointed	2	204
Qualifications of	2	204
Powers of, to appoint sub agents	2	204
To subdivide districts	2	204
To report condition of districts	2	205
To license teachers	3	205
To erect, alter or repair school houses	6	206
To contract with and employ teachers	6	206
To call for labor tax	6	206
To call for other taxes	6	206
To allot land for teachers and schools	6	206
Sub agents to report to	9	207
To make annual reports	8	207
To be nominal trustees of school property	9	207
To sue on account of school property	9	207
To indicate site of school houses	9	207

	SEC.	PAGE
SUPERINTENDENTS—Continued.		
Guardianship of school houses to belong to	9	207
Duty of, in regard to school houses	9	208
Books and stationery to be furnished to	11	208
To rent and render profitable, land set apart for districts	12	208
May suspend refractory pupils	14	209
May suspend teachers for cruelty	15	209
Who to instruct	17	210
Exempt from taxes	1	222
SURRENDER,		
Of offenders by commanding officers of vessels, to whom made	2	150
Penalty for non	2	150
SURVEYS,		
Actual, or otherwise, government lands to be determined by	9	98
SWINDLING,		
Increase or diminution of weights and measures declared to be	1	187
T,		
TABU,		
May be imposed on royal fish	8	92
By whom and in what way issued	8	92
Penalty for disregarding	4	94
TARIFF,		
Of imposts and expenses at custom houses	1	156
Of compensations at custom houses	1	160
TAX, LABOR,		
Provided for	1	47
Commutation of anticipated	1	47
Further recognized	8	48
Overseers of, to appoint officers	1	162
Who applicable to	1	166
In assessment the year how divided	2	166
Division of time in regard to	2	166
Not to be performed out of district	4	167
Absentees liable to, whenever found	4	167
Mode and time of performing prescribed	5	167
Signal for, how to be made	5	167
Respite from, when to take place	5	167
Commutation of, provided for	10	168
TAX, LAND,		
In abeyance by whom to be paid	5	106
How regulated	1	165
Property liable to, how subdivided	1	165
Houses and house lots when liable to	2	165
Leasehold estates when liable to	3	166
Life estates and for years liable to	3	166

TAX, LAND—Continued.		SEC.	PAGE
Lands patented in fee simple not liable to		4	166
Duty of proprietors to make known value of lands		5	166
Penalty for neglecting		5	165
TAX, CHATTEL,			
Definition of		1	169
Rate of taxation upon		1	169
Exceptions to		1	169
Duty of owners to file statement of cash value		2	169
Household property liable to		2	169
Owners of household property to furnish cash value		2	169
Animals liable to		2	169
Statement of number to be filed by owners		2	169
Foreign made household furniture rate of upon		5	170
Home made household furniture rate of upon		6	170
Horses and mares, rate of, upon		7	170
Mules and asses rate of, upon		7	170
Neat cattle rate of, upon		8	170
Dogs and cats rate of, upon		9	170
Property moveable or immoveable not specially named, rate of, on		10	170
Exemption of in fee, of proprietor of only \$200.		11	171
TAX, HIGHWAY,			
Recognized		8	49
Power of government to assess		12	168
TAX, POLL,			
Who liable to, and at what rate		1	164
TAX, INTERNAL,			
Domiciled aliens compelled to pay		8	78
Regulation of		1	163
Who to superintend collection of		1	163
Accountability of tax officers for		3	163
Contradistinction of, from license money, fees, fines, &c.		3	164
Returns of, to be made quarterly		3	164
Assessment roll of, to be laid before legislature		4	164
Assessment of, how made		1	171
Budget of wants to be presented to king by minister of finance		1	171
Deficiency in budget made good by		1	172
Form of assessment roll of		2	172
Assessment roll of to be subscribed by king		3	173
District copies of rolls to be transmitted to governors		3	173

INDEX.

377

TAX, INTERNAL,—Continued.

	SEC.	PAGE
Landed property, how leviable for non payment of	4	173
Landed property in default, when and by whom sold	4	173
How distrainable for non payment upon chattels	5	173
Property receivable in payment of, by whom to be determined	5	173
Payment of how to be fixed	6	173

TAX, OFFICERS,

Governors to appoint	1	163
Accountable to governor for taxes	3	163
Duty of, to make quarterly returns	3	164
Fidelity and correctness of, how ascertained	3	164
Discretion of, in regard to land taxes	3	164
Governors to give instruction to, regarding labor tax	4	167
Duty of, in regard to labor tax	5	167
Duty of, to publish laws, regulations and notices to people	6	167
Power of, to impose fines	8	168
Power of, in cases of mutinous conduct	9	168
Power of, to commute labor tax	10	168
Power of, to levy and distrain for non payment of land taxes	4	173
Power of, to levy and distrain for non payment of chattel taxes	5	173

TAXATION, DISTRICTS,

Number and limits of, how defined	2	163
Names of, prescribed	2	163

TEACHERS,

Exempt from chattel taxes	1	169
Minister of public instruction may suspend	2	205
May be licensed by general superintendents	3	205
Licenses of, may be disallowed by minister	3	205
Form of licenses of	4	205
Qualifications of, defined	5	206
Licenses of, to be local	5	206
Exempt from taxes	1	222

TENANTS,

Vested rights of, in lands, not to be divested by cession	12	99
In common lands, patented in fee simple to descend to heirs as	7	101
Fisheries of landlords to be held for equal use of	3	91

TENDER, LEGAL,

Legalized coins, declared to be	1	185
Effect of	1	185

TESTAMENTS,		SEC.	PAGE
When and where to be recorded		1	249
Probate of, how to be made		1	249
THANKSGIVING,			
Days of, may be set apart by king		5	218
Notice of, how and by whom to be given		5	218
TIMBER,			
Growing in forests declared to be government property		7	192
TRANSIT ENTRY,			
Form of prescribed		11	143
TRANSIT PROPERTY,			
To be entered only at ports of entry for merchantmen		14	144
Penalty for entry elsewhere		14	144
To be stored only under control of collector		14	144
TREATIES,			
Minister of foreign relations to have custody of		4	114
How and by whom promulgated		4	114
Binding force of		4	114
Judicial officers to take official notice of		4	114
Legislative acts to give place to		4	114
Attested copies to be valid evidence		5	114
Ratification of, necessary to validity		1	119
Until modification of, discrimination in duties not to be made		1	156
TREASON, HIGH,			
Lands held in fee simple to escheat for attainder of		7	101
TREASURY BOARD,			
Minister of finance to succeed to rights and dues of		3	185
Minister of finance to be liable for promises and obligations of		3	186
U.			
UNDervalUED GOODS,			
Who to appraise		21	147
V.			
VACANCY,			
Of ministers when and how filled		13	12
VAGRANTS,			
Definition of		4	191
May be impressed into government service		4	191
May be bound to apprenticeship		4	191
Master of, may be authorized to use coercive measures towards		4	191
May be compelled to labor in salt works		6	192
May be required to produce lime for government		8	192

	SEC.	PAGE
VENDERS,		
See spirituous liquors		
VENDUE,		
By license of auctioneers, not necessary of levied property	4	37
Of property of testators or intestates necessary	4	37
Penalty for selling at, without license	13	40
VERDICT,		
Of jury in cases of private property taken for public use effect of	3	47
Certificate of how and by whom given	4	47
Amount of, how compounded	6	48
VESSELS, HAWAIIAN,		
To resort for home produce to marts and markets	1	49
Use of channels, coast and closed seas exclusive to, for transshipment	3	84
Registry of, provided for	1	84
What entitled to be registered	1	84
Application for registry, how made	2	84
When registered to be enrolled	2	84
When to be denominated	3	85
Privileges of	3	85
Exempt from restrictions upon foreign ves- sels	3	85
Hypothecation of, what necessary to	5	85
Transfer of, when valid	6	85
Transfer to be entered on register	6	85
Entitled to coasting license	1	86
Engaged in coasting trade without li- cense, penalty for	4	87
Bye laws for government of, who to pre- scribe	5	88
Not liable to pay harbor dues or port charges	6	88
May be impressed into public service	6	88
Compensation for impressment, how as- sessed	6	88
List of, to be kept	7	88
Duty of foreign minister in regard to re- gistry of	1	128
Bye laws of, to be superintended by col- lectors	6	136
VESSELS, FOREIGN,		
How to enlist natives on board of	1	65
Application for enlistment, how to be made	2	66
Illegal until bond and shipping articles filed	3	66
Bond lien upon	3	66
Bond for enlistment may be enforced in courts of situs	4	67
Liable to confiscation for illegal shipment of natives	7	68

VESSELS, FOREIGN—*Continued.*

	SEC.	PAGE
Liability of, foreigners baggage	9	78
Of aliens not entitled to registry	4	76
Not entitled to hoist Hawaiian flag	4	76
Commanding officers of, forbidden to carry away aliens without passports	1	80
Liable to confiscation for carrying away passengers without passport	2	80
Commanding officers of, to deliver letters and papers to post master	7	89
Condemnation of, to be notified foreign representative	2	128
Master of, bringing fugitive from justice to what extent liable	4	124
Where to enter	2	134
Clearances of, to be exhibited to collector	4	136
Commanding officer of, where allowed to discharge men	12	138
Not to enlist native sailors except at Lahaina and Honolulu	12	138
Duty of, to make marine signal for pilot	1	138
Infected, to remain at quarantine	2	139
Quarantine of, who to direct	2	139
Infected not to enter port	2	139
Liability of, for entering port	2	139
Merchant, commanding officer to make known business to collector of customs	6	140
Commanding officer to furnish list of passengers and crew	6	140
Commanding officer to deliver manifest	6	140
Whaling, imposts when to be exacted of	18	146
When to be deemed merchantmen	18	146
Who to grant clearances to	19	147
Departure of, when lawful	1	148
When entitled to clearance	1	148
Offenders escaping on board, to be surrendered to police	2	150
Penalty for non surrender	2	150
Penalty for secreting and taking prisoners out of kingdom	3	150
Penalty for throwing stones into harbor of Honolulu	4	150
When to be deemed smugglers,	17	155
Before granting clearance to, what charges to be exacted of.	3	156
VESSELS, GOVERNMENT,		
Who to own, direct and manage	1	71
In whose name to be registered	1	71
VIENNA,		
Rules of precedents of congress recognized	8	115
Capacity of ministers under articles of, recognized	8	115

W.	SEC.	PAGE
WARES, VENDERS OF		
See merchandize.		
WARES, FOREIGN,		
Introductions of, contrary to law, how punished - - - - -	19	155
WARD,		
Duty of, to guardian during minority - - -	6	202
WARRANT,		
For arresting fugitives from justice - -	1	68
Who to execute - - - - -	2	68
Necessary to entitle officer to demand offender from on board vessels - -	2	150
Judge may issue for apprehending frau- dulent user of weights and measures -	2	188
WASTE,		
On public domain, damages to be recovered for - - - - -	11	99
WATER,		
Obstruction or diversion of, trespass - -	11	99
Honolulu may be supplied with, by con- duits - - - - -	5	191
Charges for, how to be fixed and regu- lated - - - - -	5	191
WEIGHTS, HAWAIIAN,		
See measures.		
WHALE FISHERY,		
Vessels engaged in, where to enter - -	2	134
Product of, not liable to duties - - -	10	142
Vessels engaged in, entitled to trade - -	17	145
Imports, when to be exacted of - - -	18	146
When to be deemed merchantment - - -	18	146
Who to grant clearances to - - - -	19	147
WHOLESALE,		
See licenses.		
WIFE,		
Moveable property of, to belong to husband - -	3	58
Husband liable for debts of - - - - -	3	58
Husband may interpose same plea she could -	3	58
May compel husband to provide support - -	3	58
Rents and issues of landed property to belong to husband - - - - -	3	58
Immoveable property of, may be leased by husband during life - - - - -	3	58
Upon death without issue, lands to descend to heirs of - - - - -	3	58
Husband's courtesy in lands of - - - -	3	58
Property of may be sold on execution for debts of - - - - -	3	58
Legally married to be considered civilly dead -	4	59
Cannot alienate or dispose of property - -	4	59

WIFE—Continued.

	SEC.	PAGE.
Not responsible in civil actions	4	59
Exempt from imprisonment in civil actions	4	59
Husbands personally responsible for tortuous acts of	4	59
Dower of, what	4	59
When and how, may renounce dower	4	59
Release of dower, how to be executed and where to be recorded	5	59
Separate examination of necessary to valid release	5	60
Refusal of husband to provide necessaries, cause of separation	1	62
Adulterous, not entitled to alimony	2	62
Adulterous, not entitled to moveable property	2	62
Adulterous, not entitled to immoveable property	2	63
Adulterous, not entitled to dower	2	63
Innocent, entitled to immoveable property	3	63
Innocent, reinstated in rights of single women	3	63
Innocent, entitled to alimony	3	63
Scale of alimony	3	63
Husbands property may be sequestered for	3	63
Innocent, entitled to dower, to marry again, to care and control of children, to use of immoveable property of children	3	63
Wrong doing or not, reinstated by separation in rights of single women	5	64
Alimony may be provided for by governor	6	64
Wrong doing, not entitled to alimony	7	64
WILLS,		
Registry of, provided for	1	249
Duty of attorney general to keep	1	250
WIDOW,		
Who to admeasure dower of,	6	60
WORKS, PUBLIC,		
See internal improvements.		

DEPARTMENT OF PUBLIC WORKS